# Two women from the Hudhayl tribe fought each other. One of them threw a stone at the other, killing her along with what was in her womb.

Abu Hurayrah (may Allah be pleased with him) reported: Two women from the Hudhayl tribe fought each other. One of them threw a stone at the other, killing her along with what was in her womb. They brought their case to the Messenger of Allah (may Allah's peace and blessings be upon him), who gave judgment that a male or female slave of the best quality should be given as blood money for her unborn child. He decided that the blood money of the killed woman should be paid by the other woman's male relatives on the father's side. He made her children and those who were with them among her heirs. Hamal ibn Mālik ibn An-Nābighah al-Hudhali said: "O Messenger of Allah, how should I be fined for one who has not drunk, eaten, spoken, or raised his voice with crying upon childbirth? Such an offense should be overlooked." Thereupon, the Messenger of Allah (may Allah's peace and blessings be upon him) said: "Definitely, this man belongs to the diviners," given his use of rhymed phrases.

[Authentic hadith] [Narrated by Bukhari & Muslim]

Two women, co-wives from the Hudhayl tribe fought each other. One of them threw a little stone that does not normally cause death at the other, but it killed her along with the fetus that she had in her womb. The Prophet (may Allah's peace and blessings be upon him) judged that the blood money of the fetus is a male or female slave, whether the fetus was male or female, to be paid by the killer. Moreover, he judged that blood money was due for the killed woman, as the killing was semi-intentional, and that it should be paid by the killer’s male relatives on the father's side, since their relationship is based upon mutual support and equity, and because the murder was unintentional. Since the blood money was an inheritance related to the killed woman, it was given to her children and other rightful inheritors. However, her male relatives on the father’s side were entitled to nothing thereof. Upon that, Hamal ibn An-Nābighah, the killer’s father, said: "O Messenger of Allah, how could we be obliged to pay blood money for one who died before birth, and he did not eat, drink, or make any utterance so that it could be known THAT he was alive!" He made this statement in an oratory rhymed style. The Prophet (may Allah's peace and blessings be upon him) apparently disliked this man's statement, which implied his rejection of the Shar‘i rulings and involved use of rhymed phrases resembling those employed by diviners as a means whereby they devour people’s wealth unlawfully.