

مصنف ابن أبي شيبة

Musannaf Ibn Abi Shaybah

VOLUME [28]

Author

Imam Ibn Abī Shaybah

Researcher

Sheikh Kamāl Yūsuf al-Ḥūt

Translation Reviewed and Supervised by

Sheikh Abu Sultana

Note

Muṣannaf Ibni Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Āḥādīth wa al-Āthār”—stands among the greatest monuments of early Islamic scholarship. Compiled by the eminent ḥadīth expert and great Imam Abū Bakr ‘Abdullāh ibn Muḥammad ibn Ibrāhīm ibn ‘Uthmān al-‘Absī, widely known as Ibni Abī Shaybah (159–235 AH), this expansive work preserves the intellectual, legal, devotional, and spiritual heritage of the first centuries of Islam. A teacher of al-Bukhārī, Muslim, and the leading imams of his generation, Ibni Abī Shaybah authored a collection that has served for over a millennium as a foundational reference for jurists, muḥaddithūn, historians, and researchers.

This edition contains 37,943 narrations, spanning Prophetic ḥadīth, Companion reports (mawqūf), and Successor traditions (maqtū'). The work is arranged topically, covering all major areas of Islamic practice—prayer, purification, ethics, commerce, society, governance, jihad, and thousands of detailed jurisprudential issues. Its scope reflects not only the Sunnah of the Prophet ﷺ but also the early legal culture of Kūfa, the opinions of leading Companions, and the interpretive frameworks of the first generations.

Many rare narrations preserved here do not appear in other major collections, making this Muṣannaf an indispensable source for reconstructing early Islamic thought. The edition most widely used today is the seven-volume Maktabat al-Rushd (Riyadh) publication, edited by Sheikh Kamāl Yūsuf al-Ḥūt, based on verified manuscripts and aligned with the printed arrangement. Digital access to the full text is also available at: <https://ketabonline.com/ar/books/6996> For contemporary students and researchers, Muṣannaf Ibni Abī Shaybah offers far more than a repository of narrations.

It grants direct access to the living intellectual world of the 2nd and 3rd Islamic centuries—the debates of jurists, the devotional practices of the righteous, the understandings of the Companions, and the transmission networks that shaped Sunni orthodoxy. Its vast content provides context for the development of fiqh schools, sheds light on doctrinal issues, and helps preserve countless early traditions that might otherwise have been lost. This work before you has been carefully cleaned, structured, and standardized into a modern digital format, enabling readers to navigate all 37,943 reports with ease.

May it serve as a valuable tool for scholars, students, and seekers of sacred knowledge, continuing the legacy of one of Islam's earliest and most prolific hadith masters.

[27001] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Sa‘īd, from Qatādah, from ‘Alī, Ibn Mas‘ūd, Ibn ‘Abbās, and Al-Hasan, that they used to say: “Regarding the fingers, for all of them, [the indemnity is] ten [camels] each.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةُ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ عَلَيِّ، وَابْنِ مَسْعُودٍ، وَابْنِ عَبَّاسٍ، وَالْحَسَنِ كَانُوا يَقُولُونَ: فِي الْأَصَابِعِ كُلُّهَا عَشْرُ عَشْرُ

[27002] Abū Bakr narrated to us, saying: Ismā‘īl ibn Ibrāhīm narrated to us, from Khālid al-Hadhdhā’, from Abū Qilābah, from ‘Amr ibn Salamah, who said: “Abd al-Malik ibn Marwān wrote to us while we were with Khālid ibn ‘Abd Allāh stating that the [indemnity for] fingers is in thirds [groups]. Khālid paired the pinky and the ring finger, and the middle finger and the index finger, and the thumb was separate.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ خَالِدِ الْحَدَّاءِ، عَنْ أَبِي قِلَابَةَ، عَنْ عَمْرُو بْنِ سَلَمَةَ، قَالَ: كَتَبَ إِلَيْنَا عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ وَنَحْنُ مَعَ خَالِدِ بْنِ عَبْدِ اللَّهِ أَنَّ الْأَصَابِعَ أَثْلَاثًا، وَقَرَنَ خَالِدٌ بَيْنَ الْخَنْصَرِ وَالْبَنْصَرِ، وَبَيْنَ الْوُسْطَى وَالْتِي تَلِيهَا، وَالْإِبْهَامِ عَلَى جَهَةِ

[27003] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Maṇṣūr, from Ibrāhīm, who said: “In every joint of the fingers, there is one-third of the indemnity of the finger, except for the thumb, for in every joint of it there is half of its indemnity.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي كُلِّ مِفْصَلٍ مِنَ الْأَصَابِعِ ثُلُثٌ دِيَةِ الْأَصْبَعِ إِلَّا الْإِبْهَامُ، فَإِنَّ فِي كُلِّ مِفْصَلٍ نِصْفَ دِيَتِهَا

[27004] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Ibñ Abī Najīḥ, from Mujaḥid, who said: “In the thumb there is fifteen [camels], in the one next to it ten, in the one next to it eight, and in the one next to it seven.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي حَمِيقٍ، عَنْ مُجَاهِدٍ، قَالَ: فِي الْإِبْهَامِ خَمْسَ عَشْرَةً ، وَفِي الَّتِي تَلِيهَا عَشْرُ، وَفِي الَّتِي تَلِيهَا ثَمَانٌ، وَفِي الَّتِي تَلِيهَا سَبْعُ

[27005] Abū Bakr narrated to us, saying: ‘Abd al-Raḥīm narrated to us, from Ḥajjāj, from Maḳhūl, from Zayd, that he said: “Regarding the fingers, in every joint there is one-third of the indemnity of the finger, except for the thumb, for in it is half of its indemnity if it is cut from the joint, because it has two joints.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ حَاجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدِ أَنَّهُ قَالَ: فِي الْأَصَابِعِ فِي كُلِّ مِفْصَلٍ ثُلُثٌ دِيَةِ الْأَصْبَعِ إِلَّا الْإِبْهَامُ، فَإِنَّ فِيهَا نِصْفَ دِيَتِهَا، إِذَا قُطِعَتْ مِنَ الْمِفْصَلِ لِأَنَّ فِيهَا مِفْصَلَيْنِ

[27006] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Numayr narrated to us, from Yaḥyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib: “That the judgment regarding the fingers of the hands and the feet was settled at ten camels [for each].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ ثُمَيْرٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ: أَنَّ الْقَضَاءَ فِي الْأَصَابِعِ فِي الْيَدَيْنِ وَالرِّجْلَيْنِ صَارَ إِلَى عَشْرٍ مِنَ الْأَبْلِ

[27007] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Al-Shaybānī, from Al-Sha‘bī: “That Hishām ibn Hubayrah wrote to Shurayḥ asking him, so he wrote back to him: ‘The fingers of the hands and the feet are equal.’”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ: أَنَّ هِشَامَ بْنَ هُبَيْرَةَ كَتَبَ إِلَى شُرَيْحٍ يَسْأَلُهُ، فَكَتَبَ إِلَيْهِ: أَنَّ أَصَابِعَ الْيَدَيْنِ وَالرِّجْلَيْنِ سَوَاءً

[27008] Abū Bakr narrated to us, saying: Ibn Numayr narrated to us, from Abū Ḥanīfah, from Hammād, from Ibrāhīm, who said: “The fingers of the hands and the feet are equal.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ ثُمَيْرٍ، عَنْ أَبِي حَنِيفَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: أَصَابِعُ الْيَدَيْنِ وَالرِّجْلَيْنِ سَوَاءً

[27009] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām al-Dastuwā’ī, from Qatādah, from Abū Mijlaz: “That a man asked Ibn ‘Umar about a one-eyed person whose eye is gouged out. ‘Abd Allāh ibn Ṣafwān said: ‘Umar judged regarding it that the [full] blood money (Diyah) is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ الدَّسْنُوَائِيِّ، عَنْ فَتَادَةَ، عَنْ أَبِي مِجْلِزٍ: أَنَّ رَجُلًا سَأَلَ ابْنَ عُمَرَ عَنِ الْأَعْوَرِ ثُقْفًا عَيْنِهِ، فَقَالَ عَبْدُ اللَّهِ بْنُ صَفْوَانَ: قَضَى عُمُرٌ فِيهَا بِالْدِيَّةِ

[27010] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Sa‘īd, from Qatādah, from ‘Abd Rabbīhi, from Abū ‘Iyād: “That ‘Uthmān judged regarding a one-eyed person whose healthy eye was struck that the full blood money (Diyah) is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ عَبْدِ رَبِّهِ، عَنْ أَبِي عِيَاضٍ: أَنَّ عُثْمَانَ قَضَى فِي أَعْوَرِ أَصِيبَتْ عَيْنِهِ الصَّحِيحَةُ الْدِيَّةَ كَامِلَةً

[27011] ‘Ali reported concerning the one-eyed man whose healthy eye is injured: “If he wishes, an eye is gouged out for an eye and he takes half [the blood money], and if he wishes, he takes the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ خَلَاسٍ، عَنْ عَلَيٍّ فِي الرَّجُلِ الْأَعْوَرِ إِذَا أَصِيبَتْ عَيْنُهُ الصَّحِيحَةُ ، قَالَ: إِنْ شَاءَ ثُقْفًا عَيْنٌ مَكَانٌ عَيْنٍ، وَيَأْخُذُ النَّصْفَ، وَإِنْ شَاءَ أَحَدَ الْدِيَّةَ كَامِلَةً

[27012] Ibn ‘Umar said: “If the eye of a one-eyed person is gouged out, then for it is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرَّهْرِيِّ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ، قَالَ: إِذَا فُقِئَتْ عَيْنُ الْأَعْوَرِ فِيهَا الدِّيَةُ كَامِلَةً

[27013] Lāhiq ibn Ḥumayd reported that Ibn ‘Umar asked him—or a man asked him [Ibn ‘Umar]—about a one-eyed person whose healthy eye is gouged out. Ibn Ṣafwān, who was with Ibn ‘Umar, said: “‘Umar judged regarding it with the full blood money.” He said: “I am only asking you, O Ibn ‘Umar.” He said: “You ask me while this man tells you that ‘Umar judged regarding it with the full blood money?”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ سَعِيدٍ، وَشُعْبَةَ، عَنْ قَتَادَةَ، عَنْ لَاحِقِ بْنِ حُمَيْدٍ، أَنَّهُ سَأَلَهُ ابْنُ عُمَرَ أَوْ سَأَلَهُ رَجُلٌ عَنِ الْأَعْوَرِ تُفْقَأُ عَيْنُهُ الصَّحِيحَةُ، فَقَالَ ابْنُ صَفْوَانَ: وَهُوَ عِنْدُ ابْنِ عُمَرَ: ”فَضَى فِيهَا عُمَرُ بِالْدِيَةِ كَامِلَةً“، فَقَالَ: إِنَّمَا أَسْأَلُكَ يَا ابْنَ عُمَرَ، فَقَالَ: شَسَّانِي وَهَذَا يُحَدِّثُكَ أَنَّ عُمَرَ قَضَى فِيهَا بِالْدِيَةِ كَامِلَةً؟

[27014] Ibrāhīm mentioned what they say regarding the one-eyed person if his healthy eye is gouged out and he had not taken compensation (Arsh) for the other one. They said: “The full blood money.” Ibrāhīm said: “People from Banū Kāhil claimed that this happened among them, and ‘Uthmān judged for the blood money of both eyes.” We asked about the support for that and sought it, but we did not find a guide for it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيْرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ ذَكَرَ مَا يَقُولُونَ فِي الْأَعْوَرِ إِذَا فُقِئَتْ عَيْنُهُ الصَّحِيحَةُ، وَلَمْ يَكُنْ أَخَدٌ لِلْأَخْرَى أَرْشٌ فَقَالُوا: الدِّيَةُ كَامِلَةٌ، فَقَالَ إِبْرَاهِيمُ: رَعَمَ أَنَّاسٌ مِنْ بَنِي كَاهِلٍ أَنَّ ذَلِكَ كَانَ فِيهِمْ، فَقَضَى عُثْمَانُ دِيَةَ الْعَيْنَيْنِ كِلَّتِيْهِمَا، فَسَأَلْنَا عَنْ عَوْنَ ذَلِكَ وَطَلَبْنَاهُ فَلَمْ نَجِدْ لَهُ هَادِ فَتَرَدَ

[27015] ‘Umar ibn ‘Abd al-‘Azīz said: “Regarding the eye, if no vision remains except it, then it is injured, the full blood money is

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: فِي الْعَيْنِ إِذَا مُ بَيْقَ مِنْ بَصَرِهِ غَيْرُهَا، ثُمَّ أَصِيبَتِ الدِّيَةُ كَامِلَةً

[27016] Sa‘īd ibn al-Musayyib said regarding a one-eyed person whose eye is gouged out: “In it is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي أَعْوَرِ فُقِئَتْ عَيْنُهُ ”فَقَالَ: فِيهَا الدِّيَةُ كَامِلَةً

[27017] Shurayḥ said regarding a man whose eye is gouged out while he has no other eye: “Retaliation (Qisāṣ) [is applicable], and if it was gouged out by mistake, then half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، أَنَّهُ قَالَ فِي الرَّجُلِ ثُقُوقًا عَيْنَهُ وَلَيْسَ لَهُ عَيْنٌ غَيْرُهَا، قَالَ: الْقِصَاصُ، وَإِنْ فَقِيتَ خَطًّا، فَنِصْفُ الدِّيَةِ

[27018] Masrūq said regarding the one-eyed person whose healthy eye is gouged out: “In it is half [the blood money]. Should I pay blood money for the one killed by Allah?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ فِرَاسٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، فِي الْأَعْوَرِ ثُقُوقًا عَيْنَهُ الصَّحِيحَةُ، قَالَ: فِيهَا نِصْفٌ، أَتَا أَدِي فَتَيْلَ اللَّهِ

[27019] Al-Sha'bī said regarding the one-eyed person whose healthy eye is gouged out intentionally: “The eye for the eye...”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، وَوَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنْ الشَّعْبِيِّ، فِي الْأَعْوَرِ ثُقُوقًا عَيْنَهُ الصَّحِيحَةُ عَمَدًا، قَالَ: الْعَيْنُ بِالْعَيْنِ مَا إِذَا فُقِيتَ عَيْنَهُ إِلَّا وَلَا

[27020] ‘Atā’ ibn Abī Rabāḥ said: “In it is half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، قَالَ: فِيهَا نِصْفُ الدِّيَةِ

[27021] Ibrāhīm said: “In it [the injured eye] is half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ سُفْيَانَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: فِيهَا نِصْفُ الدِّيَةِ

[27022] Masrūq was asked about a one-eyed man whose eye was gouged out. He said: “I will not pay blood money for the one killed by Allah. The one who injured him only owes the blood money for one eye.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ زَكْرِيَّاً، عَنْ فِرَاسٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، أَنَّهُ سُئِلَ عَنْ أَعْوَرَ فُقِئَتْ عَيْنُهُ، فَقَالَ: لَا أُدِي قَتْنِيلُ اللَّهِ، إِنَّمَا عَلَى الَّذِي أَصَابَهُ دِيَةُ عَيْنٍ وَاحِدَةٍ

[27023] ‘Āmir said regarding a one-eyed man who gouged out the eye of a man: “An eye for an eye.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ دَاؤِدَ، عَنْ عَامِرٍ فِي أَعْوَرَ فَقَأَ عَيْنَ رَجُلٍ، فَقَالَ: الْعَيْنُ بِالْعَيْنِ

[27024] Ibrāhīm said regarding the one-eyed man: “If he gouges out the eye of a human, his eye is gouged out.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الْأَعْوَرِ: إِذَا فَقَأَ عَيْنَ إِنْسَانٍ فُقِئَتْ عَيْنُهُ

[27025] Muḥammad said: “An eye for an eye.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ، قَالَ: الْعَيْنُ بِالْعَيْنِ

[27026] Zayd, ‘Alī (through Al-Sha‘bī), and Ibrāhīm said: “If the tooth turns black, its indemnity (blood money) is full.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامَ، عَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ وَعَنْ حَجَاجٍ، عَنْ حُصَيْنٍ، عَنْ الشَّعْبَيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيٍّ وَعَنْ حَجَاجٍ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالُوا: إِذَا اسْوَدَتِ السُّنْنَ ثُمَّ عَفَلَهَا

[27027] It was narrated from Zayd, ‘Alī, and Ibrāhīm: The same as the previous narration.

حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ، وَعَنْ حَجَاجٍ، عَنْ حُصَيْنِ الْحَارِثِيِّ، عَنْ الشَّعْبَيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيٍّ، وَعَنْ حَجَاجٍ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، مِثْلَهُ

[27028] Sa‘id ibn al-Musayyib said: “If the tooth turns black, its indemnity is full.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ نُعَيْرٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: إِذَا اسْوَدَتِ السُّنْ، فَعَقْلُهَا تَامٌ

[27029] Shurayh judged that if the tooth turns black, its blood money is due.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ شُرَيْبٍ، أَنَّهُ كَانَ: إِذَا اسْوَدَتِ السُّنْ قَضَى فِيهَا بِدِينِهَا

[27030] ‘Atā’ said: “Regarding the tooth, if it turns black, becomes loose, or shakes, it is the same.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: فِي السُّنْ إِذَا اسْوَدَتْ، أَوْ تَحَرَّكَتْ أَوْ رَجَفَتْ فَهُوَ سَوَاءٌ

[27031] Al-Qāsim said regarding the tooth that shakes: “Its indemnity is full.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ نُعَيْرٍ، عَنْ حَنْظَلَةَ، عَنْ الْقَاسِمِ، فِي السُّنْ تَرْجُفُ، قَالَ: عَقْلُهَا تَامٌ

[27032] Al-Sha‘bī said: “If the tooth turns black or turns yellow, in it is its blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ جَابِرٍ، عَنْ الشَّعَيْيِ، قَالَ: إِذَا اسْوَدَتِ السُّنْ، أَوْ اصْفَرَتْ فَفِيهَا دِينُهَا

[27033] Al-Zuhri said: “If the tooth turns black, its indemnity is complete.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ لَيْثٍ، عَنْ الرُّهْبَرِيِّ، قَالَ: إِذَا اسْوَدَتِ السُّنْ، فَقَدْ تَمَّ عَقْلُهَا

[27034] Ibrāhīm said: “Regarding the tooth, one waits; if it turns black, the indemnity is full.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ: فِي السُّنْ يَسْتَأْنِي بِهَا، فَإِنْ اسْوَدَتْ فَالْعَقْلُ تَامٌ

[27035] ‘Alī said: “One waits for it [the injured tooth] for a year.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجِ
عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيِّ،
قَالَ: يُتَرَبَّصُ بِهَا حَوْلًا

[27036] Zayd said the like.

حَدَّثَنَا عَبَادُ، عَنْ حَجَاجِ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ، مِثْلُهُ،

[27037] Ibrāhīm said the like.

حَدَّثَنَا عَبَادُ، عَنْ حَجَاجِ، عَنِ الْحَكْمِ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[27038] Ibrāhīm said: “Regarding the tooth, one waits with it for a year.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي السَّنِ يُتَرَبَّصُ بِهَا سَنَةً

[27039] Al-Sha‘bī said: “Regarding the tooth, one waits with it for a year.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ
حَسَنٍ، عَنْ فِرَاسٍ، عَنِ الشَّعْبِيِّ: فِي السَّنِ يُتَرَبَّصُ بِهَا
سَنَةً

[27040] Shurayḥ said: “If the tooth is broken, he grants him a term of a year.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ هِشَامٍ،
عَنْ مُحَمَّدٍ، عَنْ شُرَيْحٍ، قَالَ: إِذَا كُسِرَتِ السَّنُّ أَجْلَهُ
سَنَةً

[27041] ‘Āmir said: “It is waited upon for a year. If it turns black or turns yellow, then the indemnity is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ
جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يُنْتَظِرُ بِهَا سَنَةً، فَإِنْ اسْوَدَتْ أَوْ
اصْفَرَتْ، فَفِيهَا الْعُقْلُ

[27042] ‘Alī said: “Regarding the tooth, if part of it is broken, its owner is given according to the calculation of what is diminished from it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجِ
عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيِّ: فِي
السَّنِ إِذَا كُسِرَ بَعْضُهَا، أُعْطِيَ صَاحِبُهَا بِحِسَابِ مَا
نَقَصَ مِنْهَا

[27043] Zayd and Ibrāhīm said the like.

حَدَّثَنَا عَبَادٌ، عَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ رَيْدٍ، وَعَنْ حَجَاجٍ، عَنِ الْحَكْمِ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[27044] ‘Alī and Ibrāhīm said the like.

حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ حَجَاجٍ، عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيِّ، وَعَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[27045] Ibrāhīm said: “The nose and the ear are in the status of the tooth; what is diminished from them is by calculation.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الْأَنْفُ وَالْأُذُنُ بِمَنْزِلَةِ السَّنِّ، مَا نَقَصَ مِنْهَا فِحْسَابٌ

[27046] Shurayḥ used to assign in it according to the amount that diminished from it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، وَأَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ شُرَيْبٍ، أَنَّهُ كَانَ يَجْعَلُ فِيهَا بِقْدَرِ مَا نَقَصَ مِنْهَا

[27047] ‘Atā’ said: “What is broken from it, if it does not turn black, is calculated accordingly.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: مَا كُسِرَ مِنْهَا إِذَا لَمْ يَسُودَ فِحْسَابُ ذَلِكَ

[27048] Sa‘īd ibn Jubayr said: “Regarding the tooth, if part of it turns black, it is calculated based on the status of a break.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ يَعْلَى بْنِ عَطَاءٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ: فِي السَّنِّ إِذَا اسْوَدَ بَعْضُهَا، فِحْسَابٌ مَنْزِلَةُ الْكُسْرِ

[27049] ‘Āmir said: “If half or a third of it breaks while it [remains] white, then it is according to the calculation of what diminished from it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِذَا انْكَسَرَ مِنْهَا نِصْفٌ ، أَوْ ثُلُثٌ وَهِيَ بَيْضَاءُ، فِحْسَابٌ مَا نَقَصَ مِنْهَا

[27050] Al-Ḥasan, Al-Sha’bī, Al-Hakam, and Ibrāhīm said: “Regarding the black tooth, if it is injured, there is a judgment (Hukumah) of just persons.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَالشَّعْبِيِّ، وَالْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ: فِي السِّنِ السَّوْدَاءِ إِذَا أُصِيبَتْ، فَفِيهَا حُكْمَةُ دُوَيِّ عَدْلٍ

[27051] Ibrāhīm said: “Regarding the black tooth, there is a judgment (Hukumah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: فِي السِّنِ السَّوْدَاءِ حُكْمَةٌ

[27052] Sa‘īd ibn al-Musayyib said: “In it is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، قَالَ: فِيهَا ثُلُثُ الدِّيَةِ

[27053] Al-Ḥasan said: “In it is one-third of its blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: فِيهَا ثُلُثُ دِيَتِهَا

[27054] Ibn ‘Abbās said: “In it is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هَلَالٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: فِيهَا ثُلُثُ الدِّيَةِ

[27055] Ibn ‘Abbās said: “In it is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَجَاجٍ، عَنْ قَتَادَةَ، عَنْ رَجُلٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: فِيهَا ثُلُثُ الدِّيَةِ

[27056] ‘Umar said: “In the black tooth is one-third of its blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَجَاجٍ، عَنْ قَتَادَةَ، عَنْ رَجُلٍ، عَنْ ابْنِ عَبَّاسٍ، عَنْ عُمَرَ: فِي السِّنِ السَّوْدَاءِ ثُلُثُ دِيَتِهَا

[27057] ‘Umar ibn al-Khaṭṭāb said: “Regarding the black tooth, if it is extracted while it was firm, there is one-third of its blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدِ
بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ
يَحْيَى بْنِ يَعْمَرَ، عَنْ ابْنِ عَبَّاسِ، عَنْ عُمَرَ بْنِ
الْخَطَّابِ، قَالَ: فِي السِّنِ السَّوْدَاءِ إِذَا نُزِعَتْ، وَكَانَتْ
أَثْبَتَهُ ثُلُثُ دِيْنِهَا

[27058] Zayd ibn Thābit said: “It was judged regarding the existing eye (blind but looks normal) if it is extinguished: one hundred dinars.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُنَ، وَعَبْدُ الرَّحْمَنِ، عَنْ
يَحْيَى بْنِ سَعِيدٍ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ
سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ رَبِيعِ بْنِ ثَابِتٍ أَنَّهُ قَالَ: قُضِيَ فِي
الْعَيْنِ الْقَائِمَةِ إِذَا طُوقَتْ مِائَةً دِينَارٍ

[27059] Sa‘id ibn al-Musayyib said: “In it is one-third of its blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ،
عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، قَالَ: فِيهَا ثُلُثُ دِيْنِهَا

[27060] ‘Umar ibn ‘Abd al-‘Azīz judged regarding an existing (blind) eye that was struck out: one hundred dinars.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ
إِسْحَاقَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسْنَطِ، أَنَّ عُمَرَ بْنَ
عَبْدِ الْغَرِيزِ قَضَى فِي عَيْنِ قَائِمَةٍ، فُضِّحَتْ بِمِائَةِ دِينَارٍ

[27061] Al-Ḥasan, Al-Sha‘bī, Al-Ḥakam, and Ibrāhīm said: “In the existing (blind) eye is the judgment of just persons.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُنَ، عَنْ أَشْعَثَ، عَنْ
الْحَسَنِ، وَالشَّعْبِيِّ، وَعَنْ الْحَكَمِ، وَحَمَادِ، عَنْ إِبْرَاهِيمِ،
قَالُوا: فِي الْعَيْنِ الْقَائِمَةِ حُكْمُ ذَوِي عَدْلٍ

[27062] Ibn ‘Abbās said: “In the existing (blind) eye, if it is poked out, is one-third of its blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هَلَالٍ، عَنْ
قَتَادَةَ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ ابْنِ
عَبَّاسِ، قَالَ: فِي الْعَيْنِ الْقَائِمَةِ إِذَا نُخْسِتْ ثُلُثُ دِيْنِهَا

[27063] Masrūq said: “In the blind eye is a judgment (Hukumah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، قَالَ: فِي الْعَيْنِ الْعَوْرَاءِ حُكْمٌ

[27064] ‘Umar said: “In the blind eye if it is poked out and was existing (normal appearance), is one-third of its blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ أَبْنَى عَبَّاسٍ، عَنْ عُمَرَ: فِي الْعَيْنِ الْعَوْرَاءِ إِذَا نُخْسِتْ، وَكَانَتْ قَائِمَةً ثُلُثُ دِيْتَهَا

[27065] ‘Amr ibn Shu‘ayb said: “It was in the judgments set by Abū Bakr and ‘Umar that regarding the leg, if its owner extends it but cannot contract it, or contracts it but cannot extend it, or if it shrinks from the ground and does not reach it, then what is diminished is calculated accordingly.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ حَكِيمِ بْنِ حَكِيمٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، قَالَ: كَانَ فِيمَا وَضَعَ أَبُو بَكْرٍ، وَعُمَرُ مِنَ الْقَضِيبَةِ أَنَّ الرَّجُلَ إِذَا بَسَطَهَا صَاحِبُهَا فَلَمْ يَقْبِضُهَا، أَوْ قَبَضَهَا، فَلَمْ يَبْسُطْهَا، أَوْ قُلِصَتْ عَنِ الْأَرْضِ فَلَمْ تَبْلُغْهَا، فَمَا نَقَصَ، فَبِحِسَابٍ

[27066] ‘Alī said: “In the leg is half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمٍ، عَنْ عَلَيٍّ، قَالَ: فِي الرَّجْلِ نِصْفُ الدِّيَةِ

[27067] ‘Umar ibn ‘Abd al-‘Azīz said: “In the leg is half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: فِي الرَّجْلِ نِصْفُ الدِّيَةِ

[27068] Ibrāhīm (and Al-Sha'bī) said: “Regarding the hand that is injured and becomes paralyzed, or the leg, or the eye if its vision is lost while it remains existing, its indemnity is full.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، وَعَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي الْيَدِ ثُصَابٌ فَتَشَلُّ، أَوِ الرِّجْلِ، أَوِ الْعَيْنِ إِذَا دَهَبَ بَصَرُهَا وَهِيَ قَائِمَةً، فَقَدْ تَمَّ عَفْلَهَا

[27069] The Messenger of Allah ﷺ said: “In the leg is fifty [camels].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنْ عِكْرِمَةَ بْنِ خَالِدٍ، عَنْ رَجُلٍ، مِنْ آلِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: فِي الرِّجْلِ خَمْسُونَ

[27070] ‘Abd Allāh said: “In the leg is fifty camels [divided into] fifths.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ، قَالَ: فِي الرِّجْلِ خَمْسُونَ مِنَ الْأُبْلِلِ أَخْمَاسًا

[27071] Zayd ibn Thābit said: “If the leg becomes limp, in it is half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، قَالَ: فِي كِتَابِ كَتَبِهِ مَرْوَانُ، عَنْ رَيْدِ بْنِ نَائِبٍ، قَالَ: إِذَا فَزِلَّتِ الرِّجْلُ، فَفِيهَا نِصْفُ الدِّيَةِ

[27072] ‘Alī said: “In the deep body wound (Jā'ifah) is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلَيِّ، قَالَ: فِي الْجَائِفَةِ ثُلُثُ الدِّيَةِ

[27073] ‘Abd Allāh said: “In the deep body wound is one-third of the blood money [divided into] fifths.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ، قَالَ: فِي الْجَائِفَةِ ثُلُثُ الدِّيَةِ أَخْمَاسًا

[27074] Al-Hasan said: “In the deep body wound is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: فِي الْجَائِفَةِ ثُلُثُ الدِّيَةِ

[27075] The Prophet ﷺ judged regarding the deep body wound one-third of the blood money.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مَكْحُولٍ، وَعَنْ أَشْعَثٍ، عَنْ الزُّهْرِيِّ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِي الْجَائِفَةِ ثُلُثَ الدِّيَةِ

[27076] Ibrāhīm said: “The deep body wound in the abdomen and the thigh, its blood money is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الْجَائِفَةُ فِي الْبَطْنِ وَالْفَخْذِ يُثْلَثُ الدِّيَةِ

[27077] Sa‘īd ibn al-Musayyib reported that people were shooting (arrows), and a man among them shot an arrow by mistake, hitting a man’s abdomen and passing through to his back. He was treated and healed. The matter was raised to Abū Bakr, and he judged it as two deep body wounds.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ حَاجَاجَ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّ قَوْمًا كَانُوا يَرْمُونَ، فَرَمَتِي رَجُلٌ مِنْهُمْ بِسَهْمٍ خَطَأً، فَأَصَابَ بَطْنَ رَجُلٍ فَأَنْفَدَهُ إِلَى ظَهْرِهِ، فَدُوْرِي، فَبَرَأَ، فَرُفِعَ إِلَيَّ أُبِي بَكْرٍ، فَقَضَى فِيهِ بِجَائِفَتِينِ

[27078] Zayd said: “In the penetrating wound into the cavity is one-third of the blood money, and in the other one hundred dinars.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَاجَاجَ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ: فِي النَّافِذَةِ فِي الْجَوْفِ ثُلُثُ الدِّيَةِ، وَفِي الْأُخْرَى مِائَةُ دِينَارٍ

[27079] Makhūl said: “The deep wound in the cavity, such that it exits from the other side, is two deep wounds.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدِ
عَنْ مَكْحُولٍ، قَالَ: الْجَائِفَةُ فِي الْجَوْفِ حَتَّى يَخْرُجَ مِنَ
الْجَانِبِ الْأُخْرَى جَائِفَةً

[27080] Al-Hasan said regarding a man who shot a man and (the projectile) passed through him: “In it are two deep wounds.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ
عَمْرِو، عَنِ الْحَسَنِ، فِي رَجُلٍ رَمَى رَجُلًا فَأَنْفَدَهُ، قَالَ:
فِيهِ جَائِفَةٌ

[27081] ‘Umar said: “In the deep body wound is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ عَبِيدَةَ، عَنْ
إِبْرَاهِيمَ، عَنْ عُمَرَ، قَالَ: فِي الْجَائِفَةِ ثُلُثُ الدِّيَةِ

[27082] Zayd ibn Thābit said: “In every penetrating wound in a limb of the hand or leg is one hundred dinars.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ
حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، قَالَ: فِي كُلِّ
نَافِذَةٍ فِي عُضُوٍّ مِنَ الْأَيْدِي وَالرِّجْلِ مِائَةُ دِينَارٍ

[27083] Ibrāhīm said: “The deep wound in the thigh is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: الْجَائِفَةُ فِي الْفَخِذِ ثُلُثُ الدِّيَةِ

[27084] Sa‘id ibn al-Musayyib said: “Every penetrating wound in a limb, its blood money is one-third of the blood money of that limb.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا النَّقِيفُ، عَنْ يَحْيَى بْنِ سَعِيدٍ،
عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، قَالَ: كُلُّ نَافِذَةٍ فِي عُضُوٍّ فَيُرَتَّبُهَا
ثُلُثُ دِيَةِ ذَلِكَ الْعُضُوِّ

[27085] ‘Amr ibn Shu‘ayb said: “Every limb has a deep wound (status), and every bone that is penetrated deeply, its deep wound compensation is from the calculation of that bone.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَمْرِو بْنِ شَعْبَنَ، قَالَ: لِكُلِّ عُضُوٍّ جَائِفٌ، وَكُلِّ عَظِيمٍ أَجِيفٌ، فَجَاءَفَتْهُ مِنْ حِسَابِ ذَلِكَ الْعَظِيمِ

[27086] ‘Umar said: “Every shot penetrating a limb, in it is one-third of the blood money of that limb.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ الْوَلَيْدِ بْنِ أَبِي هَشَامٍ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ قَالَ: قَالَ عُمَرُ: كُلُّ رَمِيَّةٍ نَافِذَةٍ فِي عُضُوٍّ فَقِيهَا ثُلُثُ دِيَةِ ذَلِكَ الْعَضْوِ

[27087] The Prophet ﷺ said: “In the penis is the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنْ عِكْرِمَةَ بْنِ خَالِدٍ عَنْ رَجُلٍ مِنْ آلِ عُمَرَ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: فِي الذَّكَرِ الدِّيَةُ

[27088] ‘Alī said: “In the penis is the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلِيٍّ، قَالَ: فِي الذَّكَرِ الدِّيَةُ

[27089] ‘Abd Allāh said: “In the penis is the blood money [divided into] fifths.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ، قَالَ: فِي الذَّكَرِ الدِّيَةُ أَحْمَاسًا

[27090] ‘Umar ibn ‘Abd al-‘Azīz said: “In the penis is the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ عَمَرِ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: فِي الذَّكَرِ الدِّيَةُ

[27091] ‘Umar said: “In the penis is the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ عَبِيَّةَ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، قَالَ: فِي الذَّكَرِ الدِّيَةُ

[27092] Al-Hasan said: “In the penis is the blood money.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ حَدَّثَنَا أَبُو بَكْرٍ قَالَ: فِي الذَّكَرِ الدِّيَةُ

[27093] The Prophet ﷺ judged regarding the penis the [full] blood money. حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ الزُّهْرِيِّ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِي الذَّكَرِ الدِّيَةَ

[27094] Ibn Jurayj asked ‘Atā’ about the penis being completely cut off. He said: “The blood money.” I asked: “What if the glans is injured, and then something of what remains is injured?” He said: “[It is compensated as] a wound.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: قُلْتُ لَهُ: اسْتُوْصِلُ الذَّكَرُ؟ قَالَ: الْدِيَةُ فُلْثُ: أَرَأَيْتَ إِنْ أَصِيبَتِ الْحَشْفَةُ، ثُمَّ أَصِيبَ شَيْءٌ مِّمَّا بَقَى؟ قَالَ: جُرْحٌ

[27095] Mujāhid said: “In the penis is the blood money.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ أَبِي تَحِيَّةَ، عَنْ مُجَاهِدٍ، قَالَ: فِي الذَّكَرِ الدِّيَةُ

[27096] ‘Amr ibn Shu‘ayb said: “Abū Bakr judged regarding the penis of a man its blood money as one hundred camels.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَمْرُو بْنِ شَعْبَنَ، قَالَ: قَضَى أَبُو بَكْرٍ فِي ذَكَرِ الرَّجُلِ بِدِيْتِهِ مِائَةً مِّنَ الْأَيْلِ

[27097] Al-Zuhri said: “The Prophet ﷺ judged regarding the penis, if it is completely cut off or its glans is cut off, the full blood money of one hundred camels.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سَلَيْمَانَ، عَنْ أَشْعَثَ، عَنْ الزُّهْرِيِّ، قَالَ: قَضَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الذَّكَرِ إِذَا اسْتُوْصِلَ، أَوْ قُطِعَتْ حَشْفَةُ الذَّكَرِ كَامِلَةً مِائَةً مِّنَ الْأَيْلِ

[27098] ‘Alī and ‘Abd Allāh said: “In the glans, if it is cut off, is the blood money; and whatever is diminished from it is by calculation.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ أَشْعَثَ،
عَنْ عَامِرٍ، عَنْ عَلَيِّ، وَعَبْدِ اللَّهِ، قَالَا: فِي الْحَشْفَةِ إِذَا
قُطِعَتِ الدِّيَةُ، فَمَا نَقَصَ مِنْهَا فَيُحْسَابُ

[27099] ‘Alī said: “In the glans is the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكْرِيَّا، عَنْ
إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ غَاصِبِ بْنِ ضَمْرَةَ، عَنْ
عَلَيِّ، قَالَ: فِي الْحَشْفَةِ الدِّيَةُ

[27100] Ibrāhīm said: “In the glans is the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَلَامٍ، عَنْ
مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي الْحَشْفَةِ الدِّيَةُ

[27101] ‘Amir said: “In the glans is the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ
جَابِرٍ، عَنْ عَامِرٍ، قَالَ: فِي الْحَشْفَةِ الدِّيَةُ

[27102] Mujāhid said: “In the glans alone is the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ أَبِي تَحِيجٍ، عَنْ مُجَاهِدٍ، قَالَ:
فِي الْحَشْفَةِ وَحْدَهَا الدِّيَةُ

[27103] Abū Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “What do you think if the glans (of the penis) is injured?” He said: “The full blood money (Diyah).” I said to ‘Atā’: “Is this established?” He said: “They have said that.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءً: أَرَأَيْتَ إِنْ أُصِيبَتِ الْحَشْفَةُ
قَالَ: الدِّيَةُ قَالَ: قُلْتُ لِعَطَاءً: أَئْتَتْ؟ قَالَ: فَذَلِكُوا ذَلِكُ

[27104] Abū Bakr narrated to us, saying: Yahyā ibn Ādām narrated to us, saying: Zuhayr narrated to us, from Abū Iṣhāq, from ‘Āsim, from Ḏamrah, from ‘Alī, who said: “In the glans, there is the full blood money (Diyah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا زُهْيِرٌ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمٍ، عَنْ ضَمْرَةَ، عَنْ عَلَيِّ، قَالَ: فِي الْحَسْفَةِ الدِّيَةُ

[27105] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Jābir, from ‘Āmir, from Masrūq: “Regarding the paralyzed hand if it is cut off: A judgment (determined amount/Hukūmah), and regarding the tooth: A judgment, meaning: the one that is corroded.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ: "فِي الْبَدْ الشَّلَاءِ إِذَا قُطِعَتْ: حُكْمٌ، وَفِي الضَّرْسِ: حُكْمٌ ، يَعْنِي: الْمُكْوَلُ"

[27106] Abū Bakr narrated to us, saying: Hishām al-Dastuwā‘ī narrated to us, from Qatādah, from Sa‘id ibn al-Musayyib, who said: “In the paralyzed hand if it is cut off, there is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هِشَامُ الدَّسْتُوَائِيُّ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، قَالَ: فِي الْبَدْ الشَّلَاءِ إِذَا قُطِعَتْ ثُلُثُ الدِّيَةِ

[27107] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Sa‘īd ibn Abī ‘Urwah, from Qatādah, from Ibn Buraydah, from Yaḥyā ibn Ya‘mar, from Ibn ‘Abbās, from ‘Umar ibn al-Khaṭṭāb, who said: “In the paralyzed hand if it is cut off, there is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدِ
بْنِ أَبِي عُرْوَةَ، عَنْ قَتَادَةَ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ يَحْيَى
بْنِ يَعْمَرَ، عَنْ ابْنِ عَبَّاسٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ، قَالَ:
فِي الْأَيْدِ الشَّلَائِءِ إِذَا قُطِعَتْ ثُلُثُ الدِّيَةِ

[27108] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Hilāl, from Qatādah, from Ibn Buraydah, from Yaḥyā ibn Ya‘mar, from Ibn ‘Abbās, who said: “In the paralyzed hand if it is cut off, there is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هِلَالٍ، عَنْ
قَتَادَةَ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ ابْنِ
عَبَّاسٍ، قَالَ: فِي الْأَيْدِ الشَّلَائِءِ إِذَا قُطِعَتْ ثُلُثُ الدِّيَةِ

[27109] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Ḥasan, Al-Sha‘bī, Al-Ḥakam, and Hammād, from Ibrāhīm: “Regarding the paralyzed hand.” They said: “In it is the judgment of just persons.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ
الْحَسَنِ، وَالشَّعْبِيِّ، وَالْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ: فِي
الْأَيْدِ الشَّلَائِءِ قَالُوا: فِيهَا حُكْمُ ذُوي عَدْلٍ

[27110] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said: It used to be said: “If the hand or the leg is broken, then it heals and nothing is diminished from it, its indemnity (Arsh) is one hundred and eighty dirhams.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ قَالَ: كَانَ يُقَالُ: إِذَا كُسِّرَتِ الْيَدُ أَوِ الرَّجْلُ، ثُمَّ بَرَأَتْ، وَلَمْ يَنْقُصْ مِنْهَا شَيْءٌ أَرْشُهَا مِائَةٌ وَّتَمَائُلٌ دِرْهَمًا

[27111] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Al-Qa‘qā‘, from Yazīd, from Ibrāhīm: “In the hand or the leg, if it is broken, there is a settlement (Ṣulh).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الْقَعْقَاعِ، عَنْ يَزِيدَ، عَنْ إِبْرَاهِيمَ: فِي الْيَدِ أَوِ الرَّجْلِ إِذَا كُسِّرَتْ صُلْحٌ

[27112] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Ash‘ath, from ‘Abd Allāh ibn Dhakwān: That ‘Umar “judged regarding a man whose shin was broken, then set and straightened; he judged regarding it twenty Dinars.” He said: It was said to him: “It has become weak.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ عَبْدِ اللَّهِ بْنِ ذَكْوَانَ: أَنَّ عُمَرَ قَضَى فِي رَجُلٍ كُسِّرَتْ سَاقُهُ فَجَبَرَتْ، وَاسْتَقَامَتْ، فَقَضَى فِيهَا بِعِشْرِينَ دِينَارًا قَالَ: قِيلَ لَهُ: إِنَّهَا وَهَنَّ

[27113] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sa‘īd ibn ‘Abd al-Rahmān narrated to us, from Shurayḥ: Regarding “a man who broke another man’s hand and it was set.” Shurayḥ said: “The one who broke it owes the fee of the bone-setter. Should he not praise Allah that He returned his hand to him?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ شُرَيْحٍ: فِي رَجْلٍ كَسَرَتْ يَدَ رَجُلٍ فَجُبِرَتْ فَقَالَ شُرَيْحٌ: عَلَى الْكَاسِرِ أَجْرُ الْجَاهِيرِ، أَمَا يَحْمَدُ اللَّهُ حَيْثُ رَدَ عَلَيْهِ يَدَهُ

[27114] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Shu‘bah narrated to us, from Abū Bishr, from Sa‘īd ibn al-Musayyib, who said: “In all limbs [where there is no fixed Diyah], there is a judgment (Hukūmah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي بِشْرٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: فِي الْأَعْضَاءِ كُلُّهَا حُكْمَةٌ

[27115] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Abū Sālim, from Al-Sha‘bī, from Zayd ibn Thābit: “In the shin that is fractured, there is fifty Dinars. If it heals with a crookedness (‘Aṭhm), there is fifty Dinars, and regarding the crookedness, whatever is [appropriate] for it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَبِي سَالِمٍ، عَنْ الشَّعْبِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ: فِي السَّاقِ تَكْعُرُ خَمْسُونَ دِينَارًا، وَإِذَا بَرَأَتْ عَلَى عَظِيمٍ، فَفِيهَا خَمْسُونَ دِينَارًا، وَفِي الْعَظِيمِ مَا فِيهِ

[27116] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb narrated to us, from ‘Atā’, from Sa‘īd, from Qatādah, from Sulaymān ibn Yasār, who said: “In the forearm, the shin, the upper arm, and the thigh, if they are broken and then set (healed), there are two young camels (Qalūṣān) for each.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ عَنْ عَطَاءٍ، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، قَالَ: فِي الدَّرَاعِ وَالسَّاقِ وَالْعَصْدِ وَالْفَخِذِ إِذَا كُسِرَتْ، ثُمَّ جُبِرَتْ فَلُوْصَانَ قُلُوصَانَ

[27117] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, from ‘Atā’, and I said to him: “[Regarding] the breaking of the hand, the leg, or the collarbone, if it is set and becomes straight?” He said: “There is something in that, but it has not reached me what it

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ وَقُلْتُ لَهُ: كُسْرُ الْيَدِ أَوِ الرِّجْلِ أَوِ التَّرْقُوَةِ فَجُبِرَتْ فَاسْتَوَتْ قَالَ: فِي ذَلِكَ شَيْءٌ ، وَمَا بَلَغَنِي مَا هُوَ؟

[27118] Abū Bakr narrated to us, saying: Abū Dāwūd al-Ṭayālisī narrated to us, from Abū Ḥurrah, from Al-Ḥasan: Regarding a man whose hand was broken, he said: “He is compensated for his hand.” He said: And Muḥammad said: Shurayḥ said: “He gives the fee of the doctor.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ الطَّيَالِسِيُّ، عَنْ أَبِي حُرَّةَ، عَنْ الْحَسَنِ: فِي رَجُلٍ كُسِرَتْ يَدُهُ، قَالَ: يُعَوَضُ مِنْ يَدِهِ قَالَ وَقَالَ مُحَمَّدٌ: قَالَ شُرَيْحٌ: "يُعْطَى أَجْرَ الطَّبِيبِ"

[27119] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Ash‘ath, from Al-Hasan: “Regarding the one whose forearm is broken and then set, he said: ‘Something is given to him as a small compensation (Yurdakhu).’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: ”فِي الَّذِي يُكْسَرُ ذِرَاعُهُ، ثُمَّ يُجْبَرُ، قَالَ: يُرْضَخُ لَهُ شَيْءٌ“

[27120] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Ḥajjāj, from Makhūl, from Zayd ibn Thābit, that he: “Judged regarding the fingernail if it falls off and does not grow back, or grows back changed (discolored), ten Dinars. And if it comes out white, then in it is five Dinars.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ حَجَّاجٍ، عَنْ مَكْحُولٍ، عَنْ رَبِيدٍ بْنِ ثَابِتٍ، أَنَّهُ قَضَى فِي الظُّفُرِ إِذَا سَقَطَ فَلَمْ يَبْتُ، أَوْ بَيْتٍ مُتَغَيِّرًا عَشَرَةً دَنَارِينَ، وَإِنْ خَرَجَ أَبْيَضَ فَفِيهِ خَمْسَةً دَنَارِينَ

[27121] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Khālid al-Ḥadhdhā’, from ‘Amr ibn Ḥāzim, from Jābir ibn Zayd, from Ibn ‘Abbās: “In the fingernail if it becomes defective, there is one-fifth of the blood money of the finger.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُعِيَانَ، عَنْ خَالِدِ الْحَذَاءِ، عَنْ عَمْرُو بْنِ حَازِمٍ، عَنْ جَابِرِ بْنِ رَبِيدٍ، عَنْ ابْنِ عَبَّاسٍ: فِي الظُّفُرِ إِذَا أَعْوَرَ خَمْسُ دِيَةِ الْأَصْبَعِ

[27122] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Ash‘ath ibn Sawwār, from ‘Abd Allāh ibn Dhakwān, from Ibn ‘Abbās: “He judged regarding a man’s fingernail that another man injured, causing it to become defective, with one-tenth of the blood money of the finger.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ أَسْعَثِ بْنِ سَوَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ دَكْوَانَ، عَنْ ابْنِ عَبَّاسٍ: قَضَى فِي ظُفْرِ رَجُلٍ أَصَابَهُ رَجْلٌ، فَأَعْوَرَ بِعُشْرِ دِيَةِ الْإِصْبَعِ

[27123] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Hasan, who said: “Regarding the fingernail, if it grows back, if there is a defect in it, then a camel [is due].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: فِي الظُّفْرِ إِذَا نَبَتَ، فَإِنْ كَانَ فِيهِ عَيْنٌ فَبَعِيرٌ

[27124] Abū Bakr narrated to us, saying: Al-Daḥḥāk ibn Makhlad narrated to us, from Ibn Jurayj, from ‘Amr ibn Shu‘ayb, that ‘Umar ibn al-Khaṭṭāb: “Judged regarding the fingernail if it becomes clustered (and contracts) and corrupted, with a young she-camel (Qalūṣ).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَمْرُو بْنِ شَعِيبٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ: قَضَى فِي الظُّفْرِ إِذَا اعْرَجَمْ، وَقَسَدَ بِقَلْوَصٍ

[27125] Abū Bakr narrated to us, saying: Al-Ḍaḥḥāk ibn Makhlad narrated to us, from Ibn Jurayj: “In the fingernail if it does not grow back, there are two she-camels. If it grows back blind (dull) without shine, there is one she-camel.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ: فِي الظُّفَرِ إِذَا لَمْ يَنْبُتْ، فَفِيهِ نَاقَّانِ، فَإِنْ نَبَتَ عَمْيَاءً لَّيْسَ لَهَا وَبِصْرٌ، فَفِيهِ نَاقَةٌ

[27126] Abū Bakr narrated to us, saying: Al-Ḍaḥḥāk ibn Makhlad narrated to us, from Ibn Jurayj, from Ibn Abī Najīḥ, from Mujāhid: “In the fingernail if it does not grow back, there is a Bint Makhāḍ (one-year-old she-camel). If not found, then a Bint Labūn (two-year-old she-

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي نَجِيْرٍ، عَنْ مُجَاهِدٍ: فِي الظُّفَرِ إِذَا لَمْ يَنْبُتْ، فَفِيهِ بُنْتُ مَخَاضٍ، فَإِنْ لَمْ يُوْجَدْ فَفِيهِ بُنْتُ لَبُونِ

[27127] Abū Bakr narrated to us, saying: Al-Ḍaḥḥāk ibn Makhlad narrated to us, from Ibn Jurayj, who said: I asked ‘Aṭā’ about the fingernail if it does not grow back. He said: “I have heard something about it, but I do not know what it is.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: سَأَلْتُ عَطَاءً عَنِ الظُّفَرِ إِذَا لَمْ يَنْبُتْ، فَقَالَ: قَدْ سَمِعْتُ فِيهِ بِشَيْءٍ، وَلَا أَدْرِي مَا هُوَ؟

[27128] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: ‘Abd al-‘Azīz ibn ‘Umar informed me that the army commanders and the people of opinion gathered before ‘Umar ibn ‘Abd al-‘Azīz: “Regarding the fingernail if it is pulled out and becomes scabby, or falls out, or turns black, one-tenth of the blood money of the finger, [which is] ten Dinars.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: أَخْبَرَنِي عَبْدُ الْعَزِيزَ بْنُ عُمَرَ، أَنَّ امْرَأَ الْأَجْنَادِ، وَأَهْلَ الرَّأْيِ اجْتَمَعُوا لِعُمَرَ بْنِ عَبْدِ الْعَزِيزِ: فِي الظُّفَرِ إِذَا نُزِعَ فَعَرَ أَوْ سَقَطَ أَوْ اسْوَدَ، الْعُشْرُ مِنْ دِيَةِ الْإِصْبَعِ، عَشْرَةُ دَنَارٍ

[27129] Abū Bakr narrated to us, saying: Ibn ‘Ulāyyah narrated to us, from Khālid, from ‘Amr ibn Harim, from Jābir ibn Zayd, from Ibn ‘Abbās: “In the fingernail if it becomes defective, one-fifth of the blood money of the finger.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهَا، عَنْ خَالِدٍ، عَنْ عَمْرِو بْنِ هَرَيْحٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ: فِي الظُّفَرِ إِذَا أَعْوَرَ، خُمُسُ دِيَةِ الْإِصْبَعِ

[27130] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Ḥumayd, from Anas, that the Prophet ﷺ ordered retribution (Qiṣāṣ) regarding a tooth and said: “The Book of Allah is Retribution.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدَ الْأَحْمَرَ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَمْرَ بِالْقِسَاصِ فِي سِنٍّ وَقَالَ: كِتَابُ اللَّهِ الْقِسَاصُ

[27131] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Azhar, from Muḥārib ibn Dithār, who said: Two men came to Shurayḥ; this one had broken the molar of that one, and that one the molar of this one. He said: “This is an incisor for a molar? Stand up [and leave].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَزْهَرَ، عَنْ مُحَارِبِ بْنِ دِئْرٍ، قَالَ: جَاءَ رَجُلٌ
إِلَى شُرَبِيجٍ فَدْ كَسَرَ هَذَا ضِرْسَ هَذَا، وَهَذَا ضِرْسَ هَذَا،
قَالَ: هَذِهِ ثَنِيَّةٌ بِضِرْسٍ، قُومًا

[27132] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Sha‘bī and Al-Hasan, who said: “There is no retribution (Qiṣāṣ) in bones except for the tooth or the head.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ
الشَّعْبِيِّ، وَالْحَسَنِ، قَالَا: لَيْسَ فِي الْعِظَامِ قِصَاصٌ مَا
خَلَّ السَّنَّ أَوِ الرَّأْسَ

[27133] Abū Bakr narrated to us, saying: Waki‘ narrated to us, from Isrā’il, from Jābir, from ‘Āmir, who said: “Retaliation is taken from the tooth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ
جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يُقَادُ مِنَ السَّنَّ

[27134] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “Is retaliation taken from the eye?” He said: “Yes, and the tooth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: فُلْتُ لِعَطَاءً: الْعَيْنُ يُقَادُ مِنْهَا؟، قَالَ: نَعَمْ
وَالسَّنَّ

[27135] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Zayd ibn Aslam, from Muslim ibn Jundub, from Aslam, the freedman of ‘Umar, who said: I heard ‘Umar on the pulpit saying: “In the rib, there is a camel.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ مُسْلِمِ بْنِ جُنْدُبٍ، عَنْ أَسْلَمَ،
مَوْلَى عُمَرَ، قَالَ: سَمِعْتُ عُمَرَ عَلَى الْمِنْبَرِ، يَقُولُ: فِي
الضَّلَّاعِ جَمَلٌ

[27136] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Ḥasan: “In the rib if it is broken, there are two camels. If it is set (healed), then one camel.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ: فِي الضَّلَّاعِ إِذَا كُسِرَ بَعِيرَانِ، فَإِذَا انْجَبَ رَبَعِيرُ

[27137] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Ḥajjāj, from Dāwūd ibn Abī ‘Āsim, from Sa‘īd ibn al-Musayyib: “In the rib, there is a camel.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ
حَجَاجٍ، عَنْ دَاؤِدَ بْنِ أَبِي عَاصِمٍ، عَنْ سَعِيدِ بْنِ
الْمُسَيَّبٍ: فِي الضَّلَّاعِ بَعِيرٌ

[27138] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Jābir, from Al-Sha‘bī, from Shurayh and Masrūq, that they said: “In the rib and similar [bones] if broken and set without crookedness,” they said: “In it is the fee of the doctor.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، وَمَسْرُوقٍ أَنَّهُمَا قَالَا: فِي الضُّلُّعِ وَتَحْوِهِ إِذَا كُسِّرَ وَجُبِرَ عَلَى غَيْرِ عَثْمٍ قَالَا: فِيهِ أَجْرٌ الطَّبِيبِ

[27139] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Ibn Sālim, from Al-Sha‘bī, from Zayd ibn Thābit, who said: “In it [the rib] is ten Dinars.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، عَنْ رَيْدِ بْنِ ثَابِتٍ، قَالَ: فِيهِ عَشْرَةُ دَنَارٍ

[27140] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from his father, from Sa‘īd ibn al-Musayyib, from Al-Hakam regarding the rib, he said: “A camel, and in the molar, a camel.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، عَنِ الْحَكَمِ فِي الضُّلُّعِ، قَالَ: بَعِيرٌ، وَفِي الضُّرْسِ بَعِيرٌ

[27141] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Abū Ishāq, from ‘Āsim ibn Dāmrāh, from ‘Alī, who said: “In one of the testicles, there is half of the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلَيِّ، قَالَ: فِي إِحْدَى الْأَيْضَتَيْنِ نِصْفُ الدِّيَةِ

[27142] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Ḥajjāj, from Makḥūl, from Zayd ibn Thābit; and from Ḥajjāj, from Abū Ishāq; and from Ḥajjāj, from Al-Zuhri, from ‘Urwah ibn al-Zubayr; and from Ḥajjāj, from ‘Amr ibn Shu‘ayb; that they said: “The two testicles are equal [in value].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَاجِ، عَنْ مَكْحُولٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، وَعَنْ حَجَاجِ، عَنْ أَبِي إِسْحَاقَ، وَعَنْ حَجَاجِ، عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الْزُّبِيرِ، وَعَنْ حَجَاجِ، عَنْ عَمْرُو بْنِ شَعِيبِ، أَتَهُمْ قَالُوا: الْبَيْضَانُ سَوَاءٌ

[27143] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ibn Abī Najīḥ informed me, from Mujāhid, who said: “In the testicles is the full blood money; fifty [camels] and fifty [camels].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: فِي الْبَيْضَانِ الدِّيَةُ وَافْتِهُ خَمْسُونَ خَمْسُونَ

[27144] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, from ‘Atā’, who said: I said to him: “The testicles?” He said: “Fifty and fifty, but I have not heard it from a reliable source.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: قُلْتُ لَهُ: الْبَيْضَانُ؟، قَالَ: خَمْسُونَ خَمْسُونَ وَلَمْ أَسْمَعْهُ مِنْ ثَبَّتِ

[27145] Abū Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Ash‘ath, from Al-Sha‘bī, from Masrūq, from ‘Abd Allāh, who said: “The two testicles are equal.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: الْبَيْضَانُ سَوَاءٌ

[27146] Abū Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Ash‘ath, from Al-Sha‘bī, from Masrūq, from ‘Abd Allāh, who said: “The two testicles (Al-Unthayān) are equal.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: الْأَنْثَيَانُ سَوَاءٌ

[27147] Abū Bakr narrated to us, saying: Ismā‘il ibn Ibrāhīm narrated to us, from Dāwūd, from Sa‘id ibn al-Musayyib, who said: “In the left testicle is two-thirds of the blood money, and in the right is one-third.” I said: “Why?” He said: “Because if the left one is gone, he cannot beget children, but if the right one is gone, he can beget children.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ دَاؤِدَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، قَالَ: فِي الْبَيْضَةِ الْيُسْرَى ثُلَثَ الدِّيَةِ، وَفِي الْيُمْنَى الثُّلُثُ، قُلْتُ: لِمَ؟ قَالَ: لِأَنَّ الْيُسْرَى إِذَا ذَهَبَتْ لَمْ يُولَدْ لَهُ، وَإِذَا ذَهَبَتِ الْيُمْنَى وُلِدَ لَهُ

[27148] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Maṇṣūr, who said: I mentioned that to Ibrāhīm, and he said: “They are equal.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، قَالَ: ذَكَرْتُ ذَلِكَ لِابْرَاهِيمَ، فَقَالَ: هُمَا سَوَاءٌ

[27149] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān narrated to us, from Jābir, from Al-Sha‘bī, from Maṣrūq, who said: “In the tongue of the mute person, there is a judgment (Hukūmah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ: فِي لِسَانِ الْأَخْرَسِ حُكْمٌ

[27150] Abū Bakr narrated to us, saying: Al-Faḍl ibn Dukayn narrated to us, from Hishām al-Dastuwā’ī, from Ḥammād, from Ibrāhīm: “In the tongue of the mute person, there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنَ، عَنْ هِشَامِ الدَّسْتُوْلَيِّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ: فِي لِسَانِ الْأَخْرَسِ الدِّيَةُ كَامِلَةً

[27151] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Ḥanīfah, from Ḥammād, from Ibrāhīm: “In the tongue of the mute person, there is a judgment (Hukūmah), and in the penis of the castrated person, there is a judgment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي حَنِيفَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ: فِي لِسَانِ الْأَخْرَسِ حُكْمٌ، وَفِي ذَكَرِ الْخَصِيِّ حُكْمٌ

[27152] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, from Qatādah, who said: “In the tongue of the mute person, there is the full blood money.”

[27153] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “Is there regarding the penis of the one who cannot approach women (impotent) the same as what is in the penis of the one who approaches women?” He said to me: “Yes.” And he said: “Do you not see that the one from whom that is gone, does he not fulfill his vow?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ قَتَادَةَ، قَالَ: فِي لِسَانِ الْأَخْرَسِ الدِّيَةُ كَامِلَةٌ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءً: فِي ذَكْرِ الَّذِي لَا يَأْتِي النِّسَاءَ مِثْلُ مَا فِي ذَكْرِ الَّذِي يَأْتِي النِّسَاءَ؟ قَالَ لِي: نَعَمْ وَقَالَ: أَرَأَيْتَ الَّذِي ذَهَبَ ذَلِكَ مِنْهُ، أَلَيْسَ يُوفِي نَذْرَهُ

[27154] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: ‘Abd al-‘Azīz informed me, from Ibñ ‘Umar: That the commanders of the armies and the people of opinion among them agreed before ‘Umar ibn ‘Abd al-‘Azīz: “Regarding the shoulder if it is broken, then set without crookedness, in it is forty Dinars.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْحٍ، قَالَ: أَخْبَرَنِي عَبْدُ الْعَزِيزَ، عَنِ ابْنِ عُمَرَ: أَنَّ امْرَاءَ الْأَجْنَادِ وَأَهْلَ الرَّأْيِ مِنْهُمْ اجْتَمَعُوا لِعُمَرَ بْنَ عَبْدِ الْعَزِيزِ: فِي الْمُنْكِبِ إِذَا كُسِرَ، ثُمَّ جُبِرَ فِي غَيْرِ عَثْمٍ، فَفِيهِ أَرْبَعُونَ دِينَارًا

[27155] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: It reached me from Al-Sha‘bī: “In the shoulder if it is broken, there is forty Dinars.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْحٍ، قَالَ: بَلَغَنِي عَنِ الشَّعْبِيِّ: فِي الْمُنْكِبِ إِذَا كُسِرَ أَرْبَعُونَ دِينَارًا

[27156] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān narrated to us, from Azhar al-‘Aṭṭār, from Abū ‘Awn al-Thaqafī, from Shurayh, who said: “In the rupture (hernia/breach), there is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَزْهَرِ الْعَطَّارِ، عَنْ أَبِي عَوْنَى الثَّقَفِيِّ، عَنْ شَرَيْحٍ، قَالَ: فِي الْفُتْقِ ثُلُثُ الدِّيَةِ

[27157] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Hammād ibn Salamah narrated to us, from Qatādah, from Abū Mijlaz, who said: “In the rupture of the bladder, there is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةً، عَنْ قَتَادَةَ، عَنْ أَبِي مِجَازٍ، قَالَ: فِي فَتْقِ الْمَئَانَةِ ثُلُثُ الدِّيَةِ

[27158] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: It reached me from Al-Sha‘bī, who said: “In the bladder if it is pierced and cannot hold urine, there is one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: بَلَغَنِي عَنِ الشَّعْبِيِّ، قَالَ: فِي الْمَئَانَةِ إِذَا خُرِقَتْ، فَلَمْ يَسْتَمِسِكِ الْبُولُ ثُلُثُ الدِّيَةِ

[27159] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, saying: ‘Abd al-Wāhid ibn Ziyād narrated to us, from Hajjāj, from Makhūl, from Zayd: “In the rupture (Fatq), there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ، عَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ فِي الْفَتْقِ الدِّيَةُ

[27160] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Ash‘ath, from Al-Zuhrī, who said: “The Messenger of Allah ﷺ judged regarding the backbone that the full blood money is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ
عَنِ الزُّهْرِيِّ، قَالَ: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ فِي الصُّلُبِ الدِّيَةَ

[27161] Abū Bakr narrated to us, saying: Abū Khālid and Abū Mu‘awiyah narrated to us, from Ḥajjāj, from Makhūl, from Zayd, who said: “In the backbone, there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، وَأَبُو مُعَاوِيَةَ، عَنْ
حَاجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ، قَالَ: فِي الصُّلُبِ الدِّيَةَ

[27162] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Ḥasan, who said: “In the backbone, there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ، قَالَ: فِي الصُّلُبِ الدِّيَةَ

[27163] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from Ḥajjāj, from Al-Zuhrī, who said: “The people of knowledge agreed that in the backbone, there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ
الْزُّهْرِيِّ، قَالَ: اتَّقَنَ أَهْلُ الْعِلْمِ أَنَّ فِي الصُّلُبِ الدِّيَةَ

[27164] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Ya‘lā ibn ‘Atā’, from ‘Abd Allāh ibn Muslim, from Sa‘īd ibn Jubayr, who said: “In the backbone, there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ يَعْلَى بْنِ عَطَاءٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ، عَنْ سَعِيدِ
بْنِ جُبَيْرٍ، قَالَ: فِي الصُّلُبِ الدِّيَةُ

[27165] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, from ‘Amr ibn Shu‘ayb, who said: “Abū Bakr judged regarding the man’s backbone if it is broken and then set, with the full blood money if he cannot carry anything, and with half the blood money if he can carry.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، عَنْ عَمْرِو بْنِ شَعِيبٍ، قَالَ: قَضَى أَبُو بَكْرٌ فِي
صُلُبِ الرَّجُلِ إِذَا كُسرَ، ثُمَّ جِبَرَ بِالدِّيَةِ كَامِلَةً إِذَا كَانَ لَا
يُحْمَلُ لَهُ، وَيَنْصُفُ الدِّيَةَ إِذَا كَانَ يُحْمَلُ لَهُ

[27166] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ibn Abī Najīḥ informed me, from Mujāhid, who said: “If the backbone is injured or broken and set, and his semen flow is cut off, then the full blood money is due. And if the semen is not cut off but there is a curvature in the back, then he considers [a judgment] regarding it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ أَبِي نَجِيجٍ، عَنْ مُجَاهِدٍ، قَالَ: إِنَّ أَصِيبَ الصُّلْبُ أَوْ كُسِّرَ فَجِيرٌ، وَانْقَطَعَ مَنِيٌّ، قَالَ لَيْهُ وَأَفِيهُ، وَإِنْ لَمْ يَنْقَطِعْ الْمَنِيُّ وَكَانَ فِي الظَّهْرِ مَيْلٌ، فَإِنَّهُ يَرَى فِيهِ

[27167] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I asked ‘Aṭā’ about the backbone being broken. He said: “The full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: سَأَلْتُ عَطَاءً عَنِ الصُّلْبِ يُكْسَرُ، قَالَ: الْدِيَةُ

[27168] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Muḥammad ibn al-Ḥārith ibn Sufyān informed me that Muḥammad ibn ‘Abd Allāh ibn Abī Rabī‘ah informed him that he said: I was present with Ibn al-Zubayr regarding a man whose backbone was broken, so he became hunchbacked and could not sit, and he walked while hunchbacked. He said: “Walk.” So he walked. He then judged for him two-thirds of the blood money.

