

Question 1871) - Explain the regulations of these five categories:

1. Premeditated murder is the deliberate striking with a weapon or what can be used as a weapon such as a sharp piece of wood or stone. It is a sin and causes the perpetrator to be disinherited. Qisas [retaliation] will be implemented unless the Awliya [family] forgives him. No Kaffarah is accepted.

2. Shibhu 'Amad is the deliberate striking with that which is neither a weapon nor is used as a weapon. This is according to Imaam Abu Hanifa RAH. According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. if one strikes with a large rock or large wood then it is also regarded as 'Amad. They define shibhu 'Amad as deliberately striking with that which generally does not kill. In either case, both parties agree that it is a sin and Kaffarah must be paid. There is no Qisas, but there is Diah Mughallazah upon the 'Aqilah. We shall explain the meanings of these terms later InshaAllaah.

3. Khata consists of two kinds:

* Mistake in intention, e.g. a man shot another, thinking him to be prey.

* Mistake in action, e.g. he aimed at a target but it hit a man instead.

In these cases he is not guilty of the sin of murder but must pay Kaffarah which is Diah to the 'Aqilah.

4. That which is legally deemed a mistake, e.g. someone is sleeping and turns over onto another person, killing him. The ruling is the same as Khata.

5. al-Qatl bi sabab e.g. a man digs a well or places a rock in a property which is not his. Someone slips and dies. He must pay Kaffarah, and diah to the 'Aqilah.*

* But he is not disinherited.

~ al-Quduri ~