

# ISLAM

THROUGH HADITHS

5



PRESIDENCY OF RELIGIOUS AFFAIRS





## ISLAM THROUGH HADITHS 5

AN INTERPRETATION OF THE HADITHS THROUGH HADITHS

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SECTION 6



SOCIAL LIFE -II-





# AFFLICTIONS AND THE BELIEVER PATIENCE, FORTITUDE, AND SUBMISSION

عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”إِذَا أَصَابَتْ أَحَدَكُمْ مُصِيبَةٌ فَلْيَقُلْ: إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ، اللَّهُمَّ! عِنْدَكَ  
أَحْتَسِبُ مُصِيبَتِي فَأَجِرْنِي فِيهَا وَأَبْدِلْ لِي خَيْرًا مِنْهَا.“

According to Umm Salama (ra), the Messenger of Allah (saw) said,  
“When one of you is afflicted with a calamity, he should say,  
‘We belong to Allah, and to Him we return. O Allah! I expect reward from You  
from this calamity, so give me reward for it and give me a better recompense.’”

(D3119, Abu Da’ud, al-Jana’iz, 17-18; M2126, Muslim, al-Jana’iz, 3)



عَنْ عَائِشَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”مَا مِنْ مُصِيبَةٍ يُصَابُ بِهَا الْمُسْلِمُ إِلَّا كُفِّرَ بِهَا عَنْهُ، حَتَّى الشُّوْكَةُ يُشَاكُهَا.“



عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ النَّبِيُّ ﷺ يَقُولُ:  
”اللَّهُمَّ! إِنِّي أَعُوذُ بِكَ مِنَ الْهَمِّ وَالْحَزَنِ، وَالْكَسَلِ، وَالْبُخْلِ، وَالْجُبْنِ، وَضَلَعِ  
الدِّينِ، وَغَلَبَةِ الرِّجَالِ.“



عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: قَالَ النَّبِيُّ ﷺ:  
”لَا يَتَمَنَّيَنَّ أَحَدُكُمْ الْمَوْتَ مِنْ ضُرٍّ أَصَابَهُ، فَإِنْ كَانَ لَا بُدَّ فَاعِلًا فَلْيَقُلْ: اللَّهُمَّ  
أَحْيِنِي مَا كَانَتْ الْحَيَاةُ خَيْرًا لِي، وَتَوَفَّنِي إِذَا كَانَتْ الْوَفَاةُ خَيْرًا لِي.“



عَنْ صُهَيْبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”عَجَبًا لِأَمْرِ الْمُؤْمِنِ، إِنَّ أَمْرَهُ كُلَّهُ لَهُ خَيْرٌ، وَلَيْسَ ذَلِكَ لِأَحَدٍ إِلَّا لِلْمُؤْمِنِ، إِنْ  
أَصَابَتْهُ سَرَاءٌ شَكَرَ، فَكَانَ خَيْرًا لَهُ، وَإِنْ أَصَابَتْهُ ضَرَاءٌ صَبَرَ، فَكَانَ خَيْرًا لَهُ.“



According to 'A'isha (ra), the Messenger of Allah (saw) said,  
“When the believer is afflicted by something, even a thorn, it effaces his sins.”

(M6565, Muslim, al-Birr, 49; MU1719, al-Muwatta', al-'Ayn, 3)



According to Anas b. Malik (ra), the Prophet (saw) used to say,  
“O Allah! I seek refuge with You from worry, grief, laziness, miserliness,  
cowardice, heavy debt, and being overpowered by men.”

(N5478, al-Nasa'i, al-Isti'adha, 25; B6369, al-Bukhari, al-Da'awat, 40)



According to Anas b. Malik (ra), the Prophet (saw) said,  
“None of you should wish for death because of a calamity befalling him; but if  
he has to wish for death, he should say: ‘O Allah! Keep me alive as long as life is  
better for me, and let me die if death is better for me.’”

(B5671, al-Bukhari, al-Marda, 19)



According to Suhayb, the Messenger of Allah (saw) said,  
“Strange are the ways of a believer, for there is good in every affair of his; and  
this is not the case with anyone except a believer, for if he experiences delight, he  
thanks (Allah). Thus there is good for him in it. And if he is afflicted by adversity  
and bears it patiently, there is good for him in it.”

(M7500, Muslim, al-Zuhd, 64)





One day the Messenger of Allah (saw) was walking about Medina with some of his Companions (ra). While passing a cemetery, he encountered a woman who was wailing and crying over the grave of her child. Seeing the state of this poor woman who was heartbroken with grief for her child, the Prophet (saw) said to her, “*Take comfort in Allah and be patient!*” Because of her affliction, the woman did not notice that he was the Prophet (saw). She shot back saying, “Leave me alone! What happened to me has not happened to you (and therefore it is easy for you to say).” Later, one of those who was there told the woman that he was the Messenger of Allah (saw). The grieving woman went to the door of the Prophet (saw) to apologize. Regretting what she had done, the woman apologized saying, “I couldn’t tell that you were Allah’s Messenger (please forgive me).” The Messenger of Allah then responded to her as follows: “*Truly, patience should be shown at the first occurrence of affliction.*”<sup>1</sup>

The Prophet (saw) had also experienced similar afflictions. He taught, based on his personal life, how one should react when faced with such events. The attitude that the Prophet (saw) assumed when faced with afflictions like illness and death indicates the behavior that should be followed in these circumstances. When his only son Ibrahim closed his eyes to life when he was only eighteen months old,<sup>2</sup> the Prophet (saw), like any father, could not hold back his tears. The merciful Messenger, who definitely forbade (vociferous) mourning by crying out and screaming, wailing, rending one’s garments, and scratching one’s face behind the dead,<sup>3</sup> gave the following response to those who were surprised that he had cried over the death of his son: “*This is mercy. The eyes are shedding tears and the heart is grieving, but we will say only what pleases our Lord. O Ibrahim! Indeed we are grieving because of your separation (from us).*”<sup>4</sup>

At the same time, the merciful Messenger experienced feelings of for-

<sup>1</sup> B1283, al-Bukhari, al-Jana’iz, 31; M2140, Muslim, al-Jana’iz, 15.

<sup>2</sup> ST1/142, Ibn Sa’d, *Tabaqat*, I, 142.

<sup>3</sup> MA6672, ‘Abd al-Razzaq, *Musannaf*, III, 552; M227, Muslim, al-Iman, 121.

<sup>4</sup> B1303, al-Bukhari, al-Jana’iz, 43.





titude and submission on one hand and compassion and tenderness on the other when his daughter Zaynab's son died. When Zaynab (ra) sensed that her ill son was about to die, she sent word to her father and asked him to come. Our Prophet sent the following message to his daughter along with greetings: *"Allah decides what to take and give. Everything within His purview has a fixed term. She should be patient and wait for Allah's reward."* Immediately afterwards, his daughter sent word to him again and this time specifically wanted him to come. The Messenger of Allah and those who were with him went to his daughter's house. The child that he embraced was in the throes of death. The eyes of the Messenger of Allah (saw) teared up. When Sa'd b. 'Ubada (ra) asked, "What is this O Messenger of Allah?" Our Master the Prophet (saw) replied, *"This is the mercy which Allah has lodged in the hearts of whomever He wants of His slaves. Allah is merciful only to those of His slaves who are merciful."*<sup>5</sup>

Every living being will taste death.<sup>6</sup> This will cause great sorrow to those who remain behind. Sooner or later every person will be confronted with this reality. Furthermore, the suffering that occurs to mankind is not limited to death. There are all kinds of hardships in life. According to 'Abd Allah b. Mas'ud (ra), one day the Messenger of Allah (saw), while chatting with his Companions (ra), traced a square in the sand with a stick in his hand. He traced a line in the middle of the square and added small lines connected to it on both sides. Tracing another line outside the square he asked the Companions (ra) what this was. When the Companions (ra) said, "Allah and His Messenger know best what this is," our beloved Prophet explained the form that he had traced in the sand in the following manner: *"This line in the middle is man. The small lines next to him are the afflictions that assail him from all directions. If one misses him, another will strike him. The border lines forming the square (enclose) his lifespan. The line outside the square is his hope."*<sup>7</sup>

Our beloved Prophet used various means, as he does here, to explain that mankind cannot escape encountering various afflictions.<sup>8</sup> He explained, step by step, that even firm believers, at the head of whom were the messengers of Allah, were subject to the most difficult of them.<sup>9</sup>

When the history of mankind is reviewed, it seems that righteous persons, above all prophets, who wish to transform their societies and make moral virtues predominate, encounter serious opposition and thus experi-

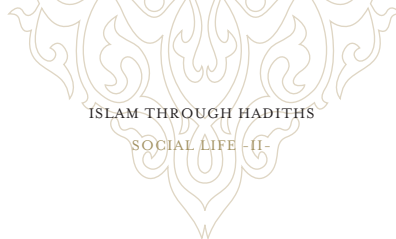
<sup>5</sup> B6655, al-Bukhari, al-Ayman wa 'l-Nudhur, 9; D3125, Abu Da'ud, al-Jana'iz, 23-24; AV8/275, 'Azimabadi, 'Awn al-ma'bud, VIII, 275.

<sup>6</sup> Al 'Imran, 3:185.

<sup>7</sup> IM4231, Ibn Maja, al-Zuhd, 727; B6417, al-Bukhari, al-Riqaq, 4.

<sup>8</sup> T2399, al-Tirmidhi, al-Zuhd, 56; T4256, al-Tirmidhi, Sifat al-qiyama, 22.

<sup>9</sup> T2398, al-Tirmidhi, al-Zuhd, 56.



ence great suffering and difficulties. In order to boost the morale of believers who encountered suffering, the Messenger of Allah (saw) said, “*Let the misfortune that befalls me be a comfort to the Muslims in their misfortunes.*”<sup>10</sup>

Allah warned people who do not face up to suffering and seek only pleasure and, characterizing those who are pleased when good fortune occurs to them but then, when suffering occurs, quickly revert to unbelief, as persons who are slaves to their own interests, made it clear that they will be greatly disappointed in this world and the next.<sup>11</sup>

Man is a being who experiences the reality of his creation together with joy, sadness, gaiety, and grief. Throughout his life he encounters many events which result in joy as well as others which lead to sorrow. Like other living creatures, he can also be subjected to dangers arising from the physical and emotional distress resulting from natural events around him, from other living creatures, and from his own species; and he has to be cautious when faced with them. Therefore, the believer who encounters such dangers and afflictions must have the necessary faith and resistance to hold him steady, because he is obliged to improve the world in which he lives, to enliven humanity, and to cultivate a blissful life in the next world. After taking all the precautions of which he is capable in the face of the dangers that could befall him, he must first be patient if subjected to inescapable disasters and then he should act with determination and resolve. The believer possesses patience and trust in Allah (swt). He learns from the Book of Allah the Exalted that each of the afflictions that befalls him is a test and trial.<sup>12</sup> He has to deal with these tests successfully and, as the Prophet (saw) has stated, even if he sometimes bends and bends double he should not break. In fact, our beloved Prophet, in a *hadith* in which he compares a believer to an unbeliever, likened a believer who was faced with calamities to a field of green grain which bowed to the wind but was not uprooted and an unbeliever to a tree which broke before a strong wind and was torn up by the roots.<sup>13</sup>

The believer should realize that the successes that he obtains as well as the distress and calamities that he encounters in the world in which he lives are part of the test. Allah the Exalted, who knows best the weak inclinations of man whom He has created, reveals this point in a noble verse in the Holy Qur’an as follows: “*When man suffers some affliction, he cries out to Us, but when We favor him with Our blessing, he says, ‘All this has been given to*

<sup>10</sup> MU563, al-Muwatta’, al-Jana’z, 14.

<sup>11</sup> Al-Hajj, 22:11.

<sup>12</sup> Al-Baqara, 2:155.

<sup>13</sup> B7466, al-Bukhari, al-Tawhid, 31; M7094, Muslim, Sifat al-munafiqin, 59.



me because of my knowledge’—it is only a test, though most of them do not know it.”<sup>14</sup> Allah the Exalted also reveals, in the following manner, that he will not be able to obtain happiness without enduring distress and discomfort: “Do you [believers] suppose that you will enter the Garden without first having suffered like those who passed away before you? They were afflicted by misfortune and hardship, and they were so shaken that even [their] messenger and the believers with him cried, ‘When will Allah’s help arrive?’ Truly, Allah’s help is near.”<sup>15</sup>

One day in the shade of the Ka’ba, the Prophet (saw) placed his *jubba* (outer garment) under his head and stretched out. Khabbab b. al-Aratt (ra) came up to him with a group of the companions and complained of the ill treatment from the polytheists, saying, “Do you not want us to achieve victory from Allah?”

The Prophet (saw) then answered them as follows: “Among the nations before you there was a man who was to be put in a ditch that was dug for him, and a saw was to be put over his head and he was to be cut into two pieces. Yet that [torture] would not make him abandon his religion. [And another man] was to have his body combed with iron combs that would remove his flesh from the bones and nerves. Yet that [torture] would not make him abandon his religion. Allah will surely see that this religion (Islam) prevails, so that a rider, going from Sana to Hadramawt (both in Yemen) will fear nothing but Allah or a wolf [which might attack] his sheep, but you are in a hurry [to be saved from the ill treatment from the polytheists].” With these words the Prophet (saw) wanted his Companions (ra) to have more confidence and gave them the good news that the coming days would be better and recommended that they be patient.<sup>16</sup>

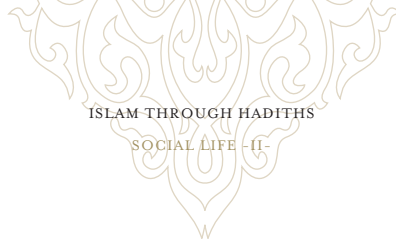
Our Master the Prophet (saw), who warned his companions about the erroneous practices of the period of the Jahiliyya (the time before Islam), also revealed the kind of attitude one should adopt when faced with calamity. The fact that he mentioned this matter while receiving homage from women is an indication of the importance that he gave to this subject. Indeed, among the promises that he received from them when they paid homage to him was that they “would not beat and scratch their faces, wail, slash their necks and breasts and pull out and scatter their hair.”<sup>17</sup> Instead of doing this, he recommended patience, which is prescribed in the Holy Qur’an, and submission to Allah. Allah (swt) reminds people that they will definitely be tested with various misfortunes, while [the Prophet (saw)]

<sup>14</sup> Al-Zumar, 39:49.

<sup>15</sup> Al-Baqara, 2:214.

<sup>16</sup> B3612, al-Bukhari, al-Manaqib, 25; D2649, Abu Da’ud, al-Jihad, 97; IF7/16, Ibn Hajar, *Fath al-bari*, VII, 167; AV7/222, ‘Azimabadi, *Awn al-ma’bud*, VII, 222.

<sup>17</sup> D3131, Abu Da’ud, al-Jana’iz, 24-25.



gives good news to those who are patient in the face of these misfortunes, that is, those who say, when an affliction befalls them, “*We belong to Allah and to Him we will return.*”<sup>18</sup> The Prophet (saw) also advised the believers as follows: “*When an affliction befalls one of you, he should say, ‘We belong to Allah and to Him we will return. O Allah! I expect recompense from You for this affliction. Therefore, grant me the reward and make me the better for it.’*”<sup>19</sup>

These words, which Umm Salama reported from her husband the Prophet (saw), describe the recompense of a slave who took refuge in the Lord: “*If an affliction befalls someone and he says, ‘We belong to Allah and to Him we will return. O Allah! I expect recompense from You for the affliction that has befallen me. Therefore, grant me the reward and make me the better for it,’ Allah will definitely fulfill his request.*” Umm Salama continued speaking as follows: “When Abu Salama (her first husband) died, I said this. Then I said to myself, ‘Who is better than Abu Salama?’”<sup>20</sup> Be that as it may, Allah subsequently married her to His Messenger.

The believer who behaves in accordance with the sincere and conscious belief that his existence belongs to Allah and to Him he will return will zealously strive to prevent various calamities and harm from striking him by taking all the precautions of which he is capable. He will take all the necessary measures against possible disasters and dangers and exert all the necessary efforts to see that this is done. And he will do this against the backdrop of placing trust in Allah.

The patience and fortitude that our master the Prophet (saw) displayed in the face of the difficulties and suffering he encountered while calling mankind to Islam is an excellent example of the attitude that believers should assume in times of adversity. As is known, during the Meccan period, Allah’s Messenger and a handful of believers were patient and resisted the merciless oppression of the polytheists, their economic and social boycott, and their attempts to kill them. They took the necessary measures against these things and the schemes of their enemies came to naught. Later, when our beloved Prophet returned to Mecca as a victorious commander, he did not try to take revenge for what was done to him and his friends. He did not compensate for the suffering that he had endured by making others suffer.

Our Prophet gave pious people the good news that the sufferings that they endured for the sake of virtue would be considered atonement for

<sup>18</sup> Al-Baqara, 2:155-56.

<sup>19</sup> D3119, Abu Da’ud, al-Jana’iz, 17-18; M2126, Muslim, al-Jana’iz, 3.

<sup>20</sup> MU564, al-Muwatta’, al-Jana’z, 14.



their wrong actions; and he emphasized that in return for the ordeals one suffered for the sake of Allah he would receive recompense in many respects. The Prophet (saw) said the following, for example, in one of his *hadīths*: “When the believer is afflicted by something, even a thorn, it effaces his sins.”<sup>21</sup> In this connection he sometimes described to his Companions (ra) the oppression and torment that peoples in the past had encountered because of their religions.<sup>22</sup> In this way he gave them strength and tried to lighten their suffering by consoling them.

The afflictions that befell man were never things that were wished for. The Prophet (saw) therefore prayed to Allah (swt) that he not encounter grief and suffering. According to the narrative of Anas b. Malik (ra), his prayer was as follows: “O Allah! I seek refuge with You from worry, grief, laziness, miserliness, cowardice, heavy debt, and being overpowered by men.”<sup>23</sup> Our beloved Prophet did not tolerate wishing for death because it was the greatest test that could befall someone and said the following: “None of you should wish for death because of a calamity befalling him, but if he has to wish for death, he should say: ‘O Allah! Keep me alive as long as life is better for me, and let me die if death is better for me.’”<sup>24</sup>

Allah’s Messenger, who always gave the greatest importance to the believer’s intention and stated that his deeds would acquire value and meaning along with it,<sup>25</sup> comforted the Muslims who were not able to carry out their tasks because of the suffering and adversities that had befallen them with this good news: “When a servant of Allah has been accustomed to doing good work and then he is kept from doing that because of illness or going on a journey, the good work he was accustomed to doing when he was well and staying at home will be recorded for him.”<sup>26</sup>

Our faith by no means approves of retiring into solitude and avoiding people even in order to escape from suffering and difficulties. This would be tantamount to fleeing from the responsibilities that certain kinds of people bear for those around them, the environment, and society. Even when faced with some suffering, the believer should fulfill his family and social responsibilities, and he should continue his task of promoting good and avoiding evil. For this reason, our beloved Prophet said, “The believer who mixes with people and bears their annoyance with patience will have a greater reward than the believer who does not mix with people and does not put up with their annoyance.”<sup>27</sup>

<sup>21</sup> M6565, Müslim, al-Birr, 49; MU1719, al-Muwatta’, al-‘Ayn, 3.

<sup>22</sup> B3612, al-Bukhari, al-Manaqib, 25.

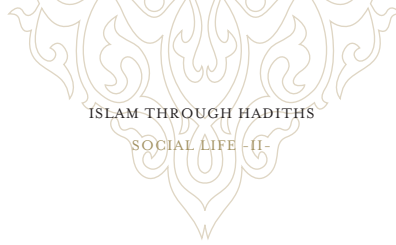
<sup>23</sup> N5478, al-Nasa’i, al-Isti’adha, 25; B6369, al-Bukhari, al-Da’awat, 40.

<sup>24</sup> B5671, al-Bukhari, al-Marda, 19.

<sup>25</sup> B54, al-Bukhari, al-Iman, 41.

<sup>26</sup> D3091, Abu Da’ud, al-Jana’iz, 1.

<sup>27</sup> IM4032, Ibn Maja, al-Fitan, 23; T2507, al-Tirmidhi, Sifat al-qiyama, 55.



One matter on which one should dwell here is also the fact that the believer can learn lessons from adversity that concern life in this world and the next. With respect to such matters as one's neglectfulness, unpreparedness, and inattention in disasters that he has experienced, he should henceforth take certain precautions in advance in order not to be subject to such calamities again, and thus he should not experience the same grief again. The same grief occurs repeatedly in many disasters like unexpected traffic accidents, earthquakes, and floods; and unfortunately neither ordinary people nor those in authority take the necessary precautions.

In like manner, the person who learns the moral meaning from the disasters that he has experienced should live fully aware that he could come face to face with various calamities at any time and he should be spiritually prepared to face such situations. After experiencing them, he should realize how helpless and transitory he is and how temporary this world and worldly goods are and he should live life accordingly. Confronted with adversity, the patience and faith of the believer should also become stronger. Through his faith, submission to Allah (swt), and placing his trust in Allah, the believer should succeed in emerging stronger, both materially and morally, from the adversities that he has experienced. This is because the believer is one who knows how to be thankful for good fortune on one hand and how to be patient in the face of adversity on the other. Everything that he undertakes with sincere intention and for the sake of Allah's approval is good. Indeed, our beloved Prophet expressed this rather succinctly in the following manner: *"How wonderful is the case of the believer; there is good for him in everything and this applies only to the believer. If prosperity attends him, he is thankful and that is good for him; and if adversity befalls him, he endures it patiently and that is good for him."*<sup>28</sup>

<sup>28</sup> M7500, Muslim, al-Zuhd, 64.





## COMMERCIAL ETHICS BEING HONEST IN BUYING AND SELLING

عَنْ حَكِيمِ بْنِ حِزَامٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا، فَإِنْ صَدَقَا وَبَيَّنَّا بُورِكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَتَمَا  
وَكَذَبَا مُحِقَتِ الْبَرَكَةُ مِنْ بَيْعِهِمَا.“

According to Hakim b. Hizam (ra), the Messenger of Allah (saw) said:  
“Both parties in a business transaction have a right of option (to annul it) so long as they are not separated [from each other]; and if they tell the truth and make everything clear, they will be blessed in their transaction, but if they conceal anything and lie, the blessing on their transaction will be erased.”

(D3459, Abu Da'ud, al-Ijara, 51)





عَنْ إِسْمَاعِيلَ بْنِ عُبَيْدِ بْنِ رِفَاعَةَ، عَنْ أَبِيهِ عَنْ جَدِّهِ: أَنَّهُ خَرَجَ مَعَ النَّبِيِّ ﷺ إِلَى الْمُصَلَّى، فَرَأَى النَّاسَ يَتْبَاعُونَ فَقَالَ: «يَا مَعْشَرَ التُّجَّارِ» فَاسْتَجَابُوا لِرَسُولِ اللَّهِ ﷺ، وَرَفَعُوا أَعْنَاقَهُمْ وَأَبْصَارَهُمْ إِلَيْهِ، فَقَالَ: «إِنَّ التُّجَّارَ يُبْعَثُونَ يَوْمَ الْقِيَامَةِ فُجَّارًا، إِلَّا مَنْ اتَّقَى اللَّهَ وَبَرَّ وَصَدَّقَ.»



عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ ﷺ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا وَزَنْتُمْ فَأَرْجِحُوا.»



عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ ﷺ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «رَحِمَ اللَّهُ رَجُلًا سَمَحًا إِذَا بَاعَ، وَإِذَا اشْتَرَى، وَإِذَا اقْتَضَى.»



عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «... مَنْ غَشَّنَا فَلَيْسَ مِنَّا.»



According to Isma'īl b. 'Ubayd b. Rifa'a, his father reported that his grandfather (Rifa'a b. Rafi') (ra) went to the *muṣallā* (place of prayer) with the Prophet (saw) and when the Prophet (saw) saw people doing business there he said, "*O company of merchants!*" And they responded to the Messenger of Allah (saw), raising their heads and glances towards him. Then he said, "*On the Day of Judgement, the merchants, except for those who fear Allah, are pious, and honest will be raised as profligates.*"

(T1210, al-Tirmidhi, al-Buyu', 40)



According to Jabir b. 'Abd Allah (ra), the Messenger of Allah (saw) said, "*When you weigh, add [a little].*"

(IM2222, Ibn Maja, al-Tijarat, 34)



According to Jabir b. 'Abd Allah (ra), the Messenger of Allah (saw) said, "*May Allah's mercy be on him who is liberal in his buying, selling, and demanding [what he is owed].*"

(B2076, al-Bukhari, al-Buyu', 16)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, "*...he who is dishonest towards us is not one of us.*"

(M283, Muslim, al-Iman, 164)





**Q**ayla, known as Umm Bani Anmar, was an elderly woman who engaged in trade and was a member of the Companions (ra). She wanted to know if a method that she followed while doing business was correct. So she decided to ask Allah’s Messenger about this matter. Taking her cane in her hand, she went to see the Prophet (saw). She saw him while he was ceremoniously running during the ‘Umra (minor pilgrimage) [between Safa and Marwa]. She approached him around the hill of Marwa and said, “O Messenger of Allah! I am a woman who buys and sells. When I want to buy something, I state a price less than I want to pay. Then I raise it gradually until it reaches the price I want to pay. And when I want to sell something, I state a price more than I want. Then I lower it until it reaches the price I want. [What do you say?]” The Messenger of Allah answered, saying, “O Qayla! Do not do that. When you want to buy something, state the price you want, whether it is given or not.” Then he said, “And when you want to sell something, state the price you want, whether it is given or not [by the buyer].”<sup>1</sup>

With these words that Allah’s Messenger expressed concerning honesty in commerce and forthrightness in bargaining, he established the principles that were to be frequently applied in business. Because, no matter what the situation, conditions or manner in which business is conducted, commercial ethics are necessary. When dealing with one’s opposite party, one should avoid ruses of all kinds, tell the truth, and behave honestly.

Since very early times, men have used many different forms of business in order to share with each other the materials they needed. While making exchanges in kind was very common for doing business in ancient times, over the centuries precious metals and coins came into use; and then valuable paper gained currency.

Throughout history men have been interested in trade and have conducted business by the means that they have developed. Because of its cen-

<sup>1</sup>IM2204, Ibn Maja, al-Tijarat, 29.



tral location in the Arabian Peninsula, fairs were held in Mecca at various times and it had a lively commercial life. Trade was therefore an important source of livelihood for many people who lived in that region. Even our Master the Prophet (saw) led an active and successful life as a merchant before being given the task of Allah's messenger. He sold the goods of Khadija (his first wife) in Damascus and sold the goods that he brought from there in Mecca.<sup>2</sup>

After our Prophet began his mission as Allah's messenger, he continued to do business himself for his personal needs.<sup>3</sup> In response to the surprise of the Meccan polytheists that Allah's Messenger would conduct business like one of them,<sup>4</sup> Allah the Exalted stated that His emissary who was selected from among the people would trade like them and go about the market in a completely normal human manner.<sup>5</sup>

*"You who believe, do not wrongfully consume each other's wealth but trade by mutual consent."*<sup>6</sup> With this decree, Allah the Exalted stated that man should be able to exchange goods that were needed in order to maintain life only by exemplary commercial means and not by bullying and corruption. It was for this reason that Allah's Messenger encouraged his Companions (ra) to be productive and work.<sup>7</sup> For, by this means, they would receive income, go to the market to obtain what they needed, and not be a burden on anyone.

The Companions (ra) continued to carry out trade with this understanding. Thus it was that the merchant 'Abd al-Rahman b. 'Awf, who was one of the Companions (ra) who migrated from Mecca to Medina, did not accept their offer of help. Saying, "Is there a market where trade is conducted?" he began to trade in the very first days of the emigration.<sup>8</sup> Talha b. 'Ubayd Allah also continued his commercial activities in Medina and before long went to the area of Damascus for that purpose.<sup>9</sup>

The following incident, related by Ibn 'Abbas (ra), is worthy of note with respect to describing the importance given to commercial life at the time of our Prophet:<sup>10</sup> "During the period before Islam, famous fairs were held at 'Ukaz, Majanna, and Dhu 'l-Majaz. With the appearance of Islam, some people considered it a sin to conduct trade at these fairs (because they were held during the Hajj season). Allah (swt) then revealed the verse, '... (during the Hajj season) it is no offence to seek some bounty from your Lord.'" <sup>11</sup> Therefore Allah the Exalted stated that during the Hajj season when they

<sup>2</sup> HS2/5, Ibn Hisham, *Sirat*, II, 6; ST1/129, Ibn Sa'd, *Tabaqat*, I, 129.

<sup>3</sup> B2096, al-Bukhari, al-Buyu', 33.

<sup>4</sup> Al-Furqan, 25:7.

<sup>5</sup> Al-Furqan, 25:20.

<sup>6</sup> Al-Nisa', 4:29.

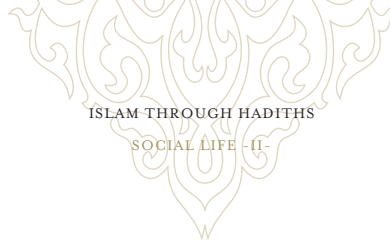
<sup>7</sup> B2074, al-Bukhari, al-Buyu', 15; B2075, al-Bukhari, al-Buyu', 15.

<sup>8</sup> B2048, al-Bukhari, al-Buyu', 1.

<sup>9</sup> AS17883, al-Bayhaqi, *Ma'rifat al-sunan*, XIII, 164.

<sup>10</sup> B2098, al-Bukhari, al-Buyu', 35.

<sup>11</sup> Al-Baqara, 2:198.



carried out various acts of worship people would also be able to conduct trade and secure sustenance.

Umm Salama, one of the wives of our Master, stated the following: “One year before the death of our Master the Prophet (saw), Abu Bakr went to Busra with Nu‘ayman and Suwaybit b. Harmala. (Busra, an ancient city, was an important commercial center at that time and is today located in Syria ten km from the Jordanian border.) This came about because they were very eager to make a profit from trade and because they loved doing business. Furthermore, Allah’s Messenger, although he loved Abu Bakr (ra) [and did not want him to leave] and trembled [at the thought of his departure], did not prevent him from setting out on this commercial journey. Abu Bakr would have been very pleased to remain with the Prophet (saw), but he [set out on this journey] because Allah’s Messenger welcomed trade and because of his love [for him].”<sup>12</sup>

The esteemed friends of our beloved Prophet carried out commercial journeys to the four corners of the earth by land and sea.<sup>13</sup> In this way they obtained sustenance for themselves and also took Islam to the regions that they visited. At the same time, the forthright commercial life that they exhibited ensured that Islam would be recognized in these places. As a result, this played a role in facilitating the spread of the Islamic faith to other countries in a short time.

Still, in order for commercial activity, being an aspect of social life that could not be abandoned, to be conducted in an appropriate manner, certain legal and ethical rules needed to become common. Moreover, these rules should not interrupt the life to which the people were accustomed and which they knew and experienced. To the contrary, they should have the quality of improving their life and making it productive and meaningful.

While describing His truths to people, Allah (swt) used the concepts that they used in daily life. Because trading was to some extent a common activity of all people, we can see that commercial language was used in the Holy Qur’an and in matters stressed by Allah’s Messenger. In the following verses, Allah the Exalted explains that everything people do is, in fact, a kind of trade: “*You who believe, shall I show you a bargain that will save you from painful torment?*”<sup>14</sup> “*Allah has purchased the persons and possessions of the believers in return for the Garden.*”<sup>15</sup> “*Those who recite Allah’s scripture, keep up*

<sup>12</sup> MK20193, al-Tabarani, *al-Mu‘jam al-kabir*, XXIII, 300;

MK20218, al-Tabarani, *al-Mu‘jam al-kabir*, XXIII, 309.

<sup>13</sup> ME3317, al-Tabarani, *al-Mu‘jam al-awsat*, III, 331-32;

ShZ4/313, *Sharh al-Zurqani ‘ala Muwatta’*, IV, 313.

<sup>14</sup> Al-Saff, 61:10.

<sup>15</sup> Al-Tawba, 9:111.



the prayer, give secretly and openly from what We have provided for them, may hope for a trade that will never decline.”<sup>16</sup> “They have bought error in exchange for guidance, so their trade reaps no profit, and they are not rightly guided.”<sup>17</sup> In the following *ḥadīths*, our Master also described, in the same manner, the life of believers in commercial terms: “Cleanliness is half the faith. [Saying] ‘Praise be to Allah’ fills the scale.”<sup>18</sup> “All men go out early in the morning and sell themselves thereby setting themselves free or destroying themselves.”<sup>19</sup> According to this, worldly life is like a great market place and the deeds of people are their stock in trade. On the Day of Judgement, the deeds that accumulated as a result of doing business will be weighed. Those who made a profit (that is, did good) will be saved and those who suffered losses (that is, did harm) will be punished.

Therefore because trade is mentioned or referenced to such an extent and is one of the most important occupations of human life, it is very important that it be ethical, be carried out according to certain standards and rules, and that these principles be adopted and assimilated.

Among the parties conducting trade, conscientious responsibility, because of the primary role that it plays, determines the ethical principles at the basis of the legal rules. The most fundamental requirement of commercial ethics is to be sure that the profit was religiously lawful. It is expected that every Muslim, who believes he will be held accountable in the next world for what he did in the present world is expected to take pains not to add what is religiously forbidden to his profit. For example, it is not religiously permissible for a Muslim to buy and sell things that Allah (swt) the Exalted has made forbidden, like alcoholic beverages and pork.<sup>20</sup> In addition, it is a requirement of religious, ethical, and social responsibility for Muslim merchants to avoid commercial improprieties which cause harm, such as charging interest, gambling, avoiding taxes, provoking customers, and hoarding to corner the market. ‘Umar (ra) considered these matters so important that he said, “No one should sell in our market unless he has a canonical understanding of religious matters.”<sup>21</sup> Thus he emphasized that trading was a serious business that required responsibility. Allah’s Messenger encouraged his Companions (ra) to trade and earn a profit but he also cautioned them to avoid being greedy and covetous. At one time he said, “*This property is like a sweet fresh fruit; whoever takes it without greediness, he is blessed in it, and whoever takes it with greediness, he is not blessed in*

<sup>16</sup> Al-Fatir, 35:29.

<sup>17</sup> Al-Baqara, 2:16.

<sup>18</sup> M534, Muslim, al-Tahara,

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<sup>19</sup> M534, Muslim, al-Tahara,

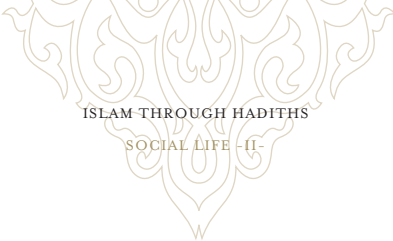
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<sup>20</sup> M4048, Muslim, al-

Musaqat, 71.

<sup>21</sup> T487, al-Tirmidhi, al-Witr,

21.



it, and he is like a person who eats but is never satisfied; and the upper (giving) hand is better than the lower (receiving) hand.”<sup>22</sup> In this way he forbade people to hanker after worldly goods and he recommended that while enjoying the blessings of this world, they should, as in every other matter, do so in measured fashion. The Companions (ra) who lived under the instruction of Allah’s Messenger conducted trade on this understanding. Al-Zubayr b. al-’Awwam was one of the Companions (ra) who became a Muslim at a very young age and participated in many military expeditions, such as the ones to Uhud and Badr.<sup>23</sup> Allah’s Messenger loved him very much and said of him, “My disciple is al-Zubayr b. al-’Awwam.”<sup>24</sup> He was a rich Companion who profited well from trade. One day his friends asked him, “O al-Zubayr! How did you earn so much wealth?” He replied, “I do business while no one’s eyes are on my property. Furthermore, I do not trade only for profit. Allah bestows his blessings.”<sup>25</sup>

Rectitude and honesty are the most basic requirements in trade and are of the utmost importance in each phase of trade. There are many verses in the Holy Qur’an and *hadiths* which advise rectitude while doing business. Allah the Exalted decreed, “Do not eat up your property wrongfully, nor use it to bribe judges, intending sinfully and knowingly to eat up parts of other people’s property.”<sup>26</sup> He thus ordered that trade be conducted openly, with no harm being done to any of the parties in the transaction and without usurping the rights of anyone.

Allah’s Messenger said, “Both parties in a business transaction are free [to annul it] so long as they are not separated; and if they tell the truth and make everything clear, they will be blessed in their transaction, but if they conceal anything and lie, the blessing on their transaction will be effaced.”<sup>27</sup> In this way he expressed his principles in this matter. If these principles were observed, markets and bazaars would be the best places to ensure one’s sustenance. On the other hand, they were not the places most favored by Allah (swt).<sup>28</sup>

Being dishonest and hiding defects in goods during commercial transactions does not bring blessing to business and is why the seller earns forbidden profit. In this sense our beloved Prophet said, “The Muslim is the brother of another Muslim, and it is not permissible for a Muslim to sell his brother goods in which there is a defect, without pointing that out to him.”<sup>29</sup> As for the forbidden profit, it would not be limited to the place of commerce but it would also affect one’s whole life and even be an obstacle to having

<sup>22</sup> B1472, al-Bukhari, al-Zakat, 50.

<sup>23</sup> EU2/308, Ibn al-Athir, *Usd al-ghaba*, II, 308-09.

<sup>24</sup> T3744, al-Tirmidhi, al-Manaqib, 23.

<sup>25</sup> IBS263, Ibn ‘Abd al-Barr, *al-Isti’ab*, 263.

<sup>26</sup> Al-Baqara, 2:188.

<sup>27</sup> D3459, Abu Da’ud, al-Buyu’, 51.

<sup>28</sup> M1528, Muslim, al-Masajid, 288.

<sup>29</sup> IM 2246, Ibn Maja, al-Tijarat, 48.





his prayers accepted. Indeed, Allah's Messenger spoke of a man who had made long journeys, whose head was covered with dust and whose hair was disheveled and who raised his hands to the sky and beseeched and implored Allah saying, "O, Lord! O, Lord!" Then the Prophet (saw) said, "*But his food is unlawful, his drink is unlawful, his clothes are unlawful and his nourishment is unlawful, how can, then his prayer be accepted?*"<sup>30</sup> In other words, such profits were the cause of Allah's dissatisfaction. With these words laden with threat he strongly warned sellers about their behavior, "*Whoever sells defective goods without pointing it out, he will remain subject to the wrath of Allah, and the angels will continue to curse him.*"<sup>31</sup>

In like manner, Allah's Messenger said, "*The truthful and trustworthy merchant is with the prophets, the truthful, and the martyrs [on the Day of Judgement].*"<sup>32</sup> And, "*Except for those who take refuge in Allah and are righteous and honest, the merchants will be raised on the Day of Judgement as profligates.*"<sup>33</sup> Thus he indicated that merchants who are honest will receive their reward in the presence of Allah (swt).

Hiding the defects in goods for sale and, for this purpose, controlling the goods until they are sold by distracting the customer may initially result in a profit. However, even if the goods were obtained by lawful means, there is no difference between such a profit and unlawful profits such as those obtained by theft and improprieties. Our beloved Prophet, who took care to avoid a morsel that was religiously forbidden, like avoiding the fire, warned the sellers in the market place about this and thus reminds us of this requirement. According to Abu Hurayra (ra), one day while strolling around the market, our beloved Prophet came upon a pile of grain. In order to check it, he thrust his hand into the grain and his fingers felt wetness. He then addressed its owner, saying, "*What is this?*" He tried to explain the situation by replying, "O, Messenger of Allah! My goods got wet in the rain." But the merciful Prophet was not satisfied with this explanation and warned him, saying, "*Why did you not place this (the wet part of the heap) on top of the grain so that people could see it?*" Afterwards, he added, "*He who deceives is not one of us.*"<sup>34</sup>

While doing business, swearing oaths in order to convince the buyer or seller to do something contrary to their own desire is behavior that can encourage to the use of ruses and falsehoods. Therefore, while doing business, it is important to avoid swearing unnecessary oaths, even if

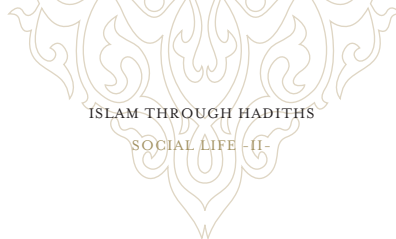
<sup>30</sup> M2346, Muslim, al-Zakat, 65; T2989, al-Tirmidhi, Tafsir al-Qur'an, 2.

<sup>31</sup> IM2247, Ibn Maja, al-Tijarat, 45.

<sup>32</sup> T1209, al-Tirmidhi, al-Buyu', 4.

<sup>33</sup> T1210, al-Tirmidhi, al-Buyu', 4; IM2146, Ibn Maja, al-Tijarat, 3.

<sup>34</sup> M284, Muslim, al-Iman, 164.



it is sometimes necessary. Consequently, our beloved Prophet's warning, *"Beware of swearing oaths when selling, for it may help you to make a sale but it effaces the blessing,"*<sup>35</sup> should always be kept in mind. An oath which is sworn while selling goods, if it is a lie not only effaces the blessing of the profit but also leads to a state of religious unlawfulness. The fact that Allah's Messenger considered those who bargain with false oaths over their goods to be from among the three groups of people with whom Allah will not speak on the Day of Judgement<sup>36</sup> is an important declaration showing that their action is religiously forbidden.

Weights and measures are another matter in which one must be careful in commerce. In order to show how important commercial ethics are in social life, Allah on High describes in the Noble Qur'an what befell the people of Midian to whom the prophet Su'ayb was sent. In these verses, it is explained that the people of Midian were destroyed by the Creator on High because of their behavior, that is, they did not worship Allah (swt); they earned unlawful profits by acting unfairly with weights and measures, and caused confusion by spreading corruption throughout the land.<sup>37</sup> The people of Midian, who experienced a sorrowful fate for all of these reasons,<sup>38</sup> will serve as a lesson, until the Day of Judgement, for those who ignore proper behavior in commerce. A society which does not believe in Allah, which causes corruption by deviating from honesty in commerce, and which spreads confusion, may not be destroyed like the people of Midian, but a society in which injustice and improprieties are widespread will become weak in every respect and cannot be saved from dissolution because it will lose the dynamics which keep it stable.

In order for his community to avoid the same fate, our Prophet, who was at pains to present to his Companions (ra) the explications in the Sublime Book which was revealed to him, made frequent warnings in which the example of honesty is given. Addressing merchants in this respect, he said, *"Indeed you have been entrusted with two matters (weights and measures) for which nations preceding you in the past were destroyed."*<sup>39</sup> In this way, he pointed out the need for them to behave honestly and exercise full responsibility while using instruments of weight and measure.

According to a statement by one of the Companions, 'Abd Allah b. 'Abbas (ra), when the Prophet (saw) came to Medina he noticed that the people of Medina exhibited false behavior with respect to weights and

<sup>35</sup> IM2209, Ibn Maja, al-Tijarat, 30.

<sup>36</sup> M293, Muslim, al-Iman, 171.

<sup>37</sup> Hud, 11:84-85.

<sup>38</sup> Hud, 11:94-95.

<sup>39</sup> T1217, al-Tirmidhi, al-Buyu', 9.



measures. Only after Allah the Exalted revealed the following verses did the people of Medina begin to be more careful with their measures:<sup>40</sup> *“Woe to those who give short measure, who demand of other people full measure for themselves, but when it is they who weigh measure for others give less than they should. Do these people not realize that they will be raised up on a mighty Day, a Day when everyone will stand before the Lord of the Worlds?”*<sup>41</sup> The Prophet (saw) went on to encourage them to trade and prayed, *“O Allah! Bless their measures. Bless their sa’ and mudd (standards of measure).”*<sup>42</sup>

Honest behavior in using weights and measures is an important ethical virtue which brings order to the commercial life of society and, at the same time, it is an important rule for the development of commerce because it ensures an environment of trust. Indeed, by saying, *“Measure your provisions. May you be blessed therein,”*<sup>43</sup> Allah’s Messenger drew attention to the fact that by being careful with weights and measures in commerce the profit would be blessed, that is, it would increase. And by his advice, *“When you weigh, allow more,”*<sup>44</sup> our beloved Prophet shows that, because the scales were not very accurate at that time, it would be better, with respect to standard practice and ethics, to sacrifice a bit of one’s own share rather than give someone short measure. While giving this advice, Allah’s Messenger did not hesitate to do this himself. He mentions that while doing business he would, while what he was going to give was being weighed, give a little extra to the one doing the weighing.<sup>45</sup>

The primary goal in trade, which is the most important means of obtaining property and wealth, is that the parties in the business being conducted should be satisfied. The advice of Allah’s Messenger, *“The two (parties) should not depart from the sale until they have reached an agreement,”*<sup>46</sup> expresses this requirement. Each party will do his part to make sure this is done. They buyer will pay the price of the goods all at once or he will contract to pay it over time. The seller will show the same care in ensuring the quality and lack of defect in the goods that he will sell. The merciful Prophet once prayed, saying, *“May Allah’s mercy be on him who is liberal in his buying, selling, and demanding back his money.”*<sup>47</sup> This shows how liberality and understanding will bring peace and happiness in commercial life. Indeed in this matter Allah’s Messenger gives us a vivid example of his aforesaid prayer when he said, *“Allah forgave a man who came before you. He was liberal when selling, liberal when buying, and liberal when demanding repayment.”*<sup>48</sup>

<sup>40</sup> IM2223, Ibn Maja, al-Tijarat, 35.

<sup>41</sup> Al-Mutaffifin, 83:1-6.

<sup>42</sup> B2130, al-Bukhari, al-Buyu’, 53.

<sup>43</sup> IM2231, Ibn Maja, al-Tijarat, 39.

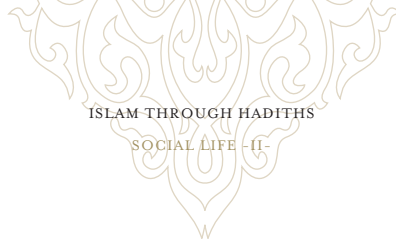
<sup>44</sup> IM2222, Ibn Maja, al-Tijarat, 34.

<sup>45</sup> N4596, al-Nasa’i, al-Buyu’, 54.

<sup>46</sup> T1248, al-Tirmidhi, al-Buyu’, 27.

<sup>47</sup> B2076, al-Bukhari, al-Buyu’, 16.

<sup>48</sup> T1320, al-Tirmidhi, al-Buyu’, 75.



One meaning of our beloved Prophet's words, "*For every umma there is a trial (fitna) and the trial for my umma is wealth,*"<sup>49</sup> is that those who engage in trade will be greatly tested in particular and that they need to be aware of what is religiously permitted and forbidden. The prophetic concern, expressed in the manner "*Will a time come when one pays no attention to whether he earned income by religiously permitted or forbidden means?*"<sup>50</sup> should be taken to heart by all Muslim merchants. The rule of the most noble of prophets, "*...the one who cheats us is not one of us*"<sup>51</sup> should be kept in mind in every step of commercial life. On the other hand, if the illness of earning a profit by cheating others comes to dominate commercial life, this will lead merchants to unfortunate results in this world and the next.

<sup>49</sup> T2336, al-Tirmidhi, al-Zuhd, 26.

<sup>50</sup> DM2564, al-Darimi, al-Buyu', 5.

<sup>51</sup> M283, Muslim, al-Iman, 164.





## HALAL EARNINGS LABOR, EYE-STRAINING WORK, TOIL



عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”إِنَّ أَطْيَبَ مَا أَكَلَ الرَّجُلُ مِنْ كَسْبِهِ وَإِنَّ وَلَدَهُ مِنْ كَسْبِهِ.“

According to ‘A’isha (ra), the Messenger of Allah (saw) said,  
“The best food that a man eats is that which he has earned himself.  
And his child is part of his earnings.”

(N4457, al-Nasa’i, al-Buyu’, 1)



عَنْ عَلِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”اللَّهُمَّ بَارِكْ لِأُمَّتِي فِي بُكُورِهَا.“



عَنِ الزُّبَيْرِ بْنِ الْعَوَّامِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
”لَأَنْ يَأْخُذَ أَحَدُكُمْ حَبْلَهُ، فَيَأْتِيَ بِحُزْمَةِ الْحَطَبِ عَلَى ظَهْرِهِ فَيَبِيعَهَا، فَيَكُفَّ اللَّهُ  
بِهَا وَجْهَهُ، خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ النَّاسَ، أَعْطَوْهُ أَوْ مَنَعُوهُ.“



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”كَفَى بِالْمَرْءِ إِثْمًا أَنْ يُضَيِّعَ مَنْ يَقُوتُ.“



عَنِ الْمُقَدَّامِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَا أَكَلَ أَحَدٌ طَعَامًا قَطُّ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلِ يَدِهِ، وَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ  
عَلَيْهِ السَّلَامُ كَانَ يَأْكُلُ مِنْ عَمَلِ يَدِهِ.“



According to ‘Ali (ra), the Messenger of Allah (saw) said,  
“O My Allah! Bless the early hours [of the day] for my umma!”

(HM1320, Ibn Hanbal, I, 153)



According to al-Zubayr b. al-‘Awwam (ra), the Prophet (saw) said,  
“It is better for one of you to take a rope and bring a bundle of wood on his back to sell, and as a result Allah will esteem him, than to ask for something from people who may or may not give it.”

(B1471, al-Bukhari, al-Zakat, 50)



According to ‘Abd Allah b. ‘Amr (ra), the Messenger of Allah (saw) said,  
“It is enough sin for one to neglect those whom he should maintain.”

(D1692, Abu Da‘ud, al-Zakat, 45)



According to al-Miqdam (ra), the Prophet (saw) said,  
“No one has ever eaten a better meal than that [which he has earned] by manual labor. The Prophet of Allah, David, used to eat from [the earnings] of his manual labor.”

(B2072, al-Bukhari, al-Buyu‘, 15)







**A**s Anas b. Malik (ra) explained, one of the Companions (ra) from Medina came to the Prophet (saw) a number of times to express his needs and each time he received presents from the generous Prophet without giving anything in return and returned home. One day when he again came wanting something, Allah's Messenger asked him, "*Do you have nothing at home?*" He complained, saying, "No. In my home there is only a piece of cloth. We use part of it for clothing and the other part we spread out under us in the house. We also have a wooden cup for drinking water." At this the beloved Messenger said, "*Bring them to me!*" and sent him home.

The Companion immediately went home and brought back the things that he had mentioned. The Messenger of Allah took in his hands the things that he had brought and asked those who were there, "*Who would like to buy these things?*" One of those assembled there stepped forward and said, "I will buy them for a dirham."

Allah's Messenger then asked two or three times, "*Who will give more than a dirham?*" Afterwards, another Companion made an offer, saying, "I will give two dirhams."

The Prophet (saw) then gave the things that the man had brought to the one who wanted to buy them for two dirhams. He also gave the man the two dirhams that he had earned from doing business and said, "*Buy something to eat with one of these dirhams and take it to your family. Buy an adze with the other dirham and come to me.*"

When the Companion brought the adze, Allah's Messenger affixed a handle to it with his own hands and handed it to him and gave him an order, saying, "*Go and gather wood with this and sell it. Don't let me see you for fifteen days.*"

Upon this order from Allah's Messenger, the Companion from Medina immediately departed and set to work. For days he collected wood and



sold it. After fifteen days he had suddenly accumulated ten dirhams. With some of the money that he had earned in the market he bought clothes and with the rest he bought food for his family. The Messenger of Allah, who saw this Companion (ra), who fifteen days earlier had come to him in need and didn't know how to support his family, successfully early money for food, gave him this note-worthy advice, *“This for you (who was able to support himself without the need for others by working) is better than appearing with the spot of the beggar on your face on the Day of Judgement.”*<sup>1</sup>

This *ḥadīth*, which we hear from the mouth of Anas (ra), who had reached a privileged position, being among the closest to the Prophet (saw), is only one of the pleasant memories which bedecked his happy age. At the same time it is a matchless lesson of life inspired by divine source. It is a note-worthy lesson with which we are familiar in the saying, “Don't give a man a fish, teach him to fish!”

Life requires a struggle in order to ensure one has a livelihood. Although Allah is the one who provides the sustenance, the task of working and struggling to obtain it falls to mankind. In our religion, there is no withdrawing into isolation, living the life of a recluse, or abandoning the work and the world. In short there is no monasticism even in the name of earning one's way to the next world.<sup>2</sup> According to Islam, labor, earning money by religiously permissible means, and toil are blessed. The position of the Muslim is, on one hand, to earn his way through the present world and, on the other, to prepare for the next. Therefore Muslims should work ceaselessly and tirelessly in order to be able to reach happiness in the two worlds regardless of the distinction between this world and the next. For, as our Lord on High has stated, *“that man will have only what he has worked towards; and that his labor will be seen.”*<sup>3</sup>

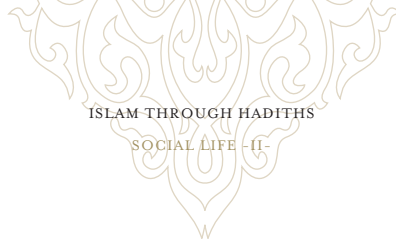
In traditional times, Muslims used to begin working life with the fajr prayer which is the day's most blessed frame of time. While dawn was breaking, the believer would take refuge in Allah (swt) with prayers and supplications to ensure his prosperity and sustenance. The believer who began the day early with a love of worship would set out, with the same love, to earn a profit by permissible means and secure his livelihood by the sweat of his brow. The following *ḥadīth* of Allah's Messenger was not forgotten: *“The best food that a man eats is that which he has earned himself. And his child is part of his earnings.”*<sup>4</sup> The merciful Prophet endeavored to

<sup>1</sup> D1641, Abu Da'ud, al-Zakat, 26; IM2198, Ibn Maja, al-Tijarat, 25.

<sup>2</sup> DM2200, al-Darimi, al-Nikah, 3.

<sup>3</sup> Al-Najm, 53:39-40.

<sup>4</sup> N4457, al-Nasa'i, al-Buyu', 1.



distinguish this in his prayer, “My Allah! Bless the early times (of the day) for my umma.”<sup>5</sup>

Taking this to heart, the one who works in the fields, opens a shop, or becomes an expert weaver will definitely be distinguished by his appetite for work. The Muslim who both saves time and takes advantage of the blessing of dawn will therefore profit not only materially but also morally. He is successful in this world because the one who works earns. If someone acknowledges his work, he will sooner or later reach his expectations in this world. If his labor and toil have been united, and if he strives to earn a living by permissible means, he will also secure his place in the next world. Because ensuring the sustenance of one’s family and not making them depend on others is, at the same time, a religious requirement.<sup>6</sup> By fulfilling this duty one will be rewarded in the next world.

Allah’s Messenger has also given advice in this respect. He said the following: “It is better for one of you to take a rope and bring a bundle of wood on his back to sell, and as a result Allah will esteem him, than to ask for something from people who may or may not give it.”<sup>7</sup>

The poet of Turkish Independence, Mehmet Akif, who was a firm believer in the next world and led his life in accordance with this, fashioned this requirement into beautiful lines:

“He who believes in the eternal union with Allah knows that this is a strenuous task

Work! Work! Only with effort, this eternal union will be achieved”

The life of an individual who is content with the sweat of his brow, who produces value from the work that he does, and who, by this means, secures benefit to himself, his family, and the economy of his country is meaningful and valuable. Furthermore, another benefit which makes this goal of man even more meaningful is that it is one of Allah on High’s promises intended for people who work and exert themselves. “Their Lord answered them: ‘I will not allow the deeds of any one of you to be lost, whether you are male or female...’”<sup>8</sup> Our beloved Prophet said, “It is sin enough for one to neglect those whom he should maintain.”<sup>9</sup> And his saying that the money that a person spends on his own family will be accepted [by Allah] as [a form of] charity is a wonderful promise.<sup>10</sup> In a word, Allah’s Messenger declared, “No one has ever eaten a better meal than that [which he has earned] by manual labor. The Prophet of Allah, David, used to eat from [the earnings] of his manual labor.”<sup>11</sup>

<sup>5</sup> HM1320, Ibn Hanbal, I, 153.

<sup>6</sup> Al-Baqara, 2:233; al-Nisa’, 4:34; B1295, al-Bukhari, al-Jana’iz, 36.

<sup>7</sup> B1471, al-Bukhari, al-Zakat, 50.

<sup>8</sup> Al ‘Imran, 3:195.

<sup>9</sup> D1692, Abu Da’ud, al-Zakat, 45.

<sup>10</sup> B4006, al-Bukhari, al-Maghazi, 12; T1965, al-Tirmidhi, al-Birr, 42.

<sup>11</sup> B2072, al-Bukhari, al-Buyu’, 15.



Our religion, which gives such value to working and to man's labor, has never welcomed laziness, because laziness is the greatest obstacle facing one who works. It blunts one's determination to work. It makes him poor and prevents him from being successful. Our beloved Prophet, who encouraged his Companions (ra) to work and earn a living by permissible means, sought refuge in Allah (swt) from laziness probably because its harm was incalculable.<sup>12</sup>

The other prophets, who were each chosen by Allah (swt) as exemplars or teachers, also worked and stressed that being productive had material and moral value. However, given their positions and unique personalities, they did not do this merely for the rewards that they would receive [from Allah in the next world]. They acquired a livelihood in order to both express their thanks to Allah (swt), who had given them their missions, and be able to live in a dignified manner by fulfilling their obligations to their families

Each one of the prophets had a profession according to the conditions and opportunities of the country in which he lived. The best exemplars of those who provided for their sustenance without being a burden on anyone were Idris, who was a tailor, Noah and Zachariah, who were carpenters, Abraham, Hud and Salih, who were merchants, and Jacob, who was a farmer. David, who did not approve of earning a livelihood from the state that he made his kingdom, was a master blacksmith who kneaded iron like dough and earned his living by making armor.<sup>13</sup> Although he was a ruler, he ate only from his own labor.<sup>14</sup>

In addition there were prophets like Moses<sup>15</sup> and Muhammad (saw) who herded flocks. In fact every prophet at a certain time in his life worked with animals and was a shepherd. Indeed, one day when our beloved Prophet said, "*Every prophet whom Allah has sent has watched over sheep,*" his friends who were with him asked, "You too?" Allah's Messenger replied, "*In return for a certain wage (qarārīṭ), I watched over the sheep of the Mccans.*"<sup>16</sup> This statement of the auspicious Messenger, who was also occupied with trade in his youth, is meant to emphasize that one could hardly guess that even prophets were simple and humble people. Their most important attributes, which ensured that they would be able to be successful in all the work that they did, above all to provide a livelihood for their families, were industriousness, not begging from anyone, not humiliating them-

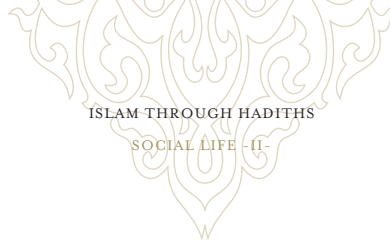
<sup>12</sup> M6909, Muslim, al-Dhikr, 76.

<sup>13</sup> Al-Anbiya', 21:80.

<sup>14</sup> B2073, al-Bukhari, al-Buyu', 15.

<sup>15</sup> Ta Ha, 20:18.

<sup>16</sup> B2262, al-Bukhari, al-Ijara, 2.



selves, being patient in the face of difficulties and suffering, and having the wisdom to be able to manage people.

The diversity of the professions of the prophets shows that the paths that persons and societies follow to earn a living are different depending on their needs and opportunities. Furthermore, the fact that these ways of earning an income were lawful is extremely important. Therefore, every means of wrongful gain, such as that from theft,<sup>17</sup> usurpation,<sup>18</sup> gambling,<sup>19</sup> bribery,<sup>20</sup> usury,<sup>21</sup> black marketing,<sup>22</sup> and devious business practices,<sup>23</sup> which are the cause of injustice among people and which cause damage to the fundamental values of society, are forbidden. Great importance is given to acquiring goods and property by religiously permissible means.

Behaviors suitable to believers are to work hard, to toil, and to be productive. With the verse, *“To whoever, male or female, who does good deeds and has faith, We shall give a good life and reward them according to the best of their actions,”*<sup>24</sup> Allah declared that those who make an effort will be rewarded in this world and the next. In addition, trying to do the best job possible, no matter what it is, by mobilizing all of one’s abilities, and rolling up one’s sleeves to redouble one’s effort by not being content with the success that has been achieved are also attributes of a way of life suitable for believers.

Contentedness, which is contrary to ambition and greed, is different from this. Working and earning in proportion to the effort needed to make a permissible income is also different from this, as is spending this income in Allah’s way. An approach in the manner of “I have secured my sustenance. This suffices for me. I need not go to extreme,” should not be used by believers who should adopt the principle of working continuously and who are expected to understand the meaning of “He for whom two days are the same has been deceived.” The divine command, *“Seek the life to come by means of what Allah has granted to you, but do not neglect your rightful share in this world,”*<sup>25</sup> requires us to deal with both the next world and gaining a livelihood in this world and keeping this in balance.

The Prophet (saw), who, with this concept, showed his community the way, explains that all the labor which is done while taking care to please Allah is valuable. The following dialogue which took place between the Messenger of Allah (saw) and his Companions (ra) informs us about how our master valued working: One day while our master the Prophet (saw) was sitting with his Companions (ra), they saw a strong and imposing

<sup>17</sup> Al-Ma’ida, 5:38.

<sup>18</sup> B2452, al-Bukhari, al-Mazalim, 13.

<sup>19</sup> Al-Ma’ida, 5:90.

<sup>20</sup> D3580, Abu Da’ud, al-Qada’, (al-Aqdiyya), 4.

<sup>21</sup> Al-Baqara, 2:275.

<sup>22</sup> M4123, Muslim, al-Musaqat, 130.

<sup>23</sup> M284, Muslim, al-Iman, 164.

<sup>24</sup> Al-Nahl, 16:97.

<sup>25</sup> Al-Qasas, 28:77.



man pass by. Some of those Companions (ra) who were sitting expressed a hope, saying, “O Messenger of Allah! Would that the strength of this man be used on the path of Allah (fi sabilillah).” Allah’s Messenger then said, “*If this man were to work for the livelihood of his children, he would be on the path of Allah (fi sabilillah). If he were to work to see to the needs of his aged parents, this too would be a service on the path of Allah (fi sabilillah). If he were to work for his own dignity and virtue, this would also be on the path of Allah (fi sabilillah). But if he were set to work for hypocritical reasons and ostentation, then he would be on the path of Satan.*”<sup>26</sup> Thus, by stating in this way that all efforts aimed at helping him and his circle were appropriate for pleasing Allah (swt), our beloved Prophet encouraged the believers to do every kind of lawful work.

To accumulate possessions and acquire property, no matter what the need of a person, is, in fact, behavior suitable to the nature of one who is addicted to worldly goods. It is certainly hoped that accumulated wealth will be used for charity, but the ultimate goal is to direct the owner of this wealth to please Allah. By stating, “*The one who looks after a widow or a poor person is like a fighter for Allah’s cause, or the one who performs prayers all night and fasts all day,*”<sup>27</sup> our master the Prophet (saw) explained how acceptable it would be before Allah (swt) if possessions and property were used in a meaningful way. On the other hand, the auspicious Messenger also made the following noteworthy statement that for people there is no limit to accumulating capital through the love of possessions, addiction to wealth, and desire for property and that avaricious people will never be satisfied: “*If a man had wealth equal to a valley, then he would not be satisfied until he had another the like of it, because nothing but dust can fill the eye of a man. Allah is merciful to the one who repents.*”<sup>28</sup>

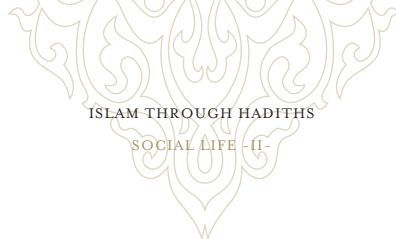
Our beloved Prophet did not neglect to warn his Companions of this weakness which derived from human nature. For example, his advice to Hakim b. Hizam (ra), who took the share of booty that fell to him after a battle but then came back several times for more, is a good lesson for us. He said, “*O Hakim! This property is like a sweet fruit. Whoever takes it with self-control is blessed in it, and whoever takes it without self-control is not blessed in it. He is like a person who eats but is never satisfied; and the upper (giving) hand is better than the lower (receiving) hand.*”<sup>29</sup> According to what is understood from this *hadith*, the point that Allah’s Messenger made was that one should not avoid worldly goods but one should see and appreciate them

<sup>26</sup> ME6835, al-Tabarani, *al-Mu’jam al-awsat*, VII, 56.

<sup>27</sup> B5353, al-Bukhari, *al-Nafaqat*, 1.

<sup>28</sup> B6437, al-Bukhari, *al-Riqaq*, 10.

<sup>29</sup> B1472, al-Bukhari, *al-Zakat*, 50.



as a temporary attraction in this world. Not surrendering to accumulated wealth but, to the contrary, accepting responsibility for it and spending it where needed are to make sacrifices pleasing to Allah (swt) and are a means of doing good work.

Thinking that working to ensure a livelihood was an obligatory pious act does not mean that one can give up other pious acts, for this would not be proper behavior. Pious acts are the way to express thanks to Allah on High, who created man and granted him many favors. Man was created in the most beautiful form and everything in the universe was placed in his service. Therefore, the believer should always be thankful to Allah and be grateful to his Lord who has given him all of these benefits. As for working to ensure a livelihood for one's family being an act of piety, this is in a different category. Every kind of lawful business that we do in order to earn a living by permissible means pleases Allah (swt) and is included in the concept of "worship/piety" in the widest sense. This state should not be confused with special acts of piety, such as prayer, fasting, and making the Hajj, which are obligatory. Working enough to stay alive in order to provide for one's needs and those of one's family, in proportion to one's opportunities—which is expected of a believer—and simply hoping for something in return from his Lord, because doing this is a conscious act of piety, does not, moreover, harm the bond of worship between him and his Lord. *"Men who are not distracted, either by commerce or profit, from remembering Allah, keeping up the prayer, and paying the prescribed alms, fearing a day when hearts and eyes will turn over."*<sup>30</sup>

<sup>30</sup> Al-Nur, 24:37.







## BEING POOR AND BEING RICH BOTH BEING IN WANT AND HAVING RICHES ARE A TEST

عَنْ مُعَاذِ بْنِ عَبْدِ اللَّهِ بْنِ حُبَيْبٍ، عَنْ أَبِيهِ، عَنْ عَمِّهِ قَالَ: كُنَّا فِي مَجْلِسٍ. فَجَاءَ النَّبِيُّ ﷺ وَعَلَى رَأْسِهِ أَثَرُ مَاءٍ. فَقَالَ لَهُ بَعْضُنَا: نَرَاكَ الْيَوْمَ طَيِّبَ النَّفْسِ. فَقَالَ: ”أَجَلٌ. وَالْحَمْدُ لِلَّهِ“ ثُمَّ أَفَاضَ الْقَوْمُ فِي ذِكْرِ الْغِنَى. فَقَالَ: ”لَا بَأْسَ بِالْغِنَى لِمَنْ اتَّقَى. وَالصَّحَّةُ لِمَنْ اتَّقَى خَيْرٌ مِنَ الْغِنَى. وَطَيِّبُ النَّفْسِ مِنَ النَّعِيمِ.“

According to Mu'adh b. 'Abd Allah b. Hubayb, his father related the following from his uncle (Yasar b. 'Abd al-Hayy) (ra):

“We were sitting in a gathering, and the Prophet (saw) arrived with traces of water on his head. Some of us said to him, ‘We see that you are of good cheer today.’ He said, ‘Yes, praise be to Allah.’ Then he spoke to the people about being rich. He said, ‘There is nothing wrong with being rich for one who is pious, but good health for one who is pious is better than riches, and being of good cheer is a blessing.’”

(IM2141, Ibn Maja, al-Tijarat, 1; NM2131, al-Hakim al-Nishapuri, *al-Mustadrak*, III, 807 [2/3])



عَنْ مُصْعَبِ بْنِ سَعْدٍ، قَالَ: رَأَى سَعْدٌ ﷺ أَنَّ لَهُ فَضْلاً عَلَى مَنْ دُونَهُ.  
فَقَالَ النَّبِيُّ ﷺ: «هَلْ تُنْصَرُونَ وَتُرْزَقُونَ إِلَّا بِضِعْفَائِكُمْ؟»



عَنْ ابْنِ مَسْعُودٍ ﷺ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ:  
«لَا حَسَدَ إِلَّا فِي اثْنَتَيْنِ: رَجُلٌ آتَاهُ اللَّهُ مَالاً فَسَلَّطَهُ عَلَى هَلَكَةٍ فِي الْحَقِّ،  
وَرَجُلٌ آتَاهُ اللَّهُ حِكْمَةً فَهُوَ يَقْضِي بِهَا وَيُعَلِّمُهَا.»



عَنْ عَائِشَةَ ﷺ قَالَتْ: كَانَ النَّبِيُّ ﷺ يَقُولُ:  
«اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ فِتْنَةِ النَّارِ وَعَذَابِ النَّارِ، وَفِتْنَةِ الْقَبْرِ وَعَذَابِ الْقَبْرِ،  
وَشَرِّ فِتْنَةِ الْغِنَى وَشَرِّ فِتْنَةِ الْفَقْرِ...»



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
«لَيْسَ الْغِنَى عَنْ كَثْرَةِ الْعَرَضِ، وَلَكِنَّ الْغِنَى غِنَى النَّفْسِ.»



Mus'ab b. Sa'd (b. Abi Waqqas) (ra) relates the following: "Sa'd thought that he was superior to those were beneath him in rank. On that the Prophet (saw) said, *'Don't you gain any victory or livelihood except through the poor among you?'*"

(B2896, al-Bukhari, al-Jihad, 76)



Ibn Mas'ud (ra) heard the Prophet (saw) say, *"One should be envious of only two: The man to whom Allah has given wealth and he spends it in the right way and the man to whom Allah has given wisdom (religious knowledge) and he gives his decisions accordingly and teaches it to others."*

(B1409, al-Bukhari, al-Zakat, 5; M1896, Muslim, al-Musafirin, 268)



'A'isha (ra) said, "The Prophet (saw) used to say, *'O Allah! I seek refuge in You from the torture and torment of hell, from the torture and torment of the grave, from the evil of the torture of wealth and from the evil of the torture of poverty...'*"

(B6377, al-Bukhari, al-Da'awat, 46)



According to Abu Hurayra (ra), the Prophet (saw) said, *"Wealth does not mean having an abundance of property, rather it is self-contentment."*

(B6446, al-Bukhari, al-Riqaq, 15)





One day a rich man passed by the Messenger of Allah (saw). Our Prophet, who took advantage of every opportunity to give advice to his Companions (ra) about this world and the next, asked his friend who was sitting next to him what they thought about this person who passed before them. It could have been assumed that he was going to say something important to him about his status.

Allah's Messenger received the following answer: "By Allah, this man is from the noble class of people. If he asks for a woman's hand in marriage, he would [be allowed to] marry her; and if he intercedes for someone [in a marriage proposal], his intercession would be accepted." Allah's Messenger hesitated a bit, waiting for a time without saying anything.

A little later another man passed before them. Again Allah's Messenger asked the person next to him what he thought about the man passing before them. And he said, "O Messenger of Allah! This man is from the poor Muslims. If he asks for a woman's hand in marriage, he would not be accepted; and if he intercedes for someone, his intercession would not be accepted; and when he talks no one would pay attention to him."

The Messenger of Allah then said, "*This (poor man) is better than such a large number of the first as to fill the earth.*"<sup>1</sup>

In this way our beloved Prophet once again reminded his Companions (ra) that, when appraising people, this should not be done based on whether they are rich or poor. According to him, a poor man whose heart is full of love for Allah (swt) and who rightly carries out his obligations to Allah is more meritorious than a rich man who does not pay attention to pleasing Allah. If not for this *hadith*, it would not have been explained that having possessions, property, and wealth was something that was undesirable for the believer or should be avoided.

Indeed, one day some Companions (ra) were sitting in a gathering.

<sup>1</sup> B6447, al-Bukhari, al-Riqaq, 16.



The Prophet (saw) arrived with traces of water on his head. Some of those there said to him, “We see that you are of good cheer today.” He said, “Yes, *praise be to Allah.*” Then he spoke to the people about being rich. He said, “*There is nothing wrong with being rich for one who is pious, but good health for one who is pious is better than riches, and being of good cheer is a blessing.*”<sup>2</sup>

Being rich or poor are not the factors that determine the value of a person. According to Islam, the measure of appraising people is fear of Allah (swt).<sup>3</sup> Basically the verses of the Holy Qur’an and the *Hadith* do not praise being rich or poor in the absolute sense. Each of these conditions is accepted as a means of testing a person. Indeed, when Sa’d b. Abi Waqqas (ra) was carried away and thought that because of his courage and wealth he was superior to the other Companions (ra), our master the Prophet (saw) said, “*Don’t you gain any victory or livelihood except through the poor among you?*”<sup>4</sup>

Being poor or rich are social realities that are directly bound to how much people work and strive apart from what Allah the Exalted has ordained and determined. In all societies those who have excellent resources and those who are barely able to stay alive all live together. In fact, throughout history, even countries have frequently gone through periods of deprivation as well as prosperity and abundance. Allah (swt) tests some people with want and some with riches.

Like many people, the Prophet (saw) and his Companions (ra) were no doubt tested with poverty and deprivation. As a matter of fact, in the first years of the calling of our beloved Prophet, who had been given the task of messenger, many of those who had answered his call in Mecca were people with few material resources.<sup>5</sup> The boycott that was conducted against the first Muslim society in Mecca, their immigration to Abyssinia and then their major immigration [to Medina] thoroughly shook the structure of their economy, which, in any case, was not good. Furthermore, the believers who immigrated to Medina departed their homes leaving possessions and property behind.<sup>6</sup> They lived in a state of material distress until their situation improved with trade. Even the situation of the Ansar who welcomed them with open arms was not very good.

Because they had insufficient goods and funds to support themselves, these people, who concealed their suffering and who, because of their self-restraint, could not bring themselves to secure their needs from others,

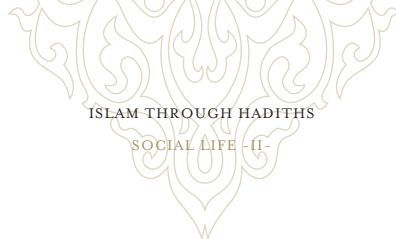
<sup>2</sup> IM2141, Ibn Maja, al-Tijarat, 1; NM2131, al-Hakim al-Nishapuri, *al-Mustadrak*, III, 807 [2/3].

<sup>3</sup> Al-Hujurat, 49:13.

<sup>4</sup> B2896, al-Bukhari, al-Jihad, 76.

<sup>5</sup> B7, al-Bukhari, Bad’ al-wahy, 1.

<sup>6</sup> Al-Hashr, 59:8.



were called poor and wretched.<sup>7</sup> These were poor and wretched people who did not have sufficient means to continue their lives, or rather, they were people who continue their lives in difficulty and suffering. They were the ones whom Allah the Exalted described, saying, “*The unknowing might think them rich because of their self-restraint, but you will recognize them by their characteristic of not begging persistently. Allah is well aware of any good you give.*”<sup>8</sup>

At certain times the destitution and poverty that the Muslims experienced was intolerable. If we add to this the days of the Meccan period, then in the period leading up to the conquest of Khaybar, which occurred in the seventh year of the Hijra, the Prophet (saw) and the noble Companions (ra) often endured very great suffering. ‘Abd Allah b. ‘Umar’s statement is a noteworthy summary of the years spent enduring suffering: “We did not have enough to eat until we conquered Khaybar.”<sup>9</sup>

According to tradition, sometimes no food was cooked in the home of our master the Prophet (saw) for weeks. His household survived on water and dates.<sup>10</sup> Indeed, sometimes even sufficient amounts these two sources of nourishment could not be found.<sup>11</sup> Some days there was such scarcity that Allah’s Messenger had to distribute the dates one by one.<sup>12</sup>

After spending years of suffering, the exalted Prophet preferred to continue to live modestly. In fact, the Prophet (saw) even slept on a mat in his home. One day the Companions (ra) noticed that, when he woke up, the mat had left marks on his body and they said, “O Messenger of Allah! We could get a bed for you.” The following blessed words, which summarize his view of worldly life, then poured from the lips of our master: “*What do I have to do with the world! I am only a traveler in this world who seeks shade under a tree, rests, and then leaves it.*”<sup>13</sup>

While enduring this suffering which was characterized by widespread poverty for years, our beloved Master urged the believers to be patient. He consoled them to keep them from being ground down by poverty, and, despite everything, he endeavored to show them each how to live as a happy person in society. He spoke to his Companions (ra) not about the worldly goods they could acquire in the coming years but about genuine riches and eternal happiness. While appraising his news that the poor would enter paradise before the rich<sup>14</sup> and that most of the people in paradise were impoverished,<sup>15</sup> it is necessary to keep in mind the social structure of that time, the material and moral suffering to which the

<sup>7</sup> Al-Baqara, 2:273; B4539, al-Bukhari, al-Tafsir (al-Baqara) 48; B1479, al-Bukhari, al-Zakat, 53.

<sup>8</sup> Al-Baqara, 2:273.

<sup>9</sup> B4243, al-Bukhari, al-Maghazi, 39.

<sup>10</sup> B2567, al-Bukhari, al-Hiba 1; T2471, al-Tirmidhi, Sifat al-qiyaama, 34.

<sup>11</sup> M7459, Muslim, al-Zuhd, 34.

<sup>12</sup> T2474, al-Tirmidhi, Sifat al-qiyaama, 34.

<sup>13</sup> T2377, al-Tirmidhi, al-Zuhd, 44; IM4109, Ibn Maja, al-Zuhd, 3.

<sup>14</sup> D3666, Abu Da’ud, al-‘Ilm, 13; T2353, al-Tirmidhi, al-Zuhd, 37.

<sup>15</sup> B5196, al-Bukhari, al-Nikah, 88.



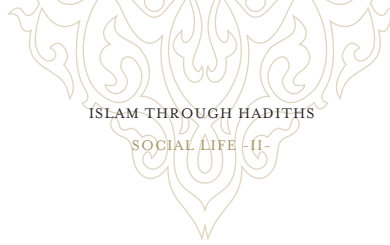


Muslims were subjected, their lack of resources, the boycott, the torments they had endured, and the psychological condition in which they found themselves because of all of these things. Furthermore, it could reasonably be assumed that the accounts of those who had little or no resources were quickly exhausted and that those who had considerable wealth fell into arrears in order to pay their bills.

Poor Muhajirun (those Meccans who had followed Muhammad to Medina) sometimes came to our master the Prophet (saw) and reproached him. Indeed, one day Abu Dharr al-Ghifari (ra) came to the Prophet (saw) and said, “O Messenger of Allah! The wealthy people have all the rewards. They pray and fast as we do. They have enough wealth to give alms, but we have nothing to give as alms.” Our master replied to him as follows: “*May I teach you a few words by which you acquire the status of those who excel you and no one who is below you can reach your status unless he does as you do?*” When he said, “Let’s try it, O Messenger of Allah,” the latter said, “*Say ‘Allah is most great’ thirty-three times after each prayer, and say ‘Praise be to Him’ thirty-three times; and say ‘Glory be to Him’ thirty-three times; and end this by saying, ‘There is no god but Allah alone. He has no partner. To Him belongs the kingdom. To Him praise is due and He has power over everything.’ Then one’s sins will be forgiven even if they are like the foam of the sea.*” A while later, Abu Dharr and these poor Muslims visited our Prophet again. When they said, “Our wealthy friends heard what we did and they began to do as we do,” Allah’s Messenger replied, “*This is a gift of Allah. He gives to him what he wishes.*”<sup>16</sup>

Our beloved Prophet, who was extremely kind hearted to the believers, was very worried about the suffering and poverty that they experienced. One day a group of people from the tribe of Mudar came to Medina. They were dressed in rags and their feet were bare. When the Messenger of Allah (saw) saw their sorry state, his face changed color. Bilal recited the call to prayer. After praying, he addressed the congregation, talking about life in the next world and reminding them of their bonds of brotherhood. The noble Companions (ra) brought assistance [to the people of Mudar], such as money, clothing, wheat, and dates. This assistance, which was collected in two piles, made our Prophet very happy. Allah’s Messenger then said, referring to the Companions (ra) who had made the first large pile, “*If one sets a good precedent in Islam, there is reward for him in this act [of goodness] and that of others who do it after him without any decrease in their rewards. And*

<sup>16</sup> M1347, Muslim, al-Masajid, 142; D1504, Abu Da’ud, al-Witr, 24; DM1387, al-Darimi, al-Salat, 90.



*if one sets a bad precedent in Islam, he will have the burden of that and that of those who do this after him without any decrease in their burdens.*<sup>17</sup> In addition, the Prophet (saw) sought to make the work of Muslims who tried to see to the needs of the poor equivalent to exerting oneself in the way of Allah (*jihād*) and spending the night in prayer and the day fasting.<sup>18</sup>

A religion which encourages assisting the poor to such a degree cannot be thought to wish for poverty to continue or to view as bad or with distaste wealth and riches if earned in a religiously permissible manner. In short, Islam encourages the accumulation of wealth if earned by legitimate means. In this connection, the Prophet (saw) explained to Muslims the virtue of earning a livelihood through labor<sup>19</sup> and wanted everyone to work and obtain sufficient assets in order eliminate poverty and ensure that people would have better opportunities.

One day the Prophet (saw) sent word to ‘Amr b. al-‘As (ra) and ordered him to come prepared for war. ‘Amr b. al-‘As complied with this order and within a short time came to the Prophet (saw). The merciful Messenger, who at that moment was performing his wudu’s, looked at ‘Amr and then turned his gaze away and said, “*‘Amr! I want to send you to war with an army. Allah will grant you a share of booty and I will give you a pile of excellent goods.*” ‘Amr answered as follows: “I didn’t become a Muslim because I wanted possessions. I only became a Muslim because I love Islam and want to be with Allah’s Messenger.” The Messenger of Allah then said, “*How wonderful are righteous goods for a righteous man!*”<sup>20</sup>

In this *ḥadīth* the Prophet (saw) stresses the great value beneficial possessions and wealth acquired by permissible means have in the hands of righteous and Allah-fearing people, because wealth in the hands of such people becomes obligatory alms (*zakāt*), voluntary alms (*ṣadaqa*), mosques, schools, assistance to the poor, charity, good works, and meritorious deeds. In any case, in order to be able to do pious acts like *zakāt*, which are virtuous and religiously obligatory, it is necessary to work, to earn income, and to possess a certain amount of wealth. Furthermore, the Holy Qur’an calls upon believers to address the wants of the needy by continuously looking after them.<sup>21</sup> If the number of wealthy believers who can carry out these tasks increases, then differences in the distribution of wealth within society will be eliminated and a secure, peaceful, and fraternal environment will be assured.

<sup>17</sup> M2351 (1017a), Muslim, al-Zakat, 69; N2555 (N2554), al-Nasa’i, al-Zakat, 64.

<sup>18</sup> B5353, al-Bukhari, al-Nafaqat, 1.

<sup>19</sup> B1470, al-Bukhari, al-Zakat, 50; N2590, al-Nasa’i, al-Zakat, 85.

<sup>20</sup> EM299, al-Bukhari, *al-Adab al-mufrad*, 112.

<sup>21</sup> Al-Baqara, 2:3-195.



There are *ḥadīths* of the Prophet (saw) which state that in the future the problem of poverty will be completely eliminated and that the rich who wish to give *zakāt* systematically will one day not be able to find a needy person to take it. In a *ḥadīth* which encourages one to earn Allah's reward by giving *zakāt* and *ṣadaqa*, the Messenger of Allah (saw) says, "Give alms (*ṣadaqa*) because a time will come when a person will wander about with his alms and he will not find anybody to accept it; and one [who was asked to take it] will say, 'If you had brought it yesterday, I would have taken it, but today I am not in need of it.'"<sup>22</sup>

Although brilliant periods reminiscent of this encouraging view given by Allah's Messenger were experienced in the history of Islam, poverty is certainly one of the most important social problems today as it was in the past. Today, in the fifteenth century of the Hijra, everyone knows how poor certain Muslim countries are in particular. Moreover, because of poverty, it can be said that they are undeveloped. While our beloved Prophet stated that the best food one could eat was that which he had earned by the labor of his own hand and he encouraged Muslims to work,<sup>23</sup> Muslims remain poor because of external causes as well, no doubt, as from their own neglect and lack of effort.

The Prophet (saw) frowned on poor Muslims who wanted something from others if they were not in dire straits<sup>24</sup> and he considered the haughty poor and the oppressive rich to be among those despised by Allah (swt).<sup>25</sup> He thought it improper for the rich and those who were in good physical condition, and could work and earn a living, to take alms.<sup>26</sup>

The rich had important obligations which they had to take on, such as assisting those in need. The Prophet (saw) said, "One should be envious of only two: the man to whom Allah has given wealth and he spends it in the right way and the man to whom Allah has given wisdom (religious knowledge) and he gives his decisions accordingly and teaches it to others."<sup>27</sup> One needs property in order to help the poor, orphans, and others without family support. Fulfilling the religious obligation of paying alms, which is an important act of financial piety, requires one to have certain material assets. However, our Prophet could not abide people who dissipated their wealth to the extent that they could not support the families for which they were responsible and thus fell into poverty themselves. For this reason, our beloved Prophet said to Qa'b b. Malik (ra), who attempted to be free of his

<sup>22</sup> B1411, al-Bukhari, al-Zakat, 9.

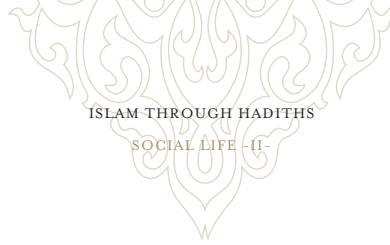
<sup>23</sup> B2072, al-Bukhari, al-Buyū', 15.

<sup>24</sup> N2592, al-Nasa'i, al-Zakat, 86.

<sup>25</sup> T2568, al-Tirmidhi, Sifat al-janna, 25; N2571, al-Nasa'i, al-Zakat, 75.

<sup>26</sup> D1634, Abu Da'ud, al-Zakat, 24; N2598, al-Nasa'i, al-Zakat, 90.

<sup>27</sup> B1409, al-Bukhari, al-Zakat, 5; M1896, Muslim, al-Musafirin, 268.



wealth by giving all of it as *ṣadaqa*, “Keep some of your wealth for yourself. This is better for you.”<sup>28</sup>

Once the Prophet (saw) went to visit Sa’d b. Abi Waqqas (ra) who was ill in Mecca. Sa’d spoke as follows to the Prophet (saw): “May I bequeath all of my wealth?” The Prophet (saw) replied, “No.” Sa’d then asked him, “One half?” Again the Prophet (saw) answered, “No.” Finally Sa’d asked, “One third?” The Prophet (saw) answered, “Even one third is too much. It is better to leave your heirs wealthy instead of poor and begging from others.”<sup>29</sup>

In this matter, as in every other, Allah’s Messenger recommended moderation to his Companions (ra). He encouraged them to give the *ṣadaqa* and, at the same time, urged them not to spend money in a way that would cause injury to anyone. ‘Abd Allah b. Mas‘ud, who was one of the faqih Companions (ra), requested a balanced life from his Lord and prayed, saying, “I seek refuge in Allah from wealth that becomes excessive and from poverty that is disorienting.”<sup>30</sup>

Our beloved Master swore an oath with the following words which constitute one of his most important warnings in this matter: “...By Allah, I am not afraid of poverty in regard to you. However, I fear in your case that this world (its riches) may be spread before you as it was for those who have preceded you and you will begin to vie with one another for it as they had vied for it; and it may destroy you as it destroyed them.”<sup>31</sup>

In other words, the danger from having wealth is greater than that from being poor. In fact, ‘Abd al-Rahman b. ‘Awf, one of the Companions (ra), stated that they had endured days of suffering with the Prophet (saw), but they had been patient. Later, however, when they enjoyed prosperity and abundance, they were not patient when tested with riches. Thus he explains that being wealthy is a much greater test.<sup>32</sup>

When economic conditions improve, this can cause people to argue with each other over worldly goods and thus lead to ethical and spiritual regression in social life. Our Lord on High has reminded us that wealth and children are attractions of this transitory world,<sup>33</sup> and that these precious riches should not distract Muslims from invoking Allah (swt) in order to avoid harm in this world and the next.<sup>34</sup> The [literary] style of the twenty-fourth verse of the al-Tawba sūra includes a warning as well as a threat. In this verse, our Lord on High says, “If your fathers, sons, brothers, wives, tribes, the wealth you have acquired, the trade which you fear will decline, and the dwell-

<sup>28</sup> B6690, al-Bukhari, al-Ayman wa 'l-nudhur, 24.