[27169] Abū Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from Ḥasan ibn Ṣalih, from ‘Ubaydah, from Yazīd al-Ḏakhm, from ‘Alī, who said: “If the backbone is broken and it prevents intercourse, then in it is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ الْحَارِثِ بْنُ سُفْيَانَ، أَنَّ مُحَمَّدَ بْنَ عَبْدِ اللَّهِ بْنِ أَبِي رَبِيعَةَ، أَخْبَرَهُ اللَّهُ أَنَّهُ، قَالَ: حَضَرْتُ ابْنَ الرُّبَّيرِ فِي رَجْلِ كُسْرِ الصُّلْبِ، فَاحْدُودَبَ، وَلَمْ يَقْعُدْ وَهُوَ يَمْشِي وَهُوَ مُحْدُودِبٌ ”فَقَالَ: أَمْشِ، فَمَشَى، فَقَضَى لَهُ بِلَلَّهِ الدِّيَةَ“

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ عُبَيْدَةَ، عَنْ يَزِيدَ الصَّحْمَ، عَنْ عَلَيِّ، قَالَ: إِذَا كُسْرَ الصُّلْبُ وَمَنَعَ الْجِمَاعَ، فَفِيهِ الدِّيَةُ

[27170] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Ḥajjāj, from Makhūl, from Zayd ibn Thābit, that he: “Judged regarding the nipple of a woman’s breast one-quarter of her blood money, and in the nipple of a man’s breast one-eighth of his blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ حَجَّاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدِ بْنِ تَابِتٍ أَنَّهُ: قَضَى فِي حَلْمَةِ ثَدْيِ الْمَرْأَةِ رُبْعَ دِيَتِهَا، وَفِي حَلْمَةِ ثَدْيِ الرَّجُلِ ثُمَّ دِيَتِهِ

[27171] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Al-Shaybānī, from Al-Sha’bī, who said: “In the breast of a woman and what is above it (whole breast area), there is the full blood money, and in one of them, half the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ، قَالَ: فِي ثَدْيِ الْمَرْأَةِ فَمَا فَوْقَهُ الدِّيَةِ كَامِلَةً، وَفِي أَحَدِهِمَا نِصْفُ الدِّيَةِ

[27172] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Ḥasan, who said: “In the two breasts, there is the full blood money, and in one of them, half the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: فِي الثَّدَيْنِ الدِّيَةُ، وَفِي أَحَدِهِمَا نِصْفُ الدِّيَةِ

[27173] Abū Bakr narrated to us, saying: Ma'n ibn 'Isā narrated to us, from Ibn Abī Dhi'b, from Al-Zuhri, who said: He was asked about the breast of a woman, so he said: "In it is half the blood money. And if part of it is injured, then in it is a judgment (Hukūmah) of a just Mujtahid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ الزُّهْرِيِّ، قَالَ: سُلِّمَ عَنْ ثَدِي الْمَرْأَةِ، فَقَالَ: فِيهِ نِصْفُ الدِّيَةِ، وَإِذَا أَصْبَبَ بَعْضَهُ، فَفِيهِ حُكْمَةُ عَدْلِ الْمُجْتَهِدِ

[27174] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: 'Amr ibn Shu'ayb said: "Abū Bakr judged regarding the breast of a man, if his nipple is gone, with five camels. And he judged regarding the breast of a woman with ten camels if only the nipple of her breast was affected. But if it was cut off from its base, then fifteen camels."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: قَالَ عَمْرُو بْنُ شُعَيْبٍ: قَضَى أَبُو بَكْرٍ فِي ثَدِي الرَّجُلِ إِذَا ذَهَبَتْ حَلْمَتُهُ بِخَمْسٍ مِنَ الْأَبْلِيلِ، وَقَضَى فِي ثَدِي الْمَرْأَةِ بِعَشْرٍ مِنَ الْأَبْلِيلِ، إِذَا لَمْ يُصِبْ إِلَّا حَلْمَةً ثَنْدِيَهَا، فَإِذَا قُطِعَ مِنْ أَصْلِهِ فَخَمْسَ عَشْرَةَ مِنَ الْأَبْلِيلِ

[27175] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ma‘mar informed me, from someone who informed him, from ‘Ikrimah, that Abū Bakr placed for the nipple of a woman’s breast one hundred Dinars, and placed for the nipple of a man’s breast fifty Dinars.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي مَعْمَرٌ، عَمَّنْ أَخْبَرَهُ عَنْ عَكْرَمَةَ، أَنَّ أَبَا بَكْرٍ، جَعَلَ فِي حَلْمَةِ تَدْبِي الْمَرْأَةِ مِائَةً دِينَارًا، وَجَعَلَ فِي حَلْمَةِ تَدْبِي الرَّجُلِ خَمْسِينَ دِينَارًا

[27176] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Dāwūd ibn Abī ‘Āsim informed me that ‘Abd al-Malik ibn Marwān: “Judged regarding the killing of Ghassān, and they injured the women in the breast, with fifty Dinars.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي ذَاوُدُ بْنُ أَبِي عَاصِمٍ، أَنَّ عَبْدَ الْمَلِكَ بْنَ مَرْوَانَ: قَضَى فِي قَتْلِ غَسَانَ، وَأَصَابُوا النِّسَاءَ فِي التَّدْبِي بِخَمْسِينَ دِينَارًا

[27177] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, who said: It reached me from Ibrāhīm, who said: “In the breast of a woman, there is half the blood money, and in the breast of a man, there is a judgment (Hukūmah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، قَالَ: بَلَغَنِي عَنْ إِبْرَاهِيمَ، قَالَ: فِي تَدْبِي الْمَرْأَةِ نِصْفُ الدِّيَةِ، وَفِي تَدْبِي الرَّجُلِ حُكْمَةٌ

[27178] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Muḥammad ibn Rāshid, from Makhūl, who said: “The breast of a woman is half of her blood money, even if she is barren.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ مُحَمَّدِ بْنِ رَاشِدٍ، عَنْ مَكْحُولٍ، قَالَ: ثَدِيُ الْمَرْأَةِ نِصْفٌ عَفْلُهَا، وَإِنْ كَانَتْ عَاقِرًا

[27179] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ḥajjāj, from Huṣayn al-Ḥārithī, from Al-Sha'bī, from Al-Ḥārith, from ‘Alī, who said: “Whatever a slave commits [as a crime], it is against his neck. His master is given the choice: if he wishes, he may ransom him, and if he wishes, he may hand him over.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ حُصَيْنِ الْحَارِثِيِّ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيِّ، قَالَ: مَا جَنَى الْعَبْدُ فَفِي رَقْبَتِهِ، وَيُخَيِّرُ مَوْلَاهُ، إِنْ شَاءَ فَدَاهُ وَإِنْ شَاءَ دَفَعَهُ

[27180] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Ṭāriq, from Al-Sha'bī, who said: “The crime of the slave is against his neck. His master is given the choice: if he wishes, he may ransom him, and if he wishes, he may hand him over.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ طَارِقٍ، عَنِ الشَّعْبِيِّ، قَالَ: جِنَاحَةُ الْعَبْدِ فِي رَقْبَتِهِ، وَيُخَيِّرُ مَوْلَاهُ، إِنْ شَاءَ فَدَاهُ وَإِنْ شَاءَ دَفَعَهُ

[27181] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Hasan, who said: “A slave does not commit a crime against his master [that costs him] more than the price of his neck [value].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: لَا يَجْنِي الْمَمْلُوكُ عَلَى سَيِّدِهِ أَكْثَرَ مِنْ ثَمَنِ رَقَبَةٍ

[27182] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Ash‘ath, from Ibñ Sīrīn, from Shurayḥ, who said: “Whatever a slave commits [as a crime] is against his neck, or his master pays on his behalf.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: مَا جَنَى الْعَبْدُ فَفِي رَقَبَتِهِ أَوْ يُؤَدِّي عَنْهُ سَيِّدُهُ

[27183] Abū Bakr narrated to us, saying: ‘Abbād narrated to us, from Ash‘ath, from Muḥammad, who said: I said to him: “A slave committed a crime?” He said: “Against his neck.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ قَالَ: قُلْتُ لَهُ: عَبْدٌ جَنَى جِنَائِي؟ قَالَ: فِي رَقَبَتِهِ

[27184] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I was informed about Sālim ibn ‘Abd Allāh that he said: “If the owners of the slave wish, they ransom him with the indemnity of the free man’s wound, and if they wish, they surrender him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: أَخْبَرْتُ عَنْ سَالِمَ بْنِ عَبْدِ اللَّهِ، قَالَ: إِنْ شَاءَ أَهْلُ الْمَمْلُوكِ فَدَوْهُ بِعَقْلِ جُرْحِ الْحُرُّ، وَإِنْ شَاءُوا أَسْلَمُوهُ

[27185] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhri, who said: “If he kills by mistake, if his master wishes, he ransoms him, and if he wishes, he hands him over entirely.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِنْ قَتَلَ خَطَأً إِنْ شَاءَ سَيِّدُهُ فَدَاهُ، وَإِنْ شَاءَ دَفَعَهُ بِرُمَّةٍ

[27186] Abū Bakr narrated to us, saying: Sulaymān ibn Ḥarb narrated to us, from Ḥammād ibn Zayd, from Hishām ibn ‘Urwah, from his father, that he used to say regarding the slave who commits a crime: “His master has the choice: if he wishes to hand over the slave for the crime, or if he wishes, he pays for the crime and keeps the slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، عَنْ حَمَادٍ بْنِ زَيْدٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ: فِي الْعَبْدِ يَجْنِي الْجِنَائِيَّةُ، قَالَ: مَوْلَاهُ بِالْخِيَارِ، إِنْ شَاءَ أَنْ يَدْفَعَ الْعَبْدَ بِالْجِنَائِيَّةِ، وَإِنْ شَاءَ أَعْطَى الْجِنَائِيَّةَ وَأَمْسَاكَ الْعَبْدِ

[27187] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Jābir, from ‘Āmir, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، مِثْلُهُ

[27188] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhri regarding the slave who commits an offense and then his master frees him: “That his manumission is valid, and his master guarantees his like (value).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الرُّهْرِيِّ: فِي الْعَبْدِ يَحْرُرُ الْجَرِيرَةَ، فَيُعْتَقُهُ سَيِّدُهُ أَنَّهُ يَجُوزُ عِثْمَهُ، وَيَضْمَنُ سَيِّدُهُ مِثْلُهُ

[27189] Abū Bakr narrated to us, saying: ‘Abbād narrated to us, from Ash‘ath, from Al-Ḥasan regarding a slave who committed a crime, and his master knew and freed him. He said: “The slave works (Sa’y) to pay off his crime.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ أَشْعَثٍ، عَنْ الْحَسَنِ فِي عَبْدِ جَنَّى جَنَّاً، فَعَلِمَ مَوْلَاهُ فَأَعْنَقَهُ، قَالَ: يَسْعَى الْعَبْدُ فِي جَنَّاتِهِ

[27190] Abū Bakr narrated to us, saying: ‘Abd al-Ṣamad ibn ‘Abd al-Wāhid narrated to us, from Jarīr ibn Hāzim, from Ḥammād, who was asked about the slave who commits a crime. He said: “His master has the choice: if he wishes he hands him over, and if he wishes he surrenders him. If he frees him, then he owes the price of the slave, and there is nothing on the slave if he is freed.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَاحِدِ،
عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ حَمَّادٍ، سُئِلَ عَنِ الْعَبْدِ يُصِيبُ
الْجِنَانِيَّةَ، قَالَ: سَيِّدُهُ بِالْخِيَارِ، إِنْ شَاءَ دَفَعَهُ وَإِنْ شَاءَ
أَسْلَمَهُ، فَإِنْ أَعْتَقَهُ فَعَلَيْهِ ثَمَنُ الْعَبْدِ، وَلَيْسَ عَلَى الْعَبْدِ
شَيْءٌ إِذَا أُعْتِقَ

[27191] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ismā‘il ibn Abī Khālid, from Tāriq, from Al-Sha‘bī regarding a slave who killed a man, and the news reached his master so he freed him. He said: “His manumission is valid, and the blood money is upon his

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي
خَالِدٍ، عَنْ طَارِقٍ، عَنِ الشَّعْبِيِّ فِي عَبْدٍ قَتَلَ رَجُلًا، فَبَلَغَ
مُولَاهُ فَأَعْتَقَهُ، قَالَ: عِنْقُهُ جَائزٌ، وَعَلَى مُولَاهُ النِّيَّةُ

[27192] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: I heard Sufyān saying: “If his master freed him while knowing of the crime, then he is the guarantor of the crime. And if he did not know of the crime, then he owes the value of the slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ يَقُولُ: إِنْ كَانَ مَوْلَاهُ أَعْنَقَهُ، وَقَدْ عَلِمَ بِالْجِنَاحِيَّةِ فَهُوَ ضَامِنُ الْجِنَاحِيَّةِ، وَإِنْ لَمْ يَكُنْ عَلِمَ الْجِنَاحِيَّةَ، فَعَلَيْهِ قِيمَةُ الْعَبْدِ

[27193] Abū Bakr narrated to us, saying: Ḥātim ibn Ismā‘il narrated to us, from Ja‘far, from his father, from ‘Alī, who said: “If a slave kills a free man, he is handed over to the guardians of the killed person. If they wish, they kill him, and if they wish, they spare him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيٍّ، قَالَ: إِذَا قُتِلَ الْعَبْدُ الْحُرُّ، دُفِعَ إِلَى أَوْلَيَاءِ الْمَقْتُولِ، فَإِنْ شَاءُوا فَتَلُوْهُ، وَإِنْ شَاءُوا اسْتَحْيِوْهُ

[27194] Abū Bakr narrated to us, saying: Muḥammad ibn Abī ‘Adī narrated to us, from Ibn ‘Awn, from Muḥammad, who said: “I do not know the blood [rights] to belong to anyone but his (the victim’s) family. If they wish, they sell (take ransom/sell slave), if they wish, they gift (forgive), and if they wish, they take retribution.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ: لَا أَعْلَمُ الدَّمَ إِلَّا لِأَهْلِهِ، إِنْ شَاءُوا بَاعُوهَا، وَإِنْ شَاءُوا وَهَبُوهَا، وَإِنْ شَاءُوا اسْتَفَادُوهَا

[27195] Abū Bakr narrated to us, saying: Hātim ibn Wardān narrated to us, from Yūnus, from Al-Ḥasan regarding a slave who killed a free man and was given to his heirs to kill him. He said: “If he (the heir) wishes, they may enslave him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ فِي عَبْدٍ قَتَلَ حُرًّا، فَأَعْطَيَ وَرَثَتَهُ أَنْ يَقْتُلُوهُ، قَالَ: إِنْ شَاءَ اسْتَرْفُوهُ

[27196] Abū Bakr narrated to us, saying: Al-Ḍahhāk ibn Makhlad narrated to us, from Ibn Jurayj, from ‘Atā’, who said: “He is handed over to the guardians of the killed person. If they wish, they kill, and if they wish, they enslave.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: يُدْفَعُ إِلَى أُولَئِكَ الْمَقْتُولِ، فَإِنْ شَاءُوا قَتَلُوا، وَإِنْ شَاءُوا اسْتَرْفُوا

[27197] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Jābir, from ‘Āmir; and from Ibn Jurayj, from ‘Atā’, who said: “If they wish, they kill, and if they wish, they enslave.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَعَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِنْ شَاءُوا قَتَلُوا، وَإِنْ شَاءُوا اسْتَرْفُوا

[27198] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Muḥammad ibn Sālim, from Al-Sha‘bī regarding a slave who killed a free man intentionally. He said: “It is up to these, the family of the killed person; if they wish, they kill him, and if they wish, they enslave him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ فِي عَبْدٍ قَتَلَ حُرًّا مُتَعَمِّدًا، قَالَ: عَلَى هُؤُلَاءِ أَهْلِ الْمَقْتُولِ، إِنْ شَاءُوا فَتَلُوهُ وَإِنْ شَاءُوا اسْتَرْفُوهُ

[27199] Abū Bakr narrated to us, saying: ‘Abbād narrated to us, from ‘Umar ibn ‘Āmir, from Ḥammād, from Ibrāhīm regarding the slave who kills a free man intentionally. He said: “They do not have the right to use him (as a slave). They only have [the right to] his blood; if they wish, they kill him, and if they wish, they pardon him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ فِي الْعَبْدِ يَقْتُلُ الْحُرَّ عَدْدًا، قَالَ: لَيْسَ لَهُمْ أَنْ يَسْتَخِمُوهُ، إِنَّمَا لَهُمْ دَمُهُ، إِنْ شَاءُوا فَتَلُوهُ، وَإِنْ شَاءُوا عَفَوْا عَنْهُ

[27200] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Sa‘īd, from Abū Ma‘shar, from Ibrāhīm regarding the slave who kills a free man intentionally, then the guardian of the blood pardons the blood. He said: “He returns to his master.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ فِي الْعَبْدِ يَقْتُلُ الْحُرَّ مُتَعَمِّدًا، ثُمَّ يَعْفُو وَلِيُ الدَّمَ عَنِ الدَّمِ، قَالَ: يَرْجُعُ إِلَى مَوْلَاهُ

[27201] Abū Bakr narrated to us, saying: Mu‘ādh narrated to us, from Ash‘ath, from Al-Hasan, who said: “If they pardon him, the slave returns to his master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: إِنْ عَفُوا عَنْهُ رَجَعَ الْعَبْدُ إِلَى سَيِّدِهِ

[27202] Ibrāhīm said regarding a slave who kills a free man and is handed over to his [the victim's] guardians: "If they pardon him, he returns to his master, and they do not have the right to use him for service." Wakī‘ said: "This is also the opinion of Sufyān."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ إِبْرَاهِيمَ فِي عَنْدِ قَاتَلَ حُرًّا، فُدُغَ إِلَى أَوْلِيَائِهِ، قَالَ: إِنْ عَفُوا عَنْهُ، رَجَعَ إِلَى سَيِّدِهِ، وَلَيْسَ لَهُمْ أَنْ يَسْتَخْدِمُوهُ قَالَ وَكِيعٌ: وَهُوَ قَوْلُ سُفْيَانَ

[27203] Sa‘īd ibn al-Musayyib said [regarding a free man who kills a slave by mistake]: "His value [is due], reaching whatever amount it reaches."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُونَ، وَعَلِيُّ، وَعَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: قِيمَتُهُ بِالْعَلَةِ مَا بَلَغَتْ

[27204] ‘Umar ibn ‘Abd al-‘Azīz said: "His value on the day he is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَمْرِو بْنِ مُهَاجِرٍ، وَسِوَادَةَ بْنِ زِيَادٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْغَزِيزِ، قَالَ: قِيمَتُهُ يَوْمَ يُصَابُ

[27205] ‘Aṭā’, Makḥūl, and Ibn Shihāb said: "His value on the day he is killed, reaching whatever amount it reaches."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ أَيُّوبَ بْنِ مُوسَى، عَنْ عَطَاءٍ، وَمَكْحُولٍ، وَابْنِ شِهَابٍ، قَالَ: قِيمَتُهُ يَوْمَ يُصَابُ بِالْعَلَةِ مَا بَلَغَتْ

[27206] Al-Hasan and Ibn Sirin said: "His value on the day he is killed, reaching whatever amount it reaches."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَسْعَثَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ أَنَّهُمَا قَالَا: قِيمَتُهُ يَوْمَ يُصَابُ بِالْعَلَةِ مَا بَلَغَتْ

[27207] Makhūl said: "His value on the day he is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْمَرٌ، عَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، قَالَ: قِيمَتُهُ يَوْمَ يُصَابُ

[27208] Sa‘īd ibn al-Musayyib and Al-Hasan said: "His value on the day he is killed, reaching whatever amount it reaches."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَالْحَسَنِ، قَالَا: قِيمَتُهُ يَوْمَ يُصَابُ بِالْعَلَةِ مَا بَلَغَتْ

[27209] ‘Alī, ‘Abdullāh, and Shurayḥ said: "His price [is due], even if it exceeds the blood money of a free man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَلَيٍّ، وَعَبْدِ اللَّهِ، وَشُرَيْحٍ، قَالُوا: ثَمَنُهُ وَإِنْ خَلَفَ دِيَةَ الْأَحْرَ

[27210] Muḥammad said: "He is property, whatever [the value] reaches."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَزْهَرُ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ: هُوَ مَالٌ مَا بَلَغَ

[27211] ‘Aṭā’ said: "It reaches whatever [amount] it reaches."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، قَالَ: يَبْلُغُ مَا بَلَغَ

[27212] Al-Sha'bī reported that Sa'īd ibn al-Āṣ set the blood money of a slave killed by mistake at four thousand, while his price was more than that. He said: "I dislike setting his blood money higher than the blood money of a free man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ دَاؤِدَ، عَنْ الشَّعْبِيِّ، أَنَّ سَعِيدَ بْنَ الْعَاصِ جَعَلَ دِيَةَ عَبْدٍ قُتْلَ خَطَاً أَرْبَعَةَ آلَافٍ، وَكَانَ تَمْثُلُهُ أَكْثَرُ مِنْ ذَلِكَ وَقَالَ: أَكْرَهَ أَنْ أَجْعَلَ دِيَتَهُ أَكْثَرَ مِنْ دِيَةَ الْحُرُّ

[27213] Ibrāhīm said: "It should not reach the blood money of a free man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَرْزَهُ، عَنْ ابْنِ عَوْنِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَبْلُغُ بِهِ دِيَةُ الْحُرُّ

[27214] 'Aṭā' said: "The slave is not to be valued higher than the blood money of a free man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا يُرَادُ الْعَبْدُ عَلَى دِيَةِ الْحُرُّ

[27215] Ibrāhīm and Al-Sha'bī said: "The blood money of a slave should not reach the blood money of a free man in [cases of] accidental killing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: لَا يَبْلُغُ بِدِيَةِ الْعَبْدِ دِيَةَ الْحُرُّ فِي الْخَطَا

[27216] Ibrāhīm said: "The blood money of a slave is less than the blood money of a free man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمَ، عَنْ إِبْرَاهِيمَ، قَالَ: دِيَةُ الْمَمْلُوكِ أَنْقَصُ مِنْ دِيَةِ الْحُرُّ

[27217] Ibrāhīm said: "If a slave's ear or eye is injured, there is half of his price [as compensation]. If both his ears or both his eyes are injured, there is his full price, or he is handed over to the one who injured him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيْرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَصْبَيْتُ أَذْنَنَا الْعَبْدَ أَوْ عَيْنَهُ فَفِيهَا نِصْفُ تَمَّنِيهِ، وَإِذَا أَصْبَيْتُ أَذْنَاهُ أَوْ عَيْنَاهُ فَفِيهَا تَمَّنِيهِ كُلُّهُ ، أَوْ يَدْفَعُهُ إِلَى الَّذِي أَصَابَهُ

[27218] Al-Sha'bī said: "If a slave's eye is gouged out, or his hand or leg is cut off, then [the offender] owes half his value. If his eyes are gouged out, or his hands or legs are cut off, he [the owner] hands him over and [the offender] owes his [full] value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعُ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا فُقِئَتْ عَيْنُ الْعَبْدِ، أَوْ قُطِعَتْ يَدُهُ، أَوْ رِجْلُهُ فَعَلَيْهِ نِصْفُ قِيمَتِهِ، وَإِذَا فُقِئَتْ عَيْنَاهُ، أَوْ قُطِعَتْ يَدَاهُ، أَوْ رِجْلَاهُ دَفَعَهُ وَعَلَيْهِ قِيمَتُهُ

[27219] Al-Ḥasan said regarding a slave whose eye is gouged out: "For it is half his price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُوسُفَ، عَنِ الْحَسَنِ: فِي الْمَمْلُوكِ إِذَا فُقِئَتْ عَيْنُهُ، فَفِيهَا نِصْفُ تَمَّنِيهِ

[27220] Iyās ibn Mu'āwiyah said regarding a man who intentionally cuts off a slave's hand or gouges his eye: "He [the slave] belongs to him [the offender], and he owes his price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ إِيَّاسِ بْنِ مُعَاوِيَةَ، فِي رَجُلٍ قَطَعَ يَدَ عَبْدَ عَمْدًا أَوْ فَقَأَ عَيْنَهُ، قَالَ: هُوَ لَهُ ، وَعَلَيْهِ تَمَّنِيهِ

[27221] Al-Zuhri said regarding a slave injuring another slave: "If he gouges his eye, then for it is half his price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْرِيِّ، فِي الْعَبْدِ يَجْرُحُ الْعَبْدَ، قَالَ: إِنْ فَقَأَ عَيْنَهُ، فَفِيهَا نِصْفُ ثَمَنِهِ

[27222] ‘Atā’ said: "In the Mūdīhah (head wound exposing bone) of a slave is half of a tenth (one-twentieth) of his price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ النَّهَاسِ بْنِ قَهْمٍ، عَنْ عَطَاءٍ: فِي مُوضِحَةِ الْعَبْدِ نِصْفُ عُشْرِ ثَمَنِهِ

[27223] Al-Sha‘bī said: "In the Mūdīhah of a slave is half of a tenth of his price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكْرِيَّا، عَنْ الشَّعْبِيِّ: فِي مُوضِحَةِ الْعَبْدِ نِصْفُ عُشْرِ ثَمَنِهِ

[27224] Shurayh judged regarding the tooth of a slave and his Mūdīhah according to the proportion of his value from his price, which is half of a tenth of his value, similar to the blood money of a free man regarding the tooth and the Mūdīhah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: قَضَى فِي سِنِ الْعَبْدِ وَمُوضِحَتِهِ عَلَى قَدْرِ قِيمَتِهِ مِنْ ثَمَنِهِ نِصْفُ عُشْرِ قِيمَتِهِ، كَنْحُوا مِنْ دِيَةِ الْحُرُّ فِي السُّنْنِ وَالْمُوضِحَةِ

[27225] A similar narration from Shurayh.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ شُرَيْحٍ، بِنَحْوِ ذَلِكَ

[27226] Ibrāhīm said: "The wound of a slave [is compensated] from his price just as the wound of a free man [is compensated] from his blood money: the tenth and half of the tenth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَسْعَثَ، عَنِ الْحَكْمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: جِرَاحَةُ الْعَبْدِ مِنْ ثَمَنِهِ كِجْرَاحَةِ الْحُرُّ مِنْ دِيَتِهِ الْعُشْرُ وَنِصْفُ الْعُشْرِ

[27227] Sa‘īd ibn al-Musayyib said: "The indemnity of a slave lies in his price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: عَقْلُ الْعَبْدِ فِي ثَمَنِهِ

[27228] Sa‘īd ibn al-Musayyib said: "The wound of a slave is like the wound of a free man in [relation to] his blood money." Al-Zuhrī said: "Some people said: He is only property, so it is based on how much his price has decreased."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: جِرَاحَةُ الْعَبْدِ كِجْرَاحَةِ الْحُرُّ فِي دِيَتِهِ قَالَ الزُّهْرِيُّ: قَالَ أَنَّاسٌ "إِنَّمَا هُوَ مَالٌ فَعَلَى قَدْرِ مَا انْتَفَضَ مِنْ ثَمَنِهِ

[27229] Ibn Sīrīn said: "The wounds of slaves follow the same rules as the wounds of free men."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ أَيُوبَ، عَنْ ابْنِ سِيرِينَ، قَالَ: تَجْرِي جِرَاحَاتُ الْعَبْدِ عَلَى مَا يَجْرِي عَلَيْهِ جِرَاحَاتُ الْأَحْرَارِ

[27230] Al-Ḥasan said regarding a free man who injures a slave: "He pays back to his master whatever has decreased from his price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ أَبِي حُرَّةَ، عَنِ الْحَسَنِ، فِي حُرُّ أَصَابَ مِنْ عَبْدٍ شَيْئًا، قَالَ: يَرُدُّ عَلَى مَوْلَاهُ مَا نَقْصَنَ مِنْ ثَمَنِهِ

[27231] ‘Umar ibn ‘Abd al-‘Azīz said: "The indemnity of a slave lies in his price, just as the indemnity of a free man lies in his blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: عَقْلُ الْعَبْدِ فِي مِنْهِ، مِثْلُ عَقْلِ الرَّجُلِ الْحُرِّ فِي دِيْتِهِ

[27232] ‘Alī said: "The wounds of slaves follow the same rules as the wounds of free men."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَجَاجِ، عَنْ حُصَيْنِ الْحَارِثِيِّ، عَنْ الشَّعْعَبِيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيِّ، قَالَ: تَجْرِي جَرَاحَاتُ الْعَبْدِ عَلَى مَا تَجْرِي عَلَيْهِ جَرَاحَاتُ الْأَحْرَارِ

[27233] Shurayḥ said regarding a slave who injures a free man: "If he [the free man] wishes, he can exact retaliation (Qisas) from him, and if he wishes, he can take compensation amounting to one-fifth of his [the slave's] value [or similar proportion]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هِشَامٌ، وَابْنُ عُلَيَّةَ، عَنْ خَالِدٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْبٍ، فِي عَبْدِ جَرَحٍ حُرًّا، قَالَ: إِنْ شَاءَ افْتَصَنَ مِنْهُ، وَإِنْ شَاءَ أَخْذَ بِخُصَاصِهِ أَرْشًا

[27234] Ibrāhīm said: "If a free man intentionally causes a head wound to a slave, it is only blood money; there is no retaliation (Qawad) against him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا شَجَ الْحُرُّ الْعَبْدَ مُتَعَمِّدًا، فَإِنَّمَا يَبْلُغُ لَيْسَ عَلَيْهِ قَوْدٌ

[27235] ‘Umar ibn ‘Abd al-‘Azīz said: "A free man is not subject to retaliation for a slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: لَا يُقَاتَلُ الْحُرُّ مِنَ الْعَبْدِ

[27236] Ibrāhīm said: "There is no retaliation between slaves and free men in cases less than life [i.e., non-fatal injuries]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَسْعَثَ، عَنِ الشَّعْبِيِّ، وَالْحَسَنِ، وَالْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ بَيْنَ الْمَمْلُوكِينَ وَالْأَحْرَارِ قِصَاصٌ فِيمَا دُونَ النَّفْسِ

[27237] Ibn Jurayj said: I asked ‘Atā’ about a slave who wounds a free man's head or gouges his eye, and the free man wants to exact retaliation from the slave. He said: "A free man does not exact retaliation from a slave." Mujāhid and Sulaymān ibn Mūsā said the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءِ: الْعَبْدُ يَشْجُحُ الْحُرَّ أَوْ يَقْعُدُ عَيْنَهُ فَيُرِيدُ الْحُرُّ، أَنْ يَسْتَقِيدُ مِنَ الْعَبْدِ، قَالَ: لَا يَسْتَقِيدُ حُرٌّ مِنْ عَبْدٍ وَقَالَ مِثْلَ ذَلِكَ مُجَاهِدٌ وَسُلَيْمَانُ بْنُ مُوسَى

[27238] Sālim said: "A slave does not exact retaliation from a free man."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرْتُ عَنْ سَالِمٍ، قَالَ: لَا يَسْتَقِيدُ الْعَبْدُ مِنَ الْحُرُّ

[27239] Al-Zuhrī said: "There is no retaliation (Qawad) between a free man and a slave, except that if a slave kills a free man, he is killed for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا قَوَادُ بَيْنَ الْحُرُّ وَالْعَبْدِ إِلَّا أَنَّ الْعَبْدَ إِذَا قَتَلَ الْحُرُّ قُتِلَ بِهِ

[27240] Al-Ḥakam and Ḥammād said: "There is no retaliation (Qisas) between slaves."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَادٍ، قَالَا: لَيْسَ بَيْنَ الْمَمْلُوكِينَ قِصَاصٌ

[27241] Ibrāhīm and Al-Sha'bī said: "There is no retaliation between slaves, and there is no retaliation between children."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ حَجَاجِ، عَنِ الْحَكْمِ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، أَلَّهُمَا قَالَا: لَيْسَ بَيْنَ الْمَمْلُوكِيْنَ قِصَاصٌ، وَلَيْسَ بَيْنَ الصَّبِيْنَ قِصَاصٌ

[27242] Sālim said: "If a slave intentionally kills another slave or injures him, he is subject to retaliation (Qawad) for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجِ، قَالَ: أَخْبَرْتُ عَنْ سَالِمٍ أَنَّهُ قَالَ: إِذَا عَمَدَ الْمَمْلُوكُ فَقْتَلَ الْمَمْلُوكَ، أَوْ جَرَحَهُ فَهُوَ بِهِ قَوْدٌ

[27243] ‘Umar ibn ‘Abd al-‘Azīz said: "A slave is subject to retaliation for another slave in every intentional act that reaches the value of his life or less than that of wounds."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: يُقَادُ الْمَمْلُوكُ مِنَ الْمَمْلُوكِ فِي كُلِّ عَمْدٍ يَبْلُغُ قِيمَةَ نَفْسِهِ فَمَا دُونَ ذَلِكَ مِنَ الْجِرَاحَاتِ

[27244] ‘Abd al-‘Azīz ibn ‘Umar reported that in a book of ‘Umar ibn ‘Abd al-‘Azīz, from ‘Umar ibn al-Khaṭṭāb: "A slave is subject to retaliation for another slave in every intentional act that reaches his life or less than that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ، أَنَّ فِي كِتَابِ لِعُمَرِ بْنِ عَبْدِ الْعَزِيزِ، عَنْ عُمَرِ بْنِ الْخَطَّابِ: يُقَادُ الْمَمْلُوكُ مِنَ الْمَمْلُوكِ فِي كُلِّ عَمْدٍ يَبْلُغُ نَفْسَهُ فَمَا دُونَ ذَلِكَ

[27245] ‘Abdullāh ibn Mas‘ūd said: "A slave is not subject to retaliation for another slave in an intentional wound nor an accidental one, except in intentional killing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ رُهْبَرِ،
عَنِ الْحَسَنِ بْنِ الْحُرْ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمِ،
وَالشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ: أَنَّ الْعَبْدَ لَا يَقْاتَلُ مِنْ
الْعَبْدِ فِي جَرَاحَةٍ عَمْدٍ، وَلَا خَطَا إِلَّا فِي قَتْلٍ عَمْدٍ

[27246] Al-Ḥasan used to see [permit] retaliation between slaves.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ
الْحَسَنِ، أَنَّهُ: كَانَ يَرَى الْقِصَاصَ بَيْنَ الْعَبْدِ

[27247] Al-Ḥārith said: "I saw Nawfal ibn Musāḥiq executing retaliation among slaves for one another."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ ابْنِ أَبِي ذِئْبٍ،
عَنِ الْحَارِثِ، قَالَ: قَالَ: رَأَيْتُ تَوْقِلَ بْنَ مُسَاحِقٍ يُقَصِّ
الْعَبْدَ بَعْضَهُمْ مِنْ بَعْضٍ

[27248] Ibn Sīrīn saw no harm if two men kill one man, that one of them is killed and blood money is taken from the other.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ
خَالِدِ الْحَدَاءِ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ لَا يَرَى بَأْسًا
فِي الرَّجُلِ يَقْتُلُهُ الرَّجُلُ أَنْ يَقْتُلَ أَحَدَهُمَا، وَيَأْخُذُ الدِّيَةَ
مِنَ الْأُخْرِ

[27249] Al-Sha‘bī said regarding a man killed by a group: "It is left to the guardians of the victim; they kill whom they wish and pardon whom they wish."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، عَنِ
الشَّعْبِيِّ، فِي الرَّجُلِ يَقْتُلُهُ النَّفَرُ، قَالَ: يَدْعُوا إِلَى أَولِيَاءِ
الْمُقْتُولِ فَيَقْتُلُونَ مَنْ شَاءُوا، وَيَغْفُلُونَ عَمَّنْ شَاءُوا

[27250] ‘Atā’ said: "If one of them is pardoned, they should pardon all of them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْدِلٍ، عَنِ ابْنِ
جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا عُفِيَ عَنْ أَحَدِهِمْ، فَلَا يَعْفُوا
عَنْهُمْ جَمِيعًا

[27251] Al-Hasan was asked about a man killed by three people. The questioner said: "I think his guardian can pardon some, kill some, and take blood money from some." He said: "He does not have [the right to do] that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، أَنَّهُ قَالَ: فِي الرَّجُلِ قَتْلُهُ تَلَاثَةُ نَفَرٍ، قَالَ: قُلْتُ: أَرَى وَلِيَّهُ أَنْ يَعْفُوَ عَنْ بَعْضٍ، وَيَقْتُلَ بَعْضًا، وَيَأْخُذَ مِنْ بَعْضٍ الدِّيَةَ، قَالَ: لَيْسَ لَهُ ذَلِكَ

[27252] Sa‘id ibn al-Musayyib said regarding a man killed by a group: "They [the guardians] kill whom they wish, pardon whom they wish, and take blood money from whom they wish."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا بَهْرُ بْنُ أَسَدٍ، عَنْ أَبْنَاءِ الْعَطَّارِ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي الرَّجُلِ يَقْتُلُهُ النَّفَرُ، قَالَ: يَقْتُلُونَ مَنْ شَاءُوا، وَيَعْفُونَ عَمَّنْ شَاءُوا، وَيَأْخُذُونَ الدِّيَةَ مِمَّنْ شَاءُوا

[27253] Ibrāhīm said regarding a man killed by a group: "They kill whom they wish, pardon whom they wish, and take blood money from whom they wish."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَينِ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي الرَّجُلِ يَقْتُلُهُ النَّفَرُ، قَالَ: يَقْتُلُونَ مَنْ شَاءُوا، وَيَعْفُونَ عَمَّنْ شَاءُوا، وَيَأْخُذُونَ الدِّيَةَ مِمَّنْ شَاءُوا

[27254] Sa‘id ibn al-Musayyib said: "The [indemnity for the] fetus of a slave woman is ten dinars."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: جَنِينُ الْأَمْمَةِ عَشَرَةُ دَنَارِيْرَ

[27255] Ḥammād said: "In the fetus of a slave woman is a judgment [indemnity determined by a judge]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الْخَالِقِ، عَنْ حَمَادٍ، قَالَ: فِي جَنِينِ الْأَمْمَةِ حُكْمٌ

[27256] Al-Hasan said: "The fetus of a slave woman, if it cries out [is born alive], then its value is [calculated] on the day it cried out."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: جَنِينُ الْأُمَّةِ إِذَا اسْتَهَلَ فَقِيمَتُهُ يَوْمَ اسْتَهَلَ

[27257] Al-Hakam said: "They used to determine [the indemnity of] the fetus of a slave woman from [the ratio of] the fetus of a free woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، قَالَ: كَانُوا يَأْخُذُونَ جَنِينَ الْأُمَّةِ مِنْ جَنِينِ الْحُرَّةِ

[27258] Ibrāhīm said: "In the fetus of a slave woman [it is calculated] from her price similar to [how it is calculated for] the fetus of a free woman from her blood money: the tenth and half of the tenth [i.e., 5% of the mother's blood money is the fetus indemnity, and likewise for the slave]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَادِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ قَالَ: فِي جَنِينِ الْأُمَّةِ مِنْ ثَمَنِهَا كَنْهُوا مِنْ جَنِينِ الْحُرَّةِ مِنْ بَيْتِهَا الْعُشْرُ وَنِصْفُ الْعُشْرِ

[27259] Qatadah said: "If it falls [is born] alive, then its price is due. If it falls dead, then a tenth of its mother's price is due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، قَالَ: إِنْ وَقَعَ حَيًّا فَعَلَيْهِ ثَمَنُهُ، وَإِنْ وَقَعَ مَيَّتًا فَعَلَيْهِ عُشْرُ ثَمَنِهِ أُمِّهِ

[27260] Al-Hasan said: "In the fetus of a slave woman is a tenth of her price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُوسُفَ، عَنِ الْحَسَنِ: فِي جَنِينِ الْأُمَّةِ عُشْرُ ثَمَنِهَا

[27261] Al-Ḥasan said: "A tenth of her price." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: عُشْرُ ثَمَنِهَا

[27262] Sufyān said: "We say: If it is a boy, then half a tenth of his value, and if it is a girl, then a tenth of her value as if she were alive." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: سَمِعْتُ وَكِيعًا يَقُولُ: قَالَ سُفْيَانُ: وَنَحْنُ نَقُولُ: إِنْ كَانَ غُلَامًا فَنِصْفُ عُشْرِ قِيمَتِهِ، وَإِنْ كَانَتْ جَارِيَةً فَعُشْرُ قِيمَتِهَا لَوْ كَانَتْ حَيَةً

[27263] Ibrāhīm said: "In the fetus of an animal is its value." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ هِشَامِ الدَّسْتُوَائِيِّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ: فِي جَنِينِ الدَّابَّةِ قِيمَتُهُ

[27264] Al-Ḥakam said: "In the fetus of an animal [it is determined] from the fetus of a slave woman." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ: فِي جَنِينِ الدَّابَّةِ مِنْ جَنِينِ الْأُمَّةِ

[27265] Al-Ḥasan said: "In the fetus of an animal is a tenth of its mother's price." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ: فِي جَنِينِ الدَّابَّةِ عُشْرُ ثَمَنِ أُمِّهِ

[27266] Al-Zuhrī said: "In the fetus of an animal is a commodity; the judge evaluates its fetus according to what he sees in his opinion." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ، عَنْ يُونُسَ، عَنِ الرُّهْرِيِّ: فِي جَنِينِ الْبَهِيمَةِ سِلْعَةٌ يُقَيِّمُ جَنِينَهَا الْحَالِمُ مَا يَرَى بِرَأْيِهِ

[27267] ‘Āmir said: "In the offspring of an animal is a judgment (Hukūmah) [determined by a judge]." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ: فِي وَلَدِ الْبَهِيمَةِ حُكْمَةٌ

[27268] Abū Hurayrah reported that the Messenger of Allah ﷺ judged regarding the fetus with a Ghurrah (a slave or a female slave). The one against whom the indemnity was judged said: "Why should I pay indemnity for one who neither drank nor ate, nor cried nor shouted? And such a case is null and void!" The Messenger of Allah ﷺ said: "This one speaks in the rhymes of poetry. In it is a Ghurrah: a slave or a female slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِي الْجَنِينِ بِغُرَّةٍ عَبْدٌ أَوْ أَمَةٌ، فَقَالَ: "الَّذِي قَضَى عَلَيْهِ الْعَقْلَ مَنْ لَا شَرِبَ وَلَا أَكَلَ، وَلَا صَاحَ وَاسْتَهَلَ، وَمِثْلُ ذَلِكَ بَطَلَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ هَذَا يَقُولُ بِشَوْلٍ شَاعِرٍ، فِيهِ غُرَّةٌ عَبْدٌ أَوْ أَمَةٌ"

[27269] Al-Miswar ibn Makhramah reported that 'Umar ibn al-Khaṭṭāb consulted regarding a woman's miscarriage. Al-Mughīrah ibn Shu'bah said: "I witnessed the Prophet ﷺ judge in such a case with a Ghurrah: a slave or a female slave." 'Umar said: "Bring me someone to witness with you." So Muḥammad ibn Maslamah testified for him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ الْمُسْوَرِ بْنِ مُخْرَمَةَ، قَالَ: اسْتِشَارَ عُمَرُ بْنُ الْخَطَّابِ فِي إِمْلَاصِ الْمَرْأَةِ، فَقَالَ الْمُغَيْرَةُ بْنُ شُعْبَةَ: شَهَدْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِيهِ بِغُرَّةٍ عَبْدٌ أَوْ أَمَةٌ قَالَ: فَقَالَ عُمَرُ: أَتُتَّبِعُ بِمَنْ يَشَهِدُ مَعَكَ، فَتَهَدَّ لَهُ مُحَمَّدُ بْنُ مَسْلَمَةَ

[27270] The Messenger of Allah ﷺ said: "In the fetus is a Ghurrah: a slave, a female slave, or a mule."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الْمَلَكِ، عَنْ عَطَاءٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: فِي الْجَنِينِ غُرَّةٌ عَبْدٌ أَوْ أَمَةٌ أَوْ بَغْلٌ

[27271] ‘Urwah said: "In it is a slave, a female slave, or a horse."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ قَالَ: فِيهِ عَبْدٌ أَوْ أَمَةٌ أَوْ فَرَسٌ

[27272] Al-Sha‘bī said: "A Ghurrah: a slave or a female slave, for his mother or for the nearest of people to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، قَالَ: غُرَّةٌ عَبْدٌ أَوْ أَمَةٌ لِأَمَّهٖ أَوْ لِأَقْرَبِ النَّاسِ مِنْهُ

[27273] Ibn Sīrīn and Al-Ḥakam said: "The [indemnity for the] fetus of a free woman is a slave or a female slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، وَالْحَكَمَ، قَالَا: جَنِينُ الْحَرَةِ عَبْدٌ أَوْ أَمَةٌ

[27274] Al-Sha‘bī said regarding a man who hit his wife's belly causing her to miscarry: "He owes a Ghurrah which he inherits, and [pays] its Diya (blood money)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعُ، عَنْ مُحَمَّدِ بْنِ قَيْسٍ، عَنْ الشَّعْبِيِّ: فِي رَجُلٍ ضَرَبَ بَطْنَ امْرَأَتِهِ فَأَسْقَطَتْ، قَالَ: عَلَيْهِ غُرَّةٌ يَرْثُهَا وَيَبِيهُ

[27275] Ṭāwūs and Mujāhid said: "In the Ghurrah is a slave, a female slave, or a horse."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، وَمُجَاهِدٍ، قَالَا: فِي الْغُرَّةِ عَبْدٌ أَوْ أَمَةٌ أَوْ فَرَسٌ

[27276] Mujāhid said: "A slave, a female slave, or a horse."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعُ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: عَبْدٌ أَوْ أَمَةٌ أَوْ فَرَسٌ

[27277] Ibrāhīm said regarding a woman who drank medicine and miscarried: "She frees a slave and gives its father a Ghurrah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي امْرَأَةٍ شَرَبَتْ دَوَاءً فَأَسْفَقَتْهُ، قَالَ: تُعْنِقُ رَقَبَهُ، وَتُعْطِي أَبَاهُ غُرَّةً

[27278] Jābir ibn ‘Abdullāh reported that the Prophet ﷺ said: "In the Ghurrah is a slave or a female slave."

حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ، قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زَيَادٍ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ، قَالَ: فِي الْغُرَّةِ عَبْدٌ أَوْ أُمَّةٌ

[27279] ‘Āmir said: "For the origin of every pregnancy, there is a Ghurrah." Al-Ḥakam said: "In it is a settlement unless its form becomes clear." Waki‘ said: "The statement of Al-Ḥakam is better than the statement of Al-Sha‘bī."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: فِي أَصْلٍ كُلُّ حَبْلٍ غُرَّةً قَالَ: وَقَالَ الْحَكَمُ: فِيهِ صُلْحٌ حَتَّى يَسْتَبِينَ حَلْفُهُ قَالَ وَكِيعٌ " : وَقَوْلُ الْحَكَمِ أَحْسَنُ مِنْ قَوْلِ الشَّعْبِيِّ

[27280] Ibrāhīm, Al-Hasan, and ‘Atā’ said regarding one who hits a fetus [causing miscarriage]: "He owes the freeing of a slave along with the Ghurrah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ يُونُسَ، عَنْ الْحَسَنِ وَحَاجَاجِ، عَنْ عَطَاءٍ، قَالُوا: فِيمَنْ أَصَابَ جَنِينًا، إِنَّ عَلَيْهِ عَنْقَ رَقَبَةٍ مَعَ الْغُرَّةَ

[27281] Al-Ḥakam said: "If a woman is struck and she casts out her fetus, then the one responsible must free a slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، قَالَ: سَمِعْتُهُ يَقُولُ: إِذَا ضُرِبَتِ امْرَأَةٌ فَأَلْقَتْ جَنِينَهَا، فَإِنَّ صَاحِبَهُ يَعْنِقُ

[27282] Mujāhid reported that a woman massaged the belly of another woman and she miscarried, so ‘Umar ibn al-Khaṭṭāb ordered her to free a slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيُّونَةَ، وَوَكِيعٌ، قَالَا: حَدَّثَنَا عُمَرُ بْنُ دَرْ، عَنْ مُجَاهِدٍ: "أَنَّ امْرَأَةً مَسَحَتْ بَطْنَ امْرَأَةٍ، فَأَسْقَطَتْ فَأَمْرَهَا عُمَرُ بْنُ الْخَطَّابَ أَنْ لُغْتَهُ

[27283] Al-Sha‘bī said: "The Ghurrah is five hundred."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ حَدَّثَنَا سُفِيَّانُ، عَنْ طَارِقٍ، عَنْ الشَّعْبِيِّ، قَالَ: الْغُرَّةُ خَمْسِمِائَةٌ

[27284] Ḥabīb ibn Abī Thābit said: "The value of the Ghurrah is four hundred dirhams."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ لَيْثٍ، عَنْ حَبِيبٍ بْنِ أَبِي ثَابِتٍ، قَالَ: قِيمَةُ الْغُرَّةِ أَرْبَعُمِائَةِ دِرْهَمٍ

[27285] Zayd ibn Aslam reported that ‘Umar ibn al-Khaṭṭāb valued the Ghurrah at fifty dinars.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابَ قَوَّمَ الْغُرَّةَ خَمْسِينَ دِينَارًا

[27286] Ibn Sīrīn reported that the Prophet ﷺ assigned the Ghurrah upon the ‘Āqilah (the male paternal relatives paying blood money).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَعَلَ الْغُرَّةَ عَلَى الْعَاقِلَةِ

[27287] Ibrāhīm said: "The Ghurrah is upon the ‘Āqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، وَابْنُ مَهْدِيٍّ، عَنْ سُفِيَّانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الْغُرَّةُ عَلَى الْعَاقِلَةِ

[27288] Al-Sha‘bī said: "It [the Ghurrah] is his [the offender's] property [to pay]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ ابْنِ سَالِمٍ، عَنْ الشَّعْبِيِّ، قَالَ: هِيَ مَالُهُ

[27289] Jābir reported that the Prophet ﷺ assigned a Ghurrah for the fetus upon the ‘Āqilah of the woman who killed, and he absolved her husband and her child.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ، قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زَيْدٍ، عَنِ الْمُجَالِدِ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَعَلَ فِي الْجَنِينِ غُرَّةً عَلَى عَاقِلَةِ الْفَاتِلَةِ، وَبَرَّأَ زَوْجَهَا وَوَلَدَهَا

[27290] Al-Mughīrah ibn Shu‘bah said: "The Messenger of Allah ﷺ judged the blood money upon her ‘Āqilah, and for the pregnancy [fetus] a Ghurrah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَمِ التَّمِيمِيِّ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عُبَيْدِ بْنِ نَضْلَةَ، عَنْ الْمُغَيْرَةِ بْنِ شَعْبَةَ، قَالَ: فَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى عَاقِلَتِهَا بِالْدِيَةِ، وَفِي الْحَمْلِ غُرَّةً

[27291] Sa‘id ibn al-Musayyib reported that ‘Umar assigned the Ghurrah upon the people of the village and the prescribed shares (Farā’id) upon the people of the desert.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ أَبِي إِسْحَاقَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ فُسْيَطِ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ: أَنَّ عُمَرَ جَعَلَ الْغُرَّةَ عَلَى أَهْلِ الْقَرْيَةِ، وَالْفَرَائِضَ عَلَى أَهْلِ الْبَادِيَةِ

[27292] Al-Hasan said: "The blood money of the fetus is upon the one who injured it, in his wealth, and there is nothing upon his people."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ، عَنْ سَعِيدِ، عَنْ قَنَادَةَ، عَنِ الْحَسَنِ، قَالَ: دِيَةُ الْجَنِينِ عَلَى الَّذِي أَصَابَهُ فِي مَالِهِ، وَلَيْسَ عَلَى قَوْمِهِ شَيْءٌ

[27293] ‘Alī said: "There is no retaliation (Qisas) in the Jā’ifah (body cavity wound), the Ma’mūmah (head wound reaching the brain membrane), nor the Munaqqilah (bone-displacing wound)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّهُ، عَنْ عَلِيٍّ
بْنِ الْحَكَمِ، عَنْ إِسْحَاقَ، عَنِ الصَّحَّافِ، عَنْ عَلِيٍّ، أَنَّهُ
قَالَ: لَيْسَ فِي الْجَائِفَةِ، وَالْمَأْمُومَةِ، وَالْمُنَقَّلَةِ قِصَاصٌ

[27294] Ibrāhīm said: "There is no retaliation (Qawad) in the Āmmah (Ma’mūmah), the Munaqqilah, and the Jā’ifah. Their intentional [infliction] only requires blood money from the man's wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: لَيْسَ فِي الْأُمَّةِ، وَالْمُنَقَّلَةِ، وَالْجَائِفَةِ قَوْدٌ
إِنَّمَا عَمِدُهَا الدِّيَةُ فِي مَالِ الرَّجُلِ

[27295] ‘Atā’ said: "Retaliation is not exacted for the Jā’ifah, nor the Ma’mūmah, nor the Munaqqilah, nor for anything where life is feared for, nor for anything that does not turn out [exactly] as he injured his companion."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ ابْنِ
جُرْبِيجِ، عَنْ عَطَاءٍ، قَالَ: لَا يُفَاقَدُ مِنَ الْجَائِفَةِ، وَلَا مِنَ
الْمَأْمُومَةِ، وَلَا مِنَ الْمُنَقَّلَةِ، وَلَا مِنْ شَيْءٍ يَخَافُ فِيهِ
عَلَى النَّفْسِ، وَلَا مِنْ شَيْءٍ لَا يَأْتِي كَمَا أَصَابَ صَاحِبَهُ

[27296] Makhūl said: "Retaliation is not exacted for the Jā’ifah, the Ma’mūmah, the Munaqqilah, and the Nākhirah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ
عُبَيْدِ اللَّهِ بْنِ عُبَيْدِ الْكَلَاعِيِّ، عَنْ مَكْحُولٍ، قَالَ: لَا يُفَاقَدُ
مِنَ الْجَائِفَةِ، وَالْمَأْمُومَةِ، وَالْمُنَقَّلَةِ، وَالنَّاخِرَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْبَرِيِّ، قَالَ: لَيْسَ فِي الْأُمَّةِ، وَلَا فِي الْجَاهِلَةِ، وَلَا فِي كُسْرِ الْعِظَامِ قِصَاصٌ

[27297] Al-Zuhri said: "There is no retaliation in the Āmmah, nor in the Jā'ifah, nor in the breaking of bones."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ عِيسَى، عَنْ الشَّعْبِيِّ، قَالَ: لَيْسَ فِي جَاهِلَةٍ، وَلَا مَأْمُومَةٍ، وَلَا مُنَقَّلَةٍ قِصَاصٌ، وَلَا فِي الْفَحْذِ إِذَا كُسِّرَتْ

[27298] Al-Sha'bī said: "There is no retaliation in a Jā'ifah, nor a Ma'mūmah, nor a Munaqqilah, nor in the thigh if it is broken."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ أَبِي بَكْرِ بْنِ حَفْصٍ، قَالَ: رَأَيْتُ ابْنَ الزُّبَيْرِ أَفَادَ مِنْ مَأْمُومَةٍ قَالَ فَرَأَيْتُهُمَا يَمْشِيَانِ مَأْمُومِينِ جَمِيعًا

[27299] Abū Bakr ibn Ḥafṣ said: "I saw Ibn al-Zubayr exacting retaliation for a Ma'mūmah (head wound reaching the membrane)."

He said: "So I saw both of them walking with Ma'mūmah wounds."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ: أَنَّ ابْنَ الزُّبَيْرِ أَفَادَ مِنْ مُنَقَّلَةٍ

[27300] Yahyā ibn Sa'īd reported that Ibn al-Zubayr exacted retaliation for a Munaqqilah (bone-displacing wound).

