Question 1890) - What are the laws of retaliation for body parts?

1. If a man cuts the hand of another from the joint, the cutter's hand will be amputated. Similarly if he cuts a leg or soft part of the nose, those organs will amputated from the cutter.
2. If a man strikes another on the eye and thereby puts it out then there is no retaliation. If the eye remains but is blinded, then there is retaliation. A mirror will be heated. Moist cotton will be placed on his eye. His other eye will face the mirror until it is blinded.*
3. If a man extracts the tooth of another then there is retaliation. There is no retaliation in bones, other than teeth.
4. There is retaliation for fracturing a skull where fracturing can be mimicked.
5. There is no retaliation for cutting off the tongue or the penis, unless it is cut from the glans.*
6. There is no retaliation between a man and a woman besides retaliation for a life; just as there is no retaliation between a freeman and a slave, and between two slaves for anything besides life.
7. There is retaliation for organs between a Muslim and a Zimmi.
8. A man cuts into half a man,s arm and it heals. There is no retaliation.
9. If an internal wound is afflicted and it heals then there is no retaliation.
10. If a man with a cripple or defective hand cuts a non-defective hand then the victim has a choice - he can either have the perpetrator?s defective hand cut with no further claim, or he can demand complete Arsh. (Diyaat - compensation)
11. A man fractures the skull of another, temple to temple. The victim has a choice. He can demand retaliation, beginning from whichever temple he wishes, or he can demand complete Arsh. (Diyaat - compensation)
12. If two men cut the hand of one man then there is no retaliation. Each of them must pay half the Diyah of a life.
13.Aman cuts the rights hands of two men. They both present their claims. They can cut off his hand and take half Diyah of life which will be shared in two halves amongst them. If one presents the case and has his hand cut off, then the other can claim half Diyah.
14. Shibhu 'Amad is only found in life retaliation. Everything else is 'Amad or Khata.

* This is according to the medical knowledge of the time. If modern medicinal methods are used, then there is no problem as long as the limits of retaliation have not been exceeded.

* i.e. if the tongue is partially cut. If cut from the root, then there is retaliation according to Imaam Abu yusuf RAH. As for the penis, it erects and subsides, hence equality in retaliation is impossible. According to Imaam Abu Yusuf RAH. there is retaliation if cut from the root.

~ al-Quduri ~