<sup>29</sup> B5354, al-Bukhari, al-Nafaqat, 1.

<sup>30</sup> MK8977, al-Tabarani, *al-Mu'jam al-kabir*, IX, 200.

<sup>31</sup> M7425 (7065?), Muslim, al-Zuhd, 6.

<sup>32</sup> T2464, al-Tirmidhi, *Sifat al-qiyama*, 30.

<sup>33</sup> Al-Kahf, 18:46.

<sup>34</sup> Al-Munafiqun, 63:9.



ings you love are dearer to you than Allah and His Messenger and the struggle in His cause, then wait until Allah brings about His punishment. Allah does not guide those who break away.”<sup>35</sup>

Our beloved Master gave particular attention to this point in his prayers. According to our mother ‘A’isha (ra), he prayed as follows: “O Allah! I seek refuge with You from the torture and torment of hell, from the torture and torment of the grave, from the evil of the torture of wealth and from the evil of the torture of poverty...”<sup>36</sup>

In another prayer, our beloved Master sought refuge in our Lord on High from poverty, destitution, from becoming abased, from oppression and causing oppression.<sup>37</sup> One of his Companions (ra) who heard him say, “O my Allah! I seek refuge in You from unbelief and poverty,” asked him, “Are the two (unbelief and poverty) equal to each other? Allah’s Messenger answered, “Yes.”<sup>38</sup> This is because a poor person can find himself face to face with many dangers if he is not careful and patient. While, on the one hand, warning Muslims against the danger that excessive wealth can damage their perspectives on belief and ethics, on the other hand, he notes that poverty can lead them to unbelief.

Islam wants people to take a balanced approach between their material and moral needs. In the kind of life that our religion foresees, the believer, while continuing to work in order to ensure his livelihood, should not lose sight of his religious obligations. Our Lord on High said the following about believers who ensure this balance: “[They are] men who are not distracted, either by commerce or profit, from remembering Allah, keeping up the prayer, and paying the prescribed alms, fearing a day when hearts and eyes will turn over.”<sup>39</sup> The Prophet (saw) preferred a simple and inconspicuous life, from the material point of view, in times of both suffering and comfort, which opportunities caused to increase; and his modest manner of living became an example to believers.

By saying, “Wealth does not mean having an abundance of property, rather it is self-contentment,”<sup>40</sup> the Prophet (saw) stressed that what was important was richness at heart. Allah on High said that he loved the one who feared him and was rich at heart.<sup>41</sup> This is because richness at heart is the most important force in making a person devote his material assets to good purposes and saving him from the lust of collecting and accumulating in excess. Misers who are not rich at heart cannot spend their money, even if

<sup>35</sup> Al-Tawba, 9:24.

<sup>36</sup> B6377, al-Bukhari, al-Da’awat, 46; N5479, al-Nasa’i, al-Isti’adha, 26.

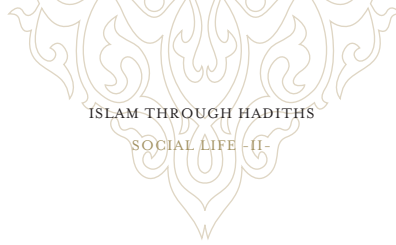
<sup>37</sup> N5462, al-Nasa’i, al-Isti’adha, 14.

<sup>38</sup> N5487, al-Nasa’i, al-Isti’adha, 29.

<sup>39</sup> Al-Nur, 24:37.

<sup>40</sup> B6446, al-Bukhari, al-Riqaq, 15; M2420, Muslim, al-Zakat, 120.

<sup>41</sup> M7432, Muslim, al-Zuhd, 11.



they have great wealth, for the benefit of themselves or others. How happy are those who are rich both morally and materially!

Fundamental to the social structure that Islam envisions is that the virtuous poor –those who work, who exert themselves, who struggle to improve their situation but bear with patience the situation in which they find themselves, and who praise Allah (swt) –and the rich, who observe the poor in the society in which they themselves live and realize they have a duty to them to provide for their needs, show love and respect to each other as brothers.

The believer should not forget that wealth and poverty are each a test and he should seek refuge in the Lord with this prayer of the merciful Messenger, *“O Allah! I seek refuge in You from the trial of the fire, from the torture of the fire, and from the evils of wealth and poverty.”*<sup>42</sup>

<sup>42</sup> D1543, Abu Da'ud, al-Witr, 32.





## BEGGING

### THE SHAME THAT HUMILIATES MAN



عَنْ أَنَسِ بْنِ مَالِكٍ: ... فَقَالَ رَسُولُ اللَّهِ ﷺ :  
”... إِنَّ الْمَسْأَلَةَ لَا تَصْلُحُ إِلَّا لِثَلَاثَةٍ: لِمَنْ لَدِي فَقْرٌ مُدْفِعٌ أَوْ لِمَنْ لَدِي غُرْمٌ مُفْطَعٌ،  
أَوْ لِمَنْ لَدِي دَمٌ مُوجِعٌ.“

According to Anis b. Malik (ra), the Messenger of Allah (saw) said,  
“Begging is right only for three people: One who is in grinding poverty,  
one who is seriously in debt, or one who is responsible for  
blood money and cannot pay.”

(D1641, Abu Da'ud, al-Zakat, 26)





عَنْ حَكِيمِ بْنِ حَزَامٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”الْيَدُ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى، وَابْدَأْ بِمَنْ تَعُولُ...“



عَنْ الزُّبَيْرِ بْنِ الْعَوَّامِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”لَأَنْ يَأْخُذَ أَحَدُكُمْ أَحَبًّا لِيَأْخُذَ حُرْمَةً مِنْ حَطَبٍ فَيَبِيعَ فَيَكْفَى اللَّهُ بِهِ وَجْهَهُ  
خَيْرٌ مِنْ أَنْ يَسْأَلَ النَّاسَ أُعْطِيَ أَمْ مُنِعَ.“



عَنْ الْمُقْدَامِ رَضِيَ اللَّهُ عَنْهُ عَنِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”مَا أَكَلَ أَحَدٌ طَعَامًا قَطُّ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلِ يَدِهِ، وَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ  
عَلَيْهِ السَّلَامُ كَانَ يَأْكُلُ مِنْ عَمَلِ يَدِهِ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:  
”مَنْ سَأَلَ النَّاسَ أَمْوَالَهُمْ تَكْثُرًا، فَإِنَّمَا يَسْأَلُ جَمْرًا، فَلْيَسْتَقِلَّ أَوْ لِيَسْتَكْثِرْ.“



According to Hakim b. Hizam (ra), the Prophet (saw) said the following:

*“The upper hand is better than the lower hand (that is, he who gives in charity is better than him who takes it).*

*And start with those you should support.”*

(B1427, al-Bukhari, al-Zakat, 18; M2386, Muslim, al-Zakat, 95)



According to al-Zubayr b. al-’Awwam (ra), the Prophet (saw) said the following: *“It would be better for one of you to take a rope and take a bag of wood to sell, whereby Allah would keep his face [from hell fire], than to ask [for assistance] from others, who may or may not give it.”*

(B2373, al-Bukhari, al-Musaqat, 13)



According to al-Miqdam (ra), the Messenger of Allah (saw) said the following: *“No one has ever eaten a better meal than that which he had earned by working with his own hands. Allah’s prophet, David, used to eat by the earnings of his manual labor.”*

(B2072, al-Bukhari, al-Buyu’, 15)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said the following: *“Whoever begs from people wishing to accumulate more wealth, he is begging for a coal from hell, so let him ask for a lot or a little.”*

(M2399, Muslim, al-Zakat, 105 [IM1838, Ibn Maja, al-Zakat, ...])





One day while the Prophet (saw) was chatting with his Companions (ra), a man from Medina who was in need came to him and asked him for a few things. Allah's Messenger asked him, "Do you have anything at home?" The poor Companion said that there was nothing but a cover, part of which they used as a mat and part of which they used as clothing, and a drinking cup. While he was waiting for material help from the merciful Messenger, the latter came up with a suggestion which would aim at alleviating the cause of his suffering. The man from Medina went to his home and brought back the cover and cup. Allah's Messenger said he would put them up for auction. In this way the other Companions (ra) who were there would reach a joint solution and thus develop an awareness of joint responsibility.

With the participation of the Companions (ra), who understood the intention of our master the Prophet (saw), these two things were sold at auction for two dirhams. According to the instruction from our Prophet, the man who had come was to use one dirham to buy food for his family and one to buy an ax and this ax would be his bread tray. With the ax he would collect wood from the mountains and hills and sell it and in this way he would secure a livelihood. And this is what happened. Within fifteen days he had earned ten dirhams and he bought food and clothing for his family. In the end Allah's Messenger gave this universal message to this hard-working Companion who, following his advice, succeeded in earning his family's bread money: *"This for you (who was able to support himself without the need for others by working) is better than appearing with the spot of the beggar on your face on the Day of Judgement. Begging is right only for three people: one who is in grinding poverty, one who is seriously in debt, or one who is responsible for blood money and cannot pay."*<sup>1</sup>

Without doubt coming with an open hand to others, or begging, is

<sup>1</sup> D1641, Abu Da'ud, al-Zakat, 26; IM2198 Ibn Maja, al-Tijarat, 25.



a form of behavior damaging to self-respect. Nevertheless, it is obvious that one's circumstances can be so difficult that this is unavoidable. Our Prophet, who had witnessed all the positive and negative conditions of the society in which he lived, while not approving of begging, accepted it as a social fact of life. Saying, "*The upper hand is better than the lower hand* (that is, he who gives in charity is better than him who takes it). *Start with those you should support*,"<sup>2</sup> he gave messages of direction to those who were in the position of either asking or giving. Accordingly, Allah's Messenger, in encouraging those who could afford to do so to maintain others, characterized them as "the upper hand." As for the "lower hand," this is understood to mean those who ask for help. It is noteworthy that according to the narrative, both parties are described as fortunate. As much as the destitute need the wealth of the rich, the rich need the poor to whom they can give some of their wealth. Saying that those who had no choice but to ask for help were also fortunate, Allah's Messenger prevented their self-respect from damage.

Umm Bujayd, one of the women Companions (ra) from Medina who had paid homage to Allah's Messenger, asked the Messenger of Allah what she should do when she could find nothing to give destitute people who pressed against her door asking for help. The answer that the Prophet (saw) gave her seemed to be intended more to protect the self-respect of the destitute than to satisfy him: "*If you do not find anything to give him except a burnt sheep's foot then hand it over to him.*"<sup>3</sup> Other valuable Prophetic advice, which stated that even if one who asked for something came on a horse he had a right to a share,<sup>4</sup> in fact provides support in this matter. The attitude of our mother 'A'isha (ra), who did not hesitate to give a loaf of bread, which she had saved to break the fast, to a beggar who had come to her door, was in fact the result of the same concern.<sup>5</sup> This situation will be better appreciated if one considers that the beggar, when he meets with a negative response, feels a sense of debasement and a shattering of his self-respect.

The verse "*and do not chide the one who asks for help*"<sup>6</sup> is a reminder of how one should behave towards people in need. In our Book from on High it is stated that the destitute, who ask because they are in need, have a rightful share of the wealth of the rich.<sup>7</sup> In this way a number of social and financial responsibilities which require the rich to help the poor are shouldered. The relationship between the rich who have a religious obligation

<sup>2</sup> B1427, al-Bukhari, al-Zakat, 18; M2386, Muslim, al-Zakat, 95.

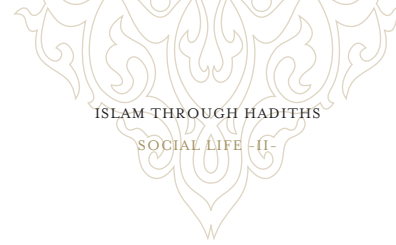
<sup>3</sup> T665, al-Tirmidhi, al-Zakat, 29; D1667, Abu Da'ud, al-Zakat, 33.

<sup>4</sup> D1665, Abu Da'ud, al-Zakat, 33.

<sup>5</sup> MU1848, al-Muwatta' al-Sadaqa, 1.

<sup>6</sup> Al-Duha, 93:10.

<sup>7</sup> Al-Dhariyat, 51:19; al-Ma'arij, 70:24-25.



to give *zakāt* and the poor who receive it has been mentioned.<sup>8</sup> Looking after close relatives in particular has been accepted as an obligation of the rich.<sup>9</sup> It is emphasized in the Holy Qur'an that providing material help to one who asks for it because he is in need is a principal religious and ethical quality of a righteous believer and his recompense will be much more.<sup>10</sup>

In light of all this, no share should be intended for one who begs although he is rich or for one who perhaps became rich thanks to this or to those who turn begging into a customary practice. This is because the most noble Messenger said, *"It would be better for one of you to take a rope and take a bag of wood to sell, whereby Allah would keep his face [from hell fire], than to ask [for assistance] from others, who may or may not give it."*<sup>11</sup> Indeed our master the Prophet (saw) has also said, *"No one has ever eaten a better meal than that which he had earned by working with his own hands. Allah's prophet, David, used to eat by the earnings of his manual labor."*<sup>12</sup>

The Prophet (saw) by no means approved of earning one's living by begging. Quite to the contrary, he said, *"Whoever begs from people wishing to accumulate more wealth, he is begging for a coal from hell, so let him ask for a lot or a little."*<sup>13</sup> Here he used strong language intended for those who beg, but are not in need, only to increase their wealth. He explained that such people will not, in fact, have accumulated wealth but burning coal for the torment they will taste in the next world. The Messenger of Allah also described the status of those who found themselves in the habit of wanting to be shameless, saying, *"A man continues to ask others for something until he comes on the Day of Judgement without a piece of flesh on his face."*<sup>14</sup> In this way, the Prophet (saw) explained the pathetic state into which those who beg would descend on the Day of Judgement. Just as this situation which is described in the *ḥadīth* is to be appreciated for its outward meaning, it is also to be understood as meaning that when such a person appears before Allah on the Day of Judgement he will have no face and will appear in contemptible condition.<sup>15</sup>

It is highly significant that, at a time when the Prophet (saw) was trying to ensure a livelihood for his Companions (ra),<sup>16</sup> he was not pleased even with someone who begged because he had nothing at home but a cover and a water cup.<sup>17</sup> It is also worthy of note that the merciful Prophet found work and not food for the person who wanted something to eat. It is a well-known saying that instead of giving such a person a fish one should

<sup>8</sup> Al-Tawba, 9:60.

<sup>9</sup> Al-Isra', 17:26.

<sup>10</sup> Al-Baqara, 2:177; al-Hadid, 57:18.

<sup>11</sup> B2373. al-Bukhari, al-Musaqat, 13; M2402, Muslim, al-Zakat, 107.

<sup>12</sup> B2072, al-Bukhari, al-Buyu', 15.

<sup>13</sup> M2399, Muslim, al-Zakat, 105 [IM1838, Ibn Maja, al-Zakat, ...]; HM7163, Ibn Hanbal, II, 230.

<sup>14</sup> B1474, al-Bukhari, al-Zakat, 52; M2396, Muslim, al-Zakat, 103.

<sup>15</sup> ShN7/130, al-Nawawi, *Sharh 'ala Muslim*, VII, 130.

<sup>16</sup> B2071, al-Bukhari, al-Buyu', 15.

<sup>17</sup> D1641, Abu Da'ud, al-Zakat, 26; IM2198, Ibn Maja, al-Tijarat, 25.

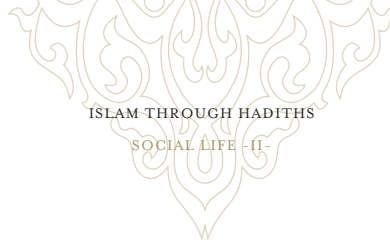


teach him to fish. But the Prophet (saw) did not react this way to everyone who expressed a need. As touched upon above, on the one hand, he advised that those in need should not be turned away empty handed and, on the other hand, he strongly reproached those who made a habit of begging.

Those who had nothing to eat at home or who had fallen into heavy debt took the suffering they experienced, although temporary, directly to Allah's Messenger. This was because he was at the same time the head of state and the *zakāt* that was collected was in his hands and he was the one who distributed it. Needy people who were aware of this realized that he could provide the solution to their problems. One of those who came to the door of the Messenger of Allah (saw) was one of the Companions from Basra, Qabisa b. Muhariq (ra). She had stood surety for someone and had taken on a great amount of debt. When she had difficulty paying it, she went to the Prophet (saw). However, at that time there were no funds available from *zakāt*, so the Messenger of Allah (saw) told her to wait until *zakāt* had been collected. Afterwards, he made the following remark on this occasion (to everyone who petitioned him for a need): *“O Qabisa! This behavior is not permissible except for three (classes of) persons: a man who has incurred debt, for him begging is permissible until he acquires that amount, after which he must refrain from it; a man whose property has been destroyed by a calamity which has struck him, for him begging is permissible until he acquires what will allow him to sustain life or will allow him to meet the cost of living; and a person who has been struck by poverty, the genuineness of which is confirmed by three discerning members of this people, for him begging is permissible until he acquires what will allow him to sustain life or will allow him to meet the cost of living. O Qabis! Besides these three (every other reason) for begging is forbidden, and one who engages in it consumes what is forbidden.”*<sup>18</sup>

An event that occurred during the time of ‘Umar (ra) constitutes a typical example of the extent to which the Prophet (saw)’s advice was carried out with respect to begging from others. It took place during the years of ‘Umar’s caliphate. One day while he was strolling about the streets of Medina, as he frequently did, a young woman crossed his path. This mother of orphans, who said that her husband had died and that she had no field to sow nor animal to milk, was the daughter of Khufaf b. Ima’ al-Ghifari (ra). Her father had been with Allah’s Messenger at al-Hudaybiyya. Once when the Muslims were in difficult straits, this young woman’s

<sup>18</sup> M2404 (1044?), Muslim, al-Zakat, 109; D1640, Abu Da’ud, al-Zakat, 26.



grandfather Ima' had given the Prophet (saw) 100 sheep, two milk camels, and one camel to be slaughtered for meat. He had sent these animals with his son Khufaf. The Messenger of Allah had divided the sheep among his Companions (ra) and considered this a blessing.<sup>19</sup> Thus it was that the granddaughter of this generous-hearted man told the Caliph that she had nothing to feed her orphans at home. According to Mehmet Akif, 'Umar, who felt that he was responsible even for a sheep that a wolf had seized on the bank of the Tigris, immediately loaded a camel with two baskets of wheat along with food and clothing. Then he said to the woman, "Ensure your livelihood with this. They will not be exhausted before Allah grants you prosperity."<sup>20</sup>

Without doubt there were many reasons that our master the Prophet (saw) had to warn people that begging was a very shameful form of behavior. In particular, after the conquest of Mecca, the state treasury was overflowing with booty and increasing income from *zakāt*. Because the Holy Qur'an specified who could benefit from the income provided by *zakāt*,<sup>21</sup> certain people who were new Muslims and were called *mu'allif al-qulub* demanded more than their rightful share from the Messenger of Allah (saw). Indeed, the Prophet (saw) sounded a warning about this, saying, "*Do not be insistent with regard to demands. By Allah, if one of you wants something from me and receives something from me and, thanks to this, I am not pleased with this situation, I do not see a blessing in what I have given him.*"<sup>22</sup>

Among those who acquired honor with the conquest of Mecca and with Islam and who participated in the Battle of Hunayn was Hakim b. Hizam, the nephew of Khadija (ra).<sup>23</sup> After the Battle of Hunayn, which was renowned in Islamic history for the booty that greatly increased the state treasury, the moment came to distribute that booty and Hakim received the 100 camel-loads that he demanded. He decided, however, that this was not enough and wanted more. The Prophet (saw) fulfilled his desire. Yet, Hakim was not even satisfied with this amount and when he again asked for more Allah's Messenger gave him another 100 camel-loads.<sup>24</sup> Nevertheless, the Prophet (saw) gave him the following advice: "*O Hakim! This property is like a sweet fresh fruit. Whoever takes it without greediness, he is blessed in it. Whoever takes it with greediness, he is not blessed in it, and he is like a person who eats but is never satisfied. The upper (giving) hand is better than the lower (receiving) hand.*" Hakim took this advice and he swore before the

<sup>19</sup> WM2/577, al-Waqidi, *al-Maghazi*, II, 577.

<sup>20</sup> B4160, al-Bukhari, *al-Maghazi*, 36.

<sup>21</sup> Al-Tawba, 9:60.

<sup>22</sup> M2390 (?), Muslim, *al-Zakat*, 99.

<sup>23</sup> H12/112, Ibn Hajar, *al-Isaba*, II, 112.

<sup>24</sup> WM3/945, al-Waqidi, *al-Maghazi*, III, 945.





most noble Messenger that he would never again demand anything from anyone for the rest of his life. In fact, these words of the Messenger of Allah (saw) so affected him that later during the caliphates of Abu Bakr and ‘Umar (ra) he did not accept any of the property that the state gave him.<sup>25</sup>

In like manner, ‘Uyayna b. Hisn<sup>26</sup> and al-Aqra‘ b. Habis (ra), the chief of the Khindif tribe,<sup>27</sup> demanded property from the Prophet (saw). Thereupon, the Prophet (saw) ordered Mu‘awiya to write a document for each of them (and when the *zakāt* officials arrived to give the documents to them). When ‘Uyayna said that he was not sure what the document contained, Mu‘awiya informed our Prophet of this. Our master the Prophet (saw) then said, “*He who begs (from people) when he has sufficient wealth is simply asking for a large amount of hell-fire.*” The Companions (ra) who were with him asked, “O Messenger of Allah! How much wealth is enough for a person?” The Messenger of Allah replied, “*It is that which would provide a morning and an evening meal.*”<sup>28</sup>

The Prophet (saw) was scrupulous in observing whether those who came to him and presented their needs fell into the eight categories of persons deserving of *zakāt*<sup>29</sup> that are mentioned in the Holy Qur’an.<sup>30</sup> The traditions that reflect the conditions at the time of the most noble Messenger state that only genuinely needy people could benefit from the material resources of the state. The minimum share of the needy was determined by taking into consideration their economic conditions. These prophetic warnings, therefore, speak much to those persons who resort to certain private or official organizations—which provide food, fuel, or financial assistance to the needy who in today’s circumstances genuinely need, and qualify for, help—and who falsely state that they need assistance when this is not the case.

While pausing at Arafat during his Farewell Pilgrimage, the Prophet (saw) made a warning similar to the one above which he directed to a bedouin who rudely demanded his cloak, that is, the upper part of his *ihram* (the ritual garment worn during the Hajj or ‘Umra). After he gave it to him, he said, “*Begging is not lawful for the rich or for the physically fit. It is only for the one who is extremely poor or in heavy debt. Whoever begs from people in order to increase his wealth, then on the Day of Judgement he will have lacerations on his face and heated coals from Hell will be provided for him to eat. Whoever wishes, let him take a little; and whoever wishes, let him take a lot.*”<sup>31</sup>

<sup>25</sup> B1472, al-Bukhari, al-Zakat, 50; T246, al-Tirmidhi, Sifat al-qiyama, 29.

<sup>26</sup> N3718, al-Nasa‘i, al-Hiba, 1.

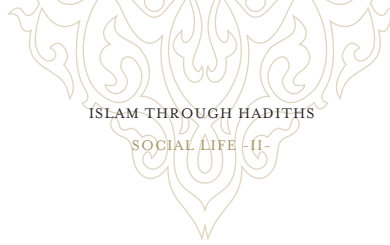
<sup>27</sup> IM2625, Ibn Maja, al-Diyat, 4.

<sup>28</sup> D1629, Abu Da‘ud, al-Zakat, 24.

<sup>29</sup> D1630, Abu Da‘ud, al-Zakat, 24.

<sup>30</sup> Al-Tawba, 9:60.

<sup>31</sup> T653, al-Tirmidhi, al-Zakat, 23.



The auspicious Messenger, who said, “Whoever guarantees that he will not beg from anyone, I will guarantee him paradise,”<sup>32</sup> essentially stressed the virtue of living without being a burden on anyone. The Messenger of Allah did not believe it was proper for those who had legitimate reasons, such as extreme poverty and debt, and found themselves in difficult straits to rashly bother just anyone and recommended that, only if necessary, they resort to people who were of pure ethics and charitable.<sup>33</sup> There were also people who, even if sometimes they had to go to others with open hand or beg, were reluctant to take this step and bore feelings of shame and honor that kept them from doing so. Allah’s Messenger said, “A poor person is not one who is dismissed with one or two dates or with one or two morsels. In fact a poor person is one who abstains (from begging, even if he is in need and does not want to ask anyone for anything).”<sup>34</sup> And he then recalled the verse “...their characteristic of not begging persistently.”<sup>35</sup>

In the verse to which the Prophet (saw) refers, Allah (swt) says, “[Give] to those needy who are wholly occupied in Allah’s way and cannot travel in the land [for trade]. The unknowing might think them rich because of their self-restraint, but you will recognize them by their characteristic of not begging persistently. Allah is well aware of any good you give.”<sup>36</sup> While, on the one hand, the virtue of feeling shame which would keep one from begging from others is stressed here, on the other hand, the need for a social conscience which takes action toward those who, for various reasons, cannot work and therefor need help is also indicated. In this verse and in the *hadiths*, it is emphasized that it is an obligation for Muslims to determine the needs of [their] society before anyone has to resort to begging and to meet their needs before their honor is sullied.

Another matter here to which attention should be drawn is that wealth which is loved and enjoyed should be given as *sadaqa*. “None of you [believers] will attain true piety unless you give out of what you cherish: whatever you give, Allah knows about it very well.”<sup>37</sup> As this verse indicates, the significance of the giving by one who acts charitably in order to do good works and fulfill his obligations as stated in the Holy Qur’an should be considered in the light of what he does in proportion to his resources. Abu Talha (ra), who was among those who owned the most date palms in Medina, was one of the Companions from Medina who fully understood the importance of giving away one’s best possessions. His most prized property was a date

<sup>32</sup> D1643, Abu Da’ud, al-Zakat, 27.

<sup>33</sup> D1646, Abu Da’ud, al-Zakat, 28; N2588, al-Nasa’i, al-Zakat, 84.

<sup>34</sup> M2394 (?), Muslim, al-Zakat, 102; N2572, al-Nasa’i, al-Zakat, 76.

<sup>35</sup> Al-Baqara, 2:273.

<sup>36</sup> Al-Baqara, 2:273.

<sup>37</sup> Al ‘Imran, 3:92.



orchard called Bayruha' located on the *qibla* (south) side of the Masjid al-Nabi. The Prophet (saw) used to go to this orchard and drink the sweet water there. Thus, when the verse "*None of you [believers] will attain true piety unless you give out of what you cherish...*"<sup>38</sup> was revealed, he got up and went to our master the Prophet (saw). He said to our master, "O Messenger of Allah! Allah the Exalted and Blessed has said, '*None of you [believers] will attain true piety unless you give out of what you cherish...*' Bayruha' orchard is the most beloved of all my property. So I want to give it in charity (*sadaqa*) in Allah's cause. In exchange for this, I wish for reward and a store [of blessings] from Allah. O Allah's Messenger! Use it as Allah indicates to you." Thus he devoted this orchard to Allah's cause. Thereupon, Allah's Messenger said, "*Well done! This is lucrative property. This is lucrative property. I have heard what you have said and I think it would be proper if you gave it to your relatives.*" Abu Talha then distributed the orchard to his close relatives and the sons of his paternal uncle.<sup>39</sup> Thus we understand that one should not set aside the best of one's property for himself and that the needy did not deserve to be given things less pleasing from out of the way places. This showed the importance of devoting one's wealth to the cause of Allah and was a good example to Muslims with respect to the necessity of doing so.

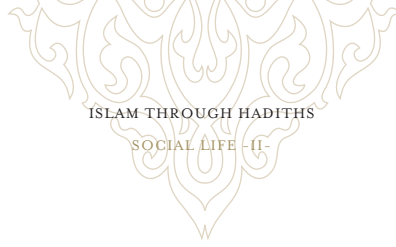
Al-Bara' b. 'Azib (ra), who was one of the Companions whom the Messenger of Allah (saw) did not allow to participate in the Battle of Badr with Ibn 'Umar (ra) because they were too young,<sup>40</sup> explains how some of the Companions (ra) who took this understanding to heart turned away from their errors as a result of this divine warning: "The verse '*...do not seek to give the bad things . . .*' was revealed concerning us, the community of Ansar. We have date orchards. Everyone used to bring one or two boughs of dates, depending on whether he had few or many, and hang them in the mosque (*masjid*). The Ahl al-*Ṣuffa* (those Companions (ra) who typified the idea of poverty and piety) had nothing to eat. When they were hungry, they used to take a stick in their hands and knock down from the suspended boughs green and ripe dates and eat them. There were also people who did not like to do good deeds. The boughs that they hung were broken and their dates were bad. Thereupon Allah on High revealed the verse: '*You who believe, give charitably from the good things you have acquired and that We have produced for you from the earth. Do not seek to give the bad things that you yourself would only accept with your eyes closed...*'<sup>41</sup> The Ahl al-*Ṣuffa* then said, 'If one of you were

<sup>38</sup> Al 'Imran, 3:92.

<sup>39</sup> B1461, al-Bukhari, al-Zakat, 44.

<sup>40</sup> H11/278, Ibn Hajar, al-Isaba, I, 278.

<sup>41</sup> Al-Baqara, 2:267.



given similar to what he gave, he would only accept it with his eyes closed and with shame.’ After that, one of us would bring the best that we had.”<sup>42</sup>

On the one hand, this reaction to the aforesaid verse constitutes a typical example of the extent of the awareness of social responsibility in Medina fourteen centuries ago. On the other hand, this is of great importance with respect to creating a basis for such traditions as *sadaka tasları* (*şadaqa* bowls: bowls in which the rich left money and from which the needy took as much as they needed) or *askıda ekmek* (suspended bread: while buying bread paying for an extra one and thus leaving it “suspended” for those in need), which represented the epitome of social solidarity in later centuries.

In our day the reality of begging is, unfortunately, far from an old innocent phantom. It approaches the dimension about which our beloved Prophet gave stern warning, “begging when one was not in need.” The structure that has been created by beggars who try to influence people of good intention with false statements and deceptive images has increasingly resulted in a form of private enterprise and people have gotten rich in this enterprise. Because the authorities have not been able to take sufficient measures to prevent this, the problem has grown even larger. This enterprise, which is usually equated with fakery in society, causes willy-nilly those who are genuinely in need to be ignored and increases the chance that they will be unjustly treated. Under these circumstances, the competent administrative authorities responsible for carrying out the conceptual requirements of the social state must combine their effort with the religious motivation that would be ensured by the concept of *şadaqa* and morally strong social sensibilities. Although many police measures have been taken to root out begging, it may be possible for the rich, who know that the destitute have a right to [some of] the wealth with which Allah (swt) has favored them and who are aware that their wealth cannot be made pure without giving [some of it away], and those poor, whose honor and sense of honesty are the epitome of personal ethics and who never intended to fall into dire straits, can work together to resolve this problem.

<sup>42</sup> T2987, al-Tirmidhi, Tafsir al-Qur’an, 2.





## MODERATION IN BUSINESS BEING HONEST



عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ الْغُرَرِ.

According to Abu Hurayra (ra), the Prophet (saw) forbade sales in which there was (the risk of) deception.

(D3376, Abu Da'ud, al-Buyu', 24)



عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ  
الثَّمَرَةِ حَتَّى تَرْهُو. وَعَنْ بَيْعِ الْعِنَبِ حَتَّى يَسْوَدَّ، وَعَنْ  
بَيْعِ الْحَبِّ حَتَّى يَشْتَدَّ.



عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ، وَهُمْ يُسْلِفُونَ بِالتَّمْرِ  
السَّنَتَيْنِ وَالثَّلَاثَ، فَقَالَ: ”مَنْ أَسْلَفَ فِي شَيْءٍ فَفِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ  
مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ.“



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
”لَا تَلَقُّوا الْأَجْلَابَ. فَمَنْ تَلَقَّى مِنْهُ شَيْئًا فَاشْتَرَى، فَصَاحِبُهُ  
بِالْخِيَارِ، إِذَا أَتَى السُّوقَ.“



عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”...وَلَا يَبِيعُ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ، وَلَا تَنَاجَشُوا...“



عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ قَالَ:  
”التَّاجِرُ الصَّدُوقُ الْأَمِينُ، مَعَ التَّيِّبِينَ وَالصَّادِقِينَ وَالشُّهَدَاءِ.“



According to Anas b. Malik (ra), the Prophet (saw) forbade selling fruit until it had burst forth, selling grapes until they had turned dark, and selling grain until it had hardened.

(IM2217, Ibn Maja, al-Tijarat, 32; D3371, Abu Da'ud, al-Buyu', 22)



According to Ibn 'Abbas (ra), when the Prophet (saw) came to Medina, the people [there] used to pay in advance the price of dates to be delivered within two or three years. The Prophet (saw) said to them, *“Whoever pays in advance the price of a thing to be delivered later should pay for a specified measure at specified weight for a specified period.”*

(B2240, al-Bukhari, al-Salam, 2; M4118, Muslim, al-Musaqat, 127)



According to Abu Hurayra (ra), the Prophet (saw) stated the following: *“Do not meet traders on the road, and whoever meets one and buys from him, the seller has the right to cancel the transaction when he comes to the marketplace.”*

(IM2178, Ibn Maja, al-Tijarat, 16; N4505, al-Nasa'i, al-Buyu', 18)



According to Abu Hurayra (ra), the Prophet (saw) stated the following: *“...do not sell on each other's sales and do not provoke the customers...”*

(M3815, Muslim, al-Buyu', 11)



According to Abu Sa'id (ra), the Prophet (saw) said the following: *“The honest and trustworthy merchant is with the prophets, the eminently truthful, and the martyrs.”*

(T1209, al-Tirmidhi, al-Buyu', 4)







**B**efore the appearance of Islam, the Prophet (saw) had been occupied with trade. Indeed, one of the reasons that Khadija (ra) married him was that he was a successful merchant and was reliable. He understood commerce and encouraged others to engage in it.

One day the Messenger of Allah (saw) gave a dinar to ‘Urwa al-Bariki (ra),<sup>1</sup> a Companion from Kufa, and asked him to buy a sheep for him. ‘Urwa first paid one dinar and bought two sheep. Then he sold one of these sheep for a dinar. Afterwards he brought a sheep and a dinar to the Messenger of Allah (saw), who was very pleased with this state of affairs. He heaped praise on ‘Urwa because he had conducted a profitable business transaction and prayed, “*May Allah bless you in your business dealings.*” ‘Urwa then went to the market called Kunasa in Kufa where he made large profits and became one of the richest people in Kufa.<sup>2</sup>

Through this and similar actions the Prophet (saw) encouraged profitable commerce. Indeed, Allah on High says that trade is permissible in the following noble verse in the Noble Qur’an: “...men who are not distracted, either by commerce or profit, from remembering Allah, keeping up the prayer, and paying the prescribed alms, fearing a day when hearts and eyes will turn over.”<sup>3</sup> Nevertheless, this verse reminds believers that they must fulfill their responsibilities to Allah (swt) while they are engaged in trade. As someone who was occupied with trade, the Prophet (saw) maintained certain commercial practices in conformity with the principles stated in the Holy Qur’an but which had also existed in the period before Islam. But he also considered some of these pre-Islamic practices to be inappropriate and forbade them.

While it was necessary to be careful in the conduct of business, one of the most fundamental principles was to make sure that the property and the amount to be paid in exchange for it were clearly specified. Thus, trade

<sup>1</sup> IBS564, Ibn ‘Abd al-Barr, *al-Isti‘ab*, p. 564.

<sup>2</sup> T1258, al-Tirmidhi, *al-Buyu‘*, 34.

<sup>3</sup> Al-Nur, 24:37.



was encouraged without any deception of uncertainty. If there was nothing contrary to such conditions, there would be no objection to bargaining. The Prophet (saw) in fact also engaged in bargaining while doing business.<sup>4</sup>

Business could be done in cash or by future payments. In general, as the following verse indicates, “*You who believe, when you contract a debt for a stated term, put it down in writing,*”<sup>5</sup> business via future payments was accepted as permissible. Allah’s Messenger himself purchased food on credit from a Jew. In return he gave him his armor as collateral,<sup>6</sup> an action which shows that doing business on credit was permissible.

Measuring under conditions in which uncertainty was not removed in a manner that gave rise to misunderstanding and a feeling of being unjustly treated among the parties and selling by visual estimation without weighing were acceptable practices at the time of the Prophet (saw).<sup>7</sup> Doing business at auctions that the parties held to propose different prices, that is, by open bidding was also accepted as permissible based on the practice of Allah’s Messenger. The Prophet (saw) once wanted to sell the saddle blanket and drinking cup of a destitute man and provide him with some food and capital. He called out to his Companions (ra) and asked “*Who will buy this blanket and water cup?*” One man said, “I will take both of them for a dirham.” The Prophet (saw) once more called out to his Companions (ra) saying, “*Is there anyone who would give more than a dirham? Is there anyone who would give more than a dirham?*” And so he sold them to one of his Companions (ra) for two dirhams.<sup>8</sup> As seen from these examples, Allah’s Messenger permitted every type of business practice in which there was no obscurity, uncertainty, or possibility of causing damage or of misleading the other party.

In business practices in which there is obscurity and uncertainty there is always the possibility of misunderstandings and wrongful action. Therefore, the customer should examine what he wants to buy and be able to check as far as he can determine if what he is going to buy has the qualities he desires. The seller should also know everything about the amounts and characteristics of what he gets in return for what he gives. Uncertainty is an unknown element in business contracts. It is part of doing business and, to the extent that it can lead to unjustifiable profit, one would call it “risk,” that is, the “risk of deceiving or being deceived.” Because these kinds of business practices, which were frequent before the

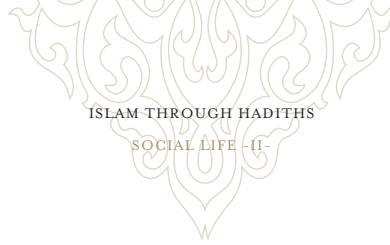
<sup>4</sup> T1305, al-Tirmidhi, al-Buyu’, 66.

<sup>5</sup> Al-Baqara, 2:282.

<sup>6</sup> N4654, al-Nasa’i, al-Buyu’, 83.

<sup>7</sup> M3847, Muslim, al-Buyu’, 38; B2137, al-Bukhari, al-Buyu’, 56.

<sup>8</sup> T1218, al-Tirmidhi, al-Buyu’, 10.



rise of Islam, resulted in certain injustices and misunderstandings, our beloved Prophet forbade them.<sup>9</sup>

Allah's Messenger, who understood commercial life well, was concerned that certain business practices which were widespread in the period before Islam and which involved uncertainty could, as a result of the uncertainty, cause injury to one of the parties in a business transaction and so he considered them to be inappropriate. According to 'Abd Allah b. 'Umar (ra), at the time of our beloved Prophet a man bargained with a farmer and reached an agreement whereby he would pay in advance for the produce from a date orchard that year before it produced any fruit. When no fruit was produced that year, the buyer claimed a right over the grove and said, "This date grove belongs to me until it produces fruit." But the seller objected and said, "I sold you only this year's production of dates." Afterward the buyer and seller submitted their disagreement to Allah's Messenger who asked the farmer, "*Did this man receive anything from your date grove?*" When the farmer said, "No," Allah's Messenger said, "*Then why do you regard his wealth as lawful for you?*" And he wanted him to return the money that he had taken from the buyer. Indeed, he said, "*Do not conduct business by contracting to pay in advance for the fruit of date palms before it has ripen.*" In other words, do not buy or sell on credit.<sup>10</sup>

The form of business transaction in which one paid in advance for goods that would be received later was called *salam*. Allah's Messenger imposed a number of limitations on contracting such sales. He forbade making a *salam* contract when the quality and quantity of the goods in question was unspecified in order to prevent harm to the buyer. Because of this possibility, the sale of unripe fruit on the tree was forbidden. At the time of our master the Prophet (saw), there were some people who bought and sold unripe dates (which were still on the branches of the trees). When it was harvest time, sometimes the customer would say, "The crop has darkened and rotted. A disease has afflicted the fruit. The dates have fallen before ripening." Thereupon, the seller would fall into a dispute with the buyer. Because most claims and disputes were of this kind, Allah's Messenger said, "*If you are not going to abandon such transactions, then do not buy and sell ripe fruit on the tree without examining its features.*"<sup>11</sup> Thus he placed an obstacle to issues which could cause a misunderstanding. In another *ḥadīth*, the Messenger of Allah (saw) forbade selling fruit before it

<sup>9</sup> D3376, Abu Da'ud, al-Buyu' 24.

<sup>10</sup> IM2284, Ibn Maja, al-Tijarat, 61.

<sup>11</sup> B2193, al-Bukhari, al-Buyu', 85.



had emerged, fresh grapes before their signs of ripening were evident, and grain before the seeds had hardened.<sup>12</sup> In this way the Prophet (saw) indicated the time when agricultural products could be bought and sold. As a result, he forbade buying and selling fruit, vegetables, and grain before it was ripe out of fear that a way would be open for one of the parties to be cheated.

The most noble Messenger's suggestions related to commerce were not limited to these. He also stated that it was not appropriate for people to sell products that they had bought to others without assuming responsibility for them.<sup>13</sup> This was because reselling goods unseen or whose qualities could not be determined could cause many people to fall into dire straits. Indeed, one day Hakim b. Hizam (ra), a young friend of our master the Prophet (saw), said to him, "O, Messenger of Allah! If someone comes to me and wants me to sell something that I don't have, should I buy it (for him) in the market?" The Messenger of Allah answered, "*Do not sell what you do not possess.*"<sup>14</sup>

When Allah's Messenger came to Medina, the people of that city used to sell dates by making *salam* contracts and paying two or three years in advance for the product before it was delivered. The Prophet (saw) saw this and said the following: "*Whoever pays in advance for anything, it should be for a specified measure, a specified weight, and for a specified period.*"<sup>15</sup> With these words, Allah's Messenger stated that it was acceptable for people to engage in commercial transactions by buying goods in advance and receiving them later if their qualities were known, they could be found in the market, and they were not currency. This kind of transaction was, however, different from those made concerning unripe crops which were still in the orchard or animals which were not yet born. This was because in this kind of transaction, for which permission was given, all the details were known. As for transactions made concerning immature crops and unborn animals, there was uncertainty about them in many respects. Allah's Messenger gave the same justifications when he forbade buying and selling fish in the water,<sup>16</sup> for any product to be sold, it had to be in the possession of the seller.

Our master the Prophet (saw) also forbade the kinds of commercial transactions called *mulāmasa*, *munābadha*, and *bay'al-ḥaṣāt*, which were practiced in the pre-Islamic period.<sup>17</sup> *Mulāmasa* was the kind of transac-

<sup>12</sup> IM2217, Ibn Maja, al-Tijarat, 32; D3371, Abu Da'ud, al-Buyu', 22.

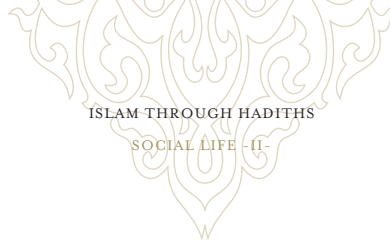
<sup>13</sup> B2126, al-Bukhari, al-Buyu', 51.

<sup>14</sup> D3503, Abu Da'ud, al-Buyu', (al-ljara) 68.

<sup>15</sup> B2240, al-Bukhari, al-Salam, 2; M4118, Muslim, al-Musaqat, 127.

<sup>16</sup> HM3676, Ibn Hanbal, I, 388.

<sup>17</sup> IM2169, Ibn Maja, al-Tijarat, 12; HM11036, Ibn Hanbal, III, 6; M3808, Muslim, al-Buyu', 4.



tion, especially concerning cloth, that one made simply by touching the goods, night or day, without examining them in detail.<sup>18</sup> *Munābadha* was a form of transaction in which the parties tossed a certain good, the like of which was not found in the market, to each other and therefore the buyer had no chance to examine it.<sup>19</sup> As for *bay'al-ḥaṣāt*, this was the kind of transaction in which one said, “Whichever cloth the stone that I will toss falls on is mine.”<sup>20</sup>

Another form of sale that was forbidden was called *ḥabal al-ḥabala*. In the pre-Islamic period, people were able to sell a camel on condition that it would give birth to a female foal.<sup>21</sup> Such a sales agreement could cause damage to one of the parties. This was because in this situation it was unknown if the camel would give birth to live young, if the foal would be male or female, and, if it were female, if it in turn would give birth. In all of these transactions, it was highly likely that one of the parties would be injured, because it was unclear in their dealings what the result would be of their agreement and what goods were being sold, as was the case in offering goods for sale without clearly revealing their qualities. Thus, in such transactions the principle of “certainty” was ignored and trade was based on sleight of hand and vigilance. Consequently, because there was a great chance of being cheated and a certain perversity was introduced to commercial agreements based on consent,<sup>22</sup> Allah’s Messenger forbade these kinds of sales which were widespread in the pre-Islamic period.

Another form of sale which was forbidden was that which could cause injury to the opposite party. In order to protect the owners of orchards and producers of various products and to prevent those who needed money from being exploited and misled, the sale, by an approximate measure, of fresh dates on the tree for dry dates (*muzābana*) and the transaction of exchanging wheat on the ear for wheat in the granary (*muḥāqala*) were forbidden.<sup>23</sup>

It was also forbidden for city people to make sales on behalf of villagers so that villagers would not be harmed. Such a thing occurred between Talha b. ‘Ubayd Allah (ra) and a bedouin who had visited him as a guest. The Bedouin had come to Medina to sell his milk camel. Talha sensed that his guest expected him to buy the camel which was for sale or act as an intermediary in this matter and said to him, “The Prophet (saw) forbade city people to act as intermediaries in the sale of bedouin goods or to buy them

<sup>18</sup> “Mūlānese,” DīA, XXXI, 536.

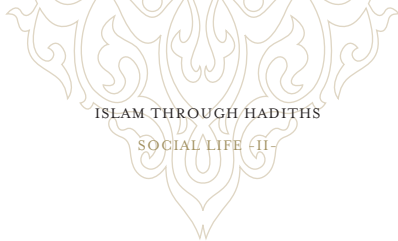
<sup>19</sup> “Mūnābeze,” DīA, XXXI, 563.

<sup>20</sup> T1230, al-Tirmidhi, al-Buyu’, 17.

<sup>21</sup> B2143, al-Bukhari, al-Buyu’, 61.

<sup>22</sup> Al-Nisa’, 4:29.

<sup>23</sup> B2381, al-Bukhari, al-Musaqat, 17; N4527, al-Nasa’i, al-Būyu’, 27.



ourselves. However, go to the market (learn the current price). If there is someone who wants to make a transaction with you, come and inform me, and let me tell you if you should sell it to him.”<sup>24</sup>

This dialogue, which occurred while our beloved Prophet was still alive, not only gives us an idea about the sensibility of Talha, who knew Allah’s Messenger very well, who was wounded on his head and hand while shielding our master with his body at the Battle of Uhud and who, in this condition, carried our master the Prophet (saw) on his back to the cave where they took refuge,<sup>25</sup> but also draws attention to the fact that those who were rather ignorant of the commercial environment of the cities or were foreign merchants should not be exploited for their lack of knowledge and thus should not suffer harm.

‘Umar’s son, ‘Abd Allah (ra), described a custom that was prevalent in those days in the Arabian Peninsula, especially in Mecca and Medina, saying, “We used to go out on the road to meet caravans bringing goods from outside the city and we would buy foodstuffs (cheaply) from them.”<sup>26</sup> As a result, the goods that caravans brought from other cities were purchased cheaply wholesale and then taken to the market. This practice sometimes caused harm to the caravan owners. Our Prophet, who knew extremely well the realities of economic life because he himself had been occupied with trade, was completely opposed to such a practice. With respect to the market, Allah’s Messenger, who took a strong position on this practice which could result in the creation of a rentier class living on the backs of others, forbade going out on the road to meet the goods that villagers and foreign merchants were bringing to sell in the city and forbade city people from selling the goods of a villager on his behalf as a broker.<sup>27</sup>

Anas b. Malik (ra), the servant of our master the Prophet (saw), also stated that it was forbidden for a city person to act as a broker for a person coming from the countryside, even if that city person was his father or brother.<sup>28</sup>

According to one *hadith*, Allah’s Messenger was not content to state that such practices were forbidden and he took certain measures to prevent people from doing such things in the market. According to ‘Umar’s son, ‘Abd Allah (ra), Allah’s Messenger gave certain officials the task of meeting commercial caravans on the road and preventing merchants from going out to purchase their goods.<sup>29</sup>

<sup>24</sup> D3441, Abu Da’ud, al-Büyu’ (al-Ijara), 45.

<sup>25</sup> ST3/217, Ibn Sa’d, al-Tabaqat, III, 217-218.

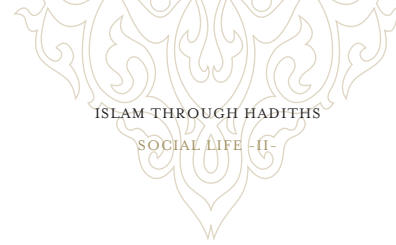
<sup>26</sup> B2166, al-Bukhari, al-Büyu’, 72.

<sup>27</sup> B2274, al-Bukhari, al-Ijara, 14.

<sup>28</sup> M3828, Muslim, al-Büyu’, 21.

<sup>29</sup> B2123, al-Bukhari, al-Büyu’, 49.





If one carried out such a transaction despite the measures that were taken and despite being clearly informed that it was forbidden, Allah's Messenger gave the seller a chance to change his mind about it. He made the following statement in this regard: “*Do not meet traders on the road, and whoever meets one and buys from him, the seller has the right to cancel the transaction when he comes to the marketplace.*”<sup>30</sup>

As in all matters, artificial interference in business transactions could introduce certain problems and injustices. In this respect, our beloved Prophet stated, “*The city person should not sell on behalf of the villager! Cease [this practice]! May Allah provide people with sustenance from each other*”<sup>31</sup> Thus he left commercial life to the natural flow of the balance of supply and demand. When these warnings were taken to heart, bringing together producers and consumers, they ensured the undisturbed balance of supply and demand and prevented powerful capitalists from imposing unfair competition in the marketplace by creating monopolies. Furthermore, because of the harm that befell villagers or foreign merchants, who had their goods snapped up cheaply, in the cities to which they came, other preventive measures against potential city/market oriented actions were also instituted and the healthy flow of competition with outside markets in economic life was ensured. A recollection of Qays b. Abi Gharaza reveals that Allah's Messenger did not approve of the brokering that was done by agents and did not even like the name *simsār* which was given to them. Qays stated the following: “*In Medina we were called simsār. One day the Messenger of Allah (saw) came to us. He gave us a much nicer name by addressing us as ‘O society of merchants!’ And he continued to speak saying, ‘There is a great possibility that Satan and sin are mixed in transactions, so mix your transactions with charity (so that you may be cleansed of your sins)’*”<sup>32</sup>

The Prophet (saw), who stated that he was not pleased with associating the word *simsār* with highly refined attitudes and agreeable expressions, warned those engaged in commerce against inappropriate behavior. Nevertheless, sometimes, for various reasons, it could be difficult for the producer and consumer to be in direct contact. Such factors as the undeveloped transportation sector, the lack of means of transportation, the difficulties arising from natural conditions, the security of goods being transported, and commercial risk related to all of these things could make it difficult to bring manufactured goods to market. Under such con-

<sup>30</sup> IM2178, Ibn Maja, al-Tijarat, 16; N4505, al-Nasa'i, al-Buyu', 18.

<sup>31</sup> M3826, Muslim, al-Buyu', 20.

<sup>32</sup> T1208, al-Tirmidhi, al-Buyu', 4; D3326, Abu Da'ud, al-Buyu', 1.





ditions there would be no objection to the introduction of intermediaries. This would be valued as the experienced informing the inexperienced and serving as their guides. In fact, sometimes there could be no choice. For example, today, when many kinds of transactions are practiced, it would be difficult to bring certain manufactured goods to consumers without the help of intermediaries. Thus business done wholesale or by commission has become a kind of public duty. Many basic commodities like vegetables and fruit come to market by means of tradesmen called middlemen/agents who are well established in the cities. There is no doubt that, in this respect, these tradesmen, who meet an important need for society, work as such intermediaries in a form of commerce which ensures religiously permissible profit to the extent that they consider the interests of producer and consumer and establish a balance of interests. The form of brokerage which Allah's Messenger forbade was the kind that could cause harm to the producer or consumer.

Mutual assistance among believers in doing good and acting piously is an order of our Lord on High.<sup>33</sup> This order is addressed to all those who have faith, whether owner of goods or customer. Someone who knows the market and gives information to a producer who does not know market conditions could be evaluated in this context. Seen in this respect, the intermediary gains reward for being religiously responsible and for what he will accomplish at the same time. In fact Ibn Abbas, who grew up under the tutelage of Allah's Messenger, states that, after the amount that the seller/producer receives is made clear, a fee could be paid to the intermediary;<sup>34</sup> and Hammad, one of the jurists of the Successors (of the Companions (ra)), stated that the *simsārs* could receive a fee provided that it was made clear in advance.<sup>35</sup> All of this shows that the warnings of our master the Prophet (saw) on this matter were directed at exploitative agents who pursued many ruses and deceptions in advance.

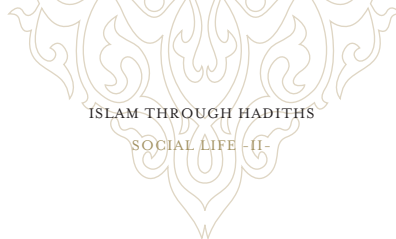
By saying, "Do not sell on the sale of your co-religionist"<sup>36</sup> (that is, do not urge one to return what he has already bought from another seller in order to sell him your own goods), our master the Prophet (saw) stated that, while the parties were agreeing on a price, it would not be proper for a third person to demand the same goods or for the owner of the goods to sell the same goods to a different person because a wealthier customer appeared. This is because to come on the scene while the seller and customer

<sup>33</sup> Al-Ma'ida, 5:2.

<sup>34</sup> B2274, al-Bukhari, al-Ijara, 14.

<sup>35</sup> M522057, Ibn Abi Shayba, *al-Musannaf*, al-Būyū' and Akdiyya, 265.

<sup>36</sup> B2139, al-Bukhari, al-Būyū', 58.



are bargaining and offer a higher price and thus have a negative effect on the customer during the bargaining, or for the seller to sell his goods not to the person with whom he was bargaining but to the person who offered more is incorrect behavior that is not appropriate to commercial ethics. In the same manner, if a person presents himself as a buyer, intervenes between the seller and customer and raises the price with the intention to deceive the customer, this is absolutely forbidden.<sup>37</sup> This is because, in order to give the impression that there is great demand for their goods, some sellers will hire certain people to intervene during bargaining. Intervening during the bargaining, they pretend to be customers for the goods that are for sale and they drive up the price. The customer who sees this is carried away in thinking there is high demand for the goods and feels compelled to pay a higher price for them. This is why the merciful Prophet repeatedly warned at various times and places, “...while you are in the midst of a sale with each other, do not sell (to another) and excite the customer!”<sup>38</sup> He urged believers to stay far away from getting involved in the bargaining of one another.

Such acts as carrying out ruses to show that goods for sale are more valuable or better than they really are or hiding the defects in goods are forms of behavior that harm transactions. The warning of Allah’s Messenger, “...Don’t mix camel milk and sheep milk in the udders...,”<sup>39</sup> points out that that it would be a mistake to display differently goods that are for sale. In like manner, to make an animal that is for sale look larger because it has been given plenty of fodder and salt and then made to drink water or has been given various hormones so that it looks meaty are similar ruses. The ban imposed by the aforesaid command of Allah’s Messenger is in effect for all goods that are bought and sold.

There is another matter in commerce to which Allah’s Messenger drew attention and this is the problem of selling goods which are religiously forbidden. In the Noble Qur’an, our Lord on High made it religiously forbidden to consume alcohol, pork, carrion, and blood,<sup>40</sup> and parallel with this our master the Prophet (saw), in the year in which Mecca was conquered, declared that it was religiously forbidden for alcohol, carrion, pork, and idols to be sold.<sup>41</sup>

There is benefit in drawing attention to this matter concerning forbidden sales. A person who is a believer should be careful that, while engaged in commerce, his profit is religiously permissible. While fulfilling his nec-

<sup>37</sup> B2142, al-Bukhari, al-Büyu’, 60.

<sup>38</sup> M3815, Muslim, al-Büyu’, 11.

<sup>39</sup> M3815, Muslim, al-Büyu’, 11.

<sup>40</sup> Al-Ma’ida, 5:90; al-An’am, 6:145.

<sup>41</sup> M4048, Muslim, al-Musaqat, 71.



essary responsibilities in order to ensure his worldly livelihood, he should not neglect his required acts of worship. The noble verse, *“Believers! When the call to prayer is made on the day of congregation, hurry towards the reminder of Allah and leave off your trading—that is better for you, if only you knew,”*<sup>42</sup> is important with respect to forbidding commerce at the time of Friday prayer and reminding one to observe this balance.

If a Muslim merchant were to downplay his duties to his neighbors, such as causing harm to the commercial life of society, this would be injurious to his own person. It would also be easy for such a person to commit religiously unlawful actions because of his lack of moral sensitivity. As Allah on High has ordered, *“People, eat what is good and lawful from the earth, and do not follow Satan’s footsteps, for he is your sworn enemy.”*<sup>43</sup> And, *“You who believe, do not wrongfully consume each other’s wealth but trade by mutual consent. Do not kill each other, for Allah is merciful to you.”*<sup>44</sup> Thus he calls upon people to earn religiously permissible sustenance and avoid that which is not permissible. His blunt warning, *“He who deceives us is not one of us,”*<sup>45</sup> shows very clearly a different aspect of this matter. The faith of one who deceives people in commerce suffers erosion because of his lack of sensitivity regarding what is religiously permissible and what is not; and as a result this person cannot prevent himself from committing other bad actions.

Today commercial transactions can be done completely in virtual environments and on paper, and commercial partnerships can be created. Sometimes in such commercial activities what is bought and sold is not even known and this opens the door to risks which had not previously been imagined. This situation reveals the importance of maintaining even today the principle that the Messenger of Allah (saw) had emphasized, “certainty in trade.” Consequently, in order for these kinds of commercial activities not to cause injustice, it is necessary for certain likely risks to be resolved in advance while working out agreements.

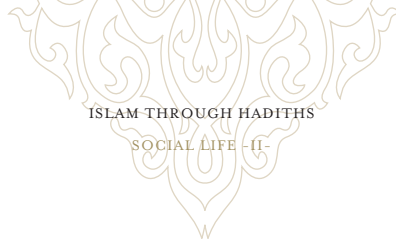
Furthermore, in today’s commercial life, the qualities and standards of most goods for sale in the markets have reached a certain state. The goods to be produced are described in the raw state before they are even produced and their specifications are described in the finest detail, such as the materials that will be used. If any defect is found, this is valid grounds for returning the product. Security against such disruptions is provided by guarantees and compensation. For example, all the characteristics of

<sup>42</sup> Al-Jum’a, 62:9.

<sup>43</sup> Al-Baqara, 2:168.

<sup>44</sup> Al-Nisa’, 4:29.

<sup>45</sup> M283, Muslim, al-Iman, 164.



such products as houses, cars, white goods, furniture, shoes, and industrial machinery are known in advance. Such quality control ensures that there would be no problem in the purchase or sale of certain goods before they were produced.

At the forefront of the human relations which are manifest while focusing on mutual rights in commercial transactions is income. Slight carelessness or neglect can cause the rights of the buyer or seller to be eroded. Therefore, both parties who are carrying out a commercial transaction must be extremely careful. It is well known that our beloved Prophet called upon his Companions (ra) to try to avoid with the most extreme care unjust business practices and forbade anything that was suspicious.<sup>46</sup> This is not only important with regard to our showing the same sensitivity as their followers and avoiding injustice, but also, at the same time, a requirement of our faith and of our commitment to Allah's Messenger. In addition, those who protect commercial transactions from suspicious things and uncertainties and those who by respecting all rights behave in an honest way were heralded by the Prophet (saw) as follows: *"The honest, trustworthy merchant is with the prophets, the eminently truthful, and the martyrs."*<sup>47</sup>

<sup>46</sup> DM2560, al-Darimi, al-Buyu', 2.

<sup>47</sup> T1209, al-Tirmidhi, al-Buyu', 4.





## HALAL AND HARAM THE RESTRICTION THAT ALLAH HAS PLACED ON HIS SERVANTS

عَنْ سَلْمَانَ قَالَ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ السَّمْنِ وَالْجُبْنِ وَالْفِرَاءِ فَقَالَ:  
”الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ، وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ، وَمَا سَكَتَ عَنْهُ  
فَهُوَ مِمَّا عَفَا عَنْهُ.“

According to Salman (ra), when the Messenger of Allah (saw) was asked about fat, cheese, and clothing made of animal skins, he gave the following answer: “*Halal is what Allah made permissible in His Book. Haram is what Allah made not permissible in His Book. As for the things that are not mentioned, they are things that He has pardoned.*”

(T1726, al-Tirmidhi, al-Libas, 6; IM3367, Ibn Maja, al-At'ima, 60)



عَنِ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ: سَمِعْتُهُ يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
-وَأَهْوَى النُّعْمَانُ بِإِصْبَعَيْهِ إِلَى أُذُنَيْهِ- ”إِنَّ الْحَلَالَ بَيْنَ وَإِنَّ الْحَرَامَ بَيْنَ وَبَيْنَهُمَا  
مُشْتَبِهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ، فَمَنْ اتَّقَى الشُّبُهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ،  
وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ...“



عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”أَيُّهَا النَّاسُ اتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ. فَإِنَّ نَفْسًا لَنْ تَمُوتَ حَتَّى تَسْتَوْفِيَ رِزْقَهَا،  
وَإِنْ أَبْطَأَ عَنْهَا. فَاتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ. خُذُوا مَا حَلَّ، وَدَعُوا مَا حَرَّمَ.“



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
”لَيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ لَا يُبَالَى الْمَرْءُ بِمَا أَخَذَ الْمَالَ، أَمِنْ حَلَالٍ أَمْ مِنْ حَرَامٍ.“



عَنْ أَبِي الْحَوْرَاءِ السَّعْدِيِّ قَالَ: قُلْتُ لِلْحَسَنِ بْنِ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ:  
مَا حَفِظْتَ مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ حَفِظْتُ مِنْهُ ”دَعْ مَا يَرِيكَ  
إِلَى مَا لَا يَرِيكَ.“



Nu'man b. Bashir (ra) related what he heard the Prophet (saw) say while he showed him his fingers and two ears (which had been cut off):

*“What is religiously permissible is obvious. What is not permissible is also obvious. Between these things are a number of things about which there is doubt so that most people do not know what they are. Whoever avoids doubtful things will protect his faith and his honor. Whoever succumbs to doubtful things, will have fallen into error . . .”*

(M4094, Muslim, al-Musaqat, 107)



According to Jabir b. 'Abd Allah (ra), the Messenger of Allah (saw) said the following: *“O People! Fear Allah and act well in seeking a living for no soul will die before receiving his full share of sustenance, even if it is slow in coming. Therefore, fear Allah and act well in seeking a living. Take that which is permissible and avoid that which is forbidden.”*

(IM2144, Ibn Maja, al-Tijara, 2)



According to what was narrated from Abu Hurayra (ra), the Prophet (saw) said, *“Certainly a time will come when a person will pay no attention to whether his goods were obtained by permissible or forbidden means.”*

(B2083, al-Bukhari, al-Buyu', 23)



Abu al-Hawra' al-Sa'di said,  
*“I asked Hasan b. 'Ali (ra), ‘What did you learn by heart from the Messenger of Allah (saw)?’ And he said, ‘I learned the following from him: ‘Avoid things which cause you to doubt and take things which do not cause you to doubt!’”*

(N5714, al-Nasa'i, al-Ashriba, 50)







One day the Messenger of Allah (saw) explained the following to his Companions (ra): *“Allah on High made the following analogy: Think of a road. It is a completely straight road. On each side there is a wall from end to end. In each wall there are open doors over which are suspended curtains that hang to the ground. At the beginning of the road there is a warner who shouts to those who enter it, ‘O people! All of you enter this straight road! Do not deviate!’ Along the middle of the road there are other warners who caution those trying to open the curtains of the doors saying, ‘What are your doing! Don’t open them! Stay away from them! If you open a door you will fall in. You will leave the road.’”*

Later Allah’s Messenger explicated this image to his friends, *“Now, this road is Islam. The walls on each side are the restrictions that Allah has placed on you. As for the open doors, they are the things that He has forbidden to you. The warner at the beginning of the road is the book of Allah on High. The summoners in the middle of the road preach what the Creator has placed in the heart of every Muslim.”*<sup>1</sup>

Allah (swt), who created people as responsible creatures, gave them countless blessings on the face of the earth.<sup>2</sup> He made many of these blessings religiously permissible while he restricted others. For example, Allah made all the grape vines but he forbade alcoholic drinks, because by getting drunk they would go to his mind. Indeed, the bans that He imposed were intended for the benefit of mankind. By means of the books and Messengers that he had sometimes sent, Allah on High explained what was permissible and what was forbidden; and he wanted those who believed in Him to be careful of what was forbidden. As for any ruling in this matter which was among those that had not been made clear, it would be among those practices which were not a problem when they were done. In fact, to the question of whether or not one should eat fat and cheese and wear clothing made of animal skins, Allah’s Messenger answered, *“Halal is what*

<sup>1</sup> HM17784, Ibn Hanbal, IV, 183.

<sup>2</sup> Al-Nahl, 16:18; Ibrahim, 14:34.



Allah made permissible in His Book. Haram what Allah made not permissible in His Book. As for the things that are not mentioned, they are things that He has pardoned.”<sup>3</sup> Thus, although the Arabs of the Jahiliyya had refrained from those things they considered unclean that were not associated with the food they enjoyed and other things to which they were accustomed, in Islam the restrictions on what was permissible and forbidden were prescribed according to Allah’s instruction.<sup>4</sup>

With respect to what was permissible and forbidden, Allah’s Messenger made the following statement: “What is religiously permissible is obvious. What is not permissible is also obvious. Between these things are a number of things about which there is doubt so that most people do not know what they are. Whoever avoids doubtful things will protect his faith and his honor. Whoever succumbs to doubtful things, will have fallen into error . . .”

The most noble Messenger went on to make the following excellent analogy: “This is exactly like the situation of a shepherd who is grazing animals around a grove. His herd can go there any time. Know that every ruler has a grove. As for Allah’s grove, it is full of forbidden things. Be careful! There is a piece of meat in the body. If it is healthy, the whole body will be healthy. But if it is spoiled, the whole body will be corrupted. Be careful! That piece of meat is the heart.”<sup>5</sup> With these words, Allah’s Messenger states that one needs a pure heart to find the right path and that a very great task and responsibility falls upon his conscience; and he informs us that rightful actions can only be realized with a sound heart.

Describing what is permissible and forbidden in Islam is the right of Allah (swt) and, by His permission, the Prophet (saw).<sup>6</sup> Therefore, people are strongly forbidden to determine if something is permitted or forbidden according to their own desires.<sup>7</sup> Whereas, in the pre-Islamic period, the Arabs considered certain things permitted or forbidden to themselves without having any valid proof in their hands and so they set the limits of what was permitted and forbidden according to their desires. For example, if a camel gave birth five times and the fifth foal was again a male, they would pierce the ear of that camel and let it go free. They would no longer use it under any circumstances and would call it *bahira* (a she camel with slit ears). In addition, in order to protect themselves from trouble that might befall them, they would offer an animal to idols. If they were saved from trouble, they would let it go free and everyone was forbidden to make

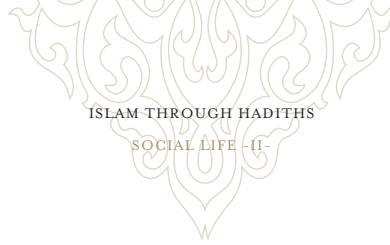
<sup>3</sup> T1726, al-Tirmidhi, al-Libas, 6; IM3367, Ibn Maja, al-At’ima, 60.

<sup>4</sup> D3800, Abu Da’ud, al-At’ima, 30.

<sup>5</sup> M4094, Muslim, al-Musaqat, 107; B52, al-Bukhari, al-Iman, 39.

<sup>6</sup> Al-A’raf, 7:157.

<sup>7</sup> Al-An’am, 6:138-140.



use of it. They called this animal *sā'iba* (a beast brought out of the herd for offering to the gods). Furthermore, if a sheep gave birth to a female they would keep it, but if it gave birth to a male they would offer it to the idols. If the sheep give birth to twins, one female and one male, because one was female neither were sacrificed to the idols. They called this *waṣīla* (an expedient). If a male camel had impregnated ten females, they would no longer ride that animal and never deny it water or pasture. They called that camel *ḥām*. In the following noble verses Allah (swt) declared what they did as blameworthy: “Allah did not institute the dedication of such things as *bahīra*, *sā'iba*, *waṣīla*, or *ḥām* to idols, but the disbelievers invent lies about Allah. Most of them do not use reason,”<sup>8</sup> and “Lost indeed are those who kill their own children out of folly, with no basis in knowledge, forbidding what Allah has provided for them, fabricating lies against Him: they have gone far astray and have heeded no guidance.”<sup>9</sup>

Allah on High, who found blameworthy the meanings of permitted and forbidden that the polytheists gave to what they wanted according to their own desires,<sup>10</sup> warned Muslims with the following verse: “Do not say falsely, ‘This is lawful and that is forbidden,’ inventing a lie about Allah: those who invent lies about Allah will not prosper.”<sup>11</sup> Because people called forbidden what Allah had permitted and what He had forbidden permitted according to their own desires, and because they had repudiated his rules, they saw it as their right to define the limits of what was permitted and forbidden, which would be tantamount to mean associating a partner with Him. Accepting their rules blindly was also equal to associating a partner with Allah (swt).

What happened to ‘Adi b. Hatim, who, while a Christian, was wandering about, brings clarity to this matter: With a gold cross around his neck, he came to the Prophet (saw). Allah’s Messenger told him to throw away the idol around his neck. ‘Adi b. Hatim then heard the Prophet (saw) recite the verse, “They take their rabbis and their monks as lords beside Allah, as well as Christ, the son of Maryam.”<sup>12</sup> Our master the Prophet (saw) then explained this noble verse by saying, “As for them, they did not worship them, but when they made something lawful for them, they considered it lawful, and when they made something unlawful for them, they considered it unlawful.”<sup>13</sup>

Moreover, those who interpreted Allah’s rules as they liked and considered what was permitted to be forbidden and what was forbidden to be

<sup>8</sup> Al-Ma’ida, 5:103; BY2/146; al-Baydawi, *Tafsir*, II, 146.

<sup>9</sup> Al-An’am, 6:140.

<sup>10</sup> Al-An’am, 6:138-39.

<sup>11</sup> Al-Nahl, 16:116.

<sup>12</sup> Al-Tawba, 9:31.

<sup>13</sup> T3095, al-Tirmidhi, *Tafsir al-Qur’an*, 9.



permitted were strongly reproached. For example the Jews interpreted, according to their own desire, the fact that Allah (swt) had forbidden fishing on Friday, which he had made a sacred day,<sup>14</sup> and, when it was seen that the fish which had not appeared on other days surged in large numbers on Saturday, they set up their nets that day and also collected their catch on Sunday.<sup>15</sup> Thus they in fact became free of the ban.

The following *hadith* narrated by Ibn ‘Abbas (ra) also shows how the Jews distorted/misrepresented other forbidden things in similar fashion: “One day I saw the Messenger of Allah (saw) sitting next to the Black Stone at the Ka‘ba. He raised his head, turned his eyes to the heavens, laughed, and said three times, ‘May Allah curse the Jews!’ He went on to say, ‘Allah forbade animal fat (of animals that had died a natural death) to the Jews, but they sold it and consumed the value of it. Whereas, if Allah has forbidden something to a people he has also forbidden that they earn money from it.’”<sup>16</sup>

When one of the Companions (ra) asked Allah’s Messenger for a ruling on the use of the fat of animals which had died in an unclean way for oiling skins, burnishing boats, and making candles, he reminded him of what the Jews had done and said that what they had sold was forbidden.<sup>17</sup> Thus he told Muslims to be careful and not be like the Jews who, by simple ruses, turned something that Allah (swt) had forbidden into something that was permitted.

If some people consider something that has been accepted as permitted in Islam to be forbidden because of its origin, they can forbid it to themselves. For, Islam does not specifically forbid believers from doing this. Indeed, one of the Companions (ra) came to the Prophet (saw) and said, “O Allah’s Messenger! When I eat meat, my sexual desire increases. Therefore, I forbade myself to eat meat.” Thereupon, the following noble verse was revealed and this divine address warned believers about that person’s personal decision, “*You who believe do not forbid the good things Allah has made lawful to you—do not exceed the limits: Allah does not love those who exceed the limits.*”<sup>18</sup>

In like manner, there were other Companions (ra) who wanted to forego certain permitted things and forbid them to themselves simply so they could spend more time worshiping. So, a group of them went to the Prophet’s wives and asked them how he worshipped at night, but they regarded the answer that they received as insufficient. So, one of them said,

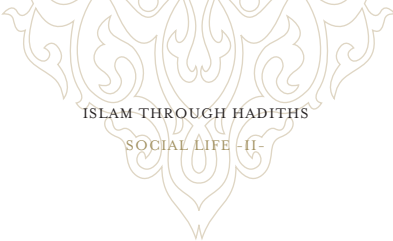
<sup>14</sup> Al-Nisa’, 4:154; al-A’raf, 7:163.

<sup>15</sup> KC7/306, al-Qurtubi, *Tafsir*, VII, 306.

<sup>16</sup> D3488, Abu Da’ud, al-Buyu’, (al-Ijara), 64; M4052, Muslim, al-Musaqat, 73.

<sup>17</sup> B2236, al-Bukhari, al-Buyu’, 112.

<sup>18</sup> Al-Ma’ida, 5:7; T3054, al-Tirmidhi, *Tafsir al-Qur’an*, 5.



“I will not marry” (in order to have more time for worship); another said, “I will not eat meat”; and another said, “I will no longer sleep in a bed.” When Allah’s Messenger received word of what they had said, he delivered a sermon and gave the following warning: “Why do some of you say such things? In fact I both pray and sleep at night. Sometimes I keep the fast and sometimes I do not. I also have a married life. He who deviates from my Sunna is not from me!”<sup>19</sup>

It is interesting that the Messenger of Allah (saw) once was given a divine warning on a similar matter. He drank a honeyed drink when he was with his wife Zaynab bt. Jahsh (ra) and because of it he remained with her a bit too long. His other wives ‘A’isha and Hafsa (ra) were jealous of this and, colluding together, when they saw our Prophet they said, “You have the malodor of *maghāfir* (a tree from which bees gather pollen).” Thereupon, the Prophet (saw) said he would never drink that honeyed drink again. Allah (swt) revealed the following verse as a warning to his Messenger with respect to this incident, “Prophet, why do you prohibit what Allah has made lawful to you in your desire to please your wives?”<sup>20</sup>

By saying, “Eat from the good things We have provided for you, but do not overstep the bounds, or My wrath will descend on you,”<sup>21</sup> Allah on High ordered his servants to seek permissible sustenance. Our beloved Prophet said, “O People! Fear Allah and act well in seeking a living for no soul will die before receiving his full share of sustenance, even if it is slow in coming. Therefore, fear Allah and act well in seeking a living. Take that which is permissible and avoid that which is forbidden.”<sup>22</sup> Thus, Allah’s Messenger stated that every Muslim was obligated to seek a permissible way of earning a living<sup>23</sup> and wanted those who were earning a permissible sustenance from a legitimate business to be whole heartedly absorbed in their business.<sup>24</sup> Moreover, by saying, “Certainly a time will come when a person will pay no attention to whether his goods were obtained by permissible or forbidden means,”<sup>25</sup> he also indicated that as generations changed it would become more difficult to earn a living by permissible means.

The ultimate goal of seeking what is permissible is Paradise. The destination of earning a living by forbidden means is Hell. Allah’s Messenger said that a body nourished from what is forbidden is worthy of burning in Hell.<sup>26</sup> He informed us that it would not be possible to earn Allah’s reward by giving as charity (*sadaqa*) things which were acquired by forbidden means.<sup>27</sup>

<sup>19</sup> M3403, Muslim, al-Nikah, 5.

<sup>20</sup> B5267, al-Bukhari, al-Talaq, 8; N3450, al-Nasa’i, al-Talaq, 17; al-Tahrim, 66:1-2.

<sup>21</sup> Ta Ha, 20:81.

<sup>22</sup> IM2144, Ibn Maja, al-Tijarat, 2.

<sup>23</sup> MK9993, al-Tabarani, *al-Majmu’ al-kabir*, X, 74.

<sup>24</sup> IM2147, Ibn Maja, al-Tijarat, 4.

<sup>25</sup> B2083, al-Bukhari, al-Buyu’, 23.

<sup>26</sup> T614, al-Tirmidhi, al-Jum’a, 79.

<sup>27</sup> IM1842, Ibn Maja, al-Zakat, 28; S13216, Ibn Hibban, *al-Sahih*, VIII, 11.



Our beloved Prophet, who explained that Allah on High would absolutely not accept acts of worship which were done by means of forbidden earnings, gives, related to this, the example of a man who had set out on a long journey, was disheveled, and was left in the dust. This man raised his hands to the heavens and entreated Allah (swt), saying, “O Lord! O Lord!” Now, what he ate, drank, and wore and the food that nourished him were religiously forbidden. This being the case, how could his prayer be accepted?<sup>28</sup> Therefore, it was narrated that the Messenger of Allah (saw) advised Sa’d b. Abi Waqqas, who wanted to be a person whose prayers were accepted, “*Be careful that what you eat is religiously permitted so that your prayers may be accepted.*”<sup>29</sup>

Islam, which stipulates that one’s food, drink, clothing, in short, everything be religiously permitted, also grants a dispensation to allow eating what is forbidden under conditions of necessity so that a person will not die. For example, if a person has nothing to eat except the meat of a dead animal, he can eat enough of the meat of that animal to keep himself alive. In fact, in the Holy Qur’an it says, “*He has only forbidden you carrion, blood, pig’s meat, and animals over which any name other than Allah’s has been invoked. But if anyone is forced to eat such things by hunger, rather than desire or excess, he commits no sin: Allah is most merciful and forgiving.*”<sup>30</sup> Thus, it is clear that necessity makes what is forbidden allowable.

Muslims should be extremely careful not to fall into something that is forbidden. Indeed, they should avoid suspicious things which may not be clearly forbidden or permitted. For, the Prophet’s words, “*Leave those things which make you suspicious and look to those which do not make you suspicious,*”<sup>31</sup> are a prophetic rule which should always be kept in mind. Thus, by acquiring a sheltered place for themselves they will be able to live far from what is forbidden. By analogy with the Messenger of Allah (saw), “*And whoever indulges in these suspicious things is like a shepherd who grazes (his animals) near the hima (private pasture) of someone else and at any moment he is liable to get in it.*”<sup>32</sup>

It is rather important to avoid suspicious things. However, some people, by falling into doubt in vain, can tend to give up permitted sustenance as well. In fact, when the Companions said to the Prophet (saw), “O Allah’s Messenger! Some people bring meat to us and we are not sure whether or not the name of Allah was mentioned on it (at the time the animal was

<sup>28</sup> M2346, Muslim, al-Zakat, 65.

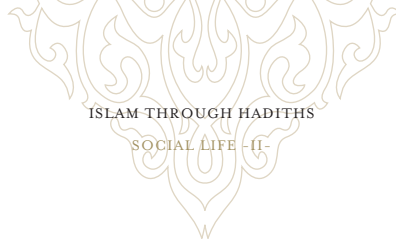
<sup>29</sup> ME6495, al-Tabarani, *Mu’jam al-awsat*, VI, 310.

<sup>30</sup> Al-Baqara, 2:173.

<sup>31</sup> N5714, al-Nasa’i, al-Ashriba, 50; T2518, al-Tirmidhi, *Sifat al-Qiyama*, 60.

<sup>32</sup> B52, al-Bukhari, al-Iman, 39; M4094, Muslim, al-Musaqat, 107.





slaughtered),” he replied, “*Mention the name of Allah and eat it.*”<sup>33</sup> Thus, he indicated that there was no doubt about something that had to be pursued.

As a result, the restrictions on what is permitted and what is forbidden are the those that Allah (swt) established for his servants. They make people avoid bad things and summon them to that which is good. Allah drew these restrictions for his servants. He promised heavenly reward for those who observed them, but he informed those who exceeded the restrictions that there would be a humiliating punishment.<sup>34</sup> Allah described his restrictions either in the Noble Qur’an or through the vessel of his Messenger. He forbade exceeding them in any form; and he clearly condemned those who said such and such is permitted or forbidden according to their own desires.<sup>35</sup> Furthermore, in our religion people are enjoined not to void what is forbidden by their own commentary and interpretation and not to forbid to themselves things that are permitted. It was farsighted that that which is not clearly stated to be forbidden, in other words, those things for which no rule was revealed, is accepted as *mubāḥ* and nothing else was said on the subject.

It is extremely important for a believer to avoid forbidden things which will put his eternal happiness at risk. Allah’s Messenger warned his community to beware not only forbidden things but also those that are suspicious. This is because a person who is heedless of being concerned with suspicious things will approach, step by step, what is forbidden and perhaps, without knowing, can fall into what is forbidden. However, “to avoid suspicious things” does not mean that everything that one first thought was suspicious should henceforth be avoided or such behavior is accepted as a religious principle. This is because such behavior could mean perhaps to feel suspicious even about everything which is permitted and these things would be completely removed from life. Such conduct, which could be characterized as a kind of anxiety or delusion, is absolutely not approved of in Islam.

The things that are permitted and forbidden, which constitute an intrinsic part of the religion, are the restrictions that Allah the Exalted has placed on his servants and ordered them not to exceed for their eternal happiness. By being careful of what is permitted and forbidden, one remains faithful to the principles of Allah’s religion, the fundamental concerns of the faith, including life, mind, family, and property, will be protected and

<sup>33</sup> B2057, al-Bukhari, al-Büyu’, 5.

<sup>34</sup> Al-Nisa’, 4:13-14.

<sup>35</sup> Al-Ma’ida, 5:87.





any violations of them will be prevented. In a world in which the restrictions that Allah (swt) has established are observed, people are far removed from worry over life and property and they attain a life in which the future generations are protected and all manner of injustice is prevented. Thus the worries over security which are experienced in society and all serious distress derived from the inability to establish a balance between the permitted and forbidden would disappear and the tranquility and happiness which are sought could be obtained.

In specifying the limited number of forbidden things compared to the countless permitted things, various goals and advantages and various reasons, apart from preserving basic rights, such as life, property, and mind, are taken into account. Indeed, when one examines the circumstances which determine what is permitted and forbidden, we find that the conduct and behavior that people are pleased with and which, with respect to its very nature, is clean, good, beautiful, and useful is permitted while a limited number of things which could be bad, dirty, and harmful are considered forbidden and not allowed.<sup>36</sup> Forbidden things, which are characterized as unlawful, abominable, and vain, are replaced by permitted things which are acceptable, good, and right. By remaining far from these limited number of forbidden things and living within the rather broad range of permitted things as Allah (swt) has ordered, people can pass the test of servanthood and can attain happiness in this world and the next.

<sup>36</sup> Al-Baqara, 2:168, 172, 275; al-Ma'ida, 5:1-4, 90; al-An'am, 6:145.



## PROPERTY THE INVIOLEABLE RIGHT



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”لَا يَأْخُذُ أَحَدٌ شِبْرًا مِنَ الْأَرْضِ بِغَيْرِ حَقِّهِ، إِلَّا طَوَّقَهُ اللَّهُ إِلَى سَبْعِ أَرْضِينَ  
يَوْمَ الْقِيَامَةِ.“

According to Abu Hurayra (ra), Allah’s Messenger (saw) said,  
“If one takes a foot of ground without having a right to it, on the Day of  
Judgement Allah will put on his neck ground seven fold.”

(M4136, Muslim, al-Musaqat, 141)



عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ: ذَكَرَ النَّبِيُّ ﷺ قَعَدَ عَلَى بَعِيرِهِ  
وَأَمْسَكَ إِنْسَانٌ بِخِطَامِهِ... قَالَ: ”فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ بَيْنَكُمْ حَرَامٌ  
كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا...“



عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”لَا يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ امْرِئٍ بِغَيْرِ إِذْنِهِ، أَيَحِبُّ أَحَدُكُمْ أَنْ تُؤْتِيَ مَشْرُبُهُ فُتْكَسَرَ  
خَزَائِنُهُ، فَيَنْتَقَلَ طَعَامُهُ؟ فَإِنَّمَا تَخْزَنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعِمَاتِهِمْ، فَلَا يَحْلُبَنَّ  
أَحَدٌ مَاشِيَةَ أَحَدٍ إِلَّا بِإِذْنِهِ.“



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ:  
”مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”إِذَا اسْتَأْذَنَ أَحَدُكُمْ أَخَاهُ أَنْ يَغْرِزَ خَشَبَةً فِي جِدَارِهِ فَلَا يَمْنَعُهُ.“



According to ‘Abd al-Rahman b. Abi Bakra, his father said (ra) that the Prophet (saw) was sitting on his camel (during the Farewell Pilgrimage) while a man was holding the halter of the camel. He then addressed the people as follows: *“(O people!) Just as this day of yours is sacred in this month of yours (Dhu al-Hijja) in this city of yours, your blood, property, and honor are also sacred.”*

(B67, al-Bukhari, al-‘Ilm, 9; M4384, Muslim, al-Qasama, 30)



According to ‘Abd Allah b. ‘Umar (ra), the Messenger of Allah (saw) said, *“An animal should not be milked without the permission of its owner. Would any of you like it if someone came to your larder where you stored your food and drink, broke open the cupboard and took the food that was there? The udders of animals are the stores of their owners where their provision is kept, so no one should milk the animals of someone else without the permission of its owner.”*

(B2435, al-Bukhari, al-Luqata, 8)



‘Abd Allah b. ‘Amr (ra) said, “I heard the Prophet (saw) say, *“Whoever is killed while protecting his property is a martyr.”*

(B2480, al-Bukhari, al-Mazalim, 33; M361, Muslim, al-Iman, 226)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, *“If one of you asks his brother (in religion) permission to insert a wooden peg in his wall, he should not prevent him.”*

(D3634, Abu Da‘ud, al-Qada’ (al-Aqdiyya), 31; T1353, al-Tirmidhi, al-Ahkam, 18)





Arwa bt. Uways was proverbial among the people of Medina. When they cursed someone, they used to say, “May Allah strike you blind as He struck Arwa blind!”<sup>1</sup> One day, during the reign of Mu‘awiya, Arwa brought a suit to Marwan b. Hakam,<sup>2</sup> the governor of Medina, against Sa‘id b. Zayd (ra), whom she claimed had transgressed part of the land of her house. Sa‘id b. Zayd defended himself against this accusation and said, “After I heard the words of the Messenger of Allah (saw), would I really occupy her land?” When he was asked, “What did you hear from the Prophet (saw)?” Sa‘id said, “I heard him say, *‘If one takes a foot of ground without having a right to it, on the Day of Judgement Allah will put on his neck ground seven fold.’*”

Thereupon, Marwan said, “I need no further proof from you on this.” Then Sa‘id cursed, saying, “By Allah! If this woman is lying, strike her blind and kill her on her land!”<sup>3</sup>

According to traditions, this woman went blind before she died. When she was blind, she would get about while feeling the walls and would say, “I am ruined by the curse of Sa‘id b. Zayd.” Later while walking about her land she fell into a pit and it became her grave.<sup>4</sup>

In another similar incident, ‘A’isha (ra) recalled the warning of the Messenger of Allah (saw) to Abu Salama, the son of ‘Abd al-Rahman b. ‘Awf (ra), concerning the illegal seizure of someone’s land. According to her, there was a dispute over land between Abu Salama and some other persons. Abu Salam went to ‘A’isha (ra) and explained the situation to her. ‘A’isha (ra) then gave him the following advice: “O Abu Salama! Be careful in this matter, because the Messenger of Allah (saw) said, *‘Whoever acts unjustly over a foot of earth, (on the Day of Judgement) earth will be put on his neck seven fold.’*”<sup>5</sup>

It is obvious from the suit that was made between the aforesaid people

<sup>1</sup> IF5/105, Ibn Hajar, *Fath al-bari*, 5, 105.