[27301] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Ḥammād ibn Salamah, from ‘Amr ibn Dīnār, that Ibn al-Zubayr exacted retaliation for a bone-shifting wound (Munaqqilah). He said: The people were amazed, or the people began to wonder.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، أَنَّ ابْنَ الْزُّبَيْرِ أَفَادَ مِنْ مُنْقَلَةٍ، قَالَ: فَأَعْجَبَ النَّاسُ أَوْ جَعَلَ النَّاسَ يَتَعَجَّبُونَ

[27302] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Hajjāj, from ‘Atā’, from ‘Umar, who said: “We do not take retaliation (Qisas) from bones.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجَ، عَنْ عَطَاءٍ، عَنْ عُمَرَ، قَالَ: إِنَّا لَا نُقِيدُ مِنَ الْعِظَامِ

[27303] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Hajjāj, from Ibn Abī Mulaykah, from Ibn ‘Abbās, who said: “There is no retaliation (Qisas) in bones.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ ابْنِ أَبِي مُلِيْكَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَيْسَ فِي الْعِظَامِ قِصَاصٌ

[27304] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Huṣayn, who said: ‘Umar ibn ‘Abd al-‘Azīz wrote: “Whatever fracture occurs in a bone, there is no retaliation in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ حُصَيْنٍ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْغَزِيزِ: مَا كَانَ مِنْ كَسْرٍ فِي عَظِيمٍ فَلَا قِصَاصَ فِيهِ

[27305] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Mughīrah, from Ibrāhīm, from Jābir, from ‘Āmir, who said: “There is no retaliation in a bone.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَا قِصَاصٌ فِي عَظِيمٍ

[27306] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Al-Shaybānī, from Al-Sha'bī, who said: “There is no retaliation in any of the bones except the face and the head.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: لَيْسَ فِي شَيْءٍ مِنَ الْعِظَامِ قِصَاصٌ إِلَّا الْوَجْهُ وَالرَّأْسُ

[27307] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhrī, who said: “There is no retaliation in the breaking of bones.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَيْسَ فِي كَسْرِ الْعِظَامِ قِصَاصٌ

[27308] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Sha'bī and Al-Hasan, who said: “There is no retaliation in a bone.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، وَالْحَسَنِ، فَلَا: لَيْسَ فِي عَظِيمٍ قِصَاصٌ

[27309] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from ‘Abd al-Malik, from ‘Atā’, who said: “If the hand or the shin is broken, there is no retaliation (Qawad) upon the breaker, but the blood money (Diyah) is upon him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: إِذَا كُسِرَتِ الْيَدُ، وَالسَّاقُ فَلَيْسَ عَلَى كَاسِرِهَا قَوْدٌ، وَلَكِنْ عَلَيْهِ الدِّيَةُ

[27310] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from Qatādah, from Khilās, from ‘Alī: “That he used to hold the leader (of the animal), the driver, and the rider liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ قَتَادَةَ، عَنْ خَلَاسٍ، عَنْ عَلَيٍّ: أَنَّهُ كَانَ يُضْمَنُ الْقَائِدَ وَالسَّائِقَ وَالرَّاكِبَ

[27311] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Ismā‘il ibn Sālim, from Al-Sha‘bī, who said: I heard him say: “If a man drives his beast gently, there is no liability upon him. But if he is violent in driving it and it causes injury, he is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: سَمِعْتُهُ يَقُولُ: إِذَا سَاقَ الرَّجُلُ ذَابَتْهُ سَوْقًا رَقِيقًا فَلَا ضَمَانٌ عَلَيْهِ، وَإِذَا أَعْنَفَ فِي سَوْقِهَا فَأَصَابَتْ فَهُوَ ضَامِنٌ

[27312] Abū Bakr narrated to us, saying: Muḥammad ibn ‘Adī narrated to us, from Ash‘ath, from Al-Ḥasan, who said: “The driver and the leader (of the animal) are

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَدِيٍّ، عَنْ أَشْعَثَ
عَنِ الْحَسَنِ، قَالَ: يَضْمِنُ السَّائِقُ وَالقَائِدُ

[27313] Abū Bakr narrated to us, saying: ‘Abbād narrated to us, from ‘Umar ibn ‘Āmir, from Qatādah, from Khilās, from ‘Alī, who said: “If the road is wide, there is no liability upon him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ، عَنْ عُمَرَ بْنِ عَامِرٍ،
عَنْ قَتَادَةَ، عَنْ خِلَاسٍ، عَنْ عَلَيٍّ، قَالَ: إِذَا كَانَ
الطَّرِيقُ وَاسِعًا، فَلَا ضَمَانٌ عَلَيْهِ

[27314] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, from ‘Aṭā’, who said: “The leader (of the animal) pays compensation.” I said: “Does the driver pay compensation for [injuries caused by] the foreleg and the hind leg?” He said: “They claimed he pays for the foreleg, so I debated him.” He said: “He says: ‘The way! The way!’”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: يَغْرُمُ الْقَائِدُ فُلْتُ: وَالسَّائِقُ
يَغْرُمُ عَنِ الْأَيْدِي وَالرِّجْلِ؟” قَالَ: زَعَمُوا أَنَّهُ يَغْرُمُ عَنِ
الْأَيْدِي فَرَاجَدْتُهُ فَقَالَ: يَقُولُ: الطَّرِيقُ الطَّرِيقُ

[27315] Abū Bakr narrated to us, saying: Yahyā ibn Ādām narrated to us, from Zuhayr, from Al-Hasan, at Dārābjird, from Al-Ḥakam, who said: “The driver, the leader, and the rider pay compensation for whatever his beast strikes with a foreleg or hind leg, or if it kicks out or strikes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ زُهَيرٍ، عَنِ الْحَسَنِ، بِدَارَابْجِردَ عَنِ الْحَكَمِ، قَالَ: إِنَّ السَّائِقَ وَالْقَائِدَ وَالرَّاكِبَ يَعْرِمُ مَا أَصَابَتْ دَابَّةً بِنِدٍ أَوْ رِجْلٍ أَوْ نَفَّاثَةً أَوْ ضَرَبَتْ

[27316] Abū Bakr narrated to us, saying: Al-Faḍl ibn Dukayn narrated to us, from Zuhayr, from Layth, from Ṭāwūs, who said: “The leader, the driver, and the rider are liable for what it strikes with its front part.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَينٍ، عَنْ زُهَيرٍ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، قَالَ: يَضْمِنُ الْقَائِدُ وَالسَّائِقُ وَالرَّاكِبُ مَا أَصَابَتْ بِمُقَدَّمِهَا

[27317] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from Qatādah, from Khilās, from ‘Alī, who said: “He holds the pillion riders liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ حَاجَاجَ، عَنْ فَتَادَةَ، عَنْ خَلَاسٍ، عَنْ عَلَيٍّ، قَالَ: يُضْمِنُ الرَّدِيفَيْنِ

[27318] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Mujālid, from Al-Sha‘bī, from Shurayḥ, who said: “There is no liability upon the pillion rider.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: لَيْسَ عَلَى الرَّدِيفِ ضَمَانٌ

[27319] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ḥasan, from Al-Shaybānī, from Al-Sha‘bī regarding the pillion rider, he said: “They (rider and pillion) are partners.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ فِي الرَّدْفِ قَالَ: هُمَا شَرِيكَانِ

[27320] Abū Bakr narrated to us, saying: Muḥammad ibn Abī ‘Adī narrated to us, from Ash‘ath, from Al-Ḥasan, who said: “The rider and the pillion rider are equal. Whatever they trample is [shared] between them in halves.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: الرَّاكِبُ وَالرَّدْفُ سَوَاءُ، مَا وَطَئَا فَهُوَ بَيْنَهُمَا نِصْفًا

[27321] Abū Bakr narrated to us, saying: Muḥammad ibn Yazīd narrated to us, from Abū al-‘Alā’, from Qatādah and Abū ‘Alī Hāshim, who said: “The pillion rider is liable for what the front rider is liable for.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْغَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي عَلَيٍّ هَالِشِيمِ، قَالَ: يَضْمُنُ الرَّدْفُ مَا يَضْمُنُ الْمُقَدَّمُ

[27322] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Al-Shaybānī, from Al-Sha‘bī, who said: “The pillion rider is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: يَضْمُنُ الرَّدْفُ

[27323] Abū Bakr narrated to us, saying: Abū Bakr narrated to us, saying: Mughīrah narrated to us, from Ibrāhīm, who said: “The blood money (Al-‘Aql) is upon the people of the Dīwān (those registered in the army register).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا مُغِيرَةُ،
عَنْ إِبْرَاهِيمَ، قَالَ: الْعَفْلُ عَلَى أَهْلِ الدِّيَوَانِ

[27324] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Abū Ḥurrah, from Al-Ḥasan, who said: “The blood money (Al-‘Aql) is upon the people of the Dīwān.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي حُرَّةَ، عَنْ
الْحَسَنِ، قَالَ: الْعَفْلُ عَلَى أَهْلِ الدِّيَوَانِ

[27325] Abū Bakr narrated to us, saying: Humayd ibn ‘Abd al-Rahmān narrated to us, from Ḥasan, from Muṭarrif, from Al-Ḥakam, that ‘Umar said: “The first one who set the blood money as ten, ten [camels/parts] in the stipends of the fighters, excluding the [ordinary] people.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ
حَسَنٍ، عَنْ مُطَرْفٍ، عَنْ الْحَكَمِ، قَالَ عُمَرُ: أَوَّلُ مَنْ
جَعَلَ الدِّيَةَ عَشْرَةً عَشْرَةً فِي أَعْطِيَاتِ الْمُقَاتَلَةِ دُونَ
النَّاسِ

[27326] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ibn Abī Dhi'b, from a son of Muḥammad ibn Ibrāhīm al-Taymī, from his father, from Al-Salūlī, from Mu‘ādh ibn Jabal, from Abū ‘Ubaydah ibn al-Jarrāḥ, who said: “The crime of the Mudabbar (slave promised freedom upon master's death) is upon his master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ ابْنِ لِمُحَمَّدٍ بْنِ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ، عَنِ السَّلْوَلِيِّ، عَنْ مُعَاذِ بْنِ جَبَلٍ، عَنْ أَبِي عُبَيْدَةَ بْنِ الْجَرَّاحِ، قَالَ: جِنَائِيْهُ الْمُدَبَّرِ عَلَى مَوْلَاهُ

[27327] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, who said: “The crime of the Mudabbar is upon his master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: جِنَائِيْهُ الْمُدَبَّرِ عَلَى مَوْلَاهُ

[27328] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ibn Abī Dhi'b, who said: Bashīr al-Mukttib narrated to me: That a woman made a slave girl of hers a Mudabbarah, and she committed a crime. ‘Umar ibn ‘Abd al-‘Azīz ruled that her crime is upon her mistress up to the value of the slave girl.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ أَبِي ذِئْبٍ، قَالَ: حَدَّثَنِي بَشِيرُ الْمُكْتَبُ: أَنَّ امْرَأَةً دَبَّرَتْ جَارِيَةً لَهَا فَجَنَّتْ جِنَائِيْهُ، فَقَضَى عُمُرُ بْنِ عَبْدِ الْعَزِيزِ بِجِنَائِيْهَا عَلَى مَوْلَاتِهَا فِي قِيمَةِ الْجَارِيَةِ

[27329] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Ḥasan, regarding the crime of the Mudabbar, he said: “He is a slave; if his master wishes, he surrenders him, and if he wishes, he ransoms him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي جِنَائِيَّةِ الْمُدَبَّرِ، قَالَ: هُوَ عَبْدٌ، إِنْ شَاءَ مَوْلَاهُ أَسْلَمَهُ، وَإِنْ شَاءَ فَدَاهُ

[27330] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Ḥakam and Hammād, from Ibrāhīm, who said: “If the Mudabbar kills someone or gouges out an eye,” it is said to his master: “Hand him over or ransom him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قَتَلَ الْمُدَبَّرُ قَتِيلًاً أَوْ فَقَأَ عَيْنًا قَبْلَ لِمَوْلَاهُ: ادْفَعْهُ أَوْ افْرِيهُ

[27331] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Muḥammad ibn Sālim, from ‘Umar, who said: “The crime of the Mudabbar and the Umm Walad (mother of the child) is upon the ‘Āqilah (male relatives paying blood money) of their masters.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنْ عُمَرَ، قَالَ: جِنَائِيَّةُ الْمُدَبَّرِ، وَأُمُّ الْوَلَدِ عَلَى عَاقِلَةِ مَوَالِيهِ

[27332] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Ḥammād, who said: “The blood money is upon their masters if they kill, and if they are killed, their blood money is the blood money of a slave.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، قَالَ: عَلَى مَوَالِيهِمُ الَّذِيْهِ إِذَا قَتَلُوا، وَإِنْ قُتِلُوا فَدِيَّتُهُمْ دِيَّهُ الْمَمْلُوكِ

[27333] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Khālid, from Abū Ma‘shar, from Ibrāhīm, who said: “The crime of the Mudabbar is upon his master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ خَالِدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: جَنَاحَةُ الْمَدَبَّرِ عَلَى سَيِّدِهِ

[27334] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: I heard Sufyān say: “The crime of the Mudabbar is upon his master, he guarantees his value.” Ibn Abī Laylā said regarding the Mudabbar: “The entire crime [penalty] is upon him (the master).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ، يَقُولُ: جَنَاحَةُ الْمَدَبَّرِ عَلَى مَوْلَاهُ يَضْمِنُ قِيمَتَهُ قَالَ ابْنُ أَبِي لَيْلَى فِي الْمَدَبَّرِ: عَلَيْهِ جَمِيعُ الْجَنَاحَةِ

[27335] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Yūnus, from Al-Hasan, who said: “The crime of the Mukātab (slave contracting for freedom) is upon his neck, starting with it [before his contract payments].”

[27336] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Al-Shaybānī, from Ḥammād, who said: “He works for it (the penalty) within the Mukātabah payments in portions.”

[27337] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ibn Abī Dhi’b, from Al-Zuhrī, who said: “The crime of the Mukātab is upon his neck.”

[27338] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Khālid, from Abū Ma’shar, from Ibrāhīm, who said: “The crime of the Mukātab is upon his master.”

[27339] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from his companions or from Ibrāhīm, who said: “Whatever crime the Mukātab commits is upon his neck; he pays for his crime and his Mukātabah together.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ أَصْحَابِهِ، أَوْ عَنْ إِبْرَاهِيمَ، قَالَ: مَا جَنَى الْمُكَاتَبُ فَهُوَ فِي رَقْبَتِهِ يُؤْدِي حِنَائِهِ وَمُكَاتَبَهُ جَمِيعًا

[27340] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: I heard Sufyān say: “The crime of the Mukātab is upon his neck.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعُ، سَمِعْتُ سُفْيَانَ، يَقُولُ: حِنَاءُ الْمُكَاتَبِ فِي رَقْبَتِهِ

[27341] Abū Bakr narrated to us, saying: Ibn Mubārak narrated to us, from Ibn Jurayj, from ‘Aṭā’, who said: “Whatever crime is committed against the Mukātab, it belongs to him, to help him with his writing (Kitābah). This is what those before you used to say.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: مَا جُنِيَ عَلَى الْمُكَاتَبِ فَهُوَ لَهُ، يَسْتَعِينُ بِهِ فِي كِتَابِهِ كَذَا كَانَ يَقُولُ مَنْ كَانَ فَلَكُمْ

[27342] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, who said: “Whatever crime is committed against the Mukātab belongs to him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا جُنِيَ عَلَى الْمُكَاتَبِ فَهُوَ لَهُ

[27343] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: I heard Sufyān say: “If a crime is committed against him, it belongs to him, not his master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ سَمِعْتُ سُفْيَانَ، يَقُولُ: إِذَا جُنِيَ عَلَيْهِ كَانَ لَهُ دُونَ مَوْلَاهُ

[27344] Abū Bakr narrated to us, saying: Ibrāhīm ibn Ṣadaqah narrated to us, from Sufyān ibn Ḥusayn, from Al-Ḥakam, that he used to say regarding the crime of the Umm Walad: “It does not exceed her neck (value).” Ḥammād said: “The blood money of what she committed.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ صَدَقَةَ، عَنْ سُفْيَانَ بْنِ حُسَيْنٍ، عَنِ الْحَكَمِ أَنَّهُ كَانَ، يَقُولُ: فِي جِنَائِيَةِ أُمِ الْوَلَدِ: لَا تَعْدُ رَقْبَتَهَا قَالَ حَمَّادٌ: دِيَةُ مَا جَنَّتْ

[27345] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Khālid, from Abū Ma‘shar, from Ibrāhīm, who said: “The crime of the Umm Walad is upon her master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ خَالِدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: جِنَائِيَةُ أُمِ الْوَلَدِ عَلَى سَيِّدِهَا

[27346] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma‘mar, from Al-Zuhrī regarding the Umm Walad: “If she commits a crime, her crime is upon her master.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ: فِي أُمِ الْوَلَدِ إِذَا جَنَّتْ جِنَائِيَةً، فَعَلَى سَيِّدِهَا جِنَائِيَّتِهَا

[27347] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Ḥasan, regarding the Umm Walad committing a crime, he said: “She is evaluated against her master.”

[27348] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Zakariyyā, who said: ‘Āmir was asked about a concubine who killed a woman while her master was alive, he had not freed her, and she had borne him a child. He said: “She is a slave; if her master wishes, he pays on her behalf, and if he wishes, he surrenders her entirely.”

[27349] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Ḥajjāj, from Makhūl, from Zayd, who said: “For [the loss of] reason (Al-‘Aql), there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي أُمِّ الْوَلَدِ تَجْنِيِ، قَالَ: تُقَوَّمُ عَلَى سَيِّدِهَا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ زَكْرِيَّا، قَالَ: سُلَيْلٌ عَامِرٌ عَنْ سُرِّيَّةِ قَنَّاتِ امْرَأَةٍ وَمَوْلَاهَا حَيْ لَمْ يُعْنِفَهَا وَقَدْ وَلَدْتُ لَهُ، قَالَ: هِيَ أَمَّهُ إِنْ شَاءَ مَوْلَاهَا أَدَى عَنْهَا، وَإِنْ شَاءَ أَسْلَمَهَا بِرُمَّتِهَا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ حَاجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدٍ، قَالَ: فِي الْعُقْلِ الدِّيَّةِ

[27350] Abū Bakr narrated to us, saying: Sulaymān ibn Hayyān narrated to us, from ‘Awf, who said: I heard a shaykh before the fitnah of Ibn al-Ash‘ath describing him, and they said: That is Abū al-Muhallab, the paternal uncle of Abū Qilābah. He said: “A man threw a stone at another man's head, causing the loss of his hearing, speech, intellect, and sexual potency so he could not approach women. ‘Umar judged regarding him four blood monies.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَيَّانَ، عَنْ عَوْفٍ، قَالَ: سَمِعْتُ شَيْخًا قَبْلَ فِتْنَةِ ابْنِ الْأَشْعَثِ فَنَعْتَهُ تَعْنَهُ قَالُوا: ذَلِكَ أَبُو الْمُهَلَّبِ عَمُّ أَبِي قِلَابَةَ قَالَ: "رَمَيْتُ رَجُلًا فِي رَأْسِهِ بِحَجَرٍ، فَذَهَبَ سَمْعُهُ وَلِسَانُهُ وَعَقْلُهُ وَذَكْرُهُ فَلَمْ يَقْرَبِ النِّسَاءَ فَقَضَى فِيهِ عُمُرُ أَرْبَعِ دِيَاتٍ

[27351] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān narrated to us, from Ibni Abī Najīḥ, from Mujāhid, who said: “For [the loss of] reason, there is the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ أَبِي تَحْبِيبٍ، عَنْ مُجَاهِدٍ، قَالَ: فِي الْعُقْلِ الْدِيَةُ

[27352] Abū Bakr narrated to us, saying: Muḥammad ibn Abī ‘Adī narrated to us, from Al-Ash‘ath, from Al-Hasan, regarding a man who startled another man causing him to lose his reason, he said: “If ‘Umar had caught him, he would have held him liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ الْأَشْعَثِ، عَنْ الْحَسَنِ، فِي رَجُلٍ أَفْرَغَ رَجُلًا فَذَهَبَ عَقْلُهُ، قَالَ: لَوْ أَدْرَكَهُ عُمُرٌ لَضَمَّنَهُ

[27353] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ḥajjāj, from Huṣayn, from Al-Sha'bī, from Al-Ḥārith, from ‘Alī, who said: “Whoever brings out a stone, or digs a hole, or sets up a waterspout, or extends into his courtyard what does not belong to him, he is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٌ الْأَحْمَرُ، عَنْ حَجَاجٍ، عَنْ حُصَيْنٍ، عَنْ الشَّعْبِيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيِّ، قَالَ: مَنْ أَخْرَجَ حَجَرًا أَوْ مَرَّةً أَوْ مِرْزَابًا أَوْ رَادَ فِي سَاحَتِهِ مَا لَيْسَ لَهُ فَهُوَ ضَامِنٌ

[27354] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, who said: “Whoever builds in other than his own airspace (encroaches), he is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ بَنَى فِي غَيْرِ سَمَائِهِ فَهُوَ ضَامِنٌ

[27355] Abū Bakr narrated to us, saying: Jarīr narrated to us, from ‘Aṭā’ ibn al-Sā’ib, from Shurayh, who said: “He used to hold liable the owners of drains they made in the road, the reed mats of mules (obstacles), and timber placed in walls. But he would not hold liable for the outer wells in front of Kufa in the cemetery, nor those in the graveyards, nor what was made for the benefit of Muslims.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ عَطَاءَ بْنِ السَّائِبِ، عَنْ شُرَيْحٍ، قَالَ: كَانَ يُضَمِّنُ أَصْحَابَ الْبَلَالِيْعَ الَّذِي يَتَخَذُونَهَا فِي الطَّرِيقِ وَبُورِي الْبِغَالِ، وَالْخَشْبِ الَّذِي يُجْعَلُ فِي الْحِيطَانِ، وَكَانَ لَا يُضَمِّنُ الْأَبَارَ الْخَارِجَةَ الَّذِي أَمَّامَ الْكُوفَةَ فِي الْجَبَانَةِ وَالَّذِي فِي الْمَقَابِرِ، وَمَا جَعَلَ مَنْفَعَةً لِلْمُسْلِمِينَ

[27356] Abū Bakr narrated to us, saying: Mu'tamir narrated to us, from Layth, from Ṭāwūs, who said: "Whoever drives a peg in land not his own nor his airspace is liable for what it strikes. And whoever digs a well in land not his own nor his airspace is liable for what falls into it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، قَالَ: مَنْ أَوْنَدَ وَنَدَ فِي غَيْرِ أَرْضِهِ، وَلَا سَمَاءَهُ ضَمَّنَ مَا أَصَابَ، وَمَنْ احْتَفَرَ بِنُرًّا فِي غَيْرِ أَرْضِهِ، وَلَا سَمَاءَهُ فَهُوَ ضَامِنٌ مَا وَقَعَ فِيهَا

[27357] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Mujālid, from Al-Sha'bī, from Shurayḥ, who said: "Whoever brings something out of his house onto a road and it strikes something, he is liable for it, whether a stone or a stick. Or if he digs a well in the road of the Muslims, his blood money is taken (for deaths caused), but retaliation is not taken from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُجَالِدٍ، عَنْ الشَّعْنِيِّ، عَنْ شُرَيْبٍ، قَالَ: مَنْ أَخْرَجَ مِنْ دَارِهِ شَيْئًا إِلَى طَرِيقٍ فَأَصَابَ شَيْئًا فَهُوَ لَهُ ضَامِنٌ مِنْ حَجَرٍ أَوْ عُودٍ، أَوْ حَفَرَ بِنُرًّا فِي طَرِيقِ الْمُسْلِمِينَ ثُوْخَدُ دِيْنُهُ وَلَا يُقَادُ مِنْهُ

[27358] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Hishām, from Al-Ḥasan, who said: "Whoever introduces something (obstacle/danger) in the road of the Muslims is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: مَنْ أَحْدَثَ شَيْئًا فِي طَرِيقِ الْمُسْلِمِينَ فَهُوَ ضَامِنٌ

[27359] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from ‘Amr, from Al-Ḥasan who raised it (to the Prophet), saying: “Whoever brings something out beyond his boundary and it hits something, he is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ عَمْرٍو، عَنِ الْحَسَنِ رَفِعَهُ، قَالَ: مَنْ أَخْرَجَ مِنْ حَدَّ شَيْئًا، فَأَصَابَ شَيْئًا فَهُوَ ضَامِنٌ

[27360] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān narrated to us, from Maṇṣūr, from Ibrāhīm, who said: “If a man extends a grinding stone or a beam in his wall (projecting out), he is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَخْرَجَ الرَّجُلُ الصَّلَائِيَّةَ وَالْخَشَبَةَ فِي حَائِطِهِ ضَمِنَ

[27361] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Mis‘ar narrated to us, from Wāṣil al-Aḥdab al-Asadī, from Al-Sha‘bī, from ‘Alī, that he used to cut down projecting eaves (or porches encroaching on the street) or order them to be cut down.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعَرٌ، عَنْ وَاصِلِ الْأَحْدَبِ الْأَسَدِيِّ، عَنِ الشَّعْبِيِّ، عَنْ عَلَيٍّ أَنَّهُ كَانَ يَقْطَعُ الْكُفَّ أَوْ يَأْمُرُ بِيَقْطَعِهَا

[27362] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from ‘Atā’ ibn al-Sā’ib, from Shurayh, that he used to hold liable (owners of) the reed mats of the market and its pillars, saying: “He brought it out into what he does not own.”

[27363] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Mughīrah, from Ibrāhīm, that ‘Amr ibn al-Ḥārith ibn al-Muṣṭaliq dug a well in the road of the Muslims. A mule passed by, fell into it, and broke [its leg/neck]. Shurayh made him liable for the value of the mule, two hundred dirhams, and gave him the mule.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يُضَمِّنُ
بُورِيِّ السُّوقِ وَعَمْوَدَهُ وَيَقُولُ: أَخْرَجَهُ فِي غَيْرِ مِلْكِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّ عَمْرَو بْنَ الْحَارِثِ بْنَ
الْمُصْطَلِقِ، حَفَرَ بِنْرًا فِي طَرِيقِ الْمُسْلِمِينَ، فَمَرَّ بَعْلُونَ
فَوَقَعَ فِيهَا، فَانْكَسَرَ، فَضَمَّنَهُ شُرَيْحٌ فِيمَةَ الْبَغْلِ مِائَتَيْ
دِرْهَمٍ وَأَعْطَاهُ الْبَغْلَ

[27364] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sharīk narrated to us, from Al-Hasan Abū Musāfir, that a projecting roof/eave of a neighbor of his fell on a boy and killed him or injured him. Shurayh said: “If he had been brought to me, I would have held him liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنِ الْحَسَنِ أَبْيِي مُسَافِرٍ، أَنَّ كَنِيفًا لِجَارٍ لَهُ وَقَعَ عَلَى صَبِيًّا فَقَتَلَهُ أَوْ جَرَاهُ فَقَالَ شُرَيْحٌ: لَوْ أُتَيْتُ بِهِ لَضَمَّنْتُهُ

[27365] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Ismā‘il, from Al-Hārith, from Shurayh, that he would not leave a canopy (awning) under which a rider with his spear could not pass, and he would say: “You have built against the rider's spear.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَارِثِ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يَدْعُ ظَلَّةً لَا يَمْرُ فِيهَا الْفَارِسُ بِرُمْحِهِ، وَيَقُولُ: بَنَيْتُمْ عَلَى رُمْحِ الْفَارِسِ

[27366] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Ibn ‘Awn, from Ibn Sīrīn, who said: “They used to impose compensation for trampling, but they would not impose compensation for kicking (with the hind leg).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ ابْنِ عَوْنَ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانُوا يَعْرَمُونَ مِنَ الْوَطْءِ، وَلَا يَعْرَمُونَ مِنَ النَّفْخَةِ

[27367] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Maṇṣūr, from Ibrāhīm, who said: “The owner of the beast is not liable for kicking.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَضْمُنُ صَاحِبُ الدَّابَّةِ مِنَ النَّفَّةِ

[27368] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from Ash‘ath, from Ibn Sirīn, from Shurayḥ: “That he absolved liability for kicking.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْبٍ: أَنَّهُ بَرَأً مِنَ النَّفَّةِ

[27369] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Abū Qays, from Huzayl, who said: The Messenger of Allah ﷺ said: “The leg (injury caused by animal's leg) is Jubār (void/uncompensated).” Meaning Hader.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي قَيْسٍ، عَنْ هُزَيْلٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الرَّجُلُ جُبَارٌ يَعْنِي هَذِرَا

[27370] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Ash‘ath, from Al-Sha‘bī, who said: “The owner of the beast is liable for what the beast hits with its foreleg or hind leg until he dismounts from it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرَ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: صَاحِبُ الدَّابَّةِ ضَامِنٌ لِمَا أَصَابَتِ الدَّابَّةَ بِيَدِهَا، أَوْ بِرِجْلِهَا حَتَّى يَنْزِلَ عَنْهَا

[27371] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, who said: I asked Al-Ḥakam and Ḥammād about a man stationary on his beast and it struck out with its leg. Ḥammād said: “He is not liable.” Al-Ḥakam said: “He is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، قَالَ:
سَأَلْتُ الْحَكَمَ وَحَمَادًا عَنْ رَجُلٍ وَاقِفٍ عَلَى دَابِّهِ
فَضَرَبَتْ بِرِجْلِهَا "فَقَالَ حَمَادٌ: لَا يَضْمُنُ وَقَالَ الْحَكَمُ:
يَضْمُنُ

[27372] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from ‘Āsim, from Ibn Sīrīn, who said: “They did not use to hold liable for the leg except for what the rein controlled (or pulled back).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: مَا كَانُوا يُضْمِنُونَ
مِنَ الرِّجْلِ إِلَّا مَا رَدَّ الْعَنَانَ

[27373] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Al-Ḥārith, who said: “If it strikes, even if you reined it in (curbed it), you are liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
الْحَارِثِ، قَالَ: إِذَا ضَرَبَتْ وَلَوْ كَبَحْتُهَا فَأَنْتَ ضَامِنٌ

[27374] Abū Bakr narrated to us, saying: Sufyān ibn ‘Uyaynah narrated to us, from Al-Zuhrī, from Abū Salamah and Sa‘īd ibn al-Musayyib, from Abū Hurayrah, conveying it to the Prophet ﷺ, who said: “The wound caused by a beast is void (Jubār), the well is void, and the mine [is void]. And in buried treasure (Rikāz), the fifth is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ، عَنِ الرُّهْبَرِيِّ، عَنْ أَبِي سَلْمَةَ، وَسَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي هُرَيْرَةَ، يَبْلُغُ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: الْعَجْمَاءُ جَرْحُهَا جُبَارٌ، وَالْأَبْئُرُ جُبَارٌ، وَالْمَعْدُنُ وَفِي الرِّكَازِ الْخَمْسُ

[27375] Wakī‘ narrated to us, saying: Ḥammād ibn Salamah narrated to us, from Muḥammad ibn Ziyād, from Abū Hurayrah, from the Prophet ﷺ, similar to it, except that he did not mention “its wound”.

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِثْلُهُ إِلَّا أَنَّهُ لَمْ يَذْكُرْ جَرْحَهَا

[27376] Abū Bakr narrated to us, saying: Ibn ‘Awn narrated to us, from Ibn Sīrīn, from Abū Hurayrah, who said: “The blood money of the beast is void, the blood money of the mine is void, the blood money of the well is void, and in buried treasure, the fifth is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَوْنَ، عَنْ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: الْبَهِيمَةُ عَقْلُهَا جُبَارٌ، وَالْمَعْدُنُ عَقْلُهُ جُبَارٌ، وَالْأَبْئُرُ عَقْلُهَا جُبَارٌ، وَفِي الرِّكَازِ الْخَمْسُ

[27377] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Mughīrah ibn Abī al-Hurr narrated to us, that a camel attacked a man and killed him. A man came and killed the camel. Shurayh voided the blood money of the man and held the man liable for the price of the camel.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُغِيرَةُ بْنُ أَبِي الْحُرَّ، أَنَّ بَعِيرًا افْتَرَسَ رَجُلًا فَقَتَلَهُ، فَجَاءَ رَجُلٌ فَقَتَلَ الْبَعِيرَ فَأَبْطَلَ شُرَيْحٌ دِيَةَ الرَّجُلِ، وَضَمَّنَ الرَّجُلَ ثَمَنَ الْبَعِيرِ

[27378] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Mughīrah, from Ibrāhīm: That a camel attacked a man and killed him. A man came and killed the camel. Shurayh voided the blood money of the man and held the man liable for the value of the camel.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: أَنَّ بَعِيرًا افْتَرَسَ رَجُلًا فَقَتَلَهُ، فَجَاءَ رَجُلٌ فَقَتَلَ الْبَعِيرَ فَأَبْطَلَ شُرَيْحٌ دِيَةَ الرَّجُلِ، وَضَمَّنَ الرَّجُلَ قِيمَةَ الْبَعِيرِ

[27379] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Ma‘mar, from Al-Zuhrī, who said: “The killer of the beast pays compensation, but its owners do not pay compensation for what it killed.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: يَعْرِمُ قَاتِلُ الْبَوِيمَةِ، وَلَا يَعْرِمُ أَهْلَهَا مَا قَاتَلَتْ

[27380] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Zam‘ah, from Ibn Ṭāwūs, from his father, who said: “Kill the stallion if it attacks you, and there is no fine upon you.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُهْدِيٍّ، عَنْ زَمْعَةَ، عَنِ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: افْتُلُوا الْفَحْلَ إِذَا عَدَا عَلَيْنَمْ وَلَا غُرْمَ عَلَيْنَمْ

[27381] Abū Bakr narrated to us, saying: Muḥammad ibn Bishr narrated to us, from Ibn Jurayj, from ‘Abd al-Karīm, that a stallion attacked a man and killed him. It was referred to Abū Bakr, so he imposed a fine [on him] and said: “A beast is not compensated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ الْكَرِيمِ، أَنَّ فَحْلًا عَدَا عَلَى رَجُلٍ فَقَتَلَهُ فَرُفِعَ إِلَى أَبِي بَكْرٍ فَأَعْرَمَهُ وَقَالَ: بَهِيمَةٌ لَا تُعْقَلُ

[27382] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Al-Aswad ibn Qays, from The Tribe (Al-Hayy), that a boy from his people entered upon a she-camel of Zayd ibn Ṣūḥān in his house. It trampled him and killed him. His father came with a sword and hamstrung it. That was referred to ‘Umar. He declared the boy's blood void (no Diyah) and held his father liable for the price of the she-camel.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الْأَسْوَدِ بْنِ فَيْسٍ، عَنِ الْحَيِّ، أَنَّ غُلَامًا مِنْ قَوْمِهِ دَخَلَ عَلَى نَجِيْبَةَ لِزَيْدَ بْنِ صُوْحَانَ فِي دَارِهِ، فَخَبَطَتْهُ فَقَتَلَهُ، فَجَاءَ أَبُوهُ بِالسَّيْفِ فَعَفَّرَهَا فَرُفِعَ ذَلِكَ إِلَى عُمَرَ فَأَهْدَرَ دَمَ الْغُلَامِ، وَضَمَّنَ أَبِاهُ تَمَنَ النَّجِيْبَةَ

[27383] Abū Bakr narrated to us, saying: Mu‘ādh ibn Mu‘ādh narrated to us, from Ash‘ath, from Al-Ḥasan, regarding a man who meets a beast and fears for his life from it, he said: “He kills it, and its price is upon him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ
عَنِ الْحَسَنِ، فِي الرَّجُلِ يَأْتِي الْبَهِيمَةَ، فَيَخَافُهَا عَلَى
نَفْسِهِ، قَالَ: يَقْتُلُهَا وَتَمْنَهَا عَلَيْهِ

[27384] Abū Bakr narrated to us, saying: Ibn Numayr and Ya’lā ibn ‘Ubayd narrated to us, from ‘Abd al-Malik, from ‘Atā’, regarding a man whom a stallion attacked, so he struck it with a sword; is he liable? He said: “Yes.” Except that Ibn Numayr said: “He is not liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ ثُمَيرٍ، وَيَعْلَى بْنُ عُبَيْدٍ،
عَنْ عَبْدِ الْمُلْكِ، عَنْ عَطَاءٍ، فِي رَجُلٍ عَدَا عَلَيْهِ فَحْلٌ
فَضَرَبَهُ بِالسَّيْفِ أَيْضَمْنُ؟ قَالَ: نَعَمْ إِلَّا أَنْ ابْنُ ثُمَيرٍ
قَالَ: لَا يَضْمَنْ

[27385] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm, that he was asked about a foal following its mother (causing damage). He said: “He is liable because he sent it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ
الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ سُئِلَ عَنِ الْمُهْرَ يَتَّبِعُ
أُمَّهَ، قَالَ: هُوَ ضَامِنٌ لِأَنَّهُ أَرْسَلَهُ

[27386] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ash‘ath, from Al-Ḥakam, from Ibrāhīm, regarding the foal following its mother, he said: “He is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٌ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، فِي الْمُهْرِ يَتَّبِعُ أُمَّهُ، قَالَ: يَضْمُنْ

[27387] Abū Bakr narrated to us, saying: Al-Faḍl ibn Dukayn narrated to us, from Shu‘bah, from Al-Ḥakam and Ḥammād, that I asked them about the foal following its mother and causing injury. They said: “He is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَينَ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، وَحَمَادٍ سَأَلْتُهُمَا عَنْ الْمُهْرِ يَتَّبِعُ أُمَّهُ فَيُصِيبُ، قَالَا: يَضْمُنْ

[27388] Abū Bakr narrated to us, saying: Al-Bakrāwī narrated to us, from Ash‘ath, from Al-Ḥasan, who said: “He is not liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْبَكْرَاوِيُّ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: لَا يَضْمُنْ

[27389] Abū Bakr narrated to us, saying: Ḥafs narrated to us, from Al-Hajjāj, from Al-Qāsim ibn Nāfi‘, who said: ‘Umar said: “Whatever the escaped animal causes (injury), there is no liability on its owner. And whoever injures the escaped animal is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ الْحَاجَاجِ، عَنْ الْقَاسِمِ بْنِ نَافِعٍ، قَالَ: قَالَ عُمَرُ: مَا أَصَابَ الْمُنْفَلِتَ، فَلَا ضَمَانٌ عَلَى صَاحِبِهِ، وَمَنْ أَصَابَ الْمُنْفَلِتَ ضَمِنَ

[27390] Abū Bakr narrated to us, saying: ‘Abd al-Salām narrated to us, from ‘Amr, from Al-Hasan and Ibn Sīrīn regarding the sent (loose) beast causing injury, they said: “There is no liability upon him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ فِي "الدَّائِبَةِ الْمُرْسَلَةِ تُصِيبُ، قَالَ: لَيْسَ عَلَيْهِ ضَمَانٌ

[27391] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from Ash‘ath, from Al-Sha‘bī, who said: “Every loose animal, its owner is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: كُلُّ مُرْسَلٍ، فَصَاحِبُهَا ضَامِنٌ

[27392] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Hammād, regarding a man whose beast escaped while he was chasing it, and it injured a person, he said: “There is nothing upon him.” Al-Hakam said the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، فِي رَجْلِ الْفَلَقْتِ ذَبَّهُ وَهُوَ فِي أَثْرِهَا، فَأَصَابَتْ إِنْسَانًا، قَالَ: لَيْسَ عَلَيْهِ شَيْءٌ وَقَالَ الْحَكَمُ مِثْلُ ذَلِكَ

[27393] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Ayyūb, from Abū Qilābah, from Abū al-Muhallab, from ‘Umar, who said: “In the eye of the beast, there is one-fourth of its price.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقَافِيُّ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عُمَرَ، قَالَ: فِي عَيْنِ الدَّائِبِ رُبُعُ ثَمَنِهَا

[27394] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Sha‘bī, who said: “In the eye of the beast, there is one-fourth of its price.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ
الشَّعْبِيِّ، قَالَ: فِي عَيْنِ الدَّابَّةِ رُبُّعُ ثَمَنِهَا

[27395] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Al-Shaybānī, from Al-Sha‘bī, who said: “Umar judged regarding the eye of the beast one-fourth of its price.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ
الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: قَضَى عُمَرُ فِي عَيْنِ
الدَّابَّةِ رُبُّعُ ثَمَنِهَا

[27396] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Al-Shaybānī, from Al-Sha‘bī, who said: Hishām ibn Hubayrah, the judge of Basra, wrote to Shurayḥ asking him about the eye of the beast. He wrote back to him that: “In the eye of the beast, there is one-fourth of its price.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ
الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: كَتَبَ هِشَامُ بْنُ هُبَيْرَةَ
قَاضِي الْبَصْرَةِ إِلَى شُرَيْحٍ يَسْأَلُهُ عَنْ عَيْنِ الدَّابَّةِ، فَكَتَبَ
إِلَيْهِ أَنَّ فِي عَيْنِ الدَّابَّةِ رُبُّعُ ثَمَنِهَا

[27397] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Ismā‘il ibn Abī Khālid narrated to us, from a man called Ḥabīb, from Shurayḥ, that he said: “In the eye of the beast, there is one-fourth of its price.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ
بْنُ أَبِي حَالِدٍ، عَنْ رَجُلٍ يُقَالُ لَهُ حَبِيبٌ، عَنْ شُرَيْحٍ أَنَّهُ
قَالَ: فِي عَيْنِ الدَّابَّةِ رُبُعُ ثَمَنِهَا

[27398] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ḥammād, or from Yazīd ibn al-Walīd, from Ḥammād, regarding a man who gouges out the eye of a one-eyed beast, he said: “He pays its value as one-eyed, and takes the beast.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
حَمَادٍ، أَوْ عَنْ يَزِيدَ بْنِ الْوَلِيدِ، عَنْ حَمَادٍ، فِي الرَّجُلِ
يَقْفَأُ عَيْنَ الدَّابَّةِ الْعَوْرَاءِ، قَالَ: يُؤَدِّي قِيمَتَهَا عَوْرَاءً،
وَيَأْخُذُ الدَّابَّةَ

[27399] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, from Shurayḥ, who said: ‘Urwah al-Bāriqī came to me from ‘Umar [with the ruling] that: “In the eye of the beast, there is one-fourth of its price.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: أَتَانِي عُرْوَةُ الْبَارِقِيُّ مِنْ
عِنْدِ عُمَرَ أَنَّ فِي عَيْنِ الدَّابَّةِ رُبُعُ ثَمَنِهَا

[27400] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Muḥammad, from Shurayḥ, who said: "In the tail of the beast, if it is completely cut off, there is one-fourth of its price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ شُرَيْحٍ، قَالَ: فِي ذَنَبِ الدَّابَّةِ إِذَا اسْتُوْصِلَ رُبُّعُ ثَمَنِهَا

[27401] Al-Sha'bi was asked about a beast whose tail or ear is cut off. He said: "[He owes] the amount it decreased in value. But if its foreleg or hindleg is cut off, then [he owes] the full value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، أَنَّهُ سُئِلَ عَنِ الدَّابَّةِ يُطْعَنُ ذَنَبُهَا أَوْ أَذْنَبُهَا، قَالَ: مَا نَقَصَهَا، فَإِذَا قُطِعَتْ يَدُهَا أَوْ رِجْلُهَا فَالْقِيمَةُ

[27402] Qatadah said regarding a man who cuts off the tail of a beast: "He owes its price, and the beast is given to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ قَتَادَةَ، فِي رَجْلٍ قَطَعَ ذَنَبَ دَابَّةً، قَالَ: عَلَيْهِ ثَمَنُهَا، وَنَدْفَعُ إِلَيْهِ الدَّابَّةُ

[27403] Ali said: "Whoever uses the slave of a people, whether young or old, is liable [for any damage or loss]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ حَاجِ، عَنْ الْحَكَمَ قَالَ: قَالَ عَلَيْهِ: مَنْ اسْتَعْمَلَ مَمْلُوكًا فَوْمِ صَغِيرًا أَوْ كَبِيرًا فَهُوَ ضَامِنٌ

[27404] Ali said: "Whoever seeks the assistance of a minor, whether free or a slave, and he suffers harm, he [the seeker] is liable. Whoever seeks the assistance of an adult is not liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ عَلِيٍّ، قَالَ: مَنْ اسْتَعَانَ صَغِيرًا حُرًّا أَوْ عَبْدًا فَعَنَتْ، فَهُوَ ضَامِنٌ، وَمَنْ اسْتَعَانَ كَبِيرًا لَمْ يَضْمَنْ

[27405] Ibrahim said: "If you seek the assistance of a people's slave, you are liable for what befalls him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا اسْتَعْنَتْ مَمْلُوكٌ قَوْمًا، فَأَنْتَ ضَامِنٌ لِمَا أَصَابَهُ

[27406] Al-Hasan said regarding a man who orders a boy to do something without his family's permission and the boy dies: "He bears liability. But if he had sought his family's permission, there is no liability upon him." And the same applies to the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرُو، عَنِ الْحَسَنِ، فِي الرَّجُلِ يَأْمُرُ الصَّبَّيَ بِالشَّيْءِ يَعْمَلُهُ بِغَيْرِ إِذْنِ أَهْلِهِ، فَيَهُدِّكُ الصَّبَّيُ، قَالَ: عَلَيْهِ الضَّمَانُ، فَإِنْ كَانَ اسْتَأْمَرَ أَهْلَهُ فَلَا ضَمَانَ عَلَيْهِ وَفِي الْعَبْدِ مِثْلُ ذَلِكَ

[27407] Al-Sha'bi said: "If a man carries a boy who has not reached puberty on his beast and something happens to him, it is upon the one who carried him. If he has reached puberty and causes damage, he [the rider] is liable." The same applies to the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشْيُمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: سَمِعْنَاهُ يَقُولُ: إِذَا حَمَلَ الرَّجُلُ عَلَى ذَبِيبِهِ غُلَامًا لَمْ يَحْتَلِمْ، فَأَصَابَهُ شَيْءٌ فَهُوَ عَلَى الَّذِي حَمَلَهُ، فَإِنْ كَانَ قَدْ بَلَغَ، فَأَصَابَ شَيْئًا فَهُوَ ضَامِنٌ وَفِي الْعَبْدِ مِثْلُ ذَلِكَ

[27408] Ata said: "If he hired him without their [his family's/master's] permission and he died, he pays compensation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ ابْنِ جُرَيْجٍ،
عَنْ عَطَاءٍ، قَالَ: إِنْ اسْتَأْجَرَهُ بِعَيْرٍ إِذْنُهُمْ، فَمَاتَ عَرْمَ

[27409] Al-Mughirah ibn Shu'bah said: The Messenger of Allah (saw) said: "A woman's paternal relatives (Asabah) pay the blood money on her behalf, but her sons inherit from her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنْ
مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: قَالَ الْمُغَيْرَةُ بْنُ شَعْبَةَ: قَالَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْمَرْأَةُ تَعْقُلُ عَنْهَا
عَصَبَتْهَا وَبَرَثَهَا بَنُوهَا

[27410] Al-Sha'bi said: "A woman's male child has more right to the inheritance of her freed slaves (Wala') than her paternal relatives (Asabah). However, if there is a crime [committed by her], her paternal relatives pay the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ
سَالِمٍ، عَنِ الشَّعْبِيِّ، سَمِعْتُهُ يَقُولُ: وَلَدُ الْمَرْأَةِ الذَّكَرُ
أَحَقُّ بِمِيرَاثِ مَوَالِيهَا مِنْ عَصَبَتْهَا، وَإِنْ كَانَتْ جِنَاحَةً
عَقْلَ عَصَبَتْهَا

[27411] Shurayh said regarding a woman who freed a man and then died: "The right of Wala' belongs to her son, and the liability for blood money is upon them [her male relatives]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ
حَسَنِ بْنِ صَالِحٍ، عَنْ شُرَيْحٍ، فِي امْرَأَةٍ أَعْنَقَتْ رَجُلًا
ثُمَّ مَاتَتْ، قَالَ: الْوَلَاءُ لِوَالِدَهَا وَالْعَقْلُ عَلَيْهِمْ

[27412] Ata said: "A woman's paternal relatives (Asabah) pay the blood money on her behalf, even if she has a son."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ الْبُرْسَانِيُّ، عَنِ
ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: يَعْقِلُ عَنِ الْمَرْأَةِ عَصَبَتُهَا
وَإِنْ كَانَ لَهَا وَلَدٌ

[27413] Ibrahim said: "Any intentional wound for which retaliation (Qisas) cannot be exacted is upon the one who inflicted the wound, from his own wealth, not upon his Aqilah (male relatives liable for blood money)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: مَا كَانَ مِنْ جُرْحٍ مِنَ الْعَمَدِ لَا يُسْتَطَاعُ
فِيهِ الْقِصَاصُ، فَهُوَ عَلَى الْجَارِ فِي مَالِهِ دُونَ عَاقِلَتِهِ

[27414] Shu'bah said: I asked Al-Hakam about the intentional injury for which retaliation cannot be taken. He said: "It is upon the Aqilah." I asked Hammad and he said: "It is in his [the offender's] wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ شُعْبَةَ، قَالَ:
سَأَلْتُ الْحَكَمَ عَنِ الْعَمَدِ الَّذِي لَا يُسْتَطَاعُ أَنْ يُسْتَقَدَ مِنْهُ
فَقَالَ: عَلَى الْعَاقِلَةِ وَسَأَلْتُ حَمَادًا فَقَالَ: فِي مَالِهِ

[27415] Qatadah said: "Everything for which retaliation is not exacted is upon the Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَيُوبَ
أَبْيِ الْعَلَاءِ، عَنْ قَتَادَةَ، قَالَ: كُلُّ شَيْءٍ لَا يُفَادُ مِنْهُ فَهُوَ
عَلَى الْعَاقِلَةِ

[27416] Hisham reported from his father who said: "Every intentional act in which there is no retaliation (Qawad), its indemnity (Aql) is in the wealth of the offender. If he has no wealth, it is upon the Aqilah of the offender. If he cuts off someone's right hand intentionally, and the right hand of the cutter had been cut off before that, its indemnity is in the wealth of the cutter. If he has no wealth, it is upon his Aqilah. Even if he has a left hand, retaliation is not taken from it. The indemnity applies likewise

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ أَبِنِ جُرَيْجِ، قَالَ: أَخْبَرَنِي هِشَامٌ، عَنْ أَبِيهِ قَالَ: كُلُّ عَمْدٍ لَيْسَ فِيهِ قَوْدٌ فَعَطْلَهُ فِي مَالِ الْمُصَبِّبِ، وَإِنْ لَمْ يَكُنْ لَهُ مَالٌ فَعَلَى عَاقِلَةِ الْمُصَبِّبِ إِنْ قَطَعَ يَمِينَهُ عَمْدًا، وَكَانَتْ يَمِينُ الْقَاطِعِ قَدْ قُطِعَتْ قَبْلَ ذَلِكَ فَعُطِّلَهَا فِي مَالِ الْقَاطِعِ، وَإِنْ لَمْ يَكُنْ لَهُ مَالٌ فَعَلَى عَاقِلَتِهِ وَإِنْ كَانَتْ لَهُ دَيْرٌ يُسْرَى لَمْ يُؤْقَدْ مِنْهَا، وَالْعَقْلُ كَذَلِكَ فِي الْأَعْضَاءِ كُلُّهَا كَذَلِكَ

[27417] Ibrahim said: "Whatever killing occurs without a weapon is quasi-intentional (Shibh al-'Amd), and in it is the blood money upon the Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا كَانَ مِنْ قَتْلٍ بِغَيْرِ سِلاحٍ فَهُوَ شَبَهُ الْعَمْدِ وَفِيهِ الدِّيَةُ عَلَى الْعَاقِلَةِ

[27418] Shu'bah said: I asked Hammad about accidental killing that is quasi-intentional. He said: "In the wealth of the killer." Al-Hakam said: "It is upon the Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ حَمَادًا عَنْ قَتْلِ الْحَطَّا شَبَهُ الْعَمْدِ، فَقَالَ: فِي مَالِ الْفَاتِلِ وَقَالَ الْحَكَمُ: هُوَ عَلَى الْعَاقِلَةِ

[27419] Al-Harith and Ibn Shubrumah said: "It is upon him in his own wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَارِثِ، وَابْنِ شُبْرُمَةَ، قَالَا: هُوَ عَلَيْهِ فِي مَالِهِ

[27420] Qatadah said the same.

حَدَّثَنَا عَبْدُ الْوَهَابِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، مِثْلُهُ

[27421] Al-Sha'bi, Al-Hakam, and Hammad said: "Whatever you strike with, be it a whip, stone, or stick, and it causes death, is quasi-intentional (Shibh al-'Amd). In it is the aggravated blood money upon the Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، وَالْحَكَمِ، وَحَمَادًا، قَالُوا: مَا أَصَبْتَ بِهِ مِنْ سَوْطٍ، أَوْ حَجَرٍ، أَوْ عَصَى، فَأَتَى عَلَى النَّفْسِ فَهُوَ شَبِهُ الْعَمْدِ، وَفِيهِ الدَّيَّةُ مُعَظَّةٌ عَلَى الْعَاقِلَةِ

[27422] Al-Hasan reported that the Messenger of Allah (saw) said: "The victim of the whip and the stick is quasi-intentional killing. In it is one hundred camels, forty of which have their young in their bellies."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مَعَاوِيَةَ، عَنْ حَاجَاجَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: قَتَلَ السَّوْطُ وَالْعَصَى شِبْهُ الْعَمْدِ، فِيهَا مِائَةٌ مِنَ الْإِيلِ، أَرْبَعُونَ مِنْهَا فِي بُطُونِهَا أَوْ لَادُهَا

[27423] Ibrahim said: "A slave does not pay blood money, nor is blood money paid on his behalf [by an Aqilah]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَعْقِلُ الْعَبْدُ وَلَا يُعْقَلُ عَنْهُ

[27424] Ibn Jurayj said: I asked Ata: "If a man kills a slave, who pays the blood money for him? Does he pay it or his people?" He said: "His people."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: فَلْتُ لَهُ: الرَّجُلُ يَقْتُلُ الْعَبْدَ مَنْ يَعْقِلُهُ؟، يَعْقِلُهُ هُوَ أَمْ قَوْمُهُ؟" قَالَ: قَوْمُهُ

[27425] Hammad and Al-Hakam said regarding a man who killed a beast by mistake: "It is [paid] from his wealth." And if he killed intentionally, it is upon the Aqilah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، وَالْحَكَمَ، أَنَّهُمَا قَالَا فِي رَجْلٍ قَتَلَ ذَابَةً خَطَأً: قَالَا فِي مَالِهِ: وَإِنْ قَتَلَ عَمْدًا فَهُوَ عَلَى الْعَاقِلَةِ

[27426] Al-Zuhri said regarding a free man who kills a slave by mistake: "His value is upon the Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ، عَنْ يُونُسَ، عَنْ الزُّهْرِيِّ، فِي حُرٍّ قَتَلَ عَبْدًا خَطَأً، قَالَ: قِيمَتُهُ عَلَى الْعَاقِلَةِ

[27427] Al-Hasan said: "If a free man kills a slave by mistake, he frees a slave and owes the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعُ، وَبَيْزِيدُ بْنُ هَارُونَ، عَنْ زَيْدِ بْنِ إِبْرَاهِيمَ، عَنِ الْحَسَنِ، قَالَ: إِذَا قَتَلَ الْحُرُّ الْعَبْدَ خَطَأً يُعْتَقُ رَقْبَهُ وَعَلَيْهِ الدِّيَةُ

[27428] Mansur said: "The people of the tribe bear none of the blood money of the slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ، عَنْ مُحَمَّدِ بْنِ رَاشِدٍ، عَنْ مَنْصُورٍ، قَالَ: لَيْسَ عَلَى أَهْلِ الْقِبْلَةِ مِنْ دِيَةِ الْعَبْدِ شَيْءٌ

[27429] Al-Sha'bi said: "The Aqilah does not pay blood money for a settlement, nor an intentional crime, nor a slave, nor a confession."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا تَعْقِلُ الْعَاقِلَةُ صُلْحًا، وَلَا عَمْدًا، وَلَا عَبْدًا، وَلَا اعْتِرَافًا

[27430] Ibrahim said: "The Aqilah does not pay blood money for a settlement, nor an intentional crime, nor a confession, nor a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَعْقِلُ الْعَاقِلَةُ صُلْحًا، وَلَا عَمْدًا، وَلَا اعْتِرَافًا، وَلَا عَبْدًا

[27431] Al-Hasan and Al-Sha'bi said: "Accidental [crime] is upon the Aqilah. Intentional [crime] and settlement are upon the one who committed it, in his wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَالشَّعْبِيِّ، قَالَ: الْخَطَاءُ عَلَى الْعَاقِلَةِ، وَالْعَمْدُ وَالصُّلْحُ عَلَى الَّذِي أَصَابَهُ فِي مَالِهِ

[27432] 'Urwah used to say: "The Aqilah does not pay blood money for intentional crimes unless they wish to. The tribe only pays for accidental crimes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُهُ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ: لَا تَعْقِلُ الْعَاقِلَةُ فِي الْعَمْدِ إِلَّا أَنْ تَشَاءَ، وَإِنَّمَا تَعْقِلُ الْعَشِيرَةُ الْخَطَا

[27433] 'Amir said: "The Muslims agreed that the Aqilah does not pay blood money for a settlement, nor an intentional crime, nor a confession."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: اصْطَاحَ الْمُسْلِمُونَ عَلَى أَنْ لَا تَعْقِلُ الْعَاقِلَةُ صُلْحًا، وَلَا عَمْدًا، وَلَا اعْتِرَافًا

[27434] Al-Zuhri said: "The Sunnah has passed that the Aqilah does not pay the blood money for intentional crimes unless out of their own goodwill."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَمَادُ بْنُ خَالِدٍ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ الزُّهْرِيِّ، قَالَ: مَضَتِ السُّنْنَةُ أَنَّ الْعَاقِلَةَ لَا تَعْقِلُ دِيَةً عَمْدًا إِلَّا عَنْ طِيبٍ نَفْسٍ

[27435] Ali ibn Majidah said: "I fought a boy and cut off his nose. I was brought to Abu Bakr, and he examined me but did not find grounds for retaliation (Qisas) against me, so he placed the blood money upon my Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَجَاجٍ، عَنِ الْقَاسِمِ، عَنْ نَافِعٍ، عَنْ عَلَيِّ ابْنِ مَاجِدَةَ، قَالَ: فَأَتَلْتُ غُلَامًا فَجَدْعَثُ أَنْفَهُ، فَأَتَيَ بِي إِلَى أَبِي بَكْرٍ فَقَاسَنِي، فَلَمْ يَجِدْ فِي قِصَاصًا، فَجَعَلَ عَلَى عَاقِلَتِي الدِّيَةَ

[27436] Al-Hasan said regarding the child and the insane person: "Their mistake and their intentional acts are the same [in ruling], upon their Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ فِي الصَّبِيِّ وَالْمَجْنُونِ: خَطُؤُهُمَا وَعَمَدُهُمَا سَوَاءٌ عَلَى عَاقِلَتِهِمَا

[27437] Ibrahim said: "The intentional act of a child and his mistake are the same."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، وَالْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: عَمَدُ الصَّبِيِّ وَخَطُؤُهُ سَوَاءٌ

[27438] Ibrahim said: "The first to assign stipends was Umar ibn al-Khattab. He mandated the full blood money to be paid over three years, two-thirds of the blood money in two years, half in two years, one-third in one year, and anything less than that in its [same] year."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ أَسْعَثَ، عَنِ الشَّعْبِيِّ، وَعَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: أَوَّلُ مَنْ فَرَضَ الْعَطَاءَ عُمَرُ بْنُ الْخَطَّابِ وَفَرَضَ فِيهِ الدِّيَةَ كَامِلًا فِي ثَلَاثِ سِنِينَ وَثُلَاثَيِّ الدِّيَةِ فِي سَنَتَيْنِ، وَالنِّصْفَ فِي سَنَتَيْنِ وَالثُّلُثَ فِي سَنَةٍ، وَمَا ذُوِنَ ذَلِكَ فِي عَامِهِ

[27439] Ibrahim said: "The blood money is [paid] in three years, the first of which is in the year the injury occurs. Two-thirds in two years, and one-third in one year."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الدِّيَةُ فِي ثَلَاثِ سِنِينَ أَوْلَاهَا فِي السَّنَةِ الَّتِي يُصَابُ فِيهَا، وَالثُّلَثَيْنِ فِي سَنَتَيْنِ، وَالثُّلُثُ فِي سَنَةٍ

[27440] Qatadah and Abu Hashim said: "The blood money is in three years; two-thirds and half of it in two years, and one-third in one year."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدٍ، عَنْ أَيُوبَ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ، قَالَا: الدِّيَةُ فِي ثَلَاثِ سِنِينَ ثُلَاثَاهَا وَنِصْفُهَا فِي سَنَتَيْنِ، وَالثُّلُثُ فِي سَنَةٍ

[27441] Al-Sha'bi said: "The blood money is in three years; in each [year] one-third."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حُرَيْثٍ، عَنِ الشَّعْبِيِّ، قَالَ: الدِّيَةُ فِي ثَلَاثِ سِنِينَ فِي كُلِّ ثُلُثٍ

[27442] Ibrahim said: "A child's confession is not valid. If proof is established against him, it is accepted, and it [the liability] is upon the Aqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عَيْبَدَةَ،
عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَجُوزُ اعْتِرَافُ الصَّبِيِّ، فَإِنْ
قَامَتْ عَلَيْهِ الْبَيِّنَاتُ ثُقُولٌ، وَهُوَ عَلَى الْعَاقِلَةِ

[27443] Al-Sha'bi used to not validate the confession of a child or a slave regarding wounds.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَينِ، عَنْ
سُفْيَانَ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ، عَنِ الشَّعْبِيِّ أَنَّهُ كَانَ
لَا يُجِيزُ إِفْرَارَ الصَّبِيِّ وَالْعَبْدِ فِي الْجَرَاحَاتِ

[27444] Ibn Mas'ud used to say: "The blood money of the People of the Book is like the blood money of the Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ
مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبْنَاءِ بْنِ صَالِحٍ، عَنْ مُجَاهِدٍ،
عَنْ أَبْنَ مَسْعُودٍ، قَالَ: كَانَ يَقُولُ: دِيَةُ أَهْلِ الْكِتَابِ مِثْلُ
دِيَةِ الْمُسْلِمِ

[27445] Abdullah said: "Whoever has a covenant or protection (Dhimma), his blood money is the blood money of a free Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَلَيِّ بْنِ أَبِي طَلْحَةَ، عَنْ الْفَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ
قَالَ: قَالَ عَبْدُ اللَّهِ: مَنْ كَانَ لَهُ عَهْدٌ أَوْ ذَمَّةً، فَدِيَةُ دِيَةِ
الْخُرُّ الْمُسْلِمِ

[27446] Alqamah said: "The blood money of the one with a covenant (Mu'ahid) is like the blood money of the Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ أَبِي الْعَمَيْسِ،
عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: دِيَةُ الْمُعَاہِدِ
مِثْلُ دِيَةِ الْمُسْلِمِ

[27447] Mujahid and Ata said: "The blood money of the Mu'ahid is like the blood money of the Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ
ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، وَعَطَاءٍ، قَالَا: دِيَةُ الْمُعَاہِدِ
مِثْلُ دِيَةِ الْمُسْلِمِ

[27448] Ibrahim (and others) said: "The blood money of the Jew, the Christian, the Magian, and the Mu'ahid is like the blood money of the Muslim, and their women are half the blood money of the men."

Amir used to recite this verse: {And if he belonged to a people with whom you have a treaty, then a compensation should be delivered to his family} [An-Nisa: 92].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ
عَنِ الشَّعْبِيِّ، وَعَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ:
دِيَةُ الْيَهُودِيِّ وَالنَّصَرَانِيِّ وَالْمَجُوسِيِّ وَالْمُعَاہَدِ مِثْلُ دِيَةِ
الْمُسْلِمِ، وَإِنْسَأُوهُمْ عَلَى النَّصْفِ مِنْ دِيَةِ الرِّجَالِ وَكَانَ
عَامِرٌ يَتَّلُّ هَذِهِ الْأُبُوهَاتِ {وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ
[92]: مِيقَاتٌ فَدِيَةٌ مُسْلَمٌ إِلَى أَهْلِهِ} [النساء]

[27449] Al-Zuhri said: "The blood money of the Mu'ahid is the blood money of the Muslim." And he recited this verse: {And if he belonged to a people with whom you have a treaty, then a compensation should be delivered to his family} [An-Nisa: 92].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ
أَبْيَوبَ، عَنِ الزُّهْرِيِّ، قَالَ: سَمِعْتُهُ يَقُولُ: دِيَةُ الْمُعَاہَدِ
دِيَةُ الْمُسْلِمِ وَتَلَّا هَذِهِ الْأُبُوهَاتِ {وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ
[92]: وَبَيْنَهُمْ مِيقَاتٌ فَدِيَةٌ مُسْلَمٌ إِلَى أَهْلِهِ} [النساء]

[27450] Ibrahim said: "The blood money of the people of the covenant from the polytheists is like the blood money of the Muslims."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: دِيَةُ أَهْلِ الْعَهْدِ مِنَ
الْمُشْرِكِينَ مِثْلُ دِيَةِ الْمُسْلِمِينَ

[27451] The Prophet (saw) said: "The blood money of the disbeliever is half the blood money of the believer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شَعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ، قَالَ: دِيَةُ الْكَافِرِ نَصْفُ دِيَةِ الْمُؤْمِنِ

[27452] Umar ibn Abd al-Aziz said: "The blood money of the Mu'ahid is half of the blood money of the Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ دَكْوَانَ أَبِي الزَّنَادِ، عَنْ عُمَرَ بْنِ عَبْدِ الْغَزِيزِ، قَالَ: دِيَةُ الْمُعَاہِدِ عَلَى النَّصْفِ مِنْ دِيَةِ الْمُسْلِمِ

[27453] Hisham said: I read the letter of Umar ibn Abd al-Aziz: "The blood money of the Jew and the Christian is one-third of the blood money of the Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، قَالَ: فَرَأَتُ كِتَابَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: إِنَّ دِيَةَ الْيَهُودِيِّ وَالنَّصْرَانِيِّ عَلَى الْثُلُثِ مِنْ دِيَةِ الْمُسْلِمِ

[27454] Umar ibn al-Khattab said: "The blood money of the Jew and the Christian is four thousand [dirhams], and the blood money of the Magian is eight hundred."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الْمِقْدَامِ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، عَنْ عُمَرَ بْنِ الْخَطَّابِ، قَالَ: دِيَةُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ أَرْبَعَةُ أَلْفٍ، وَدِيَةُ الْمَجُوسِيِّ ثَمَانِمِائَةٌ

[27455] Sa'id ibn al-Musayyib said: "Uthman judged the blood money of the Jew and the Christian to be four thousand dirhams."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ صَدَقَةِ بْنِ يَسَارٍ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: فَضَى عُثْمَانُ فِي دِيَةِ الْيَهُودِيِّ وَالنَّصْرَانِيِّ بِأَرْبَعَةِ أَلْفٍ دِرْهَمٍ

[27456] Ikrimah and Al-Hasan said: "The blood money of the Jew and the Christian is four thousand, and the blood money of the Magian is eight hundred."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عُثْمَانَ
بْنِ غِيَاثٍ، عَنْ عِكْرِمَةَ، وَالْحَسَنِ، قَالَا: دِيَةُ الْيَهُودِيِّ
وَالنَّصَارَانِيِّ أَرْبَعَةُ آلَافٍ، وَدِيَةُ الْمَجُوسِيِّ ثَمَانِمِائَةٍ

[27457] Sulayman ibn Yasar said: "People used to judge in the early times regarding the blood money of the Magian at eight hundred, and regarding the blood money of the Jew and Christian according to what they mutually agreed upon among themselves. Then the blood money returned to six thousand dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ يَحْيَى
بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، قَالَ: كَانَ النَّاسُ
يَقْضُونَ فِي الرَّمَانِ الْأَوَّلِ فِي دِيَةِ الْمَجُوسِيِّ بِثَمَانِمِائَةٍ،
وَيَقْضُونَ فِي دِيَةِ الْيَهُودِيِّ وَالنَّصَارَانِيِّ بِالَّذِي كَانُوا
يَتَعَاوَلُونَ بِهِ فِيمَا بَيْنَهُمْ، ثُمَّ رَجَعَتِ الدِّيَةُ إِلَى سِتَّةِ آلَافٍ
دِرْهَمٍ

[27458] Ata said: "The blood money of the Jew and the Christian is four thousand, and the blood money of the Magian is eight hundred."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ ثُمَيرٍ، عَنْ عَبْدِ الْمَلَكِ،
عَنْ عَطَاءٍ، قَالَ: دِيَةُ الْيَهُودِيِّ وَالنَّصَارَانِيِّ أَرْبَعَةُ
آلَافٍ، وَدِيَةُ الْمَجُوسِيِّ ثَمَانِمِائَةٍ

[27459] Nafi' and Amr ibn Dinar used to say: "The blood money of the Jew and the Christian is four thousand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ
أَشْعَثَ، عَنْ نَافِعٍ، وَعَمْرُو بْنِ دِينَارٍ، أَنَّهُمَا كَانَا
يُفُولَانِ: دِيَةُ الْيَهُودِيِّ وَالنَّصَارَانِيِّ أَرْبَعَةُ آلَافٍ

[27460] Ibn al-Baylamani said: The Messenger of Allah (saw) killed [executed] a man from the People of the Qiblah [a Muslim] who killed a man from the People of the Dhimma [Non-Muslim subject], and he said: "I am the most worthy of those who fulfill the covenant of

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ حَجَاجٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ عَنْ ابْنِ الْبَيْلَمَانِيِّ، قَالَ: قَتَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا مِنْ أَهْلِ الْقِبْلَةِ قَتَلَ رَجُلًا مِنْ أَهْلِ الدَّمَّةِ" وَقَالَ: أَنَا أَحَقُّ مَنْ وَفَى بِالْدَمَّةِ

[27461] Ali and Abdullah said: "If he [a Muslim] kills a Jew or a Christian, he is killed for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ، عَنْ عَلَيِّ، وَعَبْدِ اللَّهِ، أَنَّهُمَا قَالَا: إِذَا قُتِلَ يَهُودِيًّا أَوْ نَصْرَانِيًّا قُتِلَ بِهِ

[27462] Maymun ibn Mihran reported: "A Muslim man passed by a Jew and admired his wife, so he killed him and took her." He wrote to Umar ibn Abd al-Aziz, and Umar wrote back: "Hand him over to his [the victim's] guardian." He said: "So we handed him over to his mother, and she crushed his head with a rock or a grindstone. I do not know if proof was established against him or if he confessed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْنِمٌ، عَنْ حُمَيْدٍ، عَنْ مَيْمُونَ بْنِ مَهْرَانَ، أَنَّهُ أَخْبَرَهُ، قَالَ: مَرَ رَجُلٌ مِنَ الْمُسْلِمِينَ بِرَجُلٍ مِنَ الْيَهُودِ فَأَعْجَبَهُ امْرَأَتُهُ فَقَتَلَهُ وَغَلَبَهُ عَلَيْهَا فَكَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَكَتَبَ عُمَرُ: أَنْ ادْفَعُوهُ إِلَى وَلِيهِ، قَالَ: فَدَفَعْنَاهُ إِلَى أُمِّهِ فَسَدَّخَتْ رَأْسَهُ بِصَخْرَةٍ أَوْ بِصَلَائِيَّةٍ، لَا أَدْرِي قَامَتْ عَلَيْهِ بَيْنَهُ أَعْتَرَفَ

[27463] Al-Nazzal ibn Sabrah said: "A man from the knights of Kufa killed an Abbadi (Christian) from the people of Al-Hira. Umar wrote: 'Let his brother exact retaliation from him.' So they handed the man over to the brother of the Abbadi, and he killed him. Then a letter came from Umar saying: 'Do not kill him,' but he had already killed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنِ التَّرَالِ بْنِ سَبْرَةَ، قَالَ: قَتَلَ رَجُلٌ مِنْ فُرْسَانَ أَهْلِ الْكُوفَةِ عَبَادِيًّا مِنْ أَهْلِ الْجِيرَةِ فَكَتَبَ عُمَرُ: أَنْ قِيَدُوا أَخَاهُ مِنْهُ، فَدَفَعُوا الرَّجُلَ إِلَى أَخِي الْعَبَادِيِّ، فَقَتَلَهُ فَجَاءَ كِتَابُ عُمَرَ: أَنْ لَا تَقْتُلُوهُ وَقَدْ قَتَلُ

[27464] Ibrahim said: "The Muslim is killed [in retaliation] for the Mu'ahid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: يُقْتَلُ الْمُسْلِمُ بِالْمُعاَهِدِ

[27465] Ibrahim said regarding a Muslim who kills a Dhimmi intentionally: "He is killed for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُعْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الْمُسْلِمِ قَتَلَ الْذَّمِيَّ عَمْدًا، قَالَ: يُقْتَلُ بِهِ

[27466] Abu Nadrah said: We were told that Umar ibn al-Khattab exacted retaliation from a Muslim man for a man from the People of the Dhimma.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو الْأَشْهَبِ، عَنْ أَبِي نَضْرَةَ، قَالَ: حَدَّثَنَا أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَقَادَ رَجُلًا مِنَ الْمُسْلِمِينَ بِرَجُلٍ مِنْ أَهْلِ الْذَّمِيَّةِ

[27467] Ibrahim reported that Umar ibn al-Khattab exacted retaliation from a Muslim man for a man from the people of Al-Hira.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُعْيَانُ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَقَادَ رَجُلًا مِنَ الْمُسْلِمِينَ بِرَجُلٍ مِنْ أَهْلِ الْجِيرَةِ

[27468] Al-Musawir said: I heard him say: "Whoever exposes Muhammad [to the violation of his covenant] by killing them, then kill him."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنِ الْمُسَاعِدِ، قَالَ: سَمِعْتُ يَقُولُ: مَنْ عَرَضَ مُحَمَّدًا بِقَلْبِهِ، فَاقْتُلُوهُ

[27469] Al-Harith ibn Abd al-Rahman reported that a man from the people of Medina attacked a Nabataean man and killed him treacherously. He was brought to Aban ibn Uthman, who was then in charge of Medina, and he ordered that the Muslim who killed the Dhimmi be killed.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُونَ، عَنْ ابْنِ أَبِي ذِئْنَبِ، عَنِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ رَجُلًا مِنَ النَّبَطِ عَدَا عَلَيْهِ رَجُلًا مِنْ أَهْلِ الْمَدِينَةِ، فَقَتَلَهُ قَتْلَةً غَيْلَةً، فَأَتَى بِهِ أَبَانَ بْنَ عُثْمَانَ وَهُوَ إِذَا ذَاكَ عَلَى الْمَدِينَةِ، فَأَمَرَ بِالْمُسْلِمِ الَّذِي قُتِلَ الدَّمَّيَ أَنْ يُعْتَلَ

[27470] Al-Nazzal ibn Sabrah reported that a Muslim man killed a man from the people of Al-Hira. They wrote to Umar ibn al-Khattab about it, and Umar wrote back: "Kill him for him." His brother Hunayn was told: "Kill him." He said: "Until anger comes." He said: It reached Umar that he was one of the knights of the Muslims, so Umar wrote: "Do not exact retaliation from him for him." He said: The letter arrived, but he had already been killed.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فَيْسٍ الْأَسْدِيِّ، عَنْ عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنِ النَّزَارِ بْنِ سَبِّرَةَ، أَنَّ رَجُلًا مِنَ الْمُسْلِمِينَ قُتِلَ رَجُلًا مِنْ أَهْلِ الْحِيرَةِ فَكَتَبَ فِيهِ إِلَى عُمَرَ بْنِ الْخَطَّابِ، فَكَتَبَ عُمَرُ: أَنَّ افْتُلُوَةً بِهِ، فَقِيلَ لِأَخِيهِ حُنَيْنٍ افْتُلُوَةً، قَالَ: حَتَّى يَجِيءَ الْغَضَبُ، قَالَ: فَلَمَّا بَلَغَ عُمَرَ أَنَّهُ مِنْ فُرْسَانِ الْمُسْلِمِينَ، قَالَ: فَكَتَبَ عُمَرُ: أَنَّ لَا تَقْتِلُوهُ بِهِ، قَالَ: فَجَاءَهُ الْكِتَابُ وَقَدْ قُتِلَ

[27471] Abu Juhayfah said: We asked Ali: "Do you have anything from the Messenger of Allah (saw) other than the Quran?" He said: "No, by the One who split the grain and created the soul, except that Allah gives a man understanding of the Book of Allah, and what is in this scroll." I asked: "What is in this scroll?" He said: "The blood money, the ransoming of the captive, and that a Muslim is not killed for a disbeliever."

