



Types of Homicide with an Emphasis on the Opinion of Imam Malik and the Physician's Responsibility

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DOI: 10.47814/ijssrr.v9i10.3637

Abstract

Homicide in Islamic jurisprudence is subject to various classifications. Imam Malik divides homicide into purely intentional ('amd maḥḍ) and pure error (khaṭa' maḥḍ), recognizing no other category. In another classification, homicide is divided into intentional, quasi-intentional (shibh 'amd), and pure error. This tripartite division of homicide enjoys greater renown among Islamic jurisprudential schools. Imami Shi'a jurists have studied and evaluated homicide based on this very tripartite division. Yet another classification group divides homicide into four types, adding a fourth category as being subsumed under pure error, such as homicide committed by a sleeping person or through causation (tasbīb). Some jurists have excluded homicide by causation from the category of pure error, designating it as the crime of homicide by causation, thus enumerating five types of homicide. One of the areas where the classification of homicide has a significant impact is the responsibility of the physician. A homicide resulting from a physician's conduct is, by nature, classified under quasi-intentional homicide, with the blood-money (diyah) being the liability of the physician. However, according to Imam Malik's view, it must be considered intentional. Nonetheless, given specific legal proofs and the fulfillment of certain conditions, the physician bears no criminal or civil liability for his actions. The majority of Imami jurists have conditioned the non-liability of the physician upon obtaining a disclaimer (barā'ah), whereas jurists of Sunni schools do not deem this condition necessary. The present research, employing a descriptive-analytical method, organizes its content into three sections: first, it delves into the various classifications of homicide; second, it explores Malik's opinion; and finally, it examines the physician's responsibility.

Keywords: *Types Of Homicide; Imami Jurisprudence; Physician; Physician's Responsibility*

Introduction

Homicide, as a social phenomenon, has always been present throughout human history, and no era can be found devoid of death inflicted by one human upon another. The efforts of social reformers and religious leaders have consistently aimed to reduce homicide rates to the minimum possible, if not eliminate them entirely. To achieve this objective, various responses to the act of killing have been prescribed, sometimes met with capital punishment from society. A crucial factor in determining the type of response to homicide is the mental element of the perpetrator, based on which different categories of homicide emerge. Considering the degree of the perpetrator's awareness, criminal intent, and the nature of the act performed, homicide is divided into various types such as intentional, quasi-intentional, pure error, and others. Consequently, the perspective adopted in classifying homicide significantly influences the response to it. A particular killing might be categorized as intentional homicide under one view, leading to retribution (qīṣāṣ), while according to another opinion, it may be deemed quasi-intentional or even pure error, resulting in the payment of blood-money by the killer or his 'āqilah (tribal group responsible for paying diyah). (Najafī, n.d., 34:4; 'Awdah, 2009, 2:8)

In Islamic jurisprudence, at least four classifications of homicide have been proposed by Muslim jurists, each resting upon specific proofs and foundations. In this categorization, the degree of divergence between Maliki jurisprudence, or the opinion of Imam Malik, and other Islamic jurisprudential schools is considerable, carrying distinct implications. Hence, this article focuses primarily on his opinion. Finally, the responsibility of the physician is also examined from the perspective of Islamic jurisprudence.

1. Types of Homicide

Homicide, based on its mental element, is subject to various classifications. However, Muslim jurists do not hold a unified opinion on this matter and have presented different categorizations, each of which will be examined separately.

1-1. Dichotomous Classification

Some jurists have divided homicide into intentional and error, rejecting any intermediate category. This is the well-known opinion of the Maliki school. Since this opinion will be detailed in the second section of this article, we refrain from elaboration here.

1-2. Tripartite Classification

Another group of jurists divides homicide into three types: intentional, quasi-intentional, and pure error. The author of *Jawāhir al-Kalām* has claimed consensus (though with some dissent) on this. (Najafī, n.d., 34:4) This tripartite division is also renowned among Sunni jurists. ('Awdah, 2009, 2:8)

1-2-1. Intentional Homicide

In the book *Sharā'i' al-Islām*, intentional homicide warranting retribution is defined as: "It is the extinguishing of a protected life (*nafs ma'sūmah*) intentionally and oppressively (*udwān*) by another person." (Muhaqqiq al-Ḥillī, 1409 AH, 8:272) The qualification "protected" (*ma'sūmah*) refers to a life that is inviolable in Islamic law concerning the killer, making it impermissible to take it.