<sup>2</sup> EU2/477, Ibn al-Athir, *Usd al-ghaba*, II, 477.

<sup>3</sup> M4133-M4134, Muslim, al-Musaqat, 138-139.

<sup>4</sup> M4133, Muslim, al-Musaqat, 138.

<sup>5</sup> M4136-M4137, Muslim, al-Musaqat, 141-142; B2452, al-Bukhari, al-Mazalim, 13.



that property rights were recognized for people from the beginning of the Islamic period. Indeed the struggle to seek justice on the part of those whose property rights had been usurped also shows that private property was legally protected. Not only did Allah's Messenger tell his Companions (ra) that private property was inviolable, he also declared that everyone could own property. The will that al-Qays b. 'Asim (ra) made for his sons before he died essentially shows Muslims the way in this matter: "Acquire property in order to do good! This is because it is a cause of honor for any good person and thanks to it one never need depend on anyone for one's living."<sup>6</sup>

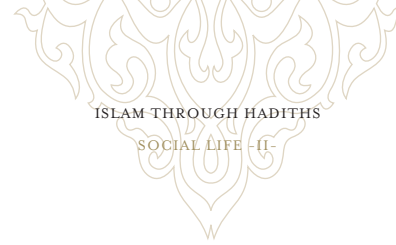
The private property, which is allowed by our religion, should, above all, be acquired by legitimate means, such as by labor, inheritance, or commerce. As is true for things that have been earned by the expenditure of labor, it is legitimate for Muslims to possess certain rights from birth and they are accepted as inviolable. The advice that the Prophet (saw) gave on his Farewell Pilgrimage while visiting the ill Sa'd b. Abi Waqqas (ra) indicates the legitimacy of private property acquired through inheritance. Because Sa'd had no heirs apart from a single daughter, he said that he wanted to distribute most of his property as *sadaqa*. Allah's Messenger said, "*It is better for you to leave your heirs wealthy rather than to leave them poor, begging people (for their sustenance); and whatever you spend for Allah's sake you will get reward for it even for the morsel of food which you put in your wife's mouth.*"<sup>7</sup> He got Sa'd to change his mind and Sa'd declared that after he passed away the property that he possessed would pass to the possession of his heirs. With respect to inheritance, the Holy Qur'an states, "*Men shall have a share in what their parents and closest relatives leave, and women shall have a share in what their parents and closest relatives leave, whether the legacy be small or large: this is ordained by Allah.*"<sup>8</sup> This shows that private property obtained through inheritance was accepted as religiously legitimate.

It seems that the Messenger of Allah (saw) frequently gave his Companions (ra) property as benefactions and they acquired complete disposal over the property that they acquired in this way. For example, our Prophet granted to Bilal b. Harith al-Muzani (ra) the mines of the district called al-Qabaliyya both hill and dale. In addition he gave him lands suitable for agriculture on Mount Jerusalem. One *hadith* records that the Messenger of Allah (saw) said that he gave Bilal a written document in which he said, "*In*

<sup>6</sup> EM361, al-Bukhari, *al-Adab al-Mufrad*, 132.

<sup>7</sup> B4409, al-Bukhari, al-Maghazi, 78.

<sup>8</sup> Al-Nisa', 4:7.



the name of Allah, the Compassionate, the Merciful, this is a document describing the lands that Muhammad the Messenger of Allah (saw) has granted to Bilal ibn Harith al-Muzani. He has given him the district of al-Qabaliyyah hill and dale and lands suitable for agriculture on Mount Jerusalem. He did not give him any right of the Muslim.”<sup>9</sup> In addition Allah’s Messenger decided a case in which a woman from the Ansar was given an orchard of date palms by her son. When she died her son wanted to take upon himself the sharing of it among her brothers. The Prophet (saw) said to him, “*This orchard belongs to her in life and death.*”<sup>10</sup> This reveals that a gift is a legitimate way of obtaining property.

The best way of acquiring private property is that obtained in exchange for labor. In our religion, men and women both have an equal right to private property. The noble verse, “*That man will only have what he has worked towards,*” includes everyone, men and women.<sup>11</sup> Thus it was naturally accepted that women too could own property. The noble verse, “*...men have the portion they have earned; and women the portion they have earned...*,”<sup>12</sup> clearly shows that women have the right to own property. Therefore, there is also private property within the family. In other words, husbands and wives have the right to private property themselves. Men and women have the right of disposal of their own property as they wish and they do not have to obtain permission from anyone in order to do this.

Acquiring property by means which the Islamic faith does not consider permitted, such as theft, gambling, bribery, profiteering, and interest, are not legitimate. As the noble verse states, it is forbidden to resort to certain means of making illegal profits, “*Do not eat up your property wrongfully, nor use it to bribe judges, intending sinfully and knowingly to eat up parts of other people’s property.*”<sup>13</sup> Our religion not only demands that property be earned by legitimate means, but it also forbids the use and dissipation of property for illegitimate reasons.<sup>14</sup> Furthermore, it does not approve of using or concealing the property that one holds as private property in a way that would cause harm to others. Consequently, when there is a shortage in the market, cornering goods and not circulating them in the market (profiteering) is not tolerated.<sup>15</sup>

In Islam, property is mentioned essentially as a key element which must be protected of necessity. Our Prophet, who said on his Farewell Pilgrimage, “(O people!) *Just as this day of yours is sacred in this month of yours*

<sup>9</sup>HM2786, Ibn Hanbal, I 306; D3062, Abu Da’ud, al-Imara, 34, 36.

<sup>10</sup>D3557, Abu Da’ud, al-Büyü’ (al-Ijara), 86.

<sup>11</sup>Al-Najm, 53:39.

<sup>12</sup>Al-Nisa’, 4:32.

<sup>13</sup>Al-Baqara, 2:188.

<sup>14</sup>Al-A’raf, 7:31.

<sup>15</sup>MU1348, al-Muwatta’, Büyü’, 24.





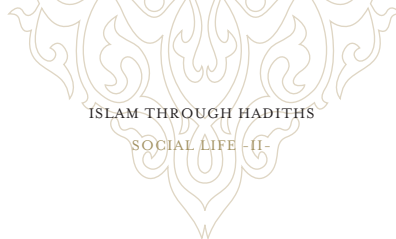
(Dhu al-Hijja) in this city of yours, your blood, property, and honor are also sacred”<sup>16</sup> also dealt with private property among the valuable things that must be protected. Taking any property whether movable or immovable, that belongs to someone else illegally, by force, or by ruse is usurpation. As an example of the inviolability of private property, the Prophet (saw) stressed that one could have no disposition over property of this sort without the permission of its owner. In this respect, he said the following: “An animal should not be milked without the permission of its owner. Would any of you like it if someone came to your larder where you stored your food and drink, broke open the cupboard and took the food that was there? The udders of animals are the stores of their owners where their provision is kept, so no one should milk the animals of someone else without the permission of its owner.”<sup>17</sup> Whoever has worked has the right to own property that he has acquired by legitimate means and has the right of disposal over the property that he has acquired. A person may benefit from whatever he earns by legitimate means as he wishes, by amassing it, spending it, or selling it. Our religion holds that private property is a basic human right. Thus, private property is protected and one has the right to defend it. Protecting private property obtained by religiously permitted means is an expression of respect for labor. Our Prophet went so far as to say, “Whoever is killed while protecting his property is a martyr,”<sup>18</sup> showing that the inviolability of private property belongs to the individual.

Along with being a fundamental right, the right of private property, like other rights, has limitations. This right is reviewed and restricted within the context of such factors as another person’s individual rights, the public interest, and social justice. In like manner, the principles of meeting essential interests, overseeing rights, and doing no harm in matters related to neighborliness basically limit the right of private property. In fact, the Prophet (saw) issued some warnings in this respect. For example, Samura b. Jundab, one of the Companions (ra), had a date palm that was recently planted in the orchard of a Muslim in Medina. Because Samura was interested in looking after that date palm, he used to enter the orchard and go up the palm. However, sometime after that, the owner of the orchard who lived in the orchard with his family became annoyed with Samura’s entering his orchard this way and going up the palm, and thus the situation began to be difficult for him. When he said that he wanted to buy that palm

<sup>16</sup> B67, al-Bukhari, al-‘Ilim, 9; M4384, Muslim, al-Qasama, 30.

<sup>17</sup> B2435, al-Bukhari, al-Luqata, 8. M4511, Muslim, al-Luqata, 13.

<sup>18</sup> B2480, al-Bukhari, al-Mazalim, 33; M361, Muslim, al-Iman, 226.



from Samura, he would not accept his offer. Then the owner of the orchard suggested that he pull up the palm and take it to another orchard. But Samura also rejected this. Thereupon, the owner of the orchard went to the Prophet (saw) and explained the situation. Our Prophet first suggested to Samura that he sell this palm to the owner of the orchard and then that he move it from the present orchard to another place. When Samura rejected both suggestions, the Prophet (saw) said, “*Donate it to the owner of the orchard and in return you can have such and such.*” But again Samura would not agree, so Allah’s Messenger said, “*You are a nuisance!*” and told the owner of the orchard to uproot Samura’s date palm.<sup>19</sup> In this way, the Prophet (saw) showed that the private property rights of individuals cannot infringe on the rights of others and cannot be exercised if they cause harm.

In addition to private property, certain things which provide for the benefit of the public, such as pastures, which are public property, grass, water, and fire are available for common use.<sup>20</sup> Therefore, it is not right for them to be used as private property. In addition, inexhaustible metals are not included in private property but are considered to be within the scope of public property. In this connection, the Prophet (saw) gave a salt pan to Abyad b. Hammal (ra) when he had asked for it. Later, however, when he was reminded that this area was a salt mine which was unlikely to be exhausted, he took back the salt pan and reserved it for public service.<sup>21</sup>

As for being something that can be sold, sometimes the sale of private property can be forbidden. If, in order to realize public benefit from a field or orchard, a certain project needs to be undertaken then the owner of any property in the matter may have some rights of disposal over that property blocked. In this respect, the time and circumstances in which the disposal of the private property, that is, of the owner of the property, can be limited are specified. For example, if one needs to irrigate his agricultural lands, he has the right to dig a canal or lay a pip across another person’s land to do so. Sometimes such a canal can be a joint project of neighboring land owners and sometimes it can be built by the state. A land owner cannot block the passage of water to the lands of a neighbor. An example of this is ‘Umar’s decision in a matter related to this subject. Dahhak b. Khalifa (ra), one of the Companions who lived until the end of the caliphate of ‘Umar,<sup>22</sup> found a water source at the place of Urayz. He wanted to bring this water across the lands of Muhammad b. Maslama,<sup>23</sup> whom the Messenger of

<sup>19</sup> D3636, Abu Da’ud, al-Qada’ (al-Aqdiyya), 31.

<sup>20</sup> D3477, Abu Da’ud, al-Büyu’, 60.

<sup>21</sup> T1380, al-Tirmidhi, al-Ahkam, 39; DM2636, al-Darimi, al-Büyu’, 66.

<sup>22</sup> EU3/46, Ibn al-Athir, *Uṣd al-ghaba*, III, 46.

<sup>23</sup> H16/34, Ibn Hajar, al-Isaba, VI, 34.



Allah (saw) had left as governor in his place in Medina when he was out on military expeditions. When Dahhak said that this project would cause little damage to him and, besides, he would also be able to benefit from the same canal to irrigate his own lands, Muhammad b. Maslama (ra) was not pleased. When the two parties brought their case to the Caliph ‘Umar (ra), he asked Muhammad b. Maslama why he would not give permission for this water way because it would also be of benefit to him. But Muhammad swore that he would never give permission, whereupon ‘Umar said, “I swear that I will bring that water from there even if it is across your belly,” and ordered that the canal be dug.<sup>24</sup> This decision by ‘Umar shows that the government administration can intervene, if necessary, in matters of private property in order to resolve problems that affect society.

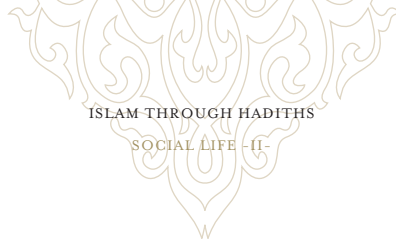
In any case, although the authorities can intervene in matters related to private property when necessary, it is best for misunderstandings which may arise from such matters to be resolved to the mutual satisfaction of those involved. It is easier for problems to be solved in an atmosphere of common sense and mutual assistance and when unselfishness take priority. Therefore, Muslims are expected to approach the needs of people with greater sensitivity. According to a *ḥadīth* narrated by Abu Hurayra (ra), the Messenger of Allah (saw) said, “*If one of you asks his brother (in religion) permission to insert a wooden peg in his wall, he should not prevent him.*”<sup>25</sup> This statement of our Prophet is not in the nature of a requirement but of advice. He encourages property which is completely left to the disposal of its owner to be used in a way to facilitate the affairs of other people. Submitting private property to advantage in this way is clearly important for strengthening neighborly relations, mutual assistance, and mutual support among Muslims.

According to the Islamic religion, private property, which is accepted as a right which brings along with it certain social responsibilities, is actually given as a trust to people. This is because, those who believe in Allah accept that Allah (swt) created everything and thus everything is His property. As the Holy Qur’an states, “*Control of the heavens and earth and all that is between them belongs to Allah.*”<sup>26</sup> The servant of Allah should act with the understanding that the property that he owns should be valued not as something to satisfy his own desires but for the purpose of pleasing Allah. While it is emphasized that Allah is the true owner of property in many

<sup>24</sup> MU1437, al-Muwatta’, al-Aqdiyya, 26.

<sup>25</sup> (D3634, Abu Da’ud, al-Qada’ (al-Aqdiyya), 31; T1353, al-Tirmidhi, al-Ahkam, 18).

<sup>26</sup> Al-Ma’ida, 5:17.



verses, such as, “Say, ‘To whom belongs all that is in the heavens and the earth?’ Say, ‘To Allah...,’”<sup>27</sup> it is accepted that man, who was sent as Allah’s vicegerent on earth,<sup>28</sup> would have disposal over Allah’s property only as one holding it in trust. Therefore, those who dispose of the property in their possession to help those in need, either publically or in private, are praised and it is stated that they will receive great reward in the presence of Allah (swt).<sup>29</sup> In a certain respect, the accumulation of property in certain hands and setting it aside as a surplus for the purpose of looking after relatives and people in need as a form of *ṣadaqa* and for paying the obligatory *zakāt* is a de facto limitation. Not fulfilling one’s financial responsibilities, such as *ṣadaqa* and *zakāt*, is considered as being ungrateful to the Creator. This is because believers are held responsible for not replacing their love for Allah and His Messenger with love for what they possess. In the noble verse, “If your fathers, sons, brothers, wives, tribes, the wealth you have acquired, the trade which you fear will decline, and the dwellings you love are dearer to you than Allah and His Messenger and the struggle in His cause, then wait until Allah brings about His Punishment. Allah does not guide those who break away,”<sup>30</sup> believers are required to approach what they own from this perspective.

In the Holy Qur’an the rich man Qarun (one of the people of Moses, the Biblical Korah) did not fulfill the aforesaid responsibilities and was ungrateful to Allah. Consequently, his attitude, which is criticized in the Holy Qur’an, is intended as a lesson for all those who basically took the same position in such matters. The Creator on High reminds humanity with the lesson that he gave to Qarun who, despite the benefactions that Allah had granted him, impudently attributed what he possessed to himself, saying, “This wealth was given to me on account of the knowledge I possess,”<sup>31</sup> that He is the real possessor of property. Selfishly attributing what one owns to oneself, being stingy, greedy, and forgetting others and thinking only of one’s own interests will only lead to disappointment. This is because things that have been given to one in trust are sometimes the vehicle of a test. Allah (swt) said, “We shall certainly test you with fear and hunger, and loss of property, lives, and crops.”<sup>32</sup> This requires man to take the right attitude towards the things that he owns. Allah also said, “Do not gloat, for Allah does not like people who gloat. Seek the life to come by means of what Allah has granted you, but do not neglect your rightful share in this world. Do good to others as Allah has done good to you. Do not seek to spread corruption in the land, for Allah does not

<sup>27</sup> Al-An’am, 6:12.

<sup>28</sup> Al-An’am, 6:165.

<sup>29</sup> Al-Baqara, 2:274.

<sup>30</sup> Al-Tawba, 9:24.

<sup>31</sup> Al-Qasas, 28:78.

<sup>32</sup> Al-Baqara, 2:155.



*love those who do this.*<sup>33</sup> In this passage Allah (swt) reminds those people who were sympathetic to Qarun and his property that they were mistaken.

Another story recounted in the Noble Qur'an describes the kind of people who do not fulfill this responsibility and are ungrateful to their Lord. These people, whom the Holy Qur'an calls "owners of a garden," considered Allah's will to be of no account and vowed to harvest the produce of their garden early in the morning without anyone seeing them. However, while they were sleeping, Almighty Allah inflicted a disaster on their garden and turned it into a land that was stripped bare. In the morning the garden owners called to each other saying, "*Go early to your field if you wish to gather all its fruits.*" Then they went off whispering, "*No poor person is to enter the garden today.*" They had sufficient resources to help the poor, but they set out early in the morning in order to deprive them of help. When they saw the garden, they said, "We must have lost our way." The garden owners realized their mistake and regretted what they had done. Afterwards they turned to the Creator on High, for if Allah, the only and true owner of property, so wills, he could make things better for them.<sup>34</sup>

These reminders in the Noble Qur'an show man how he must establish a balanced relationship with the possessions and property given to him in trust. It is clear in the Holy Qur'an and Sunna that man has been given the right of private property. Nevertheless, property, the ownership of which is a fundamental concept, is neither left to one's individual desire and absolute control nor is it subject to state or government monopoly. A balance has been sought between the individual and society. Just as the individual cannot be crushed by society, society cannot ignore the wishes of the individual. One acts on the understanding that the individual will be able to gain an existence only in society.

Accordingly, instead of thinking only of one's own desires while using this trust which has been given to him, he should also think of others and he should fulfill his responsibilities related to what he owns. He should be able to transform the property that he has obtained in a manner that would bring him wealth in the next world. At the same time, however, he should not neglect to take a share of it in this world.

<sup>33</sup> Al-Qasas, 28:76-77.

<sup>34</sup> Al-Qalam, 68/17-32.



## BUSINESS ETIQUETTE HONESTLY WITHOUT DECEPTION



عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ أَبَا عَبْدِ اللَّهِ الْجَدَلِيَّ يَقُولُ: سَأَلْتُ عَائِشَةَ  
عَنْ خُلُقِ رَسُولِ اللَّهِ ﷺ فَقَالَتْ: لَمْ يَكُنْ فَاحِشًا وَلَا مُتَفَحِّشًا وَلَا صَخَّابًا  
فِي الْأَسْوَاقِ وَلَا يَجْزِي بِالسَّيِّئَةِ السَّيِّئَةَ وَلَكِنْ يَغْفُو وَيَصْفَحُ.

According to Abu Ishaq, Abu ‘Abd Allah al-Jadali (ra) said,  
“I asked ‘A’isha (ra) about the ethics of the Messenger of Allah (saw). She  
said, ‘He was not obscene, nor indecent, nor shouting in the markets  
(to attract customers). He would not return an evil with an evil,  
but rather he was pardoning and tolerant.’”

(T2016, al-Tirmidhi, al-Birr, 69)



عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
”الْمُسْلِمُ أَخُو الْمُسْلِمِ. وَلَا يَحِلُّ لِمُسْلِمٍ بَاعَ مِنْ أَخِيهِ بَيْعًا، فِيهِ  
عَيْبٌ، إِلَّا بَيْنَهُ لَهٌ.“



عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ عَلَى صُبْرَةِ طَعَامٍ، فَأَدْخَلَ يَدَهُ فِيهَا،  
فَنَالَتْ أَصَابِعُهُ بَلَلًا. فَقَالَ: ”مَا هَذَا يَا صَاحِبَ الطَّعَامِ؟“ قَالَ: أَصَابَتْهُ السَّمَاءُ  
يَا رَسُولَ اللَّهِ! قَالَ: ”أَفَلَا جَعَلْتَهُ فَوْقَ الطَّعَامِ كَيْ يَرَاهُ النَّاسُ، مَنْ غَشَّ فَلَيْسَ  
مِنِّي.“



عَنْ قَيْسِ بْنِ أَبِي عَرَزَةَ فَقَالَ: أَتَانَا النَّبِيُّ ﷺ وَنَحْنُ فِي السُّوقِ فَقَالَ:  
”إِنَّ هَذِهِ السُّوقَ يُخَالِطُهَا اللَّغْوُ وَالْكَذِبُ، فَشُوبُوهَا بِالصَّدَقَةِ.“



According to ‘Uqba b. ‘Amir (ra), the Messenger of Allah (saw) said,  
“*A Muslim is the brother of another Muslim, and it is not permissible for a  
Muslim to sell his brother goods in which there is a defect,  
without pointing that out to him.*”

(IM2246, Ibn Maja, al-Tijarat, 45)



According to Abu Hurayra (ra), “The Prophet of Allah (saw) came to a pile of grain (while walking about the market in Medina). He thrust his hand into the grain and his fingers felt wetness. He then addressed owner of the grain, saying, ‘*What is this?*’ He replied, ‘O, Messenger of Allah! My goods got wet in the rain.’ Thereupon the Prophet (saw) said, ‘*Why did you not place this (the wet part of the heap) on top of the grain so that people could see it? He who deceives is not one of us.*”

(M284, Muslim, al-Iman, 164)



Qays b. Abi Gharaza (saw) said,  
“The Prophet (saw) came to me in the market and said, ‘*This marketplace is filled with idle talk and lies, so mix some charity (sadaqa) with it.*”

(N3830, al-Nasa’i, al-Ayman, 23; HM16235, Ibn Hanbal, IV, 7)







The Messenger of Allah went out to celebrate a holiday with some of his Companions (ra). When they arrived at the home of Abu Kathir, he saw that the butchers had gathered in the courtyard and they were commemorating a Jahiliyya holiday. Allah's Prophet asked them, "How do you conduct your business of buying and selling?" They explained their commercial practices saying, "This is how we buy and this is how we sell." The Messenger of Allah then told them, "Buy and sell as you say, but be careful and do not mix the meat of an animal which has died with the meat of an animal that has been slaughtered." Then he continued, "O People! Learn by heart what I am going to say. Do not do black marketing. Do not increase prices in order to incite the customer. Do not buy the goods of a foreign merchant which he has brought to sell in the market until they have entered the market and their price is known. Those who live in the city (and know the market) should not sell on behalf of villagers (who do not know the market). No one should suggest a new price to a customer while he is in the midst of bargaining."<sup>1</sup>

The aforesaid holiday on which Allah's Messenger addressed these words to the merchants happened at the time when Muslims could send out their caravans because the roads were safe and could sell in the markets of Medina the goods that they brought without fear that any deception or injustice would befall them. Now, there were commercial rules which had to be respected by everyone and there was a system of behavior in the market that could not be violated. The Messenger of Allah checked this new system at every opportunity and reminded the merchants of the rules. The days of the Jahiliyya when they came together and celebrated came to mean a market in their minds. What a difference between then and now with live broadcasting.

Up to a certain time, the trade connections of Mecca were limited to merchants who came to seasonal fairs. This was not enough to enrich

<sup>1</sup> MK19472, al-Tabarani, *al-Mu'jam al-kabir*, XXII, 382.



the city much less meet its basic needs at various times. During one period of dearth in Mecca, Hashim, one of Muhammad's grandparents and a leading person in the city, went to Syria and made an agreement with the Byzantine Emperor. According to this agreement, merchants from the Quraysh could freely enter the markets of Syria and offer for sale at cheap prices their leather and textile products which were in demand in that region. This arrangement was not confined to Syria. Hashim's other brothers signed similar agreements with Iran, Iraq, Yemen, and Abyssinia and thus expanded the commercial network. Separate agreements were made with the tribes along the routes. Accordingly, the tribes would ensure lodging for the caravans of the Quraysh and security without payment. The Quraysh in turn would market their wares without a transport fee or commission.<sup>2</sup> These agreements, which did not impose any great burdens on the parties and were based on their mutual interests, were called *ilāf*. Because the *ilāf* that Hashim first established proved to be beneficial to the parties concerned, it was continued after his death and acquired great respect in the eyes of both the Arab tribes and surrounding countries. At that time, Abraha, the Abyssinian governor in Yemen, believed that if Mecca became an attractive center of trade, thanks to such a privileged arrangement for the Quraysh, then this would undermine his interests. Thus he wanted to destroy the Ka'ba and put an end to this situation, but his attempt to do so ended in disaster,<sup>3</sup> and the privileged arrangement for the Quraysh and the functioning of the *ilāf* were greatly strengthened. Indeed, Allah on High mentions this concession, which was given to the Quraysh with respect to the Ka'ba, in the Noble Qur'an and calls upon them to pray to the Lord of Blessings.<sup>4</sup>

In the markets where the pre-Islamic Arabs traded, the amount of taxes that the merchants paid was sometimes applied arbitrarily because it was in the hands of the political power that controlled the market and this opened the way to injustice. The Islamic religion removes taxes that are a burden to merchants and makes known to those who collect taxes by oppressing people and who do not accept the Prophet's prayer<sup>5</sup> that they will be among those who will not be able enter Paradise.<sup>6</sup>

The Arab merchants were not only active in the markets in the surrounding countries but also in the seasonal fairs scattered about the Arabian Peninsula. Throughout the year, these fairs were held in twelve places,

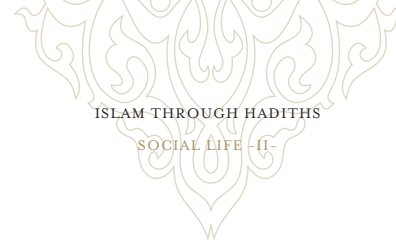
<sup>2</sup> MDS42, Ibn Habib, al-Munammaq, 42-45.

<sup>3</sup> Al-Fil, 105:1-5; IT8/483, Ibn Kathir, *Tafsir*, VIII, 483.

<sup>4</sup> Al-Quraysh, 106:1-3.

<sup>5</sup> HM16390, Ibn Hanbal, IV, 22.

<sup>6</sup> DM1699, al-Darimi, al-Zakat, 28.



one in advance of another, following a line that went from Dumat al-Jandal on the Syrian frontier to Bahrein, and from there, in order, to Oman, Yemen, Mecca and Khaybar. Each fair lasted five days and was separate from the next by one month. While some of them were small regional markets, others were international, such as the ones at al-Mushaqqar, Daba, and ‘Uqaz.

Among the seasonal fairs, ‘Uqaz has a special place. It was held in an area near Mecca during the sacred months when it was forbidden to shed blood. Those who came on the Hajj each year could carry out trade without concern for security and they would not have to pay a tax for not being under the protection of a certain person. Tribes came to ‘Uqaz from the four corners of the Arabian Peninsula.<sup>7</sup> Each tribe took a place there according to its honor and renown. Indeed, some tribes set up courts based on the authority that they possessed and they reviewed claims from throughout the peninsula.<sup>8</sup>

‘Uqaz was also important from the religious perspective. The idol-worshipping Arabs considered it to be a holy place. They would offer sacrificial animals to the idols that they erected at this fair, which was held immediately before the Hajj began. ‘Uqaz, which became an attractive center for all these reasons, was also the scene of important historical events. Quss b. Sa‘ida delivered a sermon here announcing the good news of the coming of the last prophet.<sup>9</sup> Furthermore, the Prophet (saw) announced here, in the early years of his mission, the divine revelation to the Arab tribes.<sup>10</sup>

In addition to ‘Uqaz, almost every fair which was held in Arabia had an identity that was a socio-cultural mirror of the peninsula. From soothsayers to fortune tellers, from doctors to acrobats, professional groups addressed every interest and need, and by offering their skills at the fairs, found ample opportunities among the masses. At the same time, the fairs were places where socio-cultural activities were arranged which catered to every desire and pleasure, from drunken revelries<sup>11</sup> to poetry gatherings.<sup>12</sup>

The pre-Islamic markets and fairs, having all of these features, were the most important institutions bringing the Arabian Peninsula, which lacked political unity, together and ensuring it contact with the outside world. Nevertheless, there was no unity of rules in the functioning of the markets. Every tribe which organized a market or fair followed its own

<sup>7</sup> RHS267, Ibn Habib, *al-Muhabbar*, 267.

<sup>8</sup> KS1/468, al-Qalqashandi, *Subh al-a’sha*, I, 468.

<sup>9</sup> MK12561, al-Tabarani, *al-Mu’jam al-kabir*, XII, 69.

<sup>10</sup> HM14708, Ibn Hanbal, III, 340; BS17023, al-Bayhaqi, *al-Sunan al-kubra*, VIII, 229.

<sup>11</sup> BN3/102, Ibn Kathir, *al-Bidaya*, III, 102.

<sup>12</sup> EGh9/133, al-Isfahani, *al-Aghani*, IX, 133.



customs in buying and selling. In some markets it was considered sufficient for a buyer to touch the goods in a stall, or for some to cast a stone, in order to complete a transaction. As a result, Allah's Messenger later forbade such forms of buying and selling.<sup>13</sup> This was because, these and similar transactions that buyers and sellers carried out without stating the type, amount, and price of the goods in question were like games of chance; and the lack of clarity in buying and selling could result in misunderstandings. It also happened that agricultural products were bought and sold before they were ripe and without measuring or weighing them,<sup>14</sup> and that false bargaining inflated the cost of goods.

Thus, this environment of uncertainty, called the market place, had a reputation as the place where people were duped by hucksters and deceivers. No one felt safe there. According to people in the pre-Islamic period, the market place was the nest of those "who knew their business" and who welcomed falsehood and corruption. Those who dedicated themselves to Allah and to doing good had no business there. When 'A'isha (ra) was asked about the ethics of the Prophet (saw), she answered, "*He was not obscene, nor indecent, nor shouting in the markets (to attract customers). He would not return an evil with an evil, but rather he was pardoning and tolerant.*"<sup>15</sup> This answer reveals the negative reputation of market places in those days. When the Messenger of Allah (saw) said, "*The places least beloved of Allah are markets,*"<sup>16</sup> this was in reference to the negative connotations they had in people's minds and in condemnation of an environment of confusion and deception. While teaching the Companions (ra) the arrangement and etiquette of the mosque, he said, "*Be careful and do not fall into the confusion of the market,*"<sup>17</sup> thus reminding them that it was necessary to be on guard against the hubbub in the market. In order to avoid its traps, he advised them to recite the following prayer when they entered the market place: "*There is no god but Allah alone and He has no partner. To Him belongs dominion and praise. He gives life and He causes death. He is living and does not die. In His hand is the good, and He has power over all things (lā ilāha illallāh, waḥdahu lā sharīka lahu, lahu l-mulku wa lahu l-ḥamdu, yuḥyī wa yumītu, wa huwa ḥayyun lā yamūtu, biyadihi l-khairu, wa huwa `alā kulli shay'in qadīr).*"<sup>18</sup>

The exalted Prophet, while cautioning his Companions (ra) about the evils of the markets, did not avoid the market. To the contrary, he aimed to take part in the market but transform it into a place where trade could fol-

<sup>13</sup> M3805, Muslim, al-Buyu', 2; N4521, al-Nasa'i, al-Buyu', 26.

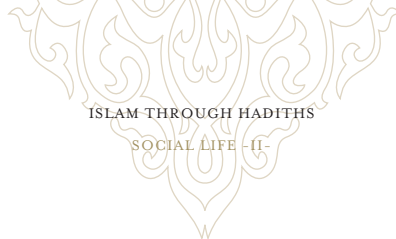
<sup>14</sup> M3912, Muslim, al-Buyu', 84.

<sup>15</sup> T2016, al-Tirmidhi, al-Birr, 69.

<sup>16</sup> M1528, Muslim, al-Masajid, 288.

<sup>17</sup> M974, Muslim, al-Salat, 123; T228, al-Tirmidhi, al-Salat, 54.

<sup>18</sup> T3428, al-Tirmidhi, al-Da'awat, 36; DM2720, al-Darimi, al-Isti'dhan, 57.



low a normal course. He had no opportunity to intervene in the confusion of the market in the first years of his mission, but, in the first verses that were revealed, those who deceive with weights and measures are placed at the head of the groups who are condemned and threatened with Hell.<sup>19</sup> Although what was permitted and forbidden in commercial transactions had not yet been specified, the verse which was revealed in the fifth or sixth year of his prophethood, “*Whatever you lend out in usury to gain value through other people’s wealth will not increase in Allah’s eyes,*”<sup>20</sup> reminded people that usury and lending at interest were not good practices. With the warnings, he has set the balance so that nobody may not exceed in the balance: “*Weigh with justice and do not fall short in the balance,*”<sup>21</sup> and “*Give full measure. Do not become from those who give less. Weigh with correct scales,*”<sup>22</sup> the basic principles of commercial transactions were presented for the market place. Furthermore, these warnings also showed Muslims who were seized with the notion that, with the coming of Islam, it was a sin to trade in the great market places and fairs which had been commercial centers before Islam, and who avoided trading in those places,<sup>23</sup> that they could, in fact, be places where Muslims could earn religiously permissible sustenance.

With the immigration to Medina, the economy, and the markets which were at the heart of it, assumed much greater importance for Muslims. This was because the Muslims’ ability to conduct trade honestly and fairly and their ability to become respected and strong in their new homes was bound to their having a strong economy. In fact, in the first days following his honoring Medina with his presence, the Prophet (saw) began to prepare the infrastructure for this by harmonizing his commercial experience in Mecca with the principles of the religion that he had brought. He used to walk about the markets of Medina with his Companions (ra) and visited the markets of the Banu Qaynuqa’ and al-Nabit where Jews were active. With respect to both markets, he said, “*This is not a proper place for your money,*” and he visited different parts of the city in order to find a new place for a market. He found a convenient open space and designated it as the new market place. His first rule was, “*This is your market. May it never be closed. May it always remain a place of business. May no levy be imposed on anyone here.*”<sup>24</sup>

The Prophet (saw)’s establishment of a new tax-free and monopoly-free market can be interpreted as an attempt to create a new commercial

<sup>19</sup> Al-Mutaffifin, 83:1-6.

<sup>20</sup> Al-Rum, 30:39.

<sup>21</sup> Al-Rahman, 5:8-9.

<sup>22</sup> Al-Shu’ara’, 26:181-182.

<sup>23</sup> B2050, al-Bukhari, al-Buyu’, 1.

<sup>24</sup> IM2233, Ibn Maja, al-Tijarat, 40.



center in the Arabian Peninsula. Establishing a new market in Medina meant creating a market place based on justice in which transactions open to uncertainty, unjust profits, and unjust treatment were banned, where everyone who wanted to engage in trade could find a place for himself, where permission for monopolies was denied, and where trade was encouraged by lightening the burden of taxes. Thus, the rules of the market place were determined by the Muslims and the strategic advantage slipped from the idolater Arabs and Jews toward the Muslims.

By saying, *“The seller and the buyer have the right to keep or return goods as long as they have not parted or till they part; and if both the parties spoke the truth and described the defects and qualities (of the goods), then they would be blessed in their transaction, and if they told lies or hid something, then the blessings of their transaction would be lost,”*<sup>25</sup> the exalted Prophet specified the rules and limitations for transactions in the market that he established. Furthermore, he warned people by saying, *“The Muslim is the brother of the Muslim, and it is not permissible for a Muslim to sell his brother goods in which there is a defect, without pointing that out to him.”*<sup>26</sup> He forbade all types of commercial transactions which were widespread in the pre-Islamic period and which led to injustice and to unjust profits caused by uncertainty.<sup>27</sup>

In order to prevent unjust profits, the most important rule introduced to the Medina market was the ban on interest. In the fourth year of the Hijra, the verse *“You who believe, do not consume usurious interest, doubled and redoubled”*<sup>28</sup> forbade commercial transactions involving interest and closed the door to profits which were not derived from labor or goods. As a head of state, Muhammad (saw) applied this ban with great determination. He stated that it would be in effect in all new lands that were conquered. State control ensured that everyone, including non-Muslims, conformed to the ban on interest.<sup>29</sup>

The measures taken to block the way to unjust profits were not limited to the ban on interest. The Prophet (saw) prevented the black market mentality in which one tried to corner the market on goods and then attempted to increase profits by bringing them to market when the demand for them had increased. By stating, *“The one who offers his goods for sale is blessed with provision, but the hoarder is cursed,”*<sup>30</sup> he indicated that these two classes of people would not share the same fate in this world and the next. This is because, while merchants bring goods and services to consumers

<sup>25</sup> B2079, al-Bukhari, al-Buyu', 19; M3858, Muslim, al-Buyu', 47.

<sup>26</sup> IM2246, Ibn Maja, al-Tijarat, 45.

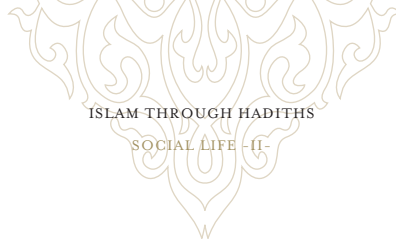
<sup>27</sup> N4521, al-Nasa'i, al-Buyu', 26; EM1175, al-Bukhari, al-Adab al-Mufrad, 401.

<sup>28</sup> Al 'Imran, 3:130.

<sup>29</sup> VSS176, Hamidullah, al-Watha'iq al-siyasiyya, no: 94, p. 176.

<sup>30</sup> IM2153, Ibn Maja, al-Tijarat, 6; DM2572, al-Darimi, al-Buyu', 12.





by facing dangers in travelling long distances, black marketers make a profit by exploiting the needs of people without taking any risk. In order to avoid monopolies, which speculated in the market and made unjust profits, merchants in the city were forbidden to go out to meet caravans before they reached the market in order to buy up their goods cheaply<sup>31</sup> and to sell goods on behalf of villagers who did not know market prices.<sup>32</sup> One of the rules that was introduced into the market was the banning of the sale to anyone of goods of unknown origin which had not yet come into the possession of the merchant.<sup>33</sup> This was because such a practice carried with it uncertainty with respect to both the amount and quality of the goods and allowed agents, who took no risk and expended no labor, to increase prices in the market.

Although the Prophet (saw) forbade speculation and all transactions which led to uncertainty and misunderstanding among the parties and took active measures against these things, he also said, “*Allah is the One who knows the prices.*”<sup>34</sup> This means that he was opposed to setting limits on prices. This was because limiting prices would cause the merchants who brought goods for sale to the market of Medina from elsewhere to seek new markets for themselves and could lead to hardship for the Muslims in the city, and they might succumb to black marketing. The fact that the Prophet (saw) avoided limiting prices on the grounds that it would further upset the market of Medina, which was affected by conditions of warfare, was brought again to the agenda in subsequent centuries in light of new conditions that arose in Muslim societies, and permission was given to fix prices as a way to prevent them from rising to an excessive level. Muslim religious scholars considered this practice to be permissible, emphasizing, with respect to the expected results, that this was in accord with the Prophet’s intentions.

Muhammad (saw) implemented and oversaw the rules related to the operation of the market place as a head of state as much as a prophet. Not only did he describe doing business with weights and measures as a way to acquire blessings,<sup>35</sup> but he also described a standard that would provide a basis for unity among the different weights and measures then in use when he said, “*The measure is the measure of the people of Medina and the weight is the weight of the people of Mecca.*”<sup>36</sup> When our master the Prophet (saw), who personally walked about the markets and oversaw them, plunged his hand

<sup>31</sup> M3822, Muslim, al-Buyu’, 16.

<sup>32</sup> M3824, Muslim, al-Buyu’, 18.

<sup>33</sup> B2126, al-Bukhari, al-Buyu’, 51.

<sup>34</sup> T1314, al-Tirmidhi, al-Buyu’, 73; D3450, Abu Da’ud, al-Buyu’ (al-Ijara), 49.

<sup>35</sup> B2128, al-Bukhari, al-Buyu’ 52.

<sup>36</sup> D3340, Abu Da’ud, al-Buyu’, 8; N2521, al-Nasa’i, al-Zakat, 44.





into a pile of grain and noticed that the top of the pile was dry but the interior was wet, he warned the owner and stated the following principle: “*He who deceives is not one of us.*”<sup>37</sup>

The Messenger of Allah sent instructions to the governors who were appointed to the conquered territories describing the rules that were to be applied in the market places and ordered them to supervise those places. Permanent officials were also appointed to supervise the markets. The names of eight of them have come down to us, three men and five women. It is known that one of these women, Samra bt. Nuhayq al-Asadiyya (ra), had the authority to punish those who did not obey the rules.<sup>38</sup> When we take into consideration that women at that time were active buying and selling in the market,<sup>39</sup> the fact that they were appointed to supervise the market leads us to assume that Muhammad (saw) recommended that women have a place in the market, and it shows that ethics and confidence prevailed in the markets that Allah’s Messenger established in Medina. The market controls that the Prophet (saw) meticulously instituted were later applied in all the regions of Islam and were systematized under the name of *hisba*.

Not only were operations in the markets of Medina regulated and controlled, but measures were also taken with regard to the infrastructure of the markets and regulating their environment. Each group of artisans was assigned a place in the market according to profession. In these regulations, conditions of health and sanitation had to be considered as much as the physical arrangement of the market. By ordering those who went about the market to keep the ends of their arrows in their quivers so they would not injure anyone,<sup>40</sup> Allah’s Messenger also took security measures in the market. Furthermore, he ordered that the streets in the newly established quarters be seven cubits wide.<sup>41</sup> This was wide enough for two loaded camels to pass each other without brushing against each other.

These detailed regulations and controls related to market operations meant the creation of a new style of life. The markets that the Messenger of Allah (saw) organized were secure places where chaos and speculation no longer prevailed, where the normal flow of life took place far from the intervention of the “hidden hand,” and where people from every part of society, including women and children, could benefit without any worry. Nevertheless, in every human endeavor there is likely to be a shortcom-

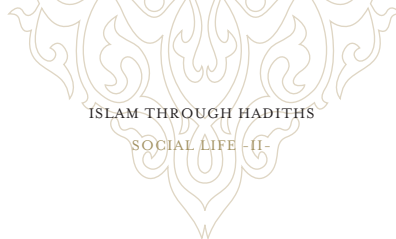
<sup>37</sup> M284, Muslim, al-Iman, 164.

<sup>38</sup> IBS914, Ibn ‘Abd al-Barr, *al-Isti‘ab*, p. 914.

<sup>39</sup> IM2204, Ibn Maja, al-Tijarat, 29.

<sup>40</sup> M6665, Muslim, al-Birr, 124.

<sup>41</sup> B2473, al-Bukhari, al-Mazalim, 29.



ing. In fact, the Prophet (saw) had to encourage merchants to give *ṣadaqa*, saying, “Empty words and lies can confuse market affairs. Therefore purify your business transactions with *ṣadaqa*.”<sup>42</sup> Indeed, he worried that trade based on ignorance and arbitrary methods would cause markets to revert to the confusion of the pre-Islamic period and this must have prompted him to say to ‘Umar (ra), “Only those who know the intricacies of the rules (regarding business transactions) should sell in our market.”<sup>43</sup>

Every prophet was tasked with teaching people to earn reward in the next world by living correctly in this world. In the early years in which humanity came to know Islam, fairs like the one at ‘Uqaz were places from where the voice of the Prophet (saw) could spread to distant lands. Allah’s Messenger himself, who, from such places, called people to Allah’s religion, engaged in business in markets, earned a living by his labor, and taught his Companions (ra) to do the same thing. Furthermore, The Prophet of the End Times, who was praised in the Torah even before he appeared with the statement, “You do not make noise in the market,”<sup>44</sup> warned his Companions of the danger of getting mixed up in the hubbub of the market<sup>45</sup> and, becoming carried away by greed, turning to being a barker in the market. This warning from the Prophet (saw) must be correctly understood by his community so that the generations coming after him do not make the *ḥadith*, “The places least beloved of Allah are markets,”<sup>46</sup> a reason to avoid the market. By adhering to the principle “The hand is for profit, the heart is for the beloved,” the market was adopted as the doorway to religiously permissible sustenance and blessings within the framework of the rules established by Allah’s Messenger.

<sup>42</sup> N3830, al-Nasa’i, al-Ayman, 23; HM16235, Ibn Hanbal, IV, 7.

<sup>43</sup> T487, al-Tirmidhi, al-Witr, 21.

<sup>44</sup> B2125, al-Bukhari, al-Buyu’, 50.

<sup>45</sup> T228, al-Tirmidhi, al-Salat, 54.

<sup>46</sup> M1528, Muslim, al-Masajid, 288.





# DEBT

## THE BURDEN WHICH ENSLAVES PEOPLE

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ الْعَاصِ أَنَّ النَّبِيَّ ﷺ قَالَ:  
”الْقَتْلُ فِي سَبِيلِ اللَّهِ يُكَفِّرُ كُلَّ شَيْءٍ إِلَّا الدَّيْنَ.“

According to ‘Abd Allah b. ‘Amr b. al-‘As (ra), the Prophet (saw) said,  
“To die in the path of Allah (fi sabilillah) would be atonement for everything  
except debt.”

(M4884, Muslim, al-Imara, 120)



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”مَنْ أَنْظَرَ مُعْسِرًا أَوْ وَضَعَ لَهُ أَظْلَهُ اللَّهُ يَوْمَ الْقِيَامَةِ تَحْتَ ظِلِّ عَرْشِهِ  
يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ.“



عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”مَطْلُ الْغَنِيِّ ظُلْمٌ وَإِذَا أُتْبِعَ أَحَدُكُمْ عَلَى مَلِيٍّ فَلْيَتَّبِعْ.“



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَنْ أَخَذَ أَمْوَالَ النَّاسِ يُرِيدُ أَدَاءَهَا أَدَّى اللَّهُ عَنْهُ، وَمَنْ أَخَذَ يُرِيدُ  
إِتْلَافَهَا أَتْلَفَهُ اللَّهُ.“



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: ... قَالَ النَّبِيُّ ﷺ :  
”إِنَّ خِيَارَكُمْ أَحْسَنُكُمْ قَضَاءً.“



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*“Whoever grants respite to an impoverished person or alleviates his poverty,  
Allah will shade him on the Day of Judgement under His throne, a day in which  
there is no shade except His shade.”*

(T1306, al-Tirmidhi, al-Buyu', 67)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*“Delay (in paying debts) by a wealthy man is injustice. So, if your debt is  
transferred to a rich debtor, he should agree.”*

(M4002, Muslim, al-Musaqat, 33; B2287, al-Bukhari, al-Hawalat, 1)



According to Abu Hurayra (ra), the Prophet (saw) said,  
*“Whoever takes the money of people with the intention of repaying it, Allah will  
give him recompense for it, and whoever takes it in order to waste it (that is, not  
pay it back), then Allah will destroy his wealth.”*

(B2387, al-Bukhari, al-Istiqrad, 2)



According to Abu Hurayra (ra), the Prophet (saw) said,  
*“The best amongst you is the one who acts well in paying (his debts).”*

(B2305, al-Bukhari, al-Wikala, 5)





Jabir b. ‘Abd Allah (ra) was among the youth of Medina. In the early years of Islam, he and his father met Allah’s Messenger at a place called Aqaba in Mecca and he became a Muslim.<sup>1</sup> When his father ‘Abd Allah (ra) fell a martyr at the Battle of Uhud, he left behind six orphaned girls and significant debt.<sup>2</sup> The good news arrived that the sins of the martyrs would be erased, but this was exclusive of any debt. In fact, on this matter, Allah’s Messengers said, “*To die in the path of Allah (fi sabilillah) would be atonement for everything except debt.*”<sup>3</sup> On the one hand the orphaned sisters and on the other his father’s debt had plunged Jabir into despair. He asked for a little time and a respite from the creditors coming to his door, but in vain. In despair over this, he went to the happy Prophet and revealed his troubles. He said, “My father was a martyr at Uhud. He left behind a great deal of debt in dates. Some of the creditors took issue with me on paying this debt. I would like your help in this matter. Perhaps some of the creditors could postpone their claims until the coming date harvest.”<sup>4</sup> The just Messenger, who had great respect for one’s duty to one’s neighbor, intervened with the creditors but he did not ask them to cancel the debts. Despite every approach that he took in his capacity as mediator, it was not possible to reach an agreement with the creditors who continued to make excuses.<sup>5</sup> Consequently, Allah’s Messenger told Jabir to divide the dates according to their kind and to call the creditors. Allah’s Messenger weighed the rights of the creditors and while he was parceling out the dates, Jabir thought that the debts, which were great, would be paid even if not a single date was left to give to one of the orphaned sisters. Thanks to the Prophet’s prayer of blessing, the dates sufficed to pay the debts and a portion of them increased.<sup>6</sup> This was because Allah’s Messenger had a guarantee that “*Allah would help whoever was in debt but intended to repay it.*”<sup>7</sup> The Prophet (saw), who realized Jabir’s

<sup>1</sup> IBS114, Ibn ‘Abd al-Barr, al-Isti‘ab, p. 114.

<sup>2</sup> B2781, al-Bukhari, al-Wasaya, 36.

<sup>3</sup> M4884, Muslim, al-Imara 120.

<sup>4</sup> DM46, al-Darimi, al-Muqaddima, 7; B2395, al-Bukhari, al-Istiqrad, 8.

<sup>5</sup> B2601, al-Bukhari, al-Hiba, 21.

<sup>6</sup> B2781, al-Bukhari, al-Wasaya, 36; B2709, al-Bukhari, al-Sulh, 13.

<sup>7</sup> N4691, al-Nasa’i, al-Buyu’, 99.





financial despair, on another occasion bought his camel for more than enough money<sup>8</sup> and afterwards gave him this camel as a gift.<sup>9</sup>

Our master the Prophet (saw), who gave the good news, “*Whoever grants respite to an impoverished person or alleviates his poverty, Allah will shade him on the Day of Judgement under His throne, a day in which there is no shade except His shade,*”<sup>10</sup> states that whoever offers respite to one who is in dire straits will be given respite for his own affairs in this world and the next<sup>11</sup> and indicates the importance of helping those in debt.

Ka’b b. Malik<sup>12</sup> and ‘Abd Allah b. Abi Hadrad (ra),<sup>13</sup> who was a Companion who served as the commander of the Prophet’s army, got into an argument in the Masjid al-Nabi. During the argument, they raised their voices and the Prophet (saw), who was residing in the rooms immediately next to the Masjid, heard them. Parting the curtain of his room, he called to Ka’b, who was demanding the debt that ‘Abd Allah owed him, and wanted him to forgive half of what was owed to him. When Ka’b immediately agreed to this request, Allah’s Messenger said to ‘Abd Allah, “*Get up and pay (the rest of) the debt to him!*”<sup>14</sup>

Allah on High said, “*If the debtor is in difficulty, then delay things until matters become easier for him,*”<sup>15</sup> and thus ordered that a respite be given to debtors who were in difficulty. Just as the Prophet (saw) give great important to the debtor paying his debt, he also recommended that a respite be given to a debtor in difficulty, in proportion to his resources

Our master the Prophet (saw), once described to his Companions (ra) someone whom Allah (swt) had forgiven because he behaved with understanding and tolerance while buying, selling, and asking for repayment of debt.<sup>16</sup> And he gave the example of another person who said to his servant, “*If the debtor is in dire straits, forgive half his debt! Perhaps Allah will then also forgive us.*”<sup>17</sup> Jibril once told the Prophet (saw) that giving a loan is more meritorious than paying *sadaqa*. And he clarified the reality of this by saying, “*Because the beggar asks for something when he (sometimes) has something, but the one who asks for a loan does so only because he is in need.*”<sup>18</sup>

Furthermore, according to the declaration of our Prophet who said, “*Delay (in paying debts) by a wealthy man is injustice. So, if your debt is transferred to a rich debtor, he should agree,*”<sup>19</sup> postponement of a rich person’s debt is an injustice to his creditor. Indeed, the postponement in paying the

<sup>8</sup> M4101, Muslim, al-Musaqat, 111.

<sup>9</sup> B2718, al-Bukhari, al-Shurut, 4.

<sup>10</sup> T1306, al-Tirmidhi, al-Buyu’, 67; M7512, Muslim, al-Zuhd, 74.

<sup>11</sup> M6853, Muslim, al-Dhikr, 38; IM2417, Ibn Maja, al-Sadaqat, 14.

<sup>12</sup> IBS625, Ibn ‘Abd al-Barr, al-Isti’ab, p. 625.

<sup>13</sup> IBS439, Ibn ‘Abd al-Barr, al-Isti’ab, p. 439.

<sup>14</sup> B457, al-Bukhari, al-Salat, 71.

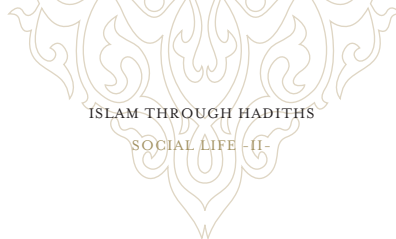
<sup>15</sup> Al-Baqara, 2:280

<sup>16</sup> T1320, al-Tirmidhi, al-Buyu’, 75

<sup>17</sup> M3998, Muslim, al-Musaqat, 31; B3480, al-Bukhari, al-Anbiya’, 54.

<sup>18</sup> IM2431, Ibn Maja, al-Sadaqat, 19.

<sup>19</sup> M4002, Muslim, al-Musaqat 33; B2287, al-Bukhari, al-Hawalat, 1.



debt of a rich person is legal grounds for making a complaint and punishment.<sup>20</sup> Allah's Messenger reminded his Companions (ra) that whoever takes out a loan with no intention of paying it back will meet Allah (swt) as a thief.<sup>21</sup> And he gave the following warning in this matter: *"Whoever takes the money of people with the intention of repaying it, Allah will give him recompense for it, and whoever takes it in order to waste it (that is, not pay it back), then Allah will destroy his wealth."*<sup>22</sup>

Allah's Messenger was very sensitive to the subject of paying one's debts. It was the custom of the Prophet (saw), when a funeral was being prepared and before he conducted the prayer, to ask if the deceased was in debt and, if so, if he had left anything to repay it. If there was no debt or if the deceased left enough wealth to pay the debt, he would conduct the prayer. If the opposite were the case, he used to say to his Companions (ra), *"You do the funeral prayer for your friend."*<sup>23</sup> Salama b. al-Aqwa' (ra), who was one of the Companions who had the good fortune of swearing allegiance twice to Allah's Messenger,<sup>24</sup> explained:

"One day they said, 'Here there Prophet of Allah! Perform the funeral prayer of this person.' Then he asked:

'Did he leave any debts?'

'Yes.'

'Did he leave anything to repay the debt?'

'No. He left nothing.'

'In that case, you do the funeral prayer of your friend.'"

Thereupon, one of those who was present at the funeral said, "You do the prayer! His debts belong to me and I will pay them." In this incident, as described by Salama b. al-Aqwa', Abu Qatada (ra) had assumed the debt. Salama had one thing in common with him. Because of the bravery they had displayed in battle, the Prophet (saw) had characterized Abu Qatada as the best of the cavalry and Salama as the best of the soldiers.<sup>25</sup> Now Abu Qatada exhibited excellent behavior and, assuming the debt of a Muslim brother who had passed to the next world, he in fact freed his soul. This is because Allah's Messenger said, *"The believer's soul is suspended by his debt until it is paid."*<sup>26</sup> Abu Qatada's assumption of the debt solved this problem and our master the Prophet (saw) then performed the funeral prayer.<sup>27</sup>

This demeanor of Allah's Messenger was, in fact, very serious. What a great misfortune it would have been if one of the friends of the Prophet

<sup>20</sup> D3628, Abu Da'ud, al-Qada' (al-Aqdiyya), 29; N4693, al-Nasa'i, al-Buyu', 100.

<sup>21</sup> IM2410, Ibn Maja, al-Sadaqat, 11.

<sup>22</sup> B2387, al-Bukhari, al-Istiqrad, 2.

<sup>23</sup> B2289, al-Bukhari, al-Hawalat, 3; M4157, Muslim, al-Fara'id, 14.

<sup>24</sup> EÜ2/517, Ibn al-Athir, *Usd al-ghaba*, II, 517.

<sup>25</sup> IBS146, Ibn 'Abd al-Barr, *al-Isti'ab*, p. 146.

<sup>26</sup> T1078, al-Tirmidhi, al-Jana'iz, 76; IM2413, Ibn Maja, al-Sadaqat, 12.

<sup>27</sup> N1963, al-Nasa'i, al-Jana'iz, 67; B2295, al-Bukhari, al-Kafala, 3.



(saw) was deprived of the prayer of the merciful Messenger on his last journey, a prayer which was the source of great peace and comfort.<sup>28</sup>

The merciful Messenger's decision not to perform the prayer must have been aimed at teaching his Companions (ra) how blame worthy it was for one to die a debtor and ensuring that they were sensitive to one's duty to one's neighbor and paying debts. This is because, according to what our master the Prophet (saw) said, after the grave sins which Allah (swt) has prohibited, the greatest sin is that a man dies while in debt and does not leave anything to pay it off, and meets Allah as a debtor.<sup>29</sup> The debt of one who cannot pay it off in this world will be deducted from Allah's rewards on the Day of Judgement.<sup>30</sup> Allah's Messenger once explained why he did not perform the funeral prayer of a debtor, saying, "*What benefit would it be to you if I performed the funeral prayer of a man whom Allah raised on the Day of Judgement but was held hostage in his tomb until his account was settled!*"<sup>31</sup>

The Prophet (saw), who said, "*A person who has an obligation to someone should pay that obligation to him or he should be absolved of it,*"<sup>32</sup> asked in his encounter with Abu Qatada about the debt that he had continued to assume and this questioning continued until the debt was paid.<sup>33</sup> As can be seen, the most noble Messenger tried to find, as his first priority, persons who could help one who died a debtor and thus tried to save him from his debt, have him attain peace, and ensure what rightfully belonged to the creditor, who was in a difficult situation, was returned.

Finally, the Prophet (saw) said, when a great amount of wealth had accumulated as a result of the conquests made with the permission and help of Allah, "*I am (as stated) in the Book of Allah on High nearer to the believers than anyone. So whoever amongst you dies in debt or leaves behind a destitute child, he should call me (for help), for I am his guardian. And who amongst you leaves property, his heir (on his father's side) is entitled to get it, whoever he is.*"<sup>34</sup> With this statement, Allah's Messenger declared himself the original and primary guardian of believers who were in need. He was a guardian who assumed responsibilities himself and, as for obligations, he directed them to whom they belonged. He declared that if one died with debt that he had not been able to repay, then he himself would pay it; and if there were relatives in need of protection, then he would assume their maintenance. However, if the deceased had left behind wealth or property, he would not take it but transfer it to the deceased's relatives on his father's side.

<sup>28</sup> Al-Tawba, 9:103.

<sup>29</sup> D3342, Abu Da'ud, al-Buyu', 9.

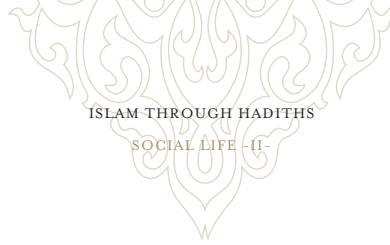
<sup>30</sup> IM2414, Ibn Maja, al-Sadaqat, 12.

<sup>31</sup> BS11594, al-Bayhaqi, al-Sunan al-kubra, VI, 118.

<sup>32</sup> Al-Bukhari, al-Hiba, 21 – the section heading–.

<sup>33</sup> IF4/468, Ibn Hajar, *Fath al-bari*, 4, 468.

<sup>34</sup> M4160, Muslim, al-Fara'id, 16; D3343, Abu Da'ud, al-Buyu', 9.



If the deceased were in debt, the Prophet (saw) first used to ask his relatives to pay his debts.<sup>35</sup> When Sa'd b. Atwal's brother died he left behind children and 300 dirhams in cash. Therefore, Sa'd (ra) wanted to spend this money on the livelihood of his brother's children. However, the Prophet (saw) said to him, "*Your brother is a hostage to debt. Pay his debts.*" Sa'd replied, "O Messenger of Allah! I paid his debts except for two dinars that a woman claimed without proof (that she was owed)." Thereupon the Messenger of Allah (saw) said, "*Pay the debt to that woman. She is the rightful creditor.*"<sup>36</sup>

The advice that relatives pay the debts of one who could not pay them back or who had forgotten them was also a wonderful custom that was practiced by the Companions (ra). 'Umar, while on his death bed, asked his son 'Abd Allah (ra) to pay his debts.<sup>37</sup> Zubayr b. al-'Awwam followed the same practice. He advised his son 'Abd Allah (ra) to pay his debts after he died using the wealth that he left and if this wealth were not sufficient he advised him to get help from his relatives.<sup>38</sup>

The Prophet (saw), who drew attention to the advice in the Noble Qur'an, "*You who believe, when you contract a debt for a standard term, put it down in writing,*"<sup>39</sup> considered it important to specify the debt and record it. He advised Abu Umama (ra), who had fallen into debt, to pray, saying, "*I seek refuge with Allah from being overwhelmed by debt, from being overpowered by the enemy, and from his rejoicing (at my misfortune).*"<sup>40</sup> In like manner, he advised his Companions (ra) to pray before they went to sleep, saying, "*(Allah!). Relieve me of my debt and enrich me from poverty!*"<sup>41</sup> One day, our mother 'A'isha (ra), who noticed that our master the Prophet (saw) had frequently sought refuge with Allah (swt) from debt and sin, said to him, "O Allah's Messenger! How often you seek refuge with Allah from debt!" Our master answered, "*Whoever gets into debt speaks and lies, and makes a promise and breaks it,*"<sup>42</sup> drawing attention to how much debt could adversely affect someone. Thus he implied on another occasion that a debtor was like a prisoner of his creditor until he paid his debt.<sup>43</sup>

The reason the Prophet (saw) dwelt so much on paying one's debts was that a debt was an expression of one's duty to one's neighbor. It was quite natural that Allah's Messenger would show such sensitivity to such an important subject. In fact the following incident related by Abu Qatada indicates the source of the prophetic sensitivity concerning debt:

<sup>35</sup> D3341, Abu Da'ud, al-Buyu', 9; N4689, al-Nasa'i, al-Buyu', 98.

<sup>36</sup> IM2433, Ibn Maja, al-Sadaqat, 20; BS21085, al-Bayhaqi, al-Sunan al-kubra, X, 239.

<sup>37</sup> B3700, al-Bukhari, Fada'il ashab al-nabi, 8.

<sup>38</sup> MSh37803, Ibn Abi Shayba, al-Musannaf, Jamal, 1; BS12951, al-Bayhaqi, al-Sunan al-kubra, VI, 469.

<sup>39</sup> Al-Baqara, 2:282.

<sup>40</sup> N5489, al-Nasa'i, al-Isti'adha, 31.

<sup>41</sup> T3400, al-Tirmidhi, al-Da'awat, 19; MU499, al-Muwatta', Qur'an, 8.

<sup>42</sup> N5456, al-Nasa'i, al-Isti'adha, 9.

<sup>43</sup> D3629, Abu Da'ud, al-Qada' (al-Aqdiyya), 29; IM2428, Ibn Maja, al-Sadaqat, 18.



One day the Messenger of Allah (saw) stood up and told his Companions (ra) that faith and struggle (*jihād*) in the way of Allah were the most virtuous of actions. A man who heard this rose and said, “O Messenger of Allah! If I die on the path of Allah (*fi sabilillah*) would my sins be forgiven? What do you say?” The Messenger of Allah replied, “*If you die on the path of Allah (fi sabilillah) by patiently expecting reward from Allah and advancing and not turning back, yes. Except for your debts. This Jibril has told me.*”<sup>44</sup>

On another occasion, the Prophet (saw) bought a young camel from a Bedouin. This man, who was therefore a creditor to the Messenger of Allah (saw) came before him and spoke to him rather bluntly. The Companions (ra) who heard this man walked over to him (as if to do him harm). Thereupon our Prophet said, “*Leave him be! He no doubt has the right to demand the debt.*”<sup>45</sup> And he went on to say to them, “*Buy a young camel and give it to him!*” The Companions (ra) replied, “*But we have found a better camel than his.*” Thereupon, our Prophet said, “*Therefore buy it and give it to him!*” When the aforesaid camel was given to the man, he said, “*You have given me too much. May Allah give you abundance!*” When the Prophet (saw) heard this, he made the following terse statement: “*The best among you are those who repay their debts in the best manner.*”<sup>46</sup>

Because this subject was not thoroughly appreciated, Allah’s Messenger did not neglect to warn about it. Yahya b. Abi Ishaq al-Khunaji, one of his Followers, one day said to Anas b. Malik (ra), “*Sometimes one of us borrows from his coreligionist and then gives him a present?*” Anas then reported what the Messenger of Allah (saw) said in this matter: “*If one of you borrows something, and he offers the lender a gift or a ride on his riding beast, he should not accept the gift or the ride unless they were accustomed to dealing with each other in this manner beforehand.*”<sup>47</sup> By recalling this *ḥadīth*, Anas emphasized that lending was an occasion of providing assistance and that Muslims should make a loan in order to please Allah (swt) and not simply to expect a benefit from it. At the same time, Allah’s Messenger intended to prevent the receipt of any kind of excess that could be considered interest under the name of gift.

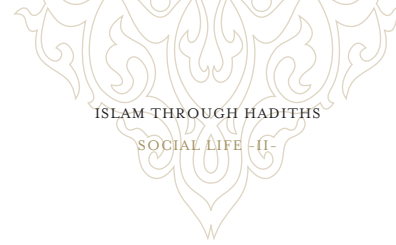
While on the way to the Battle of Hunayn, Allah’s Messenger borrowed thirty or forty thousand (dinars) from ‘Abd Allah b. Abi Rabi‘a (ra). When he returned, he paid back the loan and then said to ‘Abd Allah, “*May*

<sup>44</sup> M4880, Muslim, al-Imara, 117.

<sup>45</sup> B2390, al-Bukhari, al-Istiqrād, 4; M4110, Muslim, al-Musaqat, 120.

<sup>46</sup> B2305, al-Bukhari, al-Wikala, 5.

<sup>47</sup> IM2432, Ibn Maja, al-Sadaqat, 19.



*Allah bless your family and your wealth for you. The reward for lending is repayment and words of praise.*<sup>48</sup>

On the difficult journey of life, one can sometimes fall into financial distress. And he may not always be able to find someone whom he could trust and whom he could ask for a loan. For this reason, there has been a long-standing practice, namely, in order for someone to be able to securely make a loan, he must first receive collateral from the opposite party and then he would give the loan. This collateral which was received would be called a pledge and when the loan was repaid the collateral would be returned. Allah on High said, *“If you are on a journey and cannot find a scribe, something should be handed over as security (in return for the loan).”*<sup>49</sup> Thus, it was indicated that in debt transactions the procedure of providing collateral could be applied as a precaution. This is because, while on a journey, it is known that people more frequently encounter such situations. Thus, it is stated that people who might fall into disagreement and treat each other unjustly can follow this procedure. In any case, the matter of providing a pledge in the aforesaid verse, although it is mentioned in conjunction with a journey, also applies in all circumstances in which there could be a question of acknowledgement and confidence. Furthermore, it is clear that documenting the action is the ideal procedure according to the verse, but when this is not possible then it is necessary to have recourse to a pledge.

Our Prophet sometimes fell into financial distress and had to get a loan by giving a pledge. Indeed, it was known to his Companions (ra), above all his wife ‘A’isha (ra) that he pledged his armor to a Jew in exchange for something to eat and that he repaid him later.<sup>50</sup>

Our master the Prophet (saw) followed the practice of making a pledge and he also corrected certain mistaken aspects of this practice. For example, in the pre-Islamic period, when a debt was not paid on time the pledge in the hands of the creditor could immediately become his property.<sup>51</sup> In order to put an end to this practice, the blessed Prophet stated that the person who received property as a pledge for a loan could not take possession of this property.<sup>52</sup> In this way he showed that it was necessary to ensure a compromise in which the interests of both parties would be protected; and he specified that there was not a unilateral authority of disposal concerning a pledge that was given as a trust.

<sup>48</sup> IM2424, Ibn Maja, al-Sadaqat, 16; N4687, al-Nasa’i, al-Buyu’, 97.

<sup>49</sup> Al-Baqara, 2:283.

<sup>50</sup> B2068, B2069, al-Bukhari, al-Buyu’, 14.

<sup>51</sup> NE5/266, al-Shawkani, *Nayl al-awtar*, V, 226.

<sup>52</sup> IM2441, Ibn Maja, al-Ruhun, 3.





Furthermore, by saying, “If an animal is taken as a pledge, the person receiving it must give an oath. The milk of a pledged animal may be drunk. The person drinking the milk must be responsible for ensuring the wellbeing of the animal. In addition he may ride it,”<sup>53</sup> he protected the interests of both parties. Accordingly, the person who took property as a pledge can benefit from it on the grounds that he is the possessor of it as property held in trust, that he protects it, and in this respect causes no damage to it.

In Turkish there is a saying, “A hawk as a creditor and a crow as a debtor” (that is, an eager creditor but a laggardly debtor). Such behavior is not worthy of a Muslim. If a Muslim is a creditor he should make it easy on a debtor if he sees that he is in difficult circumstances. Not only should he refrain from demanding more than he gave, but he should also refrain from adopting an unfair attitude. Nevertheless, the debtor also has obligations. He should be aware of the seriousness of his responsibility and he should make a strenuous effort to pay his debt as soon as possible. This is because, the responsibility for debt ends not with death but when it is paid.

<sup>53</sup> HM7125, Ibn Hanbal, II, 229.



## PARTNERSHIP THE BLESSING OF DOING BUSINESS TOGETHER

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَتِ الْأَنْصَارُ لِلنَّبِيِّ ﷺ:  
أُقْسِمُ بَيْنَنَا وَبَيْنَ إِخْوَانِنَا النَّخِيلَ، قَالَ: ”لَا“، فَقَالُوا: تَكْفُونَا الْمُنُونَةَ وَنُشْرِكُكُمْ  
فِي الثَّمَرَةِ، قَالُوا: سَمِعْنَا وَأَطَعْنَا.

According to Abu Hurayra (ra), (after the event of migration to Medina) the Ansar said to the Prophet (saw), “Divide the date palm trees between our (Muhajir) brothers and us.” The Prophet (saw) replied, “No.” Thereupon the Ansar said (to the Muhajirun), “You look after the trees (water and watch them) and we will share the fruit with you.” The Muhajirun said, “We hear and obey.”

(B2325, al-Bukhari, al-Muzara'a, 5)





عَنْ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ عَامَلَ أَهْلَ خَيْبَرَ بِشَطْرِ مَا يَخْرُجُ  
مِنْهَا مِنْ ثَمَرٍ أَوْ زَرْعٍ.



عَنْ أَبِي هُرَيْرَةَ رَفَعَهُ قَالَ: «إِنَّ اللَّهَ تَعَالَى يَقُولُ: أَنَا ثَالِثُ الشَّرِيكِينَ مَا لَمْ يَخُنْ  
أَحَدُهُمَا صَاحِبَهُ، فَإِذَا خَانَهُ خَرَجْتُ مِنْ بَيْنِهِمْ.»



According to Ibn ‘Umar (ra), the Messenger of Allah (saw) made the people of Khaybar work as laborers in exchange for half the fruits and grains produced (from the land Kaybar).

(M3962, Muslim, al-Musaqat, 1)



In a ḥadīth *qudsī* that Abu Hurayra (ra) ascribed to the Prophet (saw), Allah the Exalted said, “*I make a third with two partners (that is, I help and protect them) as long as they do not cheat each other. But if one of them cheats the other, I depart from them.*”

(D3383, Abu Da‘ud, al-Buyu‘, 26)





In 622 A.D., Allah’s Messenger was forced to leave Mecca and he settled in Medina. The other Muslims who did not have the power to resist the oppression of the polytheists had emigrated to Medina earlier. The Muhajirun possessed nothing. This was because they left everything in Mecca when they went to Medina. Furthermore, they had no work that would allow them to earn a living. As for the Muslims of Medina, they had wealth and property.<sup>1</sup> They wanted to help the Muhajirun because Allah’s Messenger had declared them their brothers.<sup>2</sup> Therefore, the Muslims of Medina asked the Prophet (saw) to divide their date palms between them and the Muhajirun. But he was not pleased with this suggestion. Therefore, the Ansar proposed to the Muhajirun a partnership in their date palms. Allah’s Messenger was pleased with this. Accordingly, the date palms would belong to the Ansar but the Muhajirun would provide the labor, such as looking after the trees, watering, and harvesting. The Companions (ra), who saw that the Prophet (saw) approved the partnership, said, “We hear and obey.”<sup>3</sup>

By taking this position, Allah’s Messenger showed his community that it was better that people who were able to work be given work instead of material assistance. One way to do this was by means of a partnership. There was benefit for all the parties in a partnership. Above all, the Muhajirun had the ability to work and obtained a means of earning a living by the sweat of their brow without being a burden on the other Muslims. The Ansar who shared the land also benefitted from this partnership. As a result, the partnership became a source of cooperation, employment, productivity, and social prosperity and tranquility.

After Allah the Exalted created Adam as the first person and first prophet, He created his wife Eve as a life partner, one who would meld with him, be together with him, and share life with him. Thus the first

<sup>1</sup> B2630, al-Bukhari, al-Hiba, 35; M4603, Muslim, al-Jihad wa ‘l-siyar, 70.

<sup>2</sup> B7340, al-Bukhari, al-‘Itisam, 16; M6464, Muslim, Fada’il al-sahaba, 205.

<sup>3</sup> B2325, al-Bukhari, al-Muzara’a, 5.



partnership of the first man began. Allah (swt) created them as a pair in order to make abundant all animals and plants. This was also a kind of partnership. Only He was exempted from partnership. This was because He is One (who is alone), the Eternal (everything needs Him but He needs nothing)<sup>4</sup> and He is the only creator.<sup>5</sup>

All the prophets who were charged with bringing Allah's message stated that Allah on High was unfettered with respect to any kind of association or partnership. He ordered them to spread the word to all creation that monotheism, which means being one, was restricted to Him alone. The fundamental goal of the divine message, as a requirement of this, is to invite people to Allah's oneness and for them to avoid associating anything with Him. While advising his son, Luqman said, "My son, do not attribute any partners to Allah: attributing partners to Him is a terrible wrong."<sup>6</sup> When the polytheists said, "Describe your Lord to us!" the Ikhlas sūra was revealed: "Say, 'He is Allah the One, Allah the eternal. He begot no one nor was He begotten. No one is comparable to Him.'"<sup>7</sup>

In the verse "Are they the ones who share out your Lord's grace? We are the ones who give them their share of livelihood in this world and We have raised some of them above others in rank, so that some may take others into service: your Lord's grace is better than anything they accumulate,"<sup>8</sup> Allah (swt) informs people that they were created to need each other and, in this way, to lead their lives and earn a living, and then He states that one's real earnings would be to obtain Allah's grace. Thus, He states that, in order to be able to live their lives, all creatures need a partnership one way or another. The fact that all creatures cannot survive without partnership is an opportunity, in a sense, to understand the power and "oneness" of Allah on High.

From the earliest times, people unavoidably helped one another or lived collectively in order to be able to sustain their lives. Just as everyone in the family, which is the smallest unit of society, has a task appropriate to his abilities, the same is true of society in general. Therefore, it could be said that in every matter in which people need help, such as in farming, crafts, and trade, that there is directly or indirectly a partnership.

In this sense it could also be said that life consists of a partnership and of working collectively and that, in some way, people serve others whether or not they are aware of it. In this connection, there is information and some suggestions in the story of David as described in the Noble

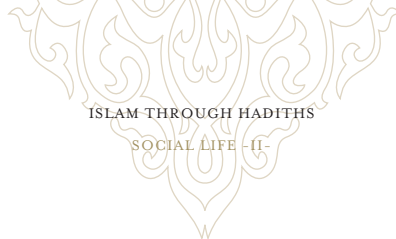
<sup>4</sup>Al-Ikhlas, 112:1-2.

<sup>5</sup>Al-Fatir, 35:3.

<sup>6</sup>Al-Luqman, 31:13.

<sup>7</sup>T3364, al-Tirmidhi, Tafsir al-Qur'an, 112; HM21538, Ibn Hanbal, V, 133.

<sup>8</sup>Al-Zukhruf, 43:32.



Qur'an related to people's establishment of a partnership of business and labor.<sup>9</sup> In the verses describing the sharing of inheritance, it is said, "...if there are more (than one) siblings, they share one third among them,"<sup>10</sup> which indicates that partnership of property is legitimate.

Furthermore, when partnership is mentioned, there comes to mind the notion that many people will combine their labor and capital and do business collectively. At the time when the Prophet (saw) was sent on his mission, people established various commercial partnerships. Even the Prophet (saw) himself entered a partnership with al-Sa'ib b. Abi al-Sa'ib al-Makhzumi (ra). In fact al-Sa'ib joined Allah's Messenger at the time of the conquest of Mecca<sup>11</sup> and when those who lived there began to praise him and speak well of him, Allah's Messenger said, "I know him better than you do." Thereupon al-Sa'ib could not stop himself from saying, "Yes, O Messenger of Allah! You indeed know me well. May my mother and father be sacrifices for you. You were my partner. What an excellent partner you were! You did not interfere with me nor did you quarrel with me."<sup>12</sup>

Allah's Messenger also supported the use of partnerships, which were an imperative of commercial life, after he was entrusted with the task of prophethood. He recommended to his Companions (ra) that they work collectively and encouraged them to be productive and to demonstrate their abilities.

In the commercial sense, the use of partnerships may vary depending on the needs of the people. The social environment and commercial conditions also determine the way in which a partnership is applied. The Prophet (saw)'s attitude in this matter was to specify the principles of partnerships and intervene when mistakes were made. The principles that the blessed Prophet recommended for all commercial activities, namely, clarity in agreements, honesty, mutual consent, consultation, behaving fairly, and avoiding deceit, falsehood, and taking interest, were also valid in the application of partnerships. In this respect, he sometimes intervened in such situations which were presented to him and in events that he witnessed. For example, Zayd b. Arqam and Bara' b. 'Azib (ra) were two trading partners. On one occasion they sold silver. They paid a portion of the cost in advance and they left the other portion to be paid later. Allah's Messenger learned of this transaction. He wanted them to take the portion that would be purchased in advance and return the portion left as a debt.<sup>13</sup>

<sup>9</sup> Al-Saad, 38:21-24.

<sup>10</sup> Al-Nisa', 4:12.

<sup>11</sup> HM15590, Ibn Hanbal, III, 425.

<sup>12</sup> D4836, Abu al-Da'ud, al-Adab, 17; IM2287, Ibn Maja, al-Tijarat, 63.

<sup>13</sup> HM19522, Ibn Hanbal, IV, 371.



At the time of our master the Prophet (saw), in order to jointly harvest fields a kind of partnership, which later was called *muzāra'a* (a lease of agricultural land with profit-sharing), was established between land owner and laborer and was widespread. In fact, Abu Ja'far, a grandson of 'Ali (ra),<sup>14</sup> said, "May there be no one who emigrated to Medina who has made an agricultural partnership based on one fourth and one third (which would belong to the land owner) of the harvest."<sup>15</sup> This was because the people needed to establish partnerships. Just as each owner of agricultural land did not have the ability to work his land, each person who could work did not have land to cultivate. Thanks to the *muzāra'a* partnership, the land owner realized value for his land and the laborer realized value for his labor.

Allah's Messenger encouraged not only agricultural partnerships but also, at the same time, commercial partnerships. He said that a partnership of labor and capital based on profit-sharing, which was called *muzāra'a* was a blessing.<sup>16</sup> The Companions (ra), who followed his *Sunna*, also established this kind of partnership. During his caliphate, 'Umar originally opposed his two sons' 'Abd Allah and 'Ubayd Allah, who had set out on the Iraq campaign, doing business in this manner on the advice of the amir of Basra Abu Musa al-Ash'ari, but later he accepted it.<sup>17</sup> The caliph 'Uthman provided capital to Ya'qub al-Madani, one of the Successors,<sup>18</sup> in order to do business on the basis of profit-sharing.<sup>19</sup> Sometimes the property of orphans was given to 'Abd Allah b. 'Umar in trust and he used to invest this property on behalf of the orphan in a commercial partnership.<sup>20</sup> In addition, it was reported that the Companions (ra) established various partnerships according to the economic opportunities and conditions of the time.<sup>21</sup> Therefore, it is understood that, within the framework of the principles determined by Allah's Messenger, a partnership could be created in any endeavor that would be helpful to people.

The Companions (ra) used to prefer creating partnerships with people they trusted in fields in which they thought they could make a profit. 'Abd Allah b. Hisham was one of these trustworthy people. He lived at the time of the Prophet (saw). His mother Zaynab bint Humayd sent him to Allah's Messenger at the conquest of Mecca. Zaynab said, "O Messenger of Allah! Make my son swear allegiance to Islam!" The Messenger of Allah replied, "*He is (still) young,*" patted him on the head, and prayed for him. Later 'Abd Allah b. 'Umar and 'Abd Allah b. Zubayr (ra) proposed to this

<sup>14</sup> AU12/232, al-'Ayni, 'Umdat al-qari, XII, 232.

<sup>15</sup> B2328, al-Bukhari, al-Muzara'a, 8 –the section heading–.

<sup>16</sup> IM2289, Ibn Maja, al-Tijarat, 63.

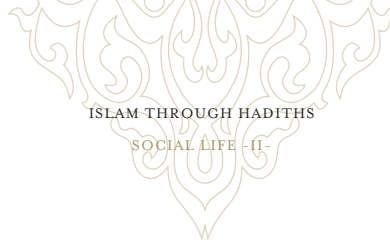
<sup>17</sup> MU1389, al-Muwatta', al-Qirad, 1

<sup>18</sup> ShZ3/439, *Sharh al-Zurqani*, III, 439.

<sup>19</sup> MU1390, al-Muwatta', al-Qirad, 1

<sup>20</sup> BS11812, al-Bayhaqi, *al-Sunan al-kubra*, VI, 176.

<sup>21</sup> D36, Abu al-Da'ud, al-Tahara, 20; HM17120, Ibn Hanbal, IV, 108.



Companion, who had received the prayer of the Prophet (saw), that they create a partnership, and he accepted. This partnership, in which the parties trusted each other, thus proved to be so profitable that sometimes the profit amounted to a camel load.<sup>22</sup>

The partnership is a commercial undertaking. There is no objection to being in a partnership with followers of other religions. In fact, Allah's Messenger created an agricultural partnership with Jews.<sup>23</sup> When Khaybar was conquered in the seventh year of the Hijra, the Jews wanted to work their land jointly with the Muslims. Accordingly, they would take half the produce obtained each year and they would turn over the other half to the Prophet (saw). Allah's Messenger accepted the Jews' proposal,<sup>24</sup> and put the people of Khaybar to work in return for half the grain and fruit produced (from the land of Khaybar).<sup>25</sup>

The ability to derive an income from a partnership depends on the honesty of the parties involved. It was reported that Allah the Exalted said, *"I make a third with two partners (that is, I help and protect them) as long as they do not cheat each other. But if one of them cheats the other, I depart from them."*<sup>26</sup> Furthermore, using the words of David in the Holy Qur'an, Allah on High called upon people to behave honestly in partnerships.<sup>27</sup> No matter what the nature of the partnership, it cannot be successful if the parties involved are dishonest. The fundamental principle here is not to deceive or be deceived. One should neither act unfairly nor be subject to unfairness.<sup>28</sup> The fact that our master the Prophet (saw) wanted fairness to be respected even while eating dates from a common pot and was not pleased if one person would eat two dates at the same time without asking the permission of the others is also a manifestation of this sensibility.<sup>29</sup>

In partnerships the most important feature should be not diverging from equity and fairness. The Jews, who appreciated the fair attitude of 'Abd Allah b. Rawaha (ra) who represented the Muslims in the agreement that the blessed Prophet made with the Jews, said, "Surely heaven and earth stand on this justice."<sup>30</sup> This is important for showing the effect these matters have on people.

Observing trust is another important matter that partnerships need to take into account. This is because the responsibility which falls to each party in a partnership is the preservation of trust. According to the *hadiths* of Allah's Messenger, the betrayal of trust is a sign of hypocrisy.<sup>31</sup>

<sup>22</sup> B2501, al-Bukhari, al-Shirka, 13.

<sup>23</sup> B2331, al-Bukhari, al-Muzara'a, 11; M3966, Muslim, al-Musaqat, 5.

<sup>24</sup> D3410, Abu al-Da'ud al-Buyu', 34.

<sup>25</sup> M3962, Muslim, al-Musaqat, 1.

<sup>26</sup> D3383, Abu al-Da'ud, al-Buyu', 26.

<sup>27</sup> Al-Saad, 38:24.

<sup>28</sup> Al-Baqara, 2:279.

<sup>29</sup> B2489, al-Bukhari, al-Shirka, 4; M5335, Muslim, al-Ashriba, 151.

<sup>30</sup> D3410, Abu al-Da'ud, al-Buyu', 34; MU1392, al-Muwatta', al-Musaqat, 1.

<sup>31</sup> B33, al-Bukhari, al-Iman, 24; M211, Muslim, al-Iman, 107.