[27472] The Prophet (saw) said: "A believer is not killed for a disbeliever."

[27473] The Messenger of Allah (saw) said: "A Muslim is not killed for a disbeliever, nor is one with a covenant killed while in his covenant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي جُحَيْفَةَ قَالَ: قُلْنَا لِعَلِيٍّ: هَلْ عِنْدَكُمْ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَيْءٌ سِوَى الْقُرْآنِ؟ فَقَالَ: لَا وَالَّذِي فَلَقَ الْحَبَّةَ وَبَرَّا النَّسَمَةَ إِلَّا أَنْ يُعْطِيَ اللَّهُ رَجُلًا فَهُمَا فِي كِتَابِ اللَّهِ وَمَا فِي هَذِهِ الصَّحِيفَةِ قَالَ: قُلْتُ: وَمَا فِي هَذِهِ الصَّحِيفَةِ؟، قَالَ: الْعُقْلُ وَفِكَالُ الْأَسِيرِ وَلَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شَعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: لَا يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعَ، عَنْ مَعْقِلٍ، عَنْ عَطَاءٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ، وَلَا ذُو عَهْدٍ فِي عَهْدِهِ

[27474] Abu al-Malih reported that a man from his people shot a Jewish man with an arrow and killed him. He was taken to Umar ibn al-Khattab, who fined him four thousand but did not execute him for retaliation.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ ابْنِ أَبِي عُرْوَةَ، عَنْ قَتَادَةَ، عَنْ أَبِي الْمَلِيجِ: أَنَّ رَجُلًا مِنْ قَوْمِهِ رَمَى رَجُلًا يَهُودِيًّا بِسَهْمٍ فَقَتَلَهُ فَرُفِعَ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَأَغْرَمَهُ أَرْبَعَةُ آلَافٍ وَلَمْ يَئِدْ مِنْهُ

[27475] Uthman was asked about a man who kills a Jew or a Christian. He said: "A Muslim is not killed for a disbeliever, even if he kills him intentionally."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: سُئِلَ عُثْمَانُ عَنْ رَجُلٍ يَقْتُلُ يَهُودِيًّا أَوْ نَصْرَانِيًّا، قَالَ: لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ، وَإِنْ قَتَلَهُ عَمْدًا

[27476] Ata said: "A Muslim man is not killed for a Jew nor a Christian, but he pays the blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: لَا يُقْتَلُ الرَّجُلُ الْمُسْلِمُ بِالْيَهُودِيِّ وَلَا النَّصْرَانِيِّ، وَلَكِنْ يَعْرَمُ الدِّيَةُ

[27477] Ali said: "It is from the Sunnah that a Muslim is not killed for a disbeliever, nor a free man for a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: قَالَ عَلَيْهِ مِنَ السُّنْنَةِ أَنَّ لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ، وَلَا حُرٌّ بِعَبدٍ

[27478] Anas reported that a Jew crushed the head of a woman with a stone, so the Prophet (saw) crushed his head between two stones.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ يَهُودِيًّا رَضَخَ رَأْسَ امْرَأَةٍ بِحَجَرٍ، فَرَضَخَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأْسَهُ بَيْنَ حَجَرَيْنَ

[27479] Sa'id ibn al-Musayyib reported that Umar executed three men from the people of Sana'a for [killing] one woman.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ الدَّسْتُوَائِيُّ، عَنْ فَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ: أَنَّ عُمَرَ قَتَلَ ثَلَاثَةَ نَفَرٍ مِنْ أَهْلِ صَنْعَاءَ بِإِمْرَأَةٍ

[27480] Ibrahim and Al-Sha'bi said: "A man is not killed for a woman if he kills her intentionally."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ حَابِرٍ، عَنْ الشَّعْبِيِّ، قَالَا: لَا يُقْتَلُ الرَّجُلُ بِالْمَرْأَةِ إِذَا قُتِلَهَا عَمْدًا

[27481] Ali and Abdullah said: "If a man kills a woman intentionally, he is subject to retaliation (Qawad) for her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنْ الْحَكَمَ، عَنْ عَلَيٍّ، وَعَبْدِ اللَّهِ، قَالَا: إِذَا قُتِلَ الرَّجُلُ الْمَرْأَةَ مُتَعَمِّدًا فَهُوَ بِهَا قَوْدٌ

[27482] Ata said: "He is killed [for her], and there is no difference between them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: يُقْتَلُ وَلَيْسَ بِيَنْهُمَا فَضْلٌ

[27483] Al-Sha'bi said: A man who killed a woman was brought to Ali. Ali said to her guardians: "If you wish, pay half the blood money and kill him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ سِمَاكٍ، عَنْ الشَّعْبِيِّ، قَالَ: رُفِعَ إِلَى عَلَيٍّ رَجُلٌ قَتَلَ امْرَأَةً فَقَالَ عَلَيٍّ لِأَوْلِيَائِهِ: إِنْ شِئْتُمْ فَأَلْوَحُوا نِصْفَ الدِّيَةِ وَاقْتُلُوهُ

[27484] Al-Hasan said: "A male is not killed for a female until they pay half the blood money to his family."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ عَوْفٍ، عَنْ الْحَسَنِ، قَالَ: لَا يُقْتَلُ الذَّكَرُ بِالأنْثَى حَتَّى يُؤْثُرُوا نِصْفَ الدِّيَةِ إِلَى أَهْلِهِ

[27485] Ata said regarding a man who kills a woman: "If they kill him, they pay half the blood money, and if they wish, they can accept the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَعْلَى، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءِ فِي الرَّجُلِ يَقْتُلُ الْمَرْأَةَ، قَالَ: إِنْ قَتَلُوهُ أَوْ نِصْفَ الدِّيَةَ، وَإِنْ شَاءُوا قَلُّوا الدِّيَةَ

[27486] Umar ibn Abd al-Aziz said: "There is retaliation (Qisas) between a man and a woman in intentional crimes involving loss of life."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ عُمَرَ بْنِ عَبْدِ الْغَزِيزِ، قَالَ: الْقِصَاصُ بَيْنَ الرَّجُلِ وَالْمَرْأَةِ فِي الْعَمْدِ فِيمَا بَيْنَهُ وَبَيْنَ النَّفْسِ

[27487] Ibrahim and Al-Sha'bi said: "There is retaliation between a man and a woman in all intentional crimes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُعْيِرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، قَالَ: الْقِصَاصُ فِيمَا بَيْنَ الرَّجُلِ وَالْمَرْأَةِ فِي الْعَمْدِ فِي كُلِّ شَيْءٍ

[27488] Hammad used to not see any retaliation between a man and a woman in cases less than life. Al-Hakam said: "We have not heard anything specific about them, but retaliation between them is good."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنْ حَمَادٍ، أَنَّهُ كَانَ: لَا يَرَى بَيْنَ الرَّجُلِ وَالْمَرْأَةِ قِصَاصًا فِيمَا دُونَ النَّفْسِ وَقَالَ الْحَكَمُ: مَا سَمِعْنَا فِيهِمَا بِشَيْءٍ، وَإِنَّ الْقِصَاصَ بَيْنَهُمَا لَحَسْنٌ

[27489] Al-Zuhri said: "The Sunnah has passed regarding a man who beats his wife and wounds her, that she does not exact retaliation from him, but he pays her compensation (Aql)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى، عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، قَالَ: مَضَتِ السُّنْنَةُ فِي الرَّجُلِ يَضْرُبُ امْرَأَةً، فَيَجْرِحُهَا أَنْ لَا تَقْصَنْ مِنْهُ وَيَعْقَلْ لَهَا

[27490] Al-Zuhri said: "A woman does not exact retaliation from her husband."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنِ الزُّهْرِيِّ، قَالَ: لَا تُقْصَدُ
الْمَرْأَةُ مِنْ زَوْجِهَا

[27491] Al-Sha'bi said regarding a man who made his wife kneel to have intercourse with her and broke her incisor tooth: "He is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عِيسَى بْنِ أَبِي
عَزَّةَ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ أَبْرَكَ امْرَأَتَهُ أَنْ
يُجَامِعَهَا فَكَسَرَ ثِنَيَّهَا، قَالَ: يَضْمُنُ

[27492] Hammad said: "There is no retaliation between a man and a woman in intentional cases less than life."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ حَمَادٍ، قَالَ: لَيْسَ بَيْنَ الرَّجُلِ وَالْمَرْأَةِ قِصَاصٌ فِيمَا
دُونَ النَّفْسِ فِي الْعَدْدِ

[27493] Al-Hasan reported regarding a man who slapped his wife, and she came seeking retaliation. The Prophet (saw) granted retaliation between them. Then Allah revealed: {And do not hasten with the Qur'an before its revelation is completed to you} [Taha: 114], and revealed {Men are the protectors and maintainers of women because of what Allah has preferred one over the other} [An-Nisa: 34].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
حَازِمٍ، عَنِ الْخَسَنِ، فِي رَجُلٍ لَطَمَ امْرَأَتَهُ، فَأَنْتَ تَطْلُبُ
الْقِصَاصَ، فَجَعَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَهُمَا
الْقِصَاصَ، فَأَنْزَلَ اللَّهُ تَعَالَى: {وَلَا تَعْجَلْ بِالْقُرْآنِ مِنْ
وَتَزَلَّتْ [114]: قَبْلَ أَنْ يُقْضَى إِلَيْكَ وَحْيُهُ} [طه]
{الرَّجَالُ قَوَامُونَ عَلَى النِّسَاءِ بِمَا فَضَلَ اللَّهُ بَعْضَهُمْ
عَلَى بَعْضٍ} [النساء: 34]

[27494] Muhammad ibn Ziyad said: My grandmother was an Umm Walad (slave mother of a child) of Uthman ibn Maz'un. When Uthman died, Uthman's son wounded her. She mentioned that to Umar ibn al-Khattab, so he said to him: "Give her compensation (Arsh) for what you did to her."

[27495] Abdullah said: "The wounds of men and women are equal in the [indemnity of] the tooth and the Mudihah (head wound exposing bone)."

[27496] Shurayh said: Urwah al-Bariqi came to me from Umar [with the ruling] that the wounds of men and women are equal in the tooth and the Mudihah, and whatever is beyond that, the indemnity of the woman is half the indemnity of the man.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَاسِمُ بْنُ الْفَضْلِ الْحَرَانِيُّ، عَنْ مُحَمَّدِ بْنِ زَيَادٍ، قَالَ: كَانَتْ جَدَّتِي أُمّ وَلَدٍ لِعُثْمَانَ بْنِ مَطْعُونٍ، فَلَمَّا مَاتَ عُثْمَانُ جَرَحَهَا ابْنُ عُثْمَانَ جُرْحًا فَذَكَرَتْ ذَلِكَ لِعُمَرَ بْنَ الْخَطَّابِ فَقَالَ لَهُ: أَعْطِهَا أَرْشًا مِمَّا صَنَعْتَ بِهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ، قَالَ: شَتَّوْيٌ جِرَاحَاتُ الرِّجَالِ وَالنِّسَاءُ فِي السُّنْنِ وَالْمُوضِحَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: أَتَانِي عُرْوَةُ الْبَارِقِيُّ مِنْ عِنْدِ عُمَرَ: أَنَّ جِرَاحَاتِ الرِّجَالِ وَالنِّسَاءِ شَتَّوْيٌ فِي السُّنْنِ وَالْمُوضِحَةِ، وَمَا فَوْقَ ذَلِكَ فَدِيَةُ الْمَرْأَةِ عَلَى النِّصْفِ مِنْ دِيَةِ الرَّجُلِ

[27497] Shurayh wrote to Hisham ibn Hubayrah who asked him, saying that the blood money of a woman is half that of a man in small and large matters. Ibn Mas'ud used to say: "The blood money of a woman in accidental cases is half that of men, except for the tooth and the Mudihah, where they are equal." Zayd ibn Thabit used to say: "The blood money of a woman in accidental cases is like that of a man until it reaches one-third of the blood money; whatever exceeds that is half."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ هِشَامٍ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ؛ أَنَّ هِشَامَ بْنَ هُبَيْرَةَ كَتَبَ إِلَيْهِ يَسْأَلُهُ، فَكَتَبَ إِلَيْهِ أَنَّ دِيَةَ الْمَرْأَةِ عَلَى النَّصْفِ مِنْ دِيَةِ الرَّجُلِ فِيمَا نَقَ وَجَلَ وَكَانَ ابْنُ مَسْعُودٍ، يَقُولُ: فِي دِيَةِ الْمَرْأَةِ فِي الْخَطَا عَلَى النَّصْفِ مِنْ دِيَةِ الرِّجَالِ إِلَّا السَّنَ وَالْمُوضِحَةُ فَهُمَا فِيهِ سَوَاءٌ وَكَانَ رَيْدُ بْنُ ثَابِتٍ، يَقُولُ: دِيَةُ الْمَرْأَةِ فِي الْخَطَا مِثْلُ دِيَةِ الرَّجُلِ حَتَّى تَبْلُغَ ثُلُثَ الدِّيَةِ، فَمَا زَادَ فَهُوَ عَلَى النَّصْفِ

[27498] Zayd ibn Thabit said: "They are equal up to one-third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ حَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ رَيْدِ بْنِ ثَابِتٍ أَنَّهُ، قَالَ: يَسْتَوْنَ إِلَى الثُّلُثِ

[27499] Al-Hasan said: "The wounds of men and women are equal up to half. If it reaches half, then it [the woman's indemnity] is half."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ ابْنِ عَوْنِ، عَنْ الْحَسَنِ، قَالَ: يَسْتَوْيِي جِرَاحَاتُ الرِّجَالِ وَالنِّسَاءِ عَلَى النَّصْفِ، فَإِذَا بَلَغَتِ النَّصْفَ فَهُوَ عَلَى النَّصْفِ

[27500] Sa'īd ibn al-Musayyib said: "The woman equals the man in blood money up to one-third; her finger is like his finger, her tooth like his tooth, her Mudīhah like his Mudīhah, and her Munaqqilah like his Munaqqilah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: ثُعَاقِلُ الْمَرْأَةِ الرَّجُلَ إِلَى الثُّلُثِ إِصْبَعُهَا كَإِصْبَعِهِ، وَسِنُّهَا كَسِنَّهِ، وَمُوضِحُهَا كَمُوضِحِهِ، وَمُنْقَلَّهَا كَمُنْقَلَّهِ

[27501] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Al-Shaybānī and Ismā'īl, from Al-Sha'bī, from 'Alī, who said: "The injuries of women and men are equal in everything [regarding indemnity]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، وَإِسْمَاعِيلٍ، عَنِ الشَّعْبِيِّ، عَنْ عَلَيٍّ، قَالَ: شَسْوَى جَرَاحَاتُ النِّسَاءِ وَالرِّجَالِ فِي كُلِّ شَيْءٍ

[27502] Abū Bakr narrated to us, saying: Wakī' narrated to us, saying: Sufyān narrated to us, from 'Abd Allāh ibn Dhakwān Abū al-Zinād, from 'Umar ibn 'Abd al-'Azīz, who said: "In the Mūḍīhah (wound exposing bone), Munaqqilah (wound shifting bone), and tooth of a woman, it is like the man regarding the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ ذَكْوَانَ أَبِي الزَّنَادِ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: فِي مُوضِحَةِ الْمَرْأَةِ وَمُنْقَلَّتِهَا وَسِنَّهَا مِثْلُ الرَّجُلِ فِي الدِّيَةِ

[27503] Abū Bakr narrated to us, حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفِيَّانُ، عَنْ عُرْوَةَ بْنِ
saying: Sufyān narrated to us, from الرُّبَّيرِ، قَالَ: مُنَقْلَّهَا وَسِنْهَا مِثْلُ الرَّجُلِ فِي الدِّيَةِ
‘Urwah ibn al-Zubayr, who said:
“Her Munaqqilah and her tooth are
like the man regarding the blood
money.”

[27504] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Rabī‘ah ibn Abī ‘Abd al-Rahmān, who said: I said to Sa‘īd ibn al-Musayyib: “How much is in this regarding the woman—the pinky finger?” He said: “Ten camels.” He said: I said: “In these two—meaning the pinky and the one next to it?” He said: “Twenty.” He said: I said: “Then in these—meaning the three?” He said: “Thirty.” He said: I said: “Then in these”—and he gestured to the four. He said: “Twenty.” He said: I said: “When her wounds increased in pain and her calamity became greater, her indemnity became less?” He said: “Are you an Iraqi?” He said: I said: “[I am] a scholar seeking verification or an ignorant person learning.” He said: “O nephew, [it is] the Sunnah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ رَبِيعَةِ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، قَالَ: فَلْتُ لِسَعِيدِ بْنِ
الْمُسَيْبِ: كُمْ فِي هَذِهِ مِنَ الْمَرْأَةِ الْخُنْصَرِ؟ فَقَالَ: عَشْرٌ
مِنَ الْإِلَيْلِ قَالَ: فَلْتُ: فِي هَذِينَ - يَعْنِي الْخُنْصَرَ - وَالَّتِي
تَلِيهَا، فَقَالَ: عِشْرُونَ قَالَ: فَلْتُ: فِي هُولَاءِ - يَعْنِي
الثَّلَاثَةِ - قَالَ: ثَلَاثُونَ قَالَ: فَلْتُ: فِي هُولَاءِ وَأَوْمًا إِلَى
الْأَرْبَعِ، قَالَ: عِشْرُونَ قَالَ: فَلْتُ: حِينَ الْمَتْ جَرَاحُهَا،
وَعَظَمَتْ مُصِيبَتُهَا كَانَ الْأَقْلَى لِأَرْسِهَا قَالَ: أَعْرَاقِي
أَنْتَ؟ قَالَ: فَلْتُ: عَالِمٌ مُتَّبِثٌ أَوْ جَاهِلٌ مُتَّلِّمٌ قَالَ: يَا
ابْنَ أَخِي، السُّنْنَةُ

[27505] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Al-Mas‘ūdī narrated to us, from Al-Ḥakam ibn ‘Utaybah, who said: Shurayḥ wrote to Hishām ibn Hubayrah: “That the blood money of a woman is half the blood money of a man, except for the tooth and the Mūqānah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا
الْمَسْعُودِيُّ، عَنِ الْحَكَمِ بْنِ عُثْنَيَّةَ، قَالَ: كَتَبَ شُرَيْحٌ إِلَى
هِشَامَ بْنِ هُبَيْرَةَ: أَنَّ دِيَةَ الْمَرْأَةِ عَلَى النِّصْفِ مِنْ دِيَةِ
الرَّجُلِ إِلَّا السَّنَ وَالْمُوضِحَةَ

[27506] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Muḥammad ibn Ishāq, from Al-Zuhri, from Sa‘id ibn al-Musayyib, and from Makhlūl, from ‘Umar ibn ‘Abd al-‘Azīz, that they both said: “The man equals the woman regarding indemnity up to one-third of her blood money, then they differ.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ
إِسْحَاقَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَعَنْ
مَكْحُولٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنَّهُمَا قَالَا: يُعَاقَلُ
الرَّجُلُ الْمَرْأَةَ فِي ثُلُثِ دِيَتِهَا، ثُمَّ يَخْتَلِفُانَ

[27507] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Qatādah, from Al-Ḥasan, from Samurah ibn Jundub, who said: I heard the Messenger of Allah ﷺ say: “Whoever kills his slave, we shall kill him; and whoever mutilates his slave, we shall mutilate him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ بْنِ جُنْدُبٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: مَنْ قَتَلَ عَبْدَهُ قَتَلْنَاهُ، وَمَنْ جَدَعَ عَبْدَهُ جَدَعْنَاهُ

[27508] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Shu‘bah narrated to us, from Mughīrah, from Ibrāhīm, who said: “He is killed for him [the slave].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُقْتَلُ بِهِ

[27509] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Shu‘bah, who said: I asked Al-Ḥakam about a man who kills his slave intentionally. He said: “I see that he is killed for him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ عَنِ الرَّجُلِ يَقْتُلُ عَبْدَهُ عَمْدًا، قَالَ: أَرَاهُ يُقْتَلُ بِهِ

[27510] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from Ishāq ibn Abī Farwah, from Ibrāhīm ibn ‘Abd Allāh ibn Hunayn, from his father, from ‘Alī, who said: “A man was brought to the Prophet (peace be upon him) who had killed his slave intentionally. The Messenger of Allah ﷺ lashed him one hundred lashes, exiled him for a year, erased his share from the Muslims [stipend], and did not execute him in retaliation for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ إِسْحَاقَ بْنِ أَبِي فَرْوَةَ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ حُنَيْنٍ، عَنْ أَبِيهِ، عَنْ عَلِيٍّ، قَالَ: أَتَيَ النَّبِيُّ عَلَيْهِ السَّلَامُ بِرَجُلٍ قَتَلَ عَبْدَهُ مُتَعَمِّدًا، فَجَلَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِائَةً جَلْدًا، وَنَفَاهُ سَنَةً، وَمَحَا سَهْمَهُ مِنَ الْمُسْلِمِينَ، وَلَمْ يَقْدِهِ مِنْهُ

[27511] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from Ishāq ibn Abī Farwah, from ‘Amr ibn Shu‘ayb, from his father, from his grandfather, from the Prophet ﷺ, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ إِسْحَاقَ بْنِ أَبِي فَرْوَةَ، عَنْ عَمْرُو بْنِ شُعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِثْلَهُ

[27512] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Shu‘bah narrated to us, from Mughīrah, from ‘Āmir, who said: “If a man kills his slave intentionally, he is not killed for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ مُغِيرَةَ، عَنْ عَامِرٍ، قَالَ: إِذَا قَتَلَ الرَّجُلُ عَبْدَهُ عَمْدًا لَمْ يُعْتَلْ بِهِ

[27513] Abū Bakr narrated to us, saying: Zayd ibn al-Hubāb narrated to us, from Ibn Lahī‘ah, from Khālid ibn Abī ‘Imrān, who said: I asked Sālim and Al-Qāsim about a man who killed his slave. They said: “His punishment is that he [deserves to] be killed, but he is not executed in retaliation for him [legally].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ ابْنِ الْهَبَابِ، عَنْ حَالِدِ بْنِ أَبِي عِمْرَانَ، قَالَ: سَأَلْتُ سَالِمًا، وَالْقَاسِمَ عَنْ رَجُلٍ قَتَلَ عَبْدَهُ، قَالَا: عُقوبَتُهُ أَنْ يُقْتَلُ، وَلَكِنْ لَا يُقْتَلُ بِهِ

[27514] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ḥajjāj, from ‘Amr ibn Shu‘ayb, that Abū Bakr and ‘Umar used to say: “The master is not killed for his slave, but he is beaten, imprisoned for a long time, and deprived of his share.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، أَنَّ أَبَا بَكْرٍ، وَعُمَرَ، كَانَا يَقُولَا نَحْنُ لَا يُقْتَلُ الْمَوْلَى بِعَبْدِهِ، وَلَكِنْ يُصْرَبُ وَيُطَالَ حَبْسُهُ، وَيُحْرَمُ سَهْمُهُ

[27515] Abū Bakr narrated to us, saying: ‘Abbād ibn al-‘Awwām narrated to us, from Ḥajjāj, from ‘Amr ibn Shu‘ayb, from his father, from his grandfather: “That Abū Bakr and ‘Umar would not kill a free man for killing a slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَاجَاجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ أَبَا بَكْرٍ، وَعُمَرَ، كَانَا لَا يُقْتُلَانَ الْحُرُّ بِقَاتِلِ الْعَبْدِ

[27516] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Layth, from Al-Ḥakam, from ‘Alī and ‘Abd Allāh, that they said: “If a free man kills a slave, he is his retaliation (Qawad) for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنِ الْحَكَمِ، عَنْ عَلَيٍّ، وَعَبْدِ اللَّهِ، أَنَّهُمَا قَالَا: إِذَا قُتِلَ الْحُرُّ الْعَبْدُ فَهُوَ بِهِ قَوْدٌ

[27517] Abū Bakr narrated to us, saying: Hishām narrated to us, from Mughīrah, from Ibrāhīm, who said: “The slave is killed for the free man, and the free man for the slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُقْتَلُ الْعَبْدُ بِالْحُرِّ، وَالْحُرُّ بِالْعَبْدِ

[27518] Abū Bakr narrated to us, saying: ‘Ubaydah ibn Ḥumayd narrated to us, from Suhayl ibn Abī Ṣalih, from Sa‘id ibn al-Musayyib, he said: I asked him about a free man who killed a slave. He said: “He is killed for him.” Then I returned to him, and he said: “He is killed for him. By Allah, if the people of Yemen gathered against him (to kill him), I would kill them for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبِيدَةُ بْنُ حُمَيْدٍ، عَنْ سُهْيْلِ بْنِ أَبِي صَالِحٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ حُرًّا قَتَلَ مَمْلُوكًا قَالَ: يُقْتَلُ بِهِ، ثُمَّ رَجَعْتُ إِلَيْهِ قَالَ: يُقْتَلُ بِهِ وَاللَّهِ لَوْ اجْتَمَعَ عَلَيْهِ أَهْلُ الْيَمَنِ لَقَاتَلُوهُمْ بِهِ

[27519] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Suhayl ibn Abī Shāliḥ, who said: I asked Sa‘īd ibn al-Musayyib about a free man who kills a slave intentionally. He said: “Kill him for him, humiliated and disgraced.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ
الْمُسَيَّبٍ عَنِ الْحُرِّ يَقْتُلُ الْعَبْدَ عَمْدًا، قَالَ: افْتَلْهُ بِهِ
صَاغِرًا لَّيْنِمًا

[27520] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: ‘Alī ibn Shāliḥ narrated to us, from Abū al-Waḍīn, who said: I asked Al-Sha'bī about a free man who kills a slave intentionally. He said: “Kill him for him, humiliated and disgraced.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عَلِيُّ بْنُ
صَالِحٍ، عَنْ أَبِي الْوَاضِبِينَ، قَالَ: سَأَلْتُ الشَّعَبِيَّ عَنِ
الْحُرِّ يَقْتُلُ الْعَبْدَ عَمْدًا، قَالَ: افْتَلْهُ بِهِ صَاغِرًا لَّيْنِمًا

[27521] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Muḥammad ibn ‘Amr, from ‘Umar ibn ‘Abd al-‘Azīz, who said: “A free man is not executed in retaliation for a slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُحَمَّدِ بْنِ
عَمْرٍو، عَنْ عُمَرِ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: لَا يُقَادُ الْحُرُّ
مِنَ الْعَبْدِ

[27522] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: I heard Sufyān say: “A man is killed for another’s slave, but he is not killed for his own slave, just as if he killed his son, he would not be killed for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ،
يَقُولُ: يُقْتَلُ الرَّجُلُ بِعَبْدٍ غَيْرِهِ وَلَا يُقْتَلُ بِعَبْدِهِ كَمَا لَوْ
قُتِلَ ابْنَهُ لَمْ يُقْتَلْ بِهِ

[27523] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: And I heard Sufyān say: “A man is not killed for his slave, but he is chastised (Ta’zir).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: وَسَمِعْتُ سُفْيَانَ،
يَقُولُ: لَا يُقْتَلُ الرَّجُلُ بِعَبْدِهِ وَيُعَذَّرُ

[27524] Abū Bakr narrated to us, saying: ‘Abbād narrated to us, from Hajjāj, from Makhlūl, from Zayd, regarding the miscarriage that falls and moves, he said: “Its blood money is complete (full Diyah), whether it cries out or does not cry out.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ حَاجَاجٍ، عَنْ
مَكْحُولٍ، عَنْ زَيْدٍ، فِي السَّقْطِ يَقُولُ، فَيَتَحَرَّكُ، قَالَ:
كَمُلَّتْ دِيَتُهُ اسْتَهَلَّ، أَوْ لَمْ يَسْتَهَلَّ

[27525] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from Hishām ibn ‘Urwah, from his father, who said regarding the fetus: “If it falls alive, then the full blood money is due; and if it falls dead, then a Gurrah (a slave/indemnity) is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ قَالَ فِي الْجَنِينِ: إِذَا سَقَطَ حَيًّا فَفِيهِ الدِّيَةُ، وَإِنْ سَقَطَ مَيِّتًا فَفِيهِ غُرَّةٌ

[27526] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Ibn Sālim, from Al-Sha‘bī, who said: “If a man strikes the belly of a pregnant woman and she miscarries dead, then a Gurrah—a male or female slave—is due from his wealth. And if it was alive, then the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا ضَرَبَ الرَّجُلُ بَطْنَ الْحَامِلِ، فَأَسْقَطَتْ مَيِّتًا فَفِيهِ غُرَّةٌ عَبْدٌ أَوْ أَمْمَةٌ فِي مَالِهِ، وَإِنْ كَانَ حَيًّا فَالدِّيَةُ

[27527] Abū Bakr narrated to us, saying: Ma‘n ibn ‘Isā narrated to us, from Ibn Abī Dhi’b, from Al-Zuhrī, who said: “If the fetus cries out (shows signs of life), then dies, the full blood money is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا اسْتَهَلَ الْجَنِينُ، ثُمَّ مَاتَ فَفِيهِ الدِّيَةُ

[27528] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said: “A woman gave birth to a child, and women testified that it twitched and was born alive, but they did not testify to its crying out.” Shurayḥ said: “The living inherits from the dead,” then he voided his inheritance because they did not testify to his crying out (Istihlāl).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: وَلَدَتِ امْرَأَةٌ وَلَدًا، فَشَهَدَ نِسْوَةٌ أَنَّهُ أَخْلَجَ وَوْلَدَ حَيًّا، وَلَمْ يَشْهُدْنَ عَلَى الْإِسْتِهْلَالِ قَالَ شُرَيْحٌ: الْحَيُّ يَرِثُ الْمَيِّتَ، ثُمَّ أَبْطَلَ مِيرَاثَهُ لِأَنَّهُ لَمْ يَشْهُدْنَ عَلَى إِسْتِهْلَالِهِ

[27529] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Ḥajjāj, from Jundub the Judge, from Aslam, the freedman of ‘Umar, from ‘Umar: “That he judged regarding the tooth of a boy, if it falls out before he has grown his permanent teeth, with one camel.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ حَجَّاجٍ، عَنْ جُنْدُبِ الْقَاضِيِّ، عَنْ أَسْلَمَ، مَوْلَى عُمَرَ، عَنْ عُمَرَ: أَنَّهُ قَضَى فِي سِنِّ الصَّبَّيِّ إِذَا سَقَطَتْ قَبْلَ أَنْ يُتَغَيِّرَ بِعِيرٍ

[27530] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Jābir, from ‘Āmir, who said: “There is nothing in the tooth of a boy if he has not grown permanent teeth except [compensation for] the pain.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَيْسَ فِي سِنِّ الصَّبَّيِّ إِذَا لَمْ يُتَغَيِّرْ إِلَّا الْأَلْمُ

[27531] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Abd al-Rahīm, from Ibn Sālim, from Al-Sha‘bī, who said: “If he injures his tooth and he has not grown permanent teeth, then in it is a judgment (Hukūmah/discretionary compensation).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَبْدِ الرَّحِيمِ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أَصَابَ سِنَّهُ وَلَمْ يُنْغَرِ فَفِيهِ حُكْمٌ

[27532] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ibn Shihāb said regarding a small boy who has not grown permanent teeth (whose tooth) was broken by another boy. He said: “He owes compensation according to what the judge sees fit.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قَالَ ابْنُ شِهَابٍ فِي غُلَامٍ صَغِيرٍ لَمْ يُنْغَرِ كُسْرًا مِنْ غُلَامٍ آخَرَ، قَالَ: عَلَيْهِ الْغُرْمُ بِقَدْرِ مَا يَرَى الْحَكْمُ

[27533] Abū Bakr narrated to us, saying: Sahl ibn Yūsuf narrated to us, from ‘Amr, from Al-Hasan, regarding the tooth of a boy if he has not grown permanent teeth. He said: “Two just persons should look into it. If it grows back, something small is given for it; and if it does not grow back, it is like the tooth of a man.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: فِي سِنِ الصَّبَّيِّ إِذَا لَمْ يُنْعَرْ، قَالَ: يَنْظُرُ فِيهِ دَوَا عَدْلٌ، وَإِنْ تَبَثَّ جُعِلَ لَهُ شَيْءٌ، وَإِنْ لَمْ تَبَثَّ كَانَ كَسِنَ الرَّجُلِ

[27534] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Sha‘bī, who said: “What the insane person commits during his state of insanity is upon his ‘Āqilah (male relatives), and what he commits during his state of lucidity, retaliation is taken from him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: مَا أَصَابَ الْمَجْنُونُ فِي حَالٍ جُنُونِهِ فَعَلَى عَاقِلِتِهِ، وَمَا أَصَابَ فِي حَالٍ إِفْاقِتِهِ أُقْيَدَ مِنْهُ

[27535] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Ḥasan, that he said regarding the insane, the one overcome in his mind, the feeble-minded, and the one whom it affects once or twice a month. He said: “If that departs from him, and he fasts, prays, understands, and then commits something, it is upon him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ فِي الْمَجْنُونِ وَالْمَغْلُوبِ عَلَى عَقْلِهِ وَالْمَعْنُوِّهِ وَالَّذِي يُصِيبُهُ فِي الشَّهْرِ الْمَرَّةِ وَالْمَرَّاتِينِ، قَالَ: إِذَا ذَهَبَ ذَلِكَ عَنْهُ، فَصَامَ، وَصَلَّى، وَعَقَلَ، وَأَصَابَ شَيْئًا، فَهُوَ عَلَيْهِ

[27536] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Hammād ibn Salamah, from Yaḥyā ibn Sa‘īd, from ‘Umar ibn ‘Abd al-‘Azīz: “That he placed the crime of the insane person upon the ‘Āqilah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ جَعَلَ جِنَاحَةَ الْمَجْنُونِ عَلَى الْعَاقِلَةِ

[27537] Abū Bakr narrated to us, saying: ‘Affān narrated to us, saying: Ṣakhr ibn Juwayriyah narrated to us, from Nāfi‘: That a madman during the time of Ibn al-Zubayr used to be lucid at times and seem fine, then his ailment would return. While he was sleeping with his cousin, he entered the house with a dagger and stabbed his cousin, killing him. So ‘Abd Allāh ibn al-Zubayr judged: That he be stripped of his wealth, and it be given to the family of the killed person.

[27538] Abū Bakr narrated to us, saying: Yaḥyā ibn Sa‘īd narrated to us, from Ash‘ath, from Al-Hasan, who said: “If a Muslim kills a Dhimmi (non-Muslim under protection), there is no expiation (Kaffārah) upon him.”

[27539] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Qays ibn Muslim, from Al-Sha‘bī regarding a Muslim who kills a Dhimmi by mistake. He said: “Their expiation is the same.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا صَخْرُ بْنُ جُوَيْرَيَةَ، عَنْ نَافِعٍ: أَنَّ رَجُلًا مَجْنُونًا فِي عَهْدِ ابْنِ الرُّبَّيرِ كَانَ يُفْيِقُ أَحْيَانًا فَلَا يُرَى بِهِ بَأْسًا، وَيَعْدُ بِهِ وَجْهُهُ، فَبَيْنَمَا هُوَ نَائِمٌ مَعَ ابْنِ عَمِّهِ إِذْ دَخَلَ الْبَيْتَ بِخُنْجَرٍ، فَطَعَنَ ابْنَ عَمِّهِ فَقَتَلَهُ فَقَضَى عَنْدَ اللَّهِ بْنُ الزَّبِيرِ: أَنْ يُخْلَعَ مِنْ مَالِهِ، وَيُنْفَعَ إِلَى أَهْلِ الْمَقْتُولِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: إِذَا قَتَلَ الْمُسْلِمُ الدُّمِيَّ، فَلَيْسَ عَلَيْهِ كُفَّارَةً

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنِ الشَّعْبِيِّ فِي الْمُسْلِمِ يَقْتُلُ الدُّمِيَّ خَطَأً، قَالَ: كُفَّارَتُهُمَا سَوَاءٌ

[27540] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Maṇṣūr, from Ibrāhīm, who said: “Their expiation is the same.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَفَارُهُمَا سَوَاءٌ

[27541] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Numayr narrated to us, from Ḥajjāj, from Yazīd al-Ḥanafī, from Al-Sha‘bī, regarding a man who kills, and the wife (of the victim) pardons. He said: “The killer pays seven-eighths of the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ
حَجَاجٍ، عَنْ يَزِيدَ الْحَنَفِيِّ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ
يَقْتُلُ فَتَغْفُلُ الْمَرْأَةُ، قَالَ: يُؤَدِّيُ الْفَاعِلُ بِسَبْعِ اَلْثَامَنِ الدِّيَةِ

[27542] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from ‘Aṭā’, that a woman pardoned the blood of her husband. He said: “It becomes blood money, and the eighth is removed from him (the killer).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ حَجَاجٍ، عَنْ
عَطَاءٍ، أَنَّ امْرَأَةً عَفَتْ عَنْ دَمِ زَوْجِهَا، قَالَ: صَارَتْ
دِيَةً، وَيُرْفَعُ عَنْهُ الثَّمَنُ

[27543] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Ṣāliḥ, from Layth, from Ṭāwūs, regarding a woman whose husband was killed and she pardoned. He said: “Her pardon is valid, and her share of the blood money is removed.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبْعُ، عَنْ أَبِي صَالِحٍ، عَنْ لَيْثٍ، عَنْ طَلْوُسٍ، فِي امْرَأَةٍ قُتِلَ رَوْجُهَا فَعُفِتْ، قَالَ: عَفْوُهَا جَائِزٌ، وَيُرْفَعُ نَصِيبُهَا مِنَ الدِّيَةِ

[27544] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Al-Shaybānī, from Ibrāhīm, who said: “Every shareholder has [the right of] pardon.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنْ إِبْرَاهِيمَ، قَالَ: لِكُلِّ ذِي سَهْمٍ عَفْوٌ

[27545] Abū Bakr narrated to us, saying: Shabābah narrated to us, from Shu‘bah, from Al-Ḥakam and Ḥammād, that they said regarding a man who kills a man and the wife pardons. They said: “Whoever pardons, whether man or woman, the blood money is averted from him [partially/or execution averted].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةً، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، وَحَمَادِ، أَنَّهُمَا قَالَا فِي الرَّجُلِ يَقْتُلُ الرَّجُلَ فَتَغْفُلُ الْمَرْأَةُ، قَالَا: مَنْ عَفَا مِنْ رَجُلٍ أَوْ امْرَأَةٍ، فَإِنَّهُ يُنْزَأُ عَنْهُ الْعُقْلُ

[27546] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Muḥammad ibn Sālim, from Al-Sha‘bī, from ‘Umar, who said: “The husband and the wife have no [right of] pardon.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، عَنْ عُمَرَ، قَالَ: الزَّوْجُ وَالْمَرْأَةُ لَا عَفْوٌ لَهُمَا

[27547] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Ismā‘il, from Abū Ma‘shar, from Ibrāhīm, who said: “The husband and the wife have no pardon regarding blood. Pardon belongs only to the guardians of the killed person.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ إِسْمَاعِيلَ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ لِلزَّوْجِ وَلَا لِلْمَرْأَةِ عَفْوٌ فِي الدَّمِ، إِنَّمَا الْعَفْوُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ

[27548] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Ismā‘il, from Al-Ḥasan, who said: “The husband and the wife have no pardon regarding blood. But if one of the heirs pardons, his pardon is valid and it becomes blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَسَنِ، قَالَ: لَيْسَ لِلزَّوْجِ وَلَا لِلْمَرْأَةِ عَفْوٌ فِي الدَّمِ، وَإِنْ عَفَأَ أَحَدٌ مِنَ الْوَرَثَةِ جَازَ عَفْوُهُ وَصَارَتِ الدِّيَةُ

[27549] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Ṣā’id ibn Muslim, from Al-Sha’bī, regarding a man who was killed and left his daughter, his sister, and his two wives, and one of the two wives pardoned. Al-Sha’bī said: “A woman has no pardon unless she is a woman with close kinship (blood relation) and a share in the inheritance.”

[27550] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Al-Zuhrī, from Sa’īd, that ‘Umar used to say: “The blood money is upon the ‘Āqilah, and the wife inherits nothing from her husband’s blood money,” until Al-Dahhāk ibn Sufyān al-Kilābī wrote to him that the Messenger of Allah ﷺ gave the wife of Ashyam al-Ḍabābī inheritance from the blood money of her husband.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ صَاعِدٍ
بْنِ مُسْلِمٍ، عَنْ الشَّعْبِيِّ، فِي رَجُلٍ قُتِلَ وَتَرَكَ ابْنَةً
وَأَخْتَهُ وَامْرَأَتِيهِ، فَعَقَّتْ إِحدَى الْمُرْأَتَيْنِ قَالَ الشَّعْبِيُّ:
لَيْسَ لِالْمَرْأَةِ عَفْوٌ إِلَّا امْرَأَةً لَهَا رَحْمٌ مَاسَّهُ، وَسَهْمٌ فِي
الْمِيرَاثِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ،
عَنْ سَعِيدٍ، أَنَّ عُمَرَ كَانَ يَقُولُ: الدِّيَةُ عَلَى الْعَاقِلَةِ، وَلَا
تَرَثُ الْمَرْأَةُ مِنْ دِيَةِ زَوْجِهَا شَيْئًا حَتَّى كَتَبَ إِلَيْهِ
الضَّحَّاكُ بْنُ سُفْيَانَ الْكَلَابِيِّ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ وَرَثَ امْرَأَةً أَشَدَّ الضَّبَابِيِّ مِنْ دِيَةِ زَوْجِهَا

[27551] Abū Bakr narrated to us, saying: Yahyā ibn Zakariyyā ibn Abī Zā'īdah narrated to us, from Yahyā ibn Sa'īd, from Al-Zuhrī, from Sa'īd ibn al-Musayyib, who said: 'Umar stood at Minā and asked the people: "Who has knowledge regarding the inheritance of a woman from her husband's blood money?" Al-Dahhāk ibn Sufyān al-Kilābī stood up and said: "Enter your tent so I may inform you." He came to him and said: "The Messenger of Allah ﷺ wrote to me to give the wife of Ashyam al-Ḍabābī inheritance from her husband's blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكْرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: فَلَمْ يَعْلَمْ أَعْلَمُ مِنْ مِيرَاثِ الْمَرْأَةِ مِنْ عَقْلٍ زَوْجِهَا؟ فَقَامَ عِنْدَهُ أَعْلَمُ مِنْ مِيرَاثِ الْمَرْأَةِ مِنْ عَقْلٍ زَوْجِهَا؟ فَقَامَ الصَّحَّافُ بْنُ سُفْيَانَ الْكِلَابِيَّ، قَالَ: ادْخُلْ قُبَّاتِكَ حَتَّى أُخْبِرَكَ، فَأَتَاهُ، فَقَالَ: كَتَبَ إِلَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ أُورِثَ امْرَأَةَ أَشْيَمَ الصَّبَابِيِّ مِنْ عَقْلِ زَوْجِهَا

[27552] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, regarding a man who is killed intentionally and some heirs pardon. He said: "His wife has her inheritance from the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَقْتُلُ عَمْدًا فَيَعْفُو بَعْضُ الْوَرَثَةِ، قَالَ: لِإِمْرَأَتِهِ مِيرَاثُهَا مِنَ الدِّيَةِ

[27553] Abū Bakr narrated to us, saying: Asbāt ibn Muḥammad narrated to us, from Hishām, from Al-Hasan, who said: “The wife inherits from her husband’s blood [money].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: تَرِثُ الْمَرْأَةُ مِنْ دَمِ زَوْجِهَا

[27554] Abū Bakr narrated to us, saying: Ma’n ibn ‘Isā narrated to us, from Ibn Abī Dhi’b, from Al-Zuhrī, who said: “If blood money is accepted in [cases of] intentional killing, it becomes inheritance inherited by the wife and others.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِذَا قُبِلَ الْعَقْلُ فِي الْعَمْدِ كَانَ مِيرَاثًا تَرِثُهُ الْزَوْجَةُ وَغَيْرُهَا

[27555] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Muḥammad ibn Sālim, from Al-Sha’bī, from ‘Umar, that he said: “Every heir inherits from the blood money, including the husband and the wife, in [cases of] accidental and intentional killing.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنْ الشَّعْبِيِّ، عَنْ عُمَرَ، أَنَّهُ قَالَ: يَرِثُ مِنَ الدِّيَةِ كُلُّ وَارِثٍ وَالزَّوْجُ وَالْمَرْأَةُ فِي الْحَادِثَةِ وَالْعَمْدِ

[27556] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Layth, from Abū ‘Amr al-‘Abdī, from ‘Alī, who said: “The blood money is distributed to those who are entitled to inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ ، عَنْ لَيْثٍ ، عَنْ أَبِي عَمْرٍو الْعَبْدِيِّ ، عَنْ عَلِيٍّ قَالَ: تُقْسَمُ الدِّيَةُ لِمَنْ أَحْرَزَ الْمِيرَاثَ

[27557] Abū Bakr narrated to us, saying: ‘Isā ibn Yūnus narrated to us, from Al-A’mash, from Ibrāhīm, who said: The Messenger of Allah ﷺ said: “The blood money is for inheritance, and the payment (Al-‘Aql) is upon the male relatives (Al-‘Aṣabah).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ ، عَنْ الْأَعْمَشِ ، عَنْ إِبْرَاهِيمَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الدِّيَةُ لِلْمِيرَاثِ وَالْعَقْلُ عَلَى الْعَصْبَةِ

[27558] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Ayyūb, from Abū Qilābah, that he used to say: “The blood money follows the path of inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا التَّقْفِيُّ ، عَنْ أَيُوبَ ، عَنْ أَبِي قِلَابَةَ أَنَّهُ كَانَ يَتَحَدَّثُ أَنَّ الدِّيَةَ سَبِيلُهَا سَبِيلُ الْمِيرَاثِ

[27559] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ash‘ath, from Al-Sha‘bī; and Juhaym, from Ibrāhīm, who said: “The blood money is for inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرِ ، عَنْ أَشْعَثَ ، عَنْ الشَّعْبِيِّ ، وَجُهَيْمَ ، عَنْ إِبْرَاهِيمَ قَالَ: الدِّيَةُ لِلْمِيرَاثِ

[27560] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Hishām, from Al-Hasan, who said: “[It is distributed] according to the Book of Allah, like the rest of his wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى ، عَنْ هِشَامٍ ،
عَنِ الْحَسَنِ قَالَ: عَلَى كِتَابِ اللَّهِ كُسَائِرِ مَالِهِ

[27561] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, from Ibn Ṭāwūs, that his father used to say and judge: “That all the heirs inherit from the blood money just like inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ ، عَنْ ابْنِ
جُرَيْجٍ عَنْ ابْنِ طَاؤِسٍ أَنَّ أَبَاهُ كَانَ يَقُولُ وَيَقْضِي: بِأَنَّ
الْوِرَاثَةِ أَجْمَعِينَ يَرِثُونَ مِنَ الْعَقْلِ مِثْلَ الْمِيرَاثِ

[27562] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “Is the blood money like the form of inheritance?” He said: “Yes.” I said: “And do the maternal brothers inherit from it?” He said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ ، عَنْ ابْنِ
جُرَيْجٍ قَالَ: قُلْتُ لِعَطَاءَ: الْعَقْلُ كَهِنَّةُ الْمِيرَاثِ؟ قَالَ:
نَعَمْ ، قُلْتُ: وَبَرِثُ الْإِخْوَةُ مِنَ الْأُمِّ مِنْهُ؟ قَالَ: نَعَمْ

[27563] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from ‘Amr, from ‘Abd Allāh ibn Muḥammad ibn ‘Alī, who said: ‘Alī said: “He has committed injustice whoever does not give the maternal brothers inheritance from the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَلَيِّ، قَالَ: قَالَ عَلَيُّ: فَدُظْلَمَ مَنْ لَمْ يُورَثِ الْإِخْرَةَ مِنَ الْأُمُّ مِنَ الدِّيَةِ

[27564] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām, from Qatādah, from Sa‘id ibn al-Musayyib, from ‘Umar, that he: “Used to give the maternal brothers inheritance from the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، عَنْ عُمَرَ، أَنَّهُ كَانَ يُورَثُ الْإِخْرَةَ مِنَ الْأُمُّ مِنَ الدِّيَةِ

[27565] Abū Bakr narrated to us, saying: Ibn Idrīs and Ibn Mushir narrated to us, from Al-Shaybānī, from Al-Sha‘bī, who said: “The maternal brothers inherit from the blood money, as does every heir.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، وَابْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعَبِيِّ، قَالَ: الْإِخْرَةُ مِنَ الْأُمِّ يَرِثُونَ مِنَ الدِّيَةِ وَكُلُّ وَارِثٍ

[27566] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Ḥammād ibn Salamah, from Ḥumayd, from ‘Umar ibn ‘Abd al-‘Azīz, who said: He wrote regarding the maternal brothers: “They inherit from the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: كَتَبَ فِي الْإِخْرَاجِ مِنَ الْأُمَّ: يَرِثُونَ مِنَ الدِّيَةِ

[27567] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “Do maternal brothers inherit—meaning from the blood money?” He said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءً: يَرِثُ الْإِخْرَاجُ مِنَ الْأُمَّ - يَعْنِي مِنَ الْعُقْلِ - قَالَ: نَعَمْ

[27568] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Al-A‘mash, who said: I asked Ibrāhīm: “Do maternal brothers inherit from the blood money?” He said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الْأَعْمَشِ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ: أَيْرِثُ الْإِخْرَاجُ مِنَ الْأُمَّ مِنَ الدِّيَةِ؟ قَالَ: نَعَمْ

[27569] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Hammām, from ‘Āsim al-Āḥwal, who said: I asked Al-Hasan, and he said: “For them is the Book of Allah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ هَمَّامٍ، عَنْ عَاصِمِ الْأَحْوَالِ، قَالَ: سَأَلْتُ الْحَسَنَ، فَقَالَ: لَهُمْ كِتَابُ اللَّهِ

[27570] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from ‘Amr ibn Dīnār, from Muḥammad ibn ‘Alī, who said: “He has certainly committed injustice whoever does not give the maternal brothers inheritance from the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ مُحَمَّدِ بْنِ عَلَيٍّ، قَالَ: لَهُدْ ظَلَمٌ مَنْ لَمْ يُورِثِ الْإِخْرَةَ مِنَ الْأُمُّ مِنَ الدِّيَةِ

[27571] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Al-A‘mash narrated to us, from Zayd ibn Wahb, who said: “A man saw a man with his wife and killed her. He was brought to ‘Umar, and some of her brothers gifted their share [of the right to retaliation] to him. So ‘Umar ordered the rest of them to take the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ زَيْدِ بْنِ وَهْبٍ، قَالَ: رَأَى رَجُلٌ مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهَا، فَرُفِعَ إِلَى عُمَرَ فَوَهَبَ بَعْضُ إِخْرَتِهَا نَصِيبَهُ لَهُ، فَأَمَرَ عُمَرُ سَائِرَهُمْ أَنْ يَأْخُذُوا الدِّيَةَ

[27572] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from Sa‘īd, from Abū Ma‘shar, from Ibrāhīm, regarding a man who killed a man intentionally and some of the guardians pardoned. That was brought to ‘Umar, and he said to ‘Abd Allāh: “Speak regarding it.” He said: “You are more entitled to speak regarding it, O Commander of the Faithful.” ‘Abd Allāh said: “If some of the guardians pardon, there is no retaliation (Qawad). It is reduced from him by the portion of the one who pardoned, and they get the remainder of the blood money.” ‘Umar said: “That is the opinion, and you have agreed with what is in my soul.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ قَتَلَ رَجُلًا مُتَعَمِّدًا فَعَفَّا بَعْضُ الْأُولِيَاءِ، فَرُفِعَ ذَلِكُ إِلَى عُمَرَ فَقَالَ لِعَبْدِ اللَّهِ: قُلْ فِيهَا فَقَالَ: أَنْتَ أَحَقُّ أَنْ تَقُولَ فِيهَا يَا أَمِيرَ الْمُؤْمِنِينَ فَقَالَ عَبْدُ اللَّهِ: إِذَا عَفَّا بَعْضُ الْأُولِيَاءِ فَلَا قَوْدَ يُحَطُّ عَنْهُ بِحِصْنَةِ الَّذِي عَفَا، وَلَهُمْ بِقِيَةُ الدَّيْنِ فَقَالَ عُمَرُ: ذَلِكَ الرَّأْيُ، وَوَافَقْتَ مَا فِي نَفْسِي

[27573] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Isā, from Al-Sha‘bī, who said: “If some of the heirs pardon, the pardon follows from that, so it [retaliation] falls.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عِيسَى، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا عَفَّا بَعْضُ الْوَرَثَةِ يَتَبَعُ الْعَفْوُ مِنْ ذَلِكَ فَوْقَعَ

[27574] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb ibn ‘Atā’ narrated to us, from Ibn Abī ‘Arūbah, from Qatādah, from ‘Umar ibn ‘Abd al-‘Azīz, that he said: “Whoever pardons, there is no share for him [in the Diyah].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ، عَنْ أَبْنِ أَبِي عَرْوَبَةَ، عَنْ قَتَادَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، أَنَّهُ قَالَ: مَنْ عَفَ فَلَا نَصِيبٌ لَّهُ

[27575] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Zam‘ah, from Ibn Ṭāwūs, from his father, who said: “If some of the guardians of the blood pardon, then it becomes blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ أَبْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: إِذَا عَفَأَ بَعْضُ أَوْلَيَاءِ الدَّمِ فَهُوَ الدِّيَةُ

[27576] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from Ash‘ath, from Al-Zuhrī, who said: “The owner of the blood (the guardian) has the priority to pardon.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنْ الزُّهْرِيِّ، قَالَ: صَاحِبُ الدَّمِ أَوْلَى بِالْغُفْرَانِ

[27577] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Hajjāj, from Al-Ḥakam, from Miqsam, from Ibn ‘Abbās, who said: “The Messenger of Allah ﷺ wrote a document between the Emigrants and the Helpers, that they should pay their blood monies, and ransom their captives with kindness and reconciliation among Muslims.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجِّ، عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: كَتَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كِتَابًا بَيْنَ الْمُهَاجِرِينَ وَالْأَنْصَارِ أَنْ يَعْفُوا مَعَاوِلَهُمْ، وَأَنْ يَغْدُوا عَانِيَهُمْ بِالْمَعْرُوفِ وَالْإِصْلَاحِ بَيْنَ الْمُسْلِمِينَ

[27578] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Ibn Abī Laylā narrated to us, from Al-Sha'bī, who said: “The Messenger of Allah ﷺ placed the blood money of Quraysh upon Quraysh, and the blood money of the Anṣār upon the Anṣār.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنِ الشَّعَبِيِّ، قَالَ: جَعَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَقْلَ قُرَيْشٍ عَلَى قُرَيْشٍ، وَعَقْلَ الْأَنْصَارِ عَلَى الْأَنْصَارِ

[27579] Abū Bakr narrated to us, saying: Ibn Yūnus narrated to us, from Al-A‘mash, from Ibrāhīm: “That the Messenger of Allah ﷺ placed the blood money upon the male relatives (Al-‘Aṣabah).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ يُونُسَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَعَلَ الْعَقْلَ عَلَى الْعَصَبَةِ

[27580] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Ḥammād, from Ibrāhīm, who said: ‘Alī and Al-Zubayr disputed regarding the Wala’ (patronage) of the freed slaves of Ṣafiyah. ‘Umar judged the inheritance for Al-Zubayr, and the blood money [liability] upon ‘Alī.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: اخْتَصَمَ عَلَيْهِ، وَالْزُّبَيْرُ
فِي وَلَاءِ مَوَالِيِ صَفِيَّةَ، فَقَضَى عُمَرُ بِالمِيرَاثِ لِلْزُّبَيْرِ،
وَبِالْعَقْلِ عَلَى عَلَيْهِ

[27581] Abū Bakr narrated to us, saying: Muḥammad ibn Bishr narrated to us, saying: ‘Abd al-‘Azīz narrated to me regarding a man whose masters (Mawālī) said: “We will not pay blood money on his behalf.” He wrote to the judge: “Make the blood money binding upon them.” And I do not doubt that they were the recipients of his inheritance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنِي
عَبْدُ الْعَزِيزَ، فِي رَجُلٍ قَالَ مَوَالِيهِ: لَا تَعْقِلُ عَنْهُ، فَكَتَبَ
إِلَى الْقَاضِي أَنَّ الْزِرْمَهُمُ الْعَقْلُ، فَمَا أَشْكُ أَنَّهُمْ كَانُوا
أَهْدَى مِيرَاثِهِ

[27582] Abū Bakr narrated to us, saying: Kathīr ibn Hishām narrated to us, from Ja‘far ibn Burqān, that ‘Umar ibn ‘Abd al-‘Azīz wrote: “If he left no relatives except his masters (Mawālī), they would be the most entitled people to his inheritance; so place his blood money [liability] upon them just as they inherit from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ
بْنِ بُرْقَانَ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَتَبَ: لَوْلَمْ تَدْعُ
قَرَابَةً إِلَّا مَوَالِيهِ كَانُوا أَحَقُّ النَّاسِ بِمِيرَاثِهِ، فَلَا حَمْلٌ
عَلَيْهِمْ عَفْلٌ كَمَا يَرْثُونَهُ

[27583] Abū Bakr narrated to us, saying: Ibnu Fuḍayl narrated to us, from Mughīrah, from Ibrāhīm, who said: “Inheritance belongs to the womb (relatives), and crimes (Jarā’ir) are upon the one who freed.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: الْمِيرَاثُ لِلرَّاحِمِ، وَالْجَرَائِرُ عَلَى مَنْ
أَعْنَقَ

[27584] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, regarding a man whom a people freed, and others freed his father. He said: “They inherit from each other by blood ties, and their crimes are upon the ‘Āqilah of their masters.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، فِي رَجُلٍ أَعْنَقَهُ قَوْمٌ وَأَعْنَقَ أَبَاهُ آخَرُونَ، قَالَ:
يَتَوَارَثُونَ بِالْأَرْحَامِ، وَجِنَاحُهُمَا عَلَى عَاقِلَةِ مَوَالِيهِمَا

[27585] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ḥammād, who said: “The crime of the freed slave is upon the ‘Āqilah of his masters.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، قَالَ: جِنَائِيَةُ الْمَوْلَى عَلَى عَاقِلَةِ مَوْلَيهِ

[27586] Abū Bakr narrated to us, saying: ‘Abd al-Salām ibn Ḥarb narrated to us, from Khuṣayf, from Mujaḥid: That a man came to ‘Umar and said: “A man embraced Islam at my hands, then died and left a thousand dirhams. I felt uneasy about it, so I brought it to you.” He said: “Do you see, if he had committed a crime, upon whom would it have been?” He said: “Upon me.” He said: “Then his inheritance is yours.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ خُصَيْفٍ، عَنْ مُجَاهِدٍ: أَنَّ رَجُلًا أَتَى عُمَرَ، فَقَالَ: إِنَّ رَجُلًا أَسْلَمَ عَلَى يَدِي فَمَاتَ وَتَرَكَ أَلْفَ دِرْهَمٍ، فَتَحَرَّجْتُ مِنْهَا فَرَفَعْتُهَا إِلَيْكَ، فَقَالَ: أَرَأَيْتَ لَوْ جَنَى جِنَائِيَةً عَلَى مَنْ كَانَتْ تَنْكُونُ؟ قَالَ: عَلَيَّ، قَالَ: فَمِيرَاثُ لَكَ