Three instances are identified for this type of homicide:

1. The perpetrator, a sane adult, intends to kill using an act that is generally lethal.
2. A person kills another using an act that is generally lethal, but without the intent to kill. In this case, although the killer lacks the specific intent to kill, the act itself, being generally lethal, can imply the intent to kill. Thus, explicit intent is not always necessary to convict someone of intentional homicide.
3. Intent to kill is present, but the act employed is not generally lethal.

In the second instance, the type of act places the homicide under intentional homicide. In the third instance, it is the criminal intent that renders the killing intentional. ('Awdah, 2009, 2:8)

According to another definition of intentional homicide, its scope is narrower than mentioned above: "Intentional homicide is where the act that extinguishes life is accompanied by the intention to kill the victim." ('Awdah, 2009, 2:8) In this definition, two conditions are stipulated: the act must be generally lethal (*muzhiq*) and there must be intent to kill the victim. (al-'Aynī, 1411 AH, 12:84) Therefore, intent to kill alone, without a generally lethal act, cannot constitute intentional homicide. If a killing occurs with a weapon and is accompanied by intent to kill, it is intentional; otherwise, it is an error (*khaṭa'*). Consequently, the second scenario (generally lethal act without intent) would be considered quasi-intentional based on this definition, unlike the first definition where it is unequivocally intentional, with some jurists even claiming consensus on this. (al-Ḥalabī, 1417 AH, 402) Furthermore, the third scenario (intent with non-lethal act) is excluded from intentional homicide based on the second definition. (al-'Aynī, 1411 AH, 12:84)

Comparing the two definitions, their core difference is subtle. The first definition (from *Sharā'i'*) requires intent ('amd) in the act of extinguishing life (*izhāq*), without specifying the nature of the act. The second requires both intent and the generally lethal nature of the act. The reason the author of *Sharā'i'* lists instances after his definition might be that his definition does not clearly encompass the scenario where a generally lethal act occurs without specific intent to kill, a case considered intentional in prophetic traditions. The term 'amd should be understood broadly, including explicit and implicit intent. Otherwise, the definition would not cover it, though its inclusion is undisputed among Imami jurists, and the author of *Sharā'i'* interprets his definition accordingly.

Among the traditions treating a generally lethal act alone as sufficient for intentional homicide is a sound narration from Imam al-Ṣādiq (AS): "We asked him about a man who struck another with his staff, and the blows did not cease until he died. Should he be handed over to the guardian of the slain to be killed? He replied: Yes, but he should not be mutilated; rather, he should be executed by the sword." (al-Ḥurr al-'Āmilī, 1409 AH, 29:36) The cumulative strikes with a staff until death constitute a generally lethal act, warranting retribution even if the killer did not intend to kill. In reality, intending the act that typically produces a result is inseparable from intending the result itself. Thus, intent to perform a generally lethal act suffices for homicide to be considered intentional, and claims of ignorance by the perpetrator are generally inadmissible, as accepting them would lead to the wastage of many lives. (Najafī, n.d., 43:12) However, not accepting the claim of ignorance from someone who could plausibly

be unaware of the lethality of an act (e.g., the lethality of electric current for someone with no knowledge of electricity) would be unjust. If the defense proves ignorance, paying *diyah* can be the ruling, and accepting such a claim does not necessarily lead to the wastage of lives; proof is required, and *diyah* suffices. Moreover, caution regarding lives and avoiding excess in killing necessitates at least accepting the claim of ignorance from those for whom it is plausible. Additionally, the principle of *dar'* (averting punishment in cases of doubt) dictates that when there is doubt between intentional and non-intentional, retribution is negated. (al-Ḥusaynī al-Shīrāzī, 1409 AH, 89:18)

From a Maliki perspective, this case constitutes intentional homicide warranting retribution. In Maliki jurisprudence, if a strike is intentional but lacks the intent to kill, it warrants retribution, unless it was done in jest or for discipline by someone who has the right to discipline. (Ibn Ṭāhir, 2009, 7:177) Even in cases of jest, a tradition narrated from Malik indicates it is still intentional homicide warranting retribution. (Ibid., 176).