Because the ultimate goal of commercial partnerships is to provide a benefit, the parties can stipulate special conditions for this purpose. Indeed, ‘Abbas b. ‘Abd al-Muttalib (ra), when he provided capital to someone for a commercial transaction, placed certain conditions on his partner according to the practice of that time. When ‘Abbas’ conditions were reported to Allah’s Messenger, he confirmed them.<sup>32</sup> In like manner, Hakim b. Hizam, one of the noble Companions (ra), also used to present a number of conditions when providing capital to a partner.<sup>33</sup>

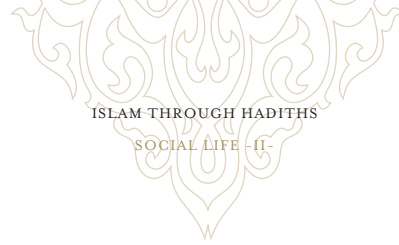
Furthermore, in order to protect rights, prevent unfairness, and when necessary to ensure ease of confirmation, the parties in some partnerships make a partnership agreement and clearly write everything out in this agreement. This is also important. Mutual compliance is an indispensable element. The advice in this matter from Sa’id b. al-Musayyab, a religious scholar among the Tabi’un, shows the road that should be followed by those who are going to create a partnership. According to it, an agreement should be made whereby a person turns over to another person his property and money on the principle of *mudārba* (a commercial arrangement whereby an investor entrusts capital to an agent who trades with it and shares with the investor a pre-determined proportion of the profits) in order to earn money. Every necessary detail should be spelled out in the agreement. The type of company, the amount of capital, the work to be done with the capital, profit rates, and the responsibilities of the parties should be made clear. Compliance with the agreement should be specified and it should be signed by the parties in the presence of appropriate witnesses to the text. If the number of persons providing the capital is more than one, their names, contributions, and their dividend rates should also be noted. Profit and loss are shared.<sup>34</sup> However, if there is a loss resulting from the capital manager’s own fault, in this case the loss must be met by that manager.

Thus, on the basis that partnerships, which have different structures and functions in today’s societies, are one of the most important means of improving the standard of living of people and of raising capital, Muslim societies act with the idea of partnership rather than individual enterprise in parallel with developing conditions and potentialities and this will lead to excellent results. In an environment in which individual investments are insignificant and ineffectual and unfair competition is an obstacle to

<sup>32</sup> BS11815, al-Bayhaqi, *al-Sunan al-kubra*, VI, 176.

<sup>33</sup> BS11814, al-Bayhaqi, *al-Sunan al-kubra*, VI, 176.

<sup>34</sup> N3968, al-Nasa’i, *al-Muzara’a*, 46.



their investments, conducting collective joint actions will be beneficial. New fields of employment will be created and economic progress will be assured. By acting on the advice of Allah’s Messenger, “*Make an effort for things that are useful for you. Don’t beg for help from Allah and be destitute!*”<sup>35</sup> the efforts that will be made will be able to lay the foundation for the creation of useful services.

<sup>35</sup> M6774, Muslim, al-Qadar, 34.





## RENT CONTRACTING A LEASE



عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: ... قَالَ رَسُولُ اللَّهِ ﷺ :  
”إِنَّمَا يَزْرَعُ ثَلَاثَةٌ: رَجُلٌ لَهُ أَرْضٌ فَهُوَ يَزْرَعُهَا، وَرَجُلٌ مُنِحٌ أَرْضًا فَهُوَ يَزْرَعُ مَا  
مُنِحَ، وَرَجُلٌ اسْتَكْرَى أَرْضًا بِذَهَبٍ أَوْ فِضَّةٍ.“

According to Rafi‘ b. Khadij (ra), the Messenger of Allah (saw) said,  
“Those who cultivate land are three: A man who has (his own) land and he tills  
it; a man who has been given land and he tills what has been given to him; and  
a man who rents land for gold or silver.”

(D3400, Abu Da‘ud, al-Buyu‘, 31)



حَدَّثَنَا كَثِيرُ بْنُ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ عَوْفِ الْمُزَنِيِّ عَنْ أَبِيهِ، عَنْ  
جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: "... وَالْمُسْلِمُونَ عَلَى شُرُوطِهِمْ،  
إِلَّا شَرْطًا حَرَّمَ حَلَالًا أَوْ أَحَلَّ حَرَامًا."



عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ:  
"لَأَنْ يَمْنَحَ أَحَدُكُمْ أَخَاهُ أَرْضَهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا كَذَا  
وَكَذَا" ﴿لِشَيْءٍ مَعْلُومٍ﴾.



عَنْ سَعْدٍ قَالَ: كُنَّا نُكْرَى الْأَرْضَ بِمَا عَلَى السَّوَاقِي مِنَ الزَّرْعِ وَمَا سَعَدَ بِالْمَاءِ  
مِنْهَا، فَهَنَانَا رَسُولُ اللَّهِ ﷺ عَنْ ذَلِكَ، وَأَمَرَنَا أَنْ نُكْرِيهَا بِذَهَبٍ أَوْ فِضَّةٍ.



Kathir b. ‘Abd Allah b. ‘Amr b. ‘Awf al-Muzani reported from his father that his grandfather (ra) said that the Messenger of Allah (saw) said, “*Muslims will be held to their conditions except for those that make the halal haram and the haram halal.*”

(T1352, al-Tirmidhi al-Ahkam, 17)



According to Ibn ‘Abbas (ra), the Prophet (saw) said, “*Should one of you give his (Muslim) brother his land, it would be better for him to take for it such and such (a specific amount in rent).*”

(M3960, Muslim, al-Buyu‘, 122)



According to Sa‘d b. Abi Waqqas (ra), “*We used to lease out land in return for what grew by the creeks and for what was watered from them. The Messenger of Allah (saw) forbade us to do that, and commanded us to lease if for gold or silver.*”

(D3391, Abu Da‘ud, al-Buyu‘, 30)





**H**anzala b. Qays al-Ansari was born during the time of our master the Prophet (saw), but was not able to speak with him because of his young age.<sup>1</sup> On the subject of renting land for gold or silver, he consulted with Rafi' b. Khadij (ra), who participated with our master the Prophet (saw) in the Battle of Uhud and who reported many *hadiths* on the subject of rent. Rafi' explained the following to him: "There is no objection to doing this. At the time of Allah's Messenger, they used to rent out their lands in return for the products of fertile places along the banks of streams and where water emerged. But sometimes the products of those places was destroyed while other areas were safe. At other times the other areas were destroyed and the products of the fertile places were safe. This form of paying rent was widespread among the people. However, this method of leasing (in which one party was injured) was forbidden. But there was no objection to rental agreements which were made based on paying something that was specific and obtainable."<sup>2</sup>

Throughout history, people have tried to meet their needs for goods and services in one way or another. Sometimes while satisfying these needs with the special abilities and resources that they possessed, they frequently reached the point of benefiting from others by a certain method. One of these methods was to contract a lease (for rent or labor/work) which meant "to benefit from a specific good or service in exchange for compensation." This was applied not only to movable and immovable property in the form of tenancy but also to doing a task for a fee or employing workers. Accordingly, the concept of a given lease had the intention of making one the owner of goods or labor/work for a specific time in return for payment.

Not only is there some information in the Old Testament on hiring workers and paying their wages on time,<sup>3</sup> but there are also verses in the Noble Qur'an concerning leases in the form of a contract for labor/a job.

<sup>1</sup> HI2/155, Ibn Hajar, *al-Isaba*, II, 155.

<sup>2</sup> M3952, Muslim, *al-Buyu'*, 116; N3930, *al-Nasa'i*, *al-Muzara'a*, 45.

<sup>3</sup> The Bible, Leviticus, 19:13; Deuteronomy, 24:15.





The verses which speak of the work that Moses did for Shu'ayb for a wage for eight years<sup>4</sup> and which speak of a father's payment of a fee to a woman breast feeding her child after he has divorced her<sup>5</sup> are relevant to the matter.

It is possible to find information in the *ḥadīth* texts on people in Arab society before Islam who rented movable or immovable property and animals. The fact that our master the Prophet (saw), after he learned of the plot to assassinate him, went to the home of his close friend Abu Bakr (ra) and began preparations for the Hijra and agreed to hire 'Abd Allah b. 'Urayqit, who at that time was not yet a Muslim,<sup>6</sup> to be their guide in return for a certain fee<sup>7</sup> and that our master the Prophet (saw), while maintaining the lease arrangements of the Companions (ra), only intervened in certain respects shows that this procedure was long standing.

As with many other kinds of commercial transactions, Allah's Messenger considered contracting a lease to be legitimate. On one occasion the Prophet (saw) spoke of cultivating land and said, "*Those who cultivate land are three: a man who has (his own) land and he tills it; a man who has been given land and he tills what has been given to him; and a man who rents land for gold or silver.*"<sup>8</sup> Hamza b. 'Amr (ra) from Medina explained that he obtained sustenance by renting out his camels and the Prophet (saw) condoned this.<sup>9</sup> The fact that Imam Malik provides detailed information on fees paid in return for camel loads and the use of residences and the labor of artisans<sup>10</sup> indicates that this practice was widespread among the Companions (ra).

Allah's Messenger did not forego contemporary practice in matters concerning hire. However, he did introduce a number of regulations. Once when those who had made a lease agreement fell into a dispute over crops and land and sought his advice, he said, "*Therefore pay rent using gold and silver.*"<sup>11</sup> Thus, in order not to provide a basis for arguments in this matter, he stated that it would be proper to rent for a certain fee. By resolving the problem of uncertainty, which was one of the most significant issues in renting, he provided a way for people to make more qualified agreements. At the same time, this indicates that people should state clearly the particulars of the duration and nature of the contracts for the property or the labor/job that they rented or hired.

Ibn 'Abbas (ra), the paternal cousin of our master the Prophet (saw), said, "We used to rent out the land of the Messenger of Allah (saw) and stipulated that human waste not be used for fertilizer."<sup>12</sup> Therefore, a num-

<sup>4</sup> Al-Qasas, 28:23-29.

<sup>5</sup> Al-Talaq, 65:6.

<sup>6</sup> BH2/203, al-Halabi, *al-Sira al-halabiyya*, II, 203.

<sup>7</sup> B2263, al-Bukhari, al-Ijara, 3.

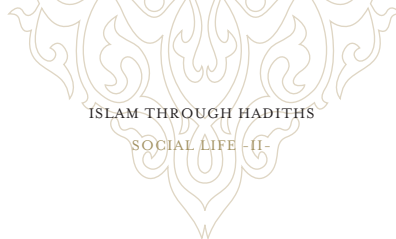
<sup>8</sup> D3400, Abu Da'ud, al-Buyu', 31; N3921, al-Nasa'i, al-Muzara'a, 45.

<sup>9</sup> D2403, Abu Da'ud, al-Siyam, 42.

<sup>10</sup> MU1318, al-Muwatta', al-Buyu', 13.

<sup>11</sup> N3925, al-Nasa'i, al-Muzara'a, 45.

<sup>12</sup> BS11973, al-Bayhaqi, *al-Sunan al-kubra*, VI, 223.



ber of legitimate conditions were attached to rental agreements and the parties were expected to fulfil the requirements of the rental agreement by respecting these conditions. For people to comply with the conditions of the rental contracts that they drew up among themselves was a rather important matter. By following the advice of our master the Prophet (saw), “Muslims will be held to their conditions except for those that make the (religiously) permitted forbidden and the forbidden permitted,”<sup>13</sup> the parties would be bound to the agreement and their confidence in it would not be shaken. This is because our master the Prophet (saw) states here that the parties must remain bound to the agreement and must not undermine confidence in it.

In this sense, when Imam Malik emphasized that, if an animal rented to go as far as a certain place was taken beyond it, a fee should be paid for this,<sup>14</sup> this was an excellent deduction from the principle that rented property must be used in accordance with the stipulated conditions.

As can be understood, Allah’s Messenger did not change in a fundamental way the traditional practices concerning rent or hire. He only created an ethical and religious framework for renting or hiring by intervening to prevent exploitation, being opposed to such dangers as deception and falsehood. Such principles as certainty,<sup>15</sup> fairness,<sup>16</sup> and honesty,<sup>17</sup> which he advised in commercial activities, were also valid in this matter.

There could have been differences among the Companions (ra) with respect to the practice of contracts for rent or hire. For example in some reports there is information that toward the end of his life ‘Abd Allah b. ‘Umar (ra) changed his mind about renting out his lands. Supposedly, during the time of our master the Prophet (saw), Abu Bakr, ‘Umar, and ‘Uthman and early in the amirate of Mu‘awiya, ‘Abd Allah b. ‘Umar (ra) rented out their lands.<sup>18</sup> However, toward the end of the caliphate of Mu‘awiya,<sup>19</sup> he heard that Rafi‘ b. Khadij had forbidden the renting out of land. He went to him and said, “O Ibn Khadij! What are you reporting from Allah’s Messenger about renting out land?” Rafi‘ replied, “I heard my two uncles (who had participated in the Battle of Badr) say that the Messenger of Allah (saw) had forbidden the renting out of land to the people of this quarter.” Thereupon ‘Abd Allah b. ‘Umar said, “I swear by Allah that I know that at the time of the Prophet (saw) land was rented out.” Later however, taking into consideration the likelihood that Allah’s Messenger had presented a new

<sup>13</sup> T1352, al-Tirmidhi, al-Ahkam, 17.

<sup>14</sup> MU1417, al-Muwatta’, al-Aqdiyya, 10.

<sup>15</sup> B2239, al-Bukhari, al-Salam, 1; D3392, Abu Da’ud, al-Buyu’, 30.

<sup>16</sup> B6534, al-Bukhari, al-Riqaq, 48.

<sup>17</sup> T1210, al-Tirmidhi, al-Buyu’, 4; IM2146, Ibn Maja, al-Tijarat, 3.

<sup>18</sup> B2343, al-Bukhari, al-Muzara’a, 18.

<sup>19</sup> M3938, Muslim, al-Buyu’, 109.

<sup>20</sup> M3944, Muslim, al-Buyu’, 112.



decision on this matter of which he was unaware, he changed his mind on renting out his lands.<sup>20</sup>

On the subject of renting land, there is another report from Rafi' b. Khadij (ra) as follows: "We worked on farms more than anyone among the people of Medina. We used to pay rent and say to the owner, 'May this portion (of the yield) be for me and this portion be for you.' Sometimes one part of the land was productive and sometimes another part was not. Therefore the Prophet (saw) forbade people to make a contract of this kind."<sup>21</sup>

When the words that Rafi' b. Khadij used in his dialogue with 'Abd Allah b. 'Umar (ra) are considered with this tradition, the matter can be better understood. While in the first tradition it is stated that, in general, it is forbidden to rent out land, in the second tradition the nature of what is being forbidden is indicated. From this one concludes that renting out land is forbidden under certain circumstances. The statement of Rafi' b. Khadij that the Prophet (saw) forbade practices which caused various misunderstandings and harm to one of the parties and permitted renting out land based on something clear and obtainable also explicates what is being forbidden.<sup>22</sup> In light of this, it is understood that what the Prophet (saw) forbade were stipulations that were unsuitable in rental contracts, anything that would likely harm one of the parties, and the like.<sup>23</sup>

The fact that Salim, one of the children of 'Abd Allah b. 'Umar (ra), continued to rent out his agricultural lands<sup>24</sup> reinforces the opinion that renting out property in accordance with certain conditions was not forbidden.

On the subject of renting out land, Ibn 'Abbas (ra) reports the following from the Prophet (saw): "*Should one of you give his (Muslim) brother his land, it would be better for him to take for it such and such (a specific amount in rent).*"<sup>25</sup>

In addition, Sa'd b. Abi Waqqas, one of the great Companions (ra), said the following related to this practice at the time of the Prophet (saw) and whether it was forbidden: "We used to lease out land in return for what grew by the creeks and for what was watered from them. The Messenger of Allah (saw) forbade us to do that, and commanded us to lease if for gold or silver."<sup>26</sup>

Zayd b. Thabit (ra), who was one of the faqih Companions (ra), stated the following related to Rafi' b. Khadij's<sup>27</sup> report of a *hadith* according to

<sup>21</sup> B2332, al-Bukhari, al-Muzara'a, 12.

<sup>22</sup> M3952, Muslim, al-Buyu', 116; N3930, al-Nasa'i, al-Muzara'a, 45.

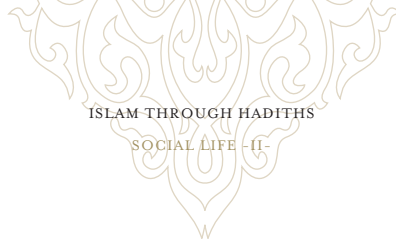
<sup>23</sup> AU12/256, al-'Ayni, 'Umdat al-qari, XII, 256.

<sup>24</sup> B4013, al-Bukhari, al-Maghazi, 12.

<sup>25</sup> M3960, Muslim, al-Buyu', 122.

<sup>26</sup> D3391, Abu Da'ud, al-Buyu', 30; N3925, al-Nasa'i, al-Muzara'a, 45.

<sup>27</sup> IM2460, Ibn Maja, al-Ruhun, 10.



which it was forbidden to rent out property: “May Allah forgive Rafi’ b. Khadij! By Allah, I have more knowledge of *ḥadīths* than he does (concerning the renting of land). Two men who quarreled went to the Prophet (saw). The Messenger of Allah said, ‘*If this is your situation, do not rent out agricultural lands.*’ Rafi’ b. Khadij only heard the words ‘*do not rent out.*’”<sup>28</sup>

The great *ḥadīth* scholar al-Nasa’i shows misunderstandings arising among the parties as the reason for banning the renting out of land and records that it was necessary to an agreement to be made in arranging for a lease. Imam al-Nasa’i insisted that certain basic matters be addressed in a rental agreement, such as the identity of the lessor and lessee, the location and boundaries of the arable fields, the amount that the lessee will pay, when the lease will begin and end, who will own the grain, who will be responsible for irrigation, fertilization and similar costs, and what kind of agriculture will be practiced on the land.<sup>29</sup>

The Egyptian jurist Layth b. Sa’d summarized this subject, saying, “If those who have the discernment for distinguishing what is permitted from what is forbidden looked into what has been forbidden concerning this matter, they would not permit it, for it is surrounded with dangers.”<sup>30</sup> It is understood from this that rental agreements made with gold and silver are forbidden if there is any deception or lack of clarity. As for contracts in which the fee is specified and the conditions are acceptable to the parties, they are not forbidden.<sup>31</sup>

Our master the Prophet (saw) recommended that an agreement should not be made with those who are to be put to work unless their fees are clearly spelled out<sup>32</sup> and that the fees to those providing services be paid without delay.<sup>33</sup> He also demanded that those who established partnerships in such matters as agriculture act with understanding and tolerance of each other.<sup>34</sup> Accordingly, the person who wants to rent out his property will provide the necessary information on those matters which fall into his purview, such as the fee, working environment, and duration. This is because he knows that the one who helps facilitate such an arrangement with a Muslim who is in need will receive reward in this world and the next.<sup>35</sup> Furthermore, the lessee will look after what he has rented as an object held in trust and he will maintain it. This is because the one who surrenders the objects held in trust to their owners, without perfidy, is aware that this is a command of Allah (swt)<sup>36</sup> and a requirement of being a Muslim.<sup>37</sup>

<sup>28</sup> IM2461, Ibn Maja, al-Ruhun, 10; D3390, Abu Da’ud, al-Buyu’, 30.

<sup>29</sup> N3959, al-Nasa’i, al-Muzara’a, 45.

<sup>30</sup> B2347, al-Bukhari, al-Muzara’a, 19.

<sup>31</sup> IF5/26, Ibn Hajar, *Fath al-bari*, V, 26.

<sup>32</sup> HM11672, Ibn Hanbal, III, 69.

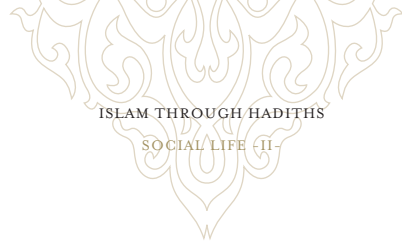
<sup>33</sup> IM2443, Ibn Maja, al-Ruhun, 4.

<sup>34</sup> T1385, al-Tirmidhi, al-Ahkam, 42.

<sup>35</sup> M6853, Muslim, al-Dhikir, 38.

<sup>36</sup> Al-Nisa’, 4:58.

<sup>37</sup> T1927, al-Tirmidhi, al-Birr, 18.



Many problems which arise today between owners and renters at home and in the work place derive from not paying sufficient attention to these fundamental principles. In such matters the parties should fulfill their rights and responsibilities and should listen to the voice of their conscience.



## SURETY SECURITY AND SOLIDARITY



عَنْ ابْنِ عَبَّاسٍ أَنَّ رَجُلًا لَزِمَ غَرِيمًا لَهُ بَعَشْرَةَ دَنَانِيرَ، فَقَالَ:  
وَاللَّهِ! مَا أَفَارُقُكَ حَتَّى تَقْضِيَنِي أَوْ تَأْتِيَنِي بِحَمِيلٍ، قَالَ:  
فَتَحَمَّلَ بِهَا النَّبِيُّ ﷺ ...

According to Ibn ‘Abbas (ra),  
“A man seized his debtor, who owed him ten dinars,  
by the collar, and said, ‘By Allah! I will not leave you until you pay your  
debt to me or bring me a surety.’ Ibn ‘Abbas said, thereupon, the Prophet  
(saw) became the surety for that money.”

(D3328, Abu Da’ud, al-Buyu’, 2)



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:   
“... وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنِ أَخِيهِ...”



عَنْ أَبِي أُمَامَةَ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ فِي خُطْبَتِهِ، عَامَ حَجَّةِ الْوَدَاعِ   
“...الزَّعِيمُ غَارِمٌ، وَالذَّيْنُ مَقْضِيٌّ.”



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*“...as long as a man helps his brother, Allah will help him...”*

(M6853, Muslim, al-Dhikr, 38)



Abu Umama (ra) said, “I heard the Prophet (saw) say the following in a sermon during the year of his Farewell Pilgrimage (Hajj al-Wada’):  
*‘...the guarantor is responsible for the debt and the debt must be paid.’”*

(T1265, al-Tirmidhi, al-Buyu‘, 39)







According to ‘Abd Allah b. al-‘Abbas, our Prophet’s beloved nephew, one day a man seized someone by the collar who owed him ten dinars and said, “By Allah! I will not leave you until you pay your debt to me or bring me a surety.” The debtor replied desperately, “By Allah! I have neither the money to pay my debt nor can I find someone to be the surety for it.” The man did not want to deny his debt. He only wanted more time to pay it. The creditor did not accept his proposal. He pulled him by his arm and took him directly to the Prophet (saw). The debtor immediately spoke, “O Allah’s Messenger! This man seized me by the collar. I only wanted a one-month extension from him. However, he rejected my request, wanting me to pay my debt or bring him someone as surety. By Allah! I was not able to find a surety nor do I have sufficient money on me today to pay my debt.” Thereupon Allah’s Messenger asked him, “*Do you want anything from him other than a one-month extension?*” The man answered, “No. I do not want anything other than this. Then the Messenger of Allah (saw) said, “*In that case, I will be the surety for your debt.*”

After the passing of the extension, the debtor brought a piece of gold, the amount of the debt, to the Prophet (saw) as promised. When the Prophet (saw) asked him where he found this piece of gold, he replied that he had extracted it from a mine. The Prophet (saw) did not, however, accept this piece of gold, and he paid his debt himself.<sup>1</sup>

An incident that occurred between our master the Prophet (saw) and his Companions (ra) is important with respect to showing that being surety is legitimate and indicating how it would be done. In this incident, because the debtor had nothing that he could give, the creditor was annoyed because the time had come for repayment but he was not able to receive it. It was necessary to find a means to please and satisfy both persons. It appears from what the two Companions (ra) said in this dispute that the

<sup>1</sup> BS11589, al-Bayhaqi, *al-Sunan al-kubra*, VI, 117; D3328, Abu Da‘ud, *al-Buyu‘*, 2; IM2406, Ibn Maja, *al-Sadaqat*, 9.



method known as surety was practiced. In the society in which they lived, people practiced this arrangement in their commercial dealings and Allah's Messenger was aware of it. Indeed the practice of surety existed in earlier periods. The existence of surety is confirmed in the Noble Qur'an in the story of prophets Jacob and Joseph.<sup>2</sup> Furthermore, our master the Prophet (saw) mentions the existence of surety in one of the stories that he relates about the Israelites.<sup>3</sup>

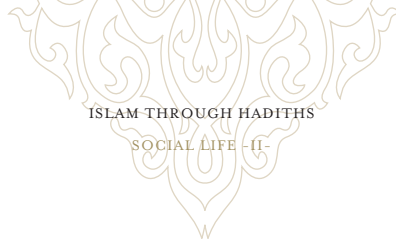
In the application of surety, not only are the rights of the creditor guaranteed but, thanks to the guarantor, the distress of the debtor is alleviated.

Surety is a form of mutual assistance without compensation on the basis of disinterest. Sometimes in commercial relations it is not possible to do business in advance, and sometimes one needs to provide security in relations among people. Thus an appropriate practice was needed. In other words, a third person intervenes to the aid of two parties and comes to an understanding whereby he provides support and security to those in need. In situations in which the debtor cannot provide a pledge of any kind for his debt, the surety enters the picture and alleviates his worry. Or, because of the lack of confidence, one who is hesitant to help someone who wants a loan can act calmly with a surety on the scene. Consequently, surety is a method which is applied in order to avert damage that might arise and unexpected victimization. Thanks to this, people can go about their business unconcerned and can develop their relations in confidence and with stability.

In the practice of surety, a human and ethical bond, as much as a legal bond, is also created among the surety, the debtor, and the creditor. Although some people say, "The beginning is criticism, the middle is regret, and the end is to pay the debt," and avoid being the surety and think as if they have taken themselves to safety, the Companions (ra), who constitute an example for us, did not consider surety in this way. For instance, Qabisa b. Mukhariq, one of the Companions (ra), was the surety for someone. He took upon himself a considerable amount of debt, but when it was difficult to pay the debt, he went to Allah's Messenger and the closest authority to which he could apply. He explained his situation and asked him for help. The Prophet (saw) said that he would help him and then warned all of those who had recourse to him in person to fulfill a need, "O Qabisa! Beg-

<sup>2</sup>Yusuf, 12:66, 72.

<sup>3</sup>B2291, al-Bukhari, al-Kafala, 1.



ging is allowable to only three people: He who has become a surety and has fallen into debt, and so it is permissible for him to beg until he obtain this money, and then when the debt is paid he can no longer beg; he who has been struck by a calamity and has lost wealth, and so it is permissible for him to beg until he finds enough money in order to be able to live; and he who is poor, and whom three trustworthy neighbors confirm that he is poor, so that it is permissible for him to beg until he has acquired enough wealth to allow him to live. It is forbidden for anyone apart from these three to beg, O Qabisa! Thus, one who engages in such, consumes it as something forbidden.”<sup>4</sup>

In order to help someone who was in difficult straits, Qabisa (ra) became the surety. He remained in debt however and could not repay it. Nevertheless, he did not say, “I wish I had never gotten into this affair,” and did not change his mind about paying the debt that he had assumed. He had recourse to Allah’s Messenger, who was the most competent authority on such matters and explained his concern. The blessed Prophet considered his request for guidance reasonable and said he would help him. This indicates, therefore, the need to be supportive of those who unselfishly serve as surety to others when they encounter unexpected events.

Because accepting the status of surety is a kind of gratuity, that is, a donated action without compensation, because it can come about on the request of the debtor, the surety can automatically be burdened with responsibility for the debt.<sup>5</sup> Frequently, an oral agreement with respect to standing surety sufficed based on the reliability of Muslims. Today however, in light of changed conditions, requirements can be established in order to guarantee the rights of the parties with other assurances to which there are no objections from the Muslim perspective. The practice of surety, which is in fact a legal contract, was not limited in Islamic history to the forms of it found at the time of the Prophet (saw). In order to prevent any of the parties from being victimized, having the status of surety notarized, documented or otherwise formalized will ensure that the application of it will be carried out in the soundest manner.

It appears from the practices of the Prophet (saw) that it was also possible for surety actions to be carried out by agents who were assigned by the state. If someone, who was hungry and exposed, came to the Prophet (saw) and asked for help, the Prophet (saw) would order Bilal to find money to loan, to cloth him, and to give him food. And he personally would also

<sup>4</sup>M2404, Muslim, al-Zakat, 109; D1640, Abu Da’ud, al-Zakat, 26.

<sup>5</sup>D3343, Abu Da’ud, al-Buyu’, 9; N4696, al-Nasa’i, al-Buyu’, 102.



stand surety for the loan. Bilal (ra) would find money for expenses and for a loan and satisfy the needs of these people. Later the debt would be paid by the state treasury.<sup>6</sup>

If standing surety was established between individuals who were friends, it would not only be a means of ensuring solidarity but also strengthen the bonds of friendship and brotherhood. Furthermore, this solidarity makes people valuable in the sight of Allah (ra). Indeed, our beloved Prophet said, “...as long as a man helps his brother, Allah will help him...”<sup>7</sup>

Together with the sense of sharing responsibility in the case of commercial and similar practices, standing surety also has the sense of “looking after and taking responsibility for the needy and homeless.” In fact, Allah’s Messenger said, “*The one who stands surety for (takes under his protection) the orphan and I will be like this (side by side) in Paradise.*”<sup>8</sup> The merciful Prophet’s promise to help Jabir b. ‘Abd Allah (ra) came about from this sense of standing surety. Jabir’s father fell a martyr in the Battle of Uhud. He left behind six needy female children and a certain amount of debt. Allah’s Messenger helped him in the payment of his debts.<sup>9</sup> Time passed but Jabir’s economic situation was not resolved. One day the Prophet (saw) asked him about his situation and said to him, “*When the money comes in from Bahrein, I will give you three handfuls (indicating with his hand).*” But the Prophet (saw) died before the money arrived from Bahrein. Abu Bakr (ra), who later became caliph, declared, “Whomever the Prophet (saw) promised something or owed a debt should come forward.” Jabir learned of this, went to Abu Bakr, and explained his situation. Abu Bakr then gave Jabir the money that the Prophet (saw) has promised him.<sup>10</sup>

In conclusion, we could say that the Prophet (saw), in practices related to the institution of surety, established them on the concept of a social fraternity, which we need very much today and which is based on respect for rights, mutual assistance, solidarity, mutual love, and peace. Thus, not only is assistance given to those in dire straits, but the needs of those who require security and assurance are also met.

In circumstances in which establishing surety is not documented or confirmed and is based only on the principle of trust, there is always the likelihood of exploitation. Standing surety, which can lead to beneficial results in commerce and in other social relationships, must be done in a way that does not victimize any of the parties involved. In recent times,

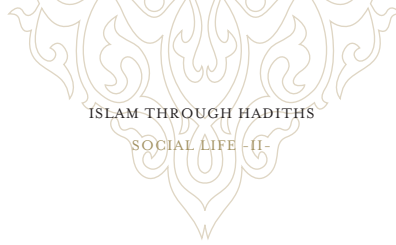
<sup>6</sup>D3055, Abu Da’ud, al-Imara, 33-35.

<sup>7</sup>M6853, Muslim, al-Dhikr, 38.

<sup>8</sup>B5304, al-Bukhari, al-Talaq, 25.

<sup>9</sup>B4053, al-Bukhari, al-Maghazi, 18.

<sup>10</sup>B2598, al-Bukhari, al-Hiba, 18.



negative attitudes frequently arise if the debtor does not pay his debt on time and victimizes both his surety and creditor. Today the number of debtors who do not have the means to pay their debts is no less than that of those who became mired in debt in order to stand surety for a friend and went bankrupt, despite having business and capital. Such negative instances can give rise to many negative results ranging from violence to crime, above all from a “crisis of confidence” among friends. Every Muslim is expected to help his brother, but every possible effort must be made in order for no harm to befall the person standing surety. Furthermore, no person should be surety for any debt from which he could not surmount and no one should be compelled to be surety for anyone. All those who are party to an instance of standing surety must know each other’s responsibilities and must fulfill their obligations in the most appropriate manner. Along with the essential principle of trust, in situations in which there could be exploitation, it is important, with respect to keeping the surety in effect, to document and enforce surety arrangements with the intention of protecting the mutual interests of the parties. After an agreement has been reached among the parties, it is not possible for the one who has become bound to standing surety to avoid its obligations. This is shown in the following *hadith* of the blessed Prophet: “...*the guarantor is responsible for the debt and the debt must be paid.*”<sup>11</sup>

<sup>11</sup> T1265, al-Tirmidhi, al-Buyu’, 39; D3565, Abu Da’ud, al-Buyu’ (al-Ijara), 88.





## AUTHORITY TO ACT AUTHORIZING AN AGENT



عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ اسْتَخْلَفَ ابْنَ أُمِّ مَكْتُومٍ عَلَى الْمَدِينَةِ مَرَّتَيْنِ.

According to Anas (b. Malik) (ra), the Prophet (saw) appointed Ibn Umm Maktum (the blind Companion) his representative twice in Medina.

(D2931, Abu Da'ud, al-Imara, 3; HM13031, Ibn Hanbal, III, 192)





عَنْ عَوْفِ بْنِ مَالِكٍ... فَقَالَ النَّبِيُّ ﷺ :  
”إِنَّ اللَّهَ تَعَالَى يُلُومُ عَلَى الْعَجْزِ وَلَكِنْ عَلَيْكَ بِالْكَيْسِ فَإِذَا غَلَبَكَ أَمْرٌ فَقُلْ حَسْبِيَ  
اللَّهُ وَنِعْمَ الْوَكِيلُ.“



عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ الْفَضْلُ رَدِيفَ رَسُولِ اللَّهِ ﷺ ،  
فَجَاءَتْ امْرَأَةٌ مِنْ خَثْعَمٍ... فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ فَرِيضَةَ اللَّهِ عَلَى  
عِبَادِهِ فِي الْحَجِّ أَذْرَكَتْ أَبِي شَيْخًا كَبِيرًا لَا يَثْبُتُ عَلَى الرَّاحِلَةِ، أَفَأَحُجُّ  
عَنْهُ؟ قَالَ: ”نَعَمْ“ وَذَلِكَ فِي حَجَّةِ الْوَدَاعِ.



According to 'Awf b. Malik (ra), the Prophet (saw) said, *“Allah the Exalted blames one for falling short, but apply intelligence! When affairs get the better of you, say, ‘Allah is sufficient for me and what a perfect agent (disposer of affairs) He is.’”*

(D3627, Abu Da'ud, al-Qada' (al-Aqdiyya), 28)



According to 'Abd Allah b. al-'Abbas, al-Fadl (his brother) (ra) was riding behind Allah's Messenger when a woman from the Khath'am tribe came up to the Prophet (saw) and said, “O Allah's Messenger! The obligation of making the Hajj enjoined upon the servants of Allah has come due on my father, but he is very old and cannot sit firmly on a mount. May I perform the Hajj on his behalf?” The Prophet (saw) replied, “Yes.” This event occurred during his Farewell Pilgrimage.

(B1513, al-Bukhari, al-Hajj, 1)





In the eighth year of the Hijra, after dividing the booty obtained from the Battle of Hunayn, which was fought against the tribes of Hawazin and Thaqif at a place called Ji'rana between Mecca and Ta'if (nine km from Mecca), the Prophet (saw) put on the *ihrām* (ritual garment) in order to perform the 'Umra (Lesser Pilgrimage). After completing it, he returned to Medina where the Muslims were preparing to go on the (Greater) Pilgrimage (Hajj). Because Allah's Messenger did not make the Hajj that year himself, he assigned the post of commander of the Hajj to Abu Bakr (ra) and explained to him the duties that needed to be carried out during the Hajj. Abu Bakr immediately started off and reached as far as a place called Arj. While the Companions (ra) were doing the fajr prayer there, he heard the sound of the Prophet (saw)'s camel Jad'a'in. Thinking that the Prophet (saw) had come on the Hajj, he waited to perform the fajr prayer. But the person who came was not the Messenger of Allah (saw), but 'Ali. The Prophet (saw) had appointed 'Ali to inform the people of the thirty-odd verses at the beginning of the al-Tawba *sūra*, which had been revealed after the Hajj caravan had left Medina, and of certain matters related to it. Thus the Muslims, who were fulfilling their Hajj duty under the leadership of Abu Bakr, became aware, through the agency of 'Ali, of the newly revealed verses, and learned certain things, such as that polytheists would no longer be able to approach the Ka'ba, that one must not circumambulate the Ka'ba naked, and that none but a believer would enter Paradise.<sup>1</sup>

Throughout his prophethood, Allah's Messenger always fully informed the people of Allah's commands and exemplified with his life the best form of behavior. In the beginning the Muslims constituted a small group, but over time they became a large community and they held sway over a vast territory. Consequently, it was not possible for the Prophet (saw) to go in person to every place within this territory. Therefore he began to

<sup>1</sup> T3091, al-Tirmidhi, Tafsir al-Qur'an, 9; DM1947, al-Darimi, al-Manasik, 71; N2996, al-Nasa'i, Manasik al-hajj, 187.



send Messengers, whom he appointed, to each region within the Muslim lands with instructions to teach Allah's religion and apply his rules. The people of Yemen asked the Prophet (saw) to send someone to teach them Islam and the *Sunna*. The Prophet (saw) gave this task to Abu 'Ubayda b. al-Jarrah.<sup>2</sup> He also sent seventy of the Ansar from the Companions (ra) to the tribes of the Ri'l, Dhakwan, 'Usayya, and Banu Lihyan who said they had become Muslims and felt they needed someone to teach them the faith.<sup>3</sup>

The Prophet (saw), who sent Abu Musa al-Ash'ari and Mu'adh b. Jabal (ra) to Yemen to instruct the people on religious rules and to establish an administration, also dispatched Messengers to collect such income as the *zakat* and *jizya*. Ibn al-Lutbiyya<sup>4</sup> was appointed to collect the *zakat* from the Banu Sulaym and 'Abd Allah b. Rawaha<sup>5</sup> was appointed to collect the income from the lands at Khaybar. Thus, his agents reached places that he could not reach and by means of agents he saw to the business of Muslim society which he could not conduct by himself. The caliphs and amirs who came after him followed the same practice. For example, it is known that Marwan, the governor of Medina, made Abu Hurayra (ra) his representative when he was not available to carry out his duties.<sup>6</sup> The governors whom 'Umar (ra) appointed left competent people in his place when necessary.<sup>7</sup>

Serving as an agent is a relationship based on trust. This is because the agent is like the one who has granted him authority to act. He is the person whom the authorizing person has given authority to act on his behalf. Therefore, selecting someone to act as an agent must be done carefully. Indeed, Allah's Messenger sent Abu 'Ubayda b. al-Jarrah, emphasizing that he was reliable, to the people of Najran, who had remained Christians and consented to pay the *jizya*.<sup>8</sup> In addition, it is worthy of note that Allah's Messenger left Ibn Umm Maktum, who was blind, in his place to serve as imam for those left behind when he left Medina on certain occasions, such as for the raids at Tabuk and Buwat.<sup>9</sup> By this behavior, Allah's Messenger, who made Ibn Umm Maktum his representative because many of his prominent Companions (ra) had set out on campaign with him, wanted to show that being physically disabled did not adversely affect one's reliability and that ability was important in acting as an agent.

It is known that 'Umar was very careful in his selection of agents. One day in 'Usfan, when he met with Nafi' b. 'Abd al-Harith, whom he had

<sup>2</sup> M6253, Muslim, Fada'il al-sahaba, 54.

<sup>3</sup> B3064, al-Bukhari, al-Jihad, 184.

<sup>4</sup> M4739, Muslim, al-Imara, 26; M4740, Muslim, al-Imara, 27.

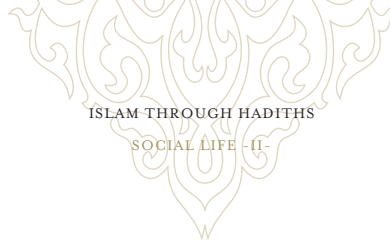
<sup>5</sup> D3414, Abu Da'ud, al-Buyu', 35; HM15016, Ibn Hanbal III, 367.

<sup>6</sup> M2026, Muslim, al-Jum'a, 61.

<sup>7</sup> IM218, Ibn Maja, al-Sunna, 16; HM232, Ibn Hanbal, I, 36.

<sup>8</sup> M6254, Muslim, Fada'il al-sahaba, 55.

<sup>9</sup> D595, Abu Da'ud, al-Salat, 64; D2931, Abu Da'ud, al-Imara, 3; ShD3/99, al-'Ayni, *Sharh Sunan Abi Da'ud*, III, 99-100.



appointed governor of Mecca, he asked him whom he had left in charge of the people of Mecca. When Nafi' said he had left someone named Ibn Abza in his place, 'Umar (ra) expressed his surprise and said, "Did you leave one of our freed slaves in charge of the people of Mecca?" He was surprised because putting someone who had previously been a slave in charge of the people of Mecca, most of whom were Arabs, could create problems. Nafi' explained his decision as follows: "Ibn Abza is one who reads and understands the Book of Allah the Exalted very well, who knows the *farā'id* (rules of inheritance), and is capable of making judicial decisions." Thereupon, 'Umar, recalling the words of the Prophet (saw), "*Allah raises some people (in status) with this Book and brings others low because of it,*"<sup>10</sup> and appreciated considering his ability in his selection as deputy and not his lineage or social status.

It is as necessary to make sure that the powers of disposition of the deputy who has been appointed conform to the wishes of the one who appointed him as it is necessary to be careful in his selection. 'Umar (ra), who was rather exacting in this matter, appointed those whom he deemed qualified as deputies. And, after instructing them to act justly, he investigated whether they acted according to his command.<sup>11</sup>

Allah's Messenger left certain matters that he had attended to himself to deputies so that they would continue to look after them in his place when he could not be in charge. For instance, while setting out for the Battle of Badr, he appointed eight people to look after certain official and private matters.<sup>12</sup> Furthermore, after he had departed with his army, he sent back Abu Lubaba who was with him and ordered him to look after the administration of Medina.<sup>13</sup> Later he gave a share of the booty to those who remained behind from the battle because of tasks which had been given to them.<sup>14</sup> In like manner, Allah's Messenger, who also left Abu Lubaba (ra) in his place as deputy when he set out against the Banu Qaynuqa' and Sawiq,<sup>15</sup> was sometimes not able to participate in campaigns and so appointed as commanders of the military expeditions that he sent out people whom he considered competent.<sup>16</sup>

The Islamic religion also provides rather detailed arrangements along with certain principles concerning the subject of agency that are directed toward facilitating action in legal affairs, such as in marriage, divorce, wills, lawsuits, commercial partnerships, agreements for lease and hire as

<sup>10</sup> IM218, Ibn Maja, al-Sunna, 16; M1897, Muslim, al-Musafirin, 269.

<sup>11</sup> BS17122, al-Bayhaqi, *al-Sunan al-kubra*, VIII, 259.

<sup>12</sup> KF2/32, Ibn al-Athir, *al-Kamil*, II, 32.

<sup>13</sup> HS3/243, Ibn Hisham, *Sira*, III, 243; HI7/349, Ibn Hajar, *al-Isaba*, VII, 349.

<sup>14</sup> KF2/32, Ibn al-Athir, *al-Kamil*, II, 32.

<sup>15</sup> VM1/180, al-Waqidi, *al-Maghazi*, I, 180; HS3/311, Ibn Hisham, *Sira*, III, 311.

<sup>16</sup> M6177, Muslim, *Fada'il al-sahaba*, 8; T3712, al-Tirmidhi, *al-Manaqib*, 19.



well as in buying and selling. At the time of the Prophet (saw), the practice of agency was common in these kinds of affairs. For example, while leaving Medina at the time that he was going to perform the *qaḍā' umra* (late performance of the 'Umra), the Messenger of Allah (saw), who had decided to marry Maymuna bint al-Harith (ra), sent as his representative a Companion from among the Ansar with Abu Rafi' to take care of the marriage arrangements.<sup>17</sup> It is known that 'Ali (ra), who did not like to participate in lawsuits, sent his brother 'Aqil b. Abi Talib to represent him when he had to go to court for a lawsuit, and when his brother became old he would also send 'Abd Allah b. Ja'far as his representative.<sup>18</sup> The Companion Abu 'Amr b. Hafs, who divorced his wife Fatima bint Qays (ra), continued the affairs of her maintenance through an agent.<sup>19</sup>

Throughout his life the Prophet (saw) appointed representatives for himself for various reasons and in many matters. At the time of his discomfort, which would lead to his death, he could not lead the community in prayer and so he gave this task to Abu Bakr (ra).<sup>20</sup> However, when he was healthy he never gave to anyone any kind of agency which could be interpreted to mean *khalīfa* (leadership of the Muslim community), which later became a topic of discussion, or “representative of the mission of prophethood.”

The Messenger of Allah, who informed us that one of the names of Allah is *al-Wakīl*,<sup>21</sup> frequently resorted to the practice of appointing a deputy in order to continue with his daily affairs, although he always kept Allah in mind as the best agent; and he gave the following advice to his Companions (ra): “Allah on High condemns (people) for falling short. So, apply intelligence, and when the matter gets the better of you, say, ‘Allah suffices and He is the best disposer of affairs (wakīl).’”<sup>22</sup> This is because, when divine revelation was just beginning to be manifest, Allah the Exalted, said, while making himself known to his servants, that he was “the agent of everything” and told them that he was the possessor and protector of all creation and thus he was the only entity to be served and worshipped and trusted and relied upon.<sup>23</sup> By saying, “He is Lord of the east and west, there is no god but Him, so take Him as your Protector (wakīl),”<sup>24</sup> He ordered His servants to rely on Him and put their trust in Him. He reminds us in many verses that He will be sufficient protector (*wakil*) for us.<sup>25</sup> Accordingly, the Prophet (saw) always had infinite trust in Allah. While setting out on a journey, he would say,

<sup>17</sup> MU774, al-Muwatta', al-Hajj, 22.

<sup>18</sup> BS11627, al-Bayhaqi, al-Sunan al-kubra, VI, 128.

<sup>19</sup> M3697, Muslim, al-Talaq, 36; N3246, al-Nasa'i, al-Nikah, 21.

<sup>20</sup> M940, Muslim, al-Salat, 94.

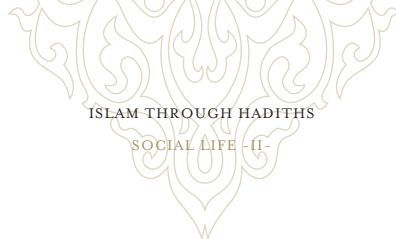
<sup>21</sup> T3507, al-Tirmidhi, al-Da'awat, 82; IM3861, Ibn Maja, al-Du'a', 10.

<sup>22</sup> D3627, Abu Da'ud, al-Qada' (al-Aqdiyya), 28.

<sup>23</sup> Al-An'am, 6:102; al-Zumar, 39:62.

<sup>24</sup> Al-Muzzammil, 73:9.

<sup>25</sup> Al-Nisa', 4:81; al-Ahzab, 33:3.



“My Allah! Be a companion with us on our journey! Keep an eye on our family which is left behind!” In this way he would pray to Allah to be together with them on the road and to protect those left behind.<sup>26</sup> The Companions (ra), who did not deviate from the path of the Prophet (saw), also exhibited the same attitude. Indeed, during the Battle of Uhud, the Muslims were not afraid despite being told that they should be afraid because the enemy outnumbered them and was more powerful. They continued on the way and, at the start, repeated the words of Abraham when he was being thrown in the fire, “Allah is sufficient for us. He is the best disposer (of our affairs).”<sup>27</sup> With this attitude, they obtained the grace and blessings of Allah.<sup>28</sup> Furthermore, the Prophet (saw) brought the good news to those who demonstrated certain behaviors of which our Lord, the disposer of all things, would approve that His angels of repentance and forgiveness would serve as their agents.<sup>29</sup>

Allah, by means of the name *al-Wakil*, informs us that He is the only entity to be trusted. In like manner, the foundation of agency, which is frequently needed in relations among people, is also based on trust between persons. In light of the Noble Qur’an and the practices of the Messenger of Allah (saw), various arrangements have been established for agency and in legal affairs it has been connected to certain conditions. Accordingly, just as an agent cannot be appointed for everything, not everyone can be designated as an agent. In commercial affairs in particular, the time of the agency, its conditions, its various features, and the parties to it must be determined in advance and documented. In this way many misunderstandings which might appear later would be prevented from the start. In this respect Sa’id b. al-Musayyab, a religious scholar among the Successors who drew attention to this matter, stated that when someone makes another person his agent in a commercial matter a written agreement must be drawn up with him specifying all the details related to the said agency.<sup>30</sup>

Because, in the practice of agency, the goal is to help someone lawfully, the agent cannot participate in actions or profits which are religiously forbidden. And of course, if someone deserves punishment someone else cannot be punished in his place. In fact, while the Noble Qur’an states, “...no soul will bear the burden of another,”<sup>31</sup> the Prophet (saw) said, “Know that no criminal commits a crime but that he brings (the punishment for it) upon

<sup>26</sup> T3439, al-Tirmidhi, al-Da’awat, 41; DM2701, al-Darimi, al-Isti’dhan, 42.

<sup>27</sup> B4564, al-Bukhari, al-Tafsir, (Al ‘Imran) 13.

<sup>28</sup> Al ‘Imran, 3:173-74.

<sup>29</sup> T2922, al-Tirmidhi, Fada’il al-Qur’an, 22; T3407 al-Tirmidhi, al-Da’awat, 23.

<sup>30</sup> N3968, al-Nasa’i, al-Muzara’a, 46.

<sup>31</sup> Al-An’am, 6:164





himself. No son can be responsible for the crime of his father and no father can be responsible for the crime of his son.”<sup>32</sup>

Furthermore, it is not right for the agent to have the power of material or moral disposal and to take advantage of it for himself. The agent's actions must be limited to the matters specified by the one establishing the agency and the agent must behave justly according to the conditions that he specifies. It is very important, therefore, that the agent be trustworthy. In this connection, it is rather significant that Khadija (ra) entrusted Muhammad (saw), who was recognized for his superior ethics, to conduct trade with her goods; and because of his reputable personality and reliability in carrying out this task she wanted to marry him.<sup>33</sup>

The agent is the one who assists people in their affairs and who simplifies their lives. Allah on High, who does not want his servants to have difficulties, even showed his servants ways to facilitate the worship of Him. Accordingly, under certain conditions it is allowable for an agent to be appointed to perform some required forms of worship. A woman from the Juhayna tribe came to Allah's Messenger and asked him, "My mother was determined to make the Hajj, but she died without accomplishing it. Can I perform the Hajj in her place?" The Prophet (saw) replied, "Yes. Perform the Hajj in place of your mother." And then, in order to allay her hesitation he asked her this question, "If your mother had been in debt, you would have paid the debt. Is that correct? Therefore pay the debt that is owed to Allah! There is no doubt that Allah is most deserving of being paid His due!"<sup>34</sup>

From the very first days in which the Prophet (saw) began to preach Islam, he did not introduce rules so strict and inflexible that people could not meet them and that would have grievous consequences for them. To the contrary, as can be seen in the aforesaid example, he showed them a way to ease their burden and to relieve their hardship. In like manner, if a woman who was determined to make the Hajj died before accomplishing it, it was allowable for her brother to do so in her place;<sup>35</sup> and if a woman had a father who was rather aged and was too weak to undertake the journey, it was also allowable for her to perform the Hajj in his place.<sup>36</sup> Thus, Allah's Messenger stated that if someone could not find an opportunity to perform certain acts of worship themselves or it was difficult for them to perform them, then another person could perform them as his agent.

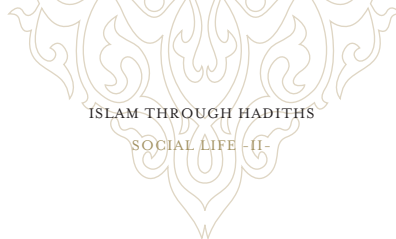
<sup>32</sup> IM2669, Ibn Maja, al-Diyat, 26; T3087, al-Tirmidhi, Tafsir al-Qur'an, 9.

<sup>33</sup> HS2/5, Ibn Hisham, *Sira*, II, 5-6.

<sup>34</sup> B1852, al-Bukhari, Jaza' al-sayd, 22.

<sup>35</sup> N2633, al-Nasa'i, Manasik al-hajj, 7; DM1801, al-Darimi, al-Sawm, 49.

<sup>36</sup> B1513, al-Bukhari, al-Hajj, 1.



It appears from the Holy Qur'an and Hadith that only in acts of worship made with the body, such as ritual prayer and fasting, would the aforesaid agency not be possible. Therefore, although not done when the Prophet (saw) was in good health, it should be understood that such practices as *isqāt al-ṣalāt* (paying alms on behalf of the dead as compensation for their neglect of prayer) and *dawr* (turning over one's duties), which were done for the deceased who had a debt of worship, would not be religiously valid. However, in fulfilling acts of worship which have a financial aspect, such as paying *zakat* or *sadaqa* to the rightful person, carrying out the duty of the Hajj for someone, and even ritually slaughtering an animal for someone, agency is applicable. Appointing an agent to ritually slaughter an animal became especially widespread. This was because it was a task that could not be easily done by everyone. Furthermore, it was not always possible to find someone who was strong enough to do this. In fact, Allah's Messenger once slaughtered the animal himself, but another time had someone else do it.<sup>37</sup> In the ninth year of the Hijra, he sent sacrificial camels with Abu Bakr to have them slaughtered on his behalf at the Ka'ba.<sup>38</sup> He slaughtered them as the agent for the Prophet (saw) himself and his wives.<sup>39</sup>

In the course of time, agency, which arose to meet the needs that people felt in daily life, came to be practiced in every aspect of life. By this means, it became possible for one, who could not see to every matter himself, to fulfill his responsibilities without interruption; and it ensured that he would be able to continue his life in an easier fashion. Today, to keep pace with a fast moving world, indeed, to even keep track of what is happening, is something a person cannot do by himself. Above all, as a result of conditions which change and responsibilities which increase with the development of science and technology, agency has become an indispensable element in daily life. In this respect, every individual carries out some of his affairs by means of people or organizations whom he appoints as his agent. In the following up of legal suits and in carrying out commercial affairs, agency has especially become a necessity. The Islamic religion, the objects of which are to simplify life and create a society based on trust, permits the use of agency and therefore it has been practiced in every area of life up to today.

<sup>37</sup> MU889, al-Muwatta', al-Hajj, 59.

<sup>38</sup> B2317, al-Bukhari, al-Wakala, 14.

<sup>39</sup> M2925, Muslim, al-Hajj, 125.





INTEREST/USURY  
ALLAH PERMITTED COMMERCE,  
FORBADE USURY

عَنْ عُثْمَانَ بْنِ عَفَّانَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
“لَا تَبِيعُوا الدِّينَارَ بِالدِّينَارَيْنِ، وَلَا الدِّرْهَمَ بِالدِّرْهَمَيْنِ.”

According to ‘Uthman b. ‘Affan (ra), the Messenger of Allah (saw) said,  
“Do not sell one dinar for two dinars or one dirham for two dirhams!”

(M4058. Muslim, al-Musaqat, 78)



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”اجْتَنِبُوا السَّبْعَ الْمُؤْبَقَاتِ. “ قَالُوا: يَا رَسُولَ اللَّهِ، وَمَا هُنَّ؟ قَالَ:  
”الشُّرْكَ بِاللَّهِ، وَالسِّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ،  
وَأَكْلُ الرَّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلَّى يَوْمَ الرَّحْفِ، وَقَذْفُ  
الْمُحْصَنَاتِ الْمُؤْمِنَاتِ الْغَافِلَاتِ. “



عَنْ جَابِرٍ قَالَ: لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ آكِلَ الرَّبَا وَمُوكِلَهُ وَكَاتِبَهُ وَشَاهِدَيْهِ وَقَالَ:  
”هُمُ سَوَاءٌ.“



عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ :  
”الذَّهَبُ بِالذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْبُرُّ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالتَّمْرُ بِالتَّمْرِ،  
وَالْمِلْحُ بِالْمِلْحِ، مِثْلًا بِمِثْلٍ، يَدًا بِيَدٍ، فَمَنْ زَادَ أَوْ اسْتَرَادَ فَقَدْ أَرَبَى، الْآخِذُ  
وَالْمُعْطَى فِيهِ سَوَاءٌ.“



عَنْ ابْنِ مَسْعُودٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”مَا أَحَدٌ أَكْثَرَ مِنَ الرَّبَا إِلَّا كَانَ عَاقِبَةُ أَمْرِهِ إِلَى قَلَّةٍ.“



According to Abu Hurayra (ra), the Prophet (saw) said,  
“*Avoid the seven mortal sins!*” His Companions (ra) asked, “O Messenger of Allah! What are these seven things?” The Messenger of Allah replied, “*To associate others with Allah, to practice sorcery, to take a life which Allah has forbidden unless it is required by justice, to take interest, to consume the wealth of orphans, to flee from battle, and to falsely accuse chaste women believers whose character is beyond reproach (of misconduct).*”

(B2766, al-Bukhari, al-Wasaya, 23)



Jabir (ra) said that Allah’s Messenger (saw) cursed the one who accepts interest, the one who pays interest, the one who records it, and the two witnesses (to the transaction), and he said, “*They are equal (in sin).*”

(M4093, Muslim, al-Musaqat, 106)



According to Abu Sa’id al-Khudri (ra), Allah’s Messenger (saw) said,  
“*(Conduct business transactions) gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, from hand to hand. He who adds to this or requests an addition practices usury. The taker and giver are equally guilty.*”

(M4064, Muslim, al-Musaqat, 82)



According to Ibn Mas’ud (ra), the Prophet (saw) said,  
“*There is no one who increases (his wealth) by usury who will not end up with little.*”

(IM2279, Ibn Maja, al-Tijarat, 58)





Ten years had passed since the Hijra. Allah's Messenger began preparations to make the Hajj and wanted this to be announced to his Companions (ra). Following this announcement, a large number of people who wanted to make the Hajj with the Messenger of Allah (saw) gathered in Medina. Allah's Messenger set out from Medina and many Companions (ra) travelled with him. It was noon when they approached Arafat and the Prophet (saw) prepared to address the people from his camel Qaswa. In this address, which, years later, would become famous as the "Farewell Address," Allah's Messenger gave a very important message to mankind. He warned against certain behaviors and deviations which he saw as dangers to his community. While bidding farewell to his Companions (ra), one of the things that our Prophet mentioned, which was relevant to his time as well as today, was interest (*ribā*, usury). With respect to interest, which, like gambling, theft, bribery, and usurpation, was an illegitimate means of gain, Allah's Messenger decreed the following: "...Know well that interest was completely abolished in the period of the Jahiliyya! The first interest that I abolished was the interest of (my paternal uncle) 'Abbas b. 'Abd al-Muttalib . . ." <sup>1</sup> According to certain reports, our master the Prophet (saw) also said the following on this matter: "You will have your principal. Therefore do not deal unjustly and you will not be dealt with unjustly!" <sup>2</sup>

In his "Farewell Address," which he waved goodbye to his Companions and gave important messages for humanity, interest was one of the practices that he forbade people to reinstitute, for he had said, "...Everything belonging to the Jahiliyya is under my feet..." <sup>3</sup> At that time, interest was called *ribā*.

The word *ribā*, which has the meanings "to increase, to accrue, to grow, to rise high, to expand, and to exceed," is a term for the excess obtained in the exchange of certain goods or for the addition to be received

<sup>1</sup> M2950, Muslim, al-Hajj, 147; IM3074, Ibn Maja, al-Manasik, 84.

<sup>2</sup> D3334, Abu Da'ud, al-Buyu', 5; al-Baqara, 2:279.

<sup>3</sup> M2950, Muslim, al-Hajj, 147.





in return for a loan that is granted.<sup>4</sup> This increase, in the form which was widespread in the Jahiliyya period, was the excess that a creditor would receive in return for granting a loan or for extending the maturity of a loan. Allah's Messenger stated that the creditor only had a right to his principal for a loan that he made.<sup>5</sup> In this way, the concept of interest included everything which was added to the principal in return for a loan, the principal, to which no interest was added, belonged to the creditor. Thus, by preventing the situation in which a person would repay his loan several times over its face amount, the Prophet (saw) wanted to prevent people from treating others unfairly and from being treated unfairly.

Zayd b. Aslam (ra) defined the practice of interest, which had become common in the Jahiliyya period and which had become an inseparable part of a loan, as follows: "It is a debt which one person is required to collect from another over a specific period. When the period of the debt expires, the creditor says to the debtor 'Either pay your debt or let's treat this as a *ribā* transaction.' If the debtor pays his debt, the matter is closed. If not, he agrees to an increase in his debt and the other party extends the period of the debt."<sup>6</sup> In this way, as the Noble Qur'an states, the interest "doubles and redoubles."<sup>7</sup> In the *ḥadīth* "Whoever combines two transactions in one should have the lesser of the two or it will involve usury,"<sup>8</sup> Allah's Messenger indicated that specifying the period of the loan could open the way to interest. This was because if the price for goods which were sold payable at a specific future date could not be paid when the period expired, the period was extended and in return for this the cost was increased. As a result, because there was one price which expired in the first period and another higher price in the second period there were two sales in one. Accordingly, the amount in the second sale in excess of the original price was interest.<sup>9</sup> The Prophet (saw), who said, "Do not sell one *dinar* for two *dinars* or one *dirham* for two *dirhams*,"<sup>10</sup> indicated that such transactions in which interest was applied were unjust and distorted sales. With respect to the one who took the interest, these kinds of exchanges constituted opportunism and exploitation.

Indeed, today, just as in the Jahiliyya period, the practice of interest is a very effective vehicle of exploitation in the hands of the rich. This is because the excess that the debtor must pay his creditor can multiply the amount of his original loan and it becomes unpayable. In fact this amount,

<sup>4</sup> "Faiz," *DĪA*, XII, 110.

<sup>5</sup> D3334, Abu Da'ud, *al-Buyu'*, 5.

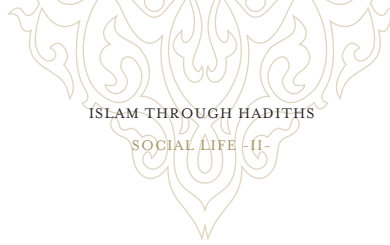
<sup>6</sup> BS10604, al-Bayhaqi, *al-Sunan al-kubra*, V, 452; AS11013, *Ma'rifat al-sunan*, VIII, 29.

<sup>7</sup> Al 'Imran, 3:130.

<sup>8</sup> D3461 Abu Da'ud, *al-Buyu'* (al-Ijara, 53).

<sup>9</sup> NE5/171, al-Shawkani, *Nayl al-awtar*, V, 171-173.

<sup>10</sup> M4058, Muslim, *al-Musakat*, 78.



which can be much more than the loan, can not only cause the debtor to lose all his wealth but also can, at the same time, keep him in debt or make him a slave of his creditor.

Allah the Exalted wanted to cleanse this sickness from this society in which interest was rather widespread and revealed in stages verses which forbade it. The first verse related to interest refers to the unfruitfulness of interest, which is seen as a cause of a substantial increase in a loan, and to the virtue of *zakat* which is given to please Allah (swt): *“Whatever you lend out in usury to gain value through other people’s wealth will not increase in Allah’s eyes, but whatever you give in charity, in your desire for Allah’s approval, will earn multiple rewards.”*<sup>11</sup> Thus the message is given, in the concept of *zakat* mentioned in contrast to interest, that people should not only not make a small profit in making a loan but should also be mindful of pleasing Allah. This is because the religion of Islam, which encourages mutual assistance in the material and moral sense, does not only not, with respect to giving loans, encourage taking advantage of the debtor and abusing his situation but also encourages giving loans to those in need. In fact, if a debtor is in a situation in which he cannot repay his debt, Islam suggests that it be forgiven and treated as a gift: *“If the debtor is in difficulty, then delay things until matters become easier for him, still, if you were to write it off as an act of charity, that would be better for you, if only you knew.”*<sup>12</sup>

In the Islamic faith, one is encouraged, in order to please Allah, to give a Muslim who is in need *qard hasan* (an interest-free loan) instead of taking interest, which was the custom in the Jahiliyya period. We are told that in return for what is given in order to earn Allah’s pleasure we will be paid many times over through the grace of Allah (swt).<sup>13</sup> Therefore, according to the general principles of Islam, abusing the debtor by taking interest for a loan is presented as having the opposite understanding of *zakat*, *sadaqa* and making donations.

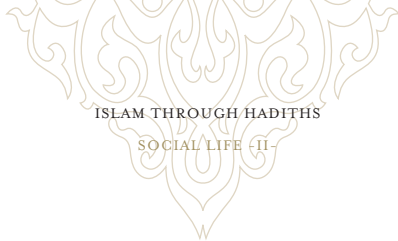
By the phrase “*ribā* in the Jahiliyya period,” which Allah’s Messenger used in his Farewell Address, he indicated that the practice of charging interest, which had corrupted society, had been in use for a very long time.<sup>14</sup> In fact, in the following verses, by reminding His messenger that the Jews had previously been preoccupied with charging interest Allah (swt) referred to taking interest as a practice in effect before the verses forbidding it: *“For the wrongdoings done by the Jews, We forbade them certain good things*

<sup>11</sup> Al-Rum, 30:39.

<sup>12</sup> Al-Baqara, 2:280.

<sup>13</sup> Al-Taghabun, 64:17; al-Hadd, 57:11.

<sup>14</sup> D3334, Abu Da’ud, al-Buyu’, 5; IM3055, Ibn Maja, al-Manasik, 76.



that had been permitted to them before; for having frequently debarred others from Allah's path; for taking usury when they had been forbidden to do so; and for devouring other people's property. For those of them that reject the truth we have prepared an agonizing torment."<sup>15</sup>

After these verses which stated that taking interest had been previously forbidden to other peoples, Allah the Exalted revealed the verse, "You who believe, do not consume usurious interest, doubled and redoubled. Be mindful of Allah so that you may prosper,"<sup>16</sup> in which he specifically forbade Muslims from taking interest. In response to those who considered interest to be permissible, like a commercial transaction, Allah (swt) revealed, at the end of the period of revelations, the verses which declared that interest would open the way to destruction in this world and the next.<sup>17</sup> "But those who take usury will rise up on the Day of Judgement like someone tormented by Satan's touch. That is because they say, 'Trade and usury are the same.' But Allah has allowed trade and forbidden usury. Whoever, on receiving Allah's warning, stops taking usury make keep his past gains—Allah will be his judge—but whoever goes back to usury will be an inhabitant of the Fire, there to remain. Allah blights usury, but blesses charitable deeds with multiple increase. He does not love the ungrateful sinner. Those who believe, do good deeds, keep up the prayer, and pay the prescribed alms will have their reward with their Lord: no fear for them, nor will they grieve. You who believe, beware of Allah: give up any outstanding dues from usury, if you are true believers. If you do not, then be warned of war from Allah and His Messenger. You shall have your capital if you repent, and without suffering loss or causing others to suffer loss."<sup>18</sup> In these verses it is clearly stated that taking interest is forbidden and that it will lead to punishment in the next world and that repentance is the way to deliverance from the sin of taking interest.

Taking interest, which was known throughout history and was seen as a foul way to make a profit, was not forbidden for the first time by Islam. In Jewish and Christian belief, interest was considered unethical, undermining human dignity and leading to enslavement, and was forbidden. The Prophet (saw), who was aware of this, enumerated to two Jews, who had come to him and asked the meaning of the verse "In the past We gave Moses nine clear signs,"<sup>19</sup> the nine signs in question, which consisted of nine forbidden things including interest.<sup>20</sup> Over time, however, the ban on interest had become distorted and the Jews, as criticized in the Holy Qur'an,

<sup>15</sup> Al-Nisa, 4:160-61.

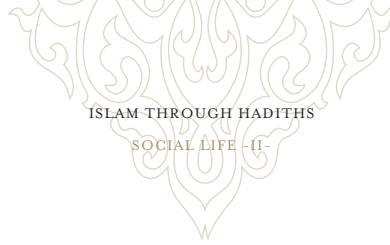
<sup>16</sup> Al 'Imran, 3:130.

<sup>17</sup> B4544, al-Bukhari, al-Tafsir, (al-Baqara) 53; IM2276, Ibn Maja, al-Tijara, 58.

<sup>18</sup> Al-Baqara, 2:275-79.

<sup>19</sup> Al-Isra', 17:101.

<sup>20</sup> T3144, al-Tirmidhi, Tafsir al-Qur'an, 17; HM18272, Ibn Hanbal, IV, 241.



did not hesitate to take interest although it had been forbidden to them.<sup>21</sup>

The Messenger of Allah, declaring that interest was one of the great sins which would destroy a person,<sup>22</sup> cursed the one who paid interest, the one who made one pay interest, the one who wrote up a contract for interest, and the two persons who witnessed a transaction concerning interest and stated that they were all equally guilty of sin.<sup>23</sup> Allah's Messenger, who described interest and the ways leading to it and wanted to make his community avoid this great sin, once explained to his Companions (ra) a dream that he had which told of the situation of one who paid interest. In his dream the Prophet (saw) saw two men, one was in a river full of blood and the other was on its bank. The man in the river wanted to swim to the bank and get out, but the man on the bank threw a stone into his mouth each time forcing him back to where he had been in the river. Allah's Messenger explained that the man in the river was a person who paid interest and clearly demonstrated with this dream the predicament of those who become enmeshed in interest.<sup>24</sup>

The Prophet (saw) also pointed out different forms of interest and certain dubious situations in which interest could be counted in commercial transactions. The type of interest which was widely practiced in Arab society in the Jahiliyya period and which was specifically forbidden in the Holy Qur'an was that which was practiced in the form of "an increase in the money owed to one at the time of payment of a debt." For this kind of interest, which was known as debt interest/Jahiliyya interest, the terms *ribā 'l-dayn* or *ribā 'l-nasī'a* were used. In addition, our master the Prophet (saw) forbade, under the name of interest, a number of commercial dealings which were not mentioned in the Holy Qur'an but were commonly practiced by the Arabs in their business transactions. In this kind of interest, which was known as "commercial interest," the excess which is received in advance or later at a fixed date in the exchange of goods is the matter of interest. The interest included in future business transactions is called "interest of the excess" (*ribā 'l-fadl*) and the interest included in business transactions of a fixed date is called "interest on credit."

Because of the variability in the currency and commodity markets and because the differences in value arising from the time of payment could go up or down and it was impossible to predict this, the Prophet (saw) forbade currency and commodity exchanges, which dealt with the

<sup>21</sup> Al-Nisa', 4:160-61.

<sup>22</sup> B2766, al-Bukhari, al-Wasaya, 23.

<sup>23</sup> M4093, Muslim, al-Musaqat, 106.

<sup>24</sup> B2085, al-Bukhari, al-Buyu', 24.



same product, at fixed dates (futures) in order to protect the rights of both parties. In this way, usury (*ribā*) had arisen from the replacement of a commodity, which could be weighed or measured, with more of the same commodity in the future (interest of excess) or from the replacement of amounts of things, even if equal, which could be weighed or measured, as credit (interest on credit). Interest was also considered in the exchange of materials like gold and silver which were subject to interest of the excess. For, Allah's Messenger told Fada'il b. 'Ubayd (ra), who had bought a necklace of beads and gold for 12 dinars, seeing that when the gold was separated from the beads it was worth more than 12 dinars, "*The gold should not be sold without separating it from the beads*" and wanted the gold in the necklace to be set apart and assessed based on its own value.<sup>25</sup>

The Prophet (saw) pointed out that there was excess interest in the exchange of six basic necessities which were widely used in addition to money in the commercial life of that time and advised that these commodities be exchanged like for like: "*(Conduct business transactions) in advance gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, equal for equal, from hand to hand. If the classes of goods change, sell as you wish on condition that it be done in advance.*"<sup>26</sup> Allah's Messenger stated that interest would emerge if these commodities were not exchanged in an equal manner and said, "*He who adds to this or requests an addition practices usury. The taker and giver are equally guilty.*"<sup>27</sup> In two *hadiths* the Prophet (saw) said with regard to the sale of these kinds of goods, "*There is no objection to buying and selling in advance but when it comes to credit that is interest,*"<sup>28</sup> and "*There is no interest in buying and selling in advance.*"<sup>29</sup> He meant by this not interest on debt but interest on commercial transactions.

The Noble Prophet forbade sales at a specified future date, even if a commodity or money were traded like for like and in the same amount, on the grounds that this would be interest. In like manner, he permitted the exchange of gold for gold and silver for silver only in advance and for equal weight. The terms of exchange of these commodities, which were among the basic elements in the economy of that time, could be generally valid for all goods of economic value. Basically, Allah's Messenger wanted, in this way, to protect the life blood of commerce by preventing the aforesaid injustice in the materials of need and exchange.

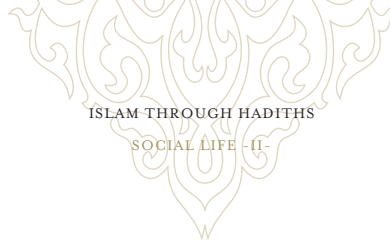
<sup>25</sup> M4075-M4079, Muslim, al-Musaqat, 89-92.

<sup>26</sup> M4063, Muslim, al-Musaqat, 81.

<sup>27</sup> M4064, Muslim, al-Musaqat, 82.

<sup>28</sup> M4071, Muslim, al-Musaqat, 86.

<sup>29</sup> M4090, Muslim, al-Musaqat, 103.



If commodities of the same kind but of different quality were replaced with each other, the Prophet (saw) judged this to be interest of excess and he wanted to prevent people from deceiving each other. According to a report from Abu Hurayra (ra), a man who was appointed the *zakat* official for Khaybar brought *janīb* dates, which were quality dates, to the Prophet (saw). The Prophet (saw) asked if all the Khaybar dates were of such fine quality. The man answered, “No, O Messenger of Allah! We take two measures of all the other kinds of dates for one measure of this date.” The Prophet (saw) then commanded him, “*Don’t do this! Buy only like for like or sell this and with the money earned buy that! Everything which is weighed should be dealt with this way.*”<sup>30</sup> This was because if two commodities of the same kind but of different amounts were exchanged in advance or if two commodities of the same kind but of different amounts were exchanged but on credit, there would be an excess in the uncompensated transfer from one party to the other. In this situation, money, which was not widely used and which would have determined the values of commodities subject to commercial dealings and which would have prevented the parties from giving each other too much or too little, would have been effective. This excess, which was called “interest in name”, resulted in ensuring that one of the parties would have an unjust profit without giving anything in return and the other party would be victimized because of non-payment for the excess. Therefore the Messenger of Allah (saw) forbade the method of commercial dealings which gave rise to this excess, which victimized one of the parties and allowed the other party to obtain an unjust profit without giving anything in return. Allah’s Messenger, wanted people first to monetize the commodities in their possession instead of exchanging the same commodities but in different amounts in advance or exchanging the same amounts on credit, that is, he wanted them to sell and then use the money to buy the commodities that they wanted.<sup>31</sup>

Taking note of every kind of commercial dealing done in advance or on credit which could be subject to interest, the Messenger of Allah (saw) aimed to root out the usury of the Jahiliyya period. Therefore, by discouraging the exchange of commodity for commodity, he wanted to ensure that people would not be deceived; and by having them give up the barter of the same commodities but in different amounts, he wanted to ensure that they would buy and sell these commodities for money. Thus, in general,

<sup>30</sup> B7350-B7351, al-Bukhari, al-I’tisam, 20; B2201-B2202, al-Bukhari, al-Buyu’, 89.

<sup>31</sup> M4081, Muslim, al-Musaqat, 94.





by making transactions based on a method of barter more difficult, he encouraged Muslims to conduct business with money, which was a more reliable and equitable form of measure. Allah's Messenger forbade certain things with regard to the exchange of commodities because, by ensuring that commodities which were subject to commercial dealings and whose amount, quality, and description were known would be given a specific value in money, people would be prevented from being deceived and deceiving.

Allah's Messenger (saw) was rather sensitive to anything that would cause people to suspect that their rights might be violated and he instilled this sensitivity in his Companions (ra). In fact, when one of his companions came to him and said that when he was engaged in selling camels sometimes he took gold from customers and gave them silver and sometimes he took silver and gave them gold. Thereupon the Prophet (saw) replied, "As long as you do not separate from each other (during a sale), there is no harm in taking them (one for the other) at the current rate if nothing remains to be paid between you."<sup>32</sup> Thus the Messenger of Allah (saw) stated that there was no objection to transactions based on value and indicated that objectionable commercial transactions were those based on values that were higher or lower than the real value of something and which were harmful to the parties.

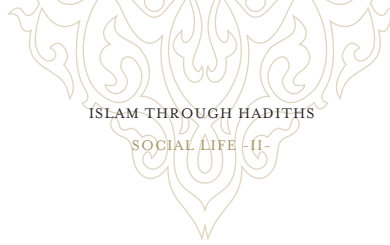
Allah's Messenger, who was very exacting with respect to interest, tried to prevent the seller or buyer from deceiving his counterpart and causing harm and from obtaining an unjust profit. This was because the religion that he brought forbade the usurpation of people's rights in every material and moral domain. Although it would not appear to be directly related to interest, the Messenger of Allah (saw) also forbade the *muzābana*<sup>33</sup> sale, which was the sale of fresh dates on the tree in return for dry dates by approximate measure, because he thought this would cause injustice. The Messenger of Allah declared, "Do not sell green fruit until their signs of ripeness have appeared. Do not sell green dates in return for dry dates."<sup>34</sup> He also forbade the *muḥāqala* form of commercial transaction, which was the sale of wheat in the ear by approximate measure for harvested wheat.<sup>35</sup> Therefore, considering that an estimated sale or the exchange of two commodities of unequal quality and value could lead to injustice, Allah's Messenger forbade every kind of procedure in which interest was suspected.

<sup>32</sup> D3354, Abu Da'ud, al-Buyu', 14; T1242, al-Tirmidhi, al-Buyu', 24.

<sup>33</sup> B2185, al-Bukhari, al-Buyu', 82.

<sup>34</sup> B2183, al-Bukhari, al-Buyu', 82.

<sup>35</sup> B2186-B2187, al-Bukhari, al-Buyu', 82; IM2265, Ibn Maja, al-Tijara, 54.



Therefore, by declaring, “*In the matter of the young of a pregnant camel, making a contract to buy it in advance is interest,*”<sup>36</sup> he wanted to prevent harm from befalling the parties in a commercial transaction.

Indeed, he stated that even if interest was not intended, unjust profit which was realized in the form of the debtor assuring a benefit to the creditor or giving him a gift could be considered interest. The following words attributed to ‘Abd Allah b. Salam (ra) express this point: “...so if someone owes you something and he sends you a present of a load of chopped straw or a load of barley or a load of provender, then do not take it, as it is interest.”<sup>37</sup> Furthermore, informing us that giving a gift for the purpose of obtaining a benefit opened a great door of the doors of usury, Allah’s Messenger stated that it was necessary to be careful on the grounds that unjust profits, even if received as a gift, could be transformed into interest.<sup>38</sup>

Interest, which Allah’s Messenger (saw) specifically forbade and warned about by pointing out all the doors which were open to it, was the illegitimate excess that people added to their goods. Whereas, the principles introduced by Islam were established on the concept of “right.” By denying the “rights of Allah’s servants,” which were paramount in Islam, interest, which opened the way to deceiving people, usually caused a chain of disasters for individuals or groups. It caused the values that Allah’s Messenger, who said, “*He who deceives us is not one of us,*”<sup>39</sup> had brought to mankind, such as love, compassion, mutual assistance, solidarity, and mutual support, to be ignored, caused the further weakening of those who were weak and needy by increasing their burdens, and, in contrast to this, caused the wealth of the rich to increase undeservedly. In this way, thanks to selfishness caused by money, wealth, and ambition, people, albeit seemingly prosperous, were impoverished with respect to human and ethical values. With the concentration of wealth in the hands of owners of capital, there was increased polarization in society and inequality became obvious. Furthermore, by encouraging people to earn money by effortless and easy means, interest caused complaisance and slowed productivity. In societies in which charging interest is widespread, the thought of earning an income through labor and sweat and by permissible means loses value. Whereas, the faith of Islam, while restricting practices which are not legitimate, such as charging interest, which is considered forbidden, encourages

<sup>36</sup> N4626, al-Nasa’i, al-Buyu’, 67.

<sup>37</sup> B3814, al-Bukhari, Manaqib al-ansar, 19.

<sup>38</sup> D3541, Abu Da’ud, al-Buyu’ (al-Ijara), 82.

<sup>39</sup> M283, Muslim, al-Iman, 164.





permissible means of making a profit, which are much more common, such as through trade and commerce.

Our beloved Prophet abolished the taking of interest, which was rather widespread during his lifetime and was practiced in all its forms, along with all other customs of the Jahiliyya. In the time of the Prophet (saw), in which the practices of interest were illustrated in a lively manner, commercial life was the scene of the unfair practice of interest and people were victimized by money lenders. Such victimization has existed in every era right up to our own time. As Allah's Messenger has shown, with the involvement of interest in all aspects of life, there have been periods in which it was almost impossible for people to escape from it.<sup>40</sup>

By contributing to bankruptcy, suicide, the destruction of families, and the deterioration of the social order, interest undermines not only wealth but also life; and for the sake of small profits endangers life in this world and the next. Moreover, a person who wants to increase his wealth unjustly by interest, cannot, when considering the long term, in fact fulfill his ambition. For, as the Prophet (saw) has warned us on this matter, *"There is no one who increases (his wealth) by usury who will not end up with little."*<sup>41</sup>

<sup>40</sup> D3331, Abu Da'ud, al-Buyu', 3; N4460, al-Nasa'i, al-Buyu', 2.

<sup>41</sup> IM2279, Ibn Maja, al-Tijara, 58.



## THE PUBLIC PURSE THE RIGHT OF ORPHANS WHO ARE NOT BORN YET

عَنْ ثَوْبَانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”مَنْ مَاتَ وَهُوَ بَرِيءٌ مِنْ [ثَلَاثٍ]: الْكِبْرِ وَالْغُلُولِ وَالِدَّيْنِ، دَخَلَ الْجَنَّةَ.“

According to Thawban (ra), Allah’s Messenger (saw) said,  
“Whoever dies free of the following three things will enter Paradise:  
Pride, treacherously stealing from the booty of war (al-ghulūl, that is,  
from the public purse), and debt.”

(T1572, al-Tirmidhi, al-Siyar, 21; IM2412, Ibn Maja, al-Sadaqat, 12)



عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَنْ اسْتَعْمَلَنَا عَلَى عَمَلٍ فَزَقْنَاهُ رِزْقًا فَمَا أَخَذَ بَعْدَ  
ذَلِكَ فَهُوَ غُلُولٌ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”لَا يَأْخُذُ أَحَدٌ شِبْرًا مِنَ الْأَرْضِ بِغَيْرِ حَقِّهِ، إِلَّا طَوَّقَهُ اللَّهُ إِلَى سَبْعِ  
أَرْضِينَ يَوْمَ الْقِيَامَةِ.“



عَنْ عَدِيِّ بْنِ عَمِيرَةَ الْكِنْدِيِّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
”مَنْ اسْتَعْمَلَنَا مِنْكُمْ عَلَى عَمَلٍ، فَكَتَمْنَا مَخِيطًا فَمَا فَوْقَهُ، كَانَ غُلُولًا يَأْتِي بِهِ  
يَوْمَ الْقِيَامَةِ.“



عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَ: بَعَثَنِي رَسُولُ اللَّهِ ﷺ إِلَى الْيَمَنِ، فَلَمَّا سِرْتُ، أَرْسَلَ  
فِي أَثْرِي، فَزُدِدْتُ فَقَالَ: ”أَتَدْرِي لِمَ بَعَثْتُ إِلَيْكَ؟ لَا تُصِيبَنَّ شَيْئًا بِغَيْرِ إِذْنِي فَإِنَّهُ  
غُلُولٌ، وَمَنْ يَغْلُلْ يَأْتِ بِمَا غَلَّ يَوْمَ الْقِيَامَةِ. لِهَذَا دَعَوْتُكَ، فَاْمُضْ لِعَمَلِكَ.“



‘Abd Allah b. Burayda (ra) reported, according to his father, that the Prophet (saw) said, “*When we appoint someone to an administrative post and provide him with an allowance, anything he takes beyond that is betrayal (of the public purse, al-ghulūl).*”

(D2943, Abu Da’ud, al-Imara, 9-10)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, “*May no one take a foot of ground unjustly lest Allah encircle his neck with it seven fold on the Day of Judgement.*”

(M4136, Muslim, al-Musaqat, 141; B2452, al-Bukhari, al-Mazalim, 13)



According to ‘Adi b. ‘Amira al-Kindi (ra), he heard the Messenger of Allah (saw) say, “*If we appoint one of you to a position and he conceals from us a needle or something greater, this is betrayal (al-ghulūl) which he will carry on the Day of Judgement.*”

(M4743, Muslim, al-Imara, 30)



According to Mu’adh b. Jabal, “The Messenger of Allah (saw) sent me to Yemen. After I had left, he sent someone after me and he brought me back. Then he (the Prophet (saw)) said, ‘*Do you know why I sent someone to you? Do not take anything without my permission, for that will be betrayal (al-ghulūl). Whoever commits betrayal will carry what he has betrayed on the Day of Judgement. This is why I called you, so now go and do your job.*”

(T1335, al-Tirmidhi, al-Ahkam, 8)





In the sixth year of the Hijra, after all kinds of suffering, the Muslims finally signed the Treaty of Hudaibiyya with the polytheists and agreed to a suspension of arms. Then it was the turn of Khaybar, which had been a continuous threat to the Muslims. However, Khaybar had formidable fortresses, various war equipment, and adequate supplies. Its conquest would be difficult. Nevertheless, the fortresses, which were centers of sedition, had to be taken. After preparations were completed in Medina, the army of Islam besieged Khaybar in the seventh year of the Hijra. Khaybar witnessed intense fighting. Eventually the Muslims were victorious. As booty, the Muslims did not take gold and silver but they did acquire various goods, food, clothing, animals and fruitful lands, such as date groves. After this conquest was achieved, the Companions (ra) awaited another test. Would the souls who had shown perseverance in the face of the enemy be able to exhibit strength of character in the face of worldly goods, and would they be able to show restraint in the face of these goods to which everyone in the army had a right but which had not yet been shared? Our beloved Prophet, realizing man's weakness in being very fond of worldly goods,<sup>1</sup> ordered one of his Companions (ra) to make the following announcement: *"If you have taken something, even a needle or thread, bring it back. Betrayal (of booty, that is, the public purse) is a shame, an embarrassment, and will cause you to be cast into the fire on the Day of Judgement."* Afterwards, Allah's Messenger and his Companions (ra) headed for Wadi 'l-Qura. When they arrived, an event occurred which demonstrated how effective these earlier words had been. A black slave named Karkara, who had been given as a gift to Allah's Messenger, was struck by an arrow shot by an unknown person while he was taking things off the Prophet (saw)'s camel. The people who immediately gathered around him, thinking that he had been martyred, said, "May Heaven bless him!" Allah's Messenger

<sup>1</sup> Al 'Imran, 3:14.



heard these words said, “No. I swear by Him Who has my soul in his hands that he is wearing a garment that he took during the division of spoils on the day of Khaybar but was not part of his share and it is now burning him as fire.”

The Messenger of Allah declared that the piece of clothing that Karkara stole, without paying any heed to the effort of all the fighters, from the common goods to which everyone had a right, would be cause for him to see the fire of Hell. Thereupon he wrapped everyone who was there in fear. This incident that they witnessed and the words of the Prophet (saw) related to it generally brought everyone to his senses. One person who, like Karkara, took one or two shoestrings from the booty without thinking, felt some shame and regret and was able to say, “O Messenger of Allah! I took this on the day of Khaybar.” Allah’s Messenger, by saying, “*Here are two shoestrings from hell,*” described the grave consequences of this behavior,<sup>2</sup> and he wanted to warn people about taking unjust gains from property to which the public had a right, such as booty.

Taking “booty,” by which was meant all property, prisoners, and income taken from non-Muslims by means of war, was a widespread practice at the time of Allah’s Messenger and in Arab society before his appearance. The widespread fighting between tribes in the Jahiliyya period in particular led to an increase in such activities as looting and pillaging. In this connection, in the pre-Islamic period in which aggression, robbery, theft, and wrongful seizure were common, the bedouin in Arab society made their living from booty plundered regardless of right or rights. As a result of the rules introduced by Islam, Allah’s Messenger, who declared that the taking of booty was permissible to him and his community,<sup>3</sup> forbade the sharing of booty as plunder as was previously done<sup>4</sup> and established it on a new basis according to its nature, division, and amount. Thus the concept of booty, which had great social and economic significance in the circumstances of his time, came to have greater significance as a result of being regarded as the equivalent of the public purse within the framework of the principles of justice and fairness that the Prophet (saw) established.

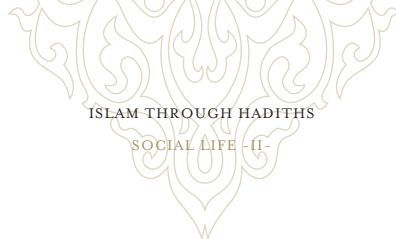
The Muslims first obtained booty, which consisted of a significant amount of property and prisoners, in the Battle of Badr. Related to this, verses were revealed which first declared that the booty belonged to Allah (swt) and His Messenger<sup>5</sup> and later explained that it was to be divided. Accordingly, one fifth of the booty belonged to Allah, His Messenger, his

<sup>2</sup> VM2/681, al-Waqidi, *al-Maghazi*, II, 681; B6707, al-Bukhari, al-Ayman wa ‘l-nudhur, 33; B3074, al-Bukhari, al-Jihad, 190; M310, Muslim, al-Iman, 183.

<sup>3</sup> Al-Anfal, 8/69; B438, al-Bukhari, al-Salat, 56.

<sup>4</sup> B5516, al-Bukhari, al-Sayd, 25; D2703, Abu Da’ud, al-Jihad, 128.

<sup>5</sup> Al-Anfal, 8:1.



relatives, orphans, the needy, and travelers.<sup>6</sup> Allah's Messenger informed his Companions (ra) by various means of these principles related to booty. On one occasion he explained to a delegation which had come to him, and did not have a chance to hold continuous discussions with him and therefore wanted his orders clearly spelled out to them, the confession of faith, ritual prayer, *zakat*, fasting and, along with all this, that one fifth of all booty must be given to the state as a tax.<sup>7</sup>

Consequently, Allah's Messenger and those in need had a right to a share in all booty obtained by a Muslim army, apart from the soldiers who fought in that army, at the rate of one fifth. This meant, therefore, that all booty held within it a portion of the public purse. On the other hand, *fay'* income, that is, all wealth acquired without fighting, by peaceful means, was shared between the Prophet (saw) and needy Muslims. This is because the Holy Qur'an, stating that when this wealth was obtained there had been no need of effort from soldiers,<sup>8</sup> revealed that it belonged to Allah, His Messenger, to his relatives, orphans, the poor, travelers, and especially to poor Muhajirun who were forced to be far from their homes and wealth, who wished for the blessing and approval of Allah (swt) and who had helped the religion of Allah and His Prophet.<sup>9</sup> This also had the purpose of preventing the wealth which was obtained as booty from falling into the hands of only the rich.<sup>10</sup> Therefore, booty wealth had the status of the public purse to which many people had a right.

Allah's Messenger could not touch the funds generated by *zakat* because they were forbidden to him and his family, but he could ensure a livelihood for his family with the income from booty and *fay'* in the manner described in the Noble Qur'an. Indeed, he allocated the income received from the Banu Nadir, which the Muslims took without fighting, and allocated it for the annual needs of his family, and what was left over he spent for the fighting to be done on the path of Allah (fi sabilillah).<sup>11</sup> Once our Prophet plucked a hair from one of the camels bearing booty and said, "*I swear by Allah Who holds my soul in His hand that it is not permissible for me to take as much as this of your booty apart from one fifth and the fifth is returned to you.*"<sup>12</sup> In this way he expressed his sensitivity on the matter of the public purse.

The Prophet (saw) immediately distributed this wealth that was obtained to the needy. While dividing it, he also looked after the special

<sup>6</sup> Al-Anfal, 8:41.

<sup>7</sup> B53, al-Bukhari, al-Iman, 40.

<sup>8</sup> Al-Hashr, 59:6.

<sup>9</sup> Al-Hashr, 59:7-8.

<sup>10</sup> Al-Hashr, 59:7.

<sup>11</sup> B2904, al-Bukhari, al-Jihad, 80.

<sup>12</sup> MU983, al-Muwatta', al-Jihad, 13; D2755, Abu Da'ud, al-Jihad, 149.





circumstances of those in need.<sup>13</sup> This was because it was essential that the wealth that was obtained through a common struggle, and to which the public had a right, be distributed equitably and that the responsibility for this be executed without wasting time. Allah's Messenger, who demonstrated extreme sensitivity in the matter of the public purse, was so uncomfortable with having any of the wealth that needed to be distributed remain in his hands that this situation could keep him from going to his family. In fact, once, when the wealth under his control could not be distributed where it needed to go, our beloved Prophet told Bilal that he needed to be saved from that wealth because he could not return to his family until it was distributed. He passed that night in a mosque and the next day, when it was learned that the wealth had been distributed, he glorified and praised Allah (swt) because Allah had granted him sufficient life to fulfill his responsibility to Him.<sup>14</sup> In like manner, the Prophet (saw) distributed the *jizya* and *kharaj* which had arrived in a great amount from Bahrein and did not depart from the beginning of this process until the last penny of it was gone.<sup>15</sup>

At every opportunity, Allah's Messenger warned his Companions (ra) about booty, which occupied an important position with respect to the public purse because of contemporary conditions. As a commander, he ordered them not to betray their soldiers with respect to the spoils of war.<sup>16</sup> In fact he considered the betrayal of booty as a sign of hypocrisy.<sup>17</sup> The Messenger of Allah, who mentioned that *jihad* done without the betrayal of booty was one of the most virtuous acts,<sup>18</sup> said, "*Whoever dies free of the following three things will enter Paradise: pride, treacherously stealing from the booty of war (al-ghulul, that is, from the public purse), and debt.*"<sup>19</sup>

Saying, "*Anyone who conceals one who has been dishonest about booty is like him,*"<sup>20</sup> the Prophet (saw) likened dishonesty with regard to the public purse to one who concealed this kind of dishonesty. In addition, the Prophet (saw) forbade booty, to which everyone had a right from being used and eroded even temporarily.<sup>21</sup> The Prophet (saw) declared that those who betrayed the right of society would expect a terrible punishment in the hereafter. He once mentioned to his Companions (ra) the enormity of the sin of betraying the public purse and told them that on the Day of Judgement he did not want to see a bleating sheep, neighing horse, bellowing camel, or gold, silver, or looted clothing loaded on anyone's neck and

<sup>13</sup> D2953, Abu Da'ud, al-Imara, 13-14.

<sup>14</sup> D3055, Abu Da'ud, al-Imara, 33, 35.

<sup>15</sup> B3165, al-Bukhari, al-Jizya, 4.

<sup>16</sup> M4522, Muslim, al-Jihad wa 'l-siyar, 3.

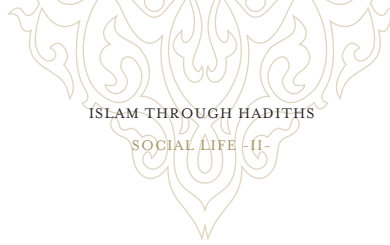
<sup>17</sup> HM7913, Ibn Hanbal, II, 293.

<sup>18</sup> N2527, al-Nasa'i, al-Zakat, 49; DM1457, al-Darimi, al-Salat, 135.

<sup>19</sup> T1572, al-Tirmidhi, al-Siyar, 21; IM2412, Ibn Maja, al-Sadaqat, 12.

<sup>20</sup> D2716, Abu Da'ud, al-Jihad, 135.

<sup>21</sup> D2708, Abu Da'ud, al-Jihad, 131; DM2516, al-Darimi, al-Siyar, 47.



said that on the Day of Judgement the betrayers would be assembled with what they stole on their necks.<sup>22</sup>

Always warning his Companions (ra) against such corruption, Allah's Messenger, who wanted them to be extremely careful in this matter, did not want the ritual funeral prayer done for one who had been killed in the Battle of Hunayn because he had been dishonest with the booty. Indeed, Jewish beads not worth two dirhams were found in his belongings.<sup>23</sup>

Once the Messenger of Allah (saw) ordered Bilal (ra) to make an announcement for the booty to be collected. One man finally brought in what he had taken after hearing this announcement three times and the Prophet (saw) said to him, "*May you bring it on the Day of Judgement. I will not take it from you.*"<sup>24</sup> In addition, the Prophet (saw) also made known that Allah the Exalted would not accept as *sadaqa* such wealth which was obtained unjustly and which was not permitted.<sup>25</sup>

As much as Allah's Messenger demonstrated sensitivity to the sharing of booty, he also drew attention to the fact that at that time all Muslims had a common right to places which were areas of common use, to immovable public property, or to the use of any water, pasture, or fire obtained without effort.<sup>26</sup> Accordingly, areas which were necessary to meet the basic needs of society could not be owned by anyone as private property because they were included in public property. Indeed, Abyad b. Hammal, who was one of the Companions of the Prophet (saw), asked the Prophet (saw) to give him the Ma'rib saltpan. The Noble Messenger gave it to him. Thereupon, another Companion told the Prophet (saw) that this saltpan was used by everyone and reminded him that he had given a saltpan which was as valuable as an uninterrupted source of water. The Prophet (saw) then broke the agreement he had made with Abyad and granted him another place instead of this place of mining salt, which met the needs of people and animals.<sup>27</sup>

Among people's indispensable basic needs, like public land, and a natural resource which is obviously used by everyone, is water. Allah's Messenger brought a number of rules in order to prevent injustice and chaos over sources of water, which had an important place in the geography of Arabia; and the right to its use sometimes resulted in arguments. In fact, Allah's Messenger asked 'Abd Allah b. Zubayr (ra), who had quarreled with his neighbor over taking turns with using water, to release water for his neighbor's use after irrigating his own date grove.<sup>28</sup>

<sup>22</sup> B3073, al-Bukhari, al-Jihad, 189; M4734, Muslim, al-Imara, 24.

<sup>23</sup> MU984, al-Muwatta', al-Jihad, 13; D2710, Abu Da'ud, al-Jihad, 133.

<sup>24</sup> D2712, Abu Da'ud, al-Jihad, 134.

<sup>25</sup> M535, Muslim, al-Tahara, 1.

<sup>26</sup> D3477, Abu Da'ud, al-Buyu' (al-Ijara), 60; IM2472, Ibn Maja, al-Ruhun, 16.

<sup>27</sup> T1380, al-Tirmidhi, al-Ahkam, 39; D3064, Abu Da'ud, al-Imara, 34, 36.

<sup>28</sup> B2361, al-Bukhari, al-Musaqat, 7; M6112, Muslim, al-Fada'il, 129.



Allah's Messenger, who said that surplus water could not be denied to anyone,<sup>29</sup> resolved disagreements in this matter by saying that one who had higher land had the first right to water use and when the depth of the water irrigating his land reached his ankles it should be released to lower lands.<sup>30</sup>

The Prophet (saw) gave particular emphasis to the protection of places which were areas of common use. He warned his Companions (ra) about keeping mosques clean<sup>31</sup> and he forbade polluting water that was available to everyone.<sup>32</sup> He did not allow the unnecessary occupation of places on roads on which people travelled, he forbade their pollution, and he encouraged his Companions (ra) to remove from the roads objects that vexed people.<sup>33</sup> Furthermore, Allah's Messenger did not leave the wealth of the public purse inactive and tried to make it productive. Our master gave lands and mines which belonged to the state to some of his Companions (ra) who could revive them.<sup>34</sup> By saying, "*He who cultivates land that does not belong to anyone has a greater right (to it),*"<sup>35</sup> he encouraged people to revive dead land at every opportunity.

The Noble Messenger also demonstrated the care that he showed in reviving public property in its protection. In addition to the fact that every kind of usurpation, extortion, and theft is forbidden in Islam, the concept of *ghulūl* in Islamic law includes such unjust acts as stealing from the public purse, taking something illegally from war booty, and betraying the state treasury. Not only does *ghulūl* have the meaning of stealing from undivided booty but it also generally carries the meaning of fraud and betraying the public purse.

Indeed, the Prophet (saw), by saying, "*When we appoint someone to an administrative post and provide him with an allowance, anything he takes beyond that is betrayal (of the public purse, al-ghulūl),*"<sup>36</sup> declared that certain needs of one who has a state position, such as the costs of getting married and acquiring a home, could be met from the state budget but, apart from this, he characterized any other benefit that was wrongfully obtained from the budget as a "betrayal of the public purse."<sup>37</sup> Allah's Messenger, who said, "*No looting, no betrayal, no theft!*"<sup>38</sup> did not limit *al-ghulūl* to only the betrayal of the public purse, for he also defined in this way unjust gains obtained by officials who had been appointed by the state. In fact, at the time of the Prophet (saw), a person named Ibn al-Lutbiyya, who

<sup>29</sup> IM2479, Ibn Maja, al-Ruhun, 19.

<sup>30</sup> D3639, Abu Da'ud, al-Qada' (al-Aqdiyya), 31; IM2481, Ibn Maja, al-Ruhun, 20.

<sup>31</sup> N724, al-Nasa'i, al-Masajid, 30.

<sup>32</sup> IM328, Ibn Maja, al-Tahara, 21; M655, Muslim, al-Tahara, 94.

<sup>33</sup> B652, al-Bukhari, al-Adhan, 32; M618, Muslim, al-Tahara, 68; M5648, Muslim, al-Salam, 3.

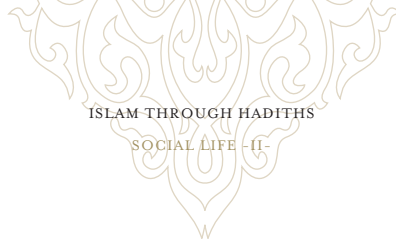
<sup>34</sup> D3062, Abu Da'ud, al-Imara, 34, 36.

<sup>35</sup> B2335, al-Bukhari, al-Muzara'a, 15.

<sup>36</sup> D29436, Abu Da'ud, al-Imara, 9-10.

<sup>37</sup> D2945, Abu Da'ud, al-Imara, 9-10.

<sup>38</sup> DM2519, al-Darimi, al-Siyar, 50.



was from the tribe of Azd and was placed in charge of the *zakat*, brought in the gifts that had been given to him in addition to the *zakat* that he had collected and said to Allah's Messenger, "This is for you and these are the gifts that were given to me." Allah's Messenger became angry with this person who, despite having a rather critical position such as the of being in charge of collecting *zakat*, was oblivious to his responsibilities and took unjustified advantage of it for himself, and said, "*Why did he not stay in his father's or mother's house to see whether or not he would be given presents? I swear by Him who holds my soul in his hands that whoever takes something from the zakat will carry it on his neck on the Day of Judgement, be it a bellowing camel, a mooing cow, or a bleating sheep.*"<sup>39</sup> Thus, Allah's Messenger, who also characterized gifts given to state officials in the course of their duties as *al-ghulūl*, forbade his Companions (ra) to take this kind of unjustified gain.<sup>40</sup>

Betraying the state purse is also forbidden by the Noble Qur'an. People are warned that there would be punishment for this in the next world. Although there is some difference of opinion about the reason for the revelation of the verse, "*It is inconceivable that a prophet would ever dishonestly take something from the battle gains. Anyone who does so will carry it with him on the Day of Resurrection, when each soul will be fully repaid for what he has done: no one will be wronged,*"<sup>41</sup> the basic message here is that a prophet's betrayal would be inconceivable and every kind of wrongful gain is forbidden. Some narratives state that this verse was revealed in relation to the dispute that broke out over the booty from the Battle of Uhud.<sup>42</sup> Others say that it was revealed when the hypocrites claimed that the Prophet (saw) had taken certain articles missing during the Battle of Badr.<sup>43</sup> Certainly it was inconceivable that Allah's Messenger, who was extremely careful with regard to the public's rights, would betray the public purse. The issue is the right of all of society to the wealth which is public property. The right of others (that is, other than Allah (swt)) is recognized in Islam as *ḥuqūq al-'ibād* and its usurpation is strongly forbidden. In order to warn people of this heavy burden, our beloved Prophet said, "*May no one take a foot of ground unjustly lest Allah encircle his neck with it seven fold on the Day of Judgement*"<sup>44</sup> and "*If we appoint one of you to a position and he conceals from us a needle or something greater, this is betrayal (al-ghulūl) which he will carry on the Day of Judgement.*"<sup>45</sup>

<sup>39</sup> B2597, al-Bukhari, al-Hiba, 17; M4738, Muslim, al-Imara, 26.

<sup>40</sup> HM23999, Ibn Hanbal, V, 425, MA14665, 'Abd al-Razzaq, *al-Musannaf*, VIII, 147.

<sup>41</sup> Al 'Imran, 3:161.

<sup>42</sup> AV11/4, 'Azimabadi, 'Awn al-ma'bud, XI, 4-5.

<sup>43</sup> T3009, al-Tirmidhi, Tarsir al-Qur'an, 3; D3971, Abu Da'ud, al-Huruf, 1.

<sup>44</sup> M4136, Muslim, al-Musaqat, 141; B2452, al-Bukhari, al-Mazalim, 13.

<sup>45</sup> M4743, Muslim, al-Imara, 30.



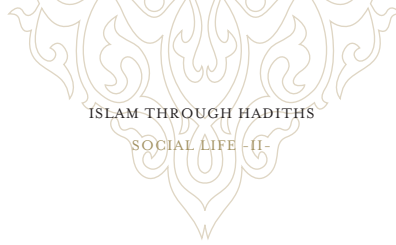
Once the Prophet (saw) became upset in the Baqi‘Cemetery and said, “Shame on you! Shame on you!” When he was asked the reason for these words, he stated that one of those who was buried there had been placed in charge of *zakat* but had stolen a garment from the property that was collected and now he is being made to wear an armor of fire instead of it.<sup>46</sup> The Prophet (saw), who warned his Companions (ra) who had state positions, such as stewardship or administration of *zakat*, not to take property without justification, which was embezzlement, or to misuse the public purse, had appointed Mu‘adh b. Jabal (ra) as governor of Yemen, but after he had set out the Prophet (saw) sent a messenger in pursuit of him to call him back and then spoke to him as follows: “Do you know why I sent someone to you? Do not take anything without my permission, for that will be betrayal (*al-ghulūl*). Whoever commits betrayal will carry what he has betrayed on the Day of Judgement. This is why I called you, so now go and do your job.”<sup>47</sup>

The concept of “right (*haqq*)” based on the values of Islam is classified as either *huqūq al-‘ibād* (civil right or the claim of a human) or *huqūq Allāh* (the right of Allah, mainly His penal ordinances) and the public right is considered to be included in the rights of Allah (swt). The realization of the public interest and order and society’s fulfillment of a peaceful and orderly life require respect for these rights. The public purse, to which everyone in society has a right, is a rather broad concept including such things as community spaces, vehicles, and equipment, revenue, and natural resources; and they all must be carefully safeguarded. However, when ethical values are depersonalized, when people ignore the balance between what is permissible and what is not, and when the concept of right loses its importance, society reaches a state in which betrayal of the public purse is unavoidable. Under these circumstances, there is an increase in many kinds of graft, taking from the public purse is considered natural, and those who draw attention to it are held in contempt and despised. Everything taken from the public purse is perceived as booty; and every kind of evasion, such as that concerning water, electricity, and taxes, is seen as acceptable. While it is necessary to show the greatest care for the public purse, sometimes state officials, forgetting that they are at the service of the people, spurn working for small benefits and are able to usurp the rights of orphans in society.

The use of state facilities by state functionaries who exploit their posi-

<sup>46</sup> N863, al-Nasa’i, al-Imama, 58.

<sup>47</sup> T1335, al-Tirmidhi, al-Ahkam, 8.



tions on behalf of individuals, unjustified salaries, and the squandering of public funds are among the most common forms of corruption encountered today. One who betrays the public purse, even if he benefits very little, loses his human and ethical values. In such a society neither is public service properly carried out nor do people live a peaceful life in which they trust each other. Thus the public purse is a trust and to betray that trust will result in a heavy price to pay in this world and the next. Islam warns that the serious consequences met out to one who violates this trust will leave him in dire straits in this world and the next. While Allah the Exalted directed His servants toward earning a living in a permissible and pure manner<sup>48</sup> and warned them not to take property or funds for unjust reasons and by forbidden means,<sup>49</sup> the Messenger of Allah (saw) said the following to his community with respect to being moderate in earning a living and not applying forbidden means: *“O people! Fear Allah and be moderate in seeking a living, for no one will die until he has received his sustenance in full, even if it is slow in coming. So fear Allah and be moderate in seeking sustenance. Take that which is permissible and leave that which is forbidden.”*<sup>50</sup>

<sup>48</sup> Al-Ma’ida, 5:88; al-Anfal, 8:69.

<sup>49</sup> Al-Baqara, 2:188.

<sup>50</sup> IM2144, Ibn Maja, al-Tijarat, 2.





BRIBERY  
WHOEVER GIVES OR TAKES BRIBES  
WILL BURN

عَنْ أَبِي أُمَامَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَنْ شَفَعَ لِأَخِيهِ بِشَفَاعَةٍ فَأَهْدَى لَهُ هَدِيَّةً عَلَيْهَا فَقَبِلَهَا فَقَدْ أَتَى بَابًا  
عَظِيمًا مِنْ أَبْوَابِ الرِّبَا.“

According to Abu Imama (ra), the Prophet (saw) said, “If anyone intercedes for his brother and he presents a gift to him for it and he accepts it, he approaches a great door of the doors of usury.”

(D3541, Abu Da’ud, al-Buyu’ (al-Ijara), 82; HM22606, Ibn Hanbal, V, 261)





عَنْ أَبِي هُرَيْرَةَ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ الرَّاشِيَّ وَالْمُرْتَشِيَّ  
فِي الْحُكْمِ.



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”لَعْنَةُ اللَّهِ عَلَى الرَّاشِيِّ وَالْمُرْتَشِيِّ.“



عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”أَيُّهَا النَّاسُ اتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ. فَإِنَّ نَفْسًا لَنْ تَمُوتَ حَتَّى  
تَسْتَوْفِيَ رِزْقَهَا، وَإِنْ أَبْطَأَ عَنْهَا. فَاتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ. خُذُوا  
مَا حَلَّ، وَدَعُوا مَا حُرِّمَ.“



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
”يَأْتِي عَلَى النَّاسِ زَمَانٌ لَا يُبَالِي الْمَرْءُ مَا أَخَذَ مِنْهُ، أَمِنَ الْحَلَالَ أَمْ مِنَ الْحَرَامِ؟“



According to Abu Hurayra (ra), “The Messenger of Allah (saw) cursed the one who gives or takes a bribe for a judgement.”

(T1336, al-Tirmidhi, al-Ahkam, 9)



According to ‘Abd Allah b. ‘Amr (ra), the Messenger of Allah (saw) said, “*The curse of Allah is upon the one who offers a bribe and the one who takes it.*”

(IM2313, Ibn Maja, al-Ahkam, 2)



According to Jabir b. ‘Abd Allah (ra), the Messenger of Allah (saw) said, “*O people! Fear Allah and be moderate in seeking a living, for no one will die until he has received his sustenance in full, even if it is slow in coming. So fear Allah and be moderate in seeking sustenance. Take that which is permissible and leave that which is forbidden.*”

(IM2144, Ibn Maja, al-Tijarat, 2)



According to Abu Hurayra (ra), the Prophet (saw) said, “*A time will come when one will not care how he earns his money, by permissible or forbidden means.*”

(B2059, al-Bukhari, al-Buyu’, 7)





**O**ur master the Prophet (saw) appointed Ibn al-Lutbiyya (ra) from the tribe of Azd to collect the share of the money from the believers which had been set aside for the poor. He was going to calculate how much *zakaat* each person was required to give, collect it, and then take it to Allah's Messenger for distribution. This was a difficult task. He did not want to hurt anyone by taking the most valuable part of his wealth as *zakaat* and causing him to have an uncomfortable life. After he had collected their *zakaat* and brought it to the Prophet (saw), he said, "This is your share and this is what was given to me as gifts." And he showed the gifts which had been dropped in his lap. Thereupon, the Messenger of Allah (saw) became angry. He stood up and was in such a grave mood that he felt the need to address the whole community. He spoke as follows: "*Why did he not stay in his father's or mother's house to see whether or not he would be given presents? I swear by Him who holds my soul in his hands that whoever takes something from the zakaat will carry it on his neck on the Day of Judgement, be it a bellowing camel, a mooing cow, or a bleating sheep.*" Then Allah's Messenger raised his hands and said three times in order to impress upon them how important was his warning, "*O Lord! Have I communicated your orders?*"<sup>1</sup>

These words that our beloved Prophet spoke because of Ibn al-Lutbiyya contain very important warnings. Ibn al-Lutbiyya had an important and sensitive job as the official in charge of collecting *zakaat* and he had to be extremely careful with regard to the public need. The Prophet (saw)'s warning to Ibn al-Lutbiyya, who was not aware of the responsibility that he bore, was rather noteworthy. This was because the position that he held did not justify his taking these goods for himself. Allah's Messenger thus warned both the *zakaat* officials and other government officials against taking gifts. He characterized such gifts as betraying the state and booty goods,<sup>2</sup> and he clearly forbade state officials from taking

<sup>1</sup> B2597, al-Bukhari, al-Hiba, 17; M4738, Muslim, al-Imara, 26.

<sup>2</sup> HM23999, Ibn Hanbal, V, 425; MA14665, 'Abd al-Razzaq, *al-Musannaf*, VIII, 147.



advantage of their influence in any way that would result in profit, that is, from bribery.<sup>3</sup>

This position on the part of our master the Prophet (saw), who forbade bribes under the cover of gifts, included gifts given willingly, with undoubted sincere intentions, and without concern for personal interest. By giving<sup>4</sup> and receiving<sup>5</sup> gifts frequently throughout his life, he showed us one way to increase affection among Muslims. At the same time he encouraged us with his words to exchange gifts with those we love.<sup>6</sup> Nevertheless, it is also certain that this ethical behavior would immediately be judged differently if there was a difference in intention. Gifts not only derive from love and good intentions but they can also be given without consideration for getting some benefit in return. On the other hand if this kindness is not within the framework of recommended gift giving, then it is considered a bribe which is clearly forbidden by our religion. Allah's Messenger described a measure by which one could distinguish whether a donation was a gift or a bribe. Accordingly, if a gift were given because of the position that a person held and if the person could not accept this gift if he were not in that position, then caution should be exercised with regard to the donation. This is because such a gift could be included within the scope of forbidden goods and could leave the one who accepted it in a difficult position on the Day of Judgement.<sup>7</sup> Furthermore, even if under the guise of a gift, this action is very likely to start a relationship like that based on the mutual benefit between one who gives and one who takes a bribe. Therefore, Allah's Messenger warned, *"If anyone intercedes for his brother and he presents a gift to him for it and he accepts it, he approaches a great door of the doors of usury."*<sup>8</sup>

In his Farewell Address given shortly before he died, our beloved Prophet also warned his community about distinguishing between a bribe and a gift. Saying that the allocation given by the state was a salary that needed to be received periodically, he forbade the acceptance of it if it were given in return for a political or similar purpose.<sup>9</sup> The statements of our master are meaningful in showing how certain behavior which, under normal conditions, is considered virtuous, can be altered according to the intention. A bribe is a benefit offered to someone in authority for the purpose of obtaining an unfair gain, materially or morally. Someone abuses the authority that he possesses and acts in favor of one who provides him

<sup>3</sup> B7174, al-Bukhari, al-Ahkam, 24.

<sup>4</sup> M5948, Muslim, al-Fada'il, 11.

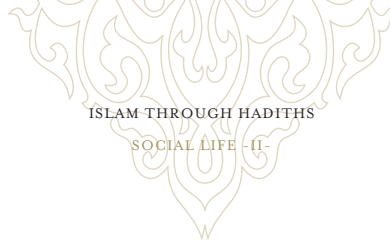
<sup>5</sup> B2585, al-Bukhari, al-Hiba, 11.

<sup>6</sup> T2130, al-Tirmidhi, al-Wala', 6.

<sup>7</sup> B2597, al-Bukhari, al-Hiba, 17.

<sup>8</sup> D3541, Abu Da'ud, al-Buyu' (al-Ijara), 82; HM22606, Ibn Hanbal, V, 261.

<sup>9</sup> D2958, Abu Da'ud, al-Kharaj, 16-17.



an unfair gain obtained in the form of money, goods, or gift. With the verse, “Do not eat up your property wrongfully, or use it to bribe judges, intending sinfully and knowingly to eat up parts of other people’s property,”<sup>10</sup> we are told specifically that offering a bribe to someone in authority for the purpose of obtaining an unjustified benefit is forbidden. It is clear that, while there are permissible and legitimate ways of doing things, the gain obtained by usurping the rights of others by forbidden means will be of no benefit. This is because others still have rights over him and “the violation of civil rights (*huqūq al-‘ibād*)” was something that Allah’s Messenger was most cautious about and warned others about. He expressed his feelings about civil rights in his prayer, “...I hope that when I meet Allah, none of you will have any claim on me.”<sup>11</sup>

Bribery is diametrically opposed to the general principles of the Islamic faith. This is because, while the person giving the bribe obtains an unjustified gain, the person accepting the bribe abuses his position and betrays the trust that has been given to him. The position which has been given to him is not in fact something which belongs to him but a trust given to him for a specific time. As for the sensitive attitude that the believer should show to trusts, this is clearly stated by our religion. While mentioning in the Noble Qur’an the characteristics of believers, Allah the Exalted says, “Those who are faithful to their trusts and pledges.”<sup>12</sup> Our master the Prophet (saw) also stated that betraying a trust was the symbol of hypocrites<sup>13</sup> and clearly told the believers that this would absolutely not be acceptable for them. Bribery is a matter of betraying a trust. Those who obtain sufficient accoutrements of position and authority by bribery are not competent people. Rather, they are incompetent and without merit. This situation is also the opposite of Allah’s divine message, “Allah commands you [people] to return things entrusted to you to their rightful owners, and if you judge between people, do so with justice.”<sup>14</sup>

When we look at the life of our Prophet, we see that he struggled with bribery and abuse of position from the first years of the mission with which he was tasked. Various bribes were offered to him if he would betray the sacred trust that he had received from his Lord. He was aware that he bore on his shoulders one of the gravest responsibilities. Thanks to this approach of his, the Jahiliyya period was transformed into the age of happiness; thanks to this approach of his, the powerless found strength;

<sup>10</sup> Al-Baqara, 2:188.

<sup>11</sup> D3450, Abu Da’ud, al-Buyu’ (al-Ijara), 49.

<sup>12</sup> Al-Mu’minun, 23:8.

<sup>13</sup> M212, Muslim, al-Iman, 108.

<sup>14</sup> Al-Nisa’, 4:58.



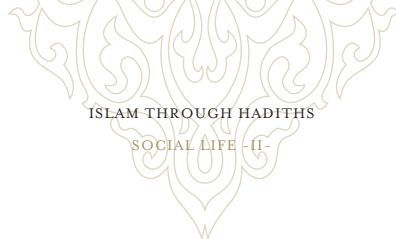
thanks to this approach of his, mankind would return to the way it was at the beginning of creation or, as the Holy Qur'an says *fi ahsan taqwim*, that is, "in the finest state."<sup>15</sup>

The existence, communications, and efforts of Allah's Messenger, who was assigned to carry out great ideals, did not influence the affairs of some people. This was because they had customary practices which they had followed without question for years, interests from which they profited, and an established order. Thus the call of our master was directed precisely toward changing their customary practices. In response they tried every means at their disposal to silence this Messenger whose goal was to change their life from top to bottom. Defamation, oppression, force, embargo...When they could not find a way to stop him, an appealing suggestion was made to them which they found irresistible: offer him a bribe! They would offer to this holy trustee of Allah's word everything which they thought was a boon in this world and thus ensure that he would abandon his mission. Agreeing on this, they asked the Prophet (saw)'s uncle Abu Talib to be the intermediary. The Messenger of Allah, however, made the following historic response to his offer, which had appeared to be rather attractive: *"By Allah, uncle, if they were to place the sun in my right hand and the moon in my left to get me to abandon this religion, I would not give it up in as much as Allah has made it superior (to other beliefs) and I would be destroyed for its sake."*<sup>16</sup> With this response, our Prophet disappointed the polytheists who based their belief system on the presence of idols who intervened for them in their relations with their gods and who were used to conducting their worldly affairs through various intermediaries. By completely rejecting their offer of a bribe, Allah's Messenger demonstrated that he would never abandon his mission. Here the superior ethics of the Messenger who carried out this mission are as noteworthy as the seriousness and importance of the mission. One should reject all such offers with the back of the hand and completely fulfill the responsibilities required of him.

As a result of the example set by our Prophet and the warnings of his words, the Companions (ra) behaved rather carefully with respect to bribery and avoided this sin. When our master the Prophet (saw) sent 'Abd Allah b. Rawaha (ra) to Khaybar to estimate the amount of fresh dates belonging to the Muslims, he brightened the face of Allah's Messenger.

<sup>15</sup> Al-Tin, 95:4.

<sup>16</sup> HS2/101, Ibn Hisham, *Sira*, II, 101; BN3/56, Ibn Kathir, *al-Bidaya*, III, 56.



The Jews wanted to give a lesser share to the Muslims and presented our Prophet's official with valuable adorned garments of their women and said, "This is for you. Do not make our business difficult. Act in our favor." However, 'Abd Allah b. Rawaha (ra) said, "O Jewish community! I swear by Allah that I consider you the least pleasing among those created by Allah. Yet this will not cause me to act unjustly toward you. As for the bribe that you want to give me, it is strictly forbidden for us (to accept it). We do not accept bribes." Thereupon they said, "Thus should one stand in the world," and recognized that he had acted correctly.<sup>17</sup> Even the emissary of Allah's Messenger, who had been sent on his behalf, behaved as the supreme authority and rejected the bribe which had been offered to him.

Not only 'Abd Allah b. Rawaha but also 'Umar (ra) the close friend of our Prophet showed the same sentiment: that one should ensure justice under all conditions. A man who brought a camel to 'Umar as a gift every year once came to him to resolve a case and said, "O 'Umar! Give a judgement between this man and me which will resolve our case like separating the meat from the bone." It occurred to him to remind the caliph of the gifts that he had brought him up to that time and, for their sake, request a ruling in his favor. Furthermore, he implied that he had to place him in the right. Thereupon, Caliph 'Umar sent a written warning to his officials saying, "Do not accept gifts because they are bribes!"<sup>18</sup>

It is clear that kindnesses in the guise of innocence under various names offered to judges with the intention of influencing their decisions are bribes. The Prophet (saw) cursed the one who gave or took a bribe over a matter to be decided.<sup>19</sup> Muslims were warned about this great sin first by our Prophet and then by the Rightly-Guided Caliphs. This was because if bribery, which in itself is a sickness and undermines the order of society, contaminates in particular judges who are in positions of legal authority, the foundations of society will be shaken. Bribes given to judges and unjust rulings given by judges as a result of bribery will cause people to be treated unfairly, lead to unjust punishment, and cause people who are guilty of crimes to be treated innocently. This is a great injury to society. For, as a result, justice will be shaken and the individual will have no confidence in justice. It is clearly stated by theologians that bribery, which is forbidden on the basis of not only law but also religion, ethics, and one's conscience, is religiously forbidden (*harām*).<sup>20</sup>

<sup>17</sup> MU1392, al-Muwatta', al-Musaqat, 1.

<sup>18</sup> BS21062, al-Bayhaqi, *al-Sunan al-kubra*, X, 233.

<sup>19</sup> T1336, al-Tirmidhi, *al-Ahkam*, 9; D3580, Abu Da'ud, *al-Qada'* (al-Aqdiyya), 4.

<sup>20</sup> N5668, al-Nasa'i, *al-Ashriba*, 43.





Bribery affects not only the individual but also all of society. This is because it is a crime which cannot be perpetrated alone. There is one who takes a bribe and one who gives it, which indicates corruption in society. The one who gives a bribe should not do so and, if he offers one, the object of it should not accept it. This is because Allah's Messenger said, "*The curse of Allah is upon the one who offers a bribe and the one who takes it.*"<sup>21</sup> Whoever gives a bribe wishes to obtain by illegal means something that is not legal according to the law and it is religiously forbidden to do this. If one strives for something by permissible means with the sweat of his brow and the labor of his hands, he will attain it. If not, he has no right to use extra-legal means to achieve what he wants. Bribery, which is exercised by people who want what they do not deserve because of the desire for wealth, position, and ambition, or even more, is in fact completely contrary to the permissible principles of gain or profit emphasized by Allah's Messenger. This is because he said, "*No one has ever eaten a better meal than that which he earned by working with his own hands . . .*"<sup>22</sup> In addition, our Prophet pointed out that one's income should not be large but a permissible amount. According to Jabir b. 'Abd Allah (ra), the Messenger of Allah (saw) said, "*O people! Fear Allah and be moderate in seeking a living, for no one will die until he has received his sustenance in full, even if it is slow in coming. So fear Allah and be moderate in seeking sustenance. Take that which is permissible and leave that which is forbidden.*"<sup>23</sup>

Whoever takes a bribe is one who cannot fulfill his responsibilities. Abusing one's position to take bribes is to satiate both the one who gives the bribe and himself by forbidden means. Signing off on an unjust practice among people not only places one who is in the right in an unfair position but also raises the one who is in the wrong to the position of being right.

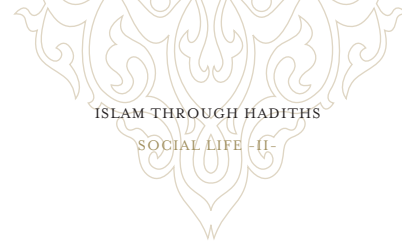
Bribery, which plays host to great evil, is a painful indication that the social structure has been shaken and that its values have been lost. In societies in which bribery is wide spread, it is obvious that, above all, the people in authority are corrupt and that this is a disaster for society. This is because individuals who have a high level of education and culture and occupy important positions of power and authority take bribes and, accordingly, if they make decisions there is cause to fear them. Indeed, this fear which Allah's Messenger declared would expose societies in which bribery was present to disaster was likely.<sup>24</sup>

<sup>21</sup> IM2313, Ibn Maja, al-Ahkam, 2.

<sup>22</sup> B2072, al-Bukhari, al-Buyu', 15.

<sup>23</sup> IM2144, Ibn Maja, al-Tijarat, 2.

<sup>24</sup> HM17976, Ibn Hanbal, IV, 205.



In societies in which bribery is common individuals above all lose hope with respect to self-development, becoming successful and advancing by working hard. They believe that if they work and are successful that they will not be able to achieve what they deserve. Then they are inclined to consider bribery and even resort to it. In other words, if the practice of bribery begins in any segment of society it will spread to every part of society like a contagious disease and unjustified gain associated with it, abuse of positions of authority, loss of hope for the future and great negativity will encompass society. Over time unjustified gain will begin to seem normal. Unfortunately the Prophet (saw)'s concern on this issue attests to the fact that bribery, which is a disaster for the individual and society, was wide spread in all parts of life and was practiced in Muslim societies. For he said, *“A time will come when one will not care how he earns his money, by permissible or forbidden means.”*<sup>25</sup>

Thus our Prophet, while denouncing those who take, give,<sup>26</sup> and act as intermediaries<sup>27</sup> for bribes, pointed out what a great disaster it was. Bribery, which blunts the sense of security, unity, and solidarity in a society in which one believes there are no rights, laws, and justice, is in itself an outrage. As for the way to prevent it, one must curb his worldly desires and follow religious and ethical principles. For as the Noble Qur'an says, this life is but an amusement and diversion and for want of little gain his life in the next world, which is eternal, is lost.<sup>28</sup>

<sup>25</sup> B2059, al-Bukhari, al-Buyu', 7

<sup>26</sup> D3580, Abu Da'ud, al-Qada' (al-Aqdiyya), 4; T1337, al-Tirmidhi, al-Ahkam, 9.

<sup>27</sup> HM22762, Ibn Hanbal, V, 279.

<sup>28</sup> Al-'Ankabut, 29:64.





# BLACK-MARKETING THE EXPLOITATION OF DIFFICULT TIMES

كَانَ سَعِيدُ بْنُ الْمُسَيَّبِ يُحَدِّثُ؛ أَنَّ مَعْمَرًا قَالَ:  
قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اِحْتَكَرَ فَهُوَ خَاطِئٌ.»

Sa'id b. al-Musayyab reported according to Ma'mar (b. 'Abd Allah) (ra) that the Messenger of Allah (saw) said, "Whoever does black-marketing is a sinner."

(M4122, Muslim, al-Musaqat, 129)



ثَقُلَ مَعْقِلُ بِنِ يَسَارٍ فَدَخَلَ إِلَيْهِ عُبَيْدُ اللَّهِ بْنِ زِيَادٍ يُعُودُهُ... قَالَ: اسْمَعْ يَا عُبَيْدَ اللَّهِ، حَتَّى أُحَدِّثَكَ شَيْئًا لَمْ أَسْمَعْهُ مِنْ رَسُولِ اللَّهِ ﷺ مَرَّةً وَلَا مَرَّتَيْنِ، سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: "مَنْ دَخَلَ فِي شَيْءٍ مِنْ أَسْعَارِ الْمُسْلِمِينَ لِيُغْلِيَهُ عَلَيْهِمْ، فَإِنَّ حَقًّا عَلَى اللَّهِ، تَبَارَكَ وَتَعَالَى، أَنْ يُقْعِدَهُ بَعْضُ مَنِ النَّارِ يَوْمَ الْقِيَامَةِ."



عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ: "مَنْ اخْتَكَرَ طَعَامًا أَرْبَعِينَ لَيْلَةً فَقَدَ بَرِيءٍ مِنَ اللَّهِ تَعَالَى، وَبَرِيءَ اللَّهُ تَعَالَى مِنْهُ، وَأَيُّمَا أَهْلٍ عَرَصَةٍ أَصْبَحَ فِيهِمْ امْرُؤٌ جَائِعٌ، فَقَدَ بَرَأَتْ مِنْهُمْ ذِمَّةُ اللَّهِ تَعَالَى."



عَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: "الْجَالِبُ مَرْزُوقٌ وَالْمُحْتَكِرُ مَلْعُونٌ."



When Ma'qil b. Yasar's illness took a turn for the worst, 'Ubayd Allah b. Ziyad (ra) went to visit him...(Ma'kil) said to him, "Listen, O 'Ubayd Allah! I'm going to tell you something that I heard only once or twice from the Messenger of Allah (saw). I heard the the Messenger of Allah (saw) said: *'Whoever intervenes in the prices (markets) of Muslims in order to increase prices, Allah will deservedly make him reside in a great fire on the Day of Judgement.'*"

(HM20579, Ibn Hanbal, V, 28)



According to Ibn 'Umar (ra), the Prophet (saw) said,  
*"If someone hoards foodstuffs for forty days, he will be as far from Allah the Exalted as Allah the Exalted is from him. If the people in any place reach a state in which there is a hungry person among them, those people will be far from the protection of Allah the Exalted."*

(HM4880, Ibn Hanbal, II, 32)



According to 'Umar b. al-Khattab (ra), the Messenger of Allah (saw) said,  
*"The importer is blessed with a means of sustenance and the hoarder is cursed."*

(IM2153, Ibn Maja, al-Tijarat, 6)





One day the Caliph ‘Umar (ra) set out to go to the mosque. While he was walking he saw a large amount of foodstuffs spread out along the side of the road. He asked the people milling about there, “What is all this?” They said that it had been brought from elsewhere to be sold. Thereupon, ‘Umar prayed, saying, “May Allah bestow blessings on these foodstuffs and on those who brought them.” Those who were there complained to ‘Umar, saying, “O Commander of the Faithful! (You are praying for them, but) they are selling these goods on the black market.” ‘Umar (ra) then asked, “Who are the ones who are selling these goods on the black market?” They answered, saying, “‘Uthman’s freed slave Farrukh and your freed slave so-and-so.” The Caliph ‘Umar then summoned the two of them and asked them why they were stockpiling the foodstuffs of the Muslims. When they answered, “O Commander of the Faithful! We buy and sell our own goods,” he said, “I heard the Prophet (saw) say, *‘Allah will punish those who stockpile the food of Muslims and sell it on the black market with bankruptcy or leprosy.’*” Thus he warned them by saying that what they did was a mistake.

The warning of Caliph ‘Umar had an effect on ‘Uthman’s freed slave Farrukh (ra). Realizing his error he repented and said, “O Commander of the Faithful! I promise Allah and you that I will never do such a thing with food again.” As for ‘Umar’s freed slave, he continued to protest, saying, “We are buying and selling our own goods.” He would not, therefore, give up the thought of selling the food that he owned on the black market. Abu Yahya, who was one of the narrators of this *hadith*, reported that this person was later afflicted with leprosy.

Black-marketing, which means trying to make commercial goods that people need more expensive by collecting them and stockpiling them and then, for this purpose, delaying placing them on the market, is behavior





contrary to the general ethical principles of the faith. Raising the price of essential goods by hoarding them or keeping them from the market for a certain time and then making an easy and high profit at the expense of people by selling at the price that one wants is a kind of tyranny over them. This selfish and cruel behavior, which can ruin the commercial and ethical structure, is absolutely unacceptable to Allah on High, Who forbade people to deal in goods among themselves in unjust and fallacious ways. It is in this sense that our Prophet's *ḥadīth*, "*Whoever does black-marketing is a sinner,*"<sup>1</sup> is a serious warning aimed at those who, by tyrannizing people, obtain unjust profits at their expense.

One of the Companions (ra) who learned directly from Allah's Messenger how wicked it was for someone to engage in black-marketing and victimize people was Ma'qil b. Yasar who had joined Bi'at al-Ridwan at Hudaybiyya in the sixth year of the Hijra. He said the following to 'Ubayd Allah b. Ziyad Ridwan, who had gone to visit him when his illness had gotten worse: "Listen, O 'Ubayd Allah! I'm going to tell you something that I heard only once or twice from the Messenger of Allah (saw). I heard the the Messenger of Allah (saw) said: '*Whoever intervenes in the prices (markets) of Muslims in order to increase prices, Allah will deservedly make him reside in a great fire on the Day of Judgement.*'"<sup>2</sup>

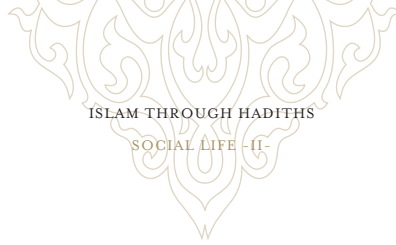
The general attitude of Allah's Messenger was to not interfere in the marketplace. One day some of his Companions (ra) came to him and said, "Prices have become very high. If you could only fix the amounts for us." In response to this he said that prices would be determined according to what Allah (swt) ordained; that he could not give them; and that the one who made them high or low and who provided sustenance was Allah the Exalted. Then, by saying, "*I hope that when I meet Allah, none of you will have any claim on me for an injustice regarding blood or property,*"<sup>3</sup> he recommended that there should be no interference in the market and that prices should be determined by market conditions. On this point we should recall that our Prophet said the following about those who engaged in black-marketing in the hope of wrongfully seizing people's wealth: "*If someone hoards foodstuffs for forty days, he will be as far from Allah the Exalted as Allah the Exalted is from him. If the people in any place reach a state in which there is a hungry person among them, those people will be far from the protection of Allah the Exalted.*"<sup>4</sup> In this *ḥadīth*, stockpiling the foodstuffs that people need for

<sup>1</sup> M4122, Muslim, al-Musaqat, 129.

<sup>2</sup> HM20579, Ibn Hanbal, V, 28.

<sup>3</sup> D3451, Abu Da'ud, al-Buyu', (al-Ijara), 49.

<sup>4</sup> HM4880, Ibn Hanbal, II, 32.



forty days and then releasing them to the market is equated with black-marketing. However, Muslim scholars have advanced different views on whether black-marketing is only limited to foodstuffs and on the period of stockpiling. If these differences are left aside, in order for the stockpiling of any commercial goods and their subsequent sale to be considered black-marketing, the said goods must be essential to society and if these goods are not subject to market prices their manipulation must have a negative effect on society. The expression “forty days” as recorded in the context of this *ḥadīth* means that the stockpiling lasts long enough to cause harm. The basic point here, therefore, is that people are thrust into dire straits and that this period could be forty hours, or even less, as easily as forty days.

If a manufacturer delays his own product and does not immediately bring it to the market or an importer stores a good which is in excess supply in order to meet future demand, this is not characterized as black-marketing. Furthermore, there is no objection to storing goods in time of abundance and low prices. Therefore, in order to determine if certain goods are being sold through black-marketing, it is extremely important to take social conditions into account and determine if the goods in question are an essential need.

A person involved in trade is one who can earn wealth and perform a public service. This is because merchants provide goods that people need. Thus the work that they do earns a moral reward as well as a financial reward. The fact that our beloved Prophet regarded making it easy for people to obtain their essential needs with giving to people the goods they needed as *ṣadaqa* is good news which informs us that engaging in trade earns at the same time the moral equivalent of *ṣadaqa*. In addition Allah’s Messenger’s statement, “*The importer is blessed with a means of sustenance and the hoarder is cursed,*”<sup>5</sup> informs us that those who fulfill this important task will be rewarded both materially and morally while those who act in a contrary manner may be rewarded materially but they will suffer morally.

Indeed, the fact that those engaged in commerce work to ensure a continuous profit should also be seen a normal behavior. However, earning a lot of money as one’s only goal and using illegal means of income in order to add profit to profit cannot be regarded as humane behaviors because they will harm society. This is because, those who seek to earn

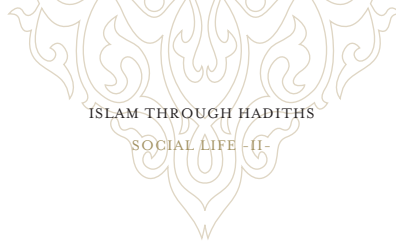
<sup>5</sup>IM2153, Ibn Maja, al-Tijarat, 6.



money from the black market open the door to widespread deceit and hatred in society. Whereas, the peace and order of society are bound to the warmth and trust in the mutual relationships of individuals. While they bring to the market the most basic goods needed by society, it is clear that those who do so with an eye to the best time and price with respect to their own profit and who seek to earn an excessive amount by exploiting people's fundamental necessities do nothing useful for society. The most critical factor encouraging people to behave in such unethical manners is a lust to make money which is unstoppable and insatiable and which recognizes no standard or boundary. Unless this greed is restrained, it is not possible for one to be saved from the clutches of ethical weakness and to avoid illegitimate means of income, such as black-marketing, while engaged in trade as in any other business.

Allah's Messenger, who established a new society and commercial market in Medina, demonstrated great resolution in his opposition to black-marketing. He warned merchants about this and did not relinquish control over checking against any fraud and corruption which disrupted the market balances. He also took various measures against black-marketing. The Messenger of Allah assigned some people who, acting in the sense of police, tried to prevent commercial activities which would disrupt the market balances. In this connection, our master the Prophet (saw) took steps to forbid merchants from the city from going out on the road to meet arriving caravans or villagers bringing their produce to market, buying cheaply everything that was brought, creating a dearth of these goods in the market and then putting them on the market at high prices. Another measure taken in this regard was to forbid offering for sale goods which had not been received. In like manner, the four caliphs who followed the Noble Messenger also took various measures against black-marketing to protect the markets from its harmful effect. 'Umar (ra) said, "There will be absolutely no black-marketing in our markets. Those who have much wealth and invest their capital in our territory in provisions derived from Allah (swt) should not, subsequently, hoard them and try to deal in the black market. However, those who provide goods by toiling summer and winter are 'Umar's guests. You should sell goods and store them according to Allah's wish."<sup>6</sup> It is understood from these words that he warned merchants against black-marketing.

<sup>6</sup>MU1348, al-Muwatta', alBuyu', 24.



In light of all this, it can be said that goods which are black-marketed by stockpiling them for a certain time and then placing them on the market are not limited to foodstuffs. Just as hoarding foodstuffs like wheat, bread, and sugar in times of drought is black-marketing, stockpiling clothing or fuel during harsh winters, putting medicines on the market when people are experiencing widespread health problems, and selling weapons in one's possession in wartime can also be regarded as forms of black-marketing.

Today it seems that black-marketing is also encountered in other sectors long with foodstuffs and health, such as construction, transportation, communications, information technology, and energy. It is known that in these areas black-marketing causes great harm to great masses of people. When looked at from this angle, it is clear that not restricting black-marketing to foodstuffs and broadening the scope of its ban by including within the scope of black-marketing any form of opportunism which had a harmful effect on society would be more appropriate to the general goals of the faith with respect to protecting, and preventing harm to, the public interest.

The punishment of those who continue to engage in black-marketing, despite all warnings and monitoring, is necessary for law and order in society. This is because, without any sanction against it, it would not be possible to avoid such illegal activities. The black-marketer, who, by succumbing to his greed, chooses a path displeasing to Allah (swt) simply in order to be able to earn excessive profits, will find himself in the position of one from whom Allah will turn His face in the next world because of the sin that he committed. What a painful punishment this will be!





# THEFT INFRINGEMENT UPON ANOTHER'S PROPERTY

عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ:  
”لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ، وَلَا  
يَشْرَبُ الْخَمْرَ حِينَ يَشْرَبُ وَهُوَ مُؤْمِنٌ، ثُمَّ التَّوْبَةُ مَعْرُوضَةٌ بَعْدُ.“

According to Abu Hurayra (ra), the Prophet (saw) said,  
“The person who commits adultery cannot be both a believer and an adulterer;  
the person who commits theft cannot be both a believer and a thief; the person  
who drinks alcohol cannot be both a believer and a drinker.  
(If he were to do one of these things while being a Muslim,) the door of  
repentance would be open.”

(M208, Muslim, al-Iman, 104; B2475, al-Bukhari, al-Mazalim, 30)



عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:   
”مَنْ أَنْتَهَبَ فَلَيْسَ مِنَّا.“



عَنْ سَعِيدِ بْنِ زَيْدِ بْنِ عَمْرٍو بْنِ نُفَيْلٍ عَنِ النَّبِيِّ ﷺ قَالَ:   
”...مَنْ سَرَقَ مِنَ الْأَرْضِ شَبْرًا طُوقَهُ يَوْمَ الْقِيَامَةِ مَنْ سَعِ أَرْضِينَ.“



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:   
”مَنْ قَاتَلَ دُونَ مَالِهِ فَقُتِلَ فَهُوَ شَهِيدٌ.“



According to Anas (b. Malik) (ra), the Prophet (saw) said,

*“Whoever plunders is not one of us.”*

(T1601, al-Tirmidhi, al-Siyar, 40)



According to Sa'id b. Zayd b. 'Amr b. Nufayl (ra), the Prophet (saw) said,

*“Whoever seals a hand-span of land will bear it seven fold on his neck on the Day of Judgement.”*

(T1418, al-Tirmidhi, al-Diyat, 21)



'Abd Allah b. 'Amr (ra) heard the Prophet (saw) say,

*“If someone dies while defending his property, he is a martyr.”*

(N4089, al-Nasa'i, al-Muharaba, 22; M361, Muslim, al-Iman, 226)







The Prophet (saw) was surprised at what Usama, the son of his very beloved freed slave Zayd, (ra) described. Moreover, he was very upset. This is because what he said was unacceptable.

Usama was discussing a woman named Fatima bint al-Aswad from the Makhzum branch of the Quraysh.<sup>1</sup> This woman had borrowed various pieces of jewelry on behalf of some well-known people in society. Later, however, she did not give it back. Moreover she sold it and made a profit.<sup>2</sup> One of the women who had loaned her jewelry went to one of those whose names had been used by Fatima and when he asked about the jewelry that she had given a few days earlier, it became clear what Fatima had done. This was because those whose names had been used knew nothing of what had been done. When the woman complained, the Prophet (saw) summoned Fatima. Although she tried to deny what had happened, it was clear that she was guilty.<sup>3</sup>

The tribe to which this woman was related had great standing in society. The Tribal leaders, out of fear that their names would be sullied, did not want someone from their clan to be punished in this way. At this point a solution occurred to them. If someone whom that Prophet dearly loved went to him and asked him to forgive this woman, perhaps she could be pardoned. But who would have the courage to do this! Everyone came up with the same name: Usama (ra). This was because they knew that the Prophet (saw),<sup>4</sup> who loved him very much, had said, “*If you love Allah on High and His Prophet, you should love Usama.*”<sup>5</sup>

Thus, the one person who had the courage to make this proposition to the Prophet (saw) had to be Usama. Members of the Quraysh spoke with him and convinced him to seek the Prophet’s forgiveness for her. Thus Usama (ra) then asked the Prophet (saw) if he could forgive this woman. The Prophet (saw)’s response was very clear: “*Are you trying to*

<sup>1</sup> IF12/88, Ibn Hajar, *Fath al-bari*, XII, 88.

<sup>2</sup> N4902, al-Nasa’i, *Qat’ al-sariq*, 6.

<sup>3</sup> MA18832, ‘Abd al-Razzaq, *al-Musannaf*, X, 202.

<sup>4</sup> M6264, Muslim, *Fada’il al-sahaba*, 63.

<sup>5</sup> HM25748, Ibn Hanbal, VI, 157.



*be an intercessor in a matter of punishment which has been specified by Allah Himself?"*

Afterwards the Prophet (saw) spoke with the people and voiced the following universal warning: *"O people! The nations before you went astray because if a notable person committed theft, they used to forego his punishment, but if a powerless person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad had committed theft, I would have cut off her hand!"*<sup>6</sup>

Theft, to which the Prophet (saw) drew attention, has been among the most common crimes in every society throughout history. The fact that this crime is among those that Allah (swt) mentions in the Noble Qur'an along with their punishments is probably because it was wide spread. The Merciful on High, who was extremely generous in forgiving crimes committed against him, except for polytheism,<sup>7</sup> ordained an exemplary punishment for this offence which was committed against mankind and against goods of value for mankind: *"Cut off the hands of thieves, whether they are man or woman, as punishment for what they have done—a deterrent from Allah. Allah is almighty and wise."*<sup>8</sup> Allah the Exalted absolutely forbade theft because of the blow that it struck against ensuring social unity and the havoc that it wreaked in an individual's inner life. Acceptance of Islam also meant not to commit theft within the terms of allegiance which meant the recognition of the Prophet's authority in all fields: *"Prophet, when believing women come and pledge to you that they will not ascribe any partner to Allah, nor steal, nor commit adultery, nor kill their children, nor lie about who has fathered their children, nor disobey you in any righteous thing, then you should accept their pledge of allegiance and pray to Allah to forgive them: Allah is most forgiving and merciful."*<sup>9</sup> The Noble Messenger received in these terms the allegiance of people who came to him wanting to become Muslims.<sup>10</sup>

In accordance with the teachings of the Noble Qur'an, the moral sanctions that Allah's Messenger applied related to theft were harsher and more severe than the physical sanctions. In fact, by saying, *"The person who commits adultery cannot be both a believer and an adulterer; the person who commits theft cannot be both a believer and a thief; the person who drinks alcohol cannot be both a believer and a drinker. (If he were to do one of these things while being a Muslim,) the door of repentance would be open,"*<sup>11</sup> the Prophet (saw) established a direct connection between faith and action and gave the message

<sup>6</sup> B6788, al-Bukhari, al-Hudud, 12; M4410, Muslim, al-Hudud, 8.

<sup>7</sup> Al-Nis'a, 4:48.

<sup>8</sup> Al-Ma'ida, 5:38.

<sup>9</sup> Al-Mumtahana, 60:12.

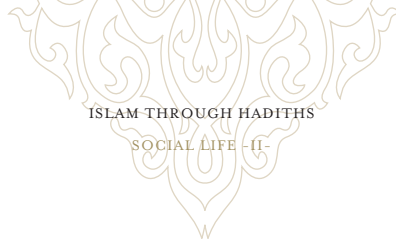
<sup>10</sup> B7468, al-Bukhari, al-

Tawhid, 31

<sup>11</sup> M208, Muslim, al-Iman,

104; B2475, al-Bukhari, al-

Mazalim, 30.



that a genuine Muslim would never be able to attempt theft. It was for this reason that Allah's Messenger, when asked, "O Messenger of Allah! If I am assaulted because of my wealth, what should I do?" Replied, "*Remember Allah!*" In response to the words "He doesn't care," which were repeated twice in succession, he said the same thing, "*Remember Allah!*"<sup>12</sup>

The Noble Messenger, who, in the environment in which he lived, tried with all the power at his disposal to create an awareness of "us," that is, of a Muslim society in contrast to followers of other religions and beliefs, said, "*Whoever plunders is not one of us.*"<sup>13</sup> If, in spite of all these warnings, a person did not abandon this behavior, then he would face the ultimate moral sanction, Allah's curse.<sup>14</sup> Afterwards, the thief would be subject to the torment of Hell, as described in the *hadith*, "*Whoever steals a hand-span of land will bear it seven fold on his neck on the Day of Judgement.*"<sup>15</sup>

Islam appeals, from the beginning, to the believer's conscience and faith with respect to theft as in all other matters. If a problem cannot be resolved in one's conscience, it is addressed first to social sensitivity and the public conscience. If it still remains unresolved, then it goes on to the law. Because there are those who, in spite of all of this, covet the wealth of others and try to obtain it, our exalted faith has provided physical sanctions as both a punishment against those who have committed the offense and to discourage others from doing it. However, these punishments are subject to modification depending on the place where something was stolen, the amount, and the conditions under which the crime was committed. The books of Islamic jurisprudence (*fiqh*) discuss this in great detail. The basic principles related to this subject, on which there has been an enormous accumulation of material, were established by the Prophet (*saw*).

First of all, Allah's Messenger made a careful investigation of any charge of theft. Within this framework, theft had to be demonstrated by confession or determined by clear evidence.<sup>16</sup> If not, the suspect had to be set free.<sup>17</sup> Given this position of the merciful Messenger, it is possible to see emphasis placed on the principle of "Innocent until proven guilty."

After it is understood that guilt has been established, the matter of "why the theft was committed" takes on importance. Indeed, Allah's Messenger doubled the required penalty for one who took away produce from a garden but had no qualms about someone who ate produce from a garden. The punishment for a theft also depended on the specific value of

<sup>12</sup> N4087, al-Nasa'i, al-Muharaba, 21.

<sup>13</sup> T1601, al-Tirmidhi, al-Siyar, 40; IM3937, Ibn Maja, al-Fitan, 3.

<sup>14</sup> M4408, Muslim, al-Hudud, 7; B6783, al-Bukhari, al-Hudud, 7.

<sup>15</sup> T1418, al-Tirmidhi, al-Diyat, 21.

<sup>16</sup> D4380, Abu Da'ud, al-Hudud, 9; N4881, al-Nasa'i, Qat' al-sariq, 3.

<sup>17</sup> N4878, al-Nasa'i, Qat' al-sariq, 2.



what was taken away.<sup>18</sup> Caliph ‘Umar (ra), who followed the same path as the merciful Prophet, did not carry out the amputation of the hand when a group of maids stole food (from their employer) because they were left starving. Instead he required them to compensate their employer two fold for what was stolen.<sup>19</sup> In like manner, ‘Umar (ra) ruled that the amputation of the hand would not be carried out for theft in times of famine.<sup>20</sup>

Crimes such as robbery, pickpocketing, purse snatching, misappropriation, looting, fraud, and embezzlement are not assessed within this context of theft because they do not meet the basic characteristics<sup>21</sup> required for a crime against property to be considered theft. Instead of amputation of the hand, separate punishments are provided for each. Yes, a crime has been committed and the one who committed it is certainly held responsible. But in Islam the punishment of a guilty person is not immediately carried out. To the contrary, all factors, above all the individual and economic motives underlying the crime are taken into consideration. This is because both the state and society, by ensuring the security of life and property of individuals, are required to ensure that they continue to have a happy life. In this respect important tasks fall to all Muslims including state officials.<sup>22</sup> In an environment in which the state and Muslim society cannot do these tasks, the basic reason for thievery will be “need.” This is because in the crime of theft resulting from need and poverty both society and the state have a share and responsibility. Accordingly, it is necessary to assess the crime which has been committed as a problem related to and affecting not the individual but all of society. Policies such as creating new employment opportunities for the unemployed, a fair distribution of income, and giving rights promptly to those who deserve them are the most important measures that should be taken to prevent crimes against property, such as theft and wrongful seizure. In addition, in order to avoid experiencing such adverse events, Islam introduced the institution of *zakaat*, which is an obligatory form of worship.<sup>23</sup> In the Noble Qur’an it states, “None of you [believers] will attain true piety unless you give out of which you cherish.”<sup>24</sup> Thus values coveting property and wealth should be replaced with values which cause people to be responsible and in this way social justice and stability will be assured.

If a person continues to perpetrate theft in a situation in which the state provides minimal living conditions for everyone in society, then it

<sup>18</sup> IM2596, Ibn Maja, al-Hudud, 28.

<sup>19</sup> MU1441, al-Muwatta’, al-Aqdiyya, 28.

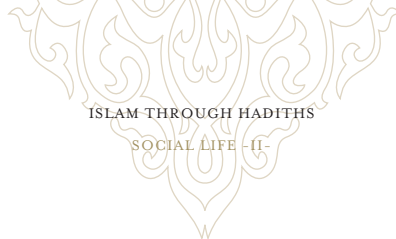
<sup>20</sup> MSh28577, Ibn Abi Shayba, *al-Musannaf*, al-Hudud, 84.

<sup>21</sup> T1448, al-Tirmidhi, al-Hudud, 18; N4975, al-Nasa’i, Qat’ al-sariq, 13.

<sup>22</sup> N4086, al-Nasa’i, al-Muharaba, 21

<sup>23</sup> Al-Baqara, 2:43.

<sup>24</sup> Al ‘Imran, 3:92.



comes to mind that he does so for greed, for a quick gain or even out of a sense of excitement and adventure. This then would be the second case in which there is the possibility of punishment. However, even in this case, the Prophet (saw) sought certain circumstances in order for the crime of theft to be established. In the case of theft, Allah's Messenger pointed out that first of all it was necessary to determine if what was stolen had a certain value within the economic conditions of society.<sup>25</sup> Another condition which the Prophet (saw) said needed to be determined was whether or not the property which was stolen, if it had value, was taken secretly while under protection. The punishments carried out in cases in which these conditions did not apply were different from others. For example, the Noble Messenger ordered that one who stole animals grazing in a pasture should pay two fold for what he stole and should be beaten with a stick as an object lesson, but he did not want his hand to be amputated.<sup>26</sup> This was because animals grazing in a pasture were not under protection. Furthermore 'Umar's decision not to amputate the hands of the maids for stealing something from the home of their master<sup>27</sup> also derived from the fact that this crime did not fulfill the condition of "being under protection."

As we have seen, the Companions (ra) were sensitive to even the slightest excuse or uncertainty in crimes which arose after the death of the Prophet (saw) and they considered this in the offender's favor. Briefly stated, according to Islam a crime in which property of a certain value and which was under protection was taken secretly was defined as theft if it was committed for reasons other than need or desperation. And as the aforesaid verse states, the crime for theft would be carried not regardless of whether the perpetrator were a man or woman.<sup>28</sup>

For Islam, the goal of which is to ensure happiness in this world and the next and which adopts universal values for this purpose, what is important with respect to the relationship between crime and punishment is the protection of human values, such as life, property, and honor. As for the fundamental objective of the punishment for such crimes as theft and wrongful seizure of property, it is to ensure the security of property and to deter the acquisition of it by illegal means. This is because theft is a blow against those who can acquire wealth by permissible and legal means within the framework of rights and freedoms. Therefore a person who commits theft violates one of the most natural rights of another simply

<sup>25</sup> M4398, Muslim, al-Hudud, 1.

<sup>26</sup> N4962, al-Nasa'i, Qat' al-sariq, 12.

<sup>27</sup> MU1537, al-Muwatta', al-Hudud, 11.

<sup>28</sup> Al-Ma'da, 5:38.



for the sake of personal gain or weakness. Thus the Prophet (saw) said, “*If someone dies while defending his property, he is a martyr.*”<sup>29</sup> People in a society in which theft goes unpunished can give up their rights to earn an income and acquire and accumulate wealth out of fear that it could be stolen or wrongfully seized by others. Furthermore, the fear of losing one’s wealth and property that was earned by the sweat of one’s brow will be a continuous source of anxiety. By constituting a weakness in not only individuals but also in society and the state, this will result in poverty and continuous dependency.

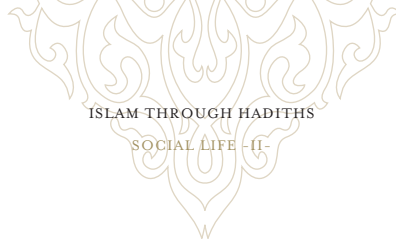
When looked at from the social point of view, the sanctions that Islam adopts toward the thief and theft are measures to deter other people from committing the same crime and are objective lessons. Along with specific deterrent penalties, Islam, at the same time keeps a person from falling into sin by dissuading him from committing theft. It is because of this that Allah’s Messenger, being the final judicial authority, would not forgive the crimes that were referred to him and, in this way, gave a very important and deterrent message to society. It is possible to see a clear example of this in an incident which occurred to the Companion Safwan b. Umayya (ra) who became a Muslim after the conquest of Mecca. After circumambulating the Ka’ba and performing the ritual prayer, Safwan made a pillow of his cloak, placed it under his head and went to sleep. While sleeping he became aware that his cloak was being pulled from under his head and taken. He immediately awoke, seized the thief and brought him to the Prophet (saw). The Noble Messenger, who verified the incident, first made the thief confess his crime and then ordered him to be punished. Safwan did not, however, expect this issue to reach such a dimension and said, “I did not want this man’s hand to be amputated because of my cloak.” Thereupon the Prophet (saw) said, “*Well, if you were going to forgive him, you should have done it before.*”<sup>30</sup>

This decision by the Noble Messenger indicates, on the one hand, personal rights and powers and stresses, on the other, social sentiment. According to what is understood from this, the person who is the victim of a crime has the right and power to forgive the guilty party. However, if he does not exercise this right and the issue is submitted to a legal verdict he cannot demand that the verdict be retracted. This is because if an issue is submitted to a legal verdict the decision will be based on the law. After

<sup>29</sup> N4089, al-Nasa’i, al-Muharaba, 22; M361, Muslim, al-Iman, 226.

<sup>30</sup> N4885, al-Nasa’i, Qat’ al-sariq, 4-5; IM2595, Ibn Maja, al-Hudud, 28.





this point, the crime which was committed is no longer a simple matter between two parties, that is, relevant to the guilty and the victim, for the verdict to be given will also have social dimensions. Therefore, if a law suit is opened related to the crime, the commission of the crime is proven by the court, and a verdict is reached, the issue is no longer one of individual rights but becomes a public suite of concern to society. The message given here is clear: people should take going to court seriously; they should see it as a deterrent force; they should understand that the judge is not an authority of forgiveness; and that they should heed the decision that is given.

From another perspective, the measures taken against theft demonstrate the value that the system gives to the victim and gives him the message, “We, both society and the state, are on your side. We will protect you and your values whatever the price.” Thus the individual, society and the state will struggle hand in hand together against crime and a livable social union will be created. The thief, however, covets the wealth of one who is part of society exactly as he is and then snatches it. As a consequence, what is injured here is not only a person but all of society: its unity, solidarity, and peace.

Islam’s treatment of the thief is actually favorable to the thief. This is because the Prophet (saw) said, “*If someone commits a crime against you and punishment is meted out to him, this is expiation for what he has done. If Allah conceals someone’s crime, it remains a matter for Allah. If He wishes he will torment him. If He wishes he will forgive him.*”<sup>31</sup> Therefore, if one’s crime is not disclosed or is undetected, he has, along with the hope of forgiveness, the rather great risk of “Allah’s torment” and it is likely that no tongue or pen has sufficient power to describe the severity of this torment.

One of the Companions (ra) was punished for the crime to which he confessed; and after the punishment was carried out he was brought to the Prophet (saw), who advised him, saying, “*Beg for forgiveness from Allah and turn toward Him!*” The Companion immediately took these words to heart, beseeched Allah (swt) and begged for forgiveness. The Prophet (saw) then repeated the following prayer three times: “*My Allah! Accept his repentance!*”<sup>32</sup> It is understood from these reports that even if one commits a theft he should know that Allah always keeps open the door of repentance.

As long as a person does not lose his faith and belief in Allah (swt), he should understand the magnitude of his error and ask his Lord, who is the

<sup>31</sup> M4463, Muslim, al-Hudud, 43.

<sup>32</sup> D4380, Abu Da’ud, al-Hudud, 9; N4881, al-Nasa’i, Qat’ al-sariq, 3.





Compassionate and the Merciful, for forgiveness. This is because Allah has described His attitude toward such sincere regret: *“But if anyone repents after his wrongdoing and makes amends, Allah will accept his repentance. Allah is most forgiving and most merciful.”*<sup>33</sup> Allah’s Messenger was always on the side of the Muslim in response to such sincere behavior and offered him material and moral assistance. This concern shown to a remorseful criminal demonstrates that the Prophet (saw) gave priority to individual and social welfare and to a peaceful and secure living environment over punishment. Nevertheless, it should not be forgotten that theft and wrongful seizure are an infringement on another’s property and an unjust gain.

According to what is generally understood from the words and practices of the Prophet (saw), the fundamental goal is to prevent crime from spreading. Punishing the perpetrator of the crime of theft will not alone suffice to prevent theft. Research should be done to determine what caused a person to become a thief and an attempt should be made to eliminate the causes. In this respect individuals, society as a whole, and the state all have certain responsibilities. The most important step in preventing crime is to educate individuals about it from childhood. Indeed, the Prophet (saw) stated that even stealing the most trivial things would provoke the wrath of Allah (swt): *“Allah curses the thief who steals an egg and his hand is cut off, who steals a rope and his hand is cut off.”*<sup>34</sup> It should be known that this habit which begins with stealing trivial things could lead to a profession in the future and have grave consequences.

The person who knows that an action against property is an action against the individual himself, society as a whole, the state and Allah (swt) because it violates His ban will not try to commit this crime. This is because if he attempts such a crime he will face both material and moral sanctions. These sanctions are basically within the context of the measures directed toward preventing this crime from happening again. For people who have attained a certain maturity of faith, these suffice, even more than suffice, as a deterrent. However, there will also be those who have not been able to reach this level of faith and insist that “Allah does not remember.” Under these circumstances the peace and wellbeing among people must be assured. This is one of the requirements of social unity, solidarity, and public welfare.

<sup>33</sup> Al-Ma’ida, 5:39.

<sup>34</sup> M4408, Muslim, al-Hudud, 7.



## GAMBLING THE LIFE DESTROYER



عَنْ الْمُقْدَامِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَا أَكَلَ أَحَدٌ طَعَامًا قَطُّ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلِ يَدِهِ، وَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ  
عَلَيْهِ السَّلَامُ كَانَ يَأْكُلُ مِنْ عَمَلِ يَدِهِ.“

According to al-Miqdam (ra), the Prophet (saw) said,  
“No one has ever eaten a better meal than that which he earned by  
working with his own hands. Allah’s Prophet David used to eat from  
the labor of his hands.”

(B2072, al-Bukhari, al-Buyu‘, 15)



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو: أَنَّ نَبِيَّ اللَّهِ ﷺ نَهَى عَنِ الْخَمْرِ وَالْمَيْسِرِ  
وَالكُوبَةِ وَالْغُبَيْرَاءِ...“



عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهُ بَلَغَهَا أَنَّ أَهْلَ بَيْتٍ فِي دَارِهَا كَانُوا سُكَّانًا فِيهَا  
وَعِنْدَهُمْ نَزْدٌ فَأَرْسَلَتْ إِلَيْهِمْ لِيُنَّ لَمْ تُخْرِجُوهَا لِأَخْرَجْنَكُمْ مِنْ دَارِي وَأَنْكَرْتُ  
ذَلِكَ عَلَيْهِمْ.



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ رَسُولُ اللَّهِ ﷺ :  
”... وَمَنْ قَالَ لِصَاحِبِهِ تَعَالَ أَقَامِرَكَ . فَلْيَتَّصِدَّقْ .“



According to ‘Abd Allah b. ‘Amr (ra), the Prophet (saw) banned wine, *maysir* (an ancient Arabian game of chance), the *kūba* (a double-membrane drum shaped like an hour-glass), and *ghubayrā’* (an alcoholic drink made from millet).

(D3685, Abu Da’ud, al-Ashriba, 5)



According to ‘A’isha (ra), the wife of the Prophet (saw), when she was informed that in the home of one of the residents of the neighborhood there were those who had a game of *nard* (backgammon, dice), so she sent word to them saying, “If you do not remove it from your house, I will remove you from my neighborhood.” She objected to their behavior.

(MU1757, al-Muwatta’, al-Ru’ya, 2)



According to Abu Hurayra (ra), the Prophet (saw) said, “...and whoever says to his companion, ‘Come, let me gamble with you,’ should immediately give alms (*ṣadaqa*, as expiation for doing something forbidden).”

(B4860, al-Bukhari, al-Tafsir, (al-Najm) 2)





The rivalry between the Byzantines and Sasanids, who had long been at war, increased considerably a few years before the Hijra. In the last war that occurred between them the Sasanids defeated the Byzantines. This situation caused anxiety among the Muslims because they wanted the Christian Byzantines, who were “People of the Book,” to be victorious. Whereas the polytheists rejoiced at the defeat of the Byzantines by the Sasanids who, like themselves, did not believe in Allah (swt),<sup>1</sup> and began to use this event as an opportunity to be haughty toward the Muslims.<sup>2</sup> During this time Allah the Exalted revealed the first verses of the *sūra* al-Rum, which gave a respite to the hearts of the Muslims: “*Alif Lam Mim. The Byzantines have been defeated in [their] nearest land. They will reverse their defeat with a victory in a few years’ time. Allah is in command, first and last. On that day, the believers will rejoice at Allah’s help. He helps whoever He pleases. He is the Mighty, the Merciful.*”<sup>3</sup>

After these verses were revealed, Abu Bakr (ra) began to recite them loudly in the streets of Mecca.<sup>4</sup> Thereupon, a group of the Quraysh suggested to Abu Bakr that they place a wager on who would triumph in the struggle between the Sasanids and Byzantines. Accordingly they set aside a certain time for this between them and whoever predicted the correct outcome would be given a number of camels by his opposite number. The polytheists left determining the time to Abu Bakr and eventually agreed to a six-year period. However, six years passed and the expected Byzantine victory did not occur and the polytheists took the property that was wagered from Abu Bakr. The Muslims were not pleased that that Abu Bakr declared that the period of the wager be “six years.”<sup>5</sup> This was because the word *bid’* (several), which appeared in the verse, referred to the numbers between three and nine. Allah’s Prophet, who had been informed of this matter, was not pleased that Abu Bakr (ra) had set the period of the wager

<sup>1</sup> IT6/197, Ibn Kathir, *Tafsir*, VI, 197.

<sup>2</sup> IT6/300, Ibn Kathir, *Tafsir*, VI, 300.

<sup>3</sup> Al-Rum, 30: 1-5.

<sup>4</sup> IT6/298, Ibn Kathir, *Tafsir*, VI, 299.

<sup>5</sup> T3194, al-Tirmidhi, *Tafsir al-Qur’an*, 30.



in this manner, but Abu Bakr said that his purpose was only to confirm the promise of Allah and His Messenger. Thereupon, Allah's Messenger recommended to Abu Bakr that he increase his wager and extend the period. Following the recommendation of Allah's Messenger, Abu Bakr went to the polytheists and wanted to rekindle the wager that he had made with them on this matter. The polytheists accepted Abu Bakr's request. This time the Byzantines defeated the Sasanids before the specified years were up. In this way Abu Bakr (ra) won the bet. He went to Allah's Messenger with the property that he had won in the wager and presented it to him. Allah's Messenger ordered him to give this property as alms, that is, as charity.<sup>6</sup>

In order to show the polytheists that Allah's promise would be fulfilled, Allah's Messenger encouraged Abu Bakr to make a wager with them, but it was not appropriate to keep the property that was won in the bet. This was because a wager is a doorway to easy gain which is not based on the sweat of one's brow or derived from permissible sources. In this matter our religion gives great importance to religiously permissible gain. Allah the Exalted said, *"You who believe, do not wrongfully consume each other's wealth but trade by mutual consent."*<sup>7</sup> Allah's Messenger frequently emphasized the importance of permissible sustenance and earning by the sweat of one's brow. He said, *"No one has ever eaten a better meal than that which he earned by working with his own hands. Allah's Prophet David used to eat from the labor of his hands."*<sup>8</sup> When our beloved Prophet was asked, "What is the most meritorious form of income?" He replied, *"What is earned by good business practices and by the sweat of one's brow."*<sup>9</sup> With respect to stressing the value of manual labor, he said, *"It would be better for you to gather a bundle of wood and carry it on your back (in order to earn your living) than to ask someone to give you something, and he may or may not do so."*<sup>10</sup>

Furthermore, Allah's Messenger pointed to a time in the future when people would be oblivious to the matter of permissible sustenance,<sup>11</sup> and he gave news of such a time that was worrying to his community. This was because Islam banned eating or drinking anything considered forbidden, all unfair/forbidden gain, and all means of forbidden gain. In this context, the Holy Qur'an states, *"You who believe, intoxicants and gambling, idolatrous practices, and [divining with] arrows are repugnant acts—Satan's doing—shun them so that you may prosper."*<sup>12</sup> In like manner, Allah's Messenger

<sup>6</sup>IT6/298, Ibn Kathir, *Tafsir*, VI, 298-299.

<sup>7</sup>Al-Nisa', 4:29.

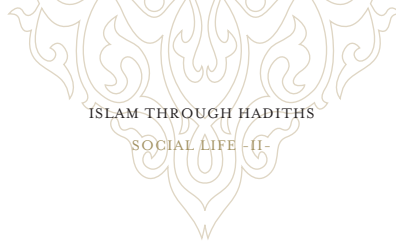
<sup>8</sup>B2072, al-Bukhari, al-Buyu', 15.

<sup>9</sup>HM15930, Ibn Hanbal, III, 467.

<sup>10</sup>B2374, al-Bukhari, al-Musaqat, 13.

<sup>11</sup>B2059, al-Bukhari, al-Buyu', 7.

<sup>12</sup>Al-Ma'ida, 5/90.



also forbade wine, gambling, the *kūba*, and the alcoholic drink made from millet.<sup>13</sup>

The basic term used in reference to gambling in the Holy Qur'an and *Sunna* is *maysir*. One of the most notorious means of unfair gain and forbidden in the Holy Qur'an and *Sunna*, *maysir* was a wide-spread game in pre-Islamic Arab society both for entertainment and for gain. A camel which was purchased on credit was slaughtered and by drawing lots it was apportioned among seven out of ten people. The three remaining people did not receive a share of the camel. This was a game of chance played in a way that allowed them to meet the cost of the camel.<sup>14</sup> The name *maysir*, which was an extremely common form of gambling in the pre-Islamic period derives from the root y.s.r, which has the concept of "ease." This is because in a game of chance it is possible to easily win a great amount of wealth or lose it in an instant. In the pre-Islamic period just as today, there were not only people who gambled for entertainment but there were also those who were wealthy and distributed what they won to the poor along with those earned a living from gambling by risking all of their wealth. Nevertheless, there were also people among the Arabs, such as al-Aqra' b. Habis, who criticized *maysir* and pointed out that it led to negative consequences.<sup>15</sup>

As we have seen, gambling was one of the most significant harmful customs of the pre-Islamic period. Just as banning alcoholic drinks was done gradually, the banning of gambling was also done in stages because the people of the Jahiliyya were addicted to it. In the Meccan period, alcoholic drinks and gambling were not yet forbidden. At the time when Allah's Messenger emigrated to Medina, the people of Medina drank wine and earned incomes from gambling. They asked Allah's Messenger about these two matters. Thereupon the following verse was revealed, "*They ask you [Prophet] about intoxicants and gambling: say, 'There is great sin in both, and some benefit for people: the sin is greater than the benefit.'*"<sup>16</sup> Nevertheless the Companions (ra) interpreted this verse to mean that drinking alcohol and gambling had not yet been banned.<sup>17</sup> Thus they continued to drink and gamble. One day one of the Muhajirun who had been drinking became the leader (*imām*) of the evening ritual prayer. While in the midst of conducting it for his friends, he stumbled in the recitation and confused what he was reading. Afterwards the following verse was revealed: "*You who believe, do not come anywhere near the prayer if you are intoxicated, not un-*

<sup>13</sup> D3685, Abu Da'ud, al-Ashriba, 5.

<sup>14</sup> EKS1408, Abu 'l-Baqa', *Kitab al-kulliyat*, I, 1408-1409; SM4/16, Ibn Sida, *al-Mukhassas*, IV, 16.

<sup>15</sup> "Kumar," *DIA*, XXVI, 364.

<sup>16</sup> Al-Baqara, 2:219.

<sup>17</sup> IT3/179, Ibn Kathir, *Tafsir*, III, 179.





til you know what you are saying.”<sup>18</sup> But the people continued to drink wine. They drank wine up to the point of being drunk and then went to prayer. Thereupon, the following verse was revealed: “*You who believe, intoxicants and gambling, idolatrous practices, and [divining with] arrows are repugnant acts—Satan’s doing—shun them so that you may prosper. With intoxicants and gambling, Satan seeks only to incite enmity and hatred among you, and to stop you from remembering Allah and prayer. Will you not give them up?*”<sup>19</sup> Thus alcoholic drinks and gambling were definitely banned by order of the Holy Qur’an.<sup>20</sup> Furthermore, it was said that ‘Umar (ra) prayed, saying, “O Allah! Make the ruling concerning wine absolutely clear to us!” And that after thus beseeching Allah, the aforesaid verse was revealed and ‘Umar expressed his obedience to Allah saying, “We have abstained, we have abstained!”<sup>21</sup>

Throughout the history of Islam, this ban was not misinterpreted with respect to gambling, which had been expressed only as *maysir*. It was interpreted as a comprehensive ban covering similar games of chance which were a common malady, of which the ban on playing backgammon was an example.<sup>22</sup> Qasim b. Muhammad, a grandson of Abu Bakr (ra) and a jurist among the Successors, was asked, “What is gambling?” He gave his opinion, saying, “Gambling is everything that prevents one from remembering Allah and from ritual prayer.”<sup>23</sup> The reason that he placed gambling within such a broad context was to educate people to have good ethics, to give value to labor, and to be inclined to what was religiously permissible and good. Among the reasons for the ban on gambling were to avoid ways of making unfair gains and to avoid wasting a valuable blessing like time. Avoiding these things was to be done by stressing the training of the will, being the obstacle to bad habits. This ban, therefore, is based as much on religious texts as on the historical experience of mankind and common sense.

Furthermore, drinking and gambling are banned while being mentioned together in the Holy Qur’an and *Sunna*, which draws attention to the fact that these two bad habits nurture each other. Drinking and gambling complement each other and are done in similar places. These two bad habits break down the psychological and physiological balance of people and threaten the health of mind and spirit. Drinking and gambling destroy not only the tranquility of individuals but also that of their families, relatives,

<sup>18</sup> Al-Nisa’, 4:43.

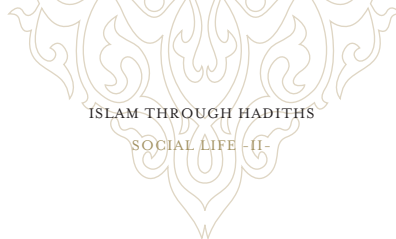
<sup>19</sup> Al-Ma’ida, 5:90-91.

<sup>20</sup> HM8605, Ibn Hanbal, II, 352.

<sup>21</sup> T3049, al-Tirmidhi, Tafsir al-Qur’an, 5; D3670, Abu Da’ud, al-Ashriba, 1.

<sup>22</sup> D4939, Abu Da’ud, al-Adab, 56.

<sup>23</sup> BS21576, al-Bayhaqi, *al-Sunan al-kubra*, X, 364.



and society. As a result, the foundations of the family are shaken. Innocent and guiltless children are deprived of parental affection and are forced into the streets. This situation casts the younger generations adrift, interfering with their maturation and depriving them of education, love, and affection. It opens the way to their falling into the grip of harmful habits and prevents society from looking at the future with confidence.

Islam not only made gambling religiously forbidden but it also very strongly condemned those who played any game of chance. In this context, the Prophet (saw) said, “*One who plays backgammon is like one who has dipped his hand in pig’s flesh and blood.*”<sup>24</sup> ‘Abd Allah b. ‘Amr b. al-‘As, one of the noble Companions (ra), stated that one who played backgammon to gamble was like one who ate pork, one who played backgammon without making a gain was like one who made a mistake and was covered with pork fat.<sup>25</sup>

Thus gambling and earning money from gambling were strongly condemned. Furthermore, all roads leading to gambling were closed. Even keeping the tools and apparatus of gambling in the home was frowned on. In this respect, one day when A’isha (ra), the wife of the Prophet (saw), was informed that in the home of one of the residents of the neighborhood there were those who had a game of *nard* (backgammon, dice), so she sent word to them saying, “If you do not remove it from your house, I will remove you from my neighborhood.” She objected to their having a backgammon game at home.<sup>26</sup> Her condemnation of having a backgammon game at home gives the impression that in those days backgammon was the apparatus of a game that evoked gambling. The Prophet (saw)’s words, “*Whoever plays backgammon disobeys Allah and His Messenger,*”<sup>27</sup> confirm this impression.

In like manner *zār* (die, dice) was also interpreted to mean a gambling tool and ‘Abd Allah b. Mas‘ud, one of the Companions (ra) who was a jurist, said that backgammon dice should be avoided because they distracted one from worship.<sup>28</sup> In fact it was reported that one of the ten things that the Prophet (saw) forbade among various matters was “throwing dice.”<sup>29</sup> ‘Umar’s harsh response to making a wager by pitting two cocks against each other as a means of gambling<sup>30</sup> is also an indication of an uncompromising position toward anything related to gambling. In this regard, ‘Abd Allah b. ‘Umar’s statement, “Backgammon is gambling,”<sup>31</sup> indicates that there was

<sup>24</sup> M5896, Muslim, al-Shi‘r, 10.

<sup>25</sup> MA19729, ‘Abd al-Razzaq, *al-Musannaf*, X, 468.

<sup>26</sup> MU1757, al-Muwatta’, al-Ru‘ya, 2.

<sup>27</sup> D4938, Abu Da‘ud, al-Adab, 56; IM3762, Ibn Maja, al-Adab, 43.

<sup>28</sup> EM1270, al-Bukhari, *al-Adab al-mufrad*, 434.

<sup>29</sup> D4222, Abu Da‘ud, al-Khatim, 3.

<sup>30</sup> EM1261, al-Bukhari, *al-Adab al-mufrad*, 431.

<sup>31</sup> BS21560, al-Bayhaqi, *al-Sunan al-kubra*, X, 361.



a perception at that time that backgammon was associated with gambling. In addition, when ‘Ali (ra) encountered a group playing chess, he recited the verse,<sup>32</sup> “*What are these images (idols) to which you are so devoted?*”<sup>33</sup> This shows that in addition to leaving the door open to gambling these games evoked the pagan culture of that time. Furthermore, Allah’s Messenger also forbade certain forms of commercial dealings which, in their nature, were reminiscent of gambling and existed in the Jahiliyya period.<sup>34</sup> In short, every action which fell within the scope of gambling, which constituted a step toward gambling, which was reminiscent of gambling, and which in a matter of time turned into gambling was to be avoided.

On the other hand, competition for amusement or for prizes was kept separate from gambling and its various forms and was never interpreted as gambling. It is noteworthy that among the most important forms of competition and amusement at the time of the Prophet (saw) were archery and horse and camel racing.<sup>35</sup> Allah’s Messenger encouraged his Companions (ra) to hold these races. Sometimes he gave prizes<sup>36</sup> and sometimes he himself would train a horse and participate in races with it.<sup>37</sup> At the time of the Messenger of Allah (saw) the most important features of these competitions were, in addition to entertainment and winning prizes, to keep the Muslims trained and fit in case of an enemy attack, which could occur at any moment. It was not, however, at all permissible to make wagers on these and similar races or to make a financial gain by means of them. The fact that the great majority of jurists, above all the Hanafis, saw the drawing of lots as a means of making a gain stemmed from their fear of violating the gambling ban.<sup>38</sup>

Not only were gambling, gains obtained from gambling, and all kinds of games and entertainment having the appearance of gambling forbidden in the Holy Qur’an and *hadiths*, but discourse or behavior encouraging or providing an incentive to gambling were also frowned upon. Within this context, Allah’s Messenger said, “...and whoever says to his companion, ‘Come, let me gamble with you,’ should immediately give alms (*sadaqa*, as expiation for doing something forbidden).”<sup>39</sup> Thus he pointed out that there was even a sanction against inviting someone to gamble. Mujahid, a commentator on the Holy Qur’an in the period of the Successors, stated that even the “walnut game” that children played would be considered gambling because in was a game in which one either won or lost and carried the risk of illegal

<sup>32</sup> BS21532, al-Bayhaqi, *al-Sunan al-kubra*, X, 355.

<sup>33</sup> Al-Anbiya’, 21:52.

<sup>34</sup> M3801, Muslim, al-Buyu’, I; B5820, al-Bukhari, al-Libas, 20.

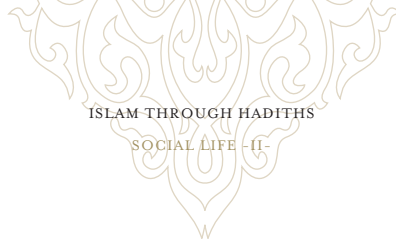
<sup>35</sup> N3615, al-Nasa’i, al-Khayl wa ‘l-Sabq wa ‘l-Ramy, 14.

<sup>36</sup> DM2460, al-Darimi, al-Jihad, 37.

<sup>37</sup> D2576, Abu Da’ud, al-Jihad, 60.

<sup>38</sup> “Kumar,” *DIA*, XXVI, 365.

<sup>39</sup> B4860, al-Bukhari, al-Tafsir, (al-Najm) 2.



gain.<sup>40</sup> From his point of view, it appears, unavoidably, that whatever could at some point become gambling, even a children's game, or resembled gambling or encouraged it, should be kept away from children. Furthermore, parents should not set a bad example for their children by gambling and infecting their family with gambling. At the same time they should teach their children about all the ways in which gambling could consume them.

It is clear that gambling is banned in principle in the Holy Qur'an and *hadiths*. Several examples of this ban are given. The goal was to create a way of thinking which would include within the scope of gambling all games which resembled these examples. We could say that what is much more important than enumerating the different kinds of gambling is to understand the rationale on which the ban on gambling is based and thus to avoid all kinds of gambling that could be introduced in the future as was done in the past. It is obvious that Islam, while banning gambling, struggled with an illness which quickly spread like an infectious disease in society and gave no respite to those writhing in desperation in its grasp. In this respect it is impossible to see any advantage to be gained from gambling based on ability, skill, and experience. Despite the fact that those who gamble take pleasure in it, what money is earned from it is not religiously permissible. This is because a game which allows only one or a few people to win while causing others to lose condemns people to negative emotions even if they are apparently willing. The feelings of shame, sorrow, regret, greed, and revenge which are experienced after gambling are not confined to those at the gambling table but are born by all of society. The gambler, who loses his time, energy, and positive and constructive feelings, his will power and even his self-respect, as well as his money, reaches a state not only of self-pity but also of harming his social circle. Therefore, it is not possible to approve of gambling of any type or scale, from small-scale games of chance played between two people to games of chance which are institutionalized under various names and in which thousands of people participate. Even if the winnings are given to charity, we cannot escape the conclusion that money earned from games of chance, sweepstakes, and races, which deal with winning and losing and depend on an unpredictable outcome, are all religiously forbidden.

In summary, gambling has a destructive effect on the individual, the family, society, and the economic sector and causes irreparable damage.

<sup>40</sup> MA19728, 'Abd al-Razzaq, *al-Musannaf*, X, 467.



Most destructive of all is that it creates unproductive individuals. In this respect, gambling is a reason why there is an increasing number of people in society who are unproductive, unemployed, powerless, indolent, and pass their time at leisure. Not only is the money won from gambling not religiously permissible, but the family, the poor, and society have a right to every penny lost in gambling. Furthermore, gambling brings with it such evils as drinking, lying, greed, hatred, revenge, and murder. It also results in turmoil, misunderstanding, and neglect in family life. Because of gambling there are many people who sell their religion, honor, and home and, in desperation, trample under foot all sacred values. It should not be forgotten that all games of chance were at first played for amusement and to pass the time. But as a person won, he began to play for the pleasure of winning and greed. He even played as he lost. Eventually he disappeared in the whirlpool of gambling. It should not be forgotten that gamblers who lost everything in gambling, who sold whatever they had and invested it in gambling, and who spent their whole life in misery first regarded gambling as an amusement. In short, gambling is the child of greed and cupidity, the brother of evil, and the father of harm.



## BANKRUPTCY

ONE WHO IS TRULY BANKRUPT IS  
THE ONE WHO LOSES HIS CAPITAL IN  
THE NEXT WORLD

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: أُصِيبَ رَجُلٌ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي ثَمَارٍ ابْتَاعَهَا، فَكَثُرَ دَيْنُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: "تَصَدَّقُوا عَلَيْهِ" فَتَصَدَّقَ النَّاسُ عَلَيْهِ، فَلَمْ يَبْلُغْ ذَلِكَ وَفَاءَ دَيْنِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِعُرْمَائِهِ: "خُذُوا مَا وَجَدْتُمْ، وَلَيْسَ لَكُمْ إِلَّا ذَلِكَ."

Abu Sa'id al-Khudri (ra) said,

"A man at the time of the Messenger of Allah (saw) fell into dire straits when the fruit that he purchased while it was still on the tree met with disaster and his debts mounted. When the Messenger of Allah (saw) said, 'Donate something to him!' people gave him alms (*sadaqa*). But this was not enough to pay his debts. Therefore the Messenger of Allah (saw) said to his creditors, 'Take what you find! There is nothing else that you can take.'"

(M3981, Muslim, al-Musaqat, 18)



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
”إِذَا أَفْلَسَ الرَّجُلُ، فَوَجَدَ الرَّجُلُ مَتَاعَهُ بَعَيْنِهِ، فَهُوَ أَحَقُّ بِهِ.“



عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”أَتَدْرُونَ مَا الْمُفْلِسُ؟“ قَالُوا: الْمُفْلِسُ فِينَا مَنْ لَا دِرْهَمَ لَهُ وَلَا مَتَاعَ، فَقَالَ: ”إِنَّ  
الْمُفْلِسَ مِنْ أُمَّتِي، يَأْتِي يَوْمَ الْقِيَامَةِ بِصَلَاةٍ وَصِيَامٍ وَزَكَاةٍ، وَيَأْتِي قَدْ شَتَمَ هَذَا،  
وَقَذَفَ هَذَا، وَأَكَلَ مَالَ هَذَا، وَسَفَكَ دَمَ هَذَا، وَضَرَبَ هَذَا، فَيُعْطَى هَذَا مِنْ  
حَسَنَاتِهِ، وَهَذَا مِنْ حَسَنَاتِهِ، فَإِنْ فَنِيَتْ حَسَنَاتُهُ، قَبْلَ أَنْ يُقْضَى مَا عَلَيْهِ، أُخِذَ  
مِنْ خَطَايَاهُمْ فَطُرِحَتْ عَلَيْهِ، ثُمَّ طُرِحَ فِي النَّارِ.“



According to Abu Hurayra (ra), the Prophet (saw) said, *“If one goes bankrupt and someone discovers that he has the equivalent of his debt in moveable property, then that person (the creditor) has a greater right to it (than others).”*

(M3990, Muslim, al-Musaqat, 24)



According to Abu Hurayra (ra), one day the Messenger of Allah (saw) asked, *“Do you know who is one who is bankrupt?”* This Companions (ra) said, *“In our opinion, a bankrupt person is one who has no money or property.”* Thereupon the Prophet (saw) said, *“The truly bankrupt of my umma would be one who would come on the Day of Judgement with prayer, fasting, and zakat. And at the same time he will have cursed this one, slandered that one, consumed the wealth of this one, shed the blood of that one, and beaten this one. So his good deeds would be credited to the account of those (who suffered at his hand). If his good deeds fall short in clearing their account, their sins would be entered in his account and he would be thrown in the Fire.”*

(M6579, Muslim, al-Birr, 59)







At the time of the Messenger of Allah (saw), a man suffered a disaster when fruit that he purchased while it was still on the tree was struck by a disease and he couldn't pay the money he had borrowed to buy the fruit. As days passed his debts increased and his creditors began to put pressure on him. When the Prophet (saw) learned of this situation, he said to his Companions (ra), "*Donate to him!*" Upon this demand of the Prophet (saw), the Companions (ra) did not hold back and helped him. Nevertheless, this amount was not enough to cover the man's debts. Thereupon the Messenger of Allah (saw) said to the man's creditors, "*Take what you find! There is nothing else that you can take.*" And so there was a limit to what they could do.<sup>1</sup>

Bankruptcy means one has a heavy burden of debt and cannot pay it. The total assets, including property, of one who falls into this condition do not suffice to meet his debts. In short, this person suffers material collapse.

There were examples of bankruptcy in the pre-Islamic period in which the Arabs put so much pressure on the debtor that he fell into dire straits. They were even able to sell a free man because of his debts. This practice, which continued into the early years of Islam, ended with the revelation of the verse,<sup>2</sup> "*If the debtor is in difficulty, then delay things until matters become easier for him; still if you were to write it off as an act of charity, that would be better for you, if only you knew.*"<sup>3</sup>

The Noble Qur'an does not provide any information related to bankruptcy. As for the declarations of the Prophet (saw) on this matter, they can be collected under two categories, legal and ethical.

From the legal perspective, the Messenger of Allah (saw) took a position aimed at protecting both the bankrupt person and his creditors. First, he took into consideration the assets of the debtor. He ensured that

<sup>1</sup> M3981, Muslim, al-Musaqat, 18; T655, al-Tirmidhi, al-Zakat, 24.

<sup>2</sup> AU22/60, al-Ayni, 'Umdat al-qari, XXII, 60.

<sup>3</sup> Al-Baqara, 2:280.



if someone who had gone bankrupt possessed any property it was to be shared among his creditors in an appropriate manner.

Mu'adh b. Jabal (ra), who was known for his generosity, never turned away anyone who asked him for material help. Indeed, he even took on the debts of others. It reached the point, however, that all of his wealth was mortgaged because of his debts. He described this situation to the Prophet (saw) and asked him to speak to his creditors on his behalf. The Prophet (saw) spoke to them, but they would not give up their rights. Afterwards he summoned Mu'adh, sold his property, and distributed it among his creditors. So ultimately Mu'adh had nothing left.<sup>4</sup>

Mu'adh (ra) had enough valuable property to meet his debts. By selling it he was able to close the gap. This was not possible, however, for a bankrupt person who had exhausted everything he owned, be it money or real estate. Under these circumstances, the Prophet (saw) ensured that those who could not afford to pay their debts would be given help.<sup>5</sup> He encouraged people with the following words: *"If one gives respite to a person (a debtor) who has fallen into dire straits, Allah will give him respite in this world and the next."*<sup>6</sup> With this attitude he gave an excellent example of how Muslims should assist one another in difficult times. In the Noble Qur'an, assistance given without expecting anything in return except Allah's pleasure and straight loans are characterized as *qard ḥasan* (interest-free loans), that is, as good loans. Those who demonstrated this behavior were praised: *"Charitable men and women who make a good loan to Allah will have it doubled and will have a generous reward."*<sup>7</sup>

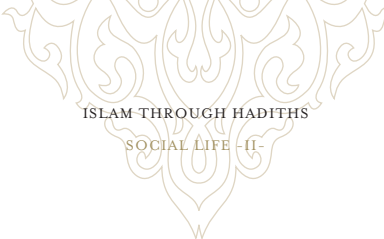
'Abd Allah b. 'Amr, the father of Jabir b. 'Abd Allah (ra), was martyred at the battle of Uhud. He died, however, leaving some unpaid debts. A while later his creditors put pressure on his son Jabir to pay his debts. Jabir went to the Prophet (saw) and explained the situation. He wanted the Prophet (saw) to ask them if they would accept the crop that he would gather from his date grove as compensation for his father's debts. However, when the Messenger of Allah (saw) spoke with his creditors, they were not satisfied. This was because the crop was not enough to meet their loans. As a result, the Prophet (saw) gave up trying to give them the dates and said to Jabir, *"I will come to you before noon,"* and departed. The next morning before noon, he went to Jabir's date grove. While wandering from one side to the other, he prayed that the crop be bountiful. When it was harvest

<sup>4</sup>BS11443, al-Bayhaqi, *al-Sunan al-kubra*, VI, 75.

<sup>5</sup>M3981, Muslim, *al-Musaqat*, 18; N4682, al-Nasa'i, *al-Buyu'*, 95.

<sup>6</sup>M6853, Muslim, *al-Dhikr*, 38

<sup>7</sup>Al-Hadid, 57:18.



time, the dates were so bountiful that Jabir paid all of his debts. In fact, a certain amount of dates were left over for himself.<sup>8</sup>

By saying, “Whoever grants time to someone in dire straits (a debtor) or contributes to paying his debt, Allah will shade him in His own shadow,”<sup>9</sup> the Messenger of Allah (saw) encouraged creditors to give a respite to debtors. One day while leaving the mosque Ka’b b. Malik demanded his loan from Ibn Abi Hadrad (ra), who was in debt to him. While they were discussing this, however, their voices became so loud that Allah’s Messenger heard them from his room. He opened the curtain of his room and shouted, “O Ka’b b. Malik!” Ka’b replied, “At your command, O Messenger of Allah!” Signaling with his hand, the Prophet (saw) wanted him to cut his loan in half. Ka’b immediately replied, “Done, O Messenger of Allah!” Thereupon the Prophet (saw) said to Ibn Abi Hadrad, “You also go and pay your remaining debt.”<sup>10</sup>

Allah’s Messenger was careful to take into account the situation of the bankrupt person as well as to be sure that nothing illegal was done to the creditors. He first declared that the creditors had a right to speak as title holders.<sup>11</sup> In addition the Prophet (saw) stated, “If one goes bankrupt and someone discovers that he has the equivalent of his debt in moveable property, then that person (the creditor) has a greater right to it (than others).”<sup>12</sup> However, if the bankrupt person had paid a portion of the cost of the property, the person who sold it to him would have the same status as the other creditors in the aforesaid matter. If the bankrupt person died, the person who sold the property may or may not collect a portion of his loan for he also has the same status as the other creditors.<sup>13</sup> Thus the Prophet (saw) tried to ensure a fair distribution among the creditors.

When necessary, at the request of the creditors, the Prophet (saw) removed or restricted the authority of the bankrupt person to exercise his rights. Indeed, when Mu’adh b. Jabal appealed to the Prophet (saw) for assistance when he went bankrupt, the Prophet (saw) prevented him from disposing of his property in order not to forego the rights of the creditors.<sup>14</sup> The restriction was also put into practice if the bankrupt person was not inclined to pay his debt. For example, a man named al-Usayfi’a from the tribe of Juhayn went bankrupt and was not willing to pay his debt. His case was brought before ‘Umar who told his creditors to come the next morning and that he would distribute al-Usayfi’a’s property among them.<sup>15</sup>

<sup>8</sup> B2395, al-Bukhari, al-Istiqrad, 8

<sup>9</sup> M7512, Muslim, al-Zuhd, 74

<sup>10</sup> B471, al-Bukhari, al-Salat, 83; M3984, Muslim, al-Musaqat, 20.

<sup>11</sup> B2401, al-Bukhari, al-Istiqrad, 13; M4110 Muslim, al-Musaqat, 120.

<sup>12</sup> M3990, Muslim, al-Musaqat, 24.

<sup>13</sup> D3522, Abu Da’ud, al-Buyu’ (al-Ijara), 74.

<sup>14</sup> BS11443, al-Bayhaqi, al-Sunan al-kubra, VI, 75.

<sup>15</sup> MU1465, al-Muwatta’, al-Wasiyya, 8.



In this way, ‘Umar closed out al-Usayfi’a’s debts by distributing all of his property to his creditors.<sup>16</sup>

Bankruptcy, some rare examples of which we mentioned in the period of the Prophet (saw), is almost commonplace in today’s conditions in which commercial relations are rather well developed and excessive consumption is widespread. Commerce is an undertaking that always entails risk. Accordingly, the fact that large businesses, which develop with the goal of making large profits, do not continue in the desired direction without risk opens the way to very great harm, and this can lead their owners to bankruptcy. Sometimes this results from personal actions such as being careless in spending, greed, and the desire for luxury and pleasure; and sometimes it results from causes beyond one’s control, such as natural disasters, conflicts, and debts.

Whatever the reason, people who go bankrupt today by losing their assets are psychologically devastated. Bankruptcy is perceived as the end of everything and an affront to life. Not being able to escape from the effects of bankruptcy, the bankrupt person goes so far as to waste himself and even his family. The believer, who realizes that he could encounter almost anything in the world today, must have patience in the face of this and similar adversity. He should not abandon his faith. He should become more involved with life and try to pay his debts. He should see this situation as a test; and if he makes a strong effort he should never give up hope that Allah (swt) will help him. This is because Allah on High states in the Noble Qur’an that wealth and children are each a test<sup>17</sup> and He recommends patience: *“We shall certainly test you with fear and hunger, and loss of property, lives, and crops. But [Prophet] give good news to those who are steadfast.”*<sup>18</sup>

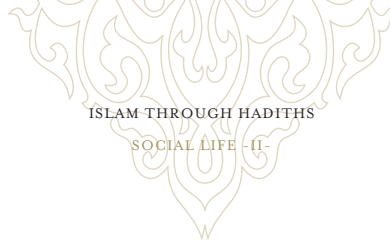
What behooves a Muslim is to show patience in times of adversity, to follow the example of the Prophet (saw), who did not lose hope in Allah, to follow his advice, and to find solace in patience. Allah’s Messenger stated in noteworthy fashion that, for a believer, being patient in times of adversity is a good practice, like being thankful for Allah’s blessings: *“How agreeable is the situation of the believer! Everything is auspicious for him. No one else is in such a state. If he is thankful when obtaining a blessing, this is good for him. If he is patient when in dire straits or faced with adversity, this is also good for him.”*<sup>19</sup> In addition, the believer should know how to make do with

<sup>16</sup> ŪT8/171, al-Baji, al-Muntaqa, VIII, 173.

<sup>17</sup> Al-Taghabun, 64:15.

<sup>18</sup> Al-Baqara, 2:155.

<sup>19</sup> M7500, Muslim, al-Zuhd, 64.



what he possesses and he should avoid the desire for wealth which leads to disasters like bankruptcy.

Muslim society should do its utmost for one who has fallen into a difficult situation, such as bankruptcy. It should act in solidarity with a bankrupt person and provide him with material and moral assistance, as the Prophet (saw) said, *“like bricks which together support a building.”*<sup>20</sup>

The Messenger of Allah also drew attention to the ethical dimension of bankruptcy. For us this aspect is at least as important as the legal aspect. This is because not everyone loses his wealth and comes to the brink of material bankruptcy. But everyone faces the danger of losing the good things he has accumulated in the world through moral bankruptcy. Allah’s Messenger, who wanted to remind his community of this unfortunate possibility, one day asked his Companions (ra), *“Do you know who is one who is bankrupt?”* The answer to his question was, of course, easy for them. They said, *“In our opinion, a bankrupt person is one who has no money or property.”* The Prophet (saw), however, had posed this question in order to focus their attention in another direction. He wanted to establish a new sense of bankruptcy by changing the perception of it in their minds. He wanted to make sure that they thought of bankruptcy not only as something that could occur to them in this life but also in the next world. As he went on to say, *“The truly bankrupt of my umma would be one who would come on the Day of Judgement with prayer, fasting, and zakat. And at the same time he will have cursed this one, slandered that one, consumed the wealth of this one, shed the blood of that one, and beaten this one. So his good deeds would be credited to the account of those (who suffered at his hand). If his good deeds fall short in clearing their account, their sins would be entered in his account and he would be thrown in the Fire.”*<sup>21</sup>

There may be ways that material bankruptcy can be redressed in this world. But on the day of reckoning there is no remedy for genuine (eternal) bankruptcy. Even if a person has acquired a reputation for piety, if he behaves in an immoral fashion and harms people in word or deed, he will not be saved from (eternal) bankruptcy. This is because respect for human rights (*ḥaqq al-ādami*) count more than Allah’s rewards for pious acts. Performing ritual prayer, holding the fast, and giving *zakat* are insufficient to balance the scale in the face of what injustice and harm one has done. Therefore on this matter our Prophet cautioned those who have oppressed

<sup>20</sup> B2446, al-Bukhari, al-Mazalim, 5.

<sup>21</sup> M6579, Muslim, al-Birr, 59.



others to beg them for forgiveness in this world. In fact, if they do not do so, credit for the good things they have done in this world will be taken from them in the next and it will be given to those whose rights were usurped. If their reward from Allah (swt) for their good deeds is insufficient to cover the sins of those whom they have oppressed, then the sins of those on whom they inflicted injustice will be placed on their backs.<sup>22</sup>

It is not correct to reduce Islam to the formal dimensions of acts of worship and to ignore the spirit of these acts of worship which constitute only the visible part of the faith. This kind of thinking places one in the position of a bankrupt person described in the *ḥadīth* given above. Allah's Messenger, who is highlighted in the Noble Qur'an as having superior ethics,<sup>23</sup> encouraged his community to have excellent ethics and characterized the Muslim as "*one who behaves peacefully toward other Muslims in word and deed* (and causes no harm)."<sup>24</sup> Thus it would never occur to a Muslim who has assimilated the *Sunna* of the Prophet (saw) to exhibit behavior incompatible with excellent ethics, such as cursing, slandering, shedding blood, assaulting, acting unjustly, and persecuting. Acts of worship are, in a sense, the manifestation of faith. Allah on High said, "*Prayer restrains outrageous and unacceptable behavior.*"<sup>25</sup> Therefore, acts of worship which are properly carried out restrain one from doing evil. If a person exhibits unethical behavior even though he continues to perform acts of worship, he does not understand the essence of the faith and this means he does not properly fulfill his obligations to Allah (swt).

A person should fear becoming bankrupt on the Day of Judgement much more than doing so in this world and he should avoid it. One should keep in mind that just as he could fall into dire straits as a result of bankruptcy in the material sense, he could also fall into eternal torment and anguish in the moral sense. He should organize his life in this world in order not to drift into bankruptcy on the day on which Allah on High "*would not wrong anyone by as much as the weight of a speck of dust,*"<sup>26</sup> and he should live with the awareness of being a Muslim. For, a truly bankrupt person is the one who is bankrupt on the Day of Judgement.<sup>27</sup>

<sup>22</sup> B2449, al-Bukhari, al-Mazalim, 10.

<sup>23</sup> Al-Qalam, 68:4.

<sup>24</sup> B6484, al-Bukhari, al-Riqaq, 26; M162, Muslim, al-Iman, 65.

<sup>25</sup> Al-'Ankabut, 29:45.

<sup>26</sup> Al-Nisa', 4:40.

<sup>27</sup> B6183, al-Bukhari, al-Adab, 102.



# LOST PROPERTY

## THE FIERY EMBER IN THE HAND OF THE ONE WHO FINDS IT

عَنْ مُطَرِّفِ بْنِ عَبْدِ اللَّهِ بْنِ الشَّخِيرِ عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”ضَالَّةُ الْمُسْلِمِ حَرَقُ النَّارِ.“

According to Mutarrif b. ‘Abd Allah b. al-Shikhkhir,  
his father (ra) said that the Messenger of Allah (saw) said, “*The stray  
article of the Muslim is the burning flame of Hell.*”

(IM2502, Ibn Maja, al-Luqata, 1)





عَنْ عِيَّاضِ بْنِ حِمَارٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”مَنْ وَجَدَ لُقْطَةً فَلْيُشْهَدْ ذَا عَدْلٍ أَوْ ذَوِي عَدْلٍ وَلَا يَكْتُمُ وَلَا يُغَيِّبُ، فَإِنْ وَجَدَ  
صَاحِبَهَا فَلْيُرِدْهَا عَلَيْهِ وَإِلَّا فَهُوَ مَالُ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ.“



عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: رَخَّصَ لَنَا رَسُولُ اللَّهِ ﷺ فِي الْعَصَا وَالْحَبْلِ وَالسَّوِطِ  
وَأَشْبَاهِهِ يَلْتَفِطُهُ الرَّجُلُ يَنْتَفِعُ بِهِ.



عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَيْنِيِّ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ:  
”مَنْ آوَى ضَالَّةً فَهُوَ ضَالٌّ، مَا لَمْ يَعْرِفْهَا.“



According to ‘Iyad b. Himar (ra), the Messenger of Allah (saw) said,  
*“He who finds something should call one or two trustworthy persons as witnesses and not conceal it or cover it up; then if he finds its owner he should return it to him, otherwise it is Allah’s property which He gives to whom He will.”*

(D1709, Abu Da’ud, al-Luqata, 1)



According to Jabir b. ‘Abd Allah (ra), “The Messenger of Allah permitted us to use a stick, a rope, a whip and other such things, which a man might pick up from the ground, and benefit from them.”

(D1717, Abu Da’ud, al-Luqata, 1)



According to Zayd b. Khalid al-Juhani (ra), the Messenger of Allah (saw) said, *“He who found a stray article is himself led astray if he does not advertise it.”*

(M4510, Muslim, al-Luqata, 12)





According to Zayd b. Khalid (ra), who carried the banner of the Juhayna tribe on the day of the conquest of Mecca,<sup>1</sup> a man came to our beloved Prophet and asked him what he should do with gold or silver money that he found. Allah's Messenger answered, "Keep its container and tying material. Then make a public announcement of it for one year. If its owner does not appear, you can spend it. If he later appears, you would pay him the money." Then the man asked, "O Allah's Messenger! Very well, if we find a lost sheep what should we do?" And our beloved Prophet said, "Take it (and go with it and if you cannot find its owner) it is for you, your brother or the wolf." Then the man asked, "O Allah's Messenger! What would you say about lost camels?" Expressing his annoyance, our master the Prophet (saw) replied, "They are of no concern to you! They have their own water (container in their stomach) and feet and can reach places of water and can eat trees until their owner finds them?"<sup>2</sup>

In order to ensure the safety of property, which is one of the five basic values whose protection is required by our faith, our beloved Prophet took the necessary measures to prevent property and belongings, which at that time and place in particular where not kept very secure, from easily passing into the hands of others who claimed it had been found. Allah's Messenger, who established a community which was very careful in not passing from a society accustomed to the tradition of spoils to one in which the rights of others were usurped, explained in detail in response to the questions of his Companions (ra), who were very sensitive to this matter, what must be done. Indeed Muslim theologians, using this as a starting point, went on to prepare separate chapters in books on *fiqh* (jurisprudence) called *luqata*, which we might call "the law of lost objects." Despite his warnings and declarations on this matter, there would be those who persisted in error, who coveted the lost property of their coreligionists, and caused harm to them. The following words of Allah's Messenger

<sup>1</sup> IBS249, Ibn 'Abd al-Barr, *al-Isti'ab*, 249.

<sup>2</sup> B2372, al-Bukhari, *al-Musaqat*, 12; B2436, al-Bukhari, *al-Luqata*, 9; M4498, Muslim, *al-Luqata*, 1.



contain a sharp warning on this matter: “*The stray article of the Muslim is the burning flame of Hell.*”<sup>3</sup>

The Prophet (saw) wanted found property to be announced, wanted a search made for its owner, and wanted it to be safeguarded.<sup>4</sup> He pursued the goal of making sure that the person who found the property in question would safeguard it as a trust and it would not be lost and that its owner would be notified as soon as possible. Thus when one of his Companions (ra) asked, “O Messenger of Allah! I found a lost sheep. What should I do?” He said, “*Take it! Safeguard it until its owner appears!*”<sup>5</sup> Our Master the Prophet (saw) stated that a found object should be announced for a year. If its owner did not appear within this time then the finder could use it as he wished. He also declared that this object was held in trust and if its owner appeared within that time it had to be returned to him.<sup>6</sup>

Here the finder of lost property must be very careful to determine whether the property belongs in fact to the one who claims it. He must therefore determine the characteristics of the property and ask those who claim to be the owners to identify it. This practice is a measure which not only prevents the found object from being mixed with his own property but also protects the rights of the owner of the lost property. This is because it is possible that people of malice who have no objection to owning things to which they have no right and who are oblivious to avoiding religiously forbidden gain could exploit this situation. As a result it is likely that either the one who lost property or the one who found it could be harmed. Therefore the Noble Prophet not only wanted found property to be secured but he also considered it inappropriate that it be given to just anyone. Ubay b. Ka’b (ra) found a purse containing 100 dinars and went to our Prophet to ask him what to do with it. He told him to announce his discovery for a year. Ubay did so for a year, but no owner appeared. He went to the Prophet (saw) again and he told him to announce it for another year. When he went to the Prophet (saw) a third time, he said, “*Keep the container and the string which is used for tying it and count the money it contains. If its owner appears, give it to him; if not make use of it.*”<sup>7</sup>

It is understood from some *ḥadīths* on this subject that the announcement must be made for a year and if the owner does not appear within that time then the one who found the lost property can use it, but in addition to this, it is also said that no matter how much time has passed, if the owner

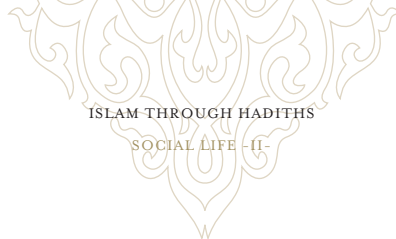
<sup>3</sup>IM2502, Ibn Maja, al-Luqata, 1.

<sup>4</sup>B2436, al-Bukhari, al-Luqata, 9; M4499, Muslim, al-Luqata, 2.

<sup>5</sup>D1713, Abu Da’ud, al-Luqata, 1.

<sup>6</sup>M4501, Muslim, al-Luqata, 4; B2428, al-Bukhari, al-Luqata, 3

<sup>7</sup>B2426, al-Bukhari, al-Luqata, 1.



appears the property must be returned or he must be given compensation of equal value. Our Prophet said, “*He who finds something should call one or two trusty persons as witnesses and not conceal it or cover it up; then if he finds its owner he should return it to him, otherwise it is Allah’s property which He gives to whom He will.*”<sup>8</sup> In another *hadith*, he wanted property which was sold at the end of one year because the owner did not appear to be returned, if possible, when the owner did appear; and if it was not possible he wanted the owner to receive compensation of equal value. As he stated, “*If someone finds property with another person, he is more entitled to it (than anyone else), and the buyer should pursue (get his money from) the one who sold it.*”<sup>9</sup>

Our master the Prophet (saw) recommended this practice to the individual members of his own family. According to Abu Sa’id al-Khudri, while ‘Ali (ra) was walking along a road he found a dinar and gave it to his wife Fatima (ra). She asked her father if it was religiously forbidden to spend it. Allah’s Messenger said that this was a provision from Allah (swt). Thereupon Fatima cooked a meal with ingredients that she had purchased with this money. Our Prophet ate this meal with them together. Later a woman came inquiring about the money she had lost. Our master the Prophet (saw) then said, “*O ‘Ali! Give this woman her dinar!*” And ‘Ali (ra) immediately gave the woman her money.<sup>10</sup>

According to another tradition related by Sahl b. Sa’d, ‘Ali (ra) found a gold coin on the ground. At home his children were crying from hunger. He immediately went out and bought some flour and meat with the coin. He left his coin at the butcher as a pledge. Fatima (ra) made dough with the flour and put it on a pan over the fire. She made bread and cooked the meat. They invited our master the Prophet (saw) to the meal. Fatima described the meal to her father. They asked him if it were religiously permissible. Our master said, “*Eat in the name of Allah!*” While they were eating together, a young man who had been searching for the gold coin that he had lost stopped at their door and with eyes streaming tears cried out, “For the love of Allah! For the love of Islam!” As soon as our master learned that he had dropped his coin in the market, he sent ‘Ali (ra) to the butcher and told him to bring back the gold coin that he had left as a pledge and said that he, the Prophet (saw), would pay for the meat. Thereupon the butcher gave back the coin and Allah’s Messenger gave it to the young man.<sup>11</sup>

Apart from safeguarding found property, the Prophet (saw) did not con-

<sup>8</sup> D1709, Abu Da’ud, al-Luqata, 1

<sup>9</sup> D3531, Abu Da’ud, al-Buyu’, 78.

<sup>10</sup> D1714, Abu Da’ud, al-Luqata, 1.

<sup>11</sup> D1716, Abu Da’ud, al-Luqata, 1.



sider it proper to take it and he stated that responsibility for it was a serious matter. One of the Companions al-Mundhir b. Jarir (ra) described an incident that he witnessed as follows: “I was with my father one day when a shepherd who was watching his cows brought the herd over to us. Among the herd was a cow that did not belong to us. My father asked the Shepherd, ‘Whose is this?’ The Shepherd replied, ‘It became mixed with the herd. I don’t know who owns it.’ Thereupon my father Jarir said, ‘Take it out of the herd immediately! I heard the Messenger of Allah (saw) say, ‘No one mixes a stray animal (with his own animals) but a man who strays from the right path.’”<sup>12</sup>

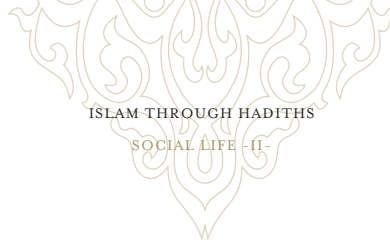
At the same time, if the property were not safeguarded, our master the Prophet (saw) wanted to make sure that it would not be ruined or suffer much damage. For example, to one of his Companions (ra) who asked his opinion about lost camels he replied that they should be left to their own devices because camels can survive on their own.<sup>13</sup> ‘Umar (ra) followed the same practice during his caliphate. Lost camels in particular wandered about on their own during his era and no one interfered with them. In the time of ‘Uthman (ra), however, the number of lost camels increased and abuses proliferated, so he ordered that an announcement be made about these camels (to alert possible owners) and that (if there was no response) they be sold. If their owners appeared, the money from the sale would be given to them.<sup>14</sup> After ‘Uthman, the situation changed somewhat. ‘Ali agreed with ‘Uthman (ra) that lost camels should be safeguarded for their owners, but he was of the opinion that the giving of the money from their sale to their owners would, in fact, cause damage to their owners. This was because monetary compensation for a camel could not substitute for the camel itself and it could not provide the benefits that a camel could provide. Therefore ‘Ali decided to have all the camels collected and placed under the care of the Treasury and when their owners appeared the camels were to be turned over to them.<sup>15</sup> Because ‘Uthman and ‘Ali (ra) took into consideration the original intention of our master the Prophet (saw), the actions that they took were not inconsistent with respect to his ruling. This was because people were unethical, there was poor understanding of law, and some people willingly did what was religiously forbidden. This meant that leaving lost camels and cattle on their own, that is, keeping them lost, would result in their never returning again to their owners. This was a situation that the Prophet (saw) did not want to occur.

<sup>12</sup> D1720, Abu Da’ud, al-Luqata, 1; IM2503, Ibn Maja, al-Luqata, 1.

<sup>13</sup> B2429, al-Bukhari, al-Luqata, 4; M4498, Muslim, al-Luqata, 1.

<sup>14</sup> MU1454, al-Muwatta’, al-Aqdiyya, 40.

<sup>15</sup> UT8:71, al-Baji, *al-Muntaqa*, 8:71.



It appears from this practice that the close friends of the Prophet (saw) who fully grasped his Sunna and the basic principles of Islam did not hesitate to take the necessary measures in light of changing conditions, and when appropriate, as here, were able to apply a different interpretation to a previous practice. In order to prevent disputes from arising over found property, the merciful Prophet recommended that witnesses be called. Bringing in other people as witnesses was an excellent way to prevent the owner of the property from being victimized and to keep disputes from occurring between the owner and the one who found the lost property. The Prophet (saw) stated, *“He who finds something should call one or two trusty persons as witnesses and not conceal it or cover it up; then if he finds its owner he should return it to him, otherwise it is Allah’s property which He gives to whom He will.”*<sup>16</sup> Thus he wanted responsibility for calling witnesses regarding found property to be shared.

If the found property was not valuable enough to require taking the aforesaid measures and if we assume that if it were not returned the owner would not suffer much of a loss or would not care, then said property could be used without waiting a long time while still safeguarding the owner’s rights. In fact our beloved Prophet permitted the use of found objects of very little value, such as sticks, whips, and ropes.<sup>17</sup> If the found object was something edible and could spoil, Allah’s Messenger had no objection to its consumption. Indeed, one day he came across a date and said, *“Were it not for my doubt that this might have been given in charity, I would have eaten it.”*<sup>18</sup>

The Prophet’s distinguished Companions (ra) who fully understood his practices in this matter followed his example. For example, ‘Umar (ra) determined the length of the period of safeguarding found property based, as far as possible, on the value of the property and on how long it would take to find the owner. In some situations he declared it to be three days and in others one year.<sup>19</sup>

The warnings of the Prophet (saw) on the subject of found property<sup>20</sup> were intended to blunt the desire of Muslims to own this kind of property. In fact when there was a huge crowd making the Hajj, he recommended that found property not be touched because it could be found by its owner<sup>21</sup> and he stated that lost property found in Mecca could only be taken on condition that an announcement be made to the people.<sup>22</sup> Thus he instilled in Muslims an awareness that one who took lost property took on a burden which necessitated a certain responsibility. He taught them to inform the owner of

<sup>16</sup> D1709, Abu Da’ud, al-Luqata, 1; IM2505, Ibn Maja, al-Luqata, 2.

<sup>17</sup> D1717, Abu Da’ud, al-Luqata, 1.

<sup>18</sup> B2055, al-Bukhari, al-Buyu’, 4: B2432, al-Bukhari, al-Luqata, 6.

<sup>19</sup> MA18619, ‘Abd al-Razzaq, *al-Musannaf*, X, 136.

<sup>20</sup> T1881, al-Tirmidhi, al-Ashriba, 11; IM2502, Ibn Maja, al-Luqata, 1.

<sup>21</sup> M4509, Muslim, al-Luqata, 11; D1719, Abu Da’ud, al-Luqata 1.

<sup>22</sup> B2433, al-Bukhari, al-Luqata, 7.





this property as soon as possible; and if they could not find him they were to give it to the needy or to centers where such property was collected.

The following dialogue between ‘Umar and Sufyan b. ‘Abd Allah (ra) indicates that the Companions (ra) applied this approach to daily life. Sufyan b. ‘Abd Allah found a saddlebag and brought it to ‘Umar who said, “Announce this for a year. If you find its owner, give it to him. If not, it is yours.” Sufyan announced the saddlebag for a year, but he was not able to find its owner. The next year during the Hajj season he came across ‘Umar and mentioned this saddlebag that he was carrying. ‘Umar said, “Now the saddlebag is yours, for the Messenger of Allah (saw) so ordered us.” But when Sufyan replied, “I have no need for this,” ‘Umar (ra) took it and placed it in the Treasury.<sup>23</sup>

There is no doubt that turning over found property to its owner is a virtue which requires an appreciation for making the effort to do so. There is also no doubt that in today’s world in which there has been an erosion of human values, in which little regard is given to the property and rights of others or to refraining from religiously forbidden gain, and in which robbery, theft, and muggings are frequent occurrences, that possessing such a virtue is more important than ever. The Muslim, who is expected to live with a belief and awareness of wanting for his fellow believer what he wants for himself,<sup>24</sup> will also protect the property of his brethren as much as he would protect and defend his own property. Just as one is pleased to find his own lost property, he would be equally pleased to make others happy by returning their lost property. Essentially, concepts in Islam such as *huqūq al-‘ibād* (civil right or the claim of a human), labor, the sweat of one’s brow, and permissible gain, and the fundamental principles based on them suffice to demonstrate how much the attitude toward found objects is both an Islamic and human responsibility.

Today “lost and found offices” in various institutions carry out the task of returning lost objects to their owners. Nevertheless, in order for these offices to be able to perform their function, people must be aware of, and sensitive to, the notion of a lost item. This sensitivity depends on the education and training given to one from an early age both at home and at school.

This means, therefore, that one who is insensitive to the matter of lost items and property has basically lost himself, his personality. As for those who act according to prophetic instruction in this regard, they demonstrate that they have not lost their superior values and that they are protecting their individuality and identity.

<sup>23</sup> DM2627, al-Darimi, al-Buyu‘, 59.

<sup>24</sup> B13, al-Bukhari, al-Iman, 7



## ANIMAL RIGHTS SHOWING COMPASSION TO EVERY LIVING THING

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”مَا مِنْ إِنْسَانٍ قَتَلَ عُصْفُورًا فَمَا فَوْقَهَا بِغَيْرِ حَقِّهَا إِلَّا سَأَلَهُ اللَّهُ  
عَزَّ وَجَلَّ عَنْهَا.“

According to ‘Abd Allah b. ‘Amr (ra), the Messenger of Allah (saw) said,  
“There is no one who kills a small bird or anything larger for no just reason, but  
Allah, the Mighty and Sublime, will ask him about it.”

(N4354, al-Nasa’i, al-Sayd, 34)



عَنْ سَهْلِ بْنِ الْحَنْظَلِيَّةِ قَالَ: مَرَّ رَسُولُ اللَّهِ ﷺ بِبَعِيرٍ قَدْ لَحِقَ  
ظَهْرُهُ بِبَطْنِهِ، قَالَ: ”اتَّقُوا اللَّهَ فِي هَذِهِ الْبَهَائِمِ الْمُعْجَمَةِ فَارْكَبُوهَا  
وَكُلُوهَا صَالِحَةً.“



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”... فِي كُلِّ كَبِدٍ رَطْبَةٌ أَجْرٌ.“



عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ:  
”لَا تَتَّخِذُوا شَيْئًا فِيهِ الرُّوحُ غَرَضًا.“



عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ التَّحْرِيشِ بَيْنَ الْبَهَائِمِ.



According to Sahl b. al-Hanzaliyya (ra), the Messenger of Allah (saw) came across a camel whose stomach was stuck to its back out of starvation and said, *“Fear Allah regarding these dumb animals! Ride them and feed them when they are in good condition.”*

(D2548, Abu Da’ud, al-Jihad, 44)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, *“There is reward in kindness shown to any animal.”*

(B2363, al-Bukhari, al-Musaqat, 9; M5859, Muslim al-Salam, 153)



According to Ibn ‘Abbas (ra), the Prophet (saw) said, *“Never use a living being as a target!”*

(M5059, Muslim, al-Sayd, 58)



Ibn ‘Abbas (ra) said,  
“The Messenger of Allah (saw) forbade making animals fight each other.”

(T1708, al-Tirmidhi, al-Jihad, 30; D2562, Abu Da’ud, al-Jihad, 51)





One day Allah's Messenger went to take 'Abd Allah b. Ja'far (ra), the son of his paternal uncle, for a pillion ride on his riding animal. Just then he stopped to see to certain needs. He passed around the back wall of a date grove belonging to one of the Ansar. Allah's Messenger saw a camel tied in the grove and walked toward it. The poor camel saw our master the Prophet (saw) and began to moan. Tears flowed from its eyes. Thereupon the Prophet (saw) went to the side of the camel and with his tender hands began to caress its ears. The little animal immediately calmed down. The Prophet of mercy, who realized that the animal had been left hungry, shouted, "*Who is the owner of this camel? To whom does this camel belong?*" A young man from among the Ansar answered, "It is mine. O Messenger of Allah." The Prophet (saw) then turned to him and said, "*Do you not fear Allah with respect to this camel that He gave to you? This animal is complaining to me that you left it hungry and exhausted.*"<sup>1</sup>

He described in detail to the people the forlorn state of this camel and its weak and weary body. The Noble Messenger, who looked upon all creation with compassion and mercy, was also the interpreter of the woeful state of this dumb animal. He reminded the people that because the owners of animals held them in trust it was necessary to respect their rights. Animals were the property of Allah (swt) and each one was a trust that He offered to his servants for their benefit and he only permitted them to be treated with compassion.

It is stated in the Noble Qur'an that all animals, those that roamed the earth and those that soared in the sky, were created as a sign of Allah's power<sup>2</sup> and that each had its community like humans.<sup>3</sup> No matter how much humans differ from other forms of life, which are each equipped with special features to distinguish them from humans, they glorify their Lord in their own languages and as appropriate to their own natures.<sup>4</sup> Al-

<sup>1</sup> D2549, Abu Da'ud, al-Jihad, 44.

<sup>2</sup> Ya Sin, 36:71.

<sup>3</sup> Al-An'am, 6:38.

<sup>4</sup> Al-Isra', 17:44.



lah, who said, “[Prophet], do you not see that all those who are in the heavens and earth praise Allah, as do the birds with wings outstretched? Each knows its [own way] of prayer and glorification,”<sup>5</sup> informs us that the animals on the earth and in the sky worship Him<sup>6</sup> and glorify him in their own languages.<sup>7</sup>

Some animals were offered by Allah (swt) to serve mankind as riding animals,<sup>8</sup> some as beasts of burden,<sup>9</sup> and some because their meat,<sup>10</sup> milk,<sup>11</sup> honey,<sup>12</sup> wool, or fir<sup>13</sup> was beneficial. Animals, which provide countless benefits to man and make his life easy, are, at the same time a part of nature and have an aesthetic value. Animals, which have various beautiful characteristics, are ornamentations of nature. Allah on High wanted His servants to notice these characteristics, to contemplate them, and, in this way, to think of Him.<sup>14</sup> He stated at the same time that animals, which were provided to serve man, were a means to a lesson: “In livestock, too, you have a lesson.”<sup>15</sup> In this respect, he gave the bee as an example: “And your Lord inspired the bee, saying, ‘Build yourselves houses in the mountains and trees and what people construct. Then feed on all kinds of fruit and follow the ways made easy for you by your Lord.’ From their bellies comes a drink of different colors in which there is healing for people. There truly is a sign in this for those who think.”<sup>16</sup> In the verse, “Do they [the disbelievers] not see how the camel was formed?”<sup>17</sup> the camel is given as an example of a miraculous creation, which is a sign of the supreme power and benevolence of Allah (swt), who created such living things.

There is a balance between the animate and inanimate worlds because there is wisdom and purpose behind everything created in the universe.<sup>18</sup> Allah on High, who created and arranged everything according to a certain measure,<sup>19</sup> kept all living things in nature in balance and harmony. Accordingly, animals are an indispensable part of the ecological system and there is a close relationship between the order in the world and the presence of animals. In order to maintain this order, the unity of animals, each of which was created for a specific purpose, people, and all other living things must be protected. Indeed, this was demonstrated when Allah (swt) ordered Noah to load his ship with two of every kind of animal prior to the Flood.<sup>20</sup>

The Holy Qur’an gives a special place to animals, sometimes mentioning them by name, and sometimes describing them. Some *sūras* are even given the names of animals, such as al-Baqara (the Cow), al-Nahl (the Bee),

<sup>5</sup> Al-Nur, 24:41.

<sup>6</sup> Al-Hajj, 22:18.

<sup>7</sup> Al-Isra’, 17:44.

<sup>8</sup> Al-Zukhruf, 43:12.

<sup>9</sup> Al-Nahl, 16:7; Ghafir, 40:80.

<sup>10</sup> Al-Nahl, 16:5; Ya Sin, 36:72.

<sup>11</sup> Al-Nahl, 16:66; al-Mu’minun, 23:21.

<sup>12</sup> Al-Nahl, 16:69.

<sup>13</sup> Al-Nahl, 16:80.

<sup>14</sup> Al-Nahl, 16:5-8; Ya Sin, 36:71.

<sup>15</sup> Al-Nahl, 16:66.

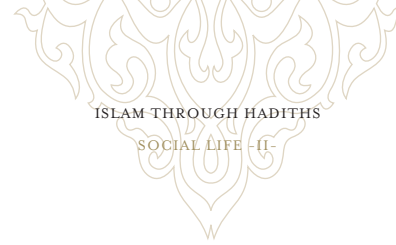
<sup>16</sup> Al-Nahl, 16:68-69.

<sup>17</sup> Al-Ghashiya, 88:17.

<sup>18</sup> Al-Dukhan, 44:38-39.

<sup>19</sup> Al-Qamar, 54:49; al-Furqan, 25:2.

<sup>20</sup> Hud, 11:40.



al-Naml (the Ant), al-‘Ankabut (the Spider), and al-Fil (the Elephant). In addition in the Holy Qur’an their names are mentioned in conjunction with many animals. We find the following names: camel,<sup>21</sup> horse, mule, donkey,<sup>22</sup> cow,<sup>23</sup> calf,<sup>24</sup> sheep,<sup>25</sup> pig,<sup>26</sup> dog,<sup>27</sup> lion,<sup>28</sup> monkey,<sup>29</sup> whale,<sup>30</sup> snake,<sup>31</sup> hoopoe,<sup>32</sup> crow,<sup>33</sup> quail,<sup>34</sup> frog,<sup>35</sup> grasshopper,<sup>36</sup> fly,<sup>37</sup> spider,<sup>38</sup> mosquito,<sup>39</sup> and moth.<sup>40</sup>

In the Holy Qur’an, various messages are given to people by means of animals mentioned in dialogues, namely, the camel<sup>41</sup> of Salih, the whale (fish)<sup>42</sup> of Jonah, the dog<sup>43</sup> of the Companions of the Cave, and the ants<sup>44</sup> and hoopoe<sup>45</sup> of Solomon. This was because the prophets, who were sent not only to people but also to all creatures in the universe, were interested in animals, which were part of nature, and lived in close proximity with them. The Prophet (saw) was sent, in fact, as a mercy to the worlds<sup>46</sup> and treated all living things with mercy.

Allah’s Messenger grew up in an environment in which there were many kinds of animals which were influenced by the geographical region in which they lived. Like other prophets, he herded sheep.<sup>47</sup> Sometimes he milked his sheep and goats himself.<sup>48</sup> The Prophet (saw), who sometimes also took care of these animals that he owned, characterized the camel as ‘izza (the pride) of its owner and sheep/goats as *baraka* (the blessing) of its owner.<sup>49</sup> The Prophet (saw) greatly loved horses<sup>50</sup> and encouraged the raising of horses, which, at that time, were used primarily for warfare and transportation and were highly regarded.<sup>51</sup> He also stated that they would be sources of good until the Day of Judgement.<sup>52</sup> Because cats lived with people, Allah’s Messenger considered them to be part of the household.<sup>53</sup> As for dogs, he declared that they could be bred for specific purposes, such as hunting and guarding.<sup>54</sup>

Animals had an important place in the world of the Noble Messenger. The Messenger of Mercy loved and cared for the animals that he rode and gave them names. The Prophet (saw) had a horse named Murtajaz (Thunder), a donkey named ‘Ufayr (Dusty) or Ya’fur (Earth-colored Gazelle), mules named Duldul (Porcupine), Shahba’ (Gray), and Bayda’ (Whitey), and camels named Qaswa (Tuffy) and Jad’a (Young Fellow).<sup>55</sup>

Indeed, his camel named ‘Adba’ (Torn Ears), which he dearly loved, was famous for its success in racing.<sup>56</sup> Some of the Companions of the Prophet (saw) also became famous because of their interest in animals.

<sup>21</sup> Al-A’raf, 7:40.  
<sup>22</sup> Al-Nahl, 16:8.  
<sup>23</sup> Al-An’am, 6:146.  
<sup>24</sup> Al-Baqara, 2:51.  
<sup>25</sup> Al-An’am, 6:143.  
<sup>26</sup> Al-Baqara, 2:173.  
<sup>27</sup> Al-A’raf, 7:176.  
<sup>28</sup> Al-Muddaththir, 74:51.  
<sup>29</sup> Al-Baqara, 2:65.  
<sup>30</sup> Al-Qalam, 68:48.  
<sup>31</sup> Al-Shu’ara’, 26:3.  
<sup>32</sup> Al-Naml, 27:20.  
<sup>33</sup> Al-Ma’ida, 5:31.  
<sup>34</sup> Al-Baqara, 2:57.  
<sup>35</sup> Al-A’raf, 7:133.  
<sup>36</sup> Al-Qamar, 54:7.  
<sup>37</sup> Al-Hajj, 22:73.  
<sup>38</sup> Al-‘Ankabut, 29:41.  
<sup>39</sup> Al-Baqara, 2:26.  
<sup>40</sup> Al-Qari’a, 101:4.  
<sup>41</sup> Hud, 11:64.  
<sup>42</sup> Al-Saffat, 37:142.  
<sup>43</sup> Al-Kahf, 18:22.  
<sup>44</sup> Al-Naml, 27:18-19.  
<sup>45</sup> Al-Naml, 27:20-28.  
<sup>46</sup> Al-Anbiya’, 21:107.  
<sup>47</sup> M5349, Muslim, al-Ashriba, 163.  
<sup>48</sup> IM501, Ibn Maja, al-Tahara, 68.  
<sup>49</sup> IM2305, Ibn Maja, al-Tijarat, 69; EM573, al-Bukhari, *al-Adab al-mufrad*, 201.  
<sup>50</sup> N3594, al-Nasa’i, al-Khayl al-Sabaq wa ‘l-Rami, 2.  
<sup>51</sup> D2553, Abu Da’ud, al-Jihad, 45; N3595, al-Nasa’i, al-Khayl al-Sabaq wa ‘l-Rami, 3.  
<sup>52</sup> B3119, al-Bukhari, Fard al-khums, 8; M4847, Muslim, al-Imara, 97.  
<sup>53</sup> HM23014, Ibn Hanbal, V, 310.  
<sup>54</sup> B2322, al-Bukhari, al-Muzara’a, 3.  
<sup>55</sup> M144, Muslim, al-Iman, 49; D2765, Abu Da’ud, al-Jihad, 156; N2996, al-Nasa’i, Manasik al-hajj, 187; BS20370, al-Bayhaqi, *al-Sunan al-kubra*, X, 45; M4619, Muslim, al-Jihad wa ‘l-siyar, 81; M4615, Muslim, al-Jihad wa ‘l-siyar, 78; BN6:10, Ibn Kathir, *al-Bidaya*, VI, 10.  
<sup>56</sup> B6501, al-Bukhari, al-Riqaq, 38.





Allah's Messenger gave Abu Hurayra (ra) a nickname which meant "kitten father" because used to take kittens in his lap, put them inside the skirt of his shirt, and play with them.<sup>57</sup> One day, the Noble Messenger visited Abu 'Umayr, the younger brother of Anas b. Malik (ra) and asked him about the little bird he had that was called *nughayr* (a nightingale). He joked with him saying, "O Abu 'Umayr! What happened to *nughayr*?" Later he learned that the bird that he had loved so much had died and he did not have the heart to call to Abu 'Umayr this way.<sup>58</sup>

Our beloved Prophet forbade all forms of abuse, torture, and cruelty to which animals were subjected, like those of the Jahiliyya period in which people exhibited a ruthless attitude toward all living things, and ordered that love and compassion be shown to animals, that they be safeguarded, and that they be treated mercifully. Allah's Messenger also indicated that Allah's compassion was the source of this mercy between men and animals; and he stated that this compassion was composed of a hundred parts, that ninety-nine of them dwelt in Allah Himself, and that one of them was granted to the creatures on the earth. Thus, because of this compassion, all living creatures show kindness to each other. A wild animal is compassionate to its young for this reason. Indeed, while nursing it even moves its foot so as not to cause its young discomfort.<sup>59</sup>

The compassion that the Noble Messenger showed to all of Allah's creatures included animals and he proposed that one behave mercifully toward all creatures as a condition of being the object of Allah's mercy saying, "*The Compassionate One has mercy on those who are merciful. If you show mercy to those who are on the earth, He Who is in the heaven will show mercy to you.*"<sup>60</sup> The Prophet of mercy, who loved the created because it was from the Creator, did not look down on or treat with contempt any living thing. The Prophet (saw), who said, "*Were it not for the animals, no rain would fall on them,*"<sup>61</sup> regarded living things, which were without sin, as the means of Allah's mercy. Therefore he ordered that their rights be respected, such as the right to food, shelter, protection, and, above all, to life; and he wanted animals to be used properly for the purpose for which they were created.<sup>62</sup>

Because each one carried life within it, the primary right of animals was the right to life. Allah's Messenger said, "*There is no person who kills a small bird or anything larger for no just reason, but that Allah on High will ask him about it.*"<sup>63</sup> Thus he expressed his interest in this fundamental right of

<sup>57</sup> T3840, al-Tirmidhi, al-Manaqib, 46; NM6141, al-Hakim, *al-Mustadrak*, VI, 2215 (3:506).

<sup>58</sup> M5622, Muslim, al-Adab, 30; D4969, Abu Da'ud, al-Adab, 69.

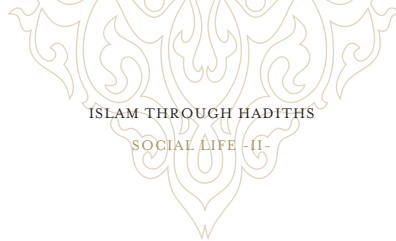
<sup>59</sup> B6000, al-Bukhari, al-Adab, 19; M6974, Muslim, al-Tawba, 19.

<sup>60</sup> D4941, Abu Da'ud, al-Adab, 58.

<sup>61</sup> IM4019, Ibn Maja, al-Fitan, 22.

<sup>62</sup> D2567, Abu Da'ud, al-Jihad, 55.

<sup>63</sup> N4354, al-Nasa'i, al-Sayd, 34



theirs. In addition, he declared that in the Hereafter animals like a small bird killed for no reason would make a claim against the person who killed them, saying, “O Lord, so and so killed me for no reason. And he did not kill me for any beneficial purpose.”<sup>64</sup> Apart from certain justifications, such as hunting, self-defense, and sacrifice, Islam forbade the destruction of animals. Allah’s Messenger permitted hunting under certain conditions, but he forbade killing animals simply for pleasure and with no intention to eat their meat.<sup>65</sup> The Prophet of mercy pointed out that certain procedures had to be followed carefully when sacrificing animals. He ordered that the knife used in slaughtering the sacrificial animal be very sharp so that the animal would not suffer,<sup>66</sup> that it not be shown to the animal, and that the business be done quickly.<sup>67</sup>

The Messenger of Allah (saw), being concerned that slaughtering animals for no reason and thus endangering their future generations be forbidden, told a relevant story about one of the previous prophets. According to this story, this prophet punished an ant which had bitten him by setting fire to its nest. Afterwards Allah on High warned him in a revelation about this behavior: “Because of an ant’s bite you have burnt a community from amongst the communities which praise me!”<sup>68</sup> The Prophet (saw) took measures to protect the descendants of animals, which had a community like people, and ordered that their eggs not be taken from the nest.<sup>69</sup> He also forbade relieving oneself in the nests of animals.<sup>70</sup> The Messenger of Allah, who forbade the unnecessary castration of horses and other animals in order to ensure the continuation of the species,<sup>71</sup> only gave permission to kill, when necessary, certain harmful animals which could injure people or damage property, such as snakes, crows, kites, scorpions, rats, and rabid dogs.<sup>72</sup> Furthermore he forbade the killing of certain kinds of animals, such as the honey bee, shrike, frog, ant, and hoopoe, also known as the sergeant bird.<sup>73</sup>

In addition to opposing a disruption in the balance of nature by killing animals for no reason,<sup>74</sup> the Prophet (saw) strongly forbade abusing and torturing them.<sup>75</sup> The Messenger of Mercy, who said, “Fear Allah regarding these dumb animals. Ride them when they are in good condition and eat them when they are in good condition,”<sup>76</sup> was always sensitive to the matter of protecting innocent and defenseless animals. Many examples of this from his life could be mentioned. Once while on a journey, the Prophet (saw)

<sup>64</sup> N4451, al-Nasa’i, al-Dahaya, 42.

<sup>65</sup> N4450, N4451, al-Nasa’i, al-Dahaya, 42.

<sup>66</sup> D2814, Abu Da’ud, al-Dahaya, 10-1.

<sup>67</sup> IM3172, Ibn Maja, al-Dhaba’ih, 3; N4416 al-Nasa’i, al-Dahaya, 26.

<sup>68</sup> M5849, Muslim, al-Salam, 148.

<sup>69</sup> EM382, al-Bukhari, *al-Adab al-mufrad*, 139.

<sup>70</sup> N34, al-Nasa’i, al-Tahara, 30.

<sup>71</sup> HM4769, Ibn Hanbal, II, 24; BS20354, al-Bayhaqi, *al-Sunan al-kubra*, X, 42.

<sup>72</sup> B1829, al-Bukhari, *Jaza’ al-Sayd*, 7; M5823, Muslim, al-Salam, 127.

<sup>73</sup> D5267, Abu Da’ud, al-Adab, 163-164; IM3223, Ibn Maja, al-Sayd, 10.

<sup>74</sup> BS10205, al-Bayhaqi, *al-Sunan al-kubra*, V, 351.

<sup>75</sup> IM3185, Ibn Maja, al-Dhaba’ih, 10.

<sup>76</sup> D2548, Abu Da’ud, al-Jihad, 44.



saw some people who had captured two baby birds and their mother was flapping its wings fluttering about them. He asked, “*Who set fire to the life of this bird because of its young?*” And he ordered them to release the baby birds. On the same journey he also saw some people setting fire to a nest of ants and said, “*It is not fitting that anyone but the Lord of the Fire should punish with fire.*”<sup>77</sup> In this way he showed his reaction to their act. Another time he told his Companions (ra) a story about the reward of seeing to the needs of hungry and thirsty animals. According to this story, “*While a man was walking, he felt thirsty. When he encountered a well, he went down into it and drank from it. When he climbed out of the well, he found a dog there. The poor dog, whose tongue was hanging out from thirst, was licking moist dirt. The man then said to himself, ‘This animal is suffering from the same problem as me.’ So he went down the well again, filled his shoe with water, caught hold of it with his teeth, climbed up, and watered the dog. Allah was pleased with what he had done and forgave him.*” Some among the Companions (ra) who heard these words of the Prophet (saw) asked, “O Messenger of Allah! Will there be a reward in the Hereafter for us for being kind to animals?” And he replied, “*There will be a reward for a kindness done for any living thing.*”<sup>78</sup> Just as meeting the needs of animals which depend on people, such as providing them with food and shelter, is a means of obtaining forgiveness from Allah (swt), leaving poor animals hungry and thirsty is cause for His punishment. Indeed, the Prophet (saw), who indicated that those who torment animals will be punished in the Hereafter, declared that a woman who caused a cat to die of starvation by locking it up was deserving of hell; and he warned people that there would be recompense before Allah for such behavior.<sup>79</sup>

In his own time, our master the Prophet (saw) forbade his Companions (ra) to act cruelly toward animals in any way, such as beating them, branding them, and using them as targets. In fact, Allah’s Messenger forbade using animals as targets when he said, “*Do not use any living thing as a target!*”<sup>80</sup> When Ibn ‘Umar, one of the Companions (ra), saw some youth using a chicken as a target and shooting arrows at it, he became angry at them and said that the Prophet (saw) would find such behavior blameworthy.<sup>81</sup> As for torturing animals, Allah’s Messenger also forbade certain practices in this regard which had existed in the Jahiliyya period. Indeed, such practices as cutting off the limbs of animals while they were still alive are mentioned as being widespread at that time. The Prophet (saw) forbade

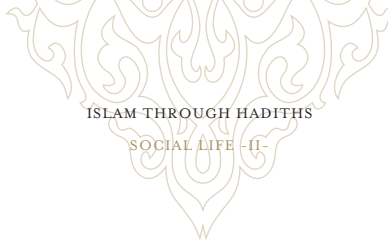
<sup>77</sup> D5268, Abu Da’ud, al-Adab, 163-164.

<sup>78</sup> B2363, al-Bukhari, al-Musaqat, 9; M5859, Muslim, al-Salam, 153.

<sup>79</sup> B3318, al-Bukhari, Bad’ al-Khalq, 16.

<sup>80</sup> M5059, Muslim, al-Sayd, 58.

<sup>81</sup> B5515, al-Bukhari, al-Sayd, 25.



cutting the humps of camels or the tails of sheep while they were alive and declared that limbs or organs cut off in this way were considered carrion.<sup>82</sup>

The Prophet (saw) forbade branding, which was a method of distinguishing animals from one another, on the face of animals and ordered that it be done in a way that would not cause them pain.<sup>83</sup> According to Jabir b. 'Abd Allah (ra), the Messenger of Allah (saw) saw a mount which had been branded on the face with fire and became angry at those who had done this.<sup>84</sup> Every species of animal had been created for a specific purpose; and it should be employed in a manner appropriate to that purpose.<sup>85</sup> Our beloved Prophet, in fact, ordered that animals not be loaded with more than they could carry and he also forbade people from sitting on them and talking for a long time. He said, *“Do not treat the backs of your riding animals as pulpits! For Allah has made them subject to you only to convey you to a town which you cannot reach without difficulty; and He has appointed the earth (a floor to work) for you, so conduct your business on it.”*<sup>86</sup>

Our beloved Prophet approved of using animals for certain kinds of amusement such as horse and camel races,<sup>87</sup> but he forbade making animals fight each other which caused them to suffer and was supposedly done simply for amusement.<sup>88</sup> The Prophet (saw), who called animals by beautiful names and treated them kindly, was not pleased when animals were demeaned, cursed, or called bad names. Indeed, once when he was on a journey, Allah's Messenger heard a woman in his presence curse the camel that she was riding and in reaction he said, *“A camel that has been cursed should not accompany us.”* He ordered that everything be taken off the camel and that it be set free.<sup>89</sup>

It is possible to see that the merciful Prophet and his Companions (ra) were careful to show respect for animal rights in their dealings with animals. Allah's Messenger recommended that while on a journey, animals should be allowed to graze at appropriate places,<sup>90</sup> that they be allowed to rest,<sup>91</sup> that riding animals that were overburdened not be struck, and that pains be taken to be sure they were adequately fed and watered.<sup>92</sup> He even reminded us that milch animals should not be milked with hands having long nails<sup>93</sup> and that, while milking, some milk should be left in the udder so that it would continue to flow.<sup>94</sup> Abu Hurayra (ra), who was one of the distinguished Companions (ra) who grew up under the instruction of the Prophet (saw), said that sheep should be well cared for and their pens

<sup>82</sup> T1480, al-Tirmidhi, al-Sayd, 12; D2858, Abu Da'ud, al-Dahaya (al-Sayd), 23-24.

<sup>83</sup> B5541, al-Bukhari, al-Sayd, 35; M5553, Muslim, al-Libas wa 'l-Zina, 108.

<sup>84</sup> D2564, Abu Da'ud, al-Jihad, 52.

<sup>85</sup> B2324, al-Bukhari, al-Muzara'a, 4.

<sup>86</sup> D2567, Abu Da'ud, al-Jihad, 55.

<sup>87</sup> T1700, al-Tirmidhi, al-Jihad, 22; N3615, al-Nasa'i, al-Khayl al-Sabaq wa 'l-Rami, 14.

<sup>88</sup> T1708, al-Tirmidhi, al-Jihad, 30; D2562, Abu Da'ud, al-Jihad, 51.

<sup>89</sup> M6604, M6607, Muslim, al-Birr, 80-83.

<sup>90</sup> M4959, Muslim, al-Imara, 178.

<sup>91</sup> M1989, Muslim, al-Jum'a, 28.

<sup>92</sup> D2549, Abu Da'ud, al-Jihad, 44.

<sup>93</sup> HM16057, Ibn Hanbal, III, 484.

<sup>94</sup> DM2029, al-Darimi, al-Adahi, 25.



should be kept clean.<sup>95</sup> Anas b. Malik (ra), another of the Companions (ra), said that when they lodged while on a journey they would not pray until they unloaded their animals.<sup>96</sup>

Our beloved Prophet ordered that animals always be treated kindly. He forbade beating them, especially striking them on the face.<sup>97</sup> He was never pleased to see animals abused, tormented or treated harshly. Indeed, one day when he saw a man dragging an animal that he owned by the ears he told him to leave its ears alone and hold it by the side of the neck.<sup>98</sup> Another time 'A'isha (ra) mounted an ill-tempered camel and in order to bring it under control began to knock it about. Thereupon the Prophet (saw) told her to treat the camel gently and stated, "As for gentleness (graceful behavior), it adds beauty while lack of gentleness makes the matter imperfect."<sup>99</sup>

The system of superior values brought forth by Islam stipulates that all living things created by Allah (swt), not just people, be treated with love and compassion. In this civilization of love there are also messages of compassion for animals, which were provided to serve humanity, and each one of which was held in trust from Allah. In every period of Islamic civilization, an attempt has been made to keep these values, excellent examples of which can be seen in the personal life of the Messenger of Compassion, alive with the same sensitivity. As the Prophet (saw) has stated, the society of compassion, which attributes the value of *ṣadaqa* to the fruit of a tree planted by a Muslim and fed to any animal,<sup>100</sup> creates, by behaving this way in history, a separate category of rights for animals. Juristic rulings were made with the intention of protecting animals; and an attempt was made to safeguard their rights with ethical and legal sanctions. In many places where Islamic civilization spread, private foundations (endowments) were established for the care and protection of animals. There are special sections in the Ḥadīth literature related to animals and separate independent works were written discussing their rights. Al-Jahiz' *Kitab al-Hayawan* and al-Damiri's *Hayat al-hayawan* are the most famous works which are each a kind of animal encyclopedia which addresses the different species. In addition, al-'Izz b. 'Abd al-Salam, a Muslim theologian from the seventh century of the Hijra, listed as follows the rights of animals under the heading "The Rights of Animals over People" in a book entitled *Qawa'id al-ahkam*.

—Even if an animal is too critically ill or sick to be of use to its owner,

<sup>95</sup> MA1600, 'Abd al-Razzaq, *al-Musannaf*, I, 408; EM572, al-Bukhari, *al-Adab al-mufrad*, 201.

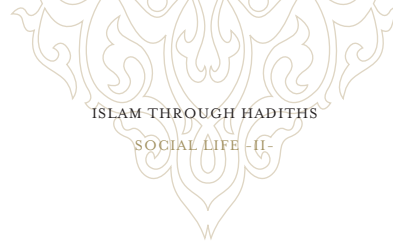
<sup>96</sup> D2551, Abu Da'ud, *al-Jihad*, 44.

<sup>97</sup> D2564, Abu Da'ud, *al-Jihad*, 52.

<sup>98</sup> IM3171, Ibn Maja, *al-Dhaba'ih*, 3.

<sup>99</sup> M6602, M6603, Muslim, *al-Birr*, 78-79.

<sup>100</sup> B6012, al-Bukhari, *al-Adab*, 27; M3968, Muslim, *al-Musaqat*, 7.



one should still be generous in spending money on it.

–It should not be loaded with more than it can carry.

–One should not bring together animals of the same or different kinds where they might cause damage, gore one another, or hurt one another, in short where they would disturb one another.

–When slaughtering an animal, it should be done adeptly. It should not be skinned or have its bones broken until its body is cold and it is completely dead.

–The young of an animal should not be slaughtered under its gaze.

–An animal should not be separated from its young.

–The shelter of an animal should be made well.

–When it is time for breeding animals, the male and female should be brought together.

– Things should not be thrown at hunting animals which might tear its flesh or break its bones.<sup>101</sup>

Today the sensitivity that should be shown to animals has generally been replaced with enmity. While some animals in our loveless and compassionless world are used like ornaments outside their natural environment, a large number are also face to face with the danger of extinction. Many animals lack food and water and struggle to live. They are forced to carry heavy burdens. They are exploited for amusement and, slaughtered atrociously, are used as raw materials in various sectors. However, winning Allah's mercy is related to behaving mercifully toward all of His creatures. Therefore, man must not forget that he is responsible for acting humanely, conscientiously, and ethically toward all living things. This is because man, who must bear responsibility for the universe, will receive recompense for his behavior in this world and the next.

<sup>101</sup> KA1/141, al-'Izz b. 'Abd al-Salam, *Qawa'id al-ahkam fi masalih al-an'am*, 1, 141.





ANIMALS WHOSE MEAT IS  
HALAL  
NOURISHMENT BY THE HALAL,  
AVOIDING THE UNCLEAN

عَنْ ابْنِ عَبَّاسٍ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ، وَعَنْ  
كُلِّ ذِي مَخْلَبٍ مِنَ الطَّيْرِ.

According to Ibn 'Abbas (ra), the Messenger of Allah (saw) prohibited the eating of all fanged beasts of prey, and all birds having talons.

(M4996, Muslim, al-Sayd, 16)





عَنْ سَلْمَانَ الْفَارِسِيِّ قَالَ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ السَّمَنِ وَالْجُبِينِ وَالْفِرَاءِ،  
قَالَ: ”الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ. وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ. وَمَا  
سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ.“



عَنْ شَدَّادِ بْنِ أَوْسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: ”إِنَّ اللَّهَ عَزَّ وَجَلَّ كَتَبَ الْإِحْسَانَ  
عَلَى كُلِّ شَيْءٍ. فَإِذَا قَتَلْتُمْ فَأَحْسِنُوا الْقِتْلَةَ. وَإِذَا ذَبَحْتُمْ فَأَحْسِنُوا الذَّبْحَ. وَلْيُحَدِّثْ  
أَحَدُكُمْ شَفْرَتَهُ، فَلْيُرِحْ ذَيْبِحَتَهُ.“



عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”أَحَلَّتْ لَنَا مَيْتَتَانِ وَدَمَانِ. فَأَمَّا الْمَيْتَتَانِ فَالْحُوتُ وَالْجَرَادُ. وَأَمَّا الدَّمَانِ،  
فَالْكَبِدُ وَالطَّحَالُ.“



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ فِي مَاءِ الْبَحْرِ:  
”هُوَ الطَّهْرُ مَاؤُهُ الْحَلَالُ مَيْتَتُهُ.“



According to Salman al-Farisi (ra), when the Messenger of Allah (saw) was asked about ghee, cheese, and clothes made from the skin of wild donkeys, he responded, “*What is halal is that which Allah has permitted in His Book and what is haram is that which Allah has forbidden in His Book.*”

*What He remained silent about is what is pardoned (mubah).”*

(IM3367, Ibn Maja, al-At’ima, 60; T1726, al-Tirmidhi, al-Libas, 6)



According to Shaddad b. Aws (ra), the Messenger of Allah (saw) said, “*Allah has prescribed al-Ihsān (proficiency) in all things. So if you kill, then kill well, and if you slaughter, then slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.*”

(IM3170, Ibn Maja, al-Dhaba’ih, 3; M5055, Muslim, al-Sayd, 57)



According to ‘Abd Allah b. ‘Umar (ra), the Messenger of Allah (saw) said, “*Two kinds of dead meat and two kinds of blood have been religiously permitted to us. The two kinds of dead meat are fish and locusts, and the two kinds of blood are the liver and spleen.*”

(IM3314, Ibn Maja, al-At’ima, 31)



According to Abu Hurayra (ra), the Prophet (saw) said the following about sea water: “*Its water is pure (and purifying) and its ‘dead meat’ is halal (to eat).*”

(N4355, al-Nasa’i, al-Sayd, 35)





One day Khalid b. al-Walid (ra) went with Allah’s Messenger (saw) to the home of his maternal aunt Maymuna (ra). She wanted to offer them something. She had a few roasted lizards that her sister Hufayda bint al-Harith (ra) had brought from the region of Najd. She offered them to her guests. When Allah’s Messenger was offered food usually its name was given and he was informed of the kind of food it was. The Prophet (saw) would never disparage food and if it attracted his appetite, he would eat it.<sup>1</sup> But this time he was not told the nature of the food. When the Messenger of Allah (saw) extended his hand to the food that was offered, one of the women in the house said to Maymuna, “Tell the Messenger of Allah (saw) what you have offered him!” Maymuna, who had forgotten to inform the Prophet (saw) what kind of food it was, immediately said, “This is lizard, O Messenger of Allah!”

Thereupon the Prophet (saw) withdrew his hand from the food. Khalid b. al-Walid (ra), who was surprised by this behavior of Allah’s Messenger, asked him, “Is lizard haram, O Messenger of Allah?” Our master answered, “No, but this is a food which is not found in the area where my people live. I felt that I would not like it.” Those who were there then ate it. Maymuna (ra), however, saying she would not eat something that Allah’s Messenger would not eat, refused to eat that meat.<sup>2</sup>

Although the others ate the lizards, the fact that the Prophet (saw) did not and did not relish its taste, completely associated it with his eating habits and taste. Furthermore, Maymuna’s behavior, no matter if she liked the food, became an object lesson for those who wanted to follow the example of the Prophet (saw).

In the Noble Qur’an it is stated that everything in creation was provided for the benefit of man<sup>3</sup> and that the *tayyibāt* (clean and pleasant things) were religiously permitted and the *khawā’ir* (bad and disgusting things)

<sup>1</sup> B5409, al-Bukhari, al-At’ima, 21.

<sup>2</sup> M5034, M5040, Muslim, al-Sayd, 43, 47; B5391, B5400, al-Bukhari, al-At’ima, 10, 14.

<sup>3</sup> Al-Jathiyah, 45:13.



were religiously forbidden.<sup>4</sup> In this sense, the general rules regarding the animals whose meat would be eaten were specified in the following verse: “[Prophet], say, ‘In all that has been revealed to me, I find nothing forbidden for people to eat, except for carrion, flowing blood, pig’s meat—it is loathsome—nor a sinful offering over which any name other than Allah’s has been invoked.’ But if someone is forced by hunger, rather than desire or excess, then your Lord is most forgiving and most merciful.”<sup>5</sup> In a verse that was revealed later it was also declared that it was forbidden to eat animals that were strangled, were killed by a violent blow or fall, or were gored or mauled by a beast of prey or animals sacrificed at alters of idols.<sup>6</sup>

One of the most important tasks of the Noble Messenger, after communicating the revelations that came to him from Allah (swt), was to announce these rules to Muslims. He had to explain the rules regarding certain things which were not mentioned in the Holy Qur’an and include them within the scope of related rules in the Holy Qur’an. In addition, we refer to his declaration of the new rules as stated in the Holy Qur’an under the general headings of *ṭayyibāt/khabā’ith*, *ḥalāl/ḥarām*, and *ma’rūf/munkar*. While mentioning one by one certain bad practices, dirty and forbidden things which were widespread at the time when it was revealed,<sup>7</sup> the Holy Qur’an states in certain verses that, in general, all good things are religiously lawful (*ḥalāl*) and every kind of disgraceful thing, whether open or hidden, is forbidden (*ḥarām*).<sup>8</sup>

In addition to declaring the few forbidden things specified in the Holy Qur’an, the Prophet’s task to declare what fell into this category and what could be considered permitted and clean was based on the following verse: “Who follow the Messenger—the unlettered prophet they find described in the Torah that is with them, and in the Gospel—who commands them to do right and forbids them to do wrong, who makes good things lawful to them and bad things unlawful, and relieves them of their burdens, and the iron collars that were on them. So it is those who believe him, honor and help him, and who follow the light which has been sent down with him, who will succeed.”<sup>9</sup>

While giving the rules on what food could be eaten, the Prophet (saw) clarified the status of foods which fell between *ṭayyibāt* (*ḥalāl*) and *khabā’ith* (*ḥarām*) and which could be included in one of these categories or the other. For example, he forbade eating predators with fangs, birds of prey that hunted with talons,<sup>10</sup> and domesticated donkeys, all of which he thought

<sup>4</sup> Al-Ma’ida, 5:4; al-A’raf, 7:157.

<sup>5</sup> Al-An’am, 6:145.

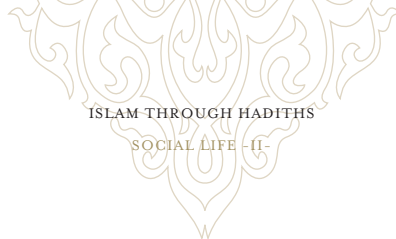
<sup>6</sup> Al-Ma’ida, 5:3.

<sup>7</sup> Al-Baqara, 2:173, 275; al-Nahl, 16:115; al-Ma’ida, 5:3.

<sup>8</sup> Al-Ma’ida, 5:4-5, 87; al-A’raf, 7:33.

<sup>9</sup> Al-A’raf, 7:157.

<sup>10</sup> M4996, Muslim, al-Sayd, 16; D3805, Abu Da’ud, al-At’ima, 32.



was *khābā'ith*.<sup>11</sup> As for eating the meat of horses, which were considered clean animals and were raised as riding animals or for show,<sup>12</sup> he left that decision open unless they were needed for warfare or transportation.<sup>13</sup>

According to Anas b. Malik (ra), “One day we were walking with the Companions (ra). At a place called Marr al-Zaharan, we startled a rabbit and it began to flee. They chased it, trying to catch it. They got tired and gave up, but I did not give up. I eventually caught it and took it to Abu Talha. He slaughtered the animal and sent its rump and two thighs to the Messenger of Allah (saw). I took them to our master the Prophet (saw) and he accepted them.”<sup>14</sup> The Prophet (saw) included rabbits along with small ground animals like the lizards and jerboa in the category of *tayyibāt*.<sup>15</sup> Thus when Ibn ‘Umar (ra) was asked if the hedgehog could be eaten, he replied by reciting the verse: “[Prophet], say, ‘In all that has been revealed to me, I find nothing forbidden for people to eat, except for carrion, flowing blood, pig’s meat—it is loathsome—nor a sinful offering over which any name other than Allah’s has been invoked.’”<sup>16</sup> However, when an old man who was there said that he heard from Abu Hurayra (ra) that the Prophet (saw) had said, “It is among those thing which are *khābā'ith*,” Ibn ‘Umar (ra) said, “If the Prophet (saw) had said this, it should be as he said. We did not know this.”<sup>17</sup>

Our master the Prophet (saw) characterized snakes, scorpions, rats, and crows as harmful animals.<sup>18</sup> Based on this, Ibn ‘Umar (ra) said, “The Messenger of Allah said that the crow was harmful, so who could eat its meat? By Allah it is not among the *tayyibāt* (clean foods).”<sup>19</sup> Therefore despite their lack of claws, it was forbidden to eat crows, snakes, scorpions, and rats, which fed on filth. In like manner, our master the Prophet (saw) forbade eating frogs even though a doctor stated that they had medicinal qualities.<sup>20</sup>

In this connection, our Master, while explaining to people their religion, provided information which answered the questions they had asked him about various foods and animal products. Once when the Prophet (saw) was asked about ghee, cheese, and clothes made from the skin of wild donkeys, he responded, “What is religiously permitted is that which Allah has permitted in His Book and what is unlawful is that which Allah has forbidden in His Book. What He remained silent about is what is pardoned.”<sup>21</sup> Thus he pointed to the description in the Noble Qur’an of the restrictions on what was permitted and forbidden in general and also to the basis of what was considered permitted with respect to food.

<sup>11</sup> B5528, al-Bukhari, al-Sayd, 28 D3809, Abu Da’ud, al-At’ima, 33.

<sup>12</sup> Al-Nahl, 16:8.

<sup>13</sup> B5520, al-Bukhari, al-Sayd, 27; N4426, al-Nasa’i, al-Dahaya, 33.

<sup>14</sup> M5048, Muslim, al-Sayd, 53; IM3243, Ibn Maja, al-Sayd, 17.

<sup>15</sup> D3798, Abu Da’ud, al-At’ima, 27-29; AV10/193, ‘Azimabadi, ‘Awn al-ma’bud, X, 193.

<sup>16</sup> Al-An’am, 6:145.

<sup>17</sup> D3799, Abu Da’ud, al-At’ima, 29; HM8941, Ibn Hanbal, II, 381.

<sup>18</sup> IM3249, Ibn Maja, al-Sayd, 19; HM26272, Ibn Hanbal, VI, 210.

<sup>19</sup> IM3248, Ibn Maja, al-Sayd, 19.

<sup>20</sup> D3871, Abu Da’ud, al-Tibb, 11; IM3223, Ibn Maja, al-Sayd, 10.

<sup>21</sup> IM3367, Ibn Maja, al-At’ima, 60; T1726, al-Tirmidhi, al-Libas, 6.



The Prophet (saw) forbade his Companions (ra) to eat the meat or drink the milk of land animals whose meat was normally eaten but which fed on filthy things. These animals were generally referred to as *jallāla*.<sup>22</sup> ‘Abd Allah b. ‘Umar (ra), who related this *ḥadīth*, would isolate for three days chickens which had eaten filth and then, when he was convinced their meat was clean, would eat them.<sup>23</sup> This shows that our Master’s warning in this matter was directly related to the effect of filth on meat and milk. Thus, if one was of the opinion that the effect of filthy things which were eaten would pass after a certain time, then the meat of such animals as the chicken could be eaten. However, while in the past the time required might be determined by experience, today this would be more precisely determined by modern methods. It is likely that various parasites and microbes develop and proliferate in animals that eat filthy things and they mix with the meat and milk of the animals. Therefore this increases the risk that people who eat the meat of those animals and drink their milk will become ill.

As for the meat of animals that could be eaten, the kind of animal and its method of slaughter are also important. In fact, in the Noble Qur’an Allah clearly states that it is forbidden to eat animals slaughtered on behalf of someone other than Allah,<sup>24</sup> “So [believers] you may eat the meat of any [animal] over which Allah’s name has been pronounced, if you believe in His revelations.”<sup>25</sup> Following the general principle that Allah (swt) will forgive members of Muhammad’s umma who do something forbidden by mistake, forgetfulness, or by compulsion,<sup>26</sup> forgetting to say the required *basmala* (invocation) over the slaughter of an animal does not constitute a problem. Indeed, our master the Prophet (saw) stated that in cases in which it was not known if the invocation was recited at the time of the slaughter, one should go ahead and do it afterwards and then the meat could be eaten.<sup>27</sup> It is clear that the fundamental reason that animals could not be eaten if they were slaughtered for the sake of idols and false beliefs and without mentioning the name of Allah was to safeguard the belief in the unity of Allah in the mind and actions of Muslims.

In order to demonstrate and flaunt their generosity, the Arabs used to arrange camel slaughtering contests. In this competition the contestants would mutually slaughter camels until one of them gave up in defeat and withdrew from the contest. The Prophet (saw) did not want the meat of

<sup>22</sup> D3785, Abu Da’ud, al-At’ima, 24; T1824, al-Tirmidhi, al-At’ima, 24.

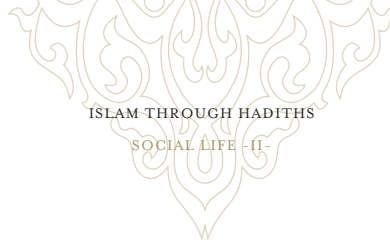
<sup>23</sup> IF9/648, Ibn Hajar, *Fath al-bari*, IX, 648.

<sup>24</sup> Al-Baqara, 2:173; al-Ma’ida, 5:3; al-An’am, 6:145.

<sup>25</sup> Al-An’am, 6:118.

<sup>26</sup> IM2043, Ibn Maja, al-Talaq, 16.

<sup>27</sup> B7398, al-Bukhari, al-Tawhid, 13.



animals killed in this way to be eaten<sup>28</sup> and emphasized that animals could only be slaughtered in the name of Allah (swt) and that it was not correct to slaughter them for the purpose of offering them as sacrifices to others or to prove oneself.

There is a story related by ‘Abd Allah b. ‘Abbas (ra) that explains to us the extent of the moralistic and pietistic importance of this matter. According to this story, some people came to the Prophet (saw) and raised an objection saying, “If we eat the meat of our own animals that we have slaughtered, can we not eat the meat of animals that Allah has killed?” Thereupon the following verses were revealed:<sup>29</sup> “So [believers] you may eat the meat of any [animal] over which Allah’s name has been pronounced, if you believe in His revelations. Why should you not eat such meat when Allah has already fully explained what He has forbidden you, except when forced by hunger? But many lead others astray by their desires, without any true knowledge: your Lord knows best who oversteps the limit. Avoid committing sin, whether openly or in secret, for those who commit sin will be repaid for what they do, and do not eat any meat over which Allah’s name has not been pronounced, for that is breaking the law. The evil ones incite their followers to argue with you: if you listen to them, you too will become idolaters.”<sup>30</sup> Thus it was made clear that the animals that could be eaten had to be slaughtered only for Allah (swt) and in his name.

The Prophet (saw) said, “Allah has prescribed *al-Ihsān* (proficiency) in all things. So if you kill, then kill well, and if you slaughter, then slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.”<sup>31</sup> In this *ḥadīth*, the Messenger of Mercy stressed that the slaughtering of animals should be carried out in the best way so they were not tortured. In this respect he ordered his Companions (ra) to hide the knives used for slaughter from the animals; and the slaughtering should be done as quickly as possible.<sup>32</sup> He also forbade leaving an animal to die by cutting only a small part of its jugular vein during slaughter.<sup>33</sup>

The Prophet (saw) used to perform the ritual slaughter following two methods called *dhabḥ* (slitting the throat including the trachea and esophagus) and *naḥr* (slaughtering camels by driving the knife in by the throat without it being necessary to cut in the manner for *dhabḥ*).<sup>34</sup> In addition, the Messenger of Allah (saw) also permitted trying various means to hold animals still so they could not flee when they were to be slaughtered.<sup>35</sup>

In the Noble Qur’an it is a general principle that the meat and blood

<sup>28</sup> D2820, Abu Da’ud, al-Dahaya, 13-14; AV8/12, ‘Azimabadi, ‘Awn al-ma’bud, VIII, 12.

<sup>29</sup> T3069, al-Tirmidhi, Tafsir al-Qur’an, 6; D2819, Abu Da’ud, al-Dahaya, 12-13.

<sup>30</sup> Al-An’am, 6:118-121.

<sup>31</sup> ĪM3170, Ibn Maja, al-Dhaba’ih, 3; M5055, Muslim, al-Sayd, 57.

<sup>32</sup> IM3172, Ibn Maja, al-Dhaba’ih, 3; HM5864, Ibn Hanbal, II, 108.

<sup>33</sup> D2826, Abu Da’ud, al-Dahaya, 16-17.

<sup>34</sup> B982, al-Bukhari, al-‘Idayn, 22.

<sup>35</sup> B5498, al-Bukhari, al-Sayd, 15; D2825, Abu Da’ud, al-Dahaya, 15-16.





of animals not killed by normal means of slaughter is forbidden. However, the Prophet (saw) made two exceptions to each of these in the following *ḥadīth*: “Two kinds of dead meat and two kinds of blood have been permitted to us. The two kinds of dead meat are fish and locusts, and the two kinds of blood are the liver and spleen.”<sup>36</sup> In fact ‘Abd Allah b. Abi Awfa, one of the noble Companions (ra), said that he went out on campaign with the Prophet (saw) seven times and each time they ate locusts.<sup>37</sup>

With regard to animals of the sea, Allah on High said, “It is permitted for you to catch and eat seafood—an enjoyment for you and the traveler.”<sup>38</sup> Our master the Prophet (saw) also shed light on the matter of seafood to his Companions (ra) when they asked him about it.

One day Ibn al-Firasi<sup>39</sup> came to our master the Prophet (saw) and asked, “O Messenger of Allah! We travel on the sea and take a small quantity of water with us. If we use this for wudu’, we would suffer from thirst. Can we perform wudu’ with sea water?” The Prophet (saw) answered, “Its water is pure (and purifying) and its ‘dead meat’ is *halal* (to eat).”<sup>40</sup> The Prophet (saw), who stated that eating seafood was religiously permissible in this *ḥadīth*, said the following about what seafood could be eaten: “What the sea throws up and is left by the tide you may eat, but what in the sea dies (for unknown reason) and floats you must not eat.”<sup>41</sup> Accordingly, sea creatures which die for unknown reasons, such as a sudden change in water temperature or the outflow of the tide and float to the surface, cannot be eaten. This is because animals which die this way can be a threat to people’s health and could cause them to be poisoned.

The measure by which the meat of an animal is edible is that clean and pleasant things which are beneficial to people are permitted and nasty and repulsive things are forbidden. Furthermore, there is descriptive information in the Noble Qur’an and in the *Sunna* of the Prophet (saw) on certain things which are forbidden or limited in order to best safeguard the health of the body and mind of people. In this sense, following the commands of Allah (swt), who protects people from every kind of evil and guards them in the best way, and the advice of our beloved Prophet will ensure benefit to believers. As for whether or not one can eat various animals which are not mentioned in the Qur’an and *Sunna* and which live in different regions of the earth, this will be determined by scholars who take into consideration the aforesaid standards of *ṭayyibāt* and *khabā’ith*.

<sup>36</sup> IM3314, Ibn Maja, al-At’ima, 31.

<sup>37</sup> M5045, Muslim, al-Sayd, 52.

<sup>38</sup> Al-Ma’ida, 5:96.

<sup>39</sup> IM387, Ibn Maja, al-Tahara, 38.

<sup>40</sup> D83, Abu Da’ud, al-Tahara, 41; N4355, al-Nasa’i, al-Sayd, 35.

<sup>41</sup> D3815, Abu Da’ud, al-At’ima, 35; IM3247, Ibn Maja, al-Sayd, 18.



## THE ETIQUETTE OF HUNTING BY RECALLING ALLAH'S NAME



عَنْ عَدِيِّ بْنِ حَاتِمٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: إِنَّا قَوْمٌ نَتَّصِدُ  
بِهَذِهِ الْكِلَابِ، فَقَالَ: «إِذَا أُرْسِلَتْ كِلَابُكَ الْمُعَلَّمَةَ وَذَكَرْتَ اسْمَ اللَّهِ، فَكُلْ  
مِمَّا أَمْسَكْنَ عَلَيْكَ...»

According to 'Adi b. Hatim (ra), "I asked the Messenger of Allah (saw) (about hunting) saying, 'We are a people who hunt with hounds.' He responded, 'If you send your trained hounds after game and mention Allah's name on sending them, you can eat what they catch for you.'"

(B5487, al-Bukhari, al-Sayd, 10)



عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنِ الصَّيْدِ. قَالَ: ”إِذَا رَمَيْتَ سَهْمَكَ فَادْكُرِ اسْمَ اللَّهِ، فَإِنْ وَجَدْتَهُ قَدْ قَتَلَ فُكُلٌ، إِلَّا أَنْ تَجِدَهُ قَدْ وَقَعَ فِي مَاءٍ، فَإِنَّكَ لَا تَدْرِي، الْمَاءُ قَتَلَهُ أَوْ سَهْمُكَ.“



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ  
”مَا مِنْ إِنْسَانٍ قَتَلَ عُصْفُورًا فَمَا فَوْقَهَا بِغَيْرِ حَقِّهَا إِلَّا سَأَلَهُ اللَّهُ عَزَّ  
وَجَلَّ عَنْهَا.“ قِيلَ يَا رَسُولَ اللَّهِ وَمَا حَقُّهَا قَالَ ”يَذْبَحُهَا فَيَأْكُلُهَا وَلَا  
يَقْطَعُ رَأْسَهَا يَرْمِي بِهَا.“



عَنْ ابْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ:  
”لَا تَتَّخِذُوا شَيْئًا فِيهِ الرُّوحُ غَرَضًا.“



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ فِي مَاءِ الْبَحْرِ:  
”هُوَ الطَّهْرُ مِائَةٌ الْحَلَالُ مِائَةٌ.“



According to ‘Adi b. Hatim (ra), “I asked the Messenger of Allah (saw) about hunting and he said the following: *‘When you shoot your arrow, recite the name of Allah, and if you find it (the arrow) killed (that game), then eat it; but if you find that it had fallen into water do not eat it, because in that case you do not know if it was the water that caused its death or your arrow.’*”

(M4982, Muslim, al-Sayd, 7)



According to ‘Abd Allah b. ‘Amr (ra), the Messenger of Allah (saw) said, “*There is no one who kills a small bird or anything larger for no just reason, but Allah, the Mighty and Sublime, will ask him about it.*” Then he was asked, ‘O Messenger of Allah, what does just reason mean?’ He answered, *‘That you slaughter it and eat it, and do not cut off its head and throw it aside.’*”

(N4354, al-Nasa’i, al-Sayd wa al-Dhaba’ih, 34)



According to Ibn ‘Abbas (ra), the Prophet (saw) said,  
*“Do not use any living thing as a target!”*

(M5059, Muslim, al-Sayd, 58)



According to Abu Hurayra (ra), the Prophet (saw) said the following about the water of the sea: *“Its water is pure (and purifying) and its ‘dead meat’ is halal (to eat).”*

(N4355, al-Nasa’i, al-Sayd, 35)





One day Abu Tha'labā al-Khushani of the Quda'a tribe<sup>1</sup> went to our master the Prophet (saw) to get some information about hunting and asked him the following question: "O Allah's Messenger! I live in a country where hunting is widespread. I hunt with a bow and dogs, sometimes they are trained and sometimes they are not trained. Will you tell me which dogs are halal?" Our master the Prophet (saw) said, "*If you hunt with your trained hound and have mentioned Allah's name on sending it for hunting, then you can eat it (the game). But if you hunt with your untrained hound, you can eat it (the game) only if you were able to slaughter it before its death.*"<sup>2</sup>

Throughout history, hunting and fishing were important sources of livelihood for people. The religion of Islam accepted hunting as legitimate according to various regulations and conditions. In order to be able to eat the meat of an animal which was religiously permissible to eat, it had to be slaughtered according to religious procedures. However, taking into consideration both human needs and hunting conditions, Islam also permitted the consumption of animals obtained by hunting and without being slaughtered according to religious procedures.

Leading the procedures in the Noble Qur'an and the *ḥadīths* of our master the Prophet (saw) that had to be followed in order to be able to use hunting animals was the need to invoke Allah's name, the *basmala*. The Holy Qur'an states, "*They ask you, Prophet, so what is lawful for them. Say, 'All good things are lawful for you.' [This includes] what you have taught your birds and beasts of prey to catch, teaching them as Allah has taught you, so eat what they catch for you, but first pronounce Allah's name over it. Be mindful of Allah. He is swift to take account.*"<sup>3</sup> According to this noble verse, the hunter should know that the first condition of religiously permissible hunting is to invoke Allah's name while shooting an arrow or throwing a spear, while using arms, or while unleashing trained dogs. In this way one will know

<sup>1</sup> ST7/416, Ibn Sa'd, *Tabaqat*, VII, 416.

<sup>2</sup> B5488, al-Bukhari, al-Sayd, 10; M4983, Muslim, al-Sayd, 8.

<sup>3</sup> Al-Ma'ida, 5:4.



that the blessings that Allah (swt) has granted are only permissible in his name and be aware that in hunting, as in all matters, one must act with permission received from Allah. Indeed, when ‘Adi b. Hatim described the dogs that they took hunting and asked the status of the meat that they brought in, Allah’s Messenger answered, “*If you send your trained hounds after game and mention Allah’s name on sending them, you can eat what they catch for you.*”<sup>4</sup> The fact that our Prophet said, “*When you shoot an arrow, invoke Allah’s name (the basmala),*”<sup>5</sup> indicates the need to do this in the same fashion. Although it is understood from this and similar reports that, if the *basmala* is deliberately left out, the hunt will not be religiously permissible, it could be said that if it was simply forgotten one would not be responsible for casting it aside.<sup>6</sup>

It is stated that hunting can be done with trained animals,<sup>7</sup> such as dogs,<sup>8</sup> hawks, and falcons and that the game that is brought in can be eaten. While teaching the principles of hunting to ‘Adi b. Hatim, our master the Prophet (saw) said, “*When you set off your trained dogs, having recited the name of Allah, then eat what these (dogs) have caught for you, even if it (the game) is killed, provided (a dog) has not eaten (any part of the game). If it has eaten (the game), then you don’t eat it as I fear that the dog might have caught it for its own self. And do not eat it if other dogs have joined your trained dogs.*”<sup>9</sup> ‘Adi b. Hatim said that if the dog drank the blood of the animal that it hunted then the animal that it brought in should not be eaten because this would mean that the dog was not well trained.<sup>10</sup> This explains why game, part of which is eaten by a trained animal, is not eaten. What is killed by trained animals which are not under the direction of a hunter cannot be evaluated within the scope of hunting.

The Companions (ra), who were curious about what kind of equipment could be used for hunting animals, asked our Prophet for his ruling on hunting with a club that was thick in the middle and had a sharp iron point on one end, and with the arrow called *al-mi’rād* (featherless), which was an old hunting instrument. The Prophet (saw) stated that the meat of an animal killed by the pointed tip of this arrow could be eaten and that the meat of an animal killed by the thick wooden part in the middle could not be eaten (that is, if the game were killed by being hit by the shaft rather than by penetration of the sharp tip and thus would have been killed by a blow).<sup>11</sup> It is emphasized in the Noble Qur’an that the meat of an animal

<sup>4</sup> B5487, al-Bukhari, al-Sayd, 10; M4972, Muslim, al-Sayd, 1.

<sup>5</sup> M4982, Muslim, al-Sayd, 7; T1469, al-Tirmidhi, al-Sayd, 5.

<sup>6</sup> IM2043, Ibn Maja, al-Talaq, 16; BS15472, al-Bayhaqi, *al-Sunan al-kubra*, VII, 566.

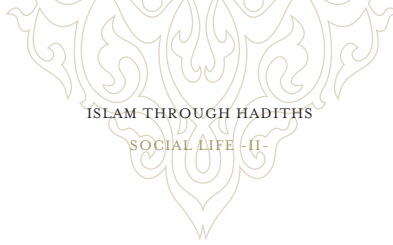
<sup>7</sup> T1467, al-Tirmidhi, al-Sayd, 3.

<sup>8</sup> B5483, al-Bukhari, al-Sayd, 7.

<sup>9</sup> M4973, Muslim, al-Sayd, 2.

<sup>10</sup> MSh19634, Ibn Abi Shayba, *al-Musannaf*, al-Sayd, 11.

<sup>11</sup> M4974, Muslim, al-Sayd, 3.



killed by the blow of a blunt instrument like a stone or club cannot be eaten.<sup>12</sup> Animals killed by a fall or crushed under a heavy weight were also included in this ruling.

If the game that was caught was not yet dead, it had to be butchered. If no knife were available for this purpose, then the game could be butchered with any sharp tool.<sup>13</sup> This is because, in the haste and rush of the hunt, it could be difficult for the hunter to find a knife. But if this case arose, the meat of an animal which was not deliberately butchered could not be eaten.

Abu Tha'labā al-Khushani (ra) once asked the status of a game that he lost after hitting it. The Prophet (saw) said to him, *"If it goes out of your sight (for some time), provided it has no stench, or you find a mark on it other than the mark of your arrow, you can eat it."*<sup>14</sup> It is explained in the *ḥadīths* that the period during which game is lost can be one,<sup>15</sup> two,<sup>16</sup> or three days,<sup>17</sup> but what is especially stressed is whether or not the animal killed by hunting is in an unhealthy state for eating, and what determines this are the climatic conditions under which the animal was lost. It is quite possible to say that, if one is of the opinion that eating the found animal would be injurious to one's health, then it cannot be eaten regardless of the length of time it was lost. Furthermore, the fact that there is no mark of someone else's arrow on the animal is important for showing that it was not killed by someone else and thus does not belong to another hunter. This is because, in this situation, it cannot be known which arrow killed the animal. On the same subject, the Prophet (saw) answered 'Adi b. Hatim's question about hunting by saying, *"When you shoot your arrow, recite the name of Allah, and if you find it (the arrow) killed (that game), then eat it; but if you find that it had fallen into water do not eat it, because in that case you do not know if it was the water that caused its death or your arrow."*<sup>18</sup>

Hunting is done in order to benefit from the meat, skin, or certain organs of the game or to protect oneself from dangerous animals. For other than these reasons, hunting, such as for pleasure and amusement, is frowned upon. The Messenger of Allah said, *"Do not use any living thing as a target!"*<sup>19</sup> He stated that this was not religiously permitted<sup>20</sup> and even cursed those who did this.<sup>21</sup> Therefore, taking aim at animals for no reason and using them for target practice is forbidden.

The following warnings of the Prophet (saw) should not be forgotten: *"Whoever kills a small bird for no reason, it will beseech Allah on the Day of*

<sup>12</sup> Al-Ma'ida, 5:3.

<sup>13</sup> D2824, Abu Da'ud, al-Dahaya, 14, 15; IM3177, Ibn Maja, al-Dhaba'ih, 5.

<sup>14</sup> D2857, Abu Da'ud, al-Dahaya (al-Sayd), 22-23; M4985, Muslim, al-Sayd, 9.

<sup>15</sup> M4981, Muslim, al-Sayd, 6.

<sup>16</sup> B5484, al-Bukhari, al-Sayd, 8.

<sup>17</sup> M4986, Muslim, al-Sayd, 10.

<sup>18</sup> M4982, Muslim, al-Sayd, 7.

<sup>19</sup> M5059, Muslim, al-Sayd, 58.

<sup>20</sup> N4443, al-Nasa'i, al-Dahaya, 41.

<sup>21</sup> N4446, al-Nasa'i, al-Dahaya, 41.





Judgement saying, ‘O Lord! So and so killed me for no reason. And he did not kill me for any beneficial purpose;’<sup>22</sup> and “There is no one who kills a small bird or anything larger for no just reason, but Allah, the Mighty and Sublime, will ask him about it.” When he was asked, “O Allah’s Messenger! What can be a just reason for killing a bird?” he answered, “That you (the hunter) slaughter it (according to ritual) and eat it, and do not cut off its head and throw it aside.”<sup>23</sup> Our beloved Prophet, who had absolutely no tolerance for torturing animals or destroying them for no reason, said, “May Allah curse those who torture animals!”<sup>24</sup> He thus revealed his sensitivity on this matter.

Even a Muslim who hunted out of necessity should be compassionate toward all living things<sup>25</sup> and should not hunt them when they are breeding or giving birth. Hunting by exterminating the next generation of game animals and by upsetting the balance of nature is blameworthy for the believer. In this respect, one should act with the awareness that every living thing which walks the face of the earth and every kind of bird which flies with two wings creates its own community, that is, a meaningful society, like people.<sup>26</sup> In this sense, using explosives for fishing, in which in one instant millions of young and eggs perish, is an example of both irresponsibility and heartlessness. In addition, the time of hunting is also of importance. Indeed, it is impermissible to hunt birds at night, which is their time of safety,<sup>27</sup> and it is forbidden to touch the young of animals.<sup>28</sup>

In hunting, as in all things, the Muslim should act well and in moderation. While hunting, one should not use any equipment or methods that would torture animals, cause them to suffer, cause them to struggle for a long time, or cause them to linger before death. Even while hunting and while slaughtering animals, one should behave in a balanced and measured way. Our beloved Prophet, who drew attention to this matters, said, “Allah certainly wants everyone to behave in the best manner toward everything. Thus, when you kill or butcher (an animal), do it in the best manner. The person doing the butchering should know how to use the knife properly and he should make the animal being butchered comfortable.”<sup>29</sup>

In the Noble Qur’an the verse, “You who believe, Allah is sure to test you with game within reach of your hands and spears, to find out who rears Him even though they cannot see Him: from now on, anyone who transgresses will have a painful punishment,”<sup>30</sup> emphasizes in particular that hunting is a test. Today because of the desire on the part of people to destroy, which cannot be

<sup>22</sup> N4451, al-Nasa’i, al-Dahaya, 42; HM19699, Ibn Hanbal, IV, 390.

<sup>23</sup> N4354, al-Nasa’i, al-Sayd, 34.

<sup>24</sup> N4447, al-Nasa’i, al-Dahaya, 41.

<sup>25</sup> B2363, al-Bukhari, al-Musaqat, 9.

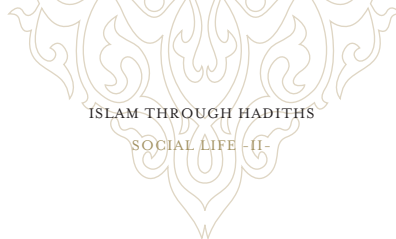
<sup>26</sup> Al-An’am, 6:38.

<sup>27</sup> MK2896, al-Tabarani, al-Mu’jam al-kabir, III, 131.

<sup>28</sup> D2675, Abu Da’ud, al-Jihad, 112.

<sup>29</sup> M5055, Muslim, al-Sayd, 57; D2814, Abu Da’ud, al-Dahaya, 10-11.

<sup>30</sup> Al-Ma’ida, 5:94.



satisfied, and senseless hunting, many kinds of animals have disappeared and others are in danger of extinction. Hunting should be done to the extent that existing laws will not allow the disappearance of any other species; and bans on hunting must absolutely be complied with. Those who transgress hunting bans by knowing how to elude the supervision of the authorities should keep in mind that Allah, from Whom nothing is hidden, watches them every moment. This is because the Creator on High has promised a painful doom for those who go to extremes in hunting.<sup>31</sup>

Although hunting is legitimate, it has a certain dimension and etiquette. When hunting turns into an addiction, illness and inescapable passion, it can have a negative effect on one's mind, ethics, and behavior. In fact, the Prophet (saw) indicated that when people who chase after prey lose themselves in this pursuit by going to extremes they can forget to fulfill certain obligations;<sup>32</sup> and he wanted Muslims to pay more attention to this.

Moreover, by saying, *"You who believe, do not kill game while you are in a state of consecration [for Hajj]. If someone does so intentionally, the penalty is an offering of a domestic animal..."*,<sup>33</sup> Allah on High has indicated that hunting should not be transformed into an unrestricted passion which is permissible in every time and place and should not destroy the spiritual pleasure desired from worship. In this connection, it is worthy of note that the Jews were punished because they abandoned Friday prayer and violated the ban on hunting.<sup>34</sup> Our beloved Prophet stressed that Mecca and Medina were sacrosanct and respected areas and said, *"Abraham declared Mecca as sacred; I declare Medina, that between the two rocky areas, as sacred. No tree should be cut and no game should be hunted."*<sup>35</sup>

On the subject of eating animals that live in the sea, the Noble Qur'an says, *"It is He who made the sea of benefit to you: you eat fish from it and bring out jewelry to wear"*<sup>36</sup> and *"It is permitted for you to catch and eat seafood—an enjoyment for you and the traveler."*<sup>37</sup> When the Prophet (saw) was asked if using sea water was permissible, he said, *"Its water is clean and purifying and its dead meat is permissible."*<sup>38</sup> Thus he declared that hunting for fish and similar animals that lived in the water was permissible.

It should not be forgotten that hunting is a job that has been allotted to one by Allah (swt) along with skill and ability and that the game which is obtained is sustenance given by Allah. Consequently, Allah on High,

<sup>31</sup> Al-Ma'ida, 5:94.

<sup>32</sup> D2859, Abu Da'ud, al-Dahaya (al-Sayd), 24-25; T2256, al-Tirmidhi, al-Fitan, 69.

<sup>33</sup> Al-Ma'ida, 5:95.

<sup>34</sup> Al-Baqara, 2:65.

<sup>35</sup> M3317, Muslim, al-Hajj, 458.

<sup>36</sup> Al-Nahl, 16:14; also see Fatir, 35:12.

<sup>37</sup> Al-Ma'ida, 5:96.

<sup>38</sup> N4355, al-Nasa'i, al-Sayd, 35; HM8720, Ibn Hanbal, II, 361.



who grants both this ability and sustenance, should be thanked. Indeed, the Prophet (saw) said, “*It (game) is a gift that Allah has given you to eat.*”<sup>39</sup> However, it is not right to hunt animals, which have souls, for pleasure and leave them or to destroy them for no purpose. The Muslim, who is aware that he will be held accountable for everything he does, should also avoid behavior with respect to hunting that will be held against him. Because Islam forbids all kinds of waste, one should not be wasteful while hunting. With respect to game and hunting, protecting the natural balance in the world and providing rich resources for future generations by complying with the rules prescribed by Islam are extremely important.

<sup>39</sup> M2852, Muslim, al-Hajj, 57; T847, al-Tirmidhi, al-Hajj, 25.



# INHERITANCE AND TESTAMENT THE TRANSFER OF PROPERTY

عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”اقْسِمُوا الْمَالَ بَيْنَ أَهْلِ الْفَرَائِضِ عَلَى كِتَابِ اللَّهِ...”

According to Ibn ‘Abbas (ra), the Messenger of Allah (saw) said,  
“Divide the property of inheritance among those whose shares have been  
prescribed in Allah’s Book...”

(M4143, Muslim, al-Fara’id, 4; D2898, Abu Da’ud, al-Fara’id, 7)



عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَنْ تَرَكَ مَالًا فَلَوَّثَتْهُ، وَمَنْ تَرَكَ كَلًّا فَلَيْنَا.“



عَنْ عَمْرِو بْنِ خَارِجَةَ قَالَ: خَطَبَ رَسُولُ اللَّهِ ﷺ فَقَالَ:  
”إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ وَلَا وَصِيَّةَ لَوَارِثٍ.“



عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ بَيْتٌ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ.“



عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”لَأَنْ يَتَصَدَّقَ الْمَرْءُ فِي حَيَاتِهِ بِدِرْهَمٍ خَيْرٌ لَهُ مِنْ أَنْ يَتَصَدَّقَ بِمِائَةٍ عِنْدَ مَوْتِهِ.“



According to Abu Hurayra (ra), the Prophet (saw) said,  
“If somebody dies (among the Muslims) leaving some property, the property will  
go to his heirs; and if he leaves behind someone in need (or debts),  
we will take care of him.”

(B6763, al-Bukhari, al-Fara'id, 25; M4161, Muslim, al-Fara'id, 17)



According to 'Amr b. Kharija (ra),  
“The Messenger of Allah (saw) gave a Friday sermon saying, ‘Allah has  
given every person who has rights his due, and there is no bequest to an heir.’”

(N3671, al-Nasa'i, al-Wasaya, 5)



According to Ibn 'Umar (ra), the Messenger of Allah (saw) said, “It is not  
permissible for any Muslim who has something to will to stay for two nights  
without having his last will and testament written and kept ready with him.”

(B2738, al-Bukhari, al-Wasaya, 1; M4204, Muslim, al-Wasaya, 1)



According to Abu Sa'id al-Khudri (ra), the Messenger of Allah (saw) said,  
“A man giving a dirham as sadaqa (charity) during his life is better than giving  
one hundred dirhams as sadaqa at the moment of his death.”

(D2866, Abu Da'ud, al-Wasaya, 3))





Sa'd b. Rabi' (ra), who generously shared his extensive fortune with his coreligionists who emigrated from Mecca to Medina<sup>1</sup> and who died a martyr from a dozen fatal blows that he received at the Battle of Uhud,<sup>2</sup> left behind a widow and two orphan girls. The grieving mother, who thought of the future of her children, was in great distress over the inheritance from her deceased husband. Not a single share of the inheritance was given to her or her daughters. This was because in the Jahiliyya period a distinction was made between children, and daughters were deprived of inheritance. This practice, which was unjust and unfair, continued until the beginning of Islam. Sa'd's wife went to the Prophet (saw) with her two daughters to explain her unjust treatment and to ask for help. She complained saying, "O Allah's Messenger! These are the daughters of Sa'd b. Rabi'. Their father fell a martyr at Uhud. The girls' paternal uncle received all the wealth that their father left. Nothing was left for them. Without wealth these children will not be able to marry." Thereupon the Messenger of Allah (saw) said, "*Allah will surely give his ruling on this.*" A short time later the verse on inheritance was revealed.<sup>3</sup> Afterwards, the Messenger of Allah (saw) sent word to the girls' uncle and gave him the following instructions: "*Give two thirds of Sa'd's wealth to his daughters, one eighth to their mother, and the rest is for you.*"<sup>4</sup> Thus women and daughters obtained a share in inheritance and their deprivations came to an end.

In the Jahiliyya period not only women and daughters but also young male children and men who did not fight in battle did not receive a share of inheritance.<sup>5</sup> Inheritance, which was perceived as a privilege of the powerful, was determined by the power and age of the man. Distribution was based on power, strength, and interest. Because the women, children, and the weak in society did not participate in warfare and thus could not receive a share of booty, this was grounds for their not receiving a share of inheri-

<sup>1</sup> B3780, al-Bukhari, *Manaqib al-ansar*, 3.

<sup>2</sup> MU1001, al-Muwatta', al-Jihad, 18

<sup>3</sup> Al-Nisa', 4:11.

<sup>4</sup> T2092, al-Tirmidhi, al-Fara'id, 3.

<sup>5</sup> IT2/225, Ibn Kathir, *Tafsir*, II, 225.





tance.<sup>6</sup> An influential person in society could have a direct say concerning the wealth of any relative of his who died. In fact, when a man died, his wife was considered to be part of his inheritance; and the kin of the deceased had rights over the woman. They could marry her or betroth her to whom-ever they wished.<sup>7</sup> In the Holy Qur'an the rules related to inheritance, which eliminated such practices from the Jahiliyya period, are given in great detail. Indeed, our master the Prophet (saw) told his Companions (ra) that inheritance had to be shared according to the Holy Qur'an: "*Divide the property of inheritance among those whose shares have been prescribed in Allah's Book...*"<sup>8</sup>

Contrary to the practices of past civilizations, in Islam women, like men, could receive a share of inheritance. The main outline of this subject is stated in the following verse: "*Men shall have a share in what their parents and closest relatives leave, and women shall have a share in what their parents and closest relatives leave, whether the legacy be small or large, this is ordained by Allah.*"<sup>9</sup> According to Islam, the property of the deceased is not confined to a particular class and group but is distributed among his relatives who receive specific amounts. The share of those who are strong and in good health is the same as those who are weak and feeble. That one has the right to be born suffices for him to receive a share of inheritance.<sup>10</sup>

After the emigration to Medina, the brotherhood established by the Prophet (saw) between the Ansar and the Muhajirun was initially considered the basis for inheritance.<sup>11</sup> Later, however, as a result of the verse, "*... relatives still have prior claim over one another in Allah's Scripture,*"<sup>12</sup> in which it is declared that in the matter of inheritance those who are related to the deceased have priority over other believers and Muhajirun, this practice was abolished.

The primary basis for sharing in an inheritance is blood relationship and the second is relationship established by marriage. Furthermore, according to the verse, "*If other relatives, orphans, or needy people are present at the distribution, give them something too, and speak kindly to them,*"<sup>13</sup> it is recommended that moral and humanitarian assistance be given to those who do not receive a share of the inheritance.

In the Holy Qur'an it is emphasized that relationship by blood has priority in inheritance,<sup>14</sup> and heirs and their shares are specified in detail in various verses.<sup>15</sup> According to the closeness of their relationship, some relatives are in the forefront, some are in the background, and some are

<sup>6</sup> IT2/226, Ibn Kathir, *Tafsir*, II, 226.

<sup>7</sup> B4579, al-Bukhari, al-Tafsir, (al-Nisa') 6; D2089 D2090, Abu Da'ud, al-Nikah, 21-22.

<sup>8</sup> M4143, Muslim, al-Fara'id, 4; D2898, Abu Da'ud, al-Fara'id, 7.

<sup>9</sup> Al-Nisa', 4:7.

<sup>10</sup> D2920, Abu Da'ud, al-Fara'id, 15; IM1508, Ibn Maja, al-Jana'iz, 26.

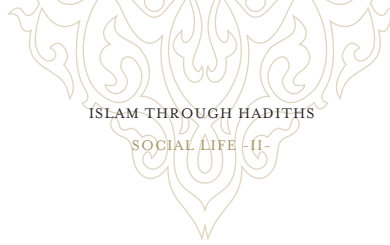
<sup>11</sup> IT4/95, Ibn Kathir, *Tafsir*, IV, 95.

<sup>12</sup> Al-Anfal, 8:75.

<sup>13</sup> Al-Nisa', 4:8.

<sup>14</sup> Al-Anfal, 8:75.

<sup>15</sup> Al-Nisa', 4:11-12, 176.



even exclude from inheritance. The closer the relationship to the deceased, the greater the share of his inheritance. Thus the closeness of the heir to the deceased is an important factor in determining inheritance. Consequently, by being distributed within the family, the assets of the family members are safeguarded in particular and the economic integrity of the family is preserved in general. It is human nature to want to bequeath what one has accumulated over many years to one's children and close relatives.

It appears in the verse, *“Concerning your children, Allah commands you that a son should have the equivalent share of two daughters,”*<sup>16</sup> that among siblings, the share of males in inheritance is different from that of females. When this matter is examined as a whole, it appears that this division was done by taking into account the responsibilities of male and female children in the family according to the circumstances of that time and the obligations with which they were burdened. In the environment in which the aforesaid verse was revealed in particular, the male was responsible for ensuring the livelihood of his wife, daughter, mother, and sister. Even if a woman had her own significant wealth, she did not have to contribute to the family expenses, while the man had to do so. For marriage a man had to give a woman a dowry, but the woman had no financial obligation. When the difference in inheritance is considered within this context, it appears that it was because the responsibilities of the man and the woman were not the same.

Under some circumstances, the same shares were given to both women and men. Indeed, if the deceased leaves children, his parents each receive the same amount (one sixth).<sup>17</sup> As seen here, the share given to parents from the inheritance from their children is equal. The shares for grandparents are also the same. If a woman dies leaving a single child, male or female, he or she would receive one-sixth of the inheritance. If there were more siblings, they would share one-third between them. Thus, under these circumstances, males and females have equal rights. It should not be forgotten that in the matter of inheritance, the amounts, taking into consideration the states of the beneficiaries, were established by Allah on High, *“You cannot know which of your parents or your children is more beneficial to you: this is a law from Allah, and He is all knowing, all wise.”*<sup>18</sup>

It is also possible that a different payout could be made based on mutual consent, in which case some heirs would receive little or nothing from

<sup>16</sup> Al-Nisa', 4:11.

<sup>17</sup> Al-Nisa', 4:11.

<sup>18</sup> Al-Nisa', 4:11.



and estate and give up inheritance rights. For example, it might be agreed that a woman in need would receive more, or a man who has few financial responsibilities would receive less.

In order to divide an inheritance, the owner of the wealth must be dead and the heir must be in good health. However, the owner of wealth or property can distribute his estate while he is still alive. But according to Islamic inheritance laws, there are certain conditions which constitute an obstacle to entitlement to an inheritance which normally would have occurred. This first is that if the heir killed the testator he would be disinherited. Saying, *“The killer cannot be an heir,”*<sup>19</sup> the Messenger of Allah (saw) blocked the covetous, who sought an immediate inheritance by killing the person from whom they would inherit, from receiving anything. Furthermore, our master the Prophet (saw) said, *“A woman inherits from the blood money and wealth of her husband, and he inherits from her blood money and wealth, so long as one of them did not kill the other. If one of them killed the other deliberately, then he or she inherits nothing from the blood money or wealth. If one of them killed the other by mistake, he or she inherits from the other’s wealth, but not from the blood money.”*<sup>20</sup> Thus those who kill someone by mistake are exempted from this rule.

The second obstacle is difference in religion. On this matter, the Messenger of Allah (saw) said, *“A Muslim cannot be an heir to an unbeliever and an unbeliever cannot be an heir to a Muslim.”*<sup>21</sup> During the Farewell Pilgrimage, Usama b. Zayd (ra)<sup>22</sup> asked him, “O Allah’s Messenger! Are you going to lodge in your house in Mecca tomorrow?” The Prophet (saw) answered, *“Did ‘Aqil (the son of his uncle Abu Talib) leave us a place in Mecca?”* ‘Aqil and his brother Talib were the heirs of their father Abu Talib. Abu Talib’s other sons Ja’far and ‘Ali did not inherit anything. This was because, when Abu Talib died, they were Muslims while ‘Aqil and Talib were unbelievers.<sup>23</sup> The Prophet (saw) saw a difference in religion as an obstacle to inheritance because he wanted to completely cast from the minds of those who wanted to become Muslims their former ties to such things as family, environment, and wealth; and he wanted them to focus only on Islam. In fact, the brotherhood of the Ansar and Muhajirun after the Hijra in Medina is the most obvious indication of this.

Despite the sayings and actions of the Prophet (saw) described above, some Companions (ra), taking account of certain newly arisen circum-

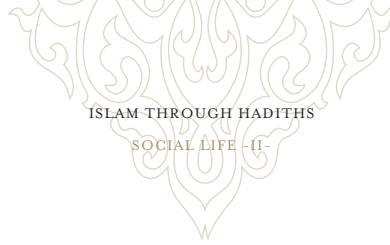
<sup>19</sup> T2109, al-Tirmidhi, al-Fara’id, 17; IM2735, Ibn Maja, al-Fara’id, 8.

<sup>20</sup> IM2736, Ibn Maja, al-Fara’id, 8.

<sup>21</sup> B6764, al-Bukhari, al-Fara’id, 26.

<sup>22</sup> D2910, Abu Da’ud, al-Fara’id, 10.

<sup>23</sup> M3294, Muslim, al-Hajj, 439.



stances, took a different approach on this matter. For example, Mu'adh b. Jabal (ra), based on the report that the Prophet (saw) said, “Islam increases and does not diminish,” made the Muslim an heir of his Jewish sibling.<sup>24</sup> During his caliphate Mu'awiya made the Muslim an heir to the unbeliever but did not make the unbeliever an heir to the Muslim.<sup>25</sup> What led Mu'awiya to this view was his desire to win over certain people in the Arab tribes who, although they wanted to become Muslims, did not do so because they could not inherit from their polytheistic fathers. Another reason for making an important change in this practice was an attempt to keep those who wanted to inherit from their rich fathers from leaving Islam. Thus it seems that this rule, which was put in place at the time of the Prophet (saw) in order to insure that people would become Muslims without any financial concern, later made some people hesitate to become Muslims. This was because, if these people became Muslims, they would not be able to receive a share of inheritance and would face material deprivation. Thus, in order to resolve these concerns of those who wanted to become Muslims and safeguard their livelihood, Mu'awiya unilaterally adopted the opposite policy in this matter in favor of the Muslims.

Another obstacle to inheritance is illegitimate birth. Before Islam children born from illegitimate relations could inherit, but this form of inheritance was then abolished because Islam is a legal bond and this did not have legitimacy.<sup>26</sup> The basic principle in both the Holy Qur'an and the sayings and actions of Allah's Messenger was to aim at the equitable distribution of material assets. Thus the bonds among the relatives who received shares in specific amounts were preserved; and as a result the bonds of love and solidarity within the family were strengthened. By accepting that a share of inheritance was a private and inviolable matter, no permission was given to any authority to take this wealth for a different purpose.

With respect to eliminating inequalities and ensuring justice in society, Islam encouraged the learning and teaching of the science of inheritance. The Prophet (saw) recognized the importance of matters of inheritance and encouraged his Companions (ra) to become familiar with it.<sup>27</sup> He supposedly said that the science of the shares of inheritance is “half of all knowledge.”<sup>28</sup>

As for the matter of deprivation and hardship that would arise in inheritance, this was addressed by our master the Prophet (saw) himself. He said, “If somebody dies (among the Muslims) leaving some property, the property

<sup>24</sup> HM22355, Ibn Hanbal, V, 230; D2912, Abu Da'ud, al-Fara'id, 10.

<sup>25</sup> DM3022, al-Darimi, al-Fara'id, 29.

<sup>26</sup> D2264, Abu Da'ud, al-Talaq, 29-30.

<sup>27</sup> DM227, al-Darimi, al-Muqaddima, 24.

<sup>28</sup> IM2719, Ibn Maja, al-Fara'id, 1.



will go to his heirs; and if he leaves behind someone in need (or debts), we will take care of him.”<sup>29</sup> In this *ḥadīth* Allah’s Messenger, in his capacity as chief of state, appointed himself as guardian of all believers. Taking responsibility for them, he directed to the recipients what they were rightfully owed. If the deceased was in debt or his close relatives needed protection, he declared that he would personally pay the debt and assume their maintenance. But if the deceased left any wealth or property, he stated that he would not take it, but transfer it to the deceased’s close relatives on the paternal side.

The second important subject related to the wealth left by the deceased was the testament (will). This represented the wish of a person, contingent upon his death, that some of his assets be donated or that certain things be done with them. The following verse states the need for a person to draw up a testament before he dies for his mother, father, and relatives: “When death approaches one of you who leaves wealth, it is prescribed that he should make a proper bequest to parents and close relatives—a duty incumbent on those who are mindful of Allah.”<sup>30</sup> Another verse is also directly related to this matter: “If any of you die and leave widows, make a bequest for them: a year’s maintenance and no expulsion from their homes [for that time].”<sup>31</sup>

At the beginning of Islam, a bequest could be made to an heir without limitation. However, after the inheritance verses<sup>32</sup> were revealed, the institution of the bequest was revised. Our master also explained to the people what was meant by the relevant verses and how they should be implemented. Accordingly, if the heir was not acceptable (according to Islam), a bequest to him would be invalid.<sup>33</sup> In the sermon that the Prophet (saw) delivered on his Farewell Pilgrimage, he said, “Allah has given each person a share of the inheritance, and it is not permissible to give bequests to an heir.”<sup>34</sup> However, a bequest could still be made to those who were not legal heirs.

The will is an institution working for the benefit of society. Indeed, thanks to wills, people can ensure that part of their estate will be used for various charitable purposes after their death; and they can have the opportunity to make their wealth be of use to society. It is for this reason that the Prophet (saw) emphasized the importance of making a will: “It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him.”<sup>35</sup> ‘Abd Allah b. ‘Umar (ra), who was known for his fastidiousness in following

<sup>29</sup> B6763, al-Bukhari, al-Fara’id, 25; M4161, Muslim, al-Fara’id, 17.

<sup>30</sup> Al-Baqara, 2:180.

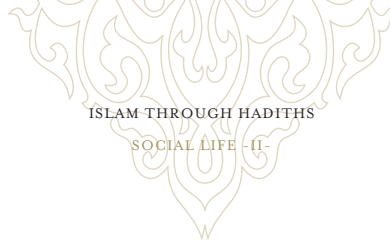
<sup>31</sup> Al-Baqara, 2:240.

<sup>32</sup> Al-Nisa’, 4:11-12.

<sup>33</sup> BS12797, al-Bayhaqi, *al-Sunan al-kubra*, VI, 431.

<sup>34</sup> N3671, al-Nasa’i, al-Wasaya, 5; D2870, Abu Da’ud, al-Wasaya, 6.

<sup>35</sup> B2738, al-Bukhari, al-Wasaya, 1; M4204, Muslim, al-Wasiyya, 1.



the *Sunna*, said, “My will has been with me continuously from the moment I heard these words.”<sup>36</sup>

Although not binding, the recommendation that the will be written, as stated in this *ḥadīth*, was also important for reminding people of death. Always keeping one’s death in mind ensured that one would think about dying one day and appearing before Allah on High; and this would keep him from bad behavior in this world. Furthermore, by writing out one’s trusts and debts in his will, he could ensure that upon his demise they would be properly communicated.

This will, which our master the Prophet (saw) recommended be written immediately, could be made solely for those who were not legal heirs. Because the shares that these heirs received from the estate were specified in the Holy Qur’an and *ḥadīths*, there was no need to repeat them in a will. Moreover, one could not make out a will to disburse more than one-third of one’s estate. In fact, when Sa’d b. Abi Waqqas (ra) wanted to will one-half or two-thirds of his estate because he had no heir but a daughter, the Prophet (saw) told him he could will only one-third. As Sa’d b. Abi Waqqas explained, “In the year of the Farewell Pilgrimage, the Messenger of Allah (saw) paid me a visit in Mecca while I was suffering from an ailment that had brought me to the verge of death. I said, ‘O Allah’s Messenger! My sickness has reduced me to the (bad) state as you see, and I am a rich man, but have no heirs except one daughter. Shall I give two-thirds of my property in charity?’ He said, ‘No.’ I said, ‘Then half of it?’ He said, ‘No. You can give one-third in charity, but even one-third is too much, for, to leave your heirs wealthy is better than to leave them in poverty, begging from people.’”<sup>37</sup>

One thing is certain here, if one wants to give away part of his estate for charitable purposes, it would be most appropriate to do so while still alive and in good health. The Messenger of Allah drew attention to this in a *ḥadīth* saying, “A man giving a dirham as *ṣadaqa* (charity) during his life is better than giving one hundred dirhams as *ṣadaqa* at the moment of his death.”<sup>38</sup>

Furthermore, by donating wealth as *ṣadaqa* on behalf of someone who died without a will, this could be instrumental in gaining reward in the next world. According to a report from our mother ‘A’isha (ra), a man came to our Prophet and asked, “O Allah’s Messenger! My mother died suddenly and I thought that if she had lived she would have given *ṣadaqa*. So, if I

<sup>36</sup> M4207, Muslim, al-Wasiyya, 4.

<sup>37</sup> B6373, al-Bukhari, al-Da’awat, 43; M4209, Muslim, al-Wasiyya, 5.

<sup>38</sup> D2866, Abu Da’ud, al-Wasaya, 3.





give *ṣadaqa* now on her behalf, will she get the reward?" The Messenger of Allah (saw) answered, "Yes."<sup>39</sup>

Although it is advisable to make a will, it is not necessary for someone who has insufficient wealth to make a physical will. Indeed, one day 'Ali (ra) went to visit a man from his tribe who was ill. The ill man asked, "Should I make a will?" 'Ali replied, "No! You will not leave enough wealth. Therefore leave this wealth to your child!"<sup>40</sup>

Not only physical assets but also moral and ethical values may be the subject of a will.<sup>41</sup> Therefore it can be the place for Muslims to give sound advice to their children, students, close relatives, and the like concerning faith, worship, and ethics. It could be just as Abraham and Jacob advised their sons, "*My sons, Allah has chosen [your] religion for you, so make sure you devote yourselves to Him, to your dying moment.*"<sup>42</sup>

The principles that Islam introduced with regard to inheritance and wills ensured that a person's assets were transferred equitably after his death to his close relatives who survived him. Thus it prevented many injustices of the Jahiliyya, such as concentrating inheritances in the hands of the powerful and denying an inheritance to certain heirs, and it ensured that the inheritance would be distributed among relatives in a balanced way. Justice was the principle in the distribution of inheritance. Male and female heirs received equal shares in certain circumstances and in others received different amounts. These differences did not give rise to injustices that would victimize heirs. To the contrary, by balancing the rights and responsibilities that Islam gave to family members with the distribution of inheritance, it ensured that justice was achieved. By introducing these rules of inheritance and ensuring that one's wealth remained within the family, Islam contributed to sustaining future generations; and by broadly distributing shares from inheritances, it prevented them from being controlled by the few. The objects of these legal and ethical rules were to safeguard the bonds that would preempt misunderstandings among relatives and strengthen love and solidarity within the family.

<sup>39</sup> B1388, al-Bukhari, al-Jana'iz, 95; M4221, Muslim, al-Wasiyya, 12.

<sup>40</sup> DM3214, al-Darimi, al-Wasaya, 5.

<sup>41</sup> DM3209, al-Darimi, al-Wasaya, 4.

<sup>42</sup> Al-Baqara, 2:132.



## INDEMNITY COMPENSATION FOR DAMAGES OR LOSSES

عَنْ عَائِشَةَ قَالَتْ: مَا رَأَيْتُ صَانِعَةَ طَعَامٍ مِثْلَ صَفِيَّةَ، أَهْدَتْ إِلَى  
النَّبِيِّ ﷺ إِنَاءً فِيهِ طَعَامٌ، فَمَا مَلَكَتْ نَفْسِي أَنْ كَسَرْتُهُ، فَسَأَلْتُ  
النَّبِيَّ ﷺ عَنْ كَفَّارَتِهِ فَقَالَ:  
”إِنَاءٌ كَانَاءٍ وَطَعَامٌ كَطَعَامٍ.“

‘A’isha (ra) said, “I never saw any woman who made food like Safiyya. She sent a vessel to the Prophet (saw) in which there was some food, and I could not keep myself from breaking it. I asked the Prophet (saw) what the atonement was for that, and he said: *‘A dish like that dish, and food like that food.’*”

(N3409, al-Nasa’i, ‘Ishrat al-Nisa’, 4; HM25670, Ibn Hanbal, VI, 149)





عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ اسْتَعَارَ قِصْعَةً فَضَاعَتْ فَضَمِنَهَا لَهُمْ.



عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”لَا ضَرَرَ وَلَا إِضْرَارَ.“



عَنْ سَمْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
”عَلَى الْيَدِ مَا أَخَذَتْ حَتَّى تُؤَدِّيَ.“



عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”مَنْ تَطَبَّبَ، وَلَمْ يُعْلَمْ مِنْهُ طِبُّ قَبْلَ ذَلِكَ، فَهُوَ ضَامِنٌ.“



According to Anas (b. Malik) (ra), the Prophet (saw) borrowed a bowl which he lost and compensated its owners for it.

(T1360, al-Tirmidhi, al-Ahkam, 23)



According to Ibn ‘Abbas (ra), the Messenger of Allah (saw) said,  
*“There should be neither harm nor reciprocating harm.”*

(IM2341, Ibn Maja, al-Ahkam, 17)



According to Samra (ra), the Prophet (saw) said,  
*“He who takes property from someone is responsible for it until he returns it to its owner.”*

(D3561, Abu Da‘ud, al-Buyu‘, (al-Ijara), 88; T1266, al-Tirmidhi, al-Buyu‘, 39)



According to ‘Amr b. Shu‘ayb, his father said that his grandfather (ra) said that the Messenger of Allah (saw) said, *“Whoever gives medical treatment, with no prior knowledge of medicine, is responsible (for any harm done).”*

(IM3466, Ibn Maja, al-Tibb, 16; N4834, al-Nasa‘i, al-Qasama, 40-41)





The Messenger of Allah was in ‘A’isha (ra)’s room. His other wife Safiyya (ra) wanted to honor him with a meal that she had cooked and sent it with her servant to him. ‘A’isha (ra), who said, “I never saw any woman who made food like Safiyya,” was not pleased with this gesture. She could not control herself and, envious of Safiyya’s act, struck the hand of the servant. The vessel fell and broke and the food was scattered about the room. The Prophet (saw), who was always understanding and patient, got up from where he was sitting. While picking up the pieces of the broken vessel from the ground, he began to put the food that was scattered about in a pot. Turning to those who were with him he said, “*Your mother was envious.*” He waited a while for the servant to replace the broken vessel with a new one. ‘A’isha (ra), who looked upon this situation with regret, asked the Messenger of Allah (saw) what the atonement would be for what she had done. He replied, “*A dish like that dish, and food like that food.*” A little later a sturdy vessel was brought and given to the servant to take to Safiyya (ra) who had sent the food and the broken one was left in ‘A’isha’s room.<sup>1</sup> Thus our Prophet showed by example how one should behave in circumstances in which physical damage was done to someone’s property. Although he mentions here a situation from a legal point of view, he also stresses the importance of indemnification from the ethical perspective. Indeed, according to Anas b. Malik (ra), the Prophet (saw) borrowed a bowl which he broke and compensated its owners for it. In other words, by compensating for damage,<sup>2</sup> even of a single bowl, he avoided victimizing someone.

In Turkish *tazminat* (*taḍmīnat*), which is the Arabic plural of *taḍmīn*, means to become indebted, to give a guaranty, to become liable for, and to safeguard. The word *tazmin* in Turkish, or its synonym *daman*, is used to mean “compensating someone for a loss.” Accordingly, *tazminat* means to give to someone who has suffered a loss the like of the item which

<sup>1</sup> B5225, al-Bukhari, al-Nikah, 108; N3409, al-Nasa’i, ‘Ishrat al-nisa’, 4.  
<sup>2</sup> T1360, al-Tirmidhi, al-Ahkam, 23.



has been destroyed or damaged or its value. In this case *tazminat* means to restore a right that has been violated. In the Noble Qur'an it means fulfilling a contract or promise,<sup>3</sup> not damaging the property of others,<sup>4</sup> and reciprocity with an equal penalty for an injustice or evil act.<sup>5</sup> And it is stated that those who have done an atom's weight of good or evil will receive the like of it in the next world.<sup>6</sup> Therefore, the concepts of safeguarding those who have suffered an injustice, not leaving crimes which have been committed without recompense, and eliminating damage which has been caused constitute the basis of Islamic justice. There are many *hadiths* which indicate that compensating one for damage is lawful. Our Prophet stressed an important principle with these words: "There should be neither harm nor reciprocating harm."<sup>7</sup> Although this *hadith* expresses a general sentiment, it also indirectly describes the need for compensation for damage or loss. This is why, taking this *hadith* as its basis, the principle of "the elimination of actual damage/loss" has been established in Islamic jurisprudence and in the Ottoman Civil Code (Mecelle), which is a compendium of codified Islamic law.<sup>8</sup> It is understood from this *hadith* that it would not be possible to respond to damage or loss by inflicting the same damage or loss or by causing damage or loss in another form and that one could not personally take revenge. One who has suffered damage or loss can remove it by applying to the authorities and demanding compensation. In fact, in the aforesaid *hadith*, 'A'isha (ra) applied to our master the Prophet (saw) and, as a consequence, was told the form in which she should pay compensation.

There are many reasons for paying compensation for damage or loss. It is a fact that eliminating victimhood resulting from the violation of one's rights not only strengthens confidence in justice but also extinguishes feelings of hatred and revenge. Furthermore, compensating or being required to compensate for damage or loss will prevent abuses and show people that they should be more cautious and careful in what they do.

In the *hadiths* describing compensation for damage or loss words like *diya*, *arsh*, and *damān* are used. Different nomenclature is used depending on whether the damage was against property, body, or soul. When damage or loss is directed against a person, the word *diya* is usually used for compensation. Moreover, the term *diya* was especially used to mean compensation for loss resulting in death.<sup>9</sup> *Arsh* was the compensation for

<sup>3</sup> Al-Baqara, 2:177; al-Ma'ida, 5:1.

<sup>4</sup> Al-Baqara, 2/188; al-Shu'ara', 26:183.

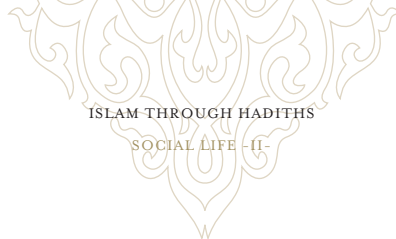
<sup>5</sup> Al-Shura, 42:40.

<sup>6</sup> Al-Zalzala, 99:7-8.

<sup>7</sup> IM2341, Ibn Maja, al-Ahkam, 17; MU1435, al-Muwatta', al-Aqdiyya, 26.

<sup>8</sup> Mecelle section. 20.

<sup>9</sup> "Diyet," *DIA*, IX, 473.



personal injury.<sup>10</sup> Compensation for damage to property or things was usually called *ḍamān*.<sup>11</sup>

The rationale for paying compensation for material damage or loss is obvious. If there is damage or loss to a party it must be compensated. Only in this way will feelings be appeased and peace be found. This is because to respond to damage or loss by causing like damage or loss or another kind of damage or loss or to take revenge opens the way to chaos and lawlessness in society. Because punishment in kind is not permissible with regard to material damage or loss, there remains a way of compensation to appease one's feelings. And this requires payment for damage or loss. For example, if one's window is broken by his neighbor, it makes no sense for him to commit a similar act and break his neighbor's window. The most logical solution is to compensate for the broken window. Indeed, once the camel of al-Bara' b. 'Azib, one of the Companions (ra) from Medina, entered the garden of a man and caused damage. The Prophet (saw), to whom this case was submitted, ruled that the owners of gardens must safeguard their gardens during the day and animal owners must safeguard their animals during the night,<sup>12</sup> and therefore the garden owners must be paid for the damage that the animals caused at night.<sup>13</sup>

In this incident our Prophet distinguished between night and day because, as was customary, in the day time gardens were protected by their owners or agents. In like manner it was the custom of animal owners in that period to put their animals out to pasture during the day and collect them in pens at night. One who acted contrary to these customs was considered to have abandoned the practice of looking after his property and to have been at fault.<sup>14</sup> Here the principle is that one will be compensated for damage or loss that occurred as the result of not taking adequate precautions or negligence.

There are *ḥadīths* of our Prophet according to which compensation was not necessary for certain damage or loss. For example, "*There is no diya (blood money) for persons killed by animals or for the one who has been killed accidentally by falling into a well or for the one killed in a mine.*"<sup>15</sup> Although it is stated that *diya* or compensation is not required for the losses enumerated in this *ḥadīth*, the commentators on *ḥadīths* have presented different opinions on the value of the loss and the status of the animal which were meant here. Accordingly, losses which do not require compensation should be

<sup>10</sup> "Erş," *DĪA*, XI, 307.

<sup>11</sup> "Damān," *DĪA*, VIII, 450.

<sup>12</sup> D3569, Abu Da'ud, al-Buyu' (al-Ijara), 90.

<sup>13</sup> D3570, Abu Da'ud, al-Buyu' (al-Ijara), 90; MU1440, al-Muwatta', al-Aqdiyya, 28.

<sup>14</sup> ZU3/178, al-Khattabi, *Ma'alim al-sunan*, III, 178.

<sup>15</sup> B6912, al-Bukhari, al-Zakat, 66; D4593, Abu Da'ud, al-Diyat, 28.



worthless losses which occurred despite the fact that the persons involved were not negligent. If not, if the damage or loss that occurred was the result of negligence, such as not taking the necessary precautions, and it was too great to be tolerated, then compensation was definitely required.

In the early period of Islam, there was actually considerable controversy over whether or not there should be compensation for the different losses mentioned in this *ḥadīth*.<sup>16</sup> The authorities of the various schools of Islamic law had different opinions on this matter. If one were to act according to the general principles in Islam, such as those concerning trust, justice, the law of rights, not causing or suffering damage or loss, then compensation definitely must be paid for damage or loss for such reasons as negligence or imprudence, even if they were unintended. It was definitely not, therefore, the goal of the Prophet (saw) to accept the aforesaid *ḥadīth* in absolute terms or as a normative rule and not to compensate for the resulting damage or loss.

Indeed, our Prophet stated that a person who borrowed property would be responsible for compensating for its damage or loss, “*He who takes property from someone is responsible for it until he returns it to its owner.*”<sup>17</sup> At the Battle of Hunayn, the Messenger of Allah (saw) took armor from Safwan b. Umayya who had not yet become a Muslim. When Safwan asked, “O Muhammad! Are you taking it by force?” Allah’s Messenger replied, “*No. To the contrary. It is taken in trust so that if it is damaged the cost of it will be paid.*”<sup>18</sup> By saying this, he indicated that what he borrowed would be safeguarded.

Something taken in jest or without informing anyone must be returned to its owner no matter how trivial. If not, the owner should be compensated. In relation to this, the Messenger of Allah (saw) said, “*None of you should take any property of his brother in jest or in earnest. If anyone takes the staff of his brother, he should return it.*”<sup>19</sup>

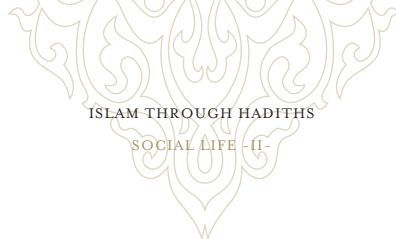
At the time of the Messenger of Allah (saw) and the first caliphs, materials left to craftsmen to be made into various things were viewed as materials left in trust. If they were unintentionally lost or destroyed, the craftsmen would not be charged for them. At that time people trusted each other and one would accept the words of craftsmen who said that these materials had been lost. However, in subsequent years, greed and desire for the property of others began to replace this sense of trust. Over time, craftsmen who cast their eyes on people’s possessions abused this rationale

<sup>16</sup> Al-Bukhari, al-Diyat, 29 – the section heading–.

<sup>17</sup> D3561, Abu Da’ud, al-Buyu’ (al-Ijara), 88; T1266, al-Tirmidhi, al-Buyu’, 39.

<sup>18</sup> D3562, Abu Da’ud, al-Buyu’ (al-Ijara), 88.

<sup>19</sup> D5003, Abu Da’ud, al-Adab, 85; T2160, al-Tirmidhi, al-Fitan, 3.



for not paying compensation; and this opened the way to causing people damage and loss. If this state of affairs had been left on its own, the violation of the laws in question would have become widespread and people would have found themselves in difficulty. As a result of the laxity of such craftsmen and their not safeguarding property, either the relevant crafts would be completely abandoned because the confidence of the people had been shaken, or the property of people would be misused by craftsmen through lies, deception, and treachery, because they did not have to pay compensation. Thus, faced with these negative developments, 'Ali (ra), acting cautiously on behalf of the people, began to make tailors, painters, and similar craftsmen pay for property that they ruined.<sup>20</sup> In fact, on this subject he said, "Only this would redress people's concerns."<sup>21</sup>

Clearly, 'Ali (ra) demanded compensation for materials destroyed at the hands of craftsmen as a measure to protect the property of people in light of the ethical failings of certain craftsmen. His order was undoubtedly an effort aimed at preventing a kind of mischief which had gradually become widespread in society and at protecting the public interest by safeguarding property.

Today, because of the lack of due diligence in either the production or distribution of goods made by persons or companies, they can sometimes be seen as flawed. Under these circumstances, if the faults can be determined to derive directly from production or distribution, then the compensation from the responsible persons can be assessed in this context by either exchanging the product that they had promised to deliver as sound or by a refund for its full price.

Damage or loss can occur to people's property simply in the course of daily life. For various reasons people can suffer loss of life and limb, in short, one's health can be harmed. On this matter, our master the Messenger of Allah (saw) said, "*Whoever gives medical treatment, with no prior knowledge of medicine, is responsible (for any harm done).*"<sup>22</sup> Accordingly, an incompetent person who causes illness by performing an operation must compensate for the harm he caused.

Harm that people cause by injuring one another is also included under the rubric of compensation. The Messenger of Allah sent the well-known genealogist Abu Jahm b. Hudhayfa (ra) into the countryside as the *zakāt* collector. A man argued with Abu Jahm over his *zakāt* and as a

<sup>20</sup> MA14948, 'Abd al-Razzaq, *al-Musannaf*, VIII, 217.

<sup>21</sup> BS11870, al-Bayhaqi, *al-Sunan al-kubra*, VI, 194.

<sup>22</sup> IM3466, Ibn Maja, *al-Tibb*, 16; 16; N4834, al-Nasa'i, *al-Qasama*, 40-41.





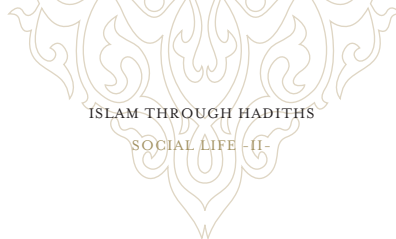
result Abu Jahm injured him on the head. Afterwards, the relatives of the man came to the Prophet (saw) and said, “O Messenger of Allah! We want retaliation!” The Prophet (saw) said to them, “*This much money should be given to you.*” They were not satisfied with this. So the Noble Messenger increased the amount of compensation to be paid and said, “*This much money should be given to you.*” This time they were satisfied. Thereupon the Prophet (saw) said, “*This afternoon I will address the people and tell them that you were satisfied.*” They said, “Yes.” The Prophet (saw) then gave a speech to the congregation and said, “*These Laythis (from the tribe of Layth) came to me demanding retaliation. Instead of retaliation, I proposed to them this amount of compensation.*” Then he turned to them (the plaintiffs) and asked, “*Are you satisfied?*” They did not keep their promise and said, “No!” At that point, the Muhajirun wanted to take measures against them, but the Prophet (saw) ordered them to desist and they did. Later the Noble Messenger summoned them (the plaintiffs) and increased the amount of money they were to be given. Afterwards he asked them, “*Are you satisfied?*” and they replied, “Yes!” Thereupon the Noble Messenger said, “*I will speak to the people and inform them that you are satisfied.*” They said, “Very well.” Afterwards the Prophet (saw) made a speech to the people. Then he asked them, “*Are you satisfied?*” And they said, “Yes!”<sup>23</sup>

Another incident occurred at the time of the Prophet (saw) which was an interesting example of circumstances requiring compensation or *diya*. Two women from (the tribe of) Hudhayl fought with each other and one of them hit the other with a stone that killed her and the child in her womb. The relatives of the victim submitted their case to the Prophet (saw) who judged that the *diya* for the fetus was a male or female slave, and the *diya* for the killed woman was to be paid by the ‘*aqila* (the relatives who were bound to pay blood money) of the killer.<sup>24</sup>

A similar incident occurred during the reign of ‘Umar (ra). Investigating what had caused the miscarriage/abortion of a woman, ‘Umar asked, “Who heard anything on this matter from the Prophet (saw)?” Mughira b. Shu‘ba immediately answered, “I did.” When he said, “What was it?” He replied, “I heard the Messenger of Allah (saw) say, ‘*It was necessary (for whoever caused the miscarriage/abortion of an expecting mother) to pay as compensation (to her) one male or female slave.*’” ‘Umar then said, “Bring me someone who can testify as a witness to what you have said.” He then departed and

<sup>23</sup> D4534, Abu Da‘ud, al-Diyat, 13; N4782, al-Nasa‘i, al-Qasama, 25-26.

<sup>24</sup> B6910, al-Bukhari, al-Diyat, 26; M4391, Muslim, al-Qasama, 36.



found Muhammad b. Maslama (ra) in the countryside and brought him to ‘Umar. He asked him to bear witness by stating the same *ḥadīth* that he had heard.<sup>25</sup> As can be seen from these cases, according to the Holy Qur’an and *Sunna*, in crimes such as murder the punishment could be retaliation or compensation depending on the wish of the relatives of the victim.<sup>26</sup> Our Prophet emphasized this basic principle concerning retaliation and compensation as follows: *“If a person’s (one who is in the position of an heir) relative is killed, the court can give him two choices: either blood money (compensation) or killing the killer (retaliation).”*<sup>27</sup> Our master the Noble Messenger also indicated in his *ḥadīths* the amounts of compensation. For example, he stated that the compensation for a person who killed someone by accident was 100 camels,<sup>28</sup> and that a certain amount of compensation could be given for each part of the body that was injured.<sup>29</sup>

Just as a person could suffer physical damage or loss, he could also suffer emotional damage or loss. While physical damage or loss concerned one’s property or person, emotional damage or loss concerned one’s dignity, honor, and reputation. Sometimes this could be in the form of a humiliating accusation against someone in society, and sometimes it could be in the form of gossip and slander. One day our master the Prophet (saw) asked his Companions (ra), *“Do you know who is one who is bankrupt?”* His Companions (ra) said, *“In our opinion, a bankrupt person is one who has no money or property.”* Thereupon the Prophet (saw) said, *“The truly bankrupt of my umma would be one who would come on the Day of Judgement with prayer, fasting, and zakāt. And at the same time he will have cursed this one, slandered that one, consumed the wealth of this one, shed the blood of that one, and beaten this one. So his good deeds would be credited to the account of those (who suffered at his hand). If his good deeds fall short in clearing their account, their sins would be entered in his account and he would be thrown in the Fire.”*<sup>30</sup> In the Prophet’s Farewell Address, which was the last advice that he gave, he stated that one’s honor, reputation, and dignity were as sacred as his property and life.<sup>31</sup> When considered in the light of these *ḥadīths*, it is clear that there will definitely be compensation in this world or the Hereafter for any damage or loss. The person whom our master the Prophet (saw) characterized as bankrupt is not someone who victimized a person because of the damage or loss he cause in this world but one who will receive his just compensation in the next world.

<sup>25</sup> M4397, Muslim, al-Qasama, 39; D4570, Abu Da’ud, al-Diyat, 19.

<sup>26</sup> Al-Baqara, 2:178; al-Ma’ida, 5:45.

<sup>27</sup> M3305, Muslim, al-Hajj, 447; IM2624, Ibn Maja, al-Diyat, 3.

<sup>28</sup> D4541, Abu Da’ud, al-Diyat, 16.

<sup>29</sup> MU1555, al-Muwatta’, al-‘Uqul, 1.

<sup>30</sup> M6579, Muslim, al-Birr, 59

<sup>31</sup> B105, al-Bukhari, al-‘Ilm, 37.



In the acquisition of rights which are determined as compensation, the following situation obtains: as for a right which is financial or has financial consequences resulting from offenses against persons or their property, the person who is the victim has the authority to decide the form that the compensation should take. If he wishes he can forgive the perpetrator or he can demand payment of compensation. No person or institution has the authority to remove this right. As for cases of compensation resulting from crimes against the public order—although in a certain respect being of interest to persons—the perpetrator gives up his right and can also be subject to punishment/compensation. For example, in brigandage, extortion, or a crime against public property, the aggrieved parties give up their exclusive rights but this does not remove from the guilty the responsibility for compensation resulting from the damage or loss they have inflicted on the public. Furthermore, whether or not one fulfills the financial obligations arising from incompletely performing the acts of worship known as “Allah’s law” is something between Allah and his servant. For instance, this would be the consequence of a person not paying atonement for an oath, or not paying the penalties arising from breaching the Hajj bans or hunting while in a state of ritual purity. Paying such specific penalties is a requirement of servanthood. By not doing so a person will be held responsible before Allah. He is the ultimate authority over one’s account. If he wills, he will forgive; and if he wills, he will punish.

Our Prophet established a system of compensation for material damage or loss and he wanted this to be carefully implemented. This is because in our religion not only is causing damage or loss not permitted but it is also unacceptable that the one who does so should escape punishment. Compensation should definitely be paid for material damage or loss. The forgiveness of the one who suffered the damage or loss is a different situation for the one who caused the damage or loss would still have to compensate for it. In addition to the legal dimension of this, there is another which concerns human relations. By eliminating victimization from damage or loss, one not only ensures trust in justice but also extinguishes feelings of hatred and revenge. To compensate for damage or loss is a way to win the hearts of people and to sooth broken hearts. Even for trivial and insignificant damage or loss, instead of assuming a unconcerned attitude one should try all means to please the heart of the interested party.



# LABOR

## THE SACRED ENDEAVOR

عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”ثَلَاثٌ مَنْ كُنَّ فِيهِ نَشَرَ اللَّهُ عَلَيْهِ كَنَفَهُ وَأَدْخَلَهُ الْجَنَّةَ: رَفَقَ بِالضَّعِيفِ،  
وَالشَّفَقَةُ عَلَى الْوَالِدَيْنِ، وَالْإِحْسَانُ إِلَى الْمَمْلُوكِ.“

According to Jabir b. ‘Abd Allah (ra), the Messenger of Allah (saw) said,  
“There are three (characteristics) for which whoever has them, Allah will protect  
him and admit him to Paradise: Being kind to the weak, being respectful to  
parents, and doing good to slaves.”

(T2494, al-Tirmidhi, Sifat al-qiyama, 48)



عَنِ الْمَعْرُورِ قَالَ: لَقِيتُ أَبَا ذَرٍّ بِالرَّبَذَةِ وَعَلَيْهِ حُلَّةٌ وَعَلَى غُلَامِهِ حُلَّةٌ فَسَأَلْتُهُ  
عَنْ ذَلِكَ. فَقَالَ: إِنِّي سَابَيْتُ رَجُلًا فَعَيَّرْتُهُ بِأُمَّهِ، فَقَالَ لِي النَّبِيُّ ﷺ:  
”يَا أَبَا ذَرٍّ! أَعَيَّرْتَهُ بِأُمَّهِ؟ إِنَّكَ أَمْرٌ فِيكَ جَاهِلِيَّةٌ، إِخْوَانُكُمْ خَوْلُكُمْ،  
جَعَلَهُمُ اللَّهُ تَحْتَ أَيْدِيكُمْ، فَمَنْ كَانَ أَخُوهُ تَحْتَ يَدِهِ فَلْيُطْعِمْهُ مِمَّا  
يَأْكُلُ، وَلْيَلْبِسْهُ مِمَّا يَلْبَسُ، وَلَا تُكَلِّفُوهُمْ مَا يَغْلِبُهُمْ، فَإِنْ كَلَّفْتُمُوهُمْ  
فَأَعِينُوهُمْ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”إِذَا صَنَعَ لِأَحَدِكُمْ خَادِمُهُ طَعَامَهُ ثُمَّ جَاءَهُ بِهِ، وَقَدْ وَلِيَ حَرَّهُ وَدُخَانَهُ، فَلْيُقْعِدْهُ  
مَعَهُ، فَلْيَأْكُلْ، فَإِنْ كَانَ الطَّعَامُ مَشْفُوعًا قَلِيلًا، فَلْيَضَعْ فِي يَدِهِ مِنْهُ أَكْلَةً أَوْ أُكْلَتَيْنِ.“



عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”أَعْطُوا الْأَجِيرَ أَجْرَهُ، قَبْلَ أَنْ يَجِفَّ عَرْفُهُ.“



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: قَالَ اللَّهُ تَعَالَى:  
”ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أُعْطِيَ بِي ثُمَّ غَدَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ  
ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ.“



As al-Ma'rur (ra) related, "I met Abu Dharr at al-Rabadha. He and his slave were wearing the same attire. I asked him the reason for this. He said, 'I exchanged abusive language with a man. I abused him by calling his mother bad names. Then the Prophet (saw) said to me, "*O Abu Dharr! Did you abuse him by calling his mother bad names? You are a man (in which there are traces of) the period of the Jahiliyya. Your slaves are your brothers and Allah has put them under your command. Whoever has a brother under his command should feed him what he eats and dress him with what he wears. Do not ask them (the slaves) to do things beyond their power, and if you do, then help them.*"

(B30, al-Bukhari, al-Iman, 22)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, "*Whenever the servant of one of you prepares and brings food, have him sit with you, for he has toiled in the heat and smoke of (preparing) the food. And have him eat. But if there is little food, you should put one or two morsels of it into his hand.*"

(M4317, Muslim, al-Ayman, 42)



According to 'Abd Allah b. 'Umar (ra), the Messenger of Allah (saw) said, "*Give the worker his wages before his sweat dries!*"

(IM2443, Ibn Maja, al-Ruhun, 4)



According to Abu Hurayra (ra), the Prophet (saw) said, "*Allah on High said, 'On the Day of Judgement, I will be the opponent of three kinds of people: One who makes a covenant in my name and then is perfidious, one who sells a free person (as a slave) and consumes the money from the sale, and one who employs a laborer and, although he has completed his work, does not pay him for it.*"

(B2270, al-Bukhari, al-Ijara, 10)





**A**l-Maʿrur b. Suwayd, one of the Successors, went to visit the Companion Abu Dharr (ra) who was an ascetic and had been honored by praise of the Prophet (saw) who said of him, “*There is no one under the dome of the sky or on the face of the earth who is more loyal and truthful.*”<sup>1</sup> When he saw that Abu Dharr’s servant was wearing a piece of the dress of Abu Dharr, he said, “If you had not given your servant half your cloth, you would have had a beautiful garment. You should have given him another garment.” Upon this advice of his visitor, Abu Dharr (ra) described the following event which had happened to him: “One day Bilal al-Habashi and I had a dispute.<sup>2</sup> Bilal’s mother was a (black) woman from Abyssinia. I annoyed him (by saying ‘son of a black woman’). Bilal went to Allah’s Messenger and complained of me. Thereupon, Allah’s Messenger said, ‘O Abu Dharr! Did you abuse him by calling his mother bad names? You are a man (in which there are traces of) the period of the Jahiliyya.’ He rebuked me and went on to say, ‘Your slaves are your brothers and Allah has put them under your command. Whoever has a brother under his command should feed him what he eats and dress him with what he wears. Do not ask them (the slaves) to do things beyond their power, and if you do, then help them.’”<sup>3</sup>

In life, in which there are many work places, the employer needs the worker. Thus situation results, in a way, to the mandatory task of sharing in this worldly life. Some perform tasks as bosses, some as public servants, some as employers and some as laborers. In fact, Allah on High said, “*We are the one who give them their share of livelihood in this world and We have raised some of them above others in rank, so that some may take others into service.*”<sup>4</sup> Sometimes, this matter is the requirement of a divine test.<sup>5</sup> For the smooth flow of worker-employer relations and the productivity resulting from the output of labor, their mutual rights must be observed. On this point the aforesaid advice of the Prophet (saw) gains importance. This is

<sup>1</sup> T3802, al-Tirmidhi, al-Manaqib, 35; IM156, Ibn Maja, al-Sunna, 11.

<sup>2</sup> AV14/45, ‘Azimabadi, ‘Awn al-ma’bud, XIV, 45.

<sup>3</sup> B30, al-Bukhari, al-Iman, 22; B6050, al-Bukhari, al-Adab, 44; B2545, al-Bukhari, al-‘Itq, 15.

<sup>4</sup> Al-Zukhruf, 43:32.

<sup>5</sup> Al-An’am, 6:165.





because, in his teaching, as a human being there is no distinction between one person and the next and no superiority of one over another. Although their status may differ, the worker and employer are responsible first to Allah and then to each other. Thus the statement of the happy Prophet, who wanted to change the established structure which was based on injustice and oppression at a time when businessmen competed with great ambition to accumulate wealth, and servants and slaves were despised and held in contempt, that “*Your servants are your brothers*” is very meaningful. Allah’s Messenger’s presentation of servants and slaves not only as humans but also as brothers is extremely significant.

Muslims, whether employers, workers, or unemployed, are brothers. Whatever the superior-subordinate relationship in their social relations, they are ultimately in the position of acting as brothers to each other. The rich, the poor, the patron, the worker should behave in accordance with the ethical teachings of Islam. Whatever the level of their material status, it is essential that their solidarity and cooperation be based on compassion and mercy. Allah’s Messenger, who followed this approach in his life in an ideal manner, spoke to his followers on this matter saying, “*There are three (characteristics) for which whoever has them, Allah will protect him and admit him to Paradise: being kind to the weak, being respectful to parents, and doing good to slaves.*”<sup>6</sup>

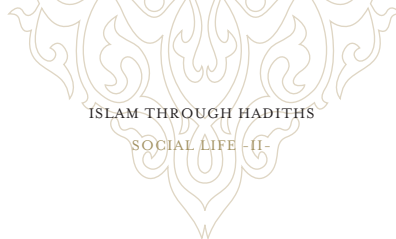
We learn from Anas b. Malik (ra), who had the privilege of serving our beloved Prophet for a full ten years, that he not only stated this advice but also spent his life applying it in the best way. While serving The Prophet of mercy, Anas said that he sometimes made a mistake, but as an example of love, compassion, and tolerance, not once in ten years did the Messenger reprimand him, hurt his feelings, or even say anything like “Why didn’t you do it this way?” or “Why did you do it like that?”<sup>7</sup> Furthermore, he tells us that when Allah’s Messenger wanted something from him, he would use pleasing words and words of affection such as “my child” or “my little one.”<sup>8</sup>

The following command of the Prophet (saw), which was reported by Abu Hurayra (ra), who related most of the *hadiths*, draws attention to a different dimension of this subject: “*Whenever the servant of one of you prepares and brings food, have him sit with you, for he has toiled in the heat and smoke of (preparing) the food. And have him eat. But if there is little food, you should*

<sup>6</sup>T2494, al-Tirmidhi, Sifat al-qiyama, 48.

<sup>7</sup>B6038, al-Bukhari, al-Adab, 39; M6011, Muslim, al-Fada’il, 51.

<sup>8</sup>M5623, Muslim, al-Adab, 31.



*put one or two morsels of it into his hand.*<sup>9</sup> This *ḥadīth*, in laying out the relations between someone and his cook and worker, advises him to act in a brotherly fashion toward them. It is recommended that the cook, who had saved his patron from the fuss and distraction of making food by cooking meals, eat with his employer or be given something from the meal. This is not, in fact, a binding order, but is advice meant to encourage an ideal or preferable behavior.

In our view, the purpose of this advice is to remove the distance between patron and worker and to establish a warm, cordial, and brotherly relationship between them. It is undesirable for a patron to become arrogant or for a worker to be held in contempt. If the employer and his workers and cooks share the same environment and the same food, this will undoubtedly strengthen mutual bonds of affection and respect. The workers will see the employer as one of them and he will feel closer to them. The intention of this encouraging advice of Allah’s Messenger was to have servants, in a society from which they were excluded, be treated with humanity, fraternity, and warmth. Certainly, an employer could eat different food from that of his worker and wear different clothing. This is his most natural right. Nevertheless, being among his workers, sitting at the same table with them and sharing the same food, and thus pleasing them, are important gestures for establishing a fraternal environment. It is likely that this is the message that Allah’s Messenger wanted to give.

The relations between worker and employer should be carried out within the framework of mutual rights and responsibilities and on a foundation of respect and friendship. The businessmen who followed the Prophet (saw)’s advice in this way for centuries acquired an important position in society. The Ahi organization, which was a business-like institution in Turkish history and civilization and which we can characterize as providing “vocational training based on brotherhood,” derived from the Holy Qur’an and *Sunna*. In this institution, the leading craftsmen and artisans not only taught what they produced to apprentices, foremen, and masters, but also gave them instruction by instilling in them a sense of brotherhood, rights and responsibilities, labor and hard work, religiously permissible gain, honesty, loyalty, and humility. Thus, work ethics based on Muslim brotherhood and Prophetic wisdom were passed down from generation to generation among the guilds of crafts.

<sup>9</sup>M4317, Muslim, al-Ayman, 42; B5460, al-Bukhari, al-At’ima, 55.



An employer who took the teachings of the Prophet (saw) to heart would definitely respect all the human rights of the worker. By giving his worker a chance to rest and worship, he would show the necessary care in not wearing him down with a heavy work load. He would absolutely avoid exposing his worker to any task that would endanger his life and health. Thus in every aspect a healthy worker-employer relationship would come to pass. However, if the teachings of our Prophet were ignored, it would be impossible to speak of a healthy relationship. Especially today when unemployment is widespread, to dismiss workers from their jobs while violating their rights, to not pay their wages, and to force them to work under terrible conditions, even while speaking against all these negative actions and defending their rights, is behavior diametrically opposed to the teachings of our master the Prophet (saw).

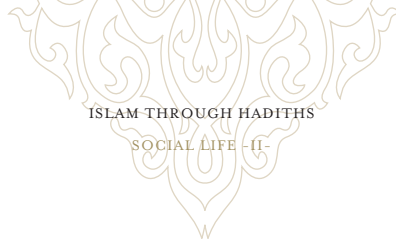
It is not only essential for the employer to respect the rights of those whom he employs but the worker should also do the best he can on the task that he is given and he should fulfill his responsibilities. A worker who compromises the quality of the work that the employer expects and who gives others additional work by neglecting his own tasks does not deserve the wage that he receives. In like manner he has a responsibility to safeguard the tools of the workplace; and causing any damage or loss to the establishment for which he works or to use the resources of the workplace for his own interests is tantamount to consuming the rights of the employer. According to the teaching of our beloved Prophet, everyone is accountable before Allah and everyone is responsible for what is in his care. A servant will respect the property of his master/patron and will be responsible for his property and his service area.<sup>10</sup>

The Messenger of Allah saw the worker and official who did their jobs sincerely and in the best manner, in the sense of something held in trust, being rewarded (in the next world) as if they themselves were the business or property owner. As he said, *“An honest Muslim cashier who carries out the orders of his master and pays fully what he has been ordered to give with a good heart and pays to that person to whom he was ordered to pay, is regarded as one of the two charitable persons.”*<sup>11</sup>

So, how should a Muslim, who takes the Prophet (saw)’s words and actions as an example, act with respect to the wage of a worker? The followers of the Prophet (saw), who advised, *“Give the worker his wages before*

<sup>10</sup> B2409, al-Bukhari, al-Istiqrad, 20.

<sup>11</sup> B1438, al-Bukhari, al-Zakat, 25.



*his sweat dries!*"<sup>12</sup> were not indifferent to this and gave the workers their wages on time. Indeed, if a worker who was employed in a certain area and was sensitive about it said that, as a volunteer, he would do the job for reward in the next world, he should still be paid his wage even if he didn't want it. In fact, when our master the Prophet (saw) paid 'Umar for the work that he did, 'Umar (ra) would not accept it and said that he did it to please Allah (swt) and did not want the wage and that he should give it to someone who needed it. Our master however said, "*Even if you don't want it, if something is given to you, take it and become wealthy and give to charity.*"<sup>13</sup>

In the following story that the Prophet (saw), who gave special importance to the rights of workers, related to his Companions (ra), he sketched the portrait of an ideal employer who protected the rights of workers as if they were his own. This edifying story is known as the "Cave Ḥadīth." According to it, while three people were travelling, they took refuge in a cave for the night. When they were inside, a rock broke from the mountain and blocked the mouth of the cave. These three desperate people who were stranded inside realized that they could do nothing with their own hands and their only chance was to plead to Allah (swt) for help. For this purpose, they wanted to ask His help by recalling certain deeds they had done to please Allah. After the first and second men had beseeched Allah, the rock moved a bit. In order to completely move the rock, the third man opened his hands and implored Allah, "O Allah! As You know, once I employed a worker for one *faraq* of millet, but when I wanted to pay him, he refused to take it. So I sowed it and from its yield I bought cows and hired a shepherd. After a time that man returned and demanded his money. I told him, 'Go to those cows and the shepherd and take them for they are for you.' He asked me whether I was joking with him. I told him that I was not joking with him, and all that belonged to him. O Allah! If You regard that I did this sincerely for Your sake, then please remove the rock." As a result of this prayer the rock was completely removed from the mouth of the cave.<sup>14</sup>

Our beloved Prophet was very pleased with this behavior and, while describing it to his Companions (ra) as an example, he said the opposite behavior, that is, to deal unfairly with a worker's wages, was something that both he and Allah on High detested. As he expressed it, "*Allah on High said, 'On the Day of Judgement, I will be the opponent of three kinds of people: one who makes a covenant in my name and then is perfidious, one who sells a free*

<sup>12</sup> IM2443, Ibn Maja, al-Ruhun, 4.

<sup>13</sup> M2408, Muslim, al-Zakat, 112; B7163, al-Bukhari, al-Ahkam, 17.

<sup>14</sup> B2215, al-Bukhari, al-Buyu' 98.



*person (as a slave) and consumes the money from the sale, and one who employs a laborer and, although he has completed his work, does not pay him for it.”*<sup>15</sup>

Just as employing a worker and then not paying his wages is displeasing to Allah on High, to lower a worker's wages for no reason and to pay him less than was agreed upon are not religiously permissible. In fact, the advice of Abu Sa'id al-Khudri, who was a friend of our Prophet, “When you hire a worker, tell him the wage that you will pay him,”<sup>16</sup> is a warning to prevent an employer from engaging in this kind of exploitation. This admonition was originally expressed with regard to wages, but it is valid for all matters in which there is the likelihood that a misunderstanding could arise between worker and employer. When a worker is hired, such details as working conditions, the times of work and breaks, weekly and annual days off or holidays, the work to be done, the wage to be paid and the time of paying the wage, which are intended to protect the rights of the worker and employer, were to be assessed within the scope these words of Allah's Messenger. Accordingly, before any work is begun these matters must be clearly discussed between the worker and employer. If necessary, matters over which there is a likelihood that the parties could disagree should be spelled out clearly in writing in the form of a contract. Thus, based on the principle of certainty, both parties will have a better understanding of their rights and responsibilities and be able to fulfill them better.

A story related by 'Umar's son 'Abd Allah provides guidance on the limits of tolerance toward workers provided that they do not lead to exploitation. He said, “A man came to the Prophet (saw) and asked, ‘O Messenger of Allah! How often should I forgive a servant?’ He gave no reply. The man therefore repeated what he had said, but he still kept silent. When he asked a third time, he replied, ‘Forgive him seventy times daily.’”<sup>17</sup>

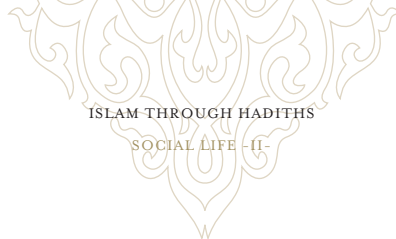
We understand this advice of the Prophet (saw) not in a numerical sense but as encouragement to treat servants and workers well at every opportunity and to tolerate their mistakes. The fundamental principles here are to respect mutual rights and for the worker and employer not to exploit each other. As our master the Prophet (saw) stated, “Allah on High said, ‘On the Day of Judgement, I will be the opponent of...one who employs a laborer and, although he has completed his work, does not pay him for it.’”<sup>18</sup> This also means that Allah (swt) will certainly call to account the worker who does not carry out the task which has fallen to him, who does not fulfill the job

<sup>15</sup> B2270, al-Bukhari, al-Ijara, 10.

<sup>16</sup> N3888, al-Nasa'i, al-Muzara'a, 44.

<sup>17</sup> D5164, Abu Da'ud, al-Adab, 123-124.

<sup>18</sup> B2270, al-Bukhari, al-Ijara, 10; IM2442, Ibn Maja, al-Ruhun, 4.



given to him, and who does not deserve gain acquired by negligence or exploitation.

In this way, The Prophet of mercy described to his followers his work ethics, employment policy, and his approach to work. In summary, the employer would treat his workers well, show them compassion, meet the expenses for their clothing and food, be helpful by being understanding in all matters, be sincere by regarding them as “brothers,” respect their rights, and pay them for their work without delay. In return, the worker would not take advantage of this sincere treatment that the employer has demonstrated, would fulfill his duty in the best way, and would safeguard his property as if it were his own. Thus, as a result of this worker-employer solidarity which was mutually established in a sincere manner, productivity would reach the highest level. The greatest responsibility for this solidarity rests perhaps on the employer. This is because the increase in production depends on the diligent work of the laborer while his effort depends on the employer’s giving him his rights in the best way. For this reason, the employer should be aware of his responsibility and should be extremely respectful of the rights of his workers. In fact, just before he died, our Prophet pointed out this responsibility by saying, *“Prayer, prayer; fear Allah about those whom your right hands possess!”*<sup>19</sup>

<sup>19</sup> D5156, Abu Da’ud, al-Adab, 123-124; IM1625, Ibn Maja, al-Jana’iz, 64.





# IMMUNITY

## THE SANCTITY OF LIFE, PROPERTY, HONOR, AND HOME

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
“... كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ دَمُهُ وَمَالُهُ وَعِرْضُهُ.”

According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
“The blood, property, and honor of a Muslim are inviolable to another Muslim.”

(M6541, Muslim, al-Birr, 32)





عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
”اجْتَنِبُوا السَّبْعَ الْمُؤْبَقَاتِ.“ قَالُوا: ”يَا رَسُولَ اللَّهِ، وَمَا هُنَّ؟“  
قَالَ: ”الشُّرْكَ بِاللَّهِ، وَالسَّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا  
بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلَّى يَوْمَ الرَّحْفِ، وَقَذْفُ  
الْمُحْصَنَاتِ الْمُؤْمِنَاتِ الْغَافِلَاتِ.“



عَنْ سَعِيدِ بْنِ زَيْدٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
”مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ وَمَنْ قُتِلَ دُونَ دِينِهِ فَهُوَ شَهِيدٌ وَمَنْ قُتِلَ دُونَ دَمِهِ  
فَهُوَ شَهِيدٌ وَمَنْ قُتِلَ دُونَ أَهْلِهِ فَهُوَ شَهِيدٌ.“



عَنْ سَعِيدِ بْنِ زَيْدٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ:  
”مَنْ أَخَذَ شِبْرًا مِنَ الْأَرْضِ ظُلْمًا فَإِنَّهُ يُطَوَّقُهُ يَوْمَ الْقِيَامَةِ مِنْ سَبْعِ أَرْضِينَ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ وَالْمُؤْمِنُ مَنْ أَمِنَهُ النَّاسُ عَلَى  
دِمَائِهِمْ وَأَمْوَالِهِمْ.“



According to Abu Hurayra (ra), the Prophet (saw) said, *“Avoid the seven destructive (sins)!”* The Companions (ra) asked, *“O Messenger of Allah! What are they?”* He answered, *“To associate others with Allah, to practice sorcery, to take a life which Allah has forbidden unless it is required by justice, to take interest, to consume the wealth of orphans, to flee from battle, and to falsely accuse chaste women believers whose character is beyond reproach (of misconduct).”*

(B2766, al-Bukhari, al-Wasaya, 23)



According to Sa‘id b. Zayd (ra), the Messenger of Allah (saw) said, *“Whoever is killed for his wealth is a martyr, and whoever is killed for his religion is a martyr, and whoever is killed for his blood is martyr, and whoever is killed over his family is martyr.”*

(T1421, al-Tirmidhi, al-Diyat, 21)



According to Sa‘id b. Zayd (ra),  
“I heard the Prophet (saw) say, *‘Whoever steals a hand-span of land will bear it seven fold on his neck on the Day of Judgement.’*”

(M4135, Muslim, al-Musaqat, 140)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*“A Muslim is the one from whose tongue and hand (other) Muslims are safe, and a believer is the one with whom the people trust their blood and their wealth.”*

(T2627, al-Tirmidhi, al-Iman, 12)





‘**A**mr b. al-Ahwas, one of the Companions (ra) who was on the Farewell Pilgrimage with the Messenger of Allah (saw), related the following: “(On the Farewell Pilgrimage) the Messenger of Allah (saw) expressed his gratitude to Allah and praised Him. Then he gave council and advice to his company and said, ‘Which day is most sacred?’ Those who were there said, ‘The day of the Great Pilgrimage (al-Hajj al-Akbar, the Eid al-Adha), O Messenger of Allah.’ Thereupon our master the Prophet (saw) said, ‘Indeed, your blood, your wealth, and your honor are as sacred for you as the sacredness of this day of yours (the day before the Festival), in this city of yours (Mecca), in this month of yours (Dhu al-Hijja). Know that no one commits a crime but against himself, no one punishes a father for a son or a son for a father. Know that the Muslim is the brother of the Muslim, so it is not lawful for the Muslim to do anything to his brother which is not lawful to be done to himself. Know that all interest from the Jahiliyya period has been abolished, for you is the principle of your wealth, but you are not to wrong or to be wronged. The first interest to be abolished is the interest of ‘Abbas b. ‘Abd al-Muttalib. All of it has been abolished. Know that all retribution regarding blood claims during the Jahiliyya has been abolished. The first blood claim to be abolished was that of al-Harith b. ‘Abd al-Muttalib.’”<sup>1</sup>

With these clarifications the Prophet (saw) made universal for all time and all places the concept of “immunity,” which had been known in a limited sense in the Jahiliyya period and had been put into practice only in the sacred months. Islam, which includes the security of life and property among the indispensable human rights, forbids in specific language the violation of these rights without any legal justification.

According to Islam, the security and immunity of life are innate rights acquired in the womb before birth. Without a compelling reason, a human’s right to life cannot be taken away even as a fetus. The Noble Qur’an

<sup>1</sup> T3087, al-Tirmidhi, Tafsir al-Qur’an, 9; B67, al-Bukhari, al-‘Ilm, 9; M4383, Muslim, al-Qasama, 29.



states, “If anyone kills a person—except in retribution for murder or spreading corruption in the land—it is as if he kills all mankind, while if anyone saves a life it is as if he saves the lives of all mankind.”<sup>2</sup> Thus in order to ensure security of life in society, everyone must help protect the lives of each other. This is because to take someone’s life unjustly does not result in simply the persecution of that person but also means, at the same time, that a principle which needs to be paramount in society, like the immunity of human life, has been violated, a feeling like compassion has been sullied. A Qur’anic verse declares, “If anyone kills a believer deliberately, the punishment for him is Hell, and there he will remain. Allah is angry with him, and rejects him, and has prepared a tremendous torment for him.”<sup>3</sup> In the ḥadīth, “Killing a believer is more grievous before Allah than the extinction of the world,”<sup>4</sup> the Noble Messenger revealed how important was the right to life.

In the holy book of Islam, which shows the greatest sensitivity to the matter of ensuring the security of life for persons, there are material punishments, such as *diyya* (compensation) and freeing a slave, and physical punishments such as fasting for terminating a life even by accident.<sup>5</sup> A verse in the Holy Qur’an also states that retribution, that is, killing the killer, is the punishment for one who deliberately takes a life.<sup>6</sup> Indeed, no one could even kill himself saying, “I will take my own life,” because our Prophet has specifically forbidden suicide by declaring that anyone who knowingly takes his own life without being in a state of psychological distress or insane will be punished with Hell.<sup>7</sup>

In time of peace, Islam considers the security and immunity of life as valid principles for all people regardless of religion, language, and race and tries to ensure the security of everyone. In fact, the Prophet (saw) gave the following warning with regard to non-Muslim citizens, that is, *dhimmīs*, living in Islamic society: “Know that if anyone acts unjustly toward a *dhimmī*, does not give him his full rights, imposes onerous burdens on him, or takes something from him without his permission, I will be his enemy on the Day of Judgement.”<sup>8</sup> The Prophet (saw), who emphasized the immunity of life and property of all people who were honored by being in the presence of Islam, stated with these words that, in light of this understanding with the *dhimmīs*, their lives would be safe.<sup>9</sup> In time of war, the immunity of the enemy is removed and he can be killed in order for the Muslim to defend himself. Yet even under these circumstances The Prophet of mercy ordered

<sup>2</sup> Al-Ma’ida, 5:32.

<sup>3</sup> Al-Nisa’, 4:93.

<sup>4</sup> N3993, al-Nasa’i, al-Muharaba, 2; T1395, al-Tirmidhi, al-Diyat 7.

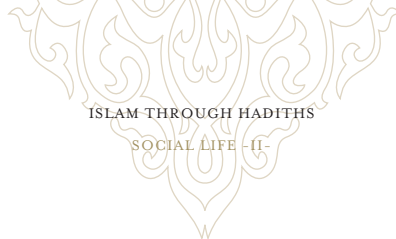
<sup>5</sup> Al-Nisa’, 4:92.

<sup>6</sup> Al-Baqara, 2:178-179.

<sup>7</sup> B5778, al-Bukhari, Tib 56; M300, Muslim, al-Iman 175.

<sup>8</sup> D3052, Abu Da’ud, al-Imara, 31-33.

<sup>9</sup> N4749, al-Nasa’i, al-Qasama, 13-14.



that no one, even an enemy soldier, was to be tortured or mutilated, and women and children should not be killed.<sup>10</sup>

According to the saying of Allah's Messenger, "*The blood, property, and honor of a Muslim are inviolable to another Muslim,*"<sup>11</sup> every individual, as a human, has first of all the right to life and then immunity of property and honor. No one can violate this grace and these human values in any manner. Thus whatever the case, to end a life unjustly is, according to Islam, one of the greatest sins.

Indeed, one day the Noble Messenger said, "*Avoid the seven destructive (sins)!*" The Companions (ra) asked, "O Messenger of Allah! What are they?" He answered, "*To associate others with Allah, to practice sorcery, to take a life which Allah has forbidden unless it is required by justice, to take interest, to consume the wealth of orphans, to flee from battle, and to falsely accuse chaste women believers whose character is beyond reproach (of misconduct).*"<sup>12</sup>

As described in the *ḥadīths*, property, which is the kindling of life and which is obtained by legitimate means is also immune and under the protection of Islam. One day a man came to the Prophet (saw) and asked, "O Messenger of Allah! What should I do against someone who wants to take my property by force?" Allah's Messenger replied, "*Remind him of Allah!*" The man asked him again, "And if this has no effect?" Then Allah's Messenger said, "*Demand help from Muslims who are nearby!*"

As the man continued to ask questions, the following dialogue transpired between them:

The man: "Very well, if there is no one nearby?"

The Messenger of Allah: "*Demand help from the authorities against him!*"

The man: "Very well, if it is impossible for the authorities to intervene?"

The Messenger of Allah: "*Then fight to protect your property. You will either be a martyr in the next world or you will save your property.*"<sup>13</sup>

In another *ḥadīth*, the dialogue continued as follows:

The man: "What if I am killed (while fighting)?"

The Messenger of Allah: "*You would be a martyr.*"

The man: "What if I kill him?"

The Messenger of Allah: "*His place is Hell.*"<sup>14</sup>

This dialogue describes what one could do in a situation in which there was no legal authority or there were no Muslims to provide assis-

<sup>10</sup> M4522, Muslim, al-Jihad wa 'l-siyar, 3; T1617, al-Tirmidhi, al-Siyar, 48; T1569, al-Tirmidhi, al-Siyar, 19.

<sup>11</sup> M6541, Muslim, al-Birr, 32; T1927, al-Tirmidhi, al-Birr, 18.

<sup>12</sup> B2766, al-Bukhari, al-Wasaya, 23; M262, Muslim, al-Iman, 145.

<sup>13</sup> N4086, al-Nasa'i, al-Muharaba, 21.

<sup>14</sup> M360, Muslim, al-Iman, 225.



tance if one's property were attacked. On the other hand, it would be a mistake to deduce from this *ḥadīth* that under normal conditions one is given permission to kill a thief or usurper

The Messenger of Allah said, “*Whoever is killed for his wealth is a martyr, and whoever is killed for his religion is a martyr, and whoever is killed for his blood is martyr, and whoever is killed over his family is martyr.*”<sup>15</sup> These words of the Prophet (saw) demonstrate how important the matter of the security and safety of life and religion, as well as property, is in Islam. One who is subject to an offense, such as usurpation, theft, or looting, has the right to prevent this offense and protect his property even at the cost of being killed. This is because an offense against property falls within the concept of violating the limits imposed by Islam as much as oppression and injustice. However, the goal of defending property against an offense is to prevent the offense and not to punish the assailant. The one compelled to defend the one who suffers injustice, to defend his property, is the assailant himself. But in the course of this defense, no one's life should be threatened; life should not be risked for small amounts. The proper approach is for the one who suffers an offense to use the right of legitimate defense by pursuing a proper path from the most lenient to the severe. On the other hand, a Muslim who does not expose his property to danger, by thinking “In any case, it has immunity,” must still take the necessary measures to protect his assets of all kinds.

Islam forbids consuming the wealth of people unjustly. The Noble Qur'an states, “*You who believe, do not wrongfully consume each other's wealth, but trade by mutual consent.*”<sup>16</sup>

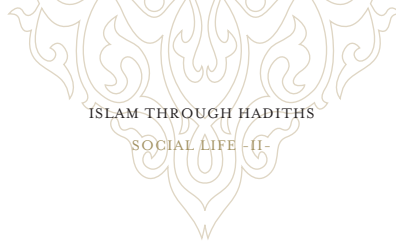
In Islam, just as an attempt is made to take various measures to prevent negative behavior against the security of wealth or property, such as theft, extortion, fraud, gambling, profiteering, and hoarding, the right of ownership is protected by imposing sanctions against behaviors that are tantamount to an assault on ownership.<sup>17</sup> The protection of wealth or property could rest with its immunity or in some circumstances it could be directed toward its true owners. The wealth or property of those who are foolish and spend improperly or are wasteful or are mentally ill is protected by the appointment of a guardian or agent who looks after it.<sup>18</sup> Thus immunity of property includes both the freedom of the owner to sell, change, bequeath, or donate it within the framework of specific rules and to resist the assaults of others.

<sup>15</sup> T1421, al-Tirmidhi, al-Diyat, 21; D4772, Abu Da'ud, al-Sunna, 28-29.

<sup>16</sup> Al-Nisa', 4:9; see also al-Baqara, 2:188

<sup>17</sup> Al-Ma'ida, 5:38.

<sup>18</sup> Al-Nisa', 4:5-6.



One of the fundamental rights and freedoms which our exalted religion recognizes for people is the immunity of the home. The Noble Qur'an requires that certain rules of etiquette be followed while entering and leaving homes stating, "*Believers, do not enter other people's houses until you have asked permission to do so and greeted those inside.*"<sup>19</sup> The immunity of the home, which is a peaceful, secure and happy place, includes such principles as not entering anyone's residence without permission, not being able to search it, not being able to take anything in the house, and not forcing the owner to sell if he does not wish to do so. The owner of the house has the right to oppose actions to which he objects. In fact, Allah's Messenger reacted strongly to those who, violating the sanctity of private life, entered houses without permission and secretly spied on the people in a home.<sup>20</sup> Once he even threatened such a person.<sup>21</sup>

Included within the concept of the immunity of the home are the principles that a person's home or land cannot be taken without justification and that no one can be forced to sell his property unwillingly. Our Prophet stated that if a building were erected on land without the permission of the land owner, it would be demolished.<sup>22</sup> Our Prophet, who wanted to intimidate those of malicious intent by drawing attention to the other worldly results of the usurpation of property, said, "*Whoever steals a hand-span of land will bear it seven fold on his neck on the Day of Judgement.*"<sup>23</sup>

During the caliphate of 'Umar (ra) the Muslim population of Medina increased. The mosque in Medina could no longer accommodate them. As a result, 'Umar, who had decided to expand the Masjid al-Nabi (Mosque of the Prophet (saw)), first purchased the houses around the mosque. After the Prophet's Mosque was completed, a house belonging to our Prophet's uncle 'Abbas b. 'Abd al-Muttalib (ra) remained. 'Umar offered to purchase it from him, but 'Abbas would not agree to sell. 'Umar then gave him the alternatives of selling the house to him, having the equal of his house built for him at a place of his choice in Medina, or donating his house to the mosque. Nevertheless, 'Abbas would not accept these offers. It was agreed that this matter would be resolved through the arbitration of Ubay b. Ka'b (ra). After listening to the two parties, Ubay ruled in favor of 'Abbas and against 'Umar. When 'Umar wanted to learn the basis of this decision, Ubay b. Ka'b described an historical event that he had heard from the Prophet (saw). Accordingly, when David was ordered to build Jerusalem,

<sup>19</sup> Al-Nur, 24:27-29.

<sup>20</sup> M5639, Muslim, al-Adab, 41.

<sup>21</sup> T2708, al-Tirmidhi, al-Isti'dhan, 17; B6900, al-Bukhari, al-Diyat, 23.

<sup>22</sup> BS11686, al-Bayhaqi, *al-Sunan al-kubra*, VI, 145.

<sup>23</sup> M4135, Muslim, al-Musaqat, 140.





he began construction without the approval of the owner of the land. Allah on High forbade the construction of a house of worship on usurped land and declared that the building could not be completed without the consent of the owner of the property. Following the caliph's inquiry, Abu Dharr and others among the Companions (ra) testified that they had heard this story from the Prophet (saw). 'Umar had no choice but to seek the approval of 'Abbas. However, the distinguished uncle of our master the Prophet (saw) turned to Ubay and said, "Since you have ruled in this way, I have donated my house to the Muslims on the path of Allah (fi sabilillah)."<sup>24</sup>

We could say therefore that mankind, the inheritor of the earth, has immunity with respect to life, property, and home. Not only can no one take the right to live from this most noble of creatures but he also does not have the right to end his own life. Without legal justification even the state cannot take a life. This is because, in order for all the rights of man to be protected and for him to be able to benefit from these rights, it is necessary to maintain his survival. In addition, property, wealth, and a home, which one has earned and acquired by religiously permitted means are also among those things to which Islam gives protection and security. To cause damage or loss to someone's property, wealth, or home, or to interfere in them is both legally and ethically unacceptable. For, as the Prophet (saw) said, "*A Muslim is the one from whose tongue and hand (other) Muslims are safe, and the believer is the one with whom the people trust their blood and their wealth.*"<sup>25</sup>

<sup>24</sup> ST4/21, Ibn Sa'd, *Tabaqat*, IV, 21-22; BS12159, BS12160, al-Bayhaqi, *al-Sunan al-kubra*, VI, 272-273.

<sup>25</sup> T2627, al-Tirmidhi, *al-Iman*, 12; N4998, al-Nasa'i, *al-Iman*, 8.



## EQUALITY

### PEOPLE ARE EQUAL LIKE THE TEETH ON A COMB

عَنْ عَائِشَةَ أَنَّ امْرَأَةً سَرَقَتْ فَاتِي بِهَا النَّبِيُّ ﷺ فَقَالُوا: مَنْ يَجْتَرِي عَلَى  
رَسُولِ اللَّهِ ﷺ إِلَّا أَنْ يَكُونَ أُسَامَةَ. فَكَلَّمُوا أُسَامَةَ فَكَلَّمَهُ فَقَالَ النَّبِيُّ ﷺ:  
”يَا أُسَامَةُ إِنَّمَا هَلَكْتَ بَنُو إِسْرَائِيلَ حِينَ كَانُوا إِذَا أَصَابَ الشَّرِيفُ فِيهِمُ الْحَدَّ  
تَرَكُوهُ وَلَمْ يُقِيمُوا عَلَيْهِ وَإِذَا أَصَابَ الْوَضِيعُ أَقَامُوا عَلَيْهِ لَوْ كَانَتْ فَاطِمَةُ بِنْتُ  
مُحَمَّدٍ لَقَطَعْتُهَا.“

According to ‘A’sha (ra),

“A woman had committed theft and was brought to the Prophet (saw). They said, ‘Only Usama could go to the Messenger of Allah (saw) and intervene (in order for her to be forgiven).’ So they spoke with Usama and he spoke with the Prophet (saw) who said the following: ‘O people!

*The nations before you went astray because, if a notable person committed theft, they used to forego his punishment, but if a powerless person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad had committed theft, Muhammad would have cut off her hand!’”*

(N4899, al-Nasa’i, Qat’ al-Sariq, 6)



عَنْ أَبِي نَضْرَةَ حَدَّثَنِي مَنْ سَمِعَ خُطْبَةَ رَسُولِ اللَّهِ ﷺ فِي وَسْطِ أَيَّامِ  
التَّشْرِيقِ فَقَالَ: «يَا أَيُّهَا النَّاسُ أَلَا إِنَّ رَبَّكُمْ وَاحِدٌ وَإِنَّ آبَاءَكُمْ وَاحِدٌ أَلَا لَا  
فَضْلَ لِعَرَبِيٍّ عَلَى أَعْجَمِيٍّ وَلَا لِعَجَمِيٍّ عَلَى عَرَبِيٍّ وَلَا لِأَحْمَرَ عَلَى أَسْوَدَ  
وَلَا أَسْوَدَ عَلَى أَحْمَرَ إِلَّا بِالتَّقْوَى...»



عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
«أَقِيمُوا حُدُودَ اللَّهِ فِي الْقَرِيبِ وَالْبَعِيدِ وَلَا تَأْخُذْكُمْ فِي اللَّهِ لَوْمَةٌ لَائِمٌ.»



According to Abu Nadra (ra), “One of the Companions (ra) who heard the Farewell Address that the Messenger of Allah (saw) gave in the midst of the last three days of the Hajj told me that the Messenger of Allah (saw) said, *‘O people! Know this well! Your Lord is one. Your ancestor is one. Apart from piety, the Arab has no superiority over the non-Arab nor the non-Arab over the Arab nor the white over the black nor the black over the white.’*”

(HM23885, Ibn Hanbal V, 411)



According to ‘Ubada b. al-Samit (ra), the Messenger of Allah (saw) said, *“Carry out the legal punishments on relatives and strangers, and do not let the fear of blame stop you from carrying out the command of Allah.”*

(IM2540, Ibn Maja, al-Hudud, 3)





**F**atima bint al-Aswad was a woman who Allah’s Messenger said was legally no different than his own daughter Fatima (ra). She was from the Banu Makhzum branch of the Quraysh, an important tribe in Arab society.<sup>1</sup> She behaved in a manner that cast a shadow over the dignity of her people. Using the name of well-known persons, she borrowed jewels from people and sold them.<sup>2</sup> This situation was brought to the attention of the Prophet (saw). He judged this to be a case of theft and ruled that the punishment for theft should be carried out against her. However, according to the notables from the distinguished tribe to which she was related, such a punishment would bring disgrace to the fame of their tribe. In this incident in which they raised the issue of honor, they resorted to various means to prevent Fatima’s punishment. First they went to Allah’s Messenger and proposed the first thing that came to their minds, “O Messenger of Allah! What if we pay a ransom of 40 *okes* (of gold or silver) in return for the hand of this woman which must be cut off?” Allah’s Messenger replied, “*It would be better for her to cleanse (her sin and carry out her punishment).*”<sup>3</sup>

Although it appears that by saying “*it would be better,*” Allah’s Messenger indicated that there were other ways to resolve this case, the answer that he gave was in fact very clear, for this was the way he acted. The Prophet of mercy used to react this way even to the most painful words that he would hear in the negative situations that he encountered. Thus, when one of the Companions (ra) claimed that he had violated the principle of equality because he thought the Prophet (saw) had given too much to certain persons while distributing the booty from the Battle of Badr, he became so angry that his face became red. However, in response to this serious accusation that hurt him, no hurtful words emerged from his lips.<sup>4</sup> This time the same thing happened. Hoping that her interlocutors would understand, he used a gentle style of expression. But they did not want

<sup>1</sup> IF12/89, Ibn Hajar, *Fath al-bari*, XII, 89.

<sup>2</sup> N4902, al-Nasa’i, *Qat’ al-Sariq*, 6.

<sup>3</sup> IM2548, Ibn Maja, *al-Hudud*, 6.

<sup>4</sup> B6291, al-Bukhari, *al-Isti’dhan*, 47



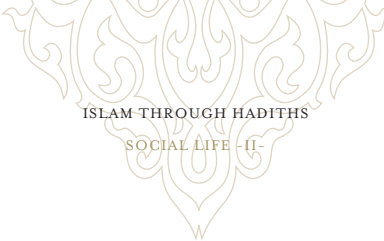
to understand. To the contrary, they took heart from this style of his and thought to send an intermediary to him because he had forgiven Fatima. This intermediary had to be someone that the Prophet (saw) liked too much to send back. The person who came to their mind was Usama, the son of Zayd (ra) who was the Prophet's freed slave. They spoke with him and persuaded him to go. Usama went to Allah's Messenger and asked if this woman could be forgiven. The Prophet (saw)'s answer was as stern as it was clear: *"Are you trying to be an intercessor in a matter of punishment which has been specified by Allah Himself?"*

Usama (ra) realized his error and asked, "O Messenger of Allah! Would you ask Allah to forgive me?" However, our master did not want this lesson to be limited to Usama. He gathered the people and, as The Prophet of a religion in which no one was considered superior to another except with respect to piety, he made the following terse statement to the effect that equal punishment will be given to those who commit a crime: *"O people! The nations before you were destroyed because if a notable person among them committed theft, they used to forego his punishment; but if an ordinary person committed the same crime, they would carry out the punishment. Even if Fatima, the daughter of Muhammad, had committed theft, I would have cut off her hand!"*<sup>5</sup>

Allah's Messenger basically drew attention to a universal principle with these words that he spoke concerning the incident of Fatima bint al-Aswad, namely, equality. Thus, such discriminatory attitudes as treating the weak and outcast differently before the law because they lack nobility or a renowned lineage, seeing certain people as privileged and exempting them from punishment are absolutely unacceptable. Breaching and violating the natural fact of equality by practicing this kind of double standard leads to the destruction of society, as had been true of earlier nations, by undermining ethical values and justice, as Allah's Messenger had warned.

The reflection of the principle of equality in legal and judicial fields is very important for ensuring social peace and justice. It is an important value which must be respected not simply in certain matters but in all areas of life. This is because the principle that people should have equal rights has both a legal and ethical aspect. The sense of equality should be etched in the conscience of everyone as an ethical virtue. Therefore, a person should see all other people as human beings having the same value as himself and should understand they all have the same rights.

<sup>5</sup>N4899, N4902, al-Nasa'i, Qat'al-Sariq, 6.



The Exalted Creator said, “People, We created you all from a single man and a single woman, and made you into races and tribes so you should get to know one another.”<sup>6</sup> And, “People, be mindful of your Lord, who created you from a single soul, and from it created its mate, and from the pair of them spread countless men and women far and wide.”<sup>7</sup> Islam speaks to all humanity without distinction. This can be seen clearly by the form of address used by Allah on High and his blessed Messenger, “O people!” The messages in this summons are not addressed to a particular society but to all people who will listen and heed them. Thus, there is unqualified equality among all people because they are all descended from Adam and Eve and they have equal rights. Just as it would be inconceivable that among the children born from the same parents at a small family hearth one would be superior to another, all people on earth must be thought of in the same way until the Day of Judgement. In fact, Allah (swt), while saying, “We have honored the children of Adam...,”<sup>8</sup> that is, “We have given them great value,” refers to “people” in the absolute sense without any distinction among them. He mentions humans as having the status of one species among the creatures on the earth. Therefore, as species they are superior and distinguished only in comparison with other living things.

People who have different traits related to sex, ethnicity, and nationality are one with respect to their essence. Humans, who all came from the same forefather, are created with different identities for which there is an inner logic, such as ensuring that they meet and socialize. There is no feature that humans possess apart from their own will that can make them superior to others before Allah (swt). Furthermore, the physical characteristics that people, who all came from the same origin, possess cannot be used to establish superiority. This is because there is a single measure by which people are judged before Allah, and this is piety.<sup>9</sup> By regarding all means of establishing superiority void, Allah’s Messenger established this principle which declares the equality of all peoples and expressed it to mankind in the following way, “O people! Know this well! Your Lord is one. Your ancestor is one. Apart from piety, the Arab has no superiority over the non-Arab nor the non-Arab over the Arab nor the white over the black nor the black over the white.”<sup>10</sup>

At the time in which the Prophet (saw) summoned people to equality, such characteristics as lineage, tribe, race, language, color, wealth, and nobility, which distinguished individuals, were paramount. The social order

<sup>6</sup> Al-Hujurat, 49:13.

<sup>7</sup> Al-Nisa’, 4:1.

<sup>8</sup> Al-Isra’, 17:70.

<sup>9</sup> Al-Hujurat, 49:13.

<sup>10</sup> HM23885, Ibn Hanbal V, 411.





was such that there could be no equality at all between rich and poor, male and female, black and white, free and slave, well born and outcast, Arab and non-Arab. Allah's Messenger, declaring that the slave and his master were equal, replaced all forms of inequality with universal values and the brotherhood of Islam which included everyone. However, for centuries people had been accustomed to the aforesaid social order based on such discrimination and this made it difficult for them to abandon their old customs and accept Islam. It is sometimes possible to see traces of Jahiliyya attitudes among people even after they became Muslims. In fact, during a dispute between Bilal, who was a black Abyssinian slave, and Abu Dharr,<sup>11</sup> the latter reproached Bilal (ra) because his mother was black; and as a result of this incident Allah's Messenger said, "O Abu Dharr! Did you abuse him by calling his mother bad names? You are a man (in which there are traces of) the period of the Jahiliyya."<sup>12</sup> Allah's Messenger went on to say that there was no difference between someone and his servant with respect to their being humans. He recommended to his Companions (ra) the brotherhood of Islam based on affection, compassion, and equality, saying, "Your slaves are your brothers and Allah has put them under your command. Whoever has a brother under his command should feed him what he eats and dress him with what he wears. Do not ask them (the slaves) to do things beyond their power, and if you do, then help them."<sup>13</sup>

In addition, in place of the distinction between free and slave which formed the basis of the laws of the Jahiliyya period, and which appears to have been widespread in society, Allah's Messenger introduced the distinctions of competence and merit based on the principle of complete equality among people. In fact he appointed Usama b. Zayd, despite being the son of Zayd b. Haritha (ra) a freed slave, to commander of the army. When people thought it strange that the son of a slave was appointed instead of a leading person in society and criticized this action, the Prophet (saw) stated the following in order to remove any obstacle before social equality: "You are criticizing Usama's leadership, you have already criticized the leadership of his father before. But by Allah, he (i.e., Zayd) deserved the leadership, and he was one of the most beloved persons to me; and now this (his son Usama) is one of the dearest persons to me after him."<sup>14</sup>

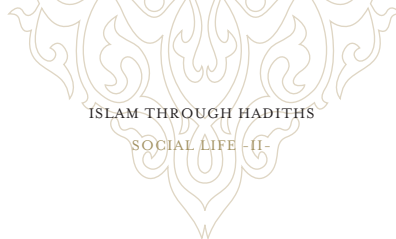
As a principle which needed to be observed in relations among people, Allah's Messenger practiced equality in various areas of life. Our beloved

<sup>11</sup> AU1/329, al-'Ayni, 'Umdat al-Qari, I, 329.

<sup>12</sup> B30, al-Bukhari, al-Iman, 22; M4313, Muslim, al-Ayman, 38.

<sup>13</sup> B30, al-Bukhari, al-Iman, 22.

<sup>14</sup> B6627, al-Bukhari, al-Ayman wa 'l-nudhur, 2.



Prophet, who addressed his audiences on the basis of equality, even-handedness, and justice, pointed out that, among the family values that were to be instilled, he also wanted this principle observed among children. Once the Prophet (saw) asked Bashir b. Sa'da who had given part of his wealth as a gift to his son Nu'man (ra) if he had done the same to his other children. When he answered, "No," the Messenger of Allah (saw) said, "*Would you not like all your children to honor you equally?*" He said, "Of course." Then the Prophet (saw) said, "*Then do not do this.*"<sup>15</sup> Saying, "*Be afraid of Allah, and be just to your children,*"<sup>16</sup> the Noble Messenger declared that one should not treat one's children unjustly in any matter and that behaving appropriately with respect to justice in the family was directly relevant to the awareness of one's responsibility toward Allah (swt).

When Allah's Messenger said, "*These people (from the Ash'ari tribe) are from me and I am from them,*" he was expressing the love he felt toward them because when they ran short of food they would collect all their remaining food in one sheet and then share it equally among them.<sup>17</sup>

Important reflections of the principle of equality, which has an important place in our life in its ethical dimension, are also found in the field of law. This is because the fields in which there is the greatest need for equality and justice are law and judicial actions. For, in these fields, in which people seek their rights and justice, distinction among persons or groups based on power, prestige, wealth, fame, or interests would shake the peace and tranquility of society to its depths. As a result of unjust practices arising from inequality, people would experience a lack of security for individuals and institutions and it would be impossible to repair the damage done to society. Allah's Messenger, who was aware of the sensitivity of this issue, judged accordingly in claims that were brought to him. One day, the Jewish tribes of the Banu Nadir and the Banu Qurayza had recourse to the Messenger of Allah (saw) to resolve a claim of *diya*. The Banu Nadir saw themselves as superior to their coreligionists of the other tribe and thus considered their victims as more honorable and demanded the full *diya*. According to them, because the Banu Qurayza were less honorable they should pay only half the *diya* to their victims. Finally they designated Allah's Messenger to adjudicate. At that point the following verse of the *sura al-Ma'ida* was revealed: "*...if you do judge between them, judge justly: Allah loves the just.*"<sup>18</sup>

<sup>15</sup> IM2375, Ibn Maja, al-Hiba, 1.

<sup>16</sup> B2587, al-Bukhari, al-Hiba, 13.

<sup>17</sup> B2486, al-Bukhari, al-Shirka, 1.

<sup>18</sup> Al-Ma'ida, 5:42.



The Prophet (saw) then made a ruling concerning these two tribes based on equality. The *diya* that they would pay would be the same.<sup>19</sup> In addition, he declared that blood money for *qisās* (retaliation for killing or wounding) and *diya* would be the same among Muslims.<sup>20</sup> For, no matter what one's feelings or prejudices, if he were required to make a judicial ruling, he would have to make a decision justly by treating both parties equally, by listening to them and evaluating their evidence with equal attentiveness. Thus Allah's Messenger was notable for insisting on the principle of equality which constituted the basis of judicial acts. As he said, "Carry out the legal punishments on relatives and strangers, and do not let the fear of blame stop you from carrying out the command of Allah."<sup>21</sup> He advised 'Ali (ra), whom he sent as judge to Yemen, to treat all parties equally as a principle of justice, "When two men come to you seeking judgement, do not judge for the first until you have heard the statement of the other. Then you will know how to judge."<sup>22</sup>

The religion of Islam established a new world view based on rights, laws, and justice by completely abolishing the Jahiliyya mentality and the system of warped values that it encompassed. According to the concept of equality that this divine system brought forth, a new notion of superiority was established whereby a slave, thanks to his faith, was more distinguished than a polytheist, just as previously the status of a free man and a slave could not possibly be equal.<sup>23</sup> Allah's Messenger described this situation as follows: "Allah has removed the pride of the Jahiliyya from you and boasting about lineage. (A person is either) a pious believer or a miserable sinner, and the people are the children of Adam, and Adam is from dirt."<sup>24</sup> Thus only in the sense of being slaves of Allah, that is, according to their attitude and behavior toward Allah (swt), can people, who came from the same source and have equal rights, be considered superior to, and distinguished from, one another. According to this understanding, in which sexual differences were unimportant, Allah on High promised every one of his servants who was a believer, man or woman, a wonderful life with ample reward.<sup>25</sup> This was because the only measure by which Allah distinguished one of his servants from another was piety.<sup>26</sup>

The principle of equality in Islam becomes more meaningful by keeping in mind such attributes as the virtues that people possess, the values with which they gird themselves, and merit. Thus, equality is evaluated

<sup>19</sup> D3591, Abu Da'ud, al-Qada' (al-Aqdiyya), 10; N4737, al-Nasa'i, al-Qasama, 8-9.

<sup>20</sup> IM2685, Ibn Maja, al-Diyat, 31; N4738, al-Nasa'i, al-Qasama, 9-10.

<sup>21</sup> IM2540, Ibn Maja, al-Hudud, 3.

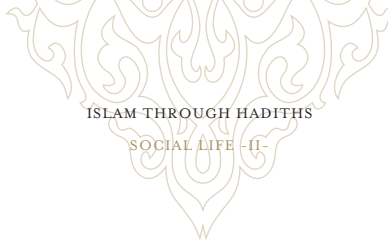
<sup>22</sup> T1331, al-Tirmidhi, al-Ahkam, 5.

<sup>23</sup> Al-Baqara, 2:221.

<sup>24</sup> T3956, al-Tirmidhi, al-Manaqib, 74.

<sup>25</sup> Al-Nahl, 16:97.

<sup>26</sup> Al-Hujurat, 49:13; HM23885, Ibn Hanbal V, 411.



together with giving rights to the one who deserves them, that is, with the concept of justice. It is known that equality and justice are not the same; sometimes equalities can give rise to injustice. People are equal in the sense of their being accepted as legal persons regardless of their status. However, it is clear that when justice is defined as the distribution of rights according to peoples' abilities, labor, and the role that they play in society, every form of equality cannot ensure justice.

There are many verses in the Holy Qur'an related to this matter:

1) There is no equality between a believer and someone who defies Allah (swt).<sup>27</sup>

2) There is no equality between someone who prays while everyone else is sleeping, bows his head hoping for reward in the next world and beseeching Allah's mercy and someone who ignores all of this.<sup>28</sup>

3) There is no equality between someone who tries to shield his face on the Day of Judgement from violent punishment (and one who feels himself safe from that).<sup>29</sup>

4) There is no equality between one who is mindful of Allah's pleasure and who suffers Allah's wrath.<sup>30</sup>

5) There is certainly no equality between faith and unbelief. One sees, one is blind. One is in light one is in darkness. One is in the shade of Paradise, one is in the center of the heat of Hell. In short, one lives in the true sense and the other is living, even if he thinks so, but is dead.<sup>31</sup>

6) There is not equality between one who struggles to give his wealth and life on the path of Allah (fi sabilillah) and one who, although he has no disability, does not make any effort to do so.<sup>32</sup>

7) There was not even equality between those who spend all their wealth on the path of Allah (fi sabilillah) at the time when a great battle was being fought against the enemies of Islam before the conquest of Meca and the efforts of those who were Muslims after the conquest.<sup>33</sup>

The Prophet of Mercy addressed a society in which humanity lived in the darkness of oppression, in which all values which made a human human were doomed to be lost, and in which ethical values were replaced by artificial means of superiority. The universal principles that he presented to mankind and which replaced oppression and injustice with equality and justice were a turning point. The natural rights which derived from being human were returned to man who occupied the most valued place

<sup>27</sup> Al-Sajda, 32:18.

<sup>28</sup> Al-Zumar, 39:9.

<sup>29</sup> Al-Zumar, 39:24.

<sup>30</sup> Al-Imran, 3:162.

<sup>31</sup> Al-Fatir, 35:19-22.

<sup>32</sup> Al-Nisa', 4:95.

<sup>33</sup> Al-Hadid, 57:10.



among Allah’s creatures. These rights, which Islam offered to all of humanity without discrimination, eliminated the reasons for all forms of distinction and privilege which were accepted at that time. By addressing this message to the present just as it was at that time and protecting its validity until the Day of Judgement, the reality of “*All people are equal to one another like the teeth on a comb*”<sup>34</sup> is proclaimed.

<sup>34</sup> MB195, al-Quda’i, *Musnad al-Shihab*, 1/145.



SLAVERY AND HUMAN  
FREEDOM  
PEOPLE ARE BORN FREE



عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً، أَعْتَقَ اللَّهُ بِكُلِّ إِرْبٍ مِنْهَا إِرْبًا مِنْهُ مِنَ النَّارِ.“

According to Abu Hurayra (ra), the Prophet (saw) said,  
“Whoever emancipates a Muslim slave, Allah will set free from Hell an organ of  
his body for every organ of the freed slave’s body.”

(M3795, Muslim, al-'Itq, 21)



عَنِ الْمَعْرُورِ قَالَ: لَقِيتُ أَبَا ذَرٍّ بِالرَّبَذَةِ وَعَلَيْهِ حُلَّةٌ وَعَلَى غُلَامِهِ حُلَّةٌ فَسَأَلْتُهُ عَنْ ذَلِكَ. فَقَالَ: إِنِّي سَابَيْتُ رَجُلًا فَعَيَّرْتُهُ بِأُمَّهِ، فَقَالَ لِي النَّبِيُّ ﷺ: ”يَا أَبَا ذَرٍّ! أَعَيَّرْتَهُ بِأُمَّهِ؟ إِنَّكَ أَمْرٌ فِيكَ جَاهِلِيَّةٌ، إِخْوَانُكُمْ خَوْلُكُمْ جَعَلَهُمُ اللَّهُ تَحْتَ أَيْدِيكُمْ، فَمَنْ كَانَ أَخُوهُ تَحْتَ يَدِهِ فَلْيُطْعِمْهُ مِمَّا يَأْكُلُ، وَلْيَلْبَسْهُ مِمَّا يَلْبَسُ، وَلَا تُكَلِّفُوهُمْ مَا يَغْلِبُهُمْ، فَإِنْ كَلَّفْتُمُوهُمْ فَأَعِينُوهُمْ.“



عَنْ سَعِيدِ بْنِ زَيْدٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: ”مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ، وَمَنْ قُتِلَ دُونَ دِينِهِ فَهُوَ شَهِيدٌ، وَمَنْ قُتِلَ دُونَ دَمِهِ فَهُوَ شَهِيدٌ، وَمَنْ قُتِلَ دُونَ أَهْلِهِ فَهُوَ شَهِيدٌ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: ”الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ، وَالْمُؤْمِنُ مَنْ أَمِنَهُ النَّاسُ عَلَى دِمَائِهِمْ وَأَمْوَالِهِمْ.“



عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: ”... كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ دَمُهُ وَمَالُهُ وَعَرَضُهُ.“



According to al-Ma'rur (ra),  
“I met Abu Dharr at al-Rabadha. He and his slave were wearing the same attire. I asked him the reason for this. He said, ‘I exchanged abusive language with a man. I abused him by calling his mother bad names. Then the Prophet (saw) said to me, ‘O Abu Dharr! Did you abuse him by calling his mother bad names? You are a man (in which there are traces of) the period of the Jahiliyya. Your slaves are your brothers and Allah has put them under your command. Whoever has a brother under his command should feed him what he eats and dress him with what he wears. Do not ask them (the slaves) to do things beyond their power, and if you do, then help them.’”

(B30, al-Bukhari, al-Iman, 22)



Sa'id b. Zayd (ra) said, “I heard the Messenger of Allah (saw) say,  
“Whoever is killed for his wealth is a martyr, and whoever is killed for his religion is a martyr, and whoever is killed for his blood is a martyr, and whoever is killed over his family is a martyr.”

(T1421, al-Tirmidhi, al-Diyat, 21)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
“A Muslim is the one from whose tongue and hand (other) Muslims are safe, and a believer is the one with whom the people trust their blood and their wealth.”

(T2627, al-Tirmidhi, al-Iman, 12)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, “...“The blood, property, and honor of a Muslim are inviolable to another Muslim.”

(M6541, Muslim, al-Birr, 32)







**K**hadija (ra) presented a servant called Zayd as a gift to our master the Prophet (saw) at the beginning of their marriage. Zayd, who was still only a child of eight, had a sad story. When he was a young boy he and his mother set out to visit their uncle in the neighboring tribe. On the way they were kidnapped and Zayd was sold as a slave. He went from hand to hand and ended up at the ‘Ukaz market near Mecca. Hakim b. Hizam bought him and gave him to his aunt Khadija as a gift. When our mother Khadija married our master the Prophet (saw), she put Zayd into his service. At that time in the Arabian Peninsula, it was a common custom among hostile tribes to kidnap people from each other and sell them as slaves. Warfare, piracy, banditry, and economic and social necessities made slavery a legitimate institution and it was generally undisputed. Thus by being sold as a slave at the beginning of his life, young Zayd was one of those who were sacrificed to this brutal custom. He started life in a very different way from that of his contemporaries who were not slaves. However, by coming under the supervision of the Prophet (saw), he began a life that would change the fate of all slaves including children like him who were slaves.<sup>1</sup>

The Messenger of Mercy always behaved kindly to this child who was given to him. This was because he too had been brought up as an orphan. He knew very well what it meant to be left alone. Thus he loved Zayd very much and freed him. Nevertheless, Zayd did not leave but continued to stay with the Noble Prophet. Around that time, Zayd’s family learned of him and came to Mecca and offered our master the Prophet (saw) a ransom for their child. Our Prophet said that no ransom was necessary, and if he wished Zayd (ra) could go with them. Zayd, however, said to his father, “I saw him to be such a person that I prefer him to no one else.”<sup>2</sup>

Slavery was an old and brutal custom which was found, without doubt, not only among the Arabs but also in every region and culture of

<sup>1</sup> HI2/598, Ibn Hajar, *al-Isaba*, II, 598.

<sup>2</sup> ST3/41, Ibn Sa’d, *al-Tabaqat*, III, 42.



the world in various forms. Slaves constituted an important part of society among the peoples living in Mesopotamia, Egypt, Babylon, ancient Greece, Rome, Arabia, Iran, and Central Asia. No matter how much slavery was a social reality in Arab society, it was still meritorious to free a slave. By freeing Zayd, the Prophet (saw) encouraged his followers to do the same. In this way he took the first step toward abolishing this brutal custom which was repugnant to the honor of humanity. The Messenger of Allah's attitude toward slaves was not limited to Zayd (ra). There were a substantial number of slaves among his Companions (ra) and under his supervision many were eventually given their freedom. Among the Muslims the slaves who were freed were not limited to Bilal, Suhayb, 'Ammar, Khabbab, Salman al-Farisi, and Barira the slave girl of 'A'isha (ra). This was because the divine message that the Prophet (saw) brought accepted everyone as the same<sup>3</sup> and thus declared that there was no difference between a free man and a slave with respect to being human. Indeed, when the son of 'Amr b. al-'As (ra) offended an Egyptian man by boasting, "I am the son of a noble family," the Caliph 'Umar (ra) summoned him and his father to his presence and disapproved of this saying, "How long has it been since you enslaved people whose mothers gave birth to free men?"<sup>4</sup> This was a reflection of this (divine) message.

Islam made faith and piety the most important measures of superiority with regard to human value and rejected measures based on lineage, or being a slave or free person.<sup>5</sup> According to the measures of Islam, a slave who was a believer was definitely superior to a free person who did not believe in the unity of Allah (swt).<sup>6</sup> The fact that it was recommended that men who did not have the means to marry free women who were believers should marry slave girls who were believers (instead of marrying free women who were not Muslims)<sup>7</sup> is important for showing faith as a standard of measure among people. Thus, there was no distinction in the council of Allah's Messenger between Arab and non-Arab or between noble and peasant. In one of his last sermons, he rejected nobility and racial discrimination which gave legitimacy to slavery, saying, "*O people! Know this well! Your Lord is one. Your ancestor is one. Apart from piety, the Arab has no superiority over the non-Arab nor the non-Arab over the Arab nor the white over the black nor the black over the white. There is no doubt that before Allah the best of you are those who are the most pious.*"<sup>8</sup>

<sup>3</sup> Al-Nisa', 4:25.

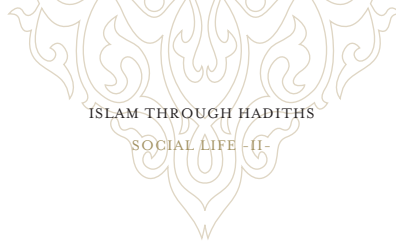
<sup>4</sup> KU36010, al-Muttaqi al-Hindi, *Kanz al-'ummal*, XII, 660, 661.

<sup>5</sup> Al-Hujurat, 49:13.

<sup>6</sup> Al-Baqara, 2:221.

<sup>7</sup> Al-Nisa', 4:25.

<sup>8</sup> HM23885, Ibn Hanbal, V, 411.



The Messenger of Allah, who took important steps toward eliminating the custom of slavery by explaining that rescuing people from slavery was a religious and ethical duty and, by freeing slaves himself, encouraging his Companions (ra) to do the same, also took concrete steps to ensure that in this process the rights of the slaves would be protected and they would be treated humanely. Thus he first began by narrowing the sources of slavery. In the Jahiliyya period, there were many different means by which one could be enslaved. Among the major sources were prisoners or war, raids between neighboring tribes and peoples, piracy and brigandage, children sold as slaves by their relatives, persons who became slaves as a result of debts or crimes they had committed, and human trafficking.

By banning human trafficking in all of its manifestations, slavery was limited to only prisoners of war. As for the status of prisoners of war, it was a situation involving international law and could not be eradicated unilaterally because it was generally done on the basis of mutual exchange. In Islam prisoners of war did not always have to be placed in the status of slaves. They could be released, ransomed, or exchanged for Muslims who were in the hands of the enemy. Being made a slave was only one option. In any case, the Prophet (saw) enslaved prisoners of war only on rare occasions. He did not enslave any prisoners taken at the battles of Badr, Uhud, or al-Khandaq. Instead, he ransomed them or released them on various occasions. On the day that he conquered Mecca, he said to the people who had tormented him for years and who had expelled him from his home, *“Go! You are all free.”*<sup>9</sup>

Allah’s Messenger followed a two-step path simultaneously with respect to completely eliminating slavery. In the first step, he tried to whittle away at this institution by encouraging the manumission of slaves at every opportunity. This was because freeing a slave was accepted as a virtuous act in Islam. In the Noble Qur’an, giving money to pay for freeing a slave is considered a fundamental action on the part of devout believers.<sup>10</sup> In one verse, giving a person his freedom is likened to climbing a steep slope.<sup>11</sup> Furthermore, the requirement that if a believer kills another believer by mistake he must atone for it by freeing a slave was also aimed at eliminating slavery.<sup>12</sup> Taking the precaution of freeing a slave as a means of cleansing oneself of one’s own faults and sins was directed toward the same purpose. For example, as atonement for breaking one’s vow<sup>13</sup> or in return for

<sup>9</sup> HS5/73, Ibn Hisham, *Sirat*, V, 73.

<sup>10</sup> Al-Baqara, 2:177.

<sup>11</sup> Al-Balad, 90:10-13.

<sup>12</sup> Al-Nisa’, 4/92.

<sup>13</sup> Al-Ma’ida, 5:89.



being able to return to one's wife after divorcing her on the basis of *zihār* (incestuous comparison),<sup>14</sup> one is required to free a slave. These actions are in no way directly or indirectly related to slavery, but by making them the means of freeing slaves, as described in the Holy Qur'an, they helped ensure the goal of the gradual elimination of slavery. The same purpose was served when Allah's Messenger required someone who had not been able to control himself during Ramadan and had broken its restrictions by having sexual relations with his wife to free a slave.<sup>15</sup>

A similar example occurred during a solar eclipse. When everyone was anxious and fearful at the time of the eclipse, our Master advised them to free slaves.<sup>16</sup> The Prophet (saw) said, "*Whoever emancipates a Muslim slave, Allah will set free from Hell an organ of his body for every organ of his (the slave's) body.*"<sup>17</sup> This good news definitely had an effect on increasing the number of freed slaves. As a result of all this encouragement, from the very beginning of the Islamic period freeing a slave became an act of workshop among Muslims. Islamic history is replete with examples of this. For instance, Bilal al-Habashi and 'Amir b. Fuhayra were only two of the seven slaves freed by Abu Bakr (ra).<sup>18</sup>

Freeing a slave was certainly not just left to the will of individuals. This duty was at the same time a state obligation and a portion of the *zakāt* income of the state was devoted to freeing slaves.<sup>19</sup> In this connection, The Messenger of Allah provided cash assistance to obtain the freedom of Salman al-Farisi (ra).<sup>20</sup> The Noble Messenger did not leave slaves who had been freed to their fate, for he forbade any slave who had obtained his freedom to be enslaved again. He warned that Allah (swt) would not accept the prayers of someone who freed his slave and then enslaved him again.<sup>21</sup> Furthermore by always setting aside a share of state income for those who had previously been slaves but had gained their freedom, he helped provide for their livelihood. This practice continued in subsequent periods. Indeed, at the time of Mu'awiya, 'Abd Allah b. 'Umar (ra) went before him and warned the caliph about this matter when it came to a division of spoils.<sup>22</sup>

As for the second stage, the Prophet (saw) gave the status of being a slave legal standing until the complete elimination of this custom. Faced with the reality that, in the conditions of his time, it would take a long time to completely abolish slavery, he took measures to protect the rights of

<sup>14</sup> Al-Mujadala, 58:3.

<sup>15</sup> B1936, al-Bukhari, al-Sawm, 30.

<sup>16</sup> B1054, al-Bukhari, al-Kushuf, 11.

<sup>17</sup> M3795, Muslim, al-'Itq, 21.

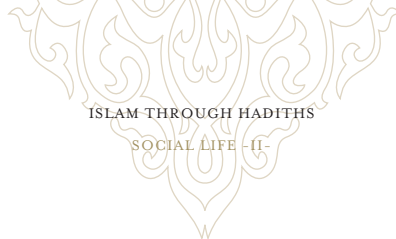
<sup>18</sup> MK1008, al-Tabarani, al-Mu'jam al-kabir, I, 336.

<sup>19</sup> Al-Tawba, 9:60.

<sup>20</sup> HS2/47, Ibn Hisham, Sirat, II, 47-48.

<sup>21</sup> D593, Abu Da'ud, al-Salat, 62.

<sup>22</sup> D2951, Abu Da'ud, al-Imara, 13-14.



slaves who had not yet obtained their freedom. These measures, which became the basis of rulings related to slavery in Islamic jurisprudence, were the legal arrangements made to protect the rights of slaves at that time. Accordingly, the basis of this was fair treatment. It was forbidden to use physical force against them. The Noble Qur'an ordered them to be treated with kindness.<sup>23</sup> The Prophet (saw) forbade anyone to torment slaves or cause them to suffer or to treat them harshly or in a degrading manner and stated that anyone who subjected his slave to such treatment should free him as atonement.<sup>24</sup>

Our master the Prophet (saw) strongly recommended that slaves be treated kindly. When someone asked him, "How often should I forgive my slave?" he replied, "Seventy times a day."<sup>25</sup> He wanted slaves to be well trained. He even taught how master and slave should converse with each other.<sup>26</sup> Under all the legal regulations concerning slavery, there is a humane and ethical regulation aimed at intellectual transformation. Allah's Messenger sought to change the mentality of the Jahiliyya period which believed in the complete power of disposition over slaves, be it good or bad, because the slave was not considered to have human status but was regarded as chattel. The principle that he declared on this matter is quite clear: your slaves are your brothers! What could be more effective than a principle like brotherhood on which to establish relations between a slave and his owner. In fact, the Prophet (saw) sharply warned Abu Dharr al-Ghifari, who had belittled Bilal al-Habashi (ra)<sup>27</sup> because his mother was a black woman, by saying, "O Abu Dharr! Did you abuse him by calling his mother bad names? You are a man (in which there are traces of) the period of the Jahiliyya. Your slaves are your brothers and Allah has put them under your command. Whoever has a brother under his command should feed him what he eats and dress him with what he wears. Do not ask them (the slaves) to do things beyond their power, and if you do, then help them."<sup>28</sup>

At the time of the Prophet (saw), the right to continue one's lineage was an important consideration and it was recommended that slaves be married off.<sup>29</sup> Indeed, it was even recommended that free men marry their slave girls.<sup>30</sup> In this way class distinctions in society were eliminated. Allah's Messenger forbade castration<sup>31</sup> and the castration of slaves, which was an old practice, disappeared during his time. The Messenger of Allah, who also introduced legal arrangements concerning slave girls, encour-

<sup>23</sup> Al-Nisa', 4:36.

<sup>24</sup> M4298, Muslim, al-Ayman, 29; D5168, Abu Da'ud, al-Adab, 123-124.

<sup>25</sup> T1949, al-Tirmidhi, al-Birr, 31.

<sup>26</sup> B2552, al-Bukhari, al-'Itq, 17.

<sup>27</sup> AV14/45, 'Azimabadi, 'Awn al-ma'bud, XIV, 45.

<sup>28</sup> B30, al-Bukhari, al-Iman, 22.

<sup>29</sup> Al-Nur, 24:32.

<sup>30</sup> Al-Nisa', 4:25.

<sup>31</sup> B5073, al-Bukhari, al-Nikah, 8.



aged their education, being brought into society, and manumission.<sup>32</sup> Profiting from the forced prostitution of slave girls, which had been a common custom among the Arabs, was strictly forbidden in the Noble Qur'an and by the Prophet (saw).<sup>33</sup> Earnings obtained by this means were characterized as the worst kind.<sup>34</sup>

One of Islam's efforts to eliminate slavery was the system of *mukātaba*. This consisted of the master's granting the slave his freedom in return for the payment of a sum agreed between them. The slave gained his freedom by paying the amount agreed upon in installments. The Holy Qur'an even requires giving material assistance to slaves and slave girls in order to make it easier for them if they wish to agree to a *mukātaba* arrangement.<sup>35</sup> By stating that Allah would help the slave who worked to earn the stipulated amount of money needed for him to gain his freedom, Allah's Messenger encouraged them to work for their freedom.<sup>36</sup> Even if slaves had been freed in the past, they were still subject to a different social and legal status than the free people in society. In Islamic society, however, a freed slave possessed all the rights of other individuals. This was because in Islam the only measures of superiority were faith, piety, and virtue.<sup>37</sup> Those who had faith, whether slave or free person, were brothers.

It was unthinkable that the last Prophet, who was sent to reform the society of the Jahiliyya period in particular and humanity in general, and the religion that he brought would not intervene in the enslavement of people in this way by taking away the freedom to enslave people. This was because the most fundamental teaching of this religion is that man is only the slave of Allah (swt) and that nothing created by Him can create servanthood or slavery. Our Lord on High created man to serve Him; and in order to fulfill this servanthood, Allah provided him with limited willpower and freedom side by side with His own absolute and unlimited will. According to Islam, there is no compulsion in the matter of joining the faith.<sup>38</sup> Those who wish may believe or not believe.<sup>39</sup>

Believing in the existence of a will which exceeds his own, which sees what he does not see, knows what he does not know, and is loving and just, and binding himself to this omnipotent power does not impede one's freedom. The freedom of man should be considered within his own power and limits. We cannot speak of one who accepts the existence of the Creator, the possessor of absolute power and freedom, as then having his

<sup>32</sup> B97, al-Bukhari, al-'Ilm, 31.

<sup>33</sup> Al-Nur, 24:33; 33 B2283, al-Bukhari, al-Ijara, 20.

<sup>34</sup> M4011, Muslim, al-Musaqat, 40.

<sup>35</sup> Al-Nur, 24:33.

<sup>36</sup> N3122, al-Nasa'i, al-Jihad, 12; T1655, al-Tirmidhi,

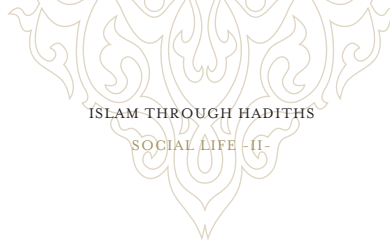
Fada'il al-jihad, 20.

<sup>37</sup> Al-Hujurat, 49:13.

<sup>38</sup> Al-Baqara, 2:256.

<sup>39</sup> Al-Kahf, 18:29.





own unlimited power and freedom. In light of divine power, all of man's actions are limited. Therefore, within the framework of these laws, man has only a certain area of freedom and is responsible for what he does in this area. Allah (swt) grants to man freedom of action in his own sphere.<sup>40</sup> At the very moment when one believes in a religion, the believer accepts, as a necessity of this, certain limitations on his freedom. He limits his life through his own will. He may also attach himself to any power in which he believes, or not accept any limitation by not believing in anything at all. All of which also demonstrates his freedom. In light of this, the problem of whether or not man is free could be mentioned as connected above all to his relations with other people.

The Creator on High, who wanted man to be His servant, guaranteed the most fundamental values which are necessary for the life and honor of man in order for him to fulfill properly this servanthood and these responsibilities. In Islamic law these values are expressed as *ḍarūrāt al-dīniyya* (the indispensable and basic values of the religion). They are the protection of mind, religion, life, honor, and property. Indeed, the Prophet (saw) said, "Whoever is killed for his wealth is a martyr, and whoever is killed for his religion is a martyr, and whoever is killed for his blood is a martyr, and whoever is killed over his family is a martyr."<sup>41</sup> This is noteworthy for showing how important was the protection of these values. Thus, the Prophet (saw) and the religion that he communicated demonstrate an attitude directed toward improving and gradually eliminating the institution of slavery which is an encumbrance on these human values. Islam regards such a restriction on human freedom to be a major obstacle on the path of serving Allah (swt). For Islam the protection of these areas of freedom have existential significance. This is because if any of these were lacking, this would obstruct the realization of the objectives of the faith. Thus, Islam aims at safeguarding these values in all of its provisions and in fulfilling them. However, this does not mean that man can intervene in someone else's area of freedom in the name of protecting and maintaining his own areas of freedom. In fact the Prophet (saw)'s statements, "A Muslim is the one from whose tongue and hand (other) Muslims are safe, and a believer is the one with whom the people trust their blood and their wealth"<sup>42</sup> and "The blood, property, and honor of a Muslim are inviolable to another Muslim,"<sup>43</sup> are warnings to Muslims about their responsibilities related to the rights and freedoms of one another in their dealings with

<sup>40</sup> Fussilat, 41:46; al-An'am, 6:151-152.

<sup>41</sup> T1421, al-Tirmidhi, al-Diyat, 21.

<sup>42</sup> T2627, al-Tirmidhi, al-Iman, 12.

<sup>43</sup> M6541, Muslim, al-Birr, 32.





one another. Therefore no one, while enjoying his own freedom, has the right to interfere in that of others. Man's inclination to give precedence to his own interests, which derives from the instinct of self-preservation, is more dominant than other tendencies. Under these circumstances limiting the freedoms of some people in matters relating to other people pursuant to the fact that they live in society inevitably comes to the agenda. This is because, in these areas of freedom, if man is left completely free the right of freedom, which he would try to take to its ultimate end because of his egoism, could reach the point of harming others. In this situation, because he would have the opportunity to use more of his freedom, the powerful would crush the weak. This would be the reverse of strengthening human honor and dignity and Islam could by no means abide it.

Eventually, as a result of the Prophet (saw)'s actions toward eliminating slavery, human trafficking in the Islamic world ceased to be a profitable enterprise. Although the sale of those who had previously become slaves continued, the systematic slave trade and movements of mass enslavement came to an end. Slavery in Islamic society became limited to only domestic servants. Female slaves were used above all as servants to ladies of the house and in palaces and luxurious mansions. As for male slaves, they undertook such tasks as helping their master in his profession, conducting trade in his name, or working as shepherds or laborers. Apart from prisoners of war, the sources of slavery completely dried up. The option of enslaving prisoners was rarely carried out. In fact, after many places were conquered, Iraq above all, the local people were not touched. They were given the status of *dhimmi*s and kept their land in return for taxes.

In the times of the sultanates there were sometimes deviations from the *Sunna* of the Prophet (saw) in this regard, but slavery in the Islamic world never returned to the way it had been in the Jahiliyya period. This was because the Noble Messenger took extremely important steps for the rights of slaves. At every opportunity, he emphasized that people should only be distinguished from each other by their piety; and in his last advice reminded believers of their responsibilities for ritual prayer as well as to the male and female slaves that they possessed.<sup>44</sup>

<sup>44</sup> HM27219, Ibn Hanbal, VI, 316.



## FREEDOM OF RELIGION NO COMPULSION IN RELIGION



عَنْ أَبِي حَازِمٍ قَالَ أَخْبَرَنِي سَهْلٌ - يَعْنِي ابْنَ سَعْدٍ - قَالَ قَالَ النَّبِيُّ ﷺ  
يَوْمَ خَيْبَرَ "... فَوَاللَّهِ لَأَنَّ اللَّهَ يَهْدِي إِلَيْكَ بِكَ رَجُلًا خَيْرٌ لَكَ مِنْ أَنْ يَكُونَ لَكَ  
حُمْرُ النَّعَمِ."

Abu Hazim said that Sahl b. Sa'd (ra) told him that during  
the Battle of Khaybar the Prophet (saw) said to 'Ali  
"... I swear by Allah that if Allah gives guidance to somebody through you, it is  
better for you than possessing red camels."

(B3009, al-Bukhari, al-Jihad, 143)



عَنْ بَهْزِ بْنِ حَكِيمٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:   
”لَا يَقْبَلُ اللَّهُ مِنْ مُشْرِكٍ أَشْرَكَ بَعْدَ مَا أَسْلَمَ، عَمَلًا حَتَّى يُفَارِقَ الْمُشْرِكِينَ   
إِلَى الْمُسْلِمِينَ.“



عَنْ تَمِيمِ الدَّارِيِّ أَنَّ النَّبِيَّ ﷺ قَالَ:   
”الدِّينُ النَّصِيحَةُ“ قُلْنَا: لِمَنْ؟ قَالَ: ”لِلَّهِ وَلِكِتَابِهِ وَلِرَسُولِهِ وَلِأُمَّةٍ   
الْمُسْلِمِينَ وَعَامَّتِهِمْ.“



عَنْ أَنَسٍ عَنِ النَّبِيِّ ﷺ قَالَ:   
”ثَلَاثٌ مَنْ كُنَّ فِيهِ وَجَدَ حَلَاوَةَ الْإِيمَانِ: أَنْ يَكُونَ اللَّهُ وَرَسُولُهُ أَحَبَّ إِلَيْهِ مِمَّا   
سِوَاهُمَا، وَأَنْ يُحِبَّ الْمَرْءَ لَا يُحِبُّهُ إِلَّا لِلَّهِ، وَأَنْ يَكْرَهُ أَنْ يَعُودَ فِي الْكُفْرِ كَمَا   
يَكْرَهُ أَنْ يُقْذَفَ فِي النَّارِ.“



Bahz b. Hakim heard from this father that his grandfather (ra) reported that the Messenger of Allah (saw) said, *“Allah will not accept any good deed from a polytheist who returned to polytheism after having become a Muslim, until he leaves the polytheists and joins the Muslims.”*

(IM2536, Ibn Maja, Hudūd, 2)



According to Tamim al-Dari (ra), the Prophet (saw) said, *“Religion is sincere conduct.”* When we asked, *“To whom should it be directed?”* he said, *“To Allah, His book, His messenger, the leaders of the believers and all the believers in general.”*

(M196, Muslim, al-Iman, 95)



According to Anas (ra), the Prophet (saw) said, *“Whoever possesses the following three qualities will have the sweetness of faith: The one to whom Allah and His messenger becomes dearer than anything else; the one who loves a person only for Allah’s sake; and the one who hates to revert to unbelief as he hates to be thrown into the fire.”*

(B16, al-Bukhari, al-Iman, 9)





**I**t was the sixth year of the Hijra.<sup>1</sup> Allah’s Messenger (saw) had sent a cavalry unit in the direction of the region of Najd in Arabia. The unit captured Sumama b. Usal who was from the tribe of the Banu Hanifa and the chief of the people of Yamama (a region of Najd) and brought him in. They tied him to one of the pillars of the Masjid al-Nabi. The Messenger of Allah went up to him and said, “O Sumama! What are you thinking about?” Sumama replied, “O Muhammad! I am fine. If you kill me, you will have killed someone for whom revenge will be taken. If you treat me well, you will have treated well someone who will be grateful. If you want money, may you be given as much as you wish.” The Prophet (saw) went to Sumama again two days later and asked him the same question and he gave the same answer. Thereupon Allah’s Messenger said, “Let Sumama go free!” They let him go in a date grove near the Masjid. Sumama washed there and, entering the Masjid, said, “I testify that there is no god but Allah and I also testify that Muhammad is the Messenger of Allah.”

He continued, saying, “O Muhammad! I swear by Allah that I have not seen a face as unattractive as yours on the face to the earth. But now your face has become more attractive to me than all others. I swear by Allah that there had been no religion more unattractive to me than your religion, but now your religion is more attractive to me than all other religions. I swear by Allah that there had been no town more unattractive to me than your town, but now your town is more attractive to me than all other towns. I was about to go on the ‘Umra when your horsemen captured me. What would you tell me now in this respect?” Allah’s Messenger hailed him (for becoming a Muslim) and gave him permission to make the ‘Umra. When Sumama (ra) came to Mecca, one of the polytheists said to him, “Did you go off your head?” He answered, “No, but I became a Muslim with Allah’s Messenger Muhammad.” And he added, “I swear by Allah that without the

<sup>1</sup>BN3/285. Ibn Kathir, *al-Bidaya*, III, 285.



permission of the Messenger of Allah not even a grain of wheat will come to you from Yamama.”<sup>2</sup>

This incident is an excellent example showing how, as implemented by Allah’s Messenger, the verse, “*There is no compulsion in religion,*”<sup>3</sup> should be interpreted. Allah’s Messenger gave a tribal chief, who had been captured and brought in by a reconnaissance unit, an opportunity to become familiar with Islam and Muslims while he was under surveillance for three days in his mosque. Although the Prophet (saw) wanted him to become a Muslim, he did not invite him to do so under those circumstances and only wanted to learn what he was thinking. When Sumama, who stated that he expected good treatment from the Prophet (saw), who could either have him killed or set free, repeatedly said the same things over a period of three days, Allah’s Messenger gave him his freedom. Sumama, who was presumably impressed by the lenient attitude of the Prophet (saw) and by the Muslims whom he watched for three days in the mosque, became a Muslim of his own free will as soon as he was freed; and he told the Meccan polytheists with whom he had cooperated up to then that, at a time when they were suffering because Muhammad had cut off supplies to the city, he would not send even a grain of wheat to them without the permission of the Prophet (saw). The Meccans then asked him, “Did you go off your head?” And he replied, “No, but I became a Muslim with Allah’s Messenger Muhammad.” In this way he wanted to emphasize that he had reached peace and salvation.

Faith is a matter of the heart. To identify with a religion or to abandon a religion is a decision left to one’s free will. This is because this is a test. Therefore, although Allah on High indicated the errors of the polytheist Arabs and People of the Book and called them to the right path, there is no pressure or compulsion on people with respect to the religion they adopt because of their free will. Indeed, the following verses clearly reveal this: “*There is no compulsion in religion: True guidance has become distinct from error, so whoever rejects false gods and believes in Allah has grasped the firmest handhold, one that will never break. Allah is all hearing and all knowing;*”<sup>4</sup> “*Say, ‘Now the truth has come from your Lord: let those who wish to believe in it do so, and let those who wish to reject it do so;*”<sup>5</sup> and “*Had your Lord willed, all the people on earth would have believed. So can you [Prophet] compel people to believe?*”<sup>6</sup> The reason why the first verse was revealed is explained as follows: Some

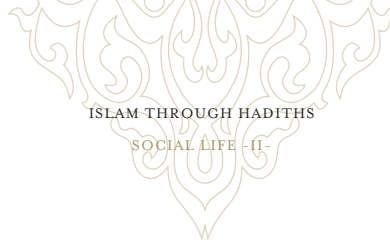
<sup>2</sup> HM9832, Ibn Hanbal, 2/452.

<sup>3</sup> Al-Baqara, 2:256.

<sup>4</sup> Al-Baqara, 2:256.

<sup>5</sup> Al-Kahf, 18:29.

<sup>6</sup> Yunus, 10:99.



women among the Ansar whose children had not survived in pre-Islamic times had vowed then that if her future children survived they would raise them among Jews and make them Jews. Thus these women compelled their children, whom they had turned over to the Jews of the Banu Nadir, to become Muslims in order to prevent them from going with this tribe when it was expelled from Medina.<sup>7</sup> Another incident is reported as the reason why this verse was revealed: a man from the tribe of Salim b. 'Awf had two sons who became Christians at the suggestion of a merchant who had come from Syria; and in order to prevent them from going to Syria with this merchant, he wanted to force them to return to Islam and asked the Prophet (saw) to make them do so.<sup>8</sup> Whatever the reason for its revelation, this verse clearly states that there is no place for pressure or compulsion in the matter of faith.

As the last verse indicates, Allah only gave his Messenger the task of communicating the divine message. Stressing that he should not use pressure<sup>9</sup> or force<sup>10</sup> while carrying out this task, He stated, “[Prophet] call [people] to the way of your Lord with wisdom and good teaching. Argue with them in the most courteous way, for your Lord knows best who has strayed from His way and is rightly guided.”<sup>11</sup> He wanted those who believed in Him to adopt the same practice, saying, “Be a community that calls for what is good, urges what is right, and forbids what is wrong: those who do this are the successful ones,”<sup>12</sup> and “[Believers], argue only in the best way with the People of the Book, except with those of them who act unjustly. Say, ‘We believe in what was revealed to us and in what was revealed to you, our Allah and your Allah is one [and the same]; we are devoted to him.’”<sup>13</sup>

The Noble Qur’an refers to peoples in past societies who suffered persecution and repression for their beliefs and strongly condemns their tormentors. For example, it mentions the community of Uhud who threw people into a trench because of their different beliefs and set fire to them and says, “...perish the makers of the trench, of the fuel-stoked fire! They sat down and witnessed what they were doing to the believers. Their only grievance against them was their faith in Allah, the Mighty, the Praiseworthy, to whom all control over the heavens and earth belongs: Allah is witness over all things.”<sup>14</sup> This verse refers to the persecution of Christians in Najran after it had been occupied in 523 by Dhu Nuwas, the king of Himyar in Yemen, who had adopted Judaism and tried to force them to accept the same religion. As a result of the persecution, it is stated that 20,000 Christians were

<sup>7</sup> D2682, Abu Da’ud, al-Jihad, 116.

<sup>8</sup> IT1/682, Ibn Kathir, *Tafsir*, I, 682.

<sup>9</sup> Qaf, 50:45.

<sup>10</sup> Al-Ghashiyya, 88:22.

<sup>11</sup> Al-Nahl, 16:125.

<sup>12</sup> Al-Imran, 3:104.

<sup>13</sup> Al-Ankabut, 29:46.

<sup>14</sup> Al-Buruj, 85:4-9.





killed.<sup>15</sup> The Noble Qur'an warned the Meccan polytheists who were persecuting and oppressing the Last Prophet and his friends who were believers by reminding them of this incident of which they were probably aware. The Qur'anic command which declares that there is no compulsion in religion is absolute and universal. The only exception to this is when a person's religious practices or attitude toward religion reaches the point of making others uncomfortable. However, to violate the rights of others on the basis of religion or to make others uncomfortable with an anti-religious attitude and attack their sacred values is a violation of Islamic religious law. Therefore the matter of whether or not one is fulfilling one's religious obligations (as a result of which others are made uncomfortable) becomes an issue of freedom of belief and worship in which one is accountable only to Allah (swt).

Religion has been defined as "a system of divine values declared by Allah which will lead people of sound mind, and using their own free will, directly to goodness."<sup>16</sup> The essence of religion is faith and the basis of faith is sincerity of the heart. The fact that people prefer to do things willingly means that it is possible for them to adopt religion from the heart. Therefore, adoption of the divine will depends on consent. Muslim theologians, acting on this premise, have stated that a confession of faith based on compulsion and pressure is invalid. For instance, the Hanbali theologian Ibn Qudama stated, "If a non-Muslim (*dhimmi*) who lives in Muslim society and whose forced conversion to Islam is not permitted, or if someone who has been given a guarantee of safety (a *musta'min*) is compelled to adopt Islam and it is not known that he became a Muslim of his own free will, then he is not considered a Muslim..."<sup>17</sup> Ibn Qudama's view complies with the depiction in the Holy Qur'an of Bedouin who were forced to become Muslims, "*The desert Arabs say, 'We have faith.' [Prophet] tell them, 'You do not have faith. What you should say instead is, 'We have submitted,' for faith has not yet entered your hearts.*"<sup>18</sup> Pressure and compulsion lead people to hypocrisy which Islam rejects. Words and deeds which are not based on sincerity and conscious choice may seemingly conform to the faith, but may actually be called duplicitous and may be equal to denial and be considered worthless. The Holy Qur'an in fact strongly condemns hypocrites who do not behave honestly in their beliefs and considers them more dangerous than open deniers of the faith.<sup>19</sup>

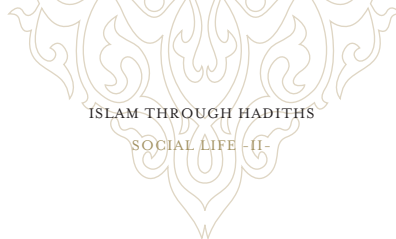
<sup>15</sup> "Ashābū'l-uhdūd," *DIA*, III, 471.

<sup>16</sup> KBI/13, 'Abd al-'Aziz al-Bukhari, *Kashf al-asrar*, I, 13.

<sup>17</sup> UK10/96, Ibn Qudama, *al-Mughni*, X, 96.

<sup>18</sup> Al-Hujurat, 49:14.

<sup>19</sup> Al-Baqara, 2:8-20; al-Nisa', 4:145; al-Ma'ida, 5:41.



During the twenty-three year period of his prophethood, Muhammad (saw) never used force in matters of religious practice, such as imposing faith on someone. In both the Mecca and Medina periods, he invited people to the faith using counsel, evidence and persuasion and never took the path of using force. In a verse revealed in the Meccan period, the Prophet (saw) is ordered, “*Call [people] to the way of your Lord with wisdom and good teaching.*”<sup>20</sup> How successful Allah’s Messenger was in conforming to this command is recorded in the following verse which was revealed in Medina: “*Out of mercy from Allah, you [Prophet] were gentle in your dealings with them—had you been harsh, or hard-hearted, they would have dispersed and left you . . .*”<sup>21</sup> He always preferred peaceful means in his dealings with enemies or adherents of other religions. There was no change in this attitude no matter if he was in a weak or strong position. Thus, he gave the Christians of Najran who had come to Medina permission to practice their rituals in his own mosque. And although he could have done so, he did not try to constrain them or put pressure on them.<sup>22</sup> This is why he gave instructions to the governors that he sent to various regions not to compel the Christians and Jews there to abandon their religion.<sup>23</sup> In order for those who were not Muslims to become familiar with Islam in the period of our master the Prophet (saw) and in subsequent periods, they were first invited to the faith before conquest. If they did not accept it, they were required to pay the *jizya*. And if they did not accept this, the only option was to resort to war.<sup>24</sup> All this sheds light on the attitude toward adherents of other religions. When ‘Ali (ra), who took possession of the flag at the Battle of Khaybar, said to the Prophet (saw), “O Messenger of Allah! Should I fight these people until they become Muslims?” he replied significantly, “*Proceed slowly until you reach their land. Then, invite them to Islam, and inform them what is enjoined upon them, for I swear by Allah that if Allah gives guidance to somebody through you, it is better for you than possessing red camels.*”<sup>25</sup>

Just as he told ‘Ali (ra) at Khaybar, Allah’s Messenger declared that the primary task of Muslims was to transmit Islam among peoples.

Just as he did not impose belief on anyone, our master the Prophet (saw) did not kill or punish anyone for abjuring Islam. According to a *hadith* on this matter in al-Bukhari’s *Ṣaḥīḥ*, a Bedouin who had pledged allegiance to the Prophet (saw) and had become a Muslim later became ill and, using this as an excuse, wanted to abandon Islam and leave Medina,

<sup>20</sup> Al-Nahl, 16:125.

<sup>21</sup> Al Imran, 3:159.

<sup>22</sup> ST1/357, Ibn Sa’d, *Tabaqat*, I, 357.

<sup>23</sup> HS5/296, Ibn Hisham, *Sira*, V, 296.

<sup>24</sup> M4522, Muslim, al-Jihad wa ‘l-siyar, 3.

<sup>25</sup> B3009, al-Bukhari, al-Jihad, 143.



but our master the Prophet (saw) would not allow his request because there had been no obstacle to his conversion. Saying simply, “*Medina is like a bellows. It expels its impurities and brightens and clears its good,*”<sup>26</sup> he expressed his resentment toward him. Another example was the incident of a group of Meccans of the Banu al-Harith b. Suwayd who became Muslims, then abjured it, and later returned to Islam.<sup>27</sup> The Prophet (saw) had ordered the death penalty for Mukayyis b. Subaba who was the first person in Islamic history to abjure Islam but this was not because he had changed his religion, but because he had intentionally killed the one who had killed his brother despite having received the *diya* for this killing.<sup>28</sup>

“*Kill one who has changed his religion!*”<sup>29</sup> “*The blood of a Muslim who has testified that there is no god but Allah and I am the Messenger of Allah (saw) is lawful in only three cases: an adulterous widow or divorcee (thayyib), a life for a life, and for abjuring his religion and leaving the community (of Muslims).*”<sup>30</sup> These *hadiths*, which require the punishment of death for those who abjure Islam, do not mean that one should be killed for religious purposes because he changed religion. Instead, they express sanction for someone to be killed for political reasons, such as being in a war against Muslims, and according to the laws of war. Indeed, if we carefully examine the actual practice of our master the Prophet (saw), it will be seen that never in his lifetime did he punish anyone with death for leaving Islam. For example, ‘Abd Allah b. Sa’d b. Abi Sarh, who was one of those of whom it was stated that he should be punished with death at the time of the Prophet (saw), was a recorder of the revelations of Allah’s Messenger. Satan caused him to go astray and he left Islam and joined the unbelievers. Thereupon, on the day he captured Mecca, the Messenger of Allah (saw) ordered him to be killed. However, ‘Uthman b. ‘Affan (ra) requested protection for him and the Messenger of Allah (saw) granted it.<sup>31</sup> It is understood that ‘Uthman gave his assurance that this person would no longer be harmful to Muslims and would no longer stand in the ranks of the enemy, and Allah’s Messenger accepted ‘Uthman’ assurance. Those who changed sides (i.e., abandoned Islam) at the beginning of the Prophet (saw)’s mission were generally considered to be hostile because they had gone over to the enemy. The fact that it was decided that this person, who had been close to the Prophet (saw) and had recorded revelations, was to be killed after he had joined the polytheists of the Quraysh was related to his betrayal of the

<sup>26</sup> B7209, al-Bukhari, al-Ahkam, 45, 47.