[27587] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān narrated to us, from Jābir, from ‘Āmir, who said: “The blood money [liability] is upon the one who receives the inheritance.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: الْعَقْلُ عَلَى مَنْ لَهُ الْمِيرَاثُ

[27588] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “The people refused to pay blood money on behalf of their freed slave.” ‘Atā’ said: “If his people and the people refuse to pay blood money on his behalf, then he becomes the client (Mawlā) of the victim.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءً: أَبَى الْقَوْمَ أَنْ يَعْقِلُوا عَنْ مَوْلَاهُمْ قَالَ عَطَاءً: إِنَّ أَبَى أَهْلَهُ وَالنَّاسَ أَنْ يَعْقِلُوا عَنْهُ فَهُوَ مَوْلَى الْمُصَابِ

[27589] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Ma‘mar, from Al-Zuhri, who said: ‘Umar said regarding it: “If a man takes a man as a client (Wālā), then his inheritance belongs to him, and his blood money [liability] is upon his ‘Āqilah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الرُّهْرِيِّ، قَالَ: قَالَ عُمَرُ فِيهِ: إِذَا وَالَّى الرَّجُلُ رَجُلاً فَلَهُ مِيرَاثُهُ، وَعَلَى عَاقِلِهِ عَقْلُهُ

[27590] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Al-Hakam, regarding a man who took a people as patrons. He said: “If he pays blood money on their behalf, he is one of them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، فِي رَجُلٍ تَوَلَّ فَوْمًا، قَالَ: إِذَا عَقَلَ عَنْهُمْ فَهُوَ مِنْهُمْ

[27591] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from ‘Abd al-‘Azīz ibn ‘Umar, who said: Some of those who came to my father narrated to me, saying: The Prophet ﷺ said: “Any doctor who practices medicine on a people, and was not known for medicine before that, and causes harm, he is liable.” ‘Abd al-‘Azīz said: “It is not regarding prescribing [medicine], but rather cutting veins and lancing.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ، قَالَ: حَدَّثَنِي بَعْضُ الَّذِينَ قَدِمُوا عَلَى أَبِي، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّمَا طَبِيبٌ تَطَبَّبَ عَلَى قَوْمٍ، وَلَمْ يُعْرَفْ بِالْطَّبِيبِ قَبْلَ ذَلِكَ فَأَعْنَتْ فَهُوَ ضَامِنٌ قَالَ عَبْدُ الْعَزِيزِ: أَمَّا إِنَّهُ لَيْسَ بِالنَّعْنَتِ وَلِكِنَّهُ قَطْعُ الْعُرُوقِ وَالْبَطْ

[27592] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām, from Al-Hasan, who said: “If the doctor exceeds what he was ordered to do, he is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: إِذَا جَاءَرَ الطَّبِيبُ مَا أُمِرَّ بِهِ فَهُوَ ضَامِنٌ

[27593] Abū Bakr narrated to us, saying: Muḥammad ibn Bakr and ‘Umar ibn Hārūn narrated to us, from Ibn Jurayj, from ‘Aṭā’, regarding the doctor who lances [a wound] and [the patient] dies. He said: “There is no blood money upon him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، وَعُمَرُ بْنُ هَارُونَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الطَّبِيبِ يَبْطُ فَيْمُوتُ، قَالَ: لَيْسَ عَلَيْهِ عَقْلٌ

[27594] Abū Bakr narrated to us, saying: Ismā‘il narrated to us, from Hishām ibn al-Ghāz al-Jurashī, from Abū Qurrah: “That ‘Umar ibn ‘Abd al-‘Azīz held the circumciser liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ، عَنْ هِشَامَ بْنِ الْغَازِ الْجُرَشِيِّ، عَنْ أَبِي قُرَّةَ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ ضَمَّنَ الْخَاتِنَ

[27595] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from Sa‘īd ibn Yūsuf, from Yaḥyā ibn Abī Kathīr: “That a woman circumcised a girl and harmed her, so ‘Alī held her liable for the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ سَعِيدِ بْنِ يُوسُفَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: أَنَّ امْرَأَةً حَفَضَتْ جَارِيَةً، فَأَعْنَثَهَا فَضَمَّنَهَا عَلَيِّ الدِّيَةَ

[27596] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sharīk narrated to us, from Ghaylān ibn Jāmi‘ al-Muḥāribī, from Abū ‘Awn al-Thaqafī, from Shurayh, who said: “There is no liability upon the one who treats medically.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ غَيْلَانَ بْنِ جَامِعِ الْمُحَارِبِيِّ، عَنْ أَبِي عَوْنَنِ التَّقْفِيِّ، عَنْ شُرَيْحٍ، قَالَ: لَيْسَ عَلَى الْمُدَاوِي ضَمَانٌ

[27597] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Yūnus narrated to us, from Jābir, from ‘Āmir, who said: “There is no liability upon the one who treats medically.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، حَدَّثَنَا يُونُسُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَيْسَ عَلَى الْمُدَاوِي ضَمَانٌ

[27598] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Yūnus narrated to us, from Abū Ishaq, who said: I heard Al-Sha‘bī say: “There is no liability upon a copper, nor a veterinarian, nor a medical treater.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يُونُسُ،
عَنْ أَبِي إِسْحَاقَ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، يَقُولُ: لَيْسَ
عَلَى حَجَّامٍ، وَلَا بَيْطَارٍ، وَلَا مُذَوِّ ضَمَانٌ

[27599] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Isrā’il narrated to us, from Jābir, from ‘Amir, regarding a veterinarian who removed a pterygium from the eye of a horse and the horse died. He said: “He is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي بَيْطَارٍ نَرَغْ طُفْرَةً مِنْ عَيْنِ
فَرَسٍ فَنَفَقَ الْفَرَسُ، قَالَ: يَضْمُنُ

[27600] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Ayyūb, from Abū Qilābah, from Abū al-Malīḥ: That a circumciser in Medina circumcised a girl and she died. ‘Umar said to her: “Did you not leave such and such?” And he placed her blood money upon her ‘Aqilah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْقَفْيُ، عَنْ أَيُوبَ، عَنْ أَبِي
قِلَابَةَ، عَنْ أَبِي الْمَلِيجِ، أَنَّ خَاتَمَ بِالْمَدِينَةِ حَتَّى جَارِيَةً
فَمَا تَثْبَتْ، فَقَالَ لَهَا عُمَرُ: أَلَا أَبْقَيْتُ كَذَّا، وَجَعَلْ دِيَتَهَا
عَلَى عَاقِلَتِهَا

[27601] Abu Qilabah narrated that a woman used to circumcise girls and caused harm [or injury]. Umar held her liable and said, "Why didn't you leave [such and such amount]?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ، أَنَّ امْرَأَةً كَانَتْ تَخْفِضُ الْجَوَارِيَ فَأَعْنَتْ فَضَمَّنَهَا عُمْرًا وَقَالَ: أَلَا أَفْعِنْتَ كَذَّا

[27602] Ibn Tawus said: I asked my father about a man who is killed and pardons his blood [money/retaliation]. He said, "It is permissible." I asked, "Whether accidental or intentional?" He said, "Yes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ طَلْوَسِ، قَالَ: قُلْتُ لِأَبِي الرَّجُلِ يُقْتَلُ فَيَغْفُلُ عَنْ دَمِهِ، قَالَ: جَائِزٌ قَالَ: قُلْتُ: خَطًّا أَمْ عَدًّا؟ قَالَ: نَعَمْ

[27603] Al-Hasan used to say: "If a man pardons his killer in a case of intentional killing before he dies, it is permissible."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا عَفَا الرَّجُلُ عَنْ قَاتِلِهِ فِي الْعَمْدِ قَبْلَ أَنْ يَمُوتَ، فَهُوَ جَائِزٌ

[27604] Qatadah reported that Urwah ibn Mas'ud al-Thaqafi called his people to Allah and His Messenger. A man from them shot him with an arrow, and he died but pardoned him. This was raised to the Prophet (saw), and he allowed his pardon and said, "He is like the Companion of Yasin."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ قَتَادَةَ، أَنَّ عُرْوَةَ بْنَ مَسْعُودَ التَّقْفِيَ دَعَا قَوْمَهُ إِلَى اللَّهِ وَرَسُولِهِ فَرَمَاهُ رَجُلٌ مِنْهُمْ بِسَهْمٍ، فَمَاتَ فَعَفَّا عَنْهُ، فَرُفِعَ ذَلِكُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَلَجَازَ عَفْوَهُ وَقَالَ: هُوَ كَصَاحِبِ يَاسِينَ

[27605] Ata' said: "If the one killed accidentally gifts his blood money to the one who killed him, he only has a third of it. It is considered part of the wealth he bequeaths."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجِ، قَالَ: سَمِعْتُ عَطَاءً، يَقُولُ: إِنْ وَهَبَ الْأَذِي يُقْتَلُ حَطَا دِيْنَهُ لِمَنْ قَتَلَهُ، فَإِنَّمَا لَهُ مِنْهَا الثُّلُثُ، إِنَّمَا هُوَ مِنْ مَالٍ يُوصَى بِهِ

[27606] Umar ibn Abd al-Aziz said: "[It is] from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ ابْنِ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ سِمَاكِ بْنِ الْفَضْلِ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: مِنَ الثُّلُثِ

[27607] Ibn Abbas said: "Four thousand is added to the blood money of the one killed in the sacred months, and four thousand is added to the blood money of the one killed in the Haram. The value of the blood money for the one killed in the Haram is twenty thousand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي زَائِدَةَ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَاسٍ، قَالَ: يُرَادُ فِي دِيَّةِ الْمَقْتُولِ فِي أَشْهُرِ الْحُرُمِ أَرْبَعَةُ آلَافٍ، وَالْمَقْتُولُ فِي الْحُرُمِ يُرَادُ فِي دِيَّتِهِ أَرْبَعَةُ آلَافٍ، قِيمَةُ دِيَّةِ الْحَرَمِيِّ عَشْرِينَ آلَافًا

[27608] Ikrimah reported that Umar ibn al-Khattab judged the blood money for the people of the towns to be twelve thousand. He said: "Times change, and I fear for you from the rulers after me. There is no increase in aggravated blood money for the people of the towns, nor in the sacred month nor the sanctity [of the Haram]. The blood money of the people of the towns has no aggravation or increase in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارِكٍ، عَنْ مَعْمِرٍ، عَنْ عَمْرِو بْنِ عَبْدِ اللَّهِ، عَنْ عِكْرِمَةَ، عَنْ عُمَرَ بْنِ الْخَطَّابِ: قَضَى بِالدِّيَةِ عَلَى أَهْلِ الْفَرَى اثْنَيْ عَشَرَ أَلْفًا وَقَالَ: إِنَّ الزَّمَانَ يَخْتَافُ وَأَخَافُ عَلَيْكُمُ الْحُكَامَ بَعْدِي، فَلَيْسَ عَلَى أَهْلِ الْفَرَى زِيَادَةً فِي تَعْلِيقِ عَقْلٍ، وَلَا فِي الشَّهْرِ الْحَرَامِ وَلَا الْحُرْمَةِ، وَلَا عَقْلٍ أَهْلِ الْفَرَى فِيهِ تَغْلِيفٌ لَا زِيَادَةَ فِيهِ

[27609] Ibn Abi Najih's father reported that Uthman judged regarding a woman killed in the Haram to have a blood money and a third of a blood money.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِيهِ نَجِيْحٍ، عَنْ أَبِيهِ، أَنَّ عُثْمَانَ قَضَى فِي امْرَأَةٍ قُتِلَتْ فِي الْحُرْمَهِ بِدِيَهِ وَثُلُثَ دِيَهِ

[27610] Sa'id ibn al-Musayyib, Sulayman ibn Yasar, and Ata' said: "If one is killed in the Sacred Land, it is a blood money and a third of a blood money. If he is killed in the Sacred Month while in Ihram, it is an aggravated blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، وَأَبُو أَسَامَةَ، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنِ يَسَارٍ، وَعَطَاءً، قَالُوا: إِذَا قُتِلَ فِي الْبَلَدِ الْحَرَامِ فَبِيَهِ وَثُلُثُ دِيَهِ، وَإِذَا قُتِلَ فِي الشَّهْرِ الْحَرَامِ وَهُوَ مُحْرَمٌ فَبِيَهِ مُعَلَّظَةٌ

[27611] Ata', Sa'id ibn Jubayr, and Mujahid said regarding the one killed in the Haram: "A blood money and a third of a blood money." Sa'id ibn Jubayr said: "And the one killed in the Haram is a blood money and a third of a blood

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ عَطَاءٍ، وَسَعِيدِ بْنِ جُبَيْرٍ، وَمُجَاهِدٍ، أَنَّهُمْ قَالُوا فِي الَّذِي يُقْتَلُ فِي الْحُرْمَةِ وَتُلْكُ دِيَةً وَقَالَ أَحَدُهُمْ: أَحْسِبْتُهُ قَالَ سَعِيدِ بْنِ جُبَيْرٍ: وَالَّذِي يُقْتَلُ فِي الْحُرْمَةِ وَتُلْكُ دِيَةً

[27612] Al-Zuhri said regarding a man killed in the Haram or in the sacred months: "A blood money and a third of a blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، أَنَّهُ قَالَ فِي الرَّجُلِ: يُقْتَلُ فِي الْحُرْمَةِ أَوْ فِي أَشْهُرِ الْحُرْمَةِ وَتُلْكُ دِيَةً

[27613] Ibrahim said: "The blood money of the one killed in the Haram and outside the Haram is the same."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: دِيَةُ الَّذِي يُقْتَلُ فِي الْحَرَمَةِ، وَغَيْرُ الْحَرَمَةِ سَوَاءً

[27614] Ibrahim said: "If he is killed in the Sacred Land or outside the Sacred Land, the blood money is one [and the same]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قُتِلَ فِي الْأَبْلَدِ الْحَرَامِ وَفِي غَيْرِ الْأَبْلَدِ الْحَرَامِ، فَالدِيَةُ وَاحِدَةٌ

[27615] Amir said: "Their blood money is equal."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَلَمِرٍ، قَالَ: دِيَتُهُمَا سَوَاءً

[27616] Al-Hasan said: "There is no increase in one blood money, similar to the saying of Ibrahim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ فَتَاهَةَ، عَنْ الْحَسَنِ، قَالَ: لَا يُرَادُ فِي دِيَةٍ وَاحِدَةٍ مِثْلُ قَوْلِ إِبْرَاهِيمَ

[27617] Tawus said: "Aggravation of blood money is in the sacred month, the sanctity [of the Haram], for the Muhrim, and for the neighbor."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُبَيْنَةَ، عَنْ عَمْرِو، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: تَعْلِيظُ الدِّيَةِ فِي الشَّهْرِ الْحَرَامِ، وَالْحُرْمَةِ، وَالْمُحْرِمِ وَفِي الْجَارِ

[27618] Tawus narrated from the Prophet (saw): "There is aggravation [of blood money] for the neighbor and in the sacred month."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: فِي الْجَارِ وَفِي الشَّهْرِ الْحَرَامِ تَعْلِيظٌ

[27619] Tawus said: "In the Haram and the sacred month there is aggravation [of blood money]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ، وَسُلَيْمَانُ الْأَحْوَلُ، سَمِعَا طَاؤِسًا، يَقُولُ: فِي الْحَرَامِ وَالشَّهْرِ الْحَرَامِ تَعْلِيظٌ

[27620] Al-Hasan said: "The blood money of one killed in the Haram is not increased over the blood money of one killed outside the Haram."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: لَا يُزَادُ الَّذِي يُقْتَلُ فِي الْحَرَامِ عَلَى دِيَةِ الَّذِي يُقْتَلُ فِي غَيْرِ الْحَرَامِ

[27621] Simak ibn al-Fadl reported that a man strangled a boy for his ornaments. He wrote to Umar ibn Abd al-Aziz, and he wrote back that he should be killed.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ سِيمَاكِ بْنِ الْفَضْلِ: أَنَّ رَجُلًا خَنَقَ صَبِيًّا عَلَى أُوضَاجِهِ، قَالَ: فَكَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَكَتَبَ أَنَّ يُقْتَلَ

[27622] Ibrahim said: "If he strangles him until he kills him, he is killed for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي هَاشِمٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا خَنَقَهُ حَتَّى يَقْتَلَهُ قُتِلَ بِهِ

[27623] Amir said: "If a man strangles another man and does not let go until he kills him, it is Qawad (retaliation). But if he lets go and then he dies, it is aggravated blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِذَا حَنَقَ الرَّجُلُ الرَّجُلَ، فَلَمْ يَرْفَعْ عَنْهُ حَتَّى يَقْتُلَهُ فَهُوَ قَوْدٌ، وَإِذَا رَفَعَ عَنْهُ، ثُمَّ مَاتَ فَدِيَةٌ مُغَلَّظَةٌ

[27624] Al-Hakam reported that a man strangled another man and killed him, so aggravated blood money was imposed on him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ: أَنَّ رَجُلًا حَنَقَ رَجُلًا فَقَتَلَهُ، فَجَعَلَتْ عَلَيْهِ الدِّيَةُ مُغَلَّظَةً

[27625] Hammad said: "It is accidental."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو قُتَيْبَةَ، وَأَبُو دَاؤِدَ الطَّيَالِسِيِّ، عَنْ شَعْبَةَ، عَنْ حَمَادٍ، قَالَ: هُوَ خَطَا

[27626] Al-Harith said regarding a man who hits another man: "If witnesses testify that he hit him and he remained sick from his beating until he died, I obligate him to pay blood money. If it was intentional, then Qawad (retaliation); and if it was accidental, then blood money is upon the 'Aqilah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الْحَارِثِ، فِي الرَّجُلِ يَضْرِبُ الرَّجُلَ، قَالَ: إِذَا شَوَدَتِ الشُّهُودُ أَنَّهُ ضَرَبَهُ، فَلَمْ يَزَلْ مَرِيضًا مِنْ ضَرْبِهِ حَتَّى مَاتَ أَلْزَمْتُهُ الدِّيَةَ، فَإِنْ كَانَ عَامِدًا فَالْقَوْدُ، وَإِنْ كَانَ خَطَا فَالْدِيَةُ عَلَى الْعَااقِلَةِ

[27627] Al-Hasan said regarding a man who hits another man, and he remains sick on his bed until he dies: "In it is Qawad."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، فِي الرَّجُلِ يَضْرِبُ الرَّجُلَ، فَلَا يَزَالُ مُضْنَى عَلَى فِرَاسِهِ حَتَّى يَمُوتَ، قَالَ: فِيهِ الْقَوْدُ

[27628] Tamim ibn Salamah said: Two men testified before Shurayh against a man, saying, "We testify that this one threw this one down and kept squeezing him until he died." Shurayh said, "You testify that he killed him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ نَمِيمِ بْنِ سَلَمَةَ، قَالَ: شَهَدَ رَجُلًا عِنْدَ شُرَيْبٍ عَلَى
رَجُلٍ، فَقَالَ: تَشْهُدُ أَنَّ هَذَا صَرَعَ هَذَا، فَلَمْ يَزَلْ
يَعْصِرُهُ حَتَّى مَاتَ فَقَالَ شُرَيْبٌ: تَشْهُدُونَ أَنَّهُ قَتَلَهُ

[27629] Ibn Shihab reported that in the time of Umar ibn al-Khattab, a man from Juhaynah trampled a man from Bani Ghifar (or vice versa). His family claimed that he died from that. Umar asked fifty men from the claimants to swear, but they refused to swear, and the defendants refused to swear. So Umar ruled half the blood money in the case.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ شِهَابٍ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ
أَوْطَأَ فِي زَمَانِهِ رَجُلًا مِنْ جُهَيْنَةَ رَجُلًا مِنْ بَنِي غِفارَ،
أَوْ رَجُلًا مِنْ بَنِي غِفارٍ رَجُلًا مِنْ جُهَيْنَةَ، فَادَّعَى أَهْلُهُ
أَنَّهُ مَاتَ مِنْ ذَلِكَ، فَأَحْلَفُوهُمْ عُمُرُ حَمْسِينَ رَجُلًا مِنْهُمْ
مِنَ الْمُدَّعِينَ، فَأَبْوَا أَنْ يَحْلِفُوا، وَأَبَى الْمُدَّعَى عَلَيْهِمْ أَنْ
يَحْلِفُوا، فَقَضَى عُمَرُ فِيهَا بِشَطْرِ الدِّيَةِ

[27630] Al-Hasan ibn Muslim reported that a slave girl bit the finger of a freed slave of Bani Zayd, and he died from it. The girl confessed to biting him. Umar ibn Abd al-Aziz ruled that Bani Zayd should swear fifty oaths repeatedly that he died from her bite, then the slave girl would be theirs. Otherwise, they have no right. They refused to swear.

[27631] Shurayh said regarding a man who encountered a chair, collided with it, and killed it (or someone): "The collider is liable to the collided."

[27632] Ali ruled regarding two horsemen who collided and one of them died: "The living one is liable for the dead one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ أَبْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي الْحَسَنُ بْنُ مُسْلِمٍ، أَنَّ أَمَّةً عَصَتْ إِصْبَعًا لِمَوْلَى لِبْنِي زَيْدٍ فَطُمِرَ فِيهَا، فَمَاتَ، فَاعْتَرَفَتِ الْأَجَارِيَّةُ بِعَصَتِهَا إِلَيَّاهُ، فَقُضِيَ فِيهَا عُمُرُ بْنُ عَبْدِ الْعَزِيزِ بِأَنْ يُحَلِّفَ بْنِي زَيْدٍ خَمْسِينَ يَمِينًا ثُرَدَّ عَلَيْهِمُ الْأَيْمَانُ لَمَاتَ مِنْ عَصَتِهَا لُمُّ الْأَمَّةِ لَهُمْ، وَإِلَّا فَلَا حَقَّ لَهُمْ، فَلَوْا أَنْ يَحْلُفُوا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ حَاجَاجِ، عَنْ أَبِي عَوْنَ، عَنْ شُرَيْحٍ، أَنَّ رَجُلًا لَقِيَ بِكُرْسِيٍّ فَصَدَمَهُ فَقَتَلَهُ فَقَالَ شُرَيْحٌ: ضَمِّنِ الصَّادِمَ لِلْمَصْدُومِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ أَشْعَثَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلَيٍّ، فِي: فَارِسَيْنِ اصْطَدَمَا فَمَاتَ أَحَدُهُمَا، فَضَمِّنَ الْحَيُّ الْمَيِّتَ

[27633] Al-Sha'bi was asked about two ships colliding and one of them sinking. He said, "There is no liability on the other. But any man who secures a ship on the path of Muslims and it causes harm, he is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنْ الشَّعْبِيِّ، أَنَّهُ سُئِلَ عَنْ سَفِينَتَيْنِ اصْطَدَمَتَا، فَعَرَفَتْ إِحْدَاهُمَا، فَقَالَ: لَيْسَ عَلَى الْأَخْرَى ضَمَانٌ، وَلَكِنْ أَيْمًا رَجُلٌ أَوْئَقَ سَفِينَةً عَلَى طَرِيقِ الْمُسْلِمِينَ، فَأَصَابَتْ فَهُوَ ضَامِنٌ

[27634] Ali said regarding two horsemen colliding: "The living one guarantees the blood money of the dead one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ أَشْعَثَ، عَنْ الْحَكْمِ، عَنْ عَلَيٍّ فِي الْفَارِسَيْنِ يَصْطَدِمَانِ، قَالَ: يَضْمَنُ الْحَيُّ دِيَةَ الْمَيِّتِ

[27635] Ka'b ibn Sur reported that a man was on a donkey and met a man on a camel in an alley. The donkey shied and threw the man, injuring him. Ka'b ibn Sur did not hold the owner of the camel liable for anything.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَاجَ، عَنْ فَتَادَةَ، عَنْ كَعْبِ بْنِ سَوَارٍ: أَنَّ رَجُلًا كَانَ عَلَى حِمَارٍ فَاسْتَقْبَلَهُ رَجُلٌ عَلَى بَعِيرٍ فِي زُفَاقٍ فَقَاتَ الْحِمَارُ، فَصَرَعَ الرَّجُلَ، فَأَصَابَهُ شَيْءٌ، فَلَمْ يُضْمَنْ كَعْبُ بْنُ سَوَارٍ صَاحِبُ الْبَعِيرِ شَيْئًا

[27636] Sa'id ibn al-Musayyib reported that Uthman ruled that any two combatants who fought guaranteed what happened between them.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ أَبْنِ أَبِي ذِئْبٍ، عَنْ الْمُطَلَّبِ بْنِ السَّائِبِ السَّهْمِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّ عُثْمَانَ قَضَى أَنَّ كُلَّ مُقْتَلَيْنِ افْتَلَأَ ضَمِنَا مَا بَيْنَهُمَا

[27637] Al-Hasan said: "If a testimony is given against the owner of a leaning wall, and it falls and causes harm, he is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مَعَانِ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، قَالَ: إِذَا شَهَدَ عَلَى صَاحِبِ الْحَائِطِ الْمَائِلِ
فَوْقَعَ، فَأَصَابَ فَهُوَ ضَامِنٌ

[27638] Shurayh said: "If a man's wall is leaning and witness is borne against it [warning him], he guarantees [any damage]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعُ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: إِذَا كَانَ حَائِطُ
الرَّجُلِ مَائِلًا، فَأَشْهَدَ عَلَيْهِ ضَمِنٌ

[27639] Ibrahim said the same.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعُ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[27640] Qatadah used to say regarding a leaning wall: "If they testify against its owner and it kills a person, he is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ
الْخَفَافِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ: أَنَّهُ كَانَ يَقُولُ فِي
الْحَائِطِ الْمَائِلِ إِذَا شَهُدُوا عَلَى صَاحِبِهِ فَقَتَلَ إِنْسَانًا فَهُوَ
ضَامِنٌ

[27641] Shurayh reported that a boy jumped onto another boy, but the one below moved away, causing the one above to break his incisor. He held the one above liable and did not hold the one below liable.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ حَاجٍ، عَنِ
ابْنِ عَوْنَ، عَنْ شُرَيْحٍ: أَنَّ غُلَامًا وَتَبَ عَلَى آخَرَ،
فَتَنَحَّى الْأَسْفَلُ، وَانْكَسَرَتْ ظَبَنَةُ الْأَعْلَى، فَضَمَّنَ
الْأَعْلَى، وَلَمْ يُضَمِّنْ الْأَسْفَلَ

[27642] Abu Mijlaz said: "If a man were thrown onto another man and one of them died, the survivor would be liable. If you ask why, he said, 'Because the blood of a Muslim is not in vain.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عِمْرَانَ بْنُ حُدَيْرٍ، عَنْ أَبِي مَجْلِزٍ، قَالَ: إِنَّ صُرْعَ رَجُلٍ عَلَى رَجُلٍ فَمَاتَ أَحَدُهُمَا، ضَمِّنَ الْبَاقِي، فَإِنْ قُلْتَ: لِمَ؟، قَالَ: لِأَنَّهُ لَا يَبْطِلُ دَمُ مُسْلِمٍ

[27643] Ibrahim reported that two boys were playing and one threw the other down. One got a head wound and the other's incisor broke. The one below was held liable for the one above, and the one above was not held liable for the one below.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ: أَنَّ عُلَامَيْنِ كَانَا يَلْعَبَانِ فَصَرَعَ أَحَدُهُمَا الْأُخْرَ، فَشَرَحَ أَحَدُهُمَا، وَانْكَسَرَتْ ثَنَيَةُ الْأُخْرِ، فَضَمِّنَ الْأَسْفَلُ الْأَعُلَى، وَلَمْ يَضْمِنَ الْأَعُلَى الْأَسْفَلَ

[27644] Shurayh said regarding a man falling onto another man from a roof and the one above died: "I do not hold the ground liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي حُصَيْنٍ، عَنْ شُرَيْحٍ فِي رَجْلٍ وَقَعَ عَلَى رَجُلٍ مِنْ فَوْقِ بَيْتٍ فَمَاتَ الْأَعُلَى قَالَ شُرَيْحٌ: لَا أُضَمِّنَ الْأَرْضَ

[27645] Amir said: "If the one below dies, the one above is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شُرَيْحٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِنْ مَاتَ الْأَسْفَلُ ضَمِّنَ الْأَعُلَى

[27646] Ali ibn Abi Talib said: Two boys were playing, and one jumped on the other's back. The upper one's incisor broke and the lower one suffered a head wound. They were held mutually liable.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ حَجَاجِ،
عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ، قَالَ:
كَانَ غُلَامًا يَلْعَبَانِ فَوَتَّبَ أَحَدُهُمَا عَلَى ظَهْرِ صَاحِبِهِ،
فَانْكَسَرَتْ تَئِيَّةُ الْأَعْلَى وَشَجَّ الْأَسْفَلُ فَضَمَّنَ بَعْضُهُمْ
بَعْضًا

[27647] Al-Hakam said regarding a man who fell onto another man passing under a house, and one of them died: "The surviving one is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ
فِي رَجُلٍ وَقَعَ عَلَى رَجُلٍ مَرَّ فَوْقَ بَيْتٍ، فَمَاتَ أَحَدُهُمَا،
قَالَ: يَضْمُنُ الْحَيُّ مِنْهُمَا

[27648] Ibrahim said regarding a man who jumped on another man, breaking the jumper's incisor and wounding the one jumped on: "He annulled [liability for] the jumper's incisor and held him liable for the wound of the one jumped on."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُغِيرَةُ، عَنْ إِبْرَاهِيمَ: "فِي
رَجُلٍ وَتَبَّ عَلَى رَجُلٍ، فَانْكَسَرَتْ تَئِيَّةُ الْوَاثِبِ، وَشَجَّ
الْمَوْتُونُوبُ عَلَيْهِ، فَأَبْطَلَنَ تَئِيَّةَ الْوَاثِبِ، وَضَمَّنَهُ شَجَّةَ
الْمَوْتُونُوبِ عَلَيْهِ"

[27649] Safwan ibn Ya'la ibn Umayyah reported from his father: I had a hired worker who fought a person, and one bit the other's hand. Ata' said: Safwan informed me: "Whichever of them bit the other, the bitten one pulled his hand from the biter's mouth, causing one of his incisors to come out. They came to the Prophet (saw), and he invalidated [compensation for] his incisor."

[27650] Imran ibn Husayn said: "The Messenger of Allah (saw) invalidated it."

[27651] Ata' reported that a man bit another's hand during the time of the Prophet (saw), causing his incisor to come out. The Messenger of Allah (saw) invalidated [compensation for] it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ ابْنِ جُرَيْجِ،
قَالَ: أَخْبَرَنِي عَطَاءُ، قَالَ: أَخْبَرَنِي صَفْوَانُ بْنُ يَعْلَى
بْنُ أُمِيَّةَ، عَنْ أَبِيهِ قَالَ: كَانَ لِي أَحِيرٌ فَقَاتَ إِنْسَانًا
فَعَضَّ أَحَدُهُمَا يَدَ الْأَخْرَ "قَالَ عَطَاءُ: لَقَدْ أَخْبَرَنِي
صَفْوَانُ: أَيْهُمَا عَضَّ الْأَخْرَ فَانْتَرَعَ الْمَعْضُوفُ يَدَهُ
مِنْ فِي الْعَاصِ، فَانْتَرَعَ إِحْدَى تَنَيَّتِهِ فَأَتَيْنَا إِلَى النَّبِيِّ
عَلَيْهِ السَّلَامُ فَأَهَدَرَ تَنَيَّتِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ سَعِيدٍ، عَنْ
قَتَادَةَ، عَنْ زُرَارَةَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ، قَالَ:
فَأَبْطَلَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ
عَطَاءٍ، أَنَّ رَجُلًا عَضَّ يَدَ آخَرَ عَلَى عَهْدِ النَّبِيِّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ فَانْتَرَعَ تَنَيَّتِهِ، فَأَهَدَرَهَا رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ

[27652] Ibn Sirin said: "I was informed that a man bit another man's hand. He pulled his hand from his mouth, causing an incisor or two to fall out. He came to the Prophet (saw) seeking retaliation. He said, 'Should he leave his hand in your mouth for you to eat it? If you wish, give your hand to him to bite, then pull it away.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ أَبْنِ سَيْرِينَ، قَالَ: "بَيْتُ أَنَّ رَجُلًا عَضَّ يَدَ رَجُلٍ، فَانْتَرَعَ يَدُهُ مِنْ فِيهِ، فَأَسْقَطَ تَنِيَّةً أَوْ ثَنِيَّتَيْنِ مِنْ فِيهِ، فَأَتَى إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَقِيدُ، فَقَالَ: أَفِيدَعُ يَدَهُ فِي فِيَكَ تَأْكُلُهَا، إِنْ شِئْتَ دَفَعْتُ يَدَكَ إِلَيْهِ يَعْصُمُهَا، لَمْ اُنْتَ عُنْهَا

[27653] Ibn Abi Mulaykah's grandfather reported that a person came to Abu Bakr after being bitten by someone. He pulled his hand away, causing the biter's incisor to fall out. Abu Bakr said, "His right [to compensation] is lost."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ أَبْنِ جُرَيْجِ، قَالَ: أَخْبَرَنِي أَبْنُ أَبِي مُلِيقَةَ، عَنْ جَدِّهِ: أَنَّ إِنْسَانًا أَثَى أَبَا بَكْرٍ وَعَصَنَهُ إِنْسَانٌ، فَنَرَعَ يَدَهُ مِنْهُ، فَنَذَرَتْ تَنِيَّتُهُ، فَقَالَ أَبُو بَكْرٌ: فُقدَتْ يَمِينُهُ

[27654] Ibn Jurayj reported that Abu Bakr and Umar invalidated it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَبْنِ جُرَيْجِ: أَنَّ أَبَا بَكْرٍ، وَعُمَرَ أَبْطَلَاهَا

[27655] Shurayh ruled regarding a man who bit another man and pulled away, causing his incisor to be pulled out, that Shurayh invalidated it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ الشَّيْبَانِيِّ، عَنْ مُحَمَّدِ بْنِ عُبَيْدِ اللَّهِ، عَنْ شُرَيْحٍ، فِي رَجُلٍ عَضَّ رَجُلًا فَانْتَرَعَ، فَانْتُرَعْتُ ثَنِيَّتُهُ، فَابْطَلَهَا شُرَيْحٌ

[27656] Yahya ibn Sa'id reported that two Bedouins disputed in Medina during the time of Umar ibn Abd al-Aziz. One said to his companion, "By Allah, I beat him until he defecated." The other said, "Bear witness, for by Allah he spoke the truth." Umar ibn Abd al-Aziz sent to Sa'id ibn al-Musayyib asking about a man who beat another until he defecated, whether there was any precedent or Sunnah. Sa'id said, "Uthman ruled a third of the blood money in such a case."

[27657] Al-Sha'bi said regarding a man who causes an injury and is retaliated against, then dies: "The injury of the first is paid from the blood money of the deceased." Abdullah ibn Dhakwan said: "He has nothing from the blood money of the deceased."

[27658] Ibrahim said: "An amount corresponding to the injury is deducted for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ يَحْيَى بْنِ سَعِيدٍ: أَنَّ رَجُلَيْنِ مِنَ الْأَعْرَابِ احْتَصَمَا بِالْمَدِينَةِ فِي زَمَنِ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ قَالَ أَحَدُهُمَا لِصَاحِبِهِ: ضَرَبْتُهُ وَاللَّهِ حَتَّىٰ سَلَحَ، فَقَالَ: أَشْهَدُوا فَقَدْ وَاللَّهِ صَدَقَ فَأَرْسَلَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ إِلَى سَعِيدِ بْنِ الْمُسَيَّبِ يَسْأَلُهُ عَنْ رَجُلٍ ضَرَبَ رَجُلًا حَتَّىٰ سَلَحَ، هَلْ فِي ذَلِكَ أَئْرَ مَضَىٰ أَوْ سُنَّةً، قَالَ سَعِيدٌ: قَضَىٰ فِيهَا عُثْمَانُ بْنَ ثَلَاثَ الدِّيَةِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ إِذَا أَصَابَ بِجَرَاحَةٍ فَاقْتَصَرَ مِنْهُ فَمَاتَ، قَالَ: يُنْدَعُ مِنْ دِيَةِ الْمَيِّتِ جَرَاحَةً الْأَوَّلُ قَالَ عَبْدُ اللَّهِ بْنُ ذَكْوَانَ: لَيْسَ لَهُ مِنْ دِيَةِ الْمَيِّتِ شَيْءٌ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُنْدَعُ عَنْهُ بِقُدرِ الْجَرَاحَةِ

[27659] Abdullah said: "An amount corresponding to the injury is lifted from him, and he is liable for the rest of the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَنْدَرُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ، قَالَ: يُرْفَعُ عَنْهُ بِقَدْرِ الْجِرَاحَةِ، وَيَكُونُ ضَامِنًا لِبَقِيَّةِ الدِّيَةِ

[27660] Al-Zuhri said: "If the one from whom retaliation is taken dies, the retaliator is liable for blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْرِيِّ، قَالَ: إِذَا مَاتَ الَّذِي يُقْتَصُّ مِنْهُ فَالْمُقْتَصُضَامِنُ لِلْدِيَةِ

[27661] Alqamah said regarding the one retaliated against: "Whichever of them dies, blood money is paid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ: فِي الْمُقْتَصِضِ مِنْهُ أَيُّهُمَا مَاتَ وُدِيَ

[27662] Al-Hakam said: I asked Ziyad ibn Jubayr for permission to perform Hajj. He asked me about a man who wounded another man's head, and retaliation was taken from him, but the one retaliated against died. I said: "He owes blood money, and an amount corresponding to the wound is lifted from him." Then I forgot that. Ibrahim came, so I asked him, and he said: "He owes blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، قَالَ: اسْتَأْذَنْتُ زَيَادَ بْنَ جُبَيْرٍ فِي الْحَجَّ، فَسَأَلَنِي عَنْ رَجُلٍ شَجَّ رَجُلًا فَاقْتَصَرَ لَهُ مِنْهُ، فَمَاتَ الْمُقْتَصُضَ مِنْهُ، فَقُلْتُ: عَلَيْهِ الدِّيَةُ، وَيُرْفَعُ عَنْهُ بِقَدْرِ الشَّجَّةِ، ثُمَّ نَسِيَتُ ذَلِكَ، فَجَاءَ إِبْرَاهِيمَ فَسَأَلَنِي، قَالَ: عَلَيْهِ الدِّيَةُ

[27663] Shu'bah said: I asked Al-Hakam and Hammad about that. They said: "He owes blood money." Hammad added: "And an amount corresponding to the wound is lifted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ ذَلِكَ، فَقَالَا: عَلَيْهِ الدِّيَةُ وَقَالَ حَمَادٌ: وَيُرْفَعُ عَنْهُ بِقَدْرِ الشَّجَةِ

[27664] Ibrahim and Al-Sha'bi said: "He owes blood money, and an amount corresponding to the wound is lifted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: عَلَيْهِ الدِّيَةُ وَيُرْفَعُ عَنْهُ بِقَدْرِ الشَّجَةِ

[27665] Tawus and Ata' said: "He owes blood money, and nothing is lifted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفيَانَ، عَنْ مَعْمَرٍ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، وَعَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَا: عَلَيْهِ الدِّيَةُ وَلَا يُرْفَعُ عَنْهُ شَيْءٌ

[27666] Ali said: "Whoever dies due to retaliation according to the Book of Allah has no blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، وَعَنْ حَاجَاجٍ، عَنْ عُمَيْرٍ بْنِ سَعْدٍ، عَنْ قَنَادَةَ، عَنْ خَلَاسٍ، عَنْ عَلَيِّ أَنَّهُ قَالَ: مَنْ مَاتَ بِقِصَاصٍ، بِكِتَابِ اللَّهِ فَلَا دِيَةَ لَهُ

[27667] Similar narration from Umar.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ عُمَرَ، مِثْلُهُ

[27668] Al-Hasan said regarding a man who is retaliated against and dies: "He has no blood money; the Book of Allah killed him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هَشَامٍ، عَنْ الْحَسَنِ: فِي الرَّجُلِ يُقْتَصُ مِنْهُ فَيَمُوتُ لَا دِيَةَ لَهُ قَنَادَةُ كِتَابُ اللَّهِ

[27669] Al-Hasan said regarding a man who dies in retaliation: "He has no blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الرَّجُلِ يَمُوتُ فِي الْقِصَاصِ، قَالَ: لَا دِيَةَ لَهُ

[27670] Abu Sa'id reported that Abu Bakr and Umar said: "Whoever is killed by a prescribed punishment (Hadd) has no blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ شِيخٍ، مِنْ أَهْلِ الْبَصْرَةِ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ: أَنَّ أَبَا بَكْرٍ، وَعُمَرَ، قَالَا: مَنْ قَتَلَهُ حَدْ، فَلَا عَقْلَ لَهُ

[27671] Al-Hasan and Muhammad said regarding a man upon whom a Hadd punishment is carried out and he dies: "He has no blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ فِي الرَّجُلِ يُقَاتَمُ عَلَيْهِ الْحَدُّ فَيَمُوتُ، قَالَ: لَا دِيَةَ لَهُ

[27672] Ali said: "If a Hadd punishment is carried out on a man for adultery, theft, or slander, and he dies, he has no blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ حَاجَاجٍ، عَنْ عُمَيْرٍ بْنِ سَعْدٍ، قَالَ عَلَيْهِ: إِذَا أُقِيمَ عَلَى الرَّجُلِ الْحَدُّ فِي الرِّزْنَا، أَوْ سَرِقَةٍ، أَوْ قَذْفٍ فَمَاتَ، فَلَا دِيَةَ لَهُ

[27673] Ali said: "I would not carry out a Hadd punishment on a man and he dies, and feel anything in myself about it, except for the one who drinks alcohol. If he died, I would pay his blood money." Sufyan added: "That is because the Messenger of Allah (saw) did not establish a Sunnah regarding it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعَرٌ، وَسُفْيَانُ، عَنْ أَبِي حَصِينٍ، عَنْ عُمَيْرٍ بْنِ سَعْدِ النَّخْعَنِيِّ، قَالَ: قَالَ عَلَيْهِ: مَا كُنْتُ لِأُقِيمَ عَلَى رَجُلٍ حَدًّا فَيَمُوتُ، فَأَجِدُ فِي نَفْسِي مِنْهُ شَيْئًا إِلَّا صَاحِبُ الْخَمْرِ لَوْ مَاتَ وَدَيْتُهُ وَزَادَ سُفْيَانُ: وَذَلِكَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمْ يَسْتَهِنْ

[27674] Umar and Ali said: "Whoever is killed by retaliation has no blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، قَالَ: حَدَّثَنَا سَعِيْدٌ، عَنْ مَطْرٍ، عَنْ عَطَاءً، عَنْ عُيْنِيْدِ بْنِ عُمَيْرٍ، أَنَّ عُمَرَ، وَعَلِيًّا، قَالَا: مَنْ قَتَلَهُ قِصَاصٌ فَلَا دِيْنَةُ لَهُ

[27675] Ali and Abdullah said: "Intentional [killing] is with a weapon."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَلِيٍّ، وَعَبْدِ اللَّهِ، قَالَا: الْعَمَدُ السَّلَاحُ

[27676] Ata' narrated similarly.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، مِثْلُهُ

[27677] Sa'id ibn al-Musayyib said: "Intentional [killing] is with a needle and anything larger."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَمَّنْ حَدَّثَهُ عَنْ سَعِيْدِ بْنِ الْمُسَيْبَ، قَالَ: الْعَمَدُ بِالْأَبْرَةِ فَمَا قَوْفَهَا

[27678] Masruq said: "Intentional [killing] is with iron."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ أَشْعَثَ، عَنْ الشَّعْبَانِيِّ، عَنْ مَسْرُوقٍ، قَالَ: الْعَمَدُ بِالْحَدِيدَةِ

[27679] Al-Sha'bi said: "Everything with iron is intentional."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الشَّعْبَانِيِّ، قَالَ: كُلُّ شَيْءٍ بِحَدِيدَةٍ فَهُوَ عَمَدٌ

[27680] Al-Hasan said: "No retaliation is taken from a striker unless he strikes with iron."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةً، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: لَا يُقَاتَلُ مِنْ ضَارِبٍ إِلَّا أَنْ يَضْرِبَ بِحَدِيدَةٍ

[27681] Al-Nu'man ibn Bashir reported the Messenger of Allah (saw) saying: "Everything is accidental except the sword, and for every error there is an indemnity."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ أَبِي عَازِبٍ، عَنْ النُّعْمَانِ بْنِ بَشِيرٍ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كُلُّ شَيْءٍ خَطَأٌ إِلَّا السَّيْفُ، وَلِكُلِّ خَطَأٍ رُّشْ

[27682] Ibrahim said: "Intentional [killing] is with a weapon."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الْعَمْدُ بِالسَّلَاحِ

[27683] Ziyad ibn 'Ilaqah reported from a man that a man threw a boulder at another man and killed him. The Messenger of Allah (saw) exacted retaliation from him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ،
عَنْ زَيَادِ بْنِ عِلَاقَةَ، عَنْ رَجُلٍ: أَنَّ رَجُلًا رَمَى رَجُلًا
بِجُلْمُودٍ فَقَتَلَهُ، فَأَقَادَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[27684] Ibrahim said: "Striking with a rock is intentional, and in it is retaliation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: الضرْبُ بِالصَّخْرَةِ عَمْدٌ وَفِيهَا الْقَوْدُ

[27685] Ubayd ibn Umayr said: "A strong man intentionally takes a rock or a piece of wood and smashes a man's head with it. What intention is more intentional than this?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنِ ابْنِ جُرَيْحٍ،
عَنْ أَبِي الرُّبَّيْرِ، عَنْ عُبَيْدِ بْنِ عُمَيْرٍ، قَالَ: يَعْمَدُ الرَّجُلُ
الْأَيْدُ - يَعْنِي الشَّدِيدَ - إِلَى الصَّخْرَةِ أَوْ إِلَى الْخَشَبَةِ
فَيَشَدُّ خَمْرًا رَأْسَ الرَّجُلِ، وَأَيُّ عَمْدٍ أَعْمَدٌ مِنْ هَذَا؟

[27686] Jarwah ibn Hamil reported his father saying: Umar said, "One of you intentionally strikes his brother with something like a meat-cleaver. No man who does that and kills will be brought to me except that I will exact retaliation from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ زَيْدِ بْنِ جُبَيْرٍ،
عَنْ جَرْوَةَ بْنِ حَمِيلٍ، عَنْ أَبِيهِ قَالَ: قَالَ عُمَرُ: يَعْمَدُ
أَحَدُكُمْ إِلَى أَخِيهِ، فَيَضْرِبُهُ بِمِثْلِ أَكْلَةِ الْحَمْ، لَا أُوْتَى
بِرَجُلٍ فَعَلَ ذَلِكَ فَقُتِلَ إِلَّا أَفَدَنُهُ مِنْهُ

[27687] Al-Zuhri said: "If he strikes him with a staff intentionally, and it kills its victim, the striker is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْرِيِّ، قَالَ: يَضْرِبُهُ بِالْعَصَمِ عَمْدًا، إِذَا قَتَلَ صَاحِبَهَا قُتِلَ الضَّارِبُ

[27688] Ali said: "Quasi-intentional is with a staff and a large stone."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلَيِّ، قَالَ: شَيْءٌ الْعَمْدُ بِالْعَصَمِ وَالْحَجَرُ الْعَظِيمُ

[27689] Al-Sha'bi said: "If he strikes with a staff repeatedly, he is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ قَيْسٍ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا ضَرَبَ بِالْعَصَمِ، فَأَعَادَ وَأَبَدَ قُتِلَ

[27690] Shu'bah said: I asked Al-Hakam and Hammad about a man who strikes another man with a staff and kills him. Al-Hakam said: "There is no retaliation upon him." Hammad said: "He is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنِ الرَّجُلِ يَضْرِبُ الرَّجُلَ بِالْعَصَمِ فَيُقْتَلُ قَالَ الْحَكَمُ: لَيْسَ عَلَيْهِ قَوْدٌ وَقَالَ حَمَادٌ: يُقْتَلُ

[27691] Amir said: "If he assaults with a staff, it is retaliation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِذَا أَعْلَمَ بِالْعَصَمِ، فَهُوَ قَوْدٌ

[27692] Anas reported that a Jew crushed a woman's head with a stone, so the Prophet (saw) crushed his head between two stones.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هَشَامٌ، عَنْ فَتَادَةَ، عَنْ أَنْسٍ: أَنَّ يَهُودِيًّا رَضَخَ رَأْسَ امْرَأَةٍ بِحَجَرٍ، فَرَضَخَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأْسَهُ بَيْنَ حَجَرَيْنِ

[27693] Sa'id ibn al-Musayyib reported that a person was killed in Sana'a, and Umar executed seven people for him, saying: "If the people of Sana'a had conspired against him, I would have killed them all for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ ثُمَيْرٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ: أَنَّ إِنْسَانًا قُتِلَ بِصَنْعَاءِ، وَأَنَّ عُمَرَ قَتَلَ بِهِ سَبْعَةَ نَفَرٍ وَقَالَ: لَوْ تَمَالَأَ عَلَيْهِ أَهْلُ صَنْعَاءَ لَقَتَلْتُهُمْ بِهِ جَمِيعًا

[27694] Umar said: "If the people of Sana'a participated in it, I would have killed them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ فَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: قَالَ عُمَرُ: لَوْ اشْتَرَكَ فِيهِ أَهْلُ صَنْعَاءَ لَقَتَلْتُهُمْ

[27695] Ibn Umar reported that Umar ibn al-Khattab executed seven from the people of Sana'a for one man and said: "If the people of Sana'a participated in it, I would have killed them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْعُمَرِيُّ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَتَلَ سَبْعَةَ مِنْ أَهْلِ صَنْعَاءَ بِرَجْلٍ وَقَالَ: لَوْ اشْتَرَكَ فِيهِ أَهْلُ صَنْعَاءَ لَقَتَلْتُهُمْ

[27696] Sa'id ibn Wahb reported that some men traveled, and a man accompanied them. They returned without him. His family accused them. Shurayh said: "Your witnesses that they killed your companion, or else they swear by Allah that they did not kill him." They brought them to Ali while I was with him. He separated them, and they confessed. I heard Ali say: "I am Abu al-Hasan, the expert judge." So he ordered their execution.

[27697] Sulayman ibn Musa said regarding a group who all participate in killing a man: "He kills all of them for him."

[27698] Ibn Jurayj said: I asked Ata' about a man who killed two free men intentionally. He said: "He is retaliation for both of them."

[27699] Al-Mughirah ibn Shu'bah executed seven men for one man.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ أَبِي إِسْحَاقَ، عَنْ سَعِيدِ بْنِ وَهْبٍ، قَالَ: حَرَجٌ
رِجَالٌ سَفَرُ فَصَاحِبُهُمْ رَجُلٌ فَقَدُمُوا وَلَيْسَ مَعَهُمْ، قَالَ:
فَأَتَاهُمْ هُمْ أَهْلُهُ، فَقَالَ شُرَيْحٌ: شُهُودُكُمْ أَنَّهُمْ قَتَلُوا
صَاحِبَنُّكُمْ، وَإِلَّا حَلَفُوا بِاللَّهِ مَا قَاتَلُوهُ، فَلَتَوْا بِهِمْ عَلَيْاً وَأَنَا
عِنْدَهُ، فَفَرَّقَ بَيْنَهُمْ فَاعْتَرَفُوا، فَسَمِعْتُ عَلَيْاً، يَقُولُ: أَنَا
أَبُو الْحَسَنِ الْقُرْمَ فَأَمَرَ بِهِمْ فَقُتُلُوا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: سَمِعْتُ سُلَيْمَانَ بْنَ مُوسَى، قَالَ: فِي الْقَوْمِ
يُذْلَوْنَ جَمِيعًا فِي الرَّجْلِ يَقْتَلُهُمْ جَمِيعًا بِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءِ رَجُلٍ قَتَلَ رَجُلَيْنِ حُرَيْنِ
عَمْدًا، قَالَ: هُوَ بَيْنَهُمَا فَوْدٌ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ مُجَالِدٍ، عَنْ
الشَّعَيْيِّ، عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ: أَنَّهُ قَتَلَ سَبْعَةً بِرَجُلٍ

[27700] Habib ibn Abi Thabit said: "Two men are not killed for one man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَمِّرُ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، قَالَ: لَا يُقْتَلُ رَجُلٌ بِرَجُلٍ

[27701] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, from 'Amr ibn Dinar, who said: "Abd al-Malik and Ibn al-Zubayr used to execute only one of them [in retaliation]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَمْرُو بْنِ دِينَارٍ، قَالَ: كَانَ عَبْدُ الْمَلِكِ، وَابْنُ الزُّبَيْرِ لَا يَقْتَلُانَ مِنْهُمْ إِلَّا وَاحِدًا

[27702] Abu Bakr narrated to us, saying: Abu Usamah narrated to us, from Hisham, from Muhammad, who said: "He executes only one of them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، قَالَ: لَا يَقْتُلُ مِنْهُمْ إِلَّا وَاحِدًا

[27703] Abu Bakr narrated to us, saying: 'Ubayd Allah ibn Musa narrated to us, from Hasan ibn Salih, from Simak, from Dhuhl ibn Ka'b, that Mu'adh said to 'Umar: "You do not have the right to kill two souls for one soul."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ سِمَاكٍ، عَنْ ذُهْلِ بْنِ كَعْبٍ، أَنَّ مُعَاذًا قَالَ لِعُمَرَ: لَيْسَ لَكَ أَنْ تَقْتُلَ نَفْسَيْنِ بِنَفْسٍ

[27704] Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Layth, from 'Amr ibn Shu'ayb, from his father, from his grandfather 'Abd Allah ibn 'Amr, who said: A man was driving a donkey while riding it. He struck it with a stick he had, and a splinter flew from it and hit his eye, gouging it out. That was referred to 'Umar ibn al-Khattab, and he said: "It is a hand from the hands of the Muslims; no aggression hit it from anyone." So he placed the blood money for his eye upon his 'Aqilah (male paternal relatives).

[27705] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to 'Ata': "A man accidentally wounds himself, does he need proof?" He said: "His 'Aqilah pays the blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ لَيْثٍ، عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: كَانَ رَجُلٌ يَسْوُقُ حِمَارًا وَكَانَ رَاكِبًا عَلَيْهِ، فَضَرَبَهُ بِعَصَمَةٍ فَطَارَتْ مِنْهَا شَظِيَّةٌ، فَأَصَابَتْ عَيْنَهُ، فَقَاتَاهَا، فَرُفِعَ ذَلِكَ إِلَى عُمَرَ بْنِ الْخَطَّابِ، فَقَالَ: هِيَ يَدٌ مِّنْ أَيْدِي الْمُسْلِمِينَ، لَمْ يُصِيبَهَا اعْذَاءٌ عَلَى أَحَدٍ، فَجَعَلَ دِيَةً عَيْنِهِ عَلَى عَاقِلَتِهِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءَ: الرَّجُلُ يُصِيبُ نَفْسَهُ بِالْجُرْحِ حَطًا، عَلَيْهِ بَيْنَهُ؟، قَالَ: يَعْقِلُهُ عَاقِلَتُهُ

[27706] Abu Bakr narrated to us, saying: Harami ibn 'Umarah narrated to us, from Shu'bah, who said: I asked Al-Hakam and Hammad about two men who testified against a man, so his hand was cut off. Then they looked into it, and behold, one of the witnesses was a slave. They said: "The Imam (Leader/State) guarantees [the compensation]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَرَمِيُّ بْنُ عُمَارَةَ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَهَمَّادًا عَنْ رَجُلَيْنِ شَهِدَا عَلَى رَجُلٍ فَقُطِعَتْ يَدُهُ فَنَظَرُوا، فَإِذَا أَحَدُ الشَّاهِدِيْنِ عَبْدٌ، قَالَ: يَضْمُنُ الْإِمَامَ

[27707] Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Ash'ath, from Ibn Sirin, who said: "A man placed his son on a horse to train him/make him ride, then he prodded it and struck it, and it killed him (the son). So he made his blood money due upon his 'Aqilah and did not let the father inherit anything."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: حَمَلَ رَجُلٌ ابْنَهُ عَلَى فَرَسٍ لِّيُسَوَّرَ، فَنَحَسَ بِهِ وَضَرَبَهُ، فَقَتَلَهُ، فَجَعَلَ دِيَتَهُ عَلَى عَاقِلَتِهِ، وَلَمْ يُورِثِ الْأَبَ شَيْئًا

[27708] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to 'Ata': "[Regarding] a man who kills his son by mistake?" He said: "His 'Aqilah pays the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: فُلِتُ لِعَطَاءً الرَّجُلُ يَقْتُلُ ابْنَهُ خَطَأً، قَالَ: يَعْقِلُهُ عَاقِلَةٌ

[27709] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: 'Amr ibn Dinar informed me that a man came to 'Abd al-Malik ibn Marwan who had killed his father and his brother. He said: "[The compensation is] from your wealth specifically."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ، أَنَّ عَبْدَ الْمَلِكِ بْنَ مَرْوَانَ جَاءَهُ رَجُلٌ قَتَلَ أَبَاهُ وَأَخَاهُ، فَقَالَ: فِي مَالِكٍ خَاصَّةٍ

[27710] Abu Bakr narrated to us, saying: Abu al-Ahwas narrated to us, from Simak, from 'Abd al-Rahman ibn al-Qa'qa', who said: I invited a group to my house. They ate and drank until they became intoxicated. They got up to knives in the house and struck one another. They wounded each other; they were four. Two died and two remained. So 'Ali made the blood money obligatory upon all four of them, and he exacted retaliation (Qisas/offsetting) for the two wounded ones regarding the wounds they sustained.

[27711] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Zakariyya narrated to us, from 'Amir, that Al-Hasan ibn 'Ali was brought two men who had killed three people, and the two men were wounded. Al-Hasan ibn 'Ali said: "Upon the two men is the blood money of the three, and the wounds of the two men are removed from them (offset)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَعْدَاعِ، قَالَ: دَعَوْتُ إِلَى بَيْتِي قَوْمًا، فَطَعَمْتُهُمْ وَشَرَبُوا فَأُسْكِرُوا وَقَامُوا إِلَى سَكَاكِينٍ فِي الْبَيْتِ فَاضْطَرَبُوا، فَجَرَحَ بَعْضُهُمْ بَعْضًا وَهُمْ أَرْبَعَةٌ، فَمَاتَ اثْنَانٌ وَبَقَى اثْنَانٌ فَجَعَلَ عَلَيْهِ الْدِيَةَ عَلَى الْأَرْبَعَةِ جَمِيعًا، وَقَصَّ لِلْمَجْرُوجِينَ مَا أَصَابُهُمَا مِنْ جَرَاحَاتِهِمَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّاً، عَنْ عَامِرٍ، أَنَّ الْحَسَنَ بْنَ عَلَيْهِ أَتَى بِرَجُلَيْنِ قَتَلَا ثَلَاثَةَ وَقَدْ جُرِحَ الرَّجُلَاَنِ، فَقَالَ الْحَسَنُ بْنُ عَلَيْهِ: عَلَى الرَّجُلَيْنِ بِيَهُ الْثَلَاثَةِ، وَرُفِعَ عَنْهُمَا جَرَاحَةُ الرَّجُلَيْنِ

[27712] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, from 'Ata' and Ibn Abi Mulaykah, who both said: "That a man killed a man, and the killed man had inflicted wounds on the killer. The killer was executed, and the family of the killed man paid the blood money (Wada) for the killer's

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، وَابْنِ أَبِي مُلَيْكَةَ، قَالَا: أَنَّ رَجُلًا قَتَلَ رَجُلًا، وَجَرَحَ الْمَقْتُولُ الْفَاتِلُ جُرُوحًا، قُتِلَ الْفَاتِلُ، وَوَدَى أَهْلُ الْمَقْتُولِ جُرْحَ الْفَاتِلِ

[27713] Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrahim, who said: "Dead bodies and head wounds were found in a house, so he made them [offset] one against the other."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: وُجِدَ فِي بَيْتٍ قَتْلَى وَشِجَاجٌ، فَجَعَلَ بَعْضَهُمْ بِعَضِّ

[27714] Abu Bakr narrated to us, saying: Hafs narrated to us, from Al-Shaybani, from Al-Sha'bi, who said: "A group from Dhurarah went out and fought one another, killing each other. 'Ali made them liable for the blood money of the killed person, and lifted [liability] from the wounded ones according to the measure of their wounds."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعَبِيِّ، قَالَ: خَرَجَ قَوْمٌ مِنْ دُرَارَةَ فَاقْتَلُوا، فَقَتَلَ بَعْضُهُمْ بَعْضًا، فَضَمَّنَ عَلَيْهِ دِيَةَ الْمَقْتُولِ، وَرَفَعَ عَنِ الْمُجْرُورِ حِينَ بِقُدْرٍ جَرَاحَتِهِمْ

[27715] Abu Bakr narrated to us, saying: Muhammad ibn Fudayl narrated to us, from Abu Husayn, from Al-Sha'bi, who said: "If the dog is in the house, and the people of the house permit a man to enter, and it bites him, they are liable. If he enters without permission and it bites him, they are not liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا كَانَ الْكُلْبُ فِي الدَّارِ، فَإِذْنَ أَهْلِ الدَّارِ لِلرَّجُلِ فَدَخَلَ، فَعَفَرَةُ ضَمِنُوا، فَإِنْ دَخَلَ بِغَيْرِ إِذْنٍ فَعَفَرَةُ لَمْ يَضْمِنُوا

[27716] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Zakariyya narrated to us, from 'Amir, who said: "If their dog bites outside their house by a handspan or more, they are liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّا، عَنْ عَامِرٍ، قَالَ: إِنْ عَفَرَ كُلُّهُمْ خَارِجًا مِنْ دَارِهِمْ شِبْرًا فَمَا فَوْقَهُ ضَمِنُوا

[27717] Abu Bakr narrated to us, saying: Waki' narrated to us, from Muhammad ibn Qays, who heard it from Al-Sha'bi, who said: "If he brings a man into his house, he is liable for him until he brings him out just as he brought him in."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ فَيْسٍ، سَمِعَهُ مِنْ الشَّعْبِيِّ، قَالَ: إِذَا أَدْخَلَ الرَّجُلَ ذَارَةً، فَهُوَ ضَامِنٌ لَهُ حَتَّى يُخْرِجَهُ كَمَا أَدْخَلَهُ

[27718] Abu Bakr narrated to us, saying: 'Abdah ibn Sulayman narrated to us, from Sa'id, from Abu Ma'shar, from Ibrahim, who said: "If he enters with their permission and it bites him, they are liable. And if he enters without their permission and it bites him, they are not liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ، عَنْ أَبِي مَعْشِرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا دَخَلَ بِإِذْنِهِمْ فَعَقَرَهُ ضَمِنُوا، وَإِنْ دَخَلَ بِغَيْرِ إِذْنِهِمْ فَعَقَرَهُ، لَمْ يَضْمِنُوا

[27719] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Tariq ibn 'Abd al-Rahman, who said: I was with Shurayh when a petitioner came whose leather bag was torn and his shin scratched. He said: "I entered the house of some people and their dog bit me." Shurayh said: "If they gave you permission, they are liable; otherwise, there is no liability upon them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ طَارِقِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: كُنْتُ عِنْدَ شُرَيْحٍ، فَجَاءَهُ سَائِلٌ قَدْ حُرِقَ جَرَابُهُ وَخُمِسَتْ سَاقُهُ؟ فَقَالَ: إِنِّي دَخَلْتُ دَارَ قَوْمٍ فَعَقَرَنِي كَلْبُهُمْ، فَقَالَ شُرَيْحٌ: إِنْ كَانَ أَذْنُوا لِكَ فَهُمْ ضَامِنُونَ، وَإِلَّا فَلَا ضَمَانَ عَلَيْهِمْ

[27720] Abu Bakr narrated to us, saying: 'Ubayd Allah narrated to us, from Shu'bah, from Al-Hakam, regarding the biting dog, he said: "He is not liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، فِي الْكَلْبِ الْعَقُورِ، قَالَ: لَا يَضْمِنُ

[27721] Abu Bakr narrated to us, saying: Ibn Idris narrated to us, from Husayn, from 'Amir, who said: He used to say regarding dogs: "If a man approaches them while they are with the sheep and they bite him, there is no liability upon him (the owner). But if they attack people on the road and injure someone, then the liability is upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ حُصَيْنِ،
عَنْ عَامِرٍ، قَالَ: كَانَ يَقُولُ فِي الْكِلَابِ إِذَا غَشِيَهَا
الرَّجُلُ وَهِيَ مَعَ الْغَنَمِ، فَعَقَرَتْهُ فَلَيْسَ عَلَيْهِ ضَمَانٌ، وَإِذَا
تَعَرَّضَتْ لِلنَّاسِ فِي الطَّرِيقِ فَأَصَابَتْ أَحَدًا، فَعَلَيْهِ
الضَّمَانُ

[27722] Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Ash'ath and 'Amr, from Al-Hasan, who said: The Messenger of Allah ﷺ said: "There is no retaliation (Qawad) except with the sword."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ
أَشْعَثَ، وَعَمْرُو، عَنِ الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا قَوْدٌ إِلَّا بِالسَّيْفِ

[27723] Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrahim, regarding a man who kills another man with pebbles or mutilates him. He said: "Retaliation is only with the sword; mutilation was not part of their practice."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، فِي الرَّجُلِ يَقْتُلُ الرَّجُلَ بِالْحَصَى أَوْ يُمْتَلِّ بِهِ،
قَالَ: إِنَّمَا الْقَوْدُ بِالسَّيْفِ، لَمْ يَكُنْ مِنْ أَمْرِهِمْ الْمُتَلَّهُ

[27724] Abu Bakr narrated to us, saying: Waki' narrated to us, from Muhammad ibn Qays, from Al-Sha'bi, who said: "There is no retaliation except with iron (a blade)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ قَيْسٍ،
عَنِ الشَّعْبِيِّ، قَالَ: لَا فَوَادٌ إِلَّا بِحَدِيدٍ

[27725] Abu Bakr narrated to us, saying: 'Abdah ibn Sulayman narrated to us, from Ibn Abi 'Arubah, from Abu Ma'shar, from Ibrahim, who said: "There is no retaliation except with iron."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ ابْنِ
أَبِي عَرْوَبَةَ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا فَوَادٌ
إِلَّا بِحَدِيدٍ

[27726] 'Abdah narrated to us, from Sa'id, from Qatadah, from Al-Hasan, similar to it.

حَدَّثَنَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، مِثْلُهُ

[27727] Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Hasan, regarding the slave who commits multiple crimes. He said: "He is handed over to them [the victims], and they divide him among themselves according to the measure of the crimes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ
الْحَسَنِ، فِي الْعَبْدِ يَجْزِي الْجَنَائِاتِ، قَالَ: يُدْفَعُ إِلَيْهِمْ،
فَيَقْسِمُونَهُ عَلَى قَدْرِ الْجَنَائِاتِ

[27728] Abu Bakr narrated to us, saying: Yahya ibn Sa'id narrated to us, from Sufyan, from 'Abd al-Malik, from Al-Sha'bi: "Regarding a slave who wounded a man, then wounded another, then wounded another; he judged him [to belong] to the last one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْمَلِكِ، عَنِ الشَّعْبِيِّ: فِي عَبْدٍ شَجَّ رَجُلًا، ثُمَّ شَجَّ آخَرَ، ثُمَّ شَجَّ آخَرَ، فَقَضَى بِهِ لِلآخرِ

[27729] Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Hammad ibn Salamah, from Hammad and Rabi'ah, who both said: "They divide him among themselves by shares."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَمَادٍ، وَرَبِيعَةَ، قَالاً: يَقْسِمُونَهُ بِالْحَصَصِ

[27730] Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Ibn Abi Najih, from Kardam: That a man asked Ibn 'Abbas, Abu Hurayrah, and Ibn 'Umar about a man who killed a believer: "Does he have any repentance?" All of them said: "Is he able to bring him back to life? Is he able to seek a tunnel into the earth or a stairway into the sky? Is he able not to die?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ أَبِي حَمْيَرٍ، عَنْ كَرْدَمٍ: أَنَّ رَجُلًا سَأَلَ ابْنَ عَبَّاسٍ، وَابْنَ هُرَيْرَةَ، وَابْنَ عُمَرَ عَنْ رَجُلٍ قَتَلَ مُؤْمِنًا فَهَلْ لَهُ مِنْ تَوْبَةٍ فَكَاهُمْ، قَالُوا: يَسْتَطِعُ أَنْ يُحْيِيهِ؟، يَسْتَطِعُ أَنْ يَتَنَزَّلَ فَقَاتِلَ فِي الْأَرْضِ أَوْ سُلَّمَ فِي السَّمَاءِ؟ يَسْتَطِعُ أَنْ لَا يَمُوتَ؟

[27731] Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Abu Nasr and Yahya al-Jabir, from Salim ibn Abi al-Ja'd, from Ibn 'Abbas, who said: A man came to him and said: "O Abu 'Abbas, what do you say about a man who kills a believer intentionally, what is his recompense?" He said: "{His recompense is Hell, abiding eternally therein, and Allah has become angry with him...}" [An-Nisa: 93]. He said: "What do you say if he repents, believes, does righteous deeds, and then is guided?" He said: "And how can he have repentance? May your mother be bereft of you! He will come on the Day of Resurrection holding his [own] head, with his jugular veins gushing blood, until he stands with him at the Throne and says: 'O Lord, ask this one why he killed me!'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَبِي نَصْرٍ، وَيَحْيَى الْجَابِرِ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: أَتَاهُ رَجُلٌ فَقَالَ: يَا أَبَا عَبَّاسٍ أَرَأَيْتَ رَجُلًا قَتَلَ مُؤْمِنًا مُتَعَمِّدًا مَا جَرَاؤَهُ؟، قَالَ: {جَرَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِيبَ اللَّهَ عَلَيْهِ} الْأُلْيَاءَ قَالَ: أَرَأَيْتَ إِنْ ثَابَ وَآمَنَ وَعَمِلَ صَالِحًا، ثُمَّ اهْتَدَى فَقَالَ: "وَإِنِّي لَهُ التَّوْبَةُ لِكُلِّكُلِّ أُمُّكَ، إِنَّهُ يَجِيءُ يَوْمَ الْقِيَامَةِ آخِذًا بِرَأْسِهِ شَخْبُ أُودَاجُهُ حَتَّى يَقِفَ بِهِ عِنْدَ الْعَرْشِ فَيَقُولُ: يَا رَبِّ سَلْ هَذَا فِيمَ قَتَلَنِي؟

[27732] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Mutarrif, from Abu al-Safar, from Najiyah, from Ibn 'Abbas, who said: "They are the two grave matters: Polytheism (Shirk) and Killing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُطَرِّفٍ، عَنْ أَبِي السَّقَرِ، عَنْ نَاجِيَةَ، عَنْ ابْنِ
عَبَّاسٍ، قَالَ: هُمَا الْمُبْهَمَتَانِ الشَّرْكُ وَالْقَتْلُ

[27733] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Jarir ibn al-Sa'ib narrated to us, from Al-Hasan, who said: The Messenger of Allah ﷺ said: "I did not press my Lord regarding anything as I pressed Him regarding the killer of a believer, but He did not answer me."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
السَّائِبِ، عَنْ الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ: مَا نَازَلْتُ رَبِّي فِي شَيْءٍ مَا نَازَلْتُهُ فِي قَاتِلِ
الْمُؤْمِنِ، فَلَمْ يُجِنِّي

[27734] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Harun ibn Sa'd, from Abu al-Duha, who said: I was with Ibn 'Umar in his tent, and a man asked him about a man who kills a believer intentionally. He said: Ibn 'Umar recited to him: "{And whoever kills a believer intentionally, his recompense is Hell, abiding eternally therein...}" [An-Nisa: 93] to the end of the verse, then said: "Look at whom you have killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ هَارُونَ بْنِ سَعْدٍ، عَنْ أَبِي الضَّحَىِ، قَالَ: كُنْتُ مَعَ
ابْنِ عُمَرَ فِي فُسْطَاطِهِ، فَسَأَلَهُ رَجُلٌ عَنْ رَجُلٍ قَتَلَ
مُؤْمِنًا مُتَعَمِّدًا؟ قَالَ: "فَقَرَا عَلَيْهِ ابْنُ عُمَرَ {وَمَنْ يَعْلَمْ
[93]: مُؤْمِنًا مُتَعَمِّدًا فَجَرَأْهُ جَهَنَّمْ خَالِدًا فِيهَا} [النساء
إِلَى آخِرِ الْآيَةِ فَانْظُرْ مَنْ قَتَلَ

[27735] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Salamah ibn Nubayt narrated to us, from Al-Dahhak, who said: "There is no repentance for the killer of a believer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ
نُبَيْطٍ، عَنِ الضَّحَّاكِ، قَالَ: لَيْسَ لِقَاتِلِ الْمُؤْمِنِ تَوْبَةً

[27736] Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Yunus, from Al-Hasan, who said: Abu Musa said: "There is no adversary on the Day of Resurrection more hateful to me than a man whom I killed, whose jugular veins are gushing blood, saying: 'O Lord, ask this one why he killed me?'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: قَالَ أَبُو مُوسَى: "مَا مِنْ خَصِّمٍ يَوْمَ الْقِيَامَةِ أَبْعَضُ إِلَيَّ مِنْ رَجُلٍ قَتَلَهُ شَرِحٌ أَوْ دَاجْهٌ دَمًا فَيَقُولُ: يَا رَبِّ سُلْطَانًا عَلَى مَا قَاتَلَنِي؟"

[27737] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Salamah ibn Nubayt narrated to us, from Al-Dahhak ibn Muzahim, who said: "That I repent from polytheism (Shirk) is more beloved to me than that I repent from killing a believer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ نُبَيْطٍ، عَنِ الصَّحَّاḥِ بْنِ مُزَاحِمٍ، قَالَ: لَا أَنْ أَتُوبَ مِنَ الشَّرِكِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَتُوبَ مِنْ قَتْلِ مُؤْمِنٍ

[27738] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Salamah ibn Nubayt narrated to us, from Al-Dahhak: "{And whoever kills a believer intentionally, his recompense is Hell, abiding eternally therein}" [An-Nisa: 93]. He said: "Nothing has abrogated it since it was revealed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ نُبَيْطٍ، عَنِ الصَّحَّاḥِ: {وَمَنْ يَقْتُلْ مُؤْمِنًا مَتَعَمِّدًا فَجَزَاؤُهُ 93: جَهَنَّمُ خَالِدًا فِيهَا} [النساء مُنْذُ تَرَأَتْ

[27739] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Isma'il narrated to us, from 'Abd al-Rahman ibn 'A'idh, from 'Uqbah ibn 'Amir al-Juhani, who said: The Messenger of Allah ﷺ said: "Whoever meets Allah associating nothing with Him, and has not stained himself with forbidden blood, will enter Paradise."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَائِدٍ، عَنْ عُقْبَةَ بْنِ عَامِرٍ
الْجُهَنِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
مَنْ لَقِيَ اللَّهَ لَا يُشْرِكُ بِهِ شَيْئًا لَمْ يَتَنَّدَ بِدِمْ حَرَامٍ دَخَلَ
الْجَنَّةَ

[27740] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Al-A'mash narrated to us, from Ibrahim, who said: 'Abd Allah said: "A man remains with scope in his religion as long as his palm is clean of blood. But if he dips his hand in forbidden blood, his modesty is stripped away."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عَبْدُ اللَّهِ: لَا يَزَالُ الرَّجُلُ فِي
فُسْحَةٍ مِنْ دِينِهِ مَا نَقَبَتْ كُفُّهُ مِنْ الدَّمِ، فَإِذَا غَمَسَ يَدَهُ
فِي دِمْ حَرَامٍ نُزِعَ حَيَاؤُهُ

[27741] Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Al-A'mash, from Shimr, from Shahr ibn Hawshab, from Abu al-Darda', who said: "The killed person will come on the Day of Resurrection and sit him upon the path. When the killer passes by him, he will rise to him and grab him by his collar, saying: 'O Lord, ask this one?' He will say: '[Such and such] ordered me.' He said: Then the killer and the one who ordered him will be taken and cast into the Fire."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ شِمْرٍ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ أَبِي الدَّرْدَاءِ،
قَالَ: يَجِيءُ الْمَقْتُولُ يَوْمَ الْقِيَامَةِ، فَيُجْلِسُهُ عَلَى الْجَلْدَةِ،
فَإِذَا مَرَ بِهِ الْفَاتِلُ قَامَ إِلَيْهِ فَأَخَذَ بِتَابِيَّهِ فَيَقُولُ: يَا رَبَّ
سَلْ هَذَا؟ قَالَ: فَيَقُولُ: أَمَرْنِي قَالَ: فَيُؤْخَذُ الْفَاتِلُ
وَالْأَمْرُ، فَيُلْقَى فِي النَّارِ

[27742] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Abu al-Ashhab narrated to us, saying: I heard Muzahim al-Dabbi, the narrator of Al-Hasan, from Ibn 'Abbas, who said: "While a man had filled a trough of his, waiting for camels to come to it, a rider came, thirsty and secure. He said: 'May I drink?' He said: 'No.' So he moved aside and tied his mount. When it saw the water, it approached the trough and broke the trough. The owner of the trough stood up, took a sword from his neck, and struck him with it until he killed him. He went out seeking a fatwa and asked men from the Companions of Muhammad—I will not name them—and all of them made him despair, until he came to a man among them. He said: 'Are you able to seek a tunnel into the earth or a stairway into the sky?' He said: 'No.' The man stood up and went a short distance, then he called him back and said: 'Do you have parents?' He said: 'Yes, my mother is alive.' He said: 'Carry her (serve her) and be dutiful to her. For if Allah enters [someone] into

حَدَّنَا أَبُو بَكْرٍ قَالَ: حَدَّنَا وَكِيعٌ، قَالَ: حَدَّنَا أَبُو الأَشْهَبِ، قَالَ: سَمِعْتُ مُزَاحِمَ الضَّبَّابِيَّ، مُحَدِّثَ الْحَسَنِ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: "بَيْنَمَا رَجُلٌ قَدْ سَقَى فِي حَوْضٍ لَهُ يَنْتَظِرُ ذُوْدًا ثَرِدًا عَلَيْهِ إِذْ جَاءَهُ رَجُلٌ رَاكِبٌ ظَمَانٌ مُطْمَئِنٌ، قَالَ: أَرْدَ قَالَ: لَا، قَالَ: فَتَنَحَّى، فَعَقَلَ رَاحِلَةً، فَلَمَّا رَأَتِ الْمَاءَ ذَنَثَ مِنَ الْحَوْضِ، فَفَجَرَتِ الْحَوْضَ قَالَ: فَقَامَ صَاحِبُ الْحَوْضِ، فَلَأَخَذَ سَيْقًا مِنْ عُنْقِهِ، ثُمَّ ضَرَبَ بِهِ حَتَّى قَتَلَهُ قَالَ: فَخَرَجَ يَسْتَقْبِلِي، فَسَأَلَ رِجَالًا مِنْ أَصْحَابِ مُحَمَّدٍ لَسْتُ أَسْمَيْهُمْ، فَكُلُّهُمْ يُؤَيْسُهُ حَتَّى أَتَى رَجُلًا مِنْهُمْ فَقَالَ: هَلْ تَسْتَطِعُ أَنْ تَبْتَغِي نَفَقًا فِي الْأَرْضِ أَوْ سُلَمًا فِي السَّمَاءِ فَقَالَ: لَا قَالَ: فَقَامَ الرَّجُلُ، فَذَهَبَ غَيْرَ بَعِيدٍ، فَدَعَاهُ فَرَدَّهُ فَقَالَ: هُنْ لَكَ مِنْ وَالَّذِينَ فَقَالَ: نَعَمْ، أُمِّي حَيَّةٌ قَالَ: احْمِلْهَا وَبَرِّهَا، فَإِنْ أَدْخَلَ اللَّهُ النَّارَ فَأَبْعَدَ اللَّهُ مِنْ أَبْعَدَهُ

[27743] Abu Bakr narrated to us, saying: Yahya ibn Adam narrated to us, saying: Salam ibn Miskin narrated to us, saying: Sulayman ibn 'Ali narrated to us, from Abu Sa'id, who said: He was asked about this verse: "Whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely" [Al-Ma'idah: 32]. "Is it for us as it was for the Children of Israel?" He said: "Yes, by the One beside Whom there is no god."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا سَلَامُ بْنُ مِسْكِينٍ، قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ عَلَيٌّ، عَنْ أَبِي سَعِيدٍ، قَالَ: قِيلَ لَهُ فِي هَذِهِ الْأُبْيَةِ: " {مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ، فَكَانَمَا قَتَلَ النَّاسَ أَهْيَ كَمَا كَانَتْ لِبَنِي إِسْرَائِيلَ" [32: جَمِيعاً] [المائدة
قَالَ: قَقَالَ: إِي وَالَّذِي لَا إِلَهَ إِلَّا هُوَ

[27744] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Ibn Abi Najih, from Mujahid, who said: "The killer of a believer has repentance."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ أَبِي تَجِيْحٍ، عَنْ مُجَاهِدٍ، قَالَ: لِقَاتِلِ الْمُؤْمِنِ تَوْبَةً

[27745] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Mansur, from Mujahid, who said: It used to be said: "The repentance of the killer is if he regrets."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، قَالَ: كَانَ يُقَالُ: تَوْبَةُ الْقَاتِلِ إِذَا نَدِمَ

[27746] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Abu Husayn, from Sa'id ibn Jubayr, who said: "I do not know of any repentance for the killer of a believer except seeking forgiveness (Istighfar)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي حُصَيْنٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا أَعْلَمُ لِقَاتِلِ الْمُؤْمِنِ تَوْبَةً إِلَّا الْإِسْتِغْفَارُ

[27747] Abu Bakr narrated to us, saying: Al-Fadl narrated to us, from Al-Sabbah ibn Thabit, from 'Ikrimah, who said: "The killer has repentance."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ، عَنِ الصَّبَاحِ بْنِ ثَابِتٍ، عَنْ عِكْرِمَةَ، قَالَ: لِقَاتِلِ تَوْبَةً

[27748] Abu Bakr narrated to us, saying: Abu Bakr ibn 'Ayyash narrated to us, from Abu Ishaq, who said: A man came to 'Umar and said: "I have killed, so is there any repentance for me?" He said: "Yes, do not despair." Then he recited to him from Ha-Mim (Surah Ghafir): "{The Forgiver of sin, Acceptor of repentance, Severe in punishment...}" [Ghafir: 3].

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ أَبِي إِسْحَاقَ، قَالَ: جَاءَ رَجُلٌ إِلَى عُمَرَ، فَقَالَ: إِنِّي قَتَلْتُ فَهَنْ لِي مِنْ تَوْبَةٍ؟ قَالَ: نَعَمْ، فَلَا تَئِسْ، فَقَرَا عَلَيْهِ "مِنْ حَمَ الْمُؤْمِنِ {غَافِرُ الذَّنْبِ وَقَابِلُ التَّوْبِ شَدِيدُ الْعِقَابِ}" [غافر: 3]

[27749] Abu Bakr narrated to us, saying: Ibn Sa'id narrated to us, from Al-Taymi, from Abu Mijlaz, regarding {His recompense is Hell} [An-Nisa: 93]. He said: "It is his recompense, but if He (Allah) wishes to overlook his recompense, He does so."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ سَعِيدٍ، عَنِ التَّمِيميِّ، عَنْ
، قَالَ: هِيَ [93]: أَبِي مَجْلَزٍ {فَجَزَأُوهُ جَهَنَّمَ} [النساء
جَزَأُوهُ، فَإِنْ شَاءَ أَنْ يَتَجَوَّزَ عَنْ جَزَائِهِ فَعَلَّ

[27750] 'Amr ibn Muhammad narrated to us, from Shu'bah, from Yasar, from Abu Salih, similar to it.

حَدَّثَنَا عَمْرُو بْنُ مُحَمَّدٍ، عَنْ شُعبَةَ، عَنْ يَسَارٍ، عَنْ أَبِي
صَالِحٍ، نَحْوَهُ

[27751] Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from 'Abd al-Karim, from Ziyad ibn Abi Maryam, from Ibn Ma'qil, who said to him: Did you hear your father say: I heard 'Abd Allah say: I heard the Prophet ﷺ say: "Repentance is regret"? He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ الْكَرِيمِ،
عَنْ زَيْدَ بْنِ أَبِي مَرْيَمَ، عَنْ ابْنِ مَعْقِلٍ، قَالَ لَهُ:
أَسْمِعْتَ أَبَاكَ يَقُولُ: سَمِعْتُ عَبْدَ اللَّهِ، يَقُولُ: سَمِعْتُ
النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: "الْتَّوْبَةُ نَدَمٌ" قَالَ: نَعَمْ

[27752] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan al-Thawri narrated to us, from 'Abd al-Karim, from Ziyad ibn Abi Maryam, from 'Abd Allah ibn Ma'qil: That his father Ma'qil ibn Muqarrin al-Muzani said to Ibn Mas'ud: Did you hear the Prophet ﷺ say: "Repentance is regret?" He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ التَّوْرِيُّ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ زِيَادِ بْنِ أَبِي مَرْيَمَ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْقِلٍ: أَنَّ أَبَاهُ مَعْقِلَ بْنَ مُقَرْنِ الْمُزَانِي قَالَ لِابْنِ مَسْعُودٍ أَسَمِعْتَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُقُولُ: "الْتَّوْبَةُ نَدَمٌ؟" قَالَ: نَعَمْ

[27753] Abu Bakr narrated to us, saying: Yazid ibn Harun narrated to us, saying: Abu Malik al-Ashja'i informed us, from Sa'd ibn 'Ubaydah, who said: A man came to Ibn 'Abbas and said: "Is there repentance for one who kills a believer?" He said: "No, nothing but the Fire." When he left, his companions said to him: "This is not how you used to issue fatwas to us; you used to tell us that there is accepted repentance for one who kills a believer. What is the matter today?" He said: "I reckon he is an angry man who wants to kill a believer." He said: So they sent someone after him and found him to be so.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ:
أَخْبَرَنَا أَبُو مَالِكٍ الْأَشْجَعِيُّ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، قَالَ:
جَاءَ رَجُلٌ إِلَى ابْنِ عَبَّاسٍ فَقَالَ: لِمَنْ قَتَلَ مُؤْمِنًا تَوْبَةً؟
قَالَ: لَا إِلَّا النَّارُ، فَلَمَّا ذَهَبَ قَالَ لَهُ جُلْسَاؤُهُ: مَا هَذَا
كُنْتَ تُفْتَنِنَا، كُنْتَ تُفْتَنِنَا أَنَّ لِمَنْ قَتَلَ مُؤْمِنًا تَوْبَةً مُقْبُلَةً،
فَمَا بَالُ الْيَوْمِ؟ قَالَ: إِنِّي أَحْسِبُهُ رَجُلٌ مُغْضَبٌ بُرِيدُ أَنْ
يُقْتَلَ مُؤْمِنًا قَالَ: فَبَعْثَرُوا فِي أَثْرِهِ فَوَجَدُوهُ كَذَلِكَ

[27754] Abu Bakr narrated to us, saying: 'Abdah ibn Sulayman narrated to us, from Mujalid, from Al-Sha'bi, from Ibn 'Abbas, that he looked at the Ka'bah and said: "How great is your sanctity and how great is your right! But the Muslim has greater sanctity than you; Allah has made his wealth, his blood, his honor sacred, and [forbade] that one should think evil of him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ مُجَاهِدٍ،
عَنْ الشَّعْبِيِّ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ نَظَرَ إِلَى الْكَعْبَةِ
فَقَالَ: مَا أَعْظَمْ حُرْمَتِكِ وَمَا أَعْظَمْ حَقَّكِ، وَالْمُسْلِمُ
أَعْظَمْ حُرْمَةً مِنْكِ، حَرَمَ اللَّهُ مَالُهُ، وَحَرَمَ نَفْسُهُ، وَحَرَمَ
عِرْضَةً وَآذَاءً، وَأَنْ يُظْنَ بِهِ ظُنُونًا سُوءٍ

[27755] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Khusayf, from Mujahid, from Ibn 'Abbas: "{it is as if he had slain mankind entirely}" [Al-Ma'idah: 32], he said: "Whoever destroys it." "{And whoever saves it, it is as if he had saved mankind entirely}" [Al-Ma'idah: 32], he said: "Whoever refrains from killing it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ خُصَيْفٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، {فَكَانَمَا قُتِلَ
، قَالَ: "مَنْ أَوْبَقَهَا، {وَمَنْ[32]: النَّاسَ جَمِيعًا} [المائدة]
، قَالَ:[32]: أَحْيَاهَا فَكَانَمَا أَحْيَا النَّاسَ جَمِيعًا} [المائدة]
مَنْ كَفَّ عَنْ قُتْلِهَا

[27756] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Mansur, from Mujahid regarding {And whoever saves it} [Al-Ma'idah: 32], he said: "Whoever saves it from drowning or burning has saved it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ {وَمَنْ أَحْيَاهَا} [المائدة 32] ، قَالَ: مَنْ أَنْجَاهَا مِنْ غَرْقٍ أَوْ حَرْقٍ فَقَدْ أَحْيَاهَا

[27757] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Al-'Ala' ibn 'Abd al-Karim narrated to us, saying: I heard Mujahid say regarding {And whoever saves it, it is as if he had saved mankind entirely} [Al-Ma'idah: 32], he said: "Whoever refrains from killing it has saved it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْعَلَاءُ بْنُ عَبْدِ الْكَرِيمِ، قَالَ: سَمِعْتُ مُجَاهِدًا، يَقُولُ: {وَمَنْ أَحْيَاهَا} ، قَالَ: مَنْ [32]: فَكَانَمَا أَحْيَا النَّاسَ جَمِيعًا} [المائدة 32] كَفَّ عَنْ قَتْلِهَا فَقَدْ أَحْيَاهَا

[27758] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Abu al-Miqdam, from Habbah ibn Juwayn al-Hadrami, from 'Ali regarding {Our Lord, show us those who misled us of the jinn and men} [Fussilat: 29]: "[They are] the son of Adam who killed his brother, and Iblis."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الْمِقْدَامِ، عَنْ حَبَّةَ بْنِ جُوَيْنِ الْحَضْرَمِيِّ، عَنْ عَلَيِّ: {رَبَّا أَرَى الَّذِينَ أَضَلَّا مِنَ الْجِنِّ وَالإِنْسِ} ابْنَ آدَمَ الَّذِي قَتَلَ أَخَاهُ وَإِبْلِيسَ [29]: [فَصَلَّتْ]

[27759] Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Al-A'mash, from 'Abd Allah ibn Murrah, from Masruq, from 'Abd Allah, who said: The Messenger of Allah ﷺ said: "No soul is killed unjustly but that there is upon the first son of Adam a portion of its blood, because he was the first to institute killing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ،
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُقْتَلُ
نَفْسٌ طُلْمًا إِلَّا كَانَ عَلَى ابْنِ آدَمَ الْأُولَى كِفْلٌ مِنْ دَمَهَا
لِأَنَّهَا أَوْلَى مَنْ سُنَّ الْقُتْلُ

[27760] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Al-Hasan ibn Salih narrated to us, from Ibrahim, who said: "No soul is killed unjustly but that there is upon the first son of Adam and Satan a portion of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ
صَالِحٍ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا مِنْ نَفْسٍ ثُقُنْتُ طُلْمًا إِلَّا
كَانَ عَلَى ابْنِ آدَمَ الْأُولَى وَالشَّيْطَانَ كِفْلٌ مِنْهَا

[27761] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Layth, from Mujahid regarding {Corruption has appeared throughout the land and sea by [reason of] what the hands of people have earned} [Ar-Rum: 41], he said: "In the land, it is the son of Adam who killed his brother; and in the sea, it is the one who used to take every ship by force."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ: {ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ
، قَالَ: فِي الْبَرِّ[41]: بِمَا كَسَبَتْ أَيْدِي النَّاسِ} [الروم]
ابْنُ آدَمَ الَّذِي قَتَلَ أخَاهُ، وَفِي الْبَحْرِ الَّذِي كَانَ يَأْخُذُ كُلَّ
سَفِينَةً غَصْبًا

[27762] Abu Bakr narrated to us, saying: Yazid ibn Harun narrated to us, saying: Hushaym narrated to us, from Isma'il ibn Salim, from Al-Sha'bi, who said: "Whoever kills two men is a tyrant (Jabbar)." And he recited: "{Do you wish to kill me as you killed a soul yesterday? You only wish to be a tyrant in the land and do not wish to be of the reformers}" [Al-Qasas: 19].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا
هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: "مَنْ
قَتَلَ رَجُلَيْنَ فَهُوَ جَبَّارٌ، وَتَلَّا: {أَتُرِيدُ أَنْ تَقْتُلَنِي كَمَا
قَتَلتَ نَفْسًا بِالْأَمْسِ، إِنْ تُرِيدُ إِلَّا أَنْ تَكُونَ جَبَّارًا فِي
الْأَرْضِ، وَمَا تُرِيدُ أَنْ تَكُونَ مِنَ الْمُصْلِحِينَ}
[القصص: 19]

[27763] Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrahim, who said: "Whatever killing occurs with a weapon intentionally, there is retaliation (Qawad) in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا كَانَ مِنْ قَتْلٍ بِسِلَاحٍ عَمْدًا، فَفِيهِ الْوَدُ

[27764] Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Sha'bi, who said: 'Ali said: "All intentional killing [requires] retaliation (Qawad)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الشَّعْنِيِّ، قَالَ: قَالَ عَلِيٌّ: الْعَمْدُ كُلُّهُ قَوْدٌ

[27765] Abu Bakr narrated to us, saying: 'Abd al-Rahim narrated to us, from Ash'ath, from 'Amir, Al-Hasan, Ibn Sirin, and 'Amr ibn Dinar, that they said: "Intentional killing [requires] retaliation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، وَالْحَسَنِ، وَابْنِ سِيرِينَ، وَعَمْرُو بْنِ دِيَنَارٍ، قَالُوا: الْعَمْدُ قَوْدٌ

[27766] Abu Bakr narrated to us, saying: 'Abd al-Rahim narrated to us, from Isma'il, from 'Amr ibn Dinar, from Tawus, from Ibn 'Abbas, who said: The Messenger of Allah ﷺ said: "Intentional killing [requires] retaliation unless the guardian of the killed person pardons."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ إِسْمَاعِيلَ، عَنْ عَمْرُو بْنِ دِيَنَارٍ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعَمْدُ قَوْدٌ إِلَّا أَنْ يَعْفُوَ وَلِيُّ الْمَقْتُولِ

[27767] Abu Bakr narrated to us, saying: Hafs narrated to us, from Al-Shaybani, from Al-Sha'bi, Al-Hakam, and Hammad, who said: "Whatever strike is with a whip, a stick, or a stone, and is less than [taking a] life (i.e., injury), it is intentional and there is retaliation in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ، وَالْحَكَمِ، وَهَمَادِ، قَالُوا: مَا كَانَ مِنْ ضَرْبَةٍ بِسُوْطٍ أَوْ عَصَأْ أَوْ حَجَرٍ، فَكَانَ دُونَ النَّفْسِ فَهُوَ عَمْدٌ وَفِيهِ الْمَوْدُ

[27768] Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "If a man and a boy join together in killing a man, the man is executed, and the full blood money is upon the 'Aqilah of the boy."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا اجْتَمَعَ رَجُلٌ وَغُلَامٌ عَلَى قَتْلِ رَجُلٍ قُتِلَ الرَّجُلُ، وَعَلَى عَاقِلَةِ الْغُلَامِ الدِّيَةُ كَامِلَةً

[27769] Abu Bakr narrated to us, saying: 'Abd al-Samad ibn 'Abd al-Warith narrated to us, from Jarir ibn Hazim, who said: Hammad was asked about a man and a boy who killed a man intentionally. He said: "As for the man, he is executed; and as for the boy, a portion of the blood money is upon his

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ جَرِيرِ بْنِ حَازِمٍ، قَالَ: سُنْلَ حَمَادٌ عَنْ رَجُلٍ وَصَبِيٍّ قَتَلَا رَجُلًا عَمْدًا، قَالَ: أَمَّا الرَّجُلُ فَيُقْتَلُ، وَأَمَّا الصَّبِيُّ، فَعَلَى أُولِئِكُهُ حِصْنَةٌ مِنَ الدِّيَةِ

[27770] Abu Bakr narrated to us, saying: Muhammad ibn Sawa' narrated to us, from Sa'id, from Hammad, from Ibrahim, who said: "If one who cannot be retaliated against assists him, then it is only blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءً، عَنْ سَعِيدٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَعْانَهُ مَنْ لَا يُقَاتِلُهُ، فَإِنَّمَا هِيَ دِيَةٌ

[27771] Abu Bakr narrated to us, saying: Hafs narrated to us, from 'Amr, from Al-Hasan, who said: "If a boy and a slave join together in a killing, it is blood money. And if they join together and this one strikes with a sword and that one with a stick, it is blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ عَمْرٍو، عَنْ الْحَسَنِ، قَالَ: إِذَا اجْتَمَعَ صَبَّيٌ وَعَبْدٌ عَلَى قَتْلٍ فَوْهِيَ دِيَةٌ، فَإِذَا اجْتَمَعَا فَضَرَبَ هَذَا بِسَيْفٍ وَهَذَا بِعَصَانِ فَهُوَ دِيَةٌ

[27772] Abu Bakr narrated to us, saying: Yazid narrated to us, saying: Hisham narrated to us, from Al-Hasan, regarding a group that kills intentionally and among them is a boy or a demented person. He said: "It is the blood money for accidental killing upon the 'Aqilah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ، قَالَ: حَدَّثَنَا هِشَامٌ، عَنِ الْحَسَنِ، فِي الْقَوْمِ يَقْتُلُونَ عَمْدًا وَفِيهِمُ الصَّبَّيُ وَالْمَعْنُوَةُ، قَالَ: هِيَ دِيَةٌ خَطَأً عَلَى الْعَاقِلَةِ

[27773] Abu Bakr narrated to us, saying: Muhammad ibn Yazid narrated to us, from Abu al-'Ala', from Abu Hashim, from Ibrahim, from Qatadah, from Al-Hasan, regarding a man who was killed intentionally, and the killer sat to be retaliated against for the killed person, then a man came and killed the killer by mistake. He said: "His blood money belongs to the family of the imprisoned one." 'Ata' said: "To the family of the first killed person."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ أَبِي هَاشِمٍ، عَنْ إِبْرَاهِيمَ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، قَالَ: فِي رَجُلٍ قُتِلَ عَمْدًا فَجَلَسَ الْقَاتِلُ لِيُقَاتَدَ مِنْهُ بِالْمَقْتُولِ، فَجَاءَ رَجُلٌ فَقَتَلَ الْقَاتِلَ خَطًّا، قَالَ: دِيَثُه لِأَهْلِ الْمَحْبُوسِ وَقَالَ عَطَاءً: لِأَهْلِ الْمَقْتُولِ الْأَوَّلِ

[27774] Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Hammad ibn Salamah, from Qatadah, from Hammad, similar to the statement of Al-Hasan.

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ حَمَادٍ، مِثْلُ قَوْلِ الْحَسَنِ

[27775] Abu Bakr narrated to us, saying: Mu'adh ibn Mu'adh narrated to us, from Ash'ath, from Al-Hasan, regarding a man who is killed and has small children. He said: "That is up to his guardians."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، فِي رَجُلٍ قُتِلَ وَلَهُ وَلْدٌ صِغَارٌ، قَالَ: ذَاكَ إِلَى أُولَيَائِهِ

[27776] Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Jarir ibn Hazim, who said: I heard Hammad regarding a man who is killed and some of his heirs are small. He said: "His adult heirs may kill (take retaliation) if they wish, and they do not wait."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ جَرِيرِ بْنِ حَازِمٍ، قَالَ: سَمِعْتُ حَمَادًا، فِي رَجُلٍ قُتِلَ وَبَعْضُ أَوْلَيَائِهِ صِغَارٌ، قَالَ: يَقْتَلُ أَوْلَيَاءُ الْكِبَارُ إِنْ شَاءُوا، وَلَا يَنْتَظِرُوا

[27777] Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Hasan, from Zayd al-Qabbani, from some of his family: That Al-Hasan ibn 'Ali executed Ibn Muljam, who killed 'Ali, while he ('Ali) had small children.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَسَنٍ، عَنْ زَيْدِ الْقَبَانِيِّ، عَنْ بَعْضِ أَهْلِهِ، أَنَّ الْحَسَنَ بْنَ عَلَيِّ قُتِلَ ابْنَ مُلْجَمِ الَّذِي قُتِلَ عَلَيًّا، وَلَهُ وَلَدٌ صِغَارٌ

[27778] Abu Bakr narrated to us, saying: Qabisah narrated to us, from Sufyan, from Khalid, from 'Umar ibn 'Abd al-'Aziz, who said: "He waits with him until he grows up."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا قَبِيسَةُ، عَنْ سُفْيَانَ، عَنْ خَالِدٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: يَسْتَأْنِي بِهِ حَتَّى يَكُبرَ

[27779] Abu Bakr narrated to us, saying: 'Abd al-Rahim narrated to us, from Hajjaj, from Ibn Abi Mulaykah, from Nafi' ibn 'Abd al-Harith, who said: I wrote to 'Umar asking him about a man whose one forearm bone (Zand) was broken. 'Umar wrote to him: "That there are two young she-camels (Hiqqah) or two young camels (Bikrah) in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ حَجَاجِ
عَنْ ابْنِ أَبِي مُلِيْكَةَ، عَنْ نَافِعِ بْنِ عَبْدِ الْحَارِثِ، قَالَ:
كَتَبْتُ إِلَى عُمَرَ أَسْأَلَهُ عَنْ رَجُلٍ كُسِرَ أَحَدُ زَنْدِيهِ،
فَكَتَبَ إِلَى عُمَرَ: أَنَّ فِيهِ حِقْقَيْنِ بِكُرَيْنِ

[27780] Abu Bakr narrated to us, saying: Yazid ibn Harun narrated to us, from Ibn Salim, from Al-Sha'bi, from Zayd ibn Thabit, who said: "In the two forearms, which are the two Zands, there are fifty dinars."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ ابْنِ
سَالِيمٍ، عَنْ الشَّعْبِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ، قَالَ: فِي
السَّاعِدَيْنِ وَهُمَا الزَّنْدَانَ خَمْسُونَ دِينَارًا

[27781] Abu Bakr narrated to us, saying: Sharik narrated to us, from Jabir, from 'Amir, who said: "Do not execute retaliation for a wounded person until his wound heals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ
عَامِرٍ، قَالَ: لَا تَفْصِّلْ لِمَجْرُوحٍ حَتَّى تَبْرُأْ جَرَاحَتَهُ

[27782] Abu Bakr narrated to us, saying: Abu Usamah narrated to us, from Hisham, from Al-Hasan:

"Retaliation is not taken from the injurer until the owner of the wound heals."

[27783] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, from 'Ata', who said: "One waits with the retaliation until its owner

[27784] Abu Bakr narrated to us, saying: Ibn 'Ulayyah narrated to us, from Ayyub, from 'Amr ibn Dinar, from Jabir: That a man stabbed another man with a horn in his knee. He came to the Prophet ﷺ seeking retaliation. It was said to him: "Wait until it heals." He refused and hastened to take retaliation. He said: So his leg became crippled, and the leg of the one retaliated against healed. He came to the Prophet ﷺ, who said: "You have nothing; you refused [to wait]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ: لَا يُقْتَصُ مِنَ الْجَارِ حَتَّى يَبْرُأ صَاحِبُ الْجُرْحِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: يَنْتَظِرُ بِالْفَوْدِ أَنْ يَبْرُأ صَاحِبُهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ أَيُوبَ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ جَابِرٍ: أَنَّ رَجُلًا طَعَنَ رَجُلًا بِقَرْنٍ فِي رُكُبِهِ، فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَغْفِرُ، فَقِيلَ لَهُ: حَتَّى تَبْرُأَ، فَأَبَى وَعَجَلَ وَاسْتَغَادَ، قَالَ: فَعَنَّتْ رِجْلُهُ وَبَرِئَتْ رِجْلُ الْمُسْنَقَادِ مِنْهُ، فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: لَيْسَ لَكَ شَيْءٌ، إِنَّكَ أَبْيَتَ

[27785] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Shu'bah narrated to us, who said: I asked Al-Hakam and Hammad about a man who orders a man to kill another man. They said: "The killer is executed, and there is no retaliation upon the one who ordered."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَهُ،
قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنِ الرَّجُلِ يَأْمُرُ الرَّجُلَ
يُقْتَلُ الرَّجُلَ، قَالَا: يُقْتَلُ الْفَاعِلُ وَلَيْسَ عَلَى الْأَمْرِ قَوْدٌ

[27786] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Jabir, from 'Amir, regarding a man who ordered his slave, so he killed a man intentionally. He said: "The slave is executed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي رَجُلٍ أَمَرَ عَبْدَهُ فَقَتَلَ رَجُلًا
عَمْدًا، قَالَ: يُقْتَلُ الْعَبْدُ

[27787] Abu Bakr narrated to us, saying: Waki' narrated to us, from 'Ali ibn Salih, from Mansur, from Ibrahim, regarding a man who orders a man and he kills. He said: "They are partners." Waki' said: "This, in our view, is regarding the sin; but as for retaliation, it is only upon the killer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَلَيِّ بْنِ صَالِحٍ،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَأْمُرُ الرَّجُلَ
فَيُقْتَلُ، قَالَ: هُمَا شَرِيكَانَ قَالَ وَكِيعٌ: "هَذَا عِنْدَنَا فِي
الِّئْلَمِ، فَإِنَّمَا الْقَوْدُ فَإِنَّمَا هُوَ عَلَى الْفَاعِلِ

[27788] Abu Bakr narrated to us, saying: Yahya ibn Sa'id narrated to us, from Sufyan, from Mansur, who said: I asked Ibrahim about a commander (Amir) who ordered a man and he killed a man. He said: "They are partners in the sin."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ،
عَنْ مَنْصُورٍ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنْ أَمِيرٍ أَمَرَ رَجُلًا
فَقَتَلَ رَجُلًا، قَالَ: هُمَا شَرِيكَانِ فِي الْإِثْمِ

[27789] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Salamah ibn Nubayt narrated to us, from Al-Dahhak ibn Muzahim, regarding the ruler ordering a man to kill another man. Al-Dahhak said: "Be the killed one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ
نُبَيْطٍ، عَنِ الصَّحَّاحِ بْنِ مُزَاحِمٍ، فِي السُّلْطَانِ يَأْمُرُ
الرَّجُلَ يَقْتُلُ الرَّجُلَ، فَقَالَ الصَّحَّاحُ: كُنْ أَنْتَ الْمَفْتُولُ

[27790] Abu Bakr narrated to us, saying: Yahya ibn Sa'id narrated to us, from Ash'ath, from Al-Hasan, regarding a man who orders his slave to kill a man. He said: "The man is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، فِي الرَّجُلِ يَأْمُرُ عَبْدَهُ يَقْتُلُ الرَّجُلَ، قَالَ:
يَقْتُلُ الرَّجُلَ

[27791] Abu Bakr narrated to us, saying: Zayd ibn al-Hubab narrated to us, from Hammad ibn Salamah, from Qatadah, from Khilas, from 'Ali, regarding a man who ordered his slave to kill a man. He said: "He is merely in the position of his whip or his sword."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ خِلَاسٍ، عَنْ عَلَيٍّ، فِي الرَّجُلِ أَمْرٌ عَبْدَهُ أَنْ يَقْتُلَ رَجُلًا، قَالَ: إِنَّمَا هُوَ بِمُنْزَلَةِ سَوْطِهِ أَوْ سَيْفِهِ

[27792] Abu Bakr narrated to us, saying: 'Umar narrated to us, from Ibn Jurayj, from 'Ata', from Abu Hurayrah, regarding a man who orders his slave and he kills a man. He said: "The master is executed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُمَرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءً، عَنْ أَبِي هُرَيْرَةَ، فِي الرَّجُلِ يَأْمُرُ عَبْدَهُ فَيَقْتُلُ رَجُلًا، قَالَ: يُقْتَلُ الْمُوْلَى

[27793] Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Al-Zuhri, from Al-Qasim, from 'Ubayd ibn 'Umair: That a man hosted a person from Hudhayl. A girl of theirs went to gather firewood, and he tried to force himself upon her. She threw a stone at him and killed him. That was referred to 'Umar ibn al-Khattab, and he said: "That is one killed by Allah; blood money is never paid for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنِ الْفَاسِمِ، عَنْ عُيَيْنَةِ بْنِ عُمَيْرٍ، أَنَّ رَجُلًا أَضَافَ إِنْسَانًا مِنْ هَذِيلٍ، فَذَهَبَتْ جَارِيَةٌ مِنْهُمْ تَحْتَطِبُ، فَأَرَادَهَا عَلَى نَفْسِهَا، فَرَمَتُهُ بِفَهْرٍ فَقَاتَلَهُ، فَرُفِعَ إِلَى عُمَرَ بْنِ الْخَطَّابِ، قَالَ: فَذَلِكَ قَتْلَ اللَّهِ، لَا يُؤْدَى أَبَدًا

[27794] Abu Bakr narrated to us, saying: Hafs narrated to us, from Muhammad ibn Yusuf, from Al-Sa'ib ibn Yazid: That a man tried to force a woman upon herself. She lifted a stone and killed him. That was referred to 'Umar, and he said: "That is one killed by Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ مُحَمَّدِ بْنِ يُوسُفَ، عَنِ السَّائِبِ بْنِ يَزِيدَ، أَنَّ رَجُلًا أَرَادَ امْرَأً عَلَى نَفْسِهَا، فَرَفَعَتْ حَجَرًا، فَقَاتَلَهُ، فَرُفِعَ ذَلِكُ إِلَى عُمَرَ، فَقَالَ: ذَلِكَ قَتِيلُ اللَّهِ

[27795] Abu Bakr narrated to us, saying: 'A'idh ibn Habib narrated to us, from Yahya ibn Sa'id, from Sulayman ibn Yasar: That a woman in Syria came to Al-Dahhak ibn Qays and mentioned to him that a person tried to force open her door. She called for help, but no one helped her. It was winter, so she opened the door for him (trap/force?), took a millstone, threw it at him, and killed him. He sent [someone] with her, and behold, he was a thief among thieves, and with him were goods. So he declared his blood void.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَائِدُ بْنُ حَبِيبٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّ امْرَأً بِالشَّامِ أَتَتْ الصَّحَّاكَ بْنَ قَيْسٍ فَذَكَرَتْ لَهُ أَنَّ إِنْسَانًا اسْتَقْتَحَ عَلَيْهَا بَابَهَا، وَأَنَّهَا اسْتَغَاثَتْ، فَلَمْ يُغْنِهَا أَحَدٌ، وَكَانَ الشَّاءُ فَقَاتَلَتْ لَهُ الْبَابَ، وَأَخْذَتْ رَحْيًا، فَرَمَتْهُ بِهَا فَقَاتَلَهُ، فَبَعَثَ مَعَهَا وَإِذَا لِصٌّ مِنَ الْأَصْوَصِ وَإِذَا مَعَهُ مَئَاغٌ فَأَبْطَلَ دَمَهُ

[27796] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyan narrated to us, from Isma'il ibn Umayyah, who said: "The Messenger of Allah ﷺ judged regarding a man who held a man while another killed him, that the killer be executed and the holder be imprisoned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ إِسْمَاعِيلَ بْنِ أَمِيَّةَ، قَالَ: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي رَجُلٍ أَمْسَكَ رَجُلًا، وَقَتَلَهُ أَخْرُ أَنْ يُقْتَلَ الْفَاتِلُ وَيُحْبَسَ الْمُمْسَكُ

[27797] Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Shu'bah narrated to us, who said: I asked Al-Hakam and Hammad about a man who holds a man and another kills him. They said: "The killer is executed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شُعْبَةُ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا، عَنِ الرَّجُلِ يُمْسِكُ الرَّجُلَ وَيُقْتَلُهُ أَخْرُ، قَالَا: يُقْتَلُ الْفَاتِلُ

[27798] Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I heard Sulayman ibn Musa say: "Participation (Al-Ijtima') among us against the killed person is that a man holds him and another strikes him. They are both partners in his blood according to us; they are both executed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: سَمِعْتُ سُلَيْمَانَ بْنَ مُوسَى، يَقُولُ: الْإِجْتِمَاعُ فِينَا عَلَى الْمَقْتُولِ هُوَ أَنْ يُمْسِكَ الرَّجُلُ وَيَضْرِبَهُ الْأُخْرُ، فَهُمَا شَرِيكَانِ عِنْدَنَا فِي دَمِهِ، يُقْتَلَانِ جَمِيعًا

[27799] Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Yahya ibn Abi Kathir: That 'Ali was brought two men; one of them killed and the other held [the victim]. He executed the one who killed and said to the one who held: "You held him for death, so I will imprison you in jail until you die."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّ عَلِيًّا أُتْرِي بِرَجُلَيْنِ قَتَلَ أَحَدُهُمَا وَأَمْسَكَ الْآخَرُ، فَقَتَلَ الَّذِي قَتَلَ وَقَالَ لِلَّذِي أَمْسَكَ: أَمْسَكْتُهُ لِمَوْتٍ، فَأَنَا أَحْبِسُكَ فِي السَّجْنِ حَتَّى تَمُوتَ

[27800] Abu Bakr narrated to us, saying: 'Abd al-Rahman ibn Mahdi narrated to us, from Sufyan, from Ibn Abi Dhi'b, that 'Umar ibn 'Abd al-'Aziz: "Ordered that we pay blood money for the Mudi'ah (head wound exposing bone)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي ذِئْبٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ: أَمْرَ أَنْ نَعْقِلَ الْمُوضِبَةَ

[27801] Sa'id ibn al-Musayyib said: "The 'Aqilah (male paternal relatives) do not pay blood money except for one-third or more."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ رَجُلٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَا تَعْقِلُ الْعَاقِلَةَ إِلَّا ثُلُثَ فَمَا زَادَ

[27802] A man came to ‘Umar ibn al-Khaṭṭāb regarding a Mūḍīḥah (head wound exposing bone). He said: “We do not pay blood money among ourselves [for minor wounds via the ‘Āqilah].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ السَّهْمِيِّ، عَنْ رَجُلٍ: أَنَّ رَجُلًا أَتَى عُمَرَ بْنَ الْخَطَّابِ فِي مُوضِحَةٍ، فَقَالَ: إِنَّا لَا نَتَعَاوَلُ بِيَتْنَا

[27803] Al-Sha‘bī said: “There is no ‘Aql (blood money paid by ‘Āqilah) for anything less than a Mūḍīḥah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عِيسَى، عَنْ الشَّعْبِيِّ، قَالَ: لَيْسَ فِيمَا دُونَ الْمُوضِحَةِ عَقْلٌ

[27804] Ibn Jurayj said: I asked ‘Aṭā’: “When does the indemnity reach the point where the general ‘Āqilah pays it? Is it when it reaches one-third?” He said: “Yes, I think—and there is no doubt—he said: And whatever does not reach one-third is upon the man’s specific people [closest kin].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءً: مَتَى يَبْلُغُ الْعُقْلُ أَنْ يَعْقِلَهُ الْعَاقِلُهُ عَامَةً أَجْمَعُونَ، إِذَا بَلَغَ الثُّلُثَ؟ قَالَ: “لَعْمَ أَخَالُ وَلَا شَكَّ أَنَّهُ قَالَ: وَمَا لَمْ يَبْلُغُ الثُّلُثَ، فَعَلَى قَوْمِ الرَّجُلِ خَاصَّةً”

[27805] Abū Umayyah ibn al-Akhnas said: I was sitting with ‘Umar ibn al-Khaṭṭāb when a man from Banū Ghifār came and said: “My father suffered a head wound.” He said: “The people of the towns do not pay blood money for this [via ‘Āqilah].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُؤَمِّلٍ، قَالَ: حَدَّثَنِي عُمَرُ بْنُ عَبْدِ الرَّحْمَنِ السَّهْمِيُّ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ أَبِي أُمَيَّةَ بْنِ الْأَخْسَنِ، قَالَ: كُنْتُ عِنْدَ عُمَرَ بْنِ الْخَطَّابِ جَالِسًا، فَجَاءَ رَجُلٌ مِّنْ بَنِي غِفارٍ، فَقَالَ: إِنَّ أَبِي شُجَّ، فَقَالَ: إِنَّ هَذِهِ لَا يَتَعَاقَلُهَا أَهْلُ الْقُرْبَى

[27806] Sa‘īd ibn al-Musayyib said: Qasāmah existed in the Pre-Islamic period (Jāhiliyyah), and the Prophet ﷺ affirmed it regarding a slain Anṣāri found in a well of the Jews. The Messenger of Allah ﷺ started with the Jews and assigned them fifty oaths. The Jews said: “We will not swear.” The Messenger of Allah ﷺ then said to the Anṣār: “Will you swear?” The Anṣār refused to swear. So the Messenger of Allah ﷺ made the Jews pay his blood money because he was killed in their midst.

حَدَّثَنَا أَبُو مُحَمَّدٍ عَبْدُ اللَّهِ بْنُ يُونُسَ قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ بَقِيُّ بْنُ مَخْلُدٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الرُّهْبَرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ: أَنَّ الْقَسَّامَةَ كَانَتْ فِي الْجَاهِلِيَّةِ، فَأَفَرَّ هَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي قَتْبِيلٍ مِّنَ الْأَنْصَارِ وُجْدًا فِي جُبَابِ الْيَهُودِ، قَالَ: فَبَدَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْيَهُودِ فَكَافَفُهُمْ قَسَّامَةً خَمْسِينَ، فَقَالَتِ الْيَهُودُ: لَنْ نَحْلِفَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلْأَنْصَارِ: أَفَخَلَفُونَ؟ فَأَبَتِ الْأَنْصَارُ أَنْ تَحْلِفَ، فَأَغْرَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْيَهُودَ دِيَّتَهُ، لِأَنَّهُ قُتِلَ بَيْنَ أَظْهَرِهِمْ

[27807] Al-Zuhri said: ‘Umar ibn ‘Abd al-Aziz called me and asked me about Qasāmah. He said: “It has occurred to me to reject it, for the Bedouin testifies and the absent man comes and testifies.” I said: “O Commander of the Faithful, you will not be able to reject it; the Messenger of Allah ﷺ and the Caliphs after him judged by it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرَّهْبَرِيِّ، قَالَ: دَعَانِي عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فَسَأَلَنِي عَنِ الْقَسَامَةِ، فَقَالَ: إِنَّمَا لِي أَنْ أَرُدَّهَا، إِنَّ الْأَعْرَابَ يَشْهَدُ وَالرَّجُلُ الْغَائِبُ يَجِيءُ فَيَشْهَدُ فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنَّكَ لَنْ تَسْتَطِعَ رَدَّهَا، فَضَنَى بِهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْخُلُفَاءُ بَعْدَهُ

[27808] ‘Umar ibn ‘Abd al-‘Azīz said: “I have never seen anything like Qasāmah where retaliation is exacted based on it, while Allah says: {And bring to witness two just men from among you} [At-Talaq: 2], and the tribes said: {We testify only to what we know, and we were not guardians of the unseen} [Yusuf: 81], and Allah said: {Except for those who testify to the truth knowingly} [Az-Zukhruf: 86].” Sulaymān ibn Yasār said: “Qasāmah is true; the Messenger of Allah ﷺ judged by it. While the Anṣār were with the Messenger of Allah ﷺ, a man among them went out. Then they left the presence of the Messenger of Allah ﷺ and found their companion wallowing in his blood. They returned to the Messenger of Allah ﷺ and said: ‘The Jews killed our man,’ and they named a man among them, but there was no proof. The Messenger of Allah ﷺ said to them: ‘Two witnesses from other than you, so I may hand him over to you entirely.’ They said: ‘O Messenger of Allah, we dislike

حَدَّنَا أَبُو بَكْرٍ قَالَ: حَدَّنَا مُحَمَّدُ بْنُ يَسْرِي، قَالَ: حَدَّنَا سَعِيدٌ، عَنْ فَتَنَادَهُ، أَنَّ سُلَيْمَانَ بْنَ يَسَارٍ، حَدَّنَهُ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَالَ: مَا رَأَيْتُ مِثْلَ الْفَسَامَةَ قَطُّ أَقِيدُ بِهَا وَاللَّهُ يَقُولُ: {وَأَشْهُدُوا نَوْيٍ عَدْلٌ مِنْكُمْ} [الطلاق] وَقَالَتِ الْأَسْبَاطُ: {وَمَا شَهَدْنَا إِلَّا بِمَا عَلِمْنَا وَمَا كَنَّا 2] وَقَالَ اللَّهُ: {إِلَّا مَنْ 81: لِلْعَيْنِ حَافِظِينَ} [يُوسُف] وَقَالَ 86: شَهَدَ بِالْحَقِّ وَهُمْ يَعْلَمُونَ} [الزُّخْرُف] سُلَيْمَانُ بْنُ يَسَارٍ: "الْفَسَامَةُ حَقٌّ، قَضَى بِهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَمَا الْأَنْصَارُ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذْ خَرَجَ رَجُلٌ مِنْهُمْ، ثُمَّ خَرَجُوا مِنْ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَإِذَا هُمْ بِصَاحِبِهِمْ يَتَشَحَّطُ فِي دَمِهِ، فَرَجَعُوا إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالُوا: "فَتَلَّنَا أَلِيهُودٌ وَسَمَوَا رَجُلًا مِنْهُمْ وَلَمْ تَكُنْ بَيْنَهُ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: شَاهِدُانِ مِنْ غَيْرِكُمْ حَتَّى أَدْفَعَهُ إِلَيْنَا بِرْمَتِهِ فَقَالُوا: يَا رَسُولَ اللَّهِ إِنَّا نَكْرَهُ أَنْ نَحْفَظَ عَيْنِي، فَأَرَادَ نَبِيُّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَأْخُذَ فَسَامَةَ الْيَهُودِ بِخَمْسِينَ مِنْهُمْ، فَقَالَتِ الْأَنْصَارُ: يَا رَسُولَ اللَّهِ إِنَّ الْيَهُودَ لَا يُبَالُونَ الْحَلْفَ مَتَى مَا نَفَّلْنَا هَذَا مِنْهُمْ يَأْتُونَ عَلَى آخِرَنَا، فَوَدَاهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ عِنْدِهِ

[27809] ‘Amr ibn Shu‘ayb reported from his father, from his grandfather: Ḥuwayyīṣah and Muḥayyīṣah, the sons of Mas‘ūd, and ‘Abd Allāh and ‘Abd al-Rahmān, the sons of so-and-so, went out to Khaybar for provisions. ‘Abd Allāh was attacked and killed. They mentioned this to the Prophet ﷺ. The Prophet ﷺ said: “You swear fifty oaths and you will be entitled [to blood money/retaliation].” They said: “O Messenger of Allah, how can we swear when we did not witness it?” He said: “Then the Jews will absolve themselves from you—meaning they will swear.” They said: “O Messenger of Allah, then the Jews will kill us [by false oaths].” He said: “So the Messenger of Allah ﷺ paid his blood money from his own [wealth].” And Yaḥyā ibn Sa‘īd reported from Ibn Yasār regarding the Prophet ﷺ similar to this, except he said: “‘Abd al-Rahmān, the brother of the slain, went to speak.” The Prophet ﷺ said: “The older, the older,” so the older one spoke. The Messenger of Allah ﷺ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ حَاجَاجٍ، عَنْ عَمْرٍو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ حُوَيْصَةَ، وَمُحَيْصَةَ ابْنِي مَسْعُودٍ، وَعَبْدَ اللَّهِ، وَعَبْدَ الرَّحْمَنِ ابْنِي فُلَانٍ، حَرَجُوا يَمْتَارُونَ بِخَيْرٍ، فَعُذِيَ عَلَى عَبْدَ اللَّهِ فَقُلَّ، قَالَ: فَذَكَرُوا ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: تُفْسِمُونَ بِخَمْسِينَ فَتَسْتَحْقُونَ، قَالُوا: يَا رَسُولَ اللَّهِ كَيْفَ تُفْسِمُ وَلَمْ تَشْهُدْ؟ قَالَ: فَتَبَرُّ لَكُمْ يَهُودُ - يَعْنِي يَحْلِفُونَ - قَالَ: فَقَالُوا: يَا رَسُولَ اللَّهِ إِذْنْ تَعْتَذِّرُ الْيَهُودُ، قَالَ: فَوَدَاهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ عِنْدِهِ وَقَالَ: أَخْبَرَنِي يَحْتَيَ بْنُ سَعِيدٍ، عَنْ ابْنِ يَسَارٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ السَّلَامَ نَحْوَ هَذَا إِلَّا أَنَّهُ قَالَ: ذَهَبَ عَبْدُ الرَّحْمَنَ أَخُو الْمَقْتُولِ يَتَكَلَّمُ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْكُبْرُ الْكُبْرُ فَتَكَلَّمُ الْكَبِيرُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: تُفْسِمُونَ بِخَمْسِينَ يَمِينًا فَتَسْتَحْقُونَ، أَوْ تُفْسِمُ لَكُمْ يَهُودُ بِخَمْسِينَ قَالَ فَقَالُوا: يَا رَسُولَ اللَّهِ كَيْفَ نَقْبِلُ أَيْمَانَ قَوْمٍ كُفَّارٍ قَالَ: فَوَدَاهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ عِنْدِهِ

[27810] Al-Qāsim ibn ‘Abd al-Rahmān said: Two men from Kufa went to ‘Umar ibn al-Khaṭṭāb and found he had left the House [Ka‘bah] heading to Mina. They circumambulated the House, then caught up with him and told him their story. They said: “O Commander of the Faithful, a cousin of ours was killed, and we are equal heirs regarding the blood.” He remained silent and did not answer them until they implored him by Allah, so he turned to them. Then they reminded him of Allah, and he stopped. Then ‘Umar said: “Woe to us if we are not reminded of Allah, and woe to us if we do not remember Allah. Do you have two just witnesses you can bring against the one who killed him so we can exact retaliation for you? Otherwise, those whom you accuse must swear by Allah: ‘We did not kill nor do we know a killer.’ If they refuse, fifty of you swear, then the blood money is yours.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا
الْمَسْعُودِيُّ، عَنْ الْفَاسِيمِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: انْطَلَقَ
رَجُلٌ مِّنْ أَهْلِ الْكُوفَةِ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَوَجَدَهُ
قَدْ صَدَرَ عَنِ الْبَيْتِ عَامِدًا إِلَى مِنْيَ، فَطَافَ بِالْبَيْتِ، ثُمَّ
أَذْرَكَاهُ، فَقَصَّنَا عَلَيْهِ قَصَّهُمَا، فَقَالَا: يَا أَمِيرَ الْمُؤْمِنِينَ
ابْنُ عَمِّ لَنَا قُتِلَ تَحْنُ إِلَيْهِ شَرَعْ سَوَاءً فِي الدَّمِ، وَهُوَ
سَاكِنٌ عَنْهُمَا، لَا يَرْجِعُ إِلَيْهِمَا شَيْئًا حَتَّى نَاشِدَاهُ اللَّهُ
فَحَمَلَ عَلَيْهِمَا، ثُمَّ نَذَرَاهُ اللَّهُ فَكَفَ عَنْهُمَا، ثُمَّ قَالَ عُمَرُ:
وَيْلٌ لَنَا إِذَا لَمْ نَذَرْ بِاللَّهِ وَيْلٌ لَنَا إِذَا لَمْ نَذَرْ اللَّهَ فِيهِمْ
شَاهِدَانِ دُوا عَذْلٌ تَحِيَّنَ بِهِمَا عَلَى مَنْ قَتَلَهُ، فَلَقِيدُكُمْ
مِنْهُ وَإِلَّا حَلَفَ مَنْ يَدْرِكُمْ بِاللَّهِ مَا قَاتَلَنَا وَلَا عَلِمَنَا
قَاتِلًا، فَإِنْ تَكُلُوا حَلَفَ مِنْكُمْ خَمْسُونَ، ثُمَّ كَانَتْ لَكُمْ
الدِّيَةُ

[27811] Abū Ishaq reported that a dead body was found in Banū Salūl. The guardians came and absolved Banū Salūl and accused another tribe. They brought Banū Salūl to Shurayh, and he asked them for proof against the accused.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَانُ،
عَنْ أَبِي إِسْحَاقَ: أَنَّ قَتِيلًاً وُجِدَ فِي بَنْي سَلْوَلَ، فَجَاءَ
الْأَوْلِيَاءُ، فَأَبْرَءُوا بَنْي سَلْوَلَ، وَادْعُوا عَلَى حَيٍّ آخَرَ،
وَأَتَوْا شُرَيْحًا بْنَي سَلْوَلَ، وَسَأَلُوكُمُ الْبَيْنَةَ عَلَى الْمُدَعَى
عَلَيْهِمْ

[27812] Ibrāhīm said: “If a slain person is found in a neighborhood, fifty men are taken from it, including the accused. If they are fewer than fifty, the oaths are repeated upon them, the first then the first.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَانُ،
عَنْ مُعِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا وُجِدَ قَتِيلٌ فِي حَيٍّ
أُخْدَ مِنْهُ خَمْسُونَ رَجُلًا فِيهِمُ الْمُدَعَى عَلَيْهِمْ، وَإِنْ كَانُوا
أَقْلَ مِنْ خَمْسِينَ رُدَّتْ عَلَيْهِمُ الْأَيْمَانُ الْأَوَّلُ فَالْأَوَّلُ

[27813] Al-Ḥārith ibn al-Azma' said: A slain person was found in Yemen between Wādi'ah and Arḥab. The governor of 'Umar ibn al-Khaṭṭāb wrote to him, and 'Umar wrote back: "Measure the distance between the two tribes, and whichever is closer, hold them responsible." He said: "So they measured and found it closer to Wādi'ah." He said: "We were held responsible, fined, and made to swear." We said: "O Commander of the Faithful, do you make us swear and fine us?" He said: "Yes." He said: "So he made fifty men among us swear by Allah: 'I did not do it nor do I know a killer.'"