According to Imam Abu Hanifa and Hanafī jurisprudence, intentional homicide warranting retribution exists only when both the intent to kill is present and the instrument used is lethal (*qatālah*), such as iron, a sharp weapon, or the like (e.g., drowning or throwing from a height). (al-Kāsānī, 1417 AH, 7:345) If the intent to kill and the lethality of the instrument do not coincide, the homicide is not intentional and does not warrant retribution. Mere aggression in the act is insufficient; the perpetrator's intention must specifically focus on killing the victim. (Fatḥī Bahnāsī, 1412 AH, 4:142)

A notable point is the disagreement between Imam Abu Hanifa and other Hanafī jurists (and other schools) regarding the instrument of killing. Abu Hanifa considers only homicide committed with an iron instrument as intentional. Instruments like sharp objects, drowning, etc., cannot ground this ruling. The basis for his opinion is a Prophetic tradition: "Verily, the slain of quasi-intentional homicide is the slain of the whip and the staff." (Ibn Nujaym, n.d., 8:322) This tradition identifies a victim killed by a whip or staff as quasi-intentional, warranting payment of *diyah* by the killer. (Ibn Nujaym, n.d., 8:322)

Ahmad ibn Hanbal, Malik ibn Anas, and al-Shafi'i consider the intent to kill as a condition and element of intentional homicide, as it is solely based on intent that intentional homicide is distinguished from other types. A single act has the potential to be intentional, quasi-intentional, or pure error; only the intent differentiates them. ('Awdah, 2009, 2:63)

In conclusion, intentional homicide, based on the opinions of Imami, Hanafī, Shafi'i, and Hanbali jurists, is similar regarding the requirement of intent. Although many of the latter three schools do not explicitly mention intent, it can be inferred from the condition of a lethal instrument. One who chooses a lethal instrument for an act intends the foreseeable result. The difference between the majority of Imami jurists and the other three schools is that for Imamis, intent to kill alone, even with a non-lethal act, suffices for intentional homicide warranting retribution. In contrast, according to Hanafī, Shafi'i, and Hanbali jurisprudence, the instrument must be lethal; otherwise, intent alone is insufficient.

1-2-2. Quasi-Intentional Homicide

Quasi-intentional homicide is where the perpetrator intentionally performs an act that is not generally lethal, without the intent to kill. (Najafī, n.d., 3:43) It lacks both criteria of intentional homicide: intent to kill and a generally lethal act. Its defining feature is intent in the act but error in the intent, like striking someone with a non-lethal act for discipline, which accidentally results in death. The definition of intentional homicide in the Hanafī, Shafi'i, and Hanbali schools does not differ from that of Imami jurists.

The Hanafis define quasi-intentional homicide as a death resulting from an intentional act that is generally non-lethal, such as beating with a staff, hand, or whip. (al-Sarakhsī, 1421 AH, 26:115) This involves two aspects: intent (due to the intentional act) and error (due to the lack of intent to kill). The Hanbalis describe it as: "Intentional striking with a generally non-lethal act, accompanied by the intent of aggression or discipline." (Ibn Qudāmah, 1388 AH, 9:338) The basis of the act can be lawful or unlawful. The Shafi'is state that quasi-intentional homicide involves an intentional strike with a non-lethal instrument. (al-Shāfi'ī, 2005, 7:326) The non-lethal nature implies the absence of intent to kill. However, Malik does not recognize quasi-intentional homicide.

1-2-3. Pure Error Homicide

Pure error is another type where the perpetrator errs in both the act and the intent, such as shooting an arrow intending to hunt game, but it hits a person. The criterion is error in act and intent; the lethality or non-lethality of the act is irrelevant. (Najafī, n.d., 34:4) The intentional acts of children and the insane are also classified as pure error.

1-3. Quadripartite Classification

Another classification divides homicide into four types: purely intentional, quasi-intentional, error, and that which is subsumed under error (*jāri majrā al-khaṭa'*). Intentional and quasi-intentional are as previously defined, so only error and *jāri majrā al-khaṭa'* will be explained. ('Awdah, 2009, 2:6-7)

1-3-1. Error (Khaṭa')

Error here has two instances:

1. The perpetrator intends an act but does not intend to hit a human, e.g., aiming at game but hitting a person.
2. The perpetrator kills someone believing it was lawful to do so (e.g., thinking they were an enemy combatant), but the victim was actually inviolable (*ma'sūm al-dam*). ('Awdah, 2009, 2:6-7)

1-3-2. Subsumed under Error (*Jāri Majrā al-Khaṭa'*)

This category also has two instances:

1. A case that is entirely error, like a sleeping person rolling over onto another and directly causing their death. This is error in all respects.
2. A case where someone provides the cause of the crime, e.g., digging a well in a public path without a warning sign, and a passerby falls in and dies. ('Awdah, 2009, 2:6-7)

This classification differs from the tripartite one only by dividing error into two subcategories. ('Awdah, 2009, 2:7)

1-4. Quinque-partite Classification

This classification differs from the quadripartite one only in treating each instance of *jāri majrā al-khaṭa'* as a distinct type. Where the perpetrator's act directly contributes to death (e.g., the sleeper), it is termed *jāri majrā al-khaṭa'*; where they only provide the cause, it is called homicide by causation (*qatl bi al-tasbīb*). (Ibid.)

The justification for excluding these from error is that error either lies in the act (e.g., arrow for game hitting a person) or in the intent (e.g., shooting a person mistaken for an enemy), involving a specific intent. The sleeper lacks any intent. (al-Jaṣṣāṣ, 1421 AH, 2:316) In causation cases, it is argued that it is not homicide in the direct sense, as the causal agent did not directly perform the killing act. The person who dug the well did not directly cause the fall or death; rather, the victim's own action or circumstance led to it. (Ibid.)

2. Imam Malik's Opinion

After outlining the types of homicide in Islamic jurisprudence (both Sunni and Shia), it is pertinent to examine the subject from the perspective of Imam Malik, the founder of one of the major Sunni schools. As mentioned, Malik's opinion on the 'types of homicide' is exceptional. Other Islamic schools recognize at least three types—intentional, quasi-intentional, and pure error—each with specific rulings. Malik, however, denies quasi-intentional homicide, recognizing only intentional and pure error. It is necessary to examine the evidence for this denial, its acceptability, and whether it has any bearing on physician responsibility.

Imam Malik restricts homicide to two types: intentional and pure error, rejecting a separate category for quasi-intentional. This contrasts with all other Islamic schools which accept quasi-intentional crimes. After defining intentional homicide and error in his view, the evidence will be examined.

2-1. Intentional Homicide

According to the majority of Maliki jurists, any intentional and oppressive act leading to death constitutes an intentional crime, regardless of whether the perpetrator intended to kill or not, provided it was not done in jest or for discipline by one who has the right to discipline. (al-Dasūqī, 2003, 6:184) This definition broadens the scope of intentional homicide to include what other schools classify as quasi-intentional (e.g., striking someone with a generally non-lethal act without intent to kill). In other words, there is error in intent, but not in the act, yet Malik classifies it as intentional.

For Malik, the criteria for intentionality are 'intent' (*'amd*) and 'oppression' (*'udwān*) in the act itself, not the nature of the means. "If one intentionally does this not as a joke, but in a fight, and he throws him down and he dies, or he takes his leg and he falls and dies, in all this there is retribution." (al-Shāfi'ī, 2005, 6:2897) The proof for this condition is the Quranic verse: "And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful. And whoever does that in aggression and injustice – then We will drive him into a Fire." (Quran, al-

Nisā': 29-30) This verse prohibits intentional, oppressive killing and threatens punishment for it. (Ibn Ṭāhir, 2009, 170)

Despite this, some Maliki jurists also require the instrument to be generally lethal for retribution to apply. (al-Khaṭṭāb, 1978, 6:240) However, if the act was for discipline or jest and resulted in death or lesser injury, the resulting crime is considered error, not intentional, due to the absence of oppression. (al-Dasūqī, 2003, 4:184) Intentional act alone is insufficient for retribution if the intent was discipline or jest, as exemplified in cases of playful wrestling leading to death, where the punishment is the diyah for error, paid by the 'āqilah. (al-Shāfi'ī, 2005, 2897)

2-2. Error Homicide

Error homicide is defined as that which lacks any intentional act by the perpetrator. The definition of error crimes in the Maliki school does not differ from other schools: "Error homicide is that which is not intentional." ('Awdah, 2009, 2:7)

2-3. Evidence for Imam Malik's Denial of Quasi-Intentional Homicide

The proof cited by Maliki jurists for rejecting quasi-intentional homicide can be examined in four areas:

2-3-1. The Quran

They argue that the Quran mentions only two types: intentional and error, with rulings for each. They refer to verses like: "And whoever kills a believer intentionally..." (for 'amd) and "And it is not for a believer to kill a believer except by mistake..." (for khaṭa'). Since the Quran explicitly names only these two, quasi-intentional, which combines aspects of both, is excluded. They argue that the combination is impossible conceptually.

2-3-2. Rational Argument

They contend that the simultaneous attribution of intentionality and error to a single act is rationally impossible because they are opposites. An act is either intentional or erroneous; it cannot be both.

2-3-3. Traditions

Some traditions from Imami sources support their view. For instance, a narration defines error as an act intended for one person but hitting another, and intentional as an act hitting the intended person. (al-Ḥurr al-'Āmilī, 1409 AH, 29:40) This aligns with Malik's view, where intentionality causing retribution is linked to the intentional nature of the act resulting in death. Thus, hitting someone with a non-lethal act without intent to kill still constitutes intentional homicide.

2-4. Examination of Imam Malik's Evidence

2-4-1. Examination of the First Proof (Quran)

Using the cited verses requires proof that they aim to delineate all types and details of homicide. This is difficult, as Quranic verses often provide general principles, with details elaborated by tradition. The verses simply name intentional and error without detailing their specific rulings. Moreover, citing them does not necessarily prove Malik's claim. The existence of only two named categories does not preclude a third type being subsumed under one of them. Quasi-intentional could conceivably be included under error rather than intentional, given its element of error in intent. Therefore, the verses are ambiguous and cannot definitively support Malik's position. The mere denial of a third type does not automatically place quasi-intentional instances under intentional homicide. Given the principle of caution in capital cases and the principle of dar', which necessitates favoring error over intentional in doubtful cases, the Maliki inference is problematic.

2-4-2. Examination of the Second Proof (Rational Argument)

The claim that an act cannot simultaneously be described by opposites is generally true. However, in quasi-intentional homicide, the predicates are different: 'intentional' pertains to the act itself, while 'error' pertains to the intent behind the act. (al-Ṭūsī, 1416 AH, 5:219) Thus, two contradictory attributes are not attributed to the same subject. For instance, a perpetrator might kill (A) believing they were an enemy, but it turns out they were not. The act is intentional, but the intent/aim is erroneous. Furthermore, Maliki jurists themselves consider homicide of a child by his father as quasi-intentional, (al-Tasūlī, 1421 AH, 630) contradicting their own rejection. If their evidence were sound, there would be no instance of it, but admitting one proves its possibility.

2-4-3. Examination of the Third Proof (Traditions)

Traditions supporting the majority Maliki view exist. Some are considered sound in chain of transmission, but some jurists suspect they were issued under taqiyyah (dissimulation). (Najafī, n.d., 4:43) This explanation is plausible only if the context at the time of issuance reflected a rejection of quasi-intentional homicide. However, since all other Islamic schools accept quasi-intentional, this justification is weak. The author of *Jawāhir al-Kalām* considers these traditions contrary to consensus, tradition, and the Quran, as an intentional act resulting in death but lacking intent to kill the specific victim does not constitute "intentional homicide of a believer." (Najafī, n.d., 4:43) If reconciling these traditions is impossible, external factors like caution in capital cases (*iḥtiyāt fī al-dimā'*) favor the opposing view, as accepting quasi-intentional prevents many homicides from being subject to retribution, consistent with the principle of caution.

Ultimately, quasi-intentional homicide is undeniable in Islamic jurisprudence. It is mentioned in the Prophet's farewell sermon: "Verily, the killed of quasi-intentional homicide is the killed of the whip and the staff, for which the blood-money is paid..." (al-Shaybānī, n.d., 4:451) and was practiced by the Companions, including Imam Ali (AS). (al-Sarakhsī, 1421 AH, 9:71) The evidence for quasi-intentional homicide is stronger and outweighs the evidence for its denial.

3. Physician Responsibility

One area where the classification of homicide significantly matters is physician responsibility. Under the common tripartite classification, a physician treating a patient with proper intent and fulfilling all required conditions, but whose actions lead to death, is categorized as quasi-intentional homicide. There is no doubt that the resulting crime is non-intentional and does not warrant retribution, as the physician's conduct, if not charitable, at least lacks the element of oppression. Retribution is a consequence of intentional and oppressive killing.

This type of homicide falls under quasi-intentional, where retribution is excluded due to the absence of intent. All Islamic jurists explicitly affirm the non-intentional nature of physician-caused death.