[27814] Al-Sha'bī reported that a slain person was found in Yemen between two tribes. 'Umar said: "Look at which of the two tribes is closer to him, then make fifty men from them swear by Allah: 'We did not kill nor do we know a killer,' then the blood money is upon them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْحَارِثِ بْنِ الْأَرْمَعِ، قَالَ: وُجِدَ قَتِيلٌ بِالْيَمَنِ بَيْنَ وَادِيَةٍ وَأَرْحَابَ، فَكَتَبَ عَامِلُهُ عُمَرُ بْنُ الْخَطَّابِ إِلَيْهِ، فَكَتَبَ إِلَيْهِ عُمَرُ أَنْ قِسْنَ مَا بَيْنَ الْحَيَّيْنِ، فَإِلَى أَيْمَمَا كَانَ أَقْرَبَ فَهُذُّهُمْ بِهِ، قَالَ: فَقَاسُوا فَوَجَدُوهُ أَقْرَبَ إِلَى وَادِيَةٍ قَالَ: فَأَخْذُنَا وَأَغْرِمُنَا وَأَحْلَفُنَا فَقُلْنَا: يَا أَمِيرَ الْمُؤْمِنِينَ: أَشْحَافْنَا وَتَغَرَّمْنَا؟ قَالَ: نَعَمْ قَالَ: فَأَحَلَّفَ مِنَ الْحَمْسِينَ رَجُلًا بِاللَّهِ مَا فَعَلْتُ وَلَا عَلِمْتُ فَاتِلًا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنْ الشَّعْبِيِّ: أَنَّ قَتِيلًا وُجِدَ بِالْيَمَنِ بَيْنَ حَيَّيْنِ، قَالَ: فَقَالَ عُمَرُ: انْظُرُوا أَقْرَبَ الْحَيَّيْنِ إِلَيْهِ، فَأَحَلُّفُوا مِنْهُمْ حَمْسِينَ رَجُلًا بِاللَّهِ مَا فَقَلْنَا وَلَا عَلِمْنَا فَاتِلًا، ثُمَّ تَكُونُ عَيْنُمُ الدَّيْةِ

[27815] Al-Zuhri was asked about a slain person found in a man's house. The owner of the house said: "He broke in to steal from me, so I killed him." The family of the slain said: "He invited him to his house and killed him." He said: "If fifty of the slain person's family swear that he invited him and killed him, I exact retaliation. If they refuse, they [the accused] pay the blood money." Al-Zuhri said: "Ibn 'Affān judged regarding a slain person from Banū Qurrah whose guardians refused to swear, so 'Uthmān made him [the accused] pay the blood

[27816] Al-Hasan said regarding a person found killed by treachery: "Fifty oaths are sworn by the accused: 'We did not kill nor do we know a killer.' If they swear, they are acquitted. If they refuse, fifty of the claimants swear: 'Our blood is upon you,' then they pay the blood money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرُّهْبَرِيِّ سُلَيْلٍ عَنْ قَتْنِيلٍ وُجَدَ فِي دَارِ رَجُلٍ فَقَالَ رَبُّ الدَّارِ: إِنَّهُ طَرَقِيٌّ لِيَسْرِقَنِي فَقَتَلَهُ وَقَالَ أَهْلُ الْقَتْنِيلِ: إِنَّهُ دَعَاهُ إِلَى بَيْتِهِ فَقَتَلَهُ، فَقَالَ: إِنْ أَفْسَمَ مِنْ أَهْلِ الْقَتْنِيلِ خَمْسُونَ أَنَّهُ دَعَاهُ فَقَتَلَهُ افْتَدَهُ، وَإِنْ نَكُلُوا غَرِّمُوا الدِّيَةِ، فَقَالَ الرُّهْبَرِيُّ فَقَضَى أَبْنُ عَفَانَ فِي قَتْنِيلٍ مِنْ بَنِي قُرَّةَ أَبْنَى أَوْلَيَائُهُ أَنْ يَحْلُفُوا، فَأَغْرَمَهُ عُثْنَانُ الدِّيَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُوسُفَ، عَنِ الْحَسَنِ، فِي الْقَتْنِيلِ يُوجَدُ غِيلَةً، قَالَ: يَقْسِمُ مِنَ الْمُدَعَى عَلَيْهِمْ خَمْسُونَ يَمِينًا مَا قَتَلُنَا وَلَا عَلِمْنَا فَاتِلًا، فَإِنْ حَلُفُوا فَقَدْ بَرُئُوا، وَإِنْ نَكُلُوا أَفْسَمَ مِنْ الْمُدَعَى خَمْسُونَ إِنْ دَمَنَا قِبَلَكُمْ، ثُمَّ يُؤْدُوا

[27817] ‘Urwah said: “Qasāmah has continuously been practiced in the Pre-Islamic period and in Islam.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادٍ
بْنِ سَلَمَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ: فِي الْفَسَامَةِ لَمْ يَرَأْ
يُعْمَلُ بِهَا فِي الْجَاهِلِيَّةِ وَالْإِسْلَامِ

[27818] Sahl ibn Abī Ḥathmāh reported that a group of his people went to Khaybar and dispersed there. They found one of them slain. They said to those with whom they found him: “You killed our companion.” They said: “We did not kill nor do we know [who did].” They went to the Prophet of Allah ﷺ and said: “O Prophet of Allah, we went to Khaybar and found one of us slain.” The Messenger of Allah ﷺ said: “The older, the older [let the older speak first].” Then he said to them: “Bring proof against the one who killed.” They said: “We have no proof.” He said: “Then they will swear to you.” They said: “We do not accept the oaths of the Jews.” The Prophet of Allah ﷺ disliked that his blood go in vain, so he paid his blood money with one hundred camels from the Ṣadaqah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكِينَ، عَنْ سَعِيدٍ
بْنِ عُبَيْدٍ، عَنْ بُشَيْرٍ بْنِ يَسَارٍ، رَعَمَ أَنَّ رَجُلًا مِنَ
الْأَنْصَارِ يُقَالُ لَهُ سَهْلٌ بْنُ أَبِي حَمْمَةَ أَخْبَرَهُ أَنَّ نَفَرًا مِنْ
قَوْمِهِ انْطَلَقُوا إِلَى خَيْرٍ فَتَفَرَّقُوا فِيهَا، فَوَجَدُوا أَحَدَهُمْ
قَتِيلًا، فَقَالُوا لِلَّذِينَ وَجَدُوهُ عِنْدَهُمْ: قَتَلْنَا صَاحِبَنَا، قَالُوا:
مَا قَاتَلْنَا وَلَا عَلِنَا، فَانْطَلَقُوا إِلَى نَبِيِّ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ، فَقَالُوا: يَا نَبِيِّ اللَّهِ انْطَلَقْنَا إِلَى خَيْرٍ فَوَجَدْنَا
أَحَدَنَا قَتِيلًا، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
الْكُبَرُ الْكُبَرُ فَقَالَ لَهُمْ: تَأْتُونَ بِالْبَيِّنَاتِ عَلَى مَنْ قَتَلَ
فَقَالُوا: مَا لَنَا بَيِّنَةٌ، قَالَ: فَيَحْلِفُونَ لِكُمْ فَأَلُوا: لَا نَرْضَى
بِأَيْمَانِ الْيَهُودِ، فَكَرِهَ نَبِيُّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ
يُبْطِلَ دَمَهُ، فَوَدَاهُ بِمِائَةٍ مِنْ إِلَيِّ الصَّدَقَةِ

[27819] Al-Zuhri reported that the Prophet ﷺ judged in Qasāmah that the oath is upon the accused.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِي الْفَسَامَةِ أَنَّ الْيَمِينَ عَلَى الْمُدَّعِي عَلَيْهِمْ

[27820] ‘Ubayd Allāh ibn ‘Umar heard companions of theirs narrating that ‘Umar ibn ‘Abd al-‘Azīz started with the accused regarding the oath, then made them liable for the blood money.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ عُمَرَ، أَنَّهُ سَمِعَ أَصْحَابًا لَهُمْ يُحَدِّثُونَ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ بَدَأَ بِالْمُدَّعِي عَلَيْهِمْ بِالْيَمِينِ، ثُمَّ ضَمَّنَهُمُ الْعُقْلَ

[27821] Ibn ‘Abbās judged Qasāmah upon the accused.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ مُطَبِّعٍ، عَنْ فُضَيْلِ بْنِ عَمْرُو، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ قَضَى بِالْفَسَامَةِ عَلَى الْمُدَّعِي عَلَيْهِمْ

[27822] Sa‘īd ibn al-Musayyib viewed Qasāmah as being upon the accused.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّهُ كَانَ يَرَى الْفَسَامَةَ عَلَى الْمُدَّعِي عَلَيْهِمْ

[27823] The Messenger of Allah ﷺ decreed Qasāmah upon the accused.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْفَسَامَةِ عَلَى الْمُدَّعِي عَلَيْهِمْ

[27824] Ibn Jurayj said: I asked Ibn Shihāb: “Is Qasāmah in blood cases based on knowledge or on evidence?” He said: “On evidence.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: فُلُتُ لِابْنِ شَهَابٍ: الْفَسَامَةُ فِي الدَّمِ عَلَى الْعِلْمِ أَمْ عَلَى الْبَيِّنَةِ، قَالَ: عَلَى الْبَيِّنَةِ

[27825] Shurayḥ said regarding Qasāmah: “Should I make them sin while I know?” meaning: make them swear: “We did not kill nor do we know a killer.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبْنُ عَوْنِ، عَنْ أَبْنِ سِيرِينَ، عَنْ شُرَيْحٍ، أَنَّهُ قَالَ فِي الْقَسَامَةِ: أَعْلَمُ؟ - يَعْنِي اسْتَحْلَفُهُمْ - مَا قَتَلْنَا وَلَا 6 أَوْتُمْهُمْ وَأَنَا عَلِمْنَا قَاتِلًا

[27826] Ibrāhīm said: “Each man among them is made to swear by Allah: ‘I did not kill nor do I know a killer,’ then he pays the blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنْ الْحَسَنِ بْنِ عَمْرِو، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يَسْتَحْلِفُ كُلُّ رَجُلٍ مِنْهُمْ بِاللَّهِ مَا قَتْلَتُ وَلَا عَلِمْتُ قَاتِلًا، ثُمَّ يُؤْدِيهِ

[27827] Al-Sha‘bī said: A slain person was found in Yemen in Wādi‘ah. It was referred to ‘Umar, so he made them swear fifty oaths: “We did not kill nor do we know a killer,” then he paid the blood money.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ الشَّيْبَانِيِّ، عَنْ الشَّعْبِيِّ، قَالَ: وُجِدَ قَتِيلٌ بِالْيَمَنِ فِي وَادِيَةَ، فَرُفِعَ إِلَى عُمَرَ فَأَحْلَفُهُمْ بِخَمْسِينَ مَا قَتَلْنَا وَلَا عَلِمْنَا قَاتِلًا، ثُمَّ وَدَاهُ

[27828] Al-Ḥasan said: “One swears in Qasāmah by Allah: ‘We did not kill nor do we know a

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: يَسْتَحْلِفُ عَنْ الْقَسَامَةِ بِاللَّهِ مَا قَتَلَنَا وَلَا عَلِمْنَا قَاتِلًا

[27829] Al-Ḥasan and Muḥammad reported that Shurayḥ made them swear by Allah: “We did not kill, nor do we know a killer.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٌ: أَنَّ شُرَيْحًا اسْتَحْلَفَهُمْ بِاللَّهِ مَا قَتَلَنَا، وَلَا عَلِمْنَا قَاتِلًا

[27830] ‘Umar ibn ‘Abd al-‘Azīz and Ibn al-Zubayr exacted retaliation based on Qasāmah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَمَادِ بْنِ سَلْمَةَ، عَنْ ابْنِ أَبِي مُلِيقَةَ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، وَابْنَ الرُّبَّيرِ أَقَادَا بِالْفَسَامَةِ

[27831] ‘Umar said: “Qasāmah only obligates blood money; it does not shed blood [for retaliation].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنِ الْفَلَسِيمِ، قَالَ: قَالَ عُمَرُ: إِنَّ الْقَسَامَةَ إِنَّمَا تُوْجِبُ الْعُقْلَ، وَلَا تُشِيطُ الدَّمَ

[27832] Al-Ḥasan said: “Abū Bakr, ‘Umar, and the first community did not execute based on Qasāmah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ عَمْرِو، عَنِ الْحَسَنِ: أَنَّ أَبَا بَكْرًا، وَعُمَرَ وَالْجَمَاعَةَ الْأُولَى: لَمْ يَكُنُوا يَقْتَلُونَ بِالْفَسَامَةِ

[27833] Ibrāhīm said: “Retaliation by Qasāmah is injustice.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنِ الْحَسَنِ بْنِ عَمْرِو، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْفَرْدُ بِالْفَسَامَةِ جُورٌ

[27834] Qatādah said: “They are entitled to blood money by Qasāmah, but retaliation is not exacted by it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ فَتَّادَةَ، قَالَ: الْقَسَامَةُ يَسْتَحْقُونَ بِهَا الدِّيَةَ، وَلَا يُقَاتَلُونَ بِهَا

[27835] Al-Nakha‘ī said: “Blood money is merited by Qasāmah, and retaliation is not exacted by it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سَعِيدٌ، قَالَ: حَدَّثَنَا أَبُو مَعْشَرٍ، عَنِ النَّخْعَنِيِّ، قَالَ: الْقَسَامَةُ يَسْتَحْقُونَ بِهَا الدِّيَةَ وَلَا يُقَاتَلُونَ بِهَا

[27836] Al-Zuhrī said: “Only one person is executed by Qasāmah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذُئْبَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا يُقْتَلُ بِالْقَسَامَةِ إِلَّا وَاحِدٌ

[27837] Abū Qilābah reported that ‘Umar ibn ‘Abd al-‘Azīz once brought his seat out to the people, then permitted them to enter. He said: “What do you say regarding Qasāmah?” The people murmured and said: “We say: Retaliation by Qasāmah is a right, and the Caliphs have exacted retaliation by it.”

[27838] The Messenger of Allah ﷺ said: “Two witnesses from other than you.”

[27839] Al-Qāsim reported that two men from Kufa went to ‘Umar ibn al-Khaṭṭāb... He said: “Bring two just witnesses against the one who killed him, so we can exact retaliation for you.”

[27840] Ibrāhīm said: “Two witnesses for blood [cases].”

[27841] Al-Ḥasan said: “Only the testimony of four is valid for retaliation (Qawad).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَلِيٰ، عَنِ الْحَجَاجِ بْنِ أَبِي عُثْمَانَ، قَالَ: حَدَّثَنَا أَبُو رَجَاءٍ، مَوْلَى أَبِي قَلَبَةِ، عَنْ أَبِي قَلَبَةَ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَبْرَزَ سَرِيرَةً يَوْمًا لِلنَّاسِ، ثُمَّ أَذْنَ لَهُمْ، فَدَخَلُوا عَلَيْهِ، فَقَالَ: مَا تَقُولُونَ فِي الْفَسَامَةِ؟ فَأَصْبَرَ النَّاسُ، فَقَالُوا: نَقُولُ: الْفَسَامَةُ الْفَوْدُ بِهَا حَقٌّ وَقَدْ أَفَادَتْ بِهَا الْخَلْفَاءِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَشْرِ، قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ فَتَاهَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: شَاهِدَانِ مِنْ غَيْرِكُمْ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنِ الْقَاسِمِ، قَالَ: انْطَلَقَ رَجُلٌ مِنْ أَهْلِ الْكُوفَةِ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَوَجَدَهُ قَدْ صَدَرَ عَنِ الْبَيْتِ، فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ ابْنَ عَمِّنَا قُتِلَ وَأَنْهُ إِلَيْهِ شَرَعْ سَوَاءٌ فِي الدَّمَ، وَهُوَ سَاكِنٌ عَنْهُمَا، قَالَ: شَاهِدَانِ ذَوَا عَدْلٍ تَحِيَانٌ بِهِمَا عَلَى مَنْ قَتَلَهُ، فَقَيْدُكُمْ مِنْهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنِ الْحَسَنِ بْنِ عَمْرِو، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: شَاهِدَانِ عَلَى الدَّمِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: لَا يَجُوزُ فِي الْفَوْدِ إِلَّا شَهَادَةُ أَرْبَعَةِ

[27842] Al-Sha'bī said: “Two witnesses.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُطَرِّفٍ، عَنْ الشَّعْبِيِّ، قَالَ: شَاهِدَانِ

[27843] Ibrāhīm said: “If the number for Qasāmah is not reached, they repeat until they swear fifty oaths.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا لَمْ تَبْلُغُ الْقَسَامَةَ كَرَرُوا حَتَّى يَحْلِفُوا خَمْسِينَ يَمِينًا

[27844] Shurayḥ said: “A Qasāmah came, but they did not reach fifty [men], so he repeated the Qasāmah upon them until they completed it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: جَاءَتْ قَسَامَةً، فَأَمْ يُؤْفُوا خَمْسِينَ، فَرَدَّ عَلَيْهِمُ الْقَسَامَةَ حَتَّى أُوفُوا

[27845] Ibn Sīrīn said: “If they are fewer than fifty, the oaths are repeated upon them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: إِذَا كَانُوا أَقْلَى مِنْ خَمْسِينَ رُدِّتْ عَلَيْهِمُ الْأَيْمَانُ

[27846] Ibrāhīm said: “If they are fewer than fifty, the oaths are repeated upon them, the first then the first.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانُوا أَقْلَى مِنْ خَمْسِينَ رُدِّتْ عَلَيْهِمُ الْأَيْمَانُ الْأُولَى فَالْأُولَى

[27847] ‘Umar ibn ‘Abd al-‘Azīz repeated the oaths upon seven people in Qasāmah, one of whom was the perpetrator.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي الزَّنَادِ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ رَدَّ الْأَيْمَانَ عَلَى سَبْعَةِ نَفَرٍ فِي الْقَسَامَةِ أَحَدُهُمْ جَانِ

[27848] Al-Zuhri said: “If the number in Qasāmah falls short of fifty by one man, he does not allow it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرِّهْرِيِّ، قَالَ: إِذَا نَقْصَنَ مِنَ الْخَمْسِينَ فِي الْقَسَامَةِ رَجُلٌ لَمْ يُجِزْ هَا

[27849] Ibn Shihāb said: “As for what people follow today, it is repeating the oaths.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ شِهَابٍ، قَالَ: أَمَّا الَّذِي عَلَيْهِ النَّاسُ الْيَوْمَ، فَتَرْبِيدُ الْأَيْمَانِ

[27850] Abū Ja‘far reported that if ‘Alī found a slain person between two villages, he would measure the distance between them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبِي جَعْفَرٍ: أَنَّ عَلَيًّا كَانَ إِذَا وَجَدَ الْقَتِيلَ بَيْنَ الْقَرْبَيْتَيْنِ قَاسَ مَا بَيْنَهُمَا

[27851] Al-Sha‘bī said: A slain person was found between two clans of Hamdān, between Wādi‘ah and Khaywān. ‘Umar sent Al-Mughīrah ibn Shu‘bah with them and said: “Go with them and measure the distance between the two villages. Whichever is closer, attach the slain person to them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: وُجِدَ قَتِيلٌ بَيْنَ حَيَّنِ مِنْ هَمْدَانَ بَيْنَ وَادِعَةَ وَخَيْوَانَ فَبَعَثَ مَعَهُمْ عُمَرُ الْمُغَиْرَةُ بْنُ شُعْبَةَ، فَقَالَ: انْطَلِقْ مَعَهُمْ، فَقَسْنَ مَا بَيْنَ الْقَرْبَيْتَيْنِ، فَأَيُّهُمَا كَانَ أَقْرَبَ فَالْحِجْفُ بِهِمُ الْقَتِيلَ

[27852] Al-Ḥārith ibn al-Azma‘ said: A slain person was found in Yemen between Wādi‘ah and Arḥab. The governor of ‘Umar wrote to him, and ‘Umar wrote back: “Measure the distance between the two tribes, and whichever is closer, hold them responsible.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْحَارِثِ بْنِ الْأَرْمَعِ، قَالَ: وُجِدَ قَتِيلٌ بِالْيَمِينِ بَيْنَ وَادِعَةً وَأَرْحَبَ، فَكَتَبَ عَامِلُ عُمَرَ إِلَيْهِ، فَكَتَبَ إِلَيْهِ عُمَرُ: أَنْ قِسْ مَا بَيْنَ الْحَيَّيْنِ، فَإِلَيْهِمَا كَانَ أَقْرَبَ فَحَدَّهُمْ بِهِ

[27853] Sālim ibn ‘Abd Allāh said, while a group from Banū Layth were preparing to swear in Qasāmah the next day: “O servants of Allah, a people swear to what they did not see, did not attend, and did not witness. If I had any authority in the matter, I would punish them, make an example of them, and not accept their

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنْ يَحْيَى بْنِ أَبِي إِسْحَاقَ، قَالَ: سَمِعْتُ سَالِمَ بْنَ عَبْدِ اللَّهِ، يَقُولُ: "وَقَدْ تَيَسَّرَ قَوْمٌ مِنْ بَنِي لَيْثٍ لِيَحْلِفُوا الْغَدَرِ فِي الْقَسَامَةِ، فَقَالَ: يَا أَعْبَادَ اللَّهِ لَقَوْمٌ يَحْلِفُونَ عَلَى مَا لَمْ يَرَوْهُ وَلَمْ يَحْضُرُوهُ وَلَمْ يَشْهُدُوهُ، وَلَوْ كَانَ لِي أَوْ إِلَيَّ مِنَ الْأَمْرِ شَيْءٌ لِعَاقَبَتِهِمْ أَوْ لَنَكَثَتِهِمْ أَوْ لَجَعَلْتِهِمْ نَكَالًا وَمَا قِيلَتْ لَهُمْ شَهَادَةً"

[27854] Abū Qilābah reported that ‘Umar ibn ‘Abd al-‘Azīz brought his seat out to the people one day, then permitted them to enter. He said: “What do you say regarding Qasāmah?” The people murmured and said: “We say: Retaliation by Qasāmah is a right, and the Caliphs have exacted retaliation by it.” He said: “What do you say, O Abū Qilābah?” and he singled me out to the people. I said: “O Commander of the Faithful, you have the nobles of the Arabs and the leaders of the armies. Suppose fifty of them testified against a man in Homs that he had stolen, but they did not see him, would you cut off his hand?” He said: “No.” I said: “And the Messenger of Allah ﷺ never killed anyone except for one of three reasons: a man killed for his own crime [murder], a man who committed adultery after marriage, or a man who waged war against Allah and His Messenger and apostatized from Islam.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنِ الْحَجَاجِ بْنِ أَبِي عُثْمَانَ، قَالَ: حَدَّثَنِي أَبُو رَجَاءُ، مَوْلَى أَبِي قِلَابَةِ، عَنْ أَبِي قِلَابَةَ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، أَبْرَزَ سَرِيرَةً يَوْمًا لِلنَّاسِ، ثُمَّ أَدْنَى لَهُمْ فَدَخَلُوا عَلَيْهِ، فَقَالَ: مَا تَقُولُونَ فِي الْفَسَامِةِ، فَأَضَبَّ النَّاسُ؟ فَقَالُوا: نَقُولُ: الْفَسَامِةُ الْقُوْدُ بِهَا حَقٌّ، وَقَدْ أَقَادْتُ بِهَا الْخُلْفَاءِ، فَقَالَ: مَا تَقُولُ يَا أَبَا قِلَابَةَ؟ وَنَصَبَنِي لِلنَّاسِ قُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ عِنْدَكَ أَشْرَافُ الْعَرَبِ وَرُءُوسُ الْأَجْنَادِ، أَرَأَيْتَ لَوْ أَنَّ خَمْسِينَ مِنْهُمْ شَهَدُوا عَلَى رَجُلٍ يَحْمِسُ أَنَّهُ قَدْ سَرَقَ وَلَمْ يَرَوْهُ أَكْتَنَ تَقْطُعَهُ؟، قَالَ: لَا قُلْتُ: وَمَا قَتَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحَدًا قَطُّ إِلَّا فِي إِحْدَى ثَلَاثَ حِصَالٍ رَجُلٌ يُقْتَلُ بِجَرِيرَةِ نَفْسِهِ، أَوْ رَجُلٌ زَرَى بَعْدَ إِحْسَانٍ، أَوْ رَجُلٌ حَارَبَ اللَّهَ وَرَسُولَهُ وَارْتَدَّ عَنِ الْإِسْلَامِ

[27855] ‘Atā’ reported that the people cleared away from a slain person during Ṭawāf, so his blood money was paid from the Bayt al-Māl.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنِي ابْنُ أَبِي لَيْلَى، عَنْ عَطَاءٍ: أَنَّ النَّاسَ أَجْلَوْا عَنْ قَتْلِهِ فِي الطَّوَافِ، فَوَدَاهُ مِنْ بَيْتِ الْمَالِ

[27856] Yazīd ibn Madhkūr reported that the people crowded in the grand mosque of Kufa on Friday, and when they cleared away, they found a slain person. ‘Alī ibn Abī Tālib paid his blood money from the Bayt al-Māl.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا وَهْبُ بْنُ عُقْبَةَ، وَمُسْلِمُ بْنُ يَزِيدَ بْنِ مَذْكُورٍ، سَمِعَاهُ مِنْ يَزِيدَ بْنَ مَذْكُورٍ: أَنَّ النَّاسَ ارْدَحَمُوا فِي الْمَسْجِدِ الْجَامِعِ بِالْكُوفَةِ يَوْمَ الْجُمُعَةِ، فَأَفْرَجُوا عَنْ قَتْلِهِ فَوَدَاهُ عَلَيُّ بْنُ أَبِي طَالِبٍ مِنْ بَيْتِ الْمَالِ

[27857] Ibrāhīm reported that a man was killed during Ṭawāf. ‘Umar consulted the people, and ‘Alī said: “His blood money is upon the Muslims or from the Bayt al-Māl.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، أَنَّ رَجُلًا قُتِلَ فِي الطَّوَافِ فَاسْتَشَارَ عُمَرَ النَّاسَ، فَقَالَ عَلَيْهِ: دِيَنَّهُ عَلَى الْمُسْلِمِينَ أَوْ فِي بَيْتِ الْمَالِ

[27858] ‘Atā’ said: A stray stone came during the rule of Marwān and hit Ibn Nisṭās, the uncle of ‘Āmir ibn ‘Abd Allāh ibn Nisṭās, killing him. Its thrower was unknown. Marwān imposed his blood money upon the people.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجِ، عَنْ عَطَاءٍ، قَالَ: أَتَى حَجَرٌ عَالِيٌّ فِي إِمْرَةِ مَرْوَانَ فَأَصَابَ ابْنَ نِسْطَاسٍ عَمَّ عَامِرٍ بْنَ عَبْدِ اللَّهِ بْنِ نِسْطَاسٍ لَا يُعْلَمُ مِنْ صَاحِبِهِ فَقَتَلَهُ فَضَرَبَ مَرْوَانُ دِيَنَّهُ عَلَى النَّاسِ

[27859] Al-Hasan said regarding a group shooting arrows who hit a person, and it was not known which of them hit him: “The blood money is upon all of them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَسْعَثَ، عَنْ الْحَسَنِ، فِي قَوْمٍ تَنَاضَلُوا فَأَصَابُوهَا إِنْسَانًا لَا يُذْرَى أَيُّهُمْ أَصَابَهُ، قَالَ: الدِّيَةُ عَلَيْهِمْ كُلُّهُمْ

[27860] Ibn ‘Abbās reported that the Messenger of Allah ﷺ said: “The Mukātab pays the blood money of a free man proportionate to what has been freed of him, and the blood money of a slave proportionate to what remains of his slavery.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ هِشَامِ الدَّسْتُوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يُؤَدِّي الْمُكَاتَبُ بِعُدُورٍ مَا عُتِقَ مِنْهُ دِيَةُ الْحُرُّ، وَبِقُدْرٍ مَا رُقَّ مِنْهُ دِيَةُ الْعَبْدِ

[27861] ‘Alī said: “The Mukātab pays proportionate to what he has paid off.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَئِبْوَبَ، عَنْ عَكْرَمَةَ، قَالَ عَلَيْهِ يُؤَدِّي مِنَ الْمُكَاتَبِ بِعُدُورٍ مَا أَدَاءَهُ

[27862] ‘Alī and Marwān used to say: “He pays the blood money of a free man proportionate to what he has paid off, and the blood money of a slave for what remains of his slavery.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ هِشَامِ الدَّسْتُوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّ عَلِيًّا، وَمَرْوَانَ كَانَا يَقُولُانِ: يُؤَدِّي مِنْهُ دِيَةُ الْحُرُّ بِعُدُورٍ مَا أَدَاءَهُ، وَمَا رُقَّ مِنْهُ دِيَةُ الْعَبْدِ

[27863] ‘Umar ibn ‘Abd al-‘Azīz said: “The wound indemnity of the Mukātab is that of a slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ فَتَادَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: جِرَاحَةُ الْمُكَاتَبِ جِرَاحَةُ عَبْدِ

[27864] Ibrāhīm said: “His wound indemnity is paid proportionate to what he has paid off.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ أَشْعَثَ، عَنِ الْحَكْمِ، عَنْ إِبْرَاهِيمَ، قَالَ: ثُوَدَى جَرَاحَتُه بِحِسَابِ مَا أَدَى

[27865] Shurayḥ said: “The wound indemnity of the Mukātab is that of a slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ عَبَادِ بْنِ مَنْصُورٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، عَنْ شُرِيعٍ، قَالَ: جَرَاحَةُ الْمُكَاتِبِ جَرَاحَةُ عَبْدٍ

[27866] Shu‘bah said: I asked Al-Ḥakam and Ḥammād about a man who threw fire into the house of a people and they burned. They said: “There is no retaliation upon him, nor is he executed.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ رَجُلٍ رَمَى بِنَارٍ فِي ذَارِ قَوْمٍ فَاحْتَرَفَوا، قَالَا: لَيْسَ عَلَيْهِ قَوْدٌ وَلَا يُقْتَلُ

[27867] Yaḥyā ibn Yaḥyā al-Ghassānī said: A man burned straw in his yard, and a spark flew out and burned something belonging to his neighbor. I wrote to ‘Umar ibn ‘Abd al-‘Azīz about it. He wrote back to me that the Messenger of Allah ﷺ said: “The wound caused by a beast is waste [no liability], and I see that fire is waste.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَبْدِ الْعَزِيزِ بْنِ حُصَيْنٍ، عَنْ يَحْيَى بْنِ يَحْيَى الْغَسَانِيِّ، قَالَ: أَخْرَقَ رَجُلٌ تِبْنَاهُ فِي مَرَاحِ لَهُ، فَخَرَجَتْ شَرَارَةٌ مِنْ نَارٍ حَتَّى أَخْرَقَتْ شَيْئًا لِجَارِهِ، قَالَ: فَكَتَبْتُ فِيهِ إِلَى عَمْرٍ بْنِ عَبْدِ الْعَزِيزِ، فَكَتَبَ إِلَيَّ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: الْعَجْمَاءُ جُرْحُهَا جُبَارٌ، وَأَرَى أَنَّ النَّارَ جُبَارٌ

[27868] Shu'bah said: I asked Al-Hakam and Hammād about a man who burned a house and burned people inside it. They said: “He is not executed.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ، عَنْ شُعْبَةَ، قَالَ:
سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ رَجُلٍ أَحْرَقَ دَارًا فَأَخْرَقَ
فِيهَا قَوْمًا، قَالَا: لَا يُقْتَلُ

[27869] Makhūl said: When ‘Umar came to us in Jerusalem, ‘Ubādah ibn al-Ṣāmit gave his beast to a Dhimmi man to hold, but he refused. So ‘Ubādah struck him, causing a Mūdīḥah, then entered the mosque. When ‘Umar came out, the Nabatean shouted to ‘Umar. ‘Umar said: “Who is responsible for this?” ‘Ubādah said: “I am responsible for this. What do you want with this?”

He said: “I gave him my beast to hold, but he refused, and I am a man with a temper.” He said: “In that case, sit for retaliation.” Zayd ibn Thābit said to him: “Would you exact retaliation from your brother for your slave?” He said: “By Allah, if I forego retaliation for you, I will burden you regarding the blood money. Give him twice its indemnity.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ، عَنْ مُحَمَّدِ
بْنِ إِسْحَاقَ، قَالَ: حَدَّثَنِي مَكْحُولٌ، قَالَ: لَمَّا قَدِمَ عَلَيْنَا
عُمَرُ بْنُ النَّبِيِّ أَعْطَى عُبَادَةً بْنُ الصَّامِيتِ رَجُلًا مِنْ
أَهْلِ الدَّمَّةِ دَابَّةً يُمْسِكُهَا، فَأَبَى عَلَيْهِ، فَشَجَّهُ مُوضِحَةً،
ثُمَّ دَخَلَ الْمَسْجِدَ، فَلَمَّا خَرَجَ عُمَرُ، صَاحَ النَّبِطِيُّ، إِلَى
عُمَرَ، فَقَالَ عُمَرُ: مَنْ صَاحِبُ هَذَا؟ قَالَ عُبَادَةُ: أَنَا
صَاحِبُ هَذَا، مَا أَرْدَتَ إِلَى هَذَا؟ قَالَ: أَعْطَيْتُهُ دَابَّتِي
يُمْسِكُهَا، فَأَبَى، وَكُنْتُ امْرَأًا فِي حَدٍّ قَالَ: أَمَّا لَا فَاقْعُدْ
لِلْقَوْدِ، فَقَالَ لَهُ زَيْدُ بْنُ ثَابِتٍ: مَا كُنْتَ لِتَقِيدَ عَبْدَكَ مِنْ
أَخِيكَ، قَالَ: ”أَمَا وَاللَّهِ لَئِنْ تَجَافَيْتُ لَكَ عَنِ الْقَوْدِ
لَا أَعْنَثُكَ فِي الدِّيَةِ، أَعْطِهِ عَقْلَهَا مَرَتَّبَيْنَ“

[27870] Al-Zuhri said: “There is no retaliation between a Christian and a free Muslim, nor between a Christian and a Muslim slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْرِيِّ، قَالَ: لَا فَوَادَ بَيْنَ النَّصْرَانِيِّ وَالْحُرُّ الْمُسْلِمِ، وَلَا بَيْنَ النَّصْرَانِيِّ وَالْعَبْدِ الْمُسْلِمِ

[27871] Al-Hakam and Hammād spoke regarding a man who wounded another man's head, and his eye was lost not directly from that wound. Al-Hakam said: “If they testify that it was lost due to the blow, it is valid.” Hammād said: “If they testify that he struck him on the day he struck him and it was healthy, it is valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ سُفْيَانَ، عَنْ خَالِدِ النَّيْلِيِّ، عَنِ الْحَكَمِ، وَحَمَّادِ، أَنَّهُمَا، قَالَا فِي رَجُلٍ شَجَّ رَجُلًا، فَذَهَبَتْ عَيْنُهُ مِنْ غَيْرِ تِلْكُ الشَّجَّةِ فَقَالَ الْحَكَمُ: إِنْ شَهَدُوا أَنَّهَا ذَهَبَتْ مِنَ الضَّرْبَةِ فَهُوَ جَائِزٌ وَقَالَ حَمَّادٌ: إِنْ شَهَدُوا أَنَّهُ ضَرَبَهُ يَوْمَ ضَرَبَهُ وَهِيَ صَحِيحَةٌ فَهُوَ جَائِزٌ

[27872] Ḥanash ibn al-Mu'tamir said: A pit was dug in Yemen for a lion, and a lion fell into it. People started crowding around the edge of the pit. A man fell into it and grabbed another, and the other grabbed another, until four fell in and they all perished. The people did not know what to do. ‘Alī came and said: “If you wish, I will judge between you with a judgment that will be valid among you until you come to the Prophet ﷺ.” He said: “I place the blood money upon those who were present at the edge of the pit. He assigned one-quarter of the blood money for the first who fell into the pit, one-third for the second, one-half for the third, and a full blood money for the fourth.” He said: “They agreed to that until they came to the Prophet ﷺ and informed him of ‘Alī’s judgment, and he approved the judgment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ سِمَّاٰكٍ، عَنْ حَنْشِ بْنِ الْمُعْتَمِرِ، قَالَ: حُفِرَتْ رُبْيَةٌ بِالْيَمَنِ لِلأسَدِ فَوَقَعَ فِيهَا الْأَسَدُ، فَأَصْبَحَ النَّاسُ يَنْدَافِعُونَ عَلَى رَأْسِ الْبَلْرَنِ، فَوَقَعَ فِيهَا رَجُلٌ فَتَلَقَّ بِآخَرَ، وَتَعَلَّقَ الْآخَرُ بِالْآخَرِ، فَهَوَى فِيهَا أَرْبَعَةٌ فَهَمَّكُوا فِيهَا جَمِيعًا، فَلَمْ يَذْرُ النَّاسُ كَيْفَ يَصْنَعُونَ؟ فَجَاءَ عَلَيْهِ، فَقَالَ: إِنْ شِئْتُمْ فَصَنَّيْتُ بَيْنَكُمْ بِقَضَاءٍ يَكُونُ جَائزًا بَيْنَكُمْ حَتَّى تَأْتُوا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: فَإِنِّي أَجْعَلُ الدِّيَةَ عَلَى مَنْ حَضَرَ رَأْسَ الْبَلْرَنِ، فَجَعَلَ لِلأَوَّلِ الَّذِي هُوَ فِي الْبَلْرَنِ رُبْعَ الدِّيَةِ، وَلِلثَّانِي ثُلُثَ الدِّيَةِ، وَلِلثَّالِثِ نِصْفَ الدِّيَةِ، وَلِلرَّابِعِ كَامِلًا قَالَ: فَتَرَاضَوْا عَلَى ذَلِكَ حَتَّى أَتَوْا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَخْبَرُوهُ بِقَضَاءٍ عَلَيْهِ، فَأَجَازَ الْقَضَاءَ

[27873] Masrūq reported that six boys went swimming, and one of them drowned. Three testified against two that they drowned him, and two testified against three that they drowned him. He ruled two-fifths of the blood money against the three and three-fifths of the blood money against the two.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ
بْنُ حَبِيبٍ بْنُ أَبِي ثَابِتٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ: أَنَّ
سِنَّةً غَلْمَةً دَهَبُوا يَسْبَحُونَ، فَعَرَقَ أَحَدُهُمْ، فَشَهَدَ تَلَاثَةٌ
عَلَى اثْنَيْنِ أَنَّهُمَا غَرَّقَاهُ، وَشَهَدَ اثْنَانٌ عَلَى تَلَاثَةٍ أَنَّهُمَا
غَرَّقُوهُ، فَقَضَى عَلَى التَّلَاثَةِ خُمُسِ الدِّيَةِ، وَعَلَى
الإِثْنَيْنِ تَلَاثَةُ أَخْمَاصِ الدِّيَةِ

[27874] Masrūq divided the blood money into sevenths: four parts upon three [people] and three parts upon four [people].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ،
عَنْ فِرَاسٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، أَنَّهُ جَعَلَ
الدِّيَةَ أَسْبَاعًا أَرْبَعَةً عَلَى تَلَاثَةِ، وَتَلَاثَةً عَلَى أَرْبَعَةِ

[27875] Khilās said: A man hired four men to dig a well for him. They dug it, and the well collapsed on them, killing one of them. This was referred to ‘Alī, so he charged the three [survivors] with three-quarters of the blood money and dropped one-quarter of the blood money from them.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ سَعِيدِ بْنِ
أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ خِلَّاسٍ، قَالَ: اسْتَأْجَرَ
رَجُلٌ أَرْبَعَةَ رَجَالٍ لِيَحْفَرُوا لَهُ بَئْرًا، فَحَفَرُوهَا،
فَانْخَسَفَتْ بِهِمُ الْبَئْرُ، فَمَاتَ أَحَدُهُمْ فَرُفِعَ ذَلِكَ إِلَى عَلِيٍّ
فَصَمَمَ التَّلَاثَةَ تَلَاثَةً أَرْبَاعَ الدِّيَةِ، وَطَرَحَ عَنْهُمْ رُبْعَ
الدِّيَةِ

[27876] ‘Alī ibn al-Aqmar reported that a man hired three men to dig a wall for him. They all struck at its base, and it fell on them, killing one of them. They disputed before Shurayh, so he judged against the remaining two for two-thirds of the blood money.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مَالِكٌ،
عَنْ عَلِيٍّ بْنِ الْأَقْمَرِ: أَنَّ رَجُلًا اسْتَأْجَرَ تَلَانَةً يَحْفِرُونَ
لَهُ حَائِطًا، فَضَرَبُوا فِي أَصْلِهِ جَمِيعًا، فَوَقَعَ عَلَيْهِمْ
فَمَا أَحْدُهُمْ، فَاخْتَصَمُوا إِلَى شُرَيْحٍ فَقَضَى عَلَى
الْبَاقِيَنِ بِتَلَاثِ الدِّينَةِ

[27877] Al-Zuhrī was asked about hired workers employed to demolish a wall, which fell on them and some died. He said that the survivors pay the blood money to each other.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ
الزُّهْرِيِّ، أَنَّهُ سُئِلَ عَنْ أَجْرَاءِ اسْتُؤْجِرُوا بِهِمْ دُونَ
حَائِطًا: فَخَرَّ عَلَيْهِمْ، فَمَا بَعْضُهُمْ أَنَّهُ يَعْرُمُ بَعْضُهُمْ
لِبَعْضٍ الدِّينَةَ عَلَى مَنْ بَقِيَ

[27878] ‘Alī ibn Rabāḥ said: A blind man came reciting poetry to the people in the time of ‘Umar, saying: "O people, I have encountered something objectionable... Does the blind pay blood money for the healthy sighted one? They fell together, both were broken."

Wakī‘ said: They considered that a healthy man was leading a blind man, and they fell into a well. He fell on him, either reducing him [killing him?] or injuring him, so the blind man was held liable.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُوسَى بْنُ عَلِيٍّ، عَنْ أَبِيهِ، قَالَ: جَاءَ أَعْمَى يَتَسْدِي النَّاسَ فِي زَمَانِ عُمَرَ، يَقُولُ: [البَحْرُ الرَّجْزُ] يَا أَيُّهَا النَّاسُ لَقِيتُ مُنْكَرًا... هَلْ يَعْقُلُ الْأَعْمَى الصَّحِيحَ الْمُبَصِّرًا خَرَّ مَعًا كِلَاهُمَا تَكَسَّرَا *** قَالَ وَكِيعٌ: كَانُوا يَرَوْنَ أَنَّ رَجُلًا صَحِيحًا كَانَ يَقُودُ أَعْمَى فَوَقَعَا فِي بَرْ، فَوَقَعَ عَلَيْهِ، فَإِمَّا قَلَّةٌ وَإِمَّا جَرَاحَةٌ، فَضَمَّنَ الْأَعْمَى

[27879] Sa‘īd ibn al-Musayyib reported that a man from the people of Sham called Ibn Khaybarī found a man with his wife and killed him (or killed them both). The case was referred to Mu‘āwiyah, and the judgment was difficult for him. He wrote to Abū Mūsā to ask ‘Alī about it. Abū Mūsā asked ‘Alī, who said: “This is something that did not happen in our land. I adjure you to tell me.” So he told him. ‘Alī said: “I am Abū Ḥasan. If he does not bring four witnesses, let them hand him over entirely [for retaliation].”

[27880] Salamah reported that a man was brought to Muṣ‘ab who had found a man with his wife and killed him. He [Muṣ‘ab] invalidated his blood [i.e., no retaliation].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّ رَجُلًا مِنْ أَهْلِ الشَّامِ يُقَالُ لَهُ ابْنُ حَبْرِيٍّ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهُ أَوْ قَتَلَهُمَا، فَرُفِعَ إِلَى مُعَاوِيَةَ، فَأَسْكَنَ عَلَيْهِ الْقَضَاءَ فِي ذَلِكَ، فَكَتَبَ إِلَى أَبِي مُوسَى أَنْ سَلَّ عَلَيْاً فِي ذَلِكَ، فَسَأَلَ أَبُو مُوسَى عَلَيْهَا، فَقَالَ: إِنَّ هَذَا لَشَيْءٌ مَا هُوَ بِأَرْضِنَا، عَزَّمْتُ عَلَيْكَ لِتُخْبَرَنِي، فَأَخْبَرَهُ، فَقَالَ عَلَيْهِ: أَنَا أَبُو حَسَنٍ إِنْ لَمْ يَحْيِي بِأَرْبَعَةِ شُهَدَاءِ فَلَيَدْفَعُوهُ بِرُمَّتِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْبَاطُ، عَنْ الشَّيْبَانِيِّ، عَنْ سَلَمَةَ، قَالَ: رُفِعَ إِلَى مُصْبَعِ رَجُلٍ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهُ، فَأَبْطَلَ دَمَهُ

[27881] Al-Sha'bī said: There were two brothers from the Anṣār, one named Ash'ath. He went on a campaign with the Muslim armies. His brother's wife said to his brother: "Would you like to know about your brother's wife? There is a man with her talking to her." He climbed up and looked at him while he was with her on her bed, and she was plucking a chicken for him, while he was reciting poetry... The man leaped on him and struck him with a sword until he killed him, then threw him out. He was found slain in Medina. 'Umar said: "I adjure by Allah any man who has knowledge of this to come forward." The man stood up and told him the story. He ['Umar] said: "Away with him, far away [no retaliation due]."

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي عَاصِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: كَانَ رَجُلًا مِنْ الْأَنْصَارِ يُقَالُ لِأَحَدِهِمَا أَشْعَثُ، فَعَرَاهُ فِي جَيْشٍ مِنْ جُيُوشِ الْمُسْلِمِينَ، قَالَ: فَقَالَتِ امْرَأَةُ أخِيهِ لِأَخِيهِ: "هَلْ لَكَ فِي امْرَأَةٍ أَخِيكَ مَعَهَا رَجُلٌ يُحَدِّثُهَا، فَصَعَدَ فَأَسْرَفَ عَلَيْهِ وَهُوَ مَعَهَا عَلَى فِرَاشِهَا، وَهِيَ تَنْقُضُ لَهُ دَجَاجَةً، وَهُوَ يَقُولُ": [البحر الوافر] وَأَشْعَثُ، غَرَّةُ الْإِسْلَامِ مِنِّي... خَلُوتُ بِعُرْسِهِ لِيْلَ التَّمَامِ أَبِيَتْ عَلَى حَشَائِهَا وَيُمْسِي... عَلَى ذَهْمَاءِ لَأْحِقَةِ الْحِزَامِ كَانَ مَوَاضِعَ الرَّبَّلَاتِ مِنْهَا... تَمَامٌ قَدْ جُمِعَنَ إِلَى تَمَامِي، قَالَ: "فَوَتَّبَ إِلَيْهِ الرَّجُلُ فَضَرَبَهُ بِالسَّيْفِ حَتَّى قَتَلَهُ، ثُمَّ أَلْقَاهُ فَأَصْبَحَ قَتِيلًا بِالْمَدِينَةِ فَقَالَ عُمَرُ: أُنْشِدَ اللَّهُ رَجُلًا كَانَ عِنْدَهُ مِنْ هَذَا عِلْمٌ إِلَّا قَامَ بِهِ، فَقَامَ الرَّجُلُ فَأَخْبَرَهُ بِالْقِصَّةِ فَقَالَ: سُحْقٌ وَبَعْدُ

[27882] Ibn Jurayj said: I asked ‘Atā’ about a man who finds another man with his wife and kills him. He said: “Is his blood wasted?” He said: “There is no matter except with proof.” I said: “If he calls witnesses that he saw him with my wife?” He said: “Even if he calls witnesses, there is no matter except with proof.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءِ الرَّجُلِ يَجِدُ عَلَى امْرَأَتِهِ رَجُلًا فَيُقْتَلُهُ، قَالَ: أَيُّهُدُرُ دَمُهُ؟ قَالَ: مَا مِنْ أَمْرٍ إِلَّا بِالْبَيِّنَةِ قُلْتُ: إِذَا شَهَدَ عَلَيْهِ اللَّهُ رَأَيْتَ فِي أَهْلِي، قَالَ: وَإِنْ أَشْهَدَ، لَا أَمْرٌ إِلَّا بِالْبَيِّنَةِ

[27883] ‘Abd Allāh said: While we were in the mosque one night, a man came and said: “If a man finds a man with his wife and kills him, would you kill him? Or if he speaks about it, would you lash him? I will surely mention that to the Prophet ﷺ.” So he went to him and mentioned that. He remained silent. Then the Verse of Li‘ān was revealed. The Prophet ﷺ called him and recited it to him. The man came later accusing his wife, so the Prophet ﷺ performed Li‘ān between them and said: “Perhaps she will bring forth a black, curly-haired child,” and she brought forth a black, curly-haired child.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، قَالَ: بَيْنَا نَحْنُ لَيْلَةَ الْمَسْجِدِ فِي الْمَسْجِدِ إِذْ جَاءَ رَجُلٌ، فَقَالَ: لَوْ أَنْ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهُ قَاتِلُهُو؟، أَوْ تَكَلَّمُ بِهِ جَلَّ ثُمُّ مُوْهُ؟ لَأُذْكُرَنَّ ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَتَاهُ، فَذَكَرَ ذَلِكَ فَسَكَتَ عَنْهُ، فَنَزَّلَتْ آيَةُ الْلَّاعِنَ، فَذَعَاهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَرَأَهَا عَلَيْهِ، فَجَاءَ الرَّجُلُ بَعْدُ يَقْذِفُ امْرَأَتَهُ، فَلَأْعَنَ النَّبِيُّ عَلَيْهِ السَّلَامُ بَيْنَهُمَا وَقَالَ: عَسَى أَنْ تَحْيِيَءَ بِهِ أَسْوَدَ جَعْدًا، فَجَاءَتْ بِهِ أَسْوَدَ جَعْدًا

[27884] Al-Mughīrah said: It reached the Prophet ﷺ that Sa'd ibn 'Ubādah said: "If I found a man with her, I would strike him with the sword, not with the flat side." The Prophet ﷺ said: "Do you marvel at Sa'd's jealousy? By Allah, I am more jealous than Sa'd, and Allah is more jealous than me. Because of Allah's jealousy, He forbade immoralities, what is apparent of them and what is

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ، عَنْ زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ وَرَادٍ، عَنْ الْمُغِيرَةِ، قَالَ: بَلَغَنِي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ سَعْدَ بْنَ عُبَادَةَ يَقُولُ: لَوْ وَجَدْتُ مَعَهَا رَجُلًا لَضَرَبَتُهُ بِالسَّيْفِ غَيْرَ مُصْفَحٍ قَالَ: فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَتَعْجَبُونَ مِنْ غَيْرِهِ سَعْدٍ؟ فَوَاللَّهِ لَأَنَا أَغْيَرُ مِنْ سَعْدٍ، وَاللَّهُ أَغْيَرُ مِنِّي، وَمِنْ أَجْلِ غَيْرِهِ اللَّهُ حَرَمَ الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ

[27885] Hāni' ibn Hizām reported that a man found a man with his wife and killed her. He wrote to 'Umar about it. 'Umar wrote back two letters: a public letter saying he should be executed, and a secret letter saying blood money should be taken.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الْمُغِيرَةَ بْنِ النُّعْمَانَ، عَنْ هَانِئِ بْنِ حِزَامٍ، زَادَ فِيهِ يَحْيَى بْنُ آذَمَ: عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ هَانِئِ بْنِ حِزَامٍ: أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهَا، فَكَتَبَ فِيهِ إِلَى عُمَرَ، فَكَتَبَ فِيهِ عُمَرُ كِتَابَيْنِ: كِتَابٌ فِي الْعَلَانِيَةِ يُقْتَلُ، وَكِتَابٌ فِي السَّرِّ تُؤْخَذُ الدِّيَةُ

[27886] Al-Rabī‘ ibn al-Nu‘mān reported from his mother that a woman from Banū Layth called Umm Hārūn was sitting cutting meat from her sacrificial animal when a dog in the house rushed at the meat. She threw the knife at it but missed, and her son intercepted it. The knife landed in his belly from her hand, and he died. ‘Alī paid his blood money from the Bayt al-Māl.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنِ الرَّبِيعِ بْنِ النُّعْمَانَ، عَنْ أُمِّهِ: أَنَّ امْرَأَةً مِنْ بَنِي لَيْثٍ يُقَالُ لَهَا أُمُّ هَارُونَ بَيْتُهَا هِيَ جَالِسَةٌ تَقْطُعُ مِنْ لَحْمِ أَصْحَيَّتْهَا إِذْ شَدَ كَلْبٌ فِي الدَّارِ عَلَى ذَلِكَ الْلَّحْمَ، فَرَمَثَهُ بِالسَّكِينِ، فَأَخْطَأَتْهُ، وَاعْتَرَضَ ابْنُ لَهَا فَوَقَعَتِ السَّكِينُ فِي بَطْنِهِ مِنْ يَدِهَا فَمَاتَ، فَوَدَاهُ عَلَيْهِ مِنْ بَيْتِ الْمَالِ

[27887] Khilās said: A man threw a stone at his mother and killed her. He sought her inheritance from his brothers, but they said: “No inheritance for you.” They took the matter to ‘Alī, so he excluded him from the inheritance and judged him liable for the blood money, saying: “Your share from her is that stone.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهُرٍ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ فَتَنَادَةَ، عَنْ خَلَاسٍ، قَالَ: رَمَ رَجُلٌ أُمَّهُ بِحَاجَرٍ فَقَتَلَهَا، فَطَلَبَ مِيرَاثَهَا مِنْ إِخْوَتِهِ، فَقَالَ إِخْوَتُهُ: لَا مِيرَاثَ لَكَ، فَارْتَفَعُوا إِلَى عَلَيِّ، فَأَخْرَجَهُ مِنَ الْمِيرَاثِ، وَقَضَى عَلَيْهِ بِالْأَنْتِيَةِ وَقَالَ: حَطَّكَ مِنْهَا ذَلِكَ الْحَاجَرُ

[27888] Qatādah had an Umm Walad who tended his sheep. His son from her said to him: “How long will you treat my mother as a slave?” By his father, “You will not treat her as a slave longer than you already have.” He said: “You are here for her.” He struck him with the sword and killed him. Surāqah ibn Ju’shum wrote to ‘Umar about it. ‘Umar wrote back: “Bring him to me along with one hundred and twenty [camels].” Ḥajjāj said: Some of them said: “And one hundred and forty.” He took thirty ḥiqqah, thirty Jadh’ah, and forty between Thaniyyah and Bāzil ‘Āmuḥā, all of them pregnant camels, and distributed them among his brothers and did not let him inherit anything.

[27889] ‘Awf said: ‘Umar ibn Hayyān al-Ḥimmānī used to train horses. He put his son on a horse, and he fell and dropped from the horse and died. His blood money was placed upon his ‘Āqilah during the time of Ziyād over Basra.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ حَاجَاجٍ، عَنْ أَبْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، وَعَنْ عَمْرُو بْنِ شَعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، وَعَنْ قَنَادَةَ، عَنْ أَبِي الْمَلِيجِ، وَعَنْ عَطَاءَ: أَنَّ قَنَادَةَ، كَانَتْ لَهُ أُمٌّ وَلَدٌ تَرْعَى غَنَمَةً فَقَالَ لَهُ ابْنُهُ مِنْهَا: حَتَّى مَتَّى تَسْتَأْمِنِي أُمِّي؟ وَأَبِيهِ لَا يَسْتَأْمِنُهَا أَكْثَرَ مِمَّا اسْتَأْمِنُهَا، قَالَ: إِنَّكَ لَهَا هُنَّا، فَخَذْفَهُ بِالسَّيْفِ فَقَتَلَهُ، فَكَتَبَ فِي ذَلِكَ سُرَاقَةً بْنُ جُعْشَمٍ إِلَى عُمَرَ، فَكَتَبَ إِلَيْهِ عُمَرُ: فَأَنْتَ بِهِ وَبِعَشْرِينَ وَمِائَةً قَالَ حَاجَاجٌ: وَقَالَ بَعْضُهُمْ: وَبِأَرْبَعِينَ وَمِائَةٍ، فَأَخَذَ مِنْهَا ثَلَاثَيْنِ حَفَّةً وَثَلَاثِينَ حَدَّعَةً وَأَرْبَعِينَ مَا بَيْنَ ثَنَيَّةَ إِلَى بَازِلٍ عَامَهَا كُلُّهَا خَلْفٌ، فَقَسَمَهَا بَيْنَ إِخْوَتِهِ وَلَمْ يُورِثْهُ شَيْئًا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَوْفٍ، قَالَ: كَانَ عُمَرُ بْنُ حَيَّانَ الْحِمَانِيَّ يَصْنَعُ الْخَيلَ وَأَنَّهُ حَمَلَ أَبْنَاهُ عَلَى فَرَسٍ، فَخَرَّ، فَتَقَطَّرَ مِنَ الْفَرَسِ، فَمَاتَ، فَجَعَلَتْ دِيَتُهُ عَلَى عَاقِلَتِهِ زَمَانَ زِيَادٍ عَلَى الْبَصْرَةِ

[27890] Ibn Sīrīn said: A man put his son on a horse to train him. He prodded it and shouted at it, and it killed him. His blood money was placed upon his ‘Āqilah, and the father did not inherit anything.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: حَمَلَ رَجُلٌ ابْنَهُ عَلَى فَرَسٍ لِّيُسَوِّرَهُ، فَنَحَسَ بِهِ وَصَوَّتَ بِهِ، فَقَتَلَهُ، فَجَعَلَ دِيَتَهُ عَلَى عَاقِلَتِهِ، وَلَمْ يُورِّثِ الْأَبْ شَيْئًا

[27891] ‘Alī reported that two men came to him and testified against a man that he stole, so he cut off his hand. Then they brought another and said: “It is this one.” He accused them regarding the second and made them liable for the blood money of the first.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ خَلَاسٍ، عَنْ عَلِيٍّ: أَنَّ رَجُلَيْنِ أَتَيَا عَلَيَّا فَشَهَدَا عَلَى رَجُلٍ أَنَّهُ سَرَقَ، فَقَطَعَ يَدَهُ، ثُمَّ جَاءَ بِآخَرَ، فَقَالَا: هُوَ هَذَا، قَالَ: فَائِهِمُهُمَا عَلَى هَذَا، وَضَمَّنَهُمَا دِيَةَ الْأَوَّلِ

[27892] Ya'lā reported that a man came to him and said: "This is my brother's killer." Ya'lā handed him over to him. They struck him with their swords until they thought they had killed him, but he still had a spark of life. His family took him and treated him until he recovered. He came to Ya'lā and said: "My brother's killer." He said: "Did I not hand him over to you?" He told him the news. Ya'lā called him and found he had recovered. His wounds were calculated and found to equal the blood money. Ya'lā said to him: "If you wish, pay him his blood money and kill him, otherwise leave him." He went to 'Umar and complained about Ya'lā. 'Umar and 'Alī agreed on Ya'lā's judgment: to pay him the blood money and kill him, or leave him and not kill him. 'Umar said to Ya'lā: "You are indeed a judge," then returned him to his work.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عَمْرُو، أَنَّ حَيَّ بْنَ يَعْلَى، أَخْبَرَهُ أَنَّهُ سَمِعَ يَعْلَى، يُخْبِرُ: أَنَّ رَجُلًا أَتَى يَعْلَى، فَقَالَ لَهُ هَذَا قَاتِلُ أَخِي، فَدَفَعَهُ إِلَيْهِ يَعْلَى، فَجَدَ عُوهَ بِسُيُوفِهِمْ حَتَّى رَأَوْا أَنَّهُمْ قَتَلُوهُ وَبِهِ رَمَقٌ، فَأَخَذَهُ أَهْلُهُ فَدَأَوْهُ حَتَّى بَرَى، فَجَاءَ يَعْلَى، فَقَالَ: قَاتِلُ أَخِي، فَقَالَ: أَوْلَئِنَ قَدْ دَفَعْتُ إِلَيْكَ، فَأَخْبَرَهُ خَبَرَهُ، فَدَعَاهُ يَعْلَى، فَوَجَدَهُ قَدْ سَلَكَ فَحُسِبَتْ جُرُوحُهُ فَوَجَدُوا فِيهِ الدِّيَةَ، فَقَالَ لَهُ يَعْلَى: إِنْ شِئْتَ فَادْفِعْ إِلَيْهِ دِيَتَهُ فَاقْتُلْهُ، وَإِلَّا فَدَعْهُ، فَلَحِقَ بِعُمرَ فَاسْتَأْذَنَهُ عَلَى يَعْلَى فَأَنْفَقَ عُمْرُ وَعَلِيٌّ عَلَى قَضَاءِ يَعْلَى، أَنْ يَدْفَعَ إِلَيْهِ الدِّيَةَ وَيَقْتُلَهُ، أَوْ يَدَعْهُ فَلَا يَقْتُلُهُ وَقَالَ عُمَرُ لِيَعْلَى: إِنَّكَ لِقَاضٍ، ثُمَّ رَدَهُ إِلَى عَمَلِهِ

[27893] ‘Umar said: I heard the Messenger of Allah ﷺ say: “A parent is not killed [in retaliation] for the child.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، وَأَبُو حَالِدٍ، عَنْ حَجَاجٍ، عَنْ عَمْرِو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ عُمَرَ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: لَا يُقْتَلُ الْوَالِدُ بِالْوَلَدِ

[27894] Mujāhid and ‘Atā’ said: “A man does not exact retaliation from his parents, even if they kill him deliberately.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، وَعَطَاءً، قَالَا: لَا يُفَاقِدُ الرَّجُلُ مِنْ وَالِدِيهِ، وَإِنْ قَتَلَهُ أَصْبَرًا

[27895] ‘Amr ibn Shu‘ayb said: A letter came to ‘Umar regarding a woman who grabbed a man’s testicles and tore the skin but did not tear the peritoneum. ‘Umar said to his companions: “What do you think about this?” They said: “Treat it like a Jā’ifah.” ‘Umar said: “But I see otherwise; I see that in it is half of what is in the Jā’ifah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ لَيْثٍ، عَنْ عَمْرِو بْنِ شَعِيبٍ، قَالَ: كَتَبَ إِلَى عُمَرَ فِي امْرَأَةٍ أَخْدَثَتْ بِأَنْثَيِّ رَجُلٍ فَحَرَقَتِ الْجِلْدَ، وَلَمْ تَخْرُقْ الصَّفَاقَ، فَقَالَ عُمَرُ لِأَصْحَابِهِ: مَا تَرَوْنَ فِي هَذَا؟، قَالُوا: اجْعَلْهَا بِمِثْلِهِ الْجَائِفَةَ، فَقَالَ عُمَرُ: لَكُنِّي أَرَى غَيْرَ ذَلِكَ، أَرَى أَنَّ فِيهَا نِصْفَ مَا فِي الْجَائِفَةِ

[27896] ‘Amr ibn Shu‘ayb reported that a man forced a woman and caused Ifḍā’ (rupture). ‘Umar flogged him the Ḥadd and fined him one-third of her blood money.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ دَاؤَدَ، عَنْ عَمْرِو بْنِ شَعِيبٍ: أَنَّ رَجُلًا اسْتَكْرَأَ امْرَأَةً فَأَفْضَاهَا، فَضَرَبَهُ عُمَرُ الْحَدَّ وَغَرَمَهُ ثُلُثَ دِيْتِهَا

[27897] Abān ibn ‘Uthmān reported that a man was brought to him who had married a young girl and caused Ifdā’. He and ‘Umar ibn ‘Abd al-‘Azīz said regarding it: “If she was of those who can be intimate with, there is nothing upon him. If she was of those who cannot be intimate with, then he owes one-third of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْجُبَابِ، عَنْ خَالِدِ بْنِ عَبْدِ اللَّهِ، عَنْ خَالِدِ الْحَدَّاءِ، عَنْ أَبْيَانَ بْنِ عُتْمَانَ: أَنَّهُ رُفِعَ إِلَيْهِ رَجُلٌ تَرَوَّجَ جَارِيَةً فَأَفْضَاهَا فَقَالَ فِيهَا هُوَ وَعُمْرُ بْنُ عَبْدِ الْغَرِيزِ: إِنْ كَانَتْ مِنْ يُجَامِعُ مِثْلَهَا فَلَا شَيْءٌ عَلَيْهِ، وَإِنْ كَانَتْ مِنْ لَا يُجَامِعُ مِثْلَهَا، فَعَلَيْهِ ثُلُثُ الدِّيَةِ

[27898] Zayd ibn Thābit said regarding a man who injures a woman [causing incontinence]: “If she can hold one of them [urine or feces], then one-third. If she cannot hold [either], then the full blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شَيْخٍ، عَنْ قَتَادَةَ، عَنْ زَيْدِ بْنِ ثَابِتٍ، فِي الرَّجُلِ يَعْقِرُ الْمَرْأَةَ، قَالَ: إِذَا أَمْسَكَ أَحَدُهَا فَالثُّلُثُ، وَإِنْ لَمْ يُمْسِكْ فَالدِّيَةُ

[27899] Al-Hasan reported that a man asked for water at the door of some people, but they refused to give him drink. Thirst overtook him and he died. ‘Umar held them liable for the blood money.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ: أَنَّ رَجُلًا اسْتَسْقَى عَلَى بَابِ قَوْمٍ، فَأَبْوَا أَنْ يُسْقُرُهُ، فَأَدْرَكَهُ الْعَطْشُ فَمَاتَ، فَضَمَّنَهُمْ عُمُرُ الدِّيَةِ

[27900] Abū Qilābah said: “No Muslim man was killed [executed] during the time of the Messenger of Allah ﷺ, nor Abū Bakr, nor ‘Umar, except for adultery, murder, or waging war against Allah and His Messenger.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ أَيُّوبَ، عَنْ أَبِي رَجَاءِ، عَنْ أَبِي قِلَابَةَ، قَالَ: مَا قُتِلَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَا أَبِي بَكْرٍ، وَلَا عُمَرَ رَجُلٌ مِنَ الْمُسْلِمِينَ إِلَّا مِنْ زَنَا أَوْ قَتْلٍ أَوْ حَارِبَ اللَّهَ وَرَسُولَهُ

[27901] ‘Abd Allāh ibn Mas‘ūd reported that the Messenger of Allah ﷺ said: “The blood of a Muslim who testifies that there is no god but Allah and that I am the Messenger of Allah is not lawful except for one of three reasons: a life for a life, a married person who commits adultery, and one who abandons his religion and separates from the community.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَحِلُّ دَمُ امْرِئٍ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ، إِلَّا أَحَدُ ثَلَاثَةِ نَفْرِ النَّفْسِ بِالنَّفْسِ، وَالثَّيْبِ الزَّانِي، وَالثَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ

[27902] ‘Āishah reported that the Messenger of Allah ﷺ said: “The blood of a Muslim man is not lawful except [in three cases]: a man who kills and is killed [in retaliation], a man who commits adultery after being married, or a man who apostatizes after accepting Islam.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَمْرُو بْنِ غَالِبٍ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ، إِلَّا رَجُلٌ قَتَلَ فَقُتِلَ، أَوْ رَجُلٌ زَنَى بَعْدَمَا أَخْسِنَ، أَوْ رَجُلٌ ارْتَدَّ بَعْدَ إِسْلَامِهِ

[27903] Similar to the above narration, reported by Abū al-Āḥwāṣ from Abū Iṣhāq from ‘Amr ibn Ghālib from ‘Ā’ishah from the Prophet ﷺ.

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَمْرُو بْنِ غَالِبٍ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ مِثْلُهُ

[27904] ‘Ā’ishah said: “The blood of anyone from the people of this Qiblah is not lawful except for one who commits three things: killing a life for a life, a married person committing adultery, and one who separates from the community of Muslims or leaves the community of Muslims.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَنْصُورٍ، عَنْ أَبِي مَعْشِرٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ، قَالَتْ: مَا حَلَّ دَمٌ أَحَدٍ مِنْ أَهْلِ هَذِهِ الْقِبْلَةِ، إِلَّا مِنْ اسْتَحْلَلَ تَلَاهَةً أَشْيَاءً قُتِلَتْ بِالنَّفْسِ بِالنَّفْسِ، وَالثَّيْبُ الزَّانِي، وَالْمُفَارِقَ جَمَاعَةً الْمُسْلِمِينَ، أَوِ الْخَارِجُ مِنْ جَمَاعَةِ الْمُسْلِمِينَ

[27905] ‘Uthmān looked down upon the people on the Day of the House (siege) and said: “Do you not know that the blood of a Muslim man is not lawful except for four [reasons]: a man who kills and is killed [in retaliation], a man who commits adultery after being married, a man who apostatizes after accepting Islam, or a man who commits the act of the people of Lot?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فَيْسٍ، عَنْ أَبِي حُصَيْنٍ: أَنَّ عُثْمَانَ أَشْرَفَ عَلَى النَّاسِ يَوْمَ الدَّارِ، فَقَالَ: أَمَا عَلِمْتُمْ أَنَّهُ لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ إِلَّا أَرْبَعَةً رَجُلٌ قُتِلَ قُتِلَ، أَوْ رَجُلٌ زَنَى بَعْدَمَا أَحْسَنَ، أَوْ رَجُلٌ ارْتَدَّ بَعْدَ إِسْلَامِهِ، أَوْ رَجُلٌ عَمِلَ عَمَلًا فَوْطِ

[27906] ‘Alī ibn al-Aqmar said: “I found a slave of ours dead in a well in the house of ‘Utbah. I took the dispute to Shurayḥ. He said: ‘Your proof that they coerced him [to work or descend], otherwise whoever you wish from the people of the house will swear an oath to you.’”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عَلِيٍّ بْنِ الْأَقْمَرِ، قَالَ: وَجَدْتُ مَمْلُوكًا لَنَا كَانَ يَعْمَلُ فِي بَيْرٍ فِي دَارِ عُثْبَةَ، فَخَاصَّمْتُهُ إِلَى شُرَبَيْحٍ، فَقَالَ: بَيْتُنَا أَنَّهُمْ أَكْرَهُوهُ، وَإِلَّا أَقْسَمَ لَكَ مِنْ أَهْلِ الدَّارِ مَنْ شِئْتَ

[27907] Ibn Shihāb said: “There is no Qasāmah regarding a slave, nor does one resort to Qasāmah for him. It is only about prices [value], like any other claim of right.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: قَالَ لِي ابْنُ شَهَابٍ: لَيْسَ فِي الْعِبْدِ قَسَامَةُ، وَلَا يَرُدُّ بِهِ الْقَسَامَةُ، إِنَّمَا هِيَ الْأَنْمَاءُ كَهِينَةُ الْحَقِّ يُدَعَى

[27908] Hishām ibn ‘Abd al-Malik judged regarding the slave of Ayyūb, the freed slave of Nāfi‘, requiring fifty oaths from Ayyūb. He swore them and took his value.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: قَضَى هِشَامُ بْنُ عَبْدِ الْمَلِكِ فِي عَبْدِ أَيُوبَ مَوْلَى نَافِعٍ بِخَمْسِينَ يَمِينًا عَلَى أَيُوبَ، فَحَلَّفَ، فَأَخَذَ ثَمَنَهُ

[27909] Sulaymān said: “As for blood [cases], ‘Umar judges regarding it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ الْأَعْمَشِ، عَنْ عُمَارَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ رَيْدٍ قَالَ: قَالَ سُلَيْمَانُ: أَمَّا الدَّمُ فَيُؤْضِي فِيهِ عُمَرُ

[27910] Al-Nazzāl ibn Sabrah said: ‘Umar wrote to the commanders of the armies: “No soul shall be killed without my permission.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنْ التَّرَازِلِ بْنِ سَبْرَةَ، قَالَ: كَتَبَ عُمَرُ إِلَى أَمْرَاءِ الْأَجْنَادِ: أَنْ لَا تُقْتَلَ نَفْسٌ دُونِي

[27911] Ibn Sīrīn said: “He would not judge in a blood case without the Commander of the Faithful.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ لَا يَقْضِي فِي ذَمِّ دُونَ أَمِيرِ الْمُؤْمِنِينَ

[27912] Ibn ‘Umar reported that a slave girl of Hafṣah bewitched her. They found her magic, and she confessed to it. So, I ordered ‘Abd al-Rahmān ibn Zayd to kill her. This reached ‘Uthmān, and he disapproved of it and was severe about it. Ibn ‘Umar went to him and informed him that she had bewitched her, confessed to it, and they found her magic. It seemed that ‘Uthmān disapproved of it only because she was killed without his permission.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُهُ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ ثَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ جَارِيَةً لِحَصَّةَ سَحْرِهَا وَوَجَدُوا سِحْرَهَا، فَاعْتَرَفَتْ بِهِ، فَأَمْرَتُ عَبْدَ الرَّحْمَنَ بْنَ رَبِيعٍ، فَقَتَلَهَا، فَبَلَغَ ذَلِكَ عُثْمَانَ، فَأَنْكَرَ وَاسْتَدَ عَلَيْهِ، فَأَنَّا أَبْنُ عُمَرَ فَأَخْبَرَهُ أَنَّهَا سَحَرَهَا وَاعْتَرَفَتْ بِهِ وَوَجَدُوا سِحْرَهَا، فَكَانَ عُثْمَانَ إِنَّمَا أَنْكَرَ ذَلِكَ لِأَنَّهَا قُتِلَتْ بِغَيْرِ إِذْنِهِ

[27913] ‘Amr said, when asked what Al-Hasan used to say about a Mu‘āhad who kills: “If they practice ‘Āqilah (paying blood money collectively), then it is upon the ‘Āqilahs. If they do not practice ‘Āqilah, then it is a debt upon him in his wealth and responsibility.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، قَالَ: سَأَلْتُ عَمْرًا مَا كَانَ الْحَسَنُ يَقُولُ فِي الْمُعَاهَدِ يَقْتُلُ؟، قَالَ: إِنْ كَانُوا يَتَعَاقِلُونَ فَعَلَى الْعَوَاقِلِ، وَإِنْ كَانُوا لَا يَتَعَاقِلُونَ فَدِينُ عَلَيْهِ فِي مَالِهِ وَذِمَّتِهِ

[27914] Al-Sha‘bī said regarding a Mu‘āhad who kills: “His blood money [if killed] is for the Muslims, and his indemnity [if he kills] is upon them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الشَّعْبَنِيِّ، فِي الْمُعَاهَدِ يَقْتُلُ، قَالَ: دِيَتُهُ لِلْمُسْلِمِينَ، وَعَقْلُهُ عَلَيْهِمْ

[27915] Qatādah said regarding a man from the People of the Dhimma who gouged out the eye of a Muslim man: “His blood money is upon the people of his district (Tassūj).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ سَعِيدِ، عَنْ قَتَادَةَ، فِي رَجُلٍ مِنْ أَهْلِ الدَّمَّةِ فَقَاتَ عَيْنَ رَجُلٍ مُسْلِمٍ، قَالَ: دِيَتُهُ عَلَى أَهْلِ طَسْوِيجِهِ

[27916] Ḥammād said regarding four who testified against a man for adultery and he was stoned, then one of them retracted: “[He owes] one-quarter of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ الشَّيْبَانِيِّ، عَنْ حَمَّادٍ، فِي أَرْبَعَةِ شَهُودًا عَلَى رَجُلٍ بِالزِّنَا فَرُجِمَ، ثُمَّ رَجَعَ أَحَدُهُمْ، قَالَ: رُبُّعُ الْدِيَةِ

[27917] ‘Ikrimah said regarding four who testified against a man for a Ḥadd punishment, then one of them declared himself a liar: “He pays one-quarter of the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ سَعِيدٍ، عَنْ مَطْرِ، عَنْ عَكْرِمَةَ فِي أَرْبَعَةِ شَهُودًا عَلَى رَجُلٍ بِحَدٍ، ثُمَّ أَكْذَبَ أَحَدُهُمْ نَفْسَهُ، قَالَ: يَغْرِمُ رُبْعَ الدِّيَةِ

[27918] Al-Hasan said: “He pays blood money, and the blood money is upon the others [as well?].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ سَعِيدٍ، عَنْ فَقَادَةَ، عَنْ الْحَسَنِ، قَالَ: يَعْقُلُ وَعَلَى الْأُخْرَيْنِ الدِّيَةِ

[27919] Abū Hāshim said regarding four who testified against a man for adultery, then one of them retracted: He owes one-quarter of the blood money. Ibn Sīrīn said: “If he says: ‘I made a mistake and meant someone else,’ he owes the full blood money. If he says: ‘I intended to kill him,’ he is killed for it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَيُوبَ أَبِي الْعَلَاءِ، قَالَ: قَالَ أَبُو هَاشِمٍ فِي أَرْبَعَةِ شَهُودًا عَلَى رَجُلٍ بِالزَّنَنَ، ثُمَّ رَجَعَ أَحَدُهُمْ عَلَيْهِ رُبْعَ الدِّيَةِ وَقَالَ ابْنُ سِيرِينَ: إِذَا قَالَ: أَخْطَأْتُ وَأَرَدْتُ غَيْرَهُ، فَعَلَيْهِ الدِّيَةُ كَامِلَةً" وَإِنْ قَالَ: تَعَمَّدْتُ قَتْلَهُ، قُتِلَ بِهِ

[27920] Al-Sha‘bī said: “If the father gifts [forgives] the minor head wound suffered by his son, it is valid against him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا وَهَبَ الْأَبُ الشَّجَةَ الصَّغِيرَةَ الَّتِي تُصِيبُ ابْنَهُ جَازَتْ عَلَيْهِ

[27921] Jābir ibn Zayd said regarding a man whose hand was cut off for theft, then another man cut off his other hand later: “In it is half the blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ،
عَنْ جَابِرِ بْنِ زَيْدٍ، فِي رَجُلٍ قُطِعَتْ يَدُهُ فِي السَّرْقَةِ، ثُمَّ
قُطِعَ رَجُلٌ يَدَهُ الْأُخْرَى بَعْدُ، قَالَ: فِيهَا نِصْفُ الدِّيَةِ

[27922] Shu‘bah asked Al-Ḥakam and Ḥammād about a man who performed ablution and poured water on the road [causing someone to slip]. Ḥammād said: “He is liable.” Al-Ḥakam said: “He is not

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابُهُ بْنُ سَوَارٍ، عَنْ شُعبَةَ،
قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا، عَنْ رَجُلٍ تَوَضَّأَ فَصَبَّ
مَاءً فِي الطَّرِيقِ، قَالَ حَمَّادٌ: يَضْمَنْ وَقَالَ الْحَكَمُ: لَا
يَضْمَنْ

[27923] ‘Āmir said regarding the butcher and the bleacher who sprinkle water at their door: “He is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَانُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ فِي الْقَصَابِ وَالْأَصَابِ يَنْضَحُ
بَابَهُ، قَالَ: يَضْمَنْ

[27924] Al-Ḥakam and Ḥammād spoke regarding a market man who sprinkles water in front of his door, and a person passes by, slips, and is injured. Ḥammād said: “He is liable.” Al-Ḥakam said: “He is not liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ شُعبَةَ، عَنْ
الْحَكَمَ، وَحَمَّادٍ، فِي الرَّجُلِ السُّوقِيِّ يَنْضَحُ بَيْنَ يَدَيْهِ
فَيَمْرُّ بِهِ إِنْسَانٌ فَيَرْلَقُ فَيَعْنَثُ، قَالَ حَمَّادٌ: يَضْمَنْ وَقَالَ
الْحَكَمُ: لَا يَضْمَنْ

[27925] ‘Awf said: I witnessed ‘Abd al-Rahmān ibn Udhaynah exact retaliation for a man for two scratches on his head, then the retaliator was imprisoned until the condition of the one retaliated against was observed. Ibn Sīrīn used to disapprove of this imprisonment.

[27926] ‘Atā’ said: “Wounds require retaliation (Qisāṣ), and the Imam has no right to beat him or imprison him. It is only retaliation. Allah was not forgetful; if He willed, He would have commanded imprisonment and beating.”

[27927] ‘Abd Allāh ibn Mas‘ūd reported that the Messenger of Allah ﷺ said: “The most chaste of people in killing are the people of

[27928] Ibrāhīm passed by Ibn Muka’bar, whose hands and feet Ziyād had cut off. He said: “I heard ‘Abd Allāh say: ‘The most chaste of people in killing are the people of faith.’”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعاذٍ، عَنْ عَوْفٍ،
قَالَ: شَهِدْتُ عَبْدَ الرَّحْمَنَ بْنَ أَدِيْنَةَ أَقْصَى رَجُلًا
حَرْصَانِينَ فِي رَأْسِهِ، ثُمَّ حُبِسَ الْمُفْتَصَنُ لَهُ حَتَّى يَنْظُرَ
الْمُفْتَصَنُ مِنْهُ، قَالَ: وَكَانَ ابْنُ سِيرِينَ يُنْكِرُ هَذَا الْجَبَسَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: قَالَ عَطَاءً: الْجُرُوحُ قِصَاصٌ، وَلَيْسَ
لِإِلَمَامِ أَنْ يَضْرِبَهُ وَلَا أَنْ يَخْبِسَهُ، إِنَّمَا هُوَ الْقِصَاصُ،
مَا كَانَ اللَّهُ نَسِيًّا، لَوْ شَاءَ لَأَمَرَ بِالسَّجْنِ وَالضَّرْبِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنْ
مُغِيرَةَ، عَنْ سِبَّاكٍ، عَنْ إِبْرَاهِيمَ، عَنْ هُنَيِّ بْنِ التَّوَيِّرِ،
عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْفُ النَّاسَ قِتْلَةً أَهْلَ الْإِيمَانِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصَةُ، عَنِ الْأَعْمَشِ، عَنِ
إِبْرَاهِيمَ، أَنَّهُ مَرَّ عَلَى ابْنِ مُكَعْبَرٍ وَقَدْ قَطَعَ زِيَادًا يَنْبَيِّهِ
وَرَجْلَيْهِ، قَالَ: سَمِعْتُ عَبْدَ اللَّهِ، يَقُولُ: إِنَّ أَعْفَ النَّاسَ
قِتْلَةً أَهْلَ الْإِيمَانِ

[27929] Shaddād ibn Aws reported that the Prophet ﷺ said: “Allah has prescribed excellence (Iḥsān) in everything. So when you kill, kill well.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ، عَنْ شَدَّادِ بْنِ أَوْسٍ رَفِعَهُ، قَالَ: إِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ فَإِذَا قَاتَلْتُمْ، فَاحْسِنُوا الْقَتْلَ

[27930] Ṣafiyah bint al-Mughīrah ibn Shu‘bah said: “The Messenger of Allah ﷺ forbade mutilation (Muthlah).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَسْلَمَةَ بْنِ نَوْفِلٍ، عَنْ صَافِيَةَ بْنِتِ الْمُغِيرَةَ بْنِ شُعْبَةَ، قَالَتْ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُثْلَثَةِ

[27931] Shaddād ibn Aws reported that the Prophet ﷺ said: “Allah has prescribed excellence upon you in everything. So when you kill, kill well, and when you slaughter, slaughter well.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ حَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ، عَنْ شَدَّادِ بْنِ أَوْسٍ رَفِعَهُ قَالَ: إِنَّ اللَّهَ كَتَبَ عَلَيْكُمُ الْإِحْسَانَ فِي كُلِّ شَيْءٍ، فَإِذَا قَاتَلْتُمْ فَاحْسِنُوا الْقَتْلَ، وَإِذَا ذَبَحْتُمْ فَاحْسِنُوا الذَّبْحَ

[27932] ‘Abd Allāh said: “The most chaste of people in killing are the people of faith.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، قَالَ: أَعْفُ النَّاسَ قِتْلَةً أَهْلَ الْإِيمَانِ

[27933] Ya'lā ibn 'Ubayd said: We raided the land of the Romans with Abū Ayyūb al-Anṣārī, the Companion of the Messenger of Allah ﷺ, and 'Abd al-Rahmān ibn Khālid ibn al-Walīd was over the people during the time of Mu'āwiyah. While we were with him, a man came and said: "The Emir was brought four non-Arabs (infidels), and he ordered them to be tied up and shot with arrows until they were killed." Abū Ayyūb stood up in alarm and went to 'Abd al-Rahmān and said: "Did you tie them up [for execution]? I heard the Messenger of Allah ﷺ forbid tying up animals [for killing], and I would not like to tie up a chicken, even if I had such and such." He made it a grave matter. So 'Abd al-Rahmān called for some of his slaves and freed them in expiation for what he had done.

[27934] 'Abd Allāh ibn Yazid said: "The Messenger of Allah ﷺ forbade mutilation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ يَعْلَى بْنِ عُيَيْدٍ، قَالَ: غَرَّوْنَا أَرْضَ الرُّومَ وَمَعَنَا أَبُو أَيُوبَ الْأَنْصَارِيُّ صَاحِبُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعَلَى النَّاسِ عَبْدُ الرَّحْمَنُ بْنُ خَالِدٍ بْنِ الْوَلِيدِ فِي زَمَانِ مُعاوِيَةَ، فَبَيْنَا نَحْنُ عِنْدُهُ إِذَا أَتَاهُ رَجُلٌ فَقَالَ: أَتَيَ الْأَمِيرُ بِأَعْلَاجٍ أَرْبَعَةِ، فَأَمَرَ بِهِمَا فَصُبِّرُوا يُرْمَوْنَ بِالنَّلَّ حَتَّى قُتِّلُوا، قَالَ: فَقَامَ أَبُو أَيُوبَ فَزَعَّا حَتَّى أَتَى عَبْدُ الرَّحْمَنَ، فَقَالَ: أَصِرْتُمْ؟ لَقَدْ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَنْهَا عَنْ صَبْرِ الْبَهِيمَةِ، وَمَا أَحَبُّ إِلَيَّ صَبْرُهُ دَجَاجَةٌ، وَأَنَّ لِي كَذَا وَكَذَا، فَأَعْظَمُ ذَلِكَ، فَدَعَا عَبْدُ الرَّحْمَنَ بِغَلْمَانٍ لَهُ، فَأَعْنَفُهُمْ مَكَانَ الَّذِي صَنَعَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَهُ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدٍ، قَالَ: نَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُثْلَثِ

[27935] ‘Imrān ibn Ḥuṣayn and Samurah ibn Jundub said: “The Messenger of Allah ﷺ forbade mutilation.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا هَمَامٌ، عَنْ فَتَادَةَ، عَنِ الْحَسَنِ، عَنْ هَيَاجِ بْنِ عِمْرَانَ الْبُرْجُمِيِّ، أَنَّ عِمْرَانَ بْنَ حُصَيْنٍ، وَسَمْرَةَ بْنَ جُنْدُبٍ، قَالَا: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُنْتَلِةِ

[27936] Ya‘lā ibn Murrah said: I heard the Messenger of Allah ﷺ say: “Allah said: Do not mutilate My servants.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءٍ، عَنْ عَبْدِ اللَّهِ بْنِ حَفْصٍ، عَنْ يَعْلَى بْنِ مُرَّةَ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: "قَالَ اللَّهُ: لَا تُمْتَلِّوْا بِعِبَادِي

[27937] Talq ibn Ḥabīb said regarding His saying: {So let him not exceed limits in killing} [Al-Isra: 33]: “That you kill other than your killer or mutilate your killer.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مَنْصُورٍ، عَنْ طَلْقِي بْنِ حَبِيبٍ فِي قَوْلِهِ: {فَلَا يُسْرِفْ فِي الْقَتْلِ} ، قَالَ: أَنْ تَقْتُلَ غَيْرَ قَاتِلِكَ أَوْ تُمْتَلِّ [33: الإسراءِ بِقَاتِلِكَ

[27938] Sa‘id ibn Jubayr said regarding {So let him not exceed limits in killing} [Al-Isra: 33]: “That he kills two for one.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ: {فَلَا يُسْرِفْ فِي الْقَتْلِ} أَنْ يَقْتُلَ اثْنَيْنِ بِوَاحِدٍ [33: الإسراءِ

[27939] Buraydah said: Whenever the Messenger of Allah ﷺ sent an expedition, he would say: “Do not mutilate.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْئِدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا بَعَثَ سَرِيَّةً، قَالَ: لَا تُمْتَلِّوا

[27940] Abū Sa‘īd said: “The Messenger of Allah ﷺ forbade mutilating animals.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُقْبَةُ بْنُ خَالِدٍ السَّكُونِيُّ، عَنْ مُوسَى بْنِ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ، قَالَ: حَدَّثَنِي أَبِي، عَنْ أَبِي سَعِيدٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُمْتَلَّ بِالْبَهَائِمِ

[27941] Sa‘d ibn Ibrāhīm reported that Abū Mūsā wrote to ‘Umar about a man who dies among us having no relatives or mawlā. ‘Umar wrote back: “If he leaves a relative, then the relative. Otherwise, loyalty (Wafā’). Otherwise, the Bayt al-Māl inherits from him and pays blood money on his behalf.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا رَبِيعَةُ بْنِ عُثْمَانَ التَّيْمِيُّ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، أَنَّ أَبَا مُوسَى، كَتَبَ إِلَى عُمَرَ أَنَّ رَجُلًا يَمُوتُ فَقَدَّنَا وَلَيْسَ لَهُ رَحْمٌ وَلَا مَوْلَى، قَالَ: فَكَتَبَ إِلَيْهِ عُمَرُ: إِنْ تَرَكَ ذَارَجِمَ فَالْأَرْجَمُ، وَإِلَّا فَالْوَفَاءُ، وَإِلَّا فَبَيْتُ الْمَالِ يَرِثُونَهُ وَيَعْقِلُونَ عَنْهُ

[27942] Al-Sha‘bī and Al-Ḥasan said regarding a man who accepts Islam and has no mawlā: “His inheritance belongs to the Muslims, and his blood money is upon them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُطَرْفٍ، عَنْ الشَّعْبِيِّ، وَعَنْ يُونُسَ، عَنْ الْحَسَنِ، فِي الرَّجُلِ يُسْلِمُ وَلَيْسَ لَهُ مَوْلَى، قَالَ: مِيرَاثُهُ لِلْمُسْلِمِينَ وَعَلَيْهِ عَلَيْهِمْ

[27943] Ibrāhīm said: “If a man accepts Islam at the hands of another man, he has his inheritance and pays his blood money.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَسْلَمَ الرَّجُلُ عَلَى يَدِ الرَّجُلِ، فَلَهُ مِيرَاثُهُ وَعَقْلُهُ عَنْهُ

[27944] Abū Bakrah reported that the Messenger of Allah ﷺ said: “Whoever kills a covenanted soul without right, Allah forbids him Paradise, that he should even smell its fragrance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَكَمِ بْنِ الْأَعْرَجِ، عَنْ أَشْعَثِ بْنِ ثُرْمَلَةَ، عَنْ أَبِي بَكْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ قَتَلَ نَفْسًا مُعَاهَدَةً بِغَيْرِ جَلَّهَا حَرَمَ اللَّهُ عَلَيْهِ الْجَنَّةَ أَنْ يَشْمَمْ رِيحَهَا

[27945] Similar to the above, reported by Wakī‘ from Sufyān from Yūnus from Al-Hakam from Ash‘ath from Abū Bakrah from the Prophet.

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُقْفَانُ، عَنْ يُونُسَ، عَنِ الْحَكَمِ، عَنْ أَشْعَثَ، عَنْ أَبِي بَكْرَةَ، عَنِ النَّبِيِّ مِنْهُ

[27946] Abū Bakrah reported that the Messenger of Allah ﷺ said: “Whoever kills a covenanted soul unjustly, Allah forbids Paradise for him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عَبْيَنَةَ بْنَ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي بَكْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ قَتَلَ نَفْسًا مُعَاهَدَةً فِي غَيْرِ كُنْهِهِ حَرَمَ اللَّهُ عَلَيْهِ الْجَنَّةَ

[27947] ‘Abd Allāh ibn ‘Amr reported that the Messenger of Allah ﷺ said: “Whoever kills a covenanted soul without right shall not smell the fragrance of Paradise, although its fragrance can be found from a distance of forty years.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، قَالَ: حَدَّثَنَا الْحَسْنُ بْنُ عَمْرُو، عَنْ مُجَاهِدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ قَتَلَ نَفْسًا مُعَاهَدَةً بِغَيْرِ حَقٍّ لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ، وَإِنَّهُ لَيُوجَدُ رِيحُهَا مِنْ مَسِيرَةِ أَرْبَعينَ عَامًا

[27948] ‘Abd Allāh reported that the Messenger of Allah ﷺ said: “The first thing to be judged between people on the Day of Resurrection will be regarding blood [shed].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَوْلُ مَا يُقْضَى بَيْنَ النَّاسِ يَوْمَ
الْقِيَامَةِ فِي الدَّمَاءِ

[27949] ‘Amr ibn Shuraḥbīl said: “The first thing to be judged between people on the Day of Resurrection will be regarding blood. A man will come holding another man by the hand and say: ‘O Lord, this one killed me.’ He [Allah] will say: ‘Why did you kill him?’ He will say: ‘I killed him so that glory would belong to so-and-so.’ It will be said: ‘It is not his. Bear your deed.’ And a man will come holding another man by the hand and say: ‘O Lord, this one killed me.’ He will say: ‘Why did you kill him?’ He will say: ‘I killed him so that glory would belong to You.’ He will say: ‘Indeed, glory belongs to Me.’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ عَمْرِو بْنِ شُرَحْبِيلٍ، قَالَ: “أَوْلُ مَا يُقْضَى بَيْنَ
النَّاسِ يَوْمَ الْقِيَامَةِ فِي الدَّمَاءِ، يَحِيُّهُ الرَّجُلُ أَخِذًا بِيدِ
الرَّجُلِ، قَالَ: فَيَقُولُ: يَا رَبِّ هَذَا قَاتَلَنِي، فَيَقُولُ: فِيمَ
فَتَّلَهُ؟ فَيَقُولُ: قَاتَلَهُ لِتَكُونَ الْعِزَّةُ لِغُلَامٍ، فَيَقُولُ: إِنَّهَا لَيْسَ
لَهُ بُؤْبَعَمِلَكَ، وَيَحِيُّهُ الرَّجُلُ أَخِذًا بِيدِ الرَّجُلِ، فَيَقُولُ:
يَا رَبِّ هَذَا قَاتَلَنِي، فَيَقُولُ: فِيمَ قَاتَلَهُ؟، فَيَقُولُ: قَاتَلَهُ
لِتَكُونَ الْعِزَّةُ لَكَ، قَالَ: فَيَقُولُ: إِنَّ الْعِزَّةَ لِي

[27950] ‘Alī said: “I will be the first to kneel for the dispute before Allah on the Day of Resurrection.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ
الثَّمِيمِيِّ، عَنْ أَبِي مِجْلِزٍ، عَنْ قَيْسِ بْنِ عَبَادٍ، قَالَ: قَالَ
عَلَيْهِ: أَنَا أَوْلُ مَنْ يَجْنُو لِلْحَصْمِ بَيْنَ يَدِي اللَّهِ يَوْمَ
الْقِيَامَةِ

[27951] ‘Alī was asked about his slain and Mu‘āwiyah’s slain. He said: “Mu‘āwiyah and I will come and dispute before the Owner of the Throne. Whichever of us succeeds, his companions succeed.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا فُضَيْلُ بْنُ مَرْزُوقٍ، عَنْ عَطِيَّةَ بْنِ سَعْدٍ الْعُوفِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُنْدُبٍ، عَنْ عَلَىٰ، أَنَّهُ سُلِّمَ عَنْ قَنْلَاهُ وَقَتْلَاهُ مُعَاوِيَةَ، فَقَالَ: أَجِيءُ أَنَا وَمَعَاوِيَةُ فَخَتَصَمْ عِنْدَ ذِي الْعَرْشِ، فَإِنَّا أَفْلَحُ أَفْلَحَ أَصْحَابَهُ

[27952] Ibrāhīm said: “The first thing to be judged between people on the Day of Resurrection will be regarding blood.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِينَانَ، عَنْ إِبْرَاهِيمَ بْنِ الْمُهَاجِرِ، عَنْ إِبْرَاهِيمَ، قَالَ: أَوْلُ مَا يُقْضَى بَيْنَ النَّاسِ يَوْمَ الْقِيَامَةِ فِي الدَّمَاءِ

[27953] Al-Sha‘bī said: “If a man is wounded and retaliation is exacted from the perpetrator [and he dies], the blood money of the one retaliated from is upon the ‘Āqilah of the retaliator.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ الشَّيْبَانِيِّ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا أُصِيبَ الرَّجُلُ بِحِرَاجَةٍ فَاقْتُصَرَ مِنْ صَاحِبِهِ، كَانَتْ دِيَةُ الْمُفْتَصَرِ مِنْهُ عَلَى عَاقِلِهِ الْفَاقِصِ

[27954] Ibrāhīm said regarding the one from whom retaliation is exacted and he dies: “The blood money of his wound is deducted from the one who exacted retaliation, and his blood money is upon his ‘Āqilah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ: فِي الَّذِي يُفْتَصَرُ مِنْهُ، فَيَمُوتُ يُرْفَعُ عَنِ الَّذِي افْتَصَرَ مِنْهُ دِيَةُ جَرَاحَتِهِ، وَعَلَيْهِ دِيَتُهُ عَلَى عَاقِلِهِ

[27955] Al-Zuhri said regarding the one from whom retaliation is exacted and he dies: “The blood money is upon his ‘Aqilah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانٍ، عَنْ سُفْيَانَ،
عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْرِيِّ، فِي الَّذِي يُقْتَصُّ مِنْهُ،
قَيْمُوتُ، قَالَ: الدِّيَةُ عَلَى عَاقِلِهِ

[27956] Al-Hasan said regarding an extra tooth: “[There is] a judgment (Hukūmah) [of compensation].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ
عَمْرِو، عَنِ الْحَسَنِ، فِي السُّنْنِ الرَّأِدَةِ، قَالَ: حُكْمَةٌ

[27957] Zayd ibn Thābit said: “In an extra tooth is one-third [of the indemnity of a normal tooth].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ
جُرَيْجٍ، قَالَ: حُدُثْتُ عَنْ مَكْحُولٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ،
أَنَّهُ قَالَ: فِي السُّنْنِ الرَّأِدَةِ ثُلُثٌ

[27958] Al-Qāsim ibn ‘Abd al-Rahmān said: A man came with a slave girl from Al-Qādisiyyah and passed by a man standing on a beast. The man goaded the beast, and it raised its leg and hit the slave girl's eye. The case was referred to Salmān ibn Rabī‘ah al-Bāhili, who held the rider liable. This reached Ibn Mas‘ūd, who said: “Bring the man to me; only the one who goaded it is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا
الْمَسْعُودِيُّ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: أَقْبَلَ
رَجُلٌ بِجَارِيَةٍ مِنَ الْقَادِسِيَّةِ، فَمَرَّ عَلَى رَجُلٍ وَاقِفٍ عَلَى
دَابَّةٍ، فَتَخَسَّ الرَّجُلُ الدَّابَّةَ، فَرَفَعَتِ الدَّابَّةُ رِجْلَهَا، فَلَمْ
تُخْطِي عَيْنَ الْجَارِيَةِ، فَرُفِعَ إِلَى سَلْمَانَ بْنِ رَبِيعَةَ
الْبَاهْلِيِّ، فَضَمَّنَ الرَّاكِبَ، فَبَلَغَ ذَلِكَ ابْنَ مَسْعُودٍ، فَقَالَ:
عَلَيِ الرَّجُلِ، إِنَّمَا يَضْمَنُ النَّاحِسُ

[27959] ‘Āmir said when asked about a man who goads another man's beast: “The goader is liable.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ نَحَسَ دَابَّةَ
رَجُلٍ، قَالَ: يَضْمَنُ النَّاحِسُ

[27960] Shurayḥ said: “Unless a person goads it, then the goader is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: إِلَّا أَنْ يَنْخُسْهَا إِنْسَانٌ، فَيَضْمَنَ النَّاخْسُ

[27961] ‘Āmir and Ibrāhīm said regarding a man who cuts off the entire nose of a slave: “He pays his value.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُمَا قَالَا فِي رَجُلٍ جَدَعَ أَنْفَ عَبْدِ كُلَّهُ، قَالَ: يَغْرُمُ نَمَنَةً

[27962] Ibn ‘Abbās said regarding a man whose hand was cut off and he settled for compensation, then his hand worsened and he died: “The settlement is rejected, and the blood money is taken.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا قَبِيصَةُ بْنُ عُقْبَةَ، قَالَ: حَدَّثَنَا سُفِيَّاً، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي عَيْنَةِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، فِي رَجُلٍ قُطِعَتْ يَدُهُ فَصَالَحَ عَلَيْهَا، ثُمَّ انْتَقَضَتْ يَدُهُ فَمَاتَ، قَالَ: الصُّلْحُ مَرْدُودٌ، وَتُؤْخَذُ الدِّيَةُ

[27963] Al-Zuhrī said: “Fitnah (civil strife) erupted while the Companions of the Messenger of Allah ﷺ were numerous. They agreed that no retaliation is exacted, nor blood money paid, for what occurred based on interpretation of the Quran, except for property found intact.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: هَاجَتِ الْفِتْنَةُ وَأَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُتَوَافِرُونَ، فَأَجْمَعُ رَأْيُهُمْ عَلَى أَنَّهُ لَا يُقَادُ، وَلَا يُوَدَّى مَا أَصْبَبَ عَلَى تَأْوِيلِ الْقُرْآنِ إِلَّا مَا لَمْ يُوجَدْ بِعِينِهِ

[27964] Mughīrah said: I asked Ibrāhīm about a boy flying a pigeon on a roof, and a man was on [another] roof, and the boy fell. Ibrāhīm said: “Perhaps they say: Maybe he ordered him to do something.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: سَأَلَنَا اللَّهُ عَنْ عُلَامٍ كَانَ يُطَيِّرُ حَمَاماً فَوْقَ بَيْتٍ، وَرَجُلٌ فَوْقَ بَيْتٍ، فَوَقَعَ الْعُلَامُ فَقَالَ إِبْرَاهِيمُ : لَعَلَّهُمْ يَقُولُونَ: لَعَلَّهُ أَمْرَهُ بِشَيْءٍ

[27965] Abū Mijlaz said: “If I said to a man while he was in a dangerous place—meaning a small bridge or a wall—'Watch your nose,' and he fell, I would fine him [the speaker].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عِمْرَانَ بْنَ حُدَيْرٍ، عَنْ أَبِي مِجْلَزٍ، قَالَ: قُلْتُ لِرَجُلٍ وَهُوَ عَلَى مَقْتَلِهِ يَعْنِي مَهْلَكَهُ جُسِيرٌ أَوْ حَائِطٍ، فَأَعَدَّ أَنْفَهُ فَصَرَعَ عَرَمَةً

[27966] Ibn Jurayj said: I asked ‘Aṭā’ about a man who called out to a boy, “Move back!” and he fell and died. He said: “They narrate from ‘Alī that he fines him, saying: ‘He frightened him.’” I said: “What if a grown-up called out?” He said: “I see it only as the same.” I argued with him, and he was of the opinion that he should pay.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءَ رَجُلٌ نَادَى صَبِيبًا اسْتَأْخِرَ فَحَرَّ، فَمَاتَ، قَالَ: يَرْوُونَ عَنْ عَلَيٍ أَنَّهُ يُغَرِّمُهُ، يَقُولُونَ: أَفْرَغَهُ قُلْتُ: فَنَادَى كَبِيرٌ قَالَ: مَا أَرَاهُ إِلَّا مِثْلُهُ، فَرَادَدْتُهُ، فَكَانَ يَرَى أَنْ يُغَرِّمَ

[27967] Al-Hasan said regarding two men who wounded a man's head—one causing an Āmmah (reaching brain membrane) and the other a Mūdiḥah (exposing bone)—and it is not known which one caused which: “Upon each of them is half the Āmmah and half the Mūdiḥah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مَعَانِ، عَنْ أَشْعَثٍ، عَنِ الْحَسَنِ، فِي رَجُلَيْنِ شَجَارَجُلًا، فَشَجَةُ أَحَدِهِمَا أَمَّهُ، وَشَجَةُ الْأُخْرُ مُوضِحَةٌ، لَا يُعْلَمُ أَوْ لَا يُدْرِى أَيُّهُمَا شَجَ الْمُوضِحَةُ، وَلَا أَيُّهُمَا شَجَ الْأَمَّةُ، فَقَالَ: عَلَى كُلِّ وَاحِدٍ مِّنْهُمَا نِصْفُ الْأَمَّةِ وَنِصْفُ الْمُوضِحَةِ

[27968] ‘Amr ibn Shu‘ayb reported from his father, from his grandfather, that the Prophet ﷺ said in his sermon while leaning his back against the Ka‘bah: “Muslims are equal in blood. The protection granted by the lowest of them is binding on all of them, and they are one hand against others.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ خَلِيفَةَ بْنِ خَيَاطٍ، عَنْ عَمْرُو بْنِ شُعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ فِي خُطْبَتِهِ وَهُوَ مُسْنَدٌ ظَهْرَةً إِلَى الْكَعْبَةِ، قَالَ: الْمُسْلِمُونَ تَنَكَّافُ دِمَاؤُهُمْ، يَسْعَى بِذِمَّتِهِمْ أَذْنَاهُمْ، وَهُمْ يَدْ عَلَى مَنْ سِواهُمْ

[27969] Al-Hasan said: The Messenger of Allah ﷺ said: “Muslims are equal in blood. The protection granted by the lowest of them is binding on all of them, and they are one hand against others.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَشْهَبِ، عَنِ الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْمُسْلِمُونَ تَنَكَّافُ دِمَاؤُهُمْ، يَسْعَى بِذِمَّتِهِمْ أَذْنَاهُمْ، وَهُمْ يَدْ عَلَى مَنْ سِواهُمْ

[27970] Ibn ‘Abbās said: Qurayzah and Naḍīr were [two Jewish tribes]. Naḍīr was nobler than Qurayzah. If a man from Qurayzah killed a man from Naḍīr, he was killed for him. But if a man from Naḍīr killed a man from Qurayzah, he paid one hundred Wasqs of dates. When the Prophet ﷺ was sent, a man from Naḍīr killed a man from Qurayzah. They [Qurayzah] said: “Hand him over to us to kill him.” They [Naḍīr] said: “Between us and you is the Prophet ﷺ.” So they came to him, and it was revealed: {And if you judge, judge between them with justice} [Al-Ma'idah: 42]. Justice is: A life for a life. Then it was revealed: {Is it the judgment of [the time of] ignorance they desire?} [Al-Ma'idah: 50].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ عَلِيٍّ بْنِ صَالِحٍ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: كَانَ فُرِيْظَةُ وَالنَّضِيرُ، وَكَانَ النَّضِيرُ أَشَرَّفَ مِنْ فُرِيْظَةَ، وَكَانَ إِذَا قُتِلَ رَجُلٌ مِنْ فُرِيْظَةَ رَجُلًا مِنْ النَّضِيرِ قُتِلَ بِهِ، وَإِنْ قُتِلَ رَجُلٌ مِنْ النَّضِيرِ رَجُلًا مِنْ فُرِيْظَةَ وَدَى مَائَةً وَسُقِّ مِنْ ثَمَرٍ، فَلَمَّا بُعِثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قُتِلَ رَجُلٌ مِنْ النَّضِيرِ رَجُلًا مِنْ فُرِيْظَةَ، قَالَ: اذْفَعُوهُ إِلَيْنَا نَقْتُلُهُ، فَقَالُوا: بَيْنَنَا وَبَيْنَكُمْ فَأَقْسِطُ: "النَّفْسُ" [42: بَيْنُهُمْ بِالْقِسْطِ] [المائدة بِالنَّفْسِ، ثُمَّ نَزَلتْ: {أَفَحُكْمُ الْجَاهِلِيَّةِ يَنْعُونَ} [المائدة 50]

[27971] Ibn ‘Abbās said: “The Children of Israel had Retaliation (Qisāṣ) but no Blood Money (Diyah). Allah said to this Ummah: {Prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother anything...} [Al-Baqarah: 178]. The overlooking (Afw) is to accept blood money in deliberate murder. {That is an alleviation from your Lord and a mercy.} He said: So the one [pardoning] should follow up honorably, and the one [liable] should pay him with good conduct. {So whoever transgresses after that will have a painful punishment.”}

[27972] Ibn Jurayj said: I asked ‘Atā’: “What is the meaning of His saying: {the free for the free, and the slave for the slave}?” He said: “If a slave kills a slave like him, there is retaliation. But if the killer is superior, then only the value of the slain is due.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيْنَةَ، عَنْ عَمْرِو، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: “كَانَ فِي بَنِي إِسْرَائِيلَ الْقِصَاصُ، وَلَمْ تَكُنْ فِيهِمُ الدِّيَةُ فَقَالَ اللَّهُ لِهِمْ أَمْرًا: {كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى الْحُرُّ بِالْحُرِّ، وَالْعَبْدُ بِالْعَبْدِ، وَالأنْثَى بِالأنْثَى، فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ} فَالْعَفْوُ أَنْ تُقْبَلَ الدِّيَةُ فِي الْعَهْدِ، {ذَلِكَ 178: [البقرة]، قَالَ:”178: شُحْفِيفٌ مِنْ رَبِّكُمْ وَرَحْمَةٌ“} [البقرة] فَعَلَى هَذَا أَنْ يَتَبَعَ بِالْمَعْرُوفِ، وَعَلَى ذَلِكَ أَنْ يُؤْدَى إِلَيْهِ بِإِحْسَانٍ {فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَأَعْذَابُ الْيَمِّ} [البقرة] 178]

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءَ: مَا قَوْلُهُ: الْحُرُّ بِالْحُرِّ، وَالْعَبْدُ بِالْعَبْدِ، قَالَ: الْعَبْدُ يَقْتُلُ عَبْدًا مِثْلَهِ فَهُوَ بِهِ قَوْدٌ، وَإِنْ كَانَ الْقَاتِلُ أَفْضَلَ لَمْ يَكُنْ إِلَّا قِيمَةُ الْمَقْتُولِ

[27973] Al-Sha'bī said: There was fighting between two Arab tribes, and people were killed on both sides. One tribe said: "We will not be satisfied until a man is killed for a woman, and two men for a man." The others refused. They took the matter to the Prophet ﷺ. The Prophet ﷺ said: "Killing is equal." So the people reconciled on blood money. They calculated the blood money of a man for a man, a woman for a woman, and a slave for a slave, just for one tribe against the other. He said: This is [the meaning of] His saying: {O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female} [Al-Baqarah: 178]. Sufyān said regarding: {But whoever overlooks from his brother anything}: "Whoever has a surplus over his brother should pay it honorably, and the seeker should follow up with good conduct, up to {painful punishment}."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامَ، عَنْ سُفِيَّانَ
بْنِ حُسَيْنٍ، عَنْ ابْنِ أَشْوَعٍ، عَنْ الشَّعْبِيِّ، قَالَ: كَانَ بَيْنَ
حَيَّيْنِ مِنَ الْعَرَبِ قِتَالٌ، فَقُتِلَ مِنْ هُؤُلَاءِ وَمِنْ هُؤُلَاءِ،
فَقَالَ إِحْدَى الْحَيَّيْنِ: "لَا تَرْضَى حَتَّى يُقْتَلَ بِالْمَرْأَةِ
الرَّجُلُ، وَبِالرَّجُلِ الرَّجُلُينَ، قَالَ: فَأَبْيَ عَلَيْهِم
الْآخَرُونَ، فَارْتَفَعُوا إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،
قَالَ: فَقَالَ النَّبِيُّ عَلَيْهِ السَّلَامُ: الْمُتَّقِلُ بِرَأْءَ أَيْ سَوَاءَ قَالَ:
فَاصْطَلَحَ الْقَوْمُ بَيْنَهُمْ عَلَى الدِّيَاتِ، قَالَ: فَخَسَبُوا لِلرَّجُلِ
بِيَةَ الرَّجُلِ، وَلِلْمَرْأَةِ بِيَةَ الْمَرْأَةِ، وَلِلْعَبْدِ بِيَةَ الْعَبْدِ فَقَطَ
لِإِحْدَى الْحَيَّيْنِ عَلَى الْآخَرِيْنَ، قَالَ: فَهُوَ قَوْلُهُ: {إِنَّ أَيَّهَا
الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُ
[178]: بِالْحُرُّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنْثَى بِالْأُنْثَى} [البقرة]
قَالَ سُفِيَّانُ: {فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ} [البقرة]
، قَالَ: فَمَنْ فَضَلَ لَهُ عَلَى أَخِيهِ شَيْءٌ فَلْيُوَدَّهُ] [178]
بِالْمَعْرُوفِ، وَلِيَتَبَعِ الطَّالِبُ بِإِحْسَانٍ إِلَى {عَذَابِ أَلِيمٍ}
[البقرة: 178]

[27974] Shu'bah asked Al-Ḥakam and Ḥammād about sheep that fell into people's crops. Ḥammād said: "He is not liable." Al-Ḥakam said: "He is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرُ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَهَمَّادًا عَنْ عَنْمٌ سَقَطَتْ فِي زَرْعٍ قَوْمٍ قَالَ حَمَّادٌ: لَا يَضْمِنُ وَقَالَ الْحَكَمُ: يَضْمِنُ

[27975] Al-Sha'bī reported that a sheep entered upon a weaver and ruined his yarn. Al-Sha'bī did not hold the sheep's owner liable during the day.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفِيَانَ، عَنْ طَارِقَ، عَنْ الشَّعْبِيِّ: أَنَّ شَاهَ دَخَلَتْ عَلَى نَسَاجٍ، فَأَفْسَدَتْ غَزْلَهُ، فَلَمْ يُضْمِنْ الشَّعْبِيُّ صَاحِبَ الشَّاهَ بِالنَّهَارِ

[27976] Al-Zuhrī reported that a she-camel belonging to Al-Barā' ibn 'Āzib entered a garden belonging to some people and caused damage. The Messenger of Allah ﷺ judged that the protection of property is the responsibility of its owners during the day, and that the owners of livestock are responsible for what their livestock damage at night.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ، وَحَرَامَ بْنِ سَعْدٍ: أَنَّ نَاقَةً لِلْبَرَاءِ بْنِ عَازِبٍ دَخَلَتْ حَائِطَ قَوْمٍ، فَأَفْسَدَتْ عَلَيْهِمْ فَقَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ حِفْظَ الْأَمْوَالِ عَلَى أَهْلِهَا بِالنَّهَارِ، وَأَنَّ عَلَى أَهْلِ الْمَاشِيَةِ مَا أَصَابَتِ الْمَاشِيَةَ بِاللَّيْلِ

[27977] Al-Sha'bī reported that a sheep ate dough (or yarn) during the day. Shurayḥ invalidated [liability for] it and recited: {When the sheep of the people strayed into it [at night]} [Al-Anbiya: 78]. He said in Ismā'īl's narration: "Nafsh is only at night."

[27978] 'Āmir said: A man came to Shurayḥ and said: "This man's sheep cut my yarn." He said: "Night or day? If it was day, he is acquitted. If it was night, he is liable." And he recited: {When the sheep of the people strayed into it [at night]} [Al-Anbiya: 78], and said: "Nafsh is only at night."

[27979] Masrūq said regarding {When the sheep of the people strayed into it}: "A vineyard which they entered at night and left nothing green in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَئِبْوَبَ، عَنْ مُحَمَّدٍ، وَإِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنِ الشَّعْبِيِّ: أَنَّ شَاهَ أَكْلَتْ عَجِينًا وَقَالَ الْأُخْرُ: عَزْلًا نَهَارًا، فَأَبْطَلَهُ شُرِيعَةٌ 78: وَقَرَأَ: "إِذْ نَفَشْتُ فِيهِ عَنْمُ الْقَوْمِ" [الأنبياء] قَالَ فِي حِدِيثِ إِسْمَاعِيلَ: إِنَّمَا كَانَ النَّفْشُ فِي اللَّيْلِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي خَالِدٍ، عَنْ عَامِرٍ، قَالَ: جَاءَ رَجُلٌ إِلَى شُرِيعَةٍ، فَقَالَ: إِنَّ شَاهَ هَذَا قَطَعْتُ عَزْلِي، فَقَالَ: "لَيْلًا أَوْ نَهَارًا؟" فَإِنْ كَانَ نَهَارًا فَقَدْ بَرِئَ وَإِنْ كَانَ لَيْلًا فَقَدْ ضَمِنَ، وَقَرَأَ: "إِذْ 78: نَفَشْتُ فِيهِ عَنْمُ الْقَوْمِ" [الأنبياء] وَقَالَ: إِنَّمَا كَانَ النَّفْشُ بِاللَّيْلِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقَ، عَنْ مُرَّةَ بْنِ شَرَاحِيلَ، عَنْ مَسْرُوقٍ، قَالَ: كَرْمٌ 78: "إِذْ نَفَشْتُ فِيهِ عَنْمُ الْقَوْمِ" [الأنبياء] فَدَخَلَتْ فِيهِ لَيْلًا فَمَا أَبْقَتْ فِيهِ خَضِيرًا

[27980] ‘Uthmān said: “Whoever sits with a blind person and the blind person injures him with something, it is wasted (no compensation).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُبَيْنَةَ، عَنْ عَمْرِو، عَنْ مُحَمَّدِ بْنِ عَلَيِّ، قَالَ: قَالَ عُثْمَانُ: مَنْ جَاءَسَ أَعْمَى، فَأَصَابَهُ الْأَعْمَى بِشَيْءٍ فَهُوَ هَدَرٌ

[27981] Zayd ibn Wahb reported that when ‘Alī stoned the woman, he said to her guardians: “This is your son; you inherit from him and he inherits from you. If he commits a crime, it is upon you.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ الْحَارِثِ بْنِ مُغِيرَةَ، عَنْ رَيْدِ بْنِ وَهْبٍ أَنَّ عَلَيَا لَمَّا رَجَمَ الْمَرْأَةَ قَالَ لِأُولَئِكَ: هَذَا ابْنُكُمْ تَرْثُونَهُ وَيَرْثُكُمْ، وَإِنْ جَآءَ حِيَاءً فَعَلِمْتُمْ

[27982] Ibrāhīm said: “If a man engages in Li‘ān with his wife, they are separated and never reunite. The child is attached to the mother’s male relatives; they inherit from him and pay his blood money.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا لَأَعْنَ الرَّجُلِ امْرَأَتُهُ فُرِقَ بَيْنَهُمَا وَلَا يَجْتَمِعُانَ أَبَدًا، وَالْحِقُّ الْوَلْدُ بِعَصَبَةِ أُمِّهِ، يَرْثُونَهُ وَيَعْلَمُونَ عَنْهُ

[27983] Ibrāhīm said: “His entire inheritance goes to his mother, and her male relatives pay his blood money. Likewise for the child of Zina and the child of a Christian whose mother is Muslim.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُمَرَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: مِيرَاثُهُ كُلُّهُ لِأُمِّهِ، وَيَعْقُلُ عَنْهُ عَصَبَتُهَا، كَذَلِكَ وَلْدُ الزِّنَاءِ، وَوَلْدُ النَّصَارَاءِ، وَأُمُّهُ مُسْلِمَةٌ

[27984] Qatādah and Abū Hāshim said regarding a man who killed another intentionally and was imprisoned for retaliation, then another man came and killed him intentionally: “He is not killed for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ، قَالَا فِي رَجُلٍ قُتِلَ رَجُلًا عَمْدًا، فَهُسْنَ لِيُقَاتَدُ بِهِ، فَجَاءَ رَجُلٌ قَتَلَهُ عَمْدًا، قَالَا: لَا يُقَاتَدُ بِهِ

[27985] Al-Zuhri said: “If a man kills intentionally, then another man kills the killer intentionally, the middle one [the first killer] is killed [i.e., his killing is considered execution/retaliation? or he would have been killed anyway?].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِذَا قُتِلَ الرَّجُلُ مُتَعَمِّدًا، ثُمَّ قُتِلَ الْفَاعِلُ رَجُلٌ مُتَعَمِّدًا قُتِلَ الْأُوْسَطُ

[27986] ‘Abd Allāh ibn ‘Amr said regarding {But whoever gives [up his right as] charity, it is an expiation for him} [Al-Ma'idah: 45]: “An equivalent amount of his sins are removed from him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعُ، عَنْ سُفْيَانَ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شَهَابٍ، عَنْ الْهَيْئَمِ بْنِ الْأَسْوَدِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو: {فَمَنْ تَصَدَّقَ بِهِ فَهُوَ ذَلِكُ }

[27987] Ibrāhīm said regarding {it is an expiation for him}: “For the injured.” Mujāhid said: “For the injuring.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: {فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كُفَّارٌ} [المائدة 45] لَهُ، قَالَ: لِلْمَجْرُوحِ وَقَالَ مُجَاهِدٌ: لِلْجَارِ

[27988] Ibrāhīm and Mujāhid said: “Expiation for the injurer, and the reward of the injured is with Allah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، وَمُجَاهِدٍ، قَالاً: كَفَّارَةً لِلْجَارِ، وَأَجْرُ الَّذِي أُصِيبَ عَلَى اللَّهِ

[27989] Al-Ḥasan said regarding {it is an expiation for him}: “For the injured.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سُفِيَّانَ بْنِ حُسَيْنٍ، عَنِ الْحَسَنِ: {فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةً لَهُ} ، قَالَ: لِلْمَجْرُوحِ [45: المائدة]

[27990] Zayd ibn Aslam said: “If he pardons him, or exacts retaliation from him, or accepts blood money from him, it is an expiation for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَّانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ، قَالَ: سَمِعْتُهُ يَقُولُ: إِنْ عَفَا عَنْهُ أَوْ افْتَصَّ مِنْهُ، أَوْ قَبِيلَ مِنْهُ الدَّيَّةَ فَهُوَ كَفَّارَةً لَهُ

[27991] Ibrāhīm and Mujāhid said: “Expiation for the one who was charitable to him [the offender], and the reward of the injured is with Allah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، وَمُجَاهِدٍ، قَالاً: كَفَّارَةً لِلَّذِي تَصَدَّقَ عَلَيْهِ، وَأَجْرُ الَّذِي أُصِيبَ عَلَى اللَّهِ

[27992] Ibn ‘Abbās said regarding {it is an expiation for him}: “For the injuring.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكِينِ، وَيَحْيَى بْنُ آدَمَ، عَنْ سُفِيَّانَ، عَنْ عَطَاءِ بْنِ السَّائبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنَ عَبَّاسٍ: {فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةً لَهُ} ، قَالَ: لِلْجَارِ [45: المائدة]

[27993] Jābir ibn Zayd said regarding {it is an expiation for him}: “For the injured.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنْ عُمَارَةَ، عَنْ أَبِي عُقْبَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ: {فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةً لَهُ} [المائدة 45: المجروح]

[27994] ‘Ubādah ibn al-Ṣāmit reported that the Prophet ﷺ said: “Pledge allegiance to me that you will not associate anything with Allah, nor commit adultery, nor steal. Whoever commits any of that and is punished for it, it is his expiation.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ،
عَنْ أَبِي إِدْرِيسَ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: تُبَايِعُونِي عَلَى أَنْ لَا
شُرِّكُوا بِاللَّهِ شَيْئًا، وَلَا تَرْنُوا وَلَا تَسْرِفُوا، فَمَنْ أَصَابَ
مِنْ ذَلِكَ شَيْئًا فَعُوقَبَ بِهِ، فَهُوَ كَافِرٌ

[27995] Al-Sha‘bī said: “For the one who gave it as charity.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكْرِيَّا، عَنْ
الشَّعْبِيِّ، قَالَ: لِلَّذِي تَصَدَّقَ بِهِ

[27996] Abū Shurayḥ al-Khuzā‘ī reported that the Messenger of Allah ﷺ said: “Whoever suffers bloodshed or injury (Khabl)—and Khabl is a wound—he has the choice of one of three things. If he wants a fourth, restrain his hands: to kill [in retaliation], or to pardon, or to take blood money. Whoever does something of that and then repeats [transgresses?], for him is the fire of Hell, abiding therein eternally forever.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرَ، عَنْ مُحَمَّدِ
بْنِ إِسْحَاقَ، عَنْ الْحَارِثِ بْنِ فُضَيْلٍ، عَنْ ابْنِ أَبِي
الْعَوْجَاءِ، عَنْ أَبِي شُرَيْحٍ الْخُزَاعِيِّ، قَالَ: قَالَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَصَبَبَ بِدَمٍ أَوْ خَبْلٍ
وَالْخَبْلُ الْجُرْحُ فَهُوَ بِالْخَيْرِ بَيْنَ إِحْدَى ثَلَاثٍ، فَإِنْ أَرَادَ
الرَّابِعَةَ فَخُذُوا عَلَى يَدِيهِ، أَنْ يَقْتَلَ أَوْ يَغْفُلَ أَوْ يَأْخُذَ
الْدِيَةَ، فَمَنْ فَعَلَ شَيْئًا مِنْ ذَلِكَ فَعَادَ، فَلَهُ نَارٌ جَهَنَّمَ خَالِدًا
مُخْلَدًا فِيهَا أَبَدًا

[27997] Wā'il ibn Ḥujr said: I witnessed the Messenger of Allah ﷺ when a killer was brought, dragged by his strap. The Messenger of Allah ﷺ said to the guardian of the slain: "Will you pardon him?" He said: "No." He said: "Will you take blood money?" He said: "No." He said: "Will you kill him?" He said: "Yes." He repeated this to him three times. Then the Messenger of Allah ﷺ said to him: "If you pardon him, he will bear his sin." He said: So he pardoned him. I saw him dragging his strap, having been شهِدْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ أَتَيَ بِالْفَاتِلِ يُجَرُّ فِي نِسْعَةٍ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِوَالِيِّ الْمَقْتُولِ: أَتَغْفِرُ عَنْهُ؟ قَالَ: لَا، قَالَ: أَفَتُخُذُ الدِّيَةَ؟ قَالَ: لَا قَالَ: فَقَتْلَهُ؟ قَالَ: "الْتَّعْمُ، فَأَعَادَ عَلَيْهِ تَلَانًا فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنْ عَوْنَتْ عَنْهُ فَإِنَّهُ يَبُوءُ بِإِثْمِهِ قَالَ: فَعَفَّا، فَرَأَيْتُهُ يَجْرُ نِسْعَةً قَدْ عُفِيَ عَنْهُ

[27998] Abū Hurayrah reported that a man was killed during the time of the Messenger of Allah ﷺ. The case was brought to the Prophet ﷺ, and he handed him [the killer] over to the guardian of the slain. The killer said: “O Messenger of Allah, by Allah, I did not intend to kill him.” The Prophet ﷺ said to the guardian: “Beware, if he is truthful and you kill him, you will enter the Fire.” He said: So he let him go. He said: He was bound with a strap. He said: He went out dragging his strap. He said: So he was named Dhū al-Nis‘ah (Possessor of the Strap).

[27999] Shu‘bah asked Al-Ḥakam and Ḥammād about a free man and a slave who collided and both died. They said: “As for the blood money of the free man, it is not upon the slave. As for the blood money of the slave, it is upon the ‘Āqilah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قُتِلَ رَجُلٌ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرُفِعَ ذَلِكَ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَدَفَعَهُ إِلَى وَلِيِّ الْمَقْتُولِ، فَقَالَ الْفَاقِلُ: يَا رَسُولَ اللَّهِ، وَاللَّهِ مَا أَرَدْتُ قَتْلَهُ، قَالَ: فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلْوَلِيِّ: أَمَا إِنَّهُ إِنْ كَانَ صَادِقًا ثُمَّ قَتَلَهُ دَخَلَتِ النَّارَ، قَالَ: فَخَلَى سَبِيلَهُ، قَالَ: وَكَانَ مَكْتُوفًا بِنِسْعَةٍ، قَالَ: فَخَرَجَ يَجْرُ بِنِسْعَةٍ، قَالَ فَسُمِّيَّ ذَا النِّسْعَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ وَحَمَادًا عَنْ حُرًّ وَعَبْدٍ اصْطَدَمَا فَمَاتَا، قَالَا: أَمَّا دِيَةُ الْحُرِّ، فَلَيْسَتْ عَلَى الْمَمْلُوكِ، وَأَمَّا دِيَةُ الْمَمْلُوكِ فَعَلَى الْعَاقِلَةِ

[28000] ‘Ikrimah and Ibrāhīm said regarding {And if he belonged to a people with whom you have a treaty}: “A man accepts Islam in the abode of war, and a man kills him. There is no blood money upon him, but he must perform expiation.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَانُ، عَنْ سُفْيَانَ، عَنْ سِمَاكٍ، عَنْ عِكْرَمَةَ، وَمُغِيرَةَ، عَنْ إِبْرَاهِيمَ: {وَإِنْ كَانَ مِنْ قَوْمٍ يَنْكُمْ وَبَيْنَهُمْ مِيَانِقٌ} ، قَالًا: الرَّجُلُ يُسْلِمُ فِي دَارِ الْحَرْبِ، [92]: [النساء] فَيَقْتُلُهُ الرَّجُلُ لَيْسَ عَلَيْهِ الدِّيَّةُ، وَعَلَيْهِ الْكَفَارَةُ