The author of *Jawāhir al-Kalām* mentions: "The criterion for quasi-intentional is acting intentionally but for discipline, jest, or the like, where killing was not intended, and this includes the treatment of a physician, resulting in death." (Najafī, n.d., 3:43) The majority of Imami jurists condition the physician's non-liability for civil damages (*diyah*) on obtaining a disclaimer (*barā'ah*) from the patient or guardian prior to treatment: "The correct opinion is the liability of the physician unless he takes a disclaimer from the guardian before treatment." (Tabrīzī, 1428 AH, 59) The evidence for the majority is the tradition from Imam al-Ṣādiq (AS): "Whoever practices medicine or veterinary medicine should take a disclaimer from his guardian; otherwise, he is liable." (al-Ḥurr al-'Āmilī, 1409 AH, 29:260) Ibn Idrīs opposes the majority, arguing that based on the principle of innocence, a physician does not need a disclaimer unless the patient is a minor or insane. (Ibn Idrīs, 1410 AH, 3:373) 'Abd al-Qādir 'Awdah notes the consensus of jurists on the physician's non-liability for harmful outcomes, provided the physician acts properly: "The jurists have unanimously agreed on the non-liability of the physician if his treatment leads to harmful results for the patient." ('Awdah, 2009, 1:421)

However, Sunni jurists differ on the justification for this non-liability:

- Abu Hanifa attributes it to social necessity and the patient's consent. Medical practice is essential for society, and holding physicians liable would discourage them. (al-Kāsānī, 1417 AH, 7:305) Consent from the patient also supports exemption.

- Al-Shafi'i bases it on the patient's consent and the physician's benevolent intent. (Shams al-Dīn, 1404 AH, 8:35)

- Ahmad ibn Hanbal similarly relies on the patient's consent and public interest: "If the physician expands his treatment with his permission or the permission of his guardian for his benefit, then nothing is upon him." (Ibn Qudāmah, 1388 AH, 8:475)

According to Malik's view, which restricts homicide to intentional and error, the physician's crime would fall under intentional homicide (since it is not pure error). Nevertheless, the physician is neither criminally nor civilly liable under Maliki jurisprudence. The basis is the permission of the ruler (to practice medicine) and the patient's consent. (al-Khaṭṭāb, 1978, 6:321) The ruler's permission allows practice, and the patient's consent permits the actions performed.

A crucial point in Maliki jurisprudence is that if a person practices medicine without being a true physician (an imposter) or if a physician is negligent, the resulting crime is considered pure error, and the 'āqilah is responsible for the *diyah*. (al-Dardīr, n.d., 4:355) The term "error" here applies because a true physician's negligent

act is treated as a mistake. The diyah is on the 'āqilah. However, if the imposter causes death, some Maliki jurists argue that they are liable because they are not genuinely a physician, and the permissions justifying non-liability do not apply. If they are a physician but negligent, liability is on their person, not the 'āqilah, as the act is considered intentional. This interpretation, however, is contested by other Maliki scholars like al-Dasūqī: "If he errs in his act while he is among the people of knowledge... but if he is not among the people of knowledge, he is punished... and the diyah is on his person, not the 'āqilah, and this is the preponderant opinion; because his act is intentional, and the 'āqilah does not bear intentional acts." (al-Dasūqī, 2003, 4:186)

The question arises: why would a non-physician or an ignorant practitioner be exempt from retribution? The permissions from ruler and patient do not cover them. Some interpretations suggest "not from the people of knowledge" means a general practitioner without specialization. In this case, the ruler's and patient's permissions might still apply, and the principle of dar' suggests avoiding retribution, though this interpretation seems weak.

Conclusion

Although homicide, based on its mental element, has multiple classifications in Islamic jurisprudence, these classifications generally do not cause major differences in the perpetrator's responsibility. For instance, the tripartite, quadripartite, and cinque-partite classifications all agree that intentional homicide leads to retribution, quasi-intentional leads to diyah paid by the perpetrator, and pure error (including jāri majrā al-khaṭa' and qatl bi al-tasbīb in their respective schemes) leads to diyah paid by the 'āqilah. The only classification with a distinct effect is the one limiting homicide to intentional and pure error. In this view, all instances of quasi-intentional fall under intentional, thus warranting retribution. However, in the specific area of physician responsibility, these classifications have no bearing. This is because specific proofs (e.g., traditions permitting medical practice with conditions) exist that exonerate the physician under certain conditions, overriding the general rules.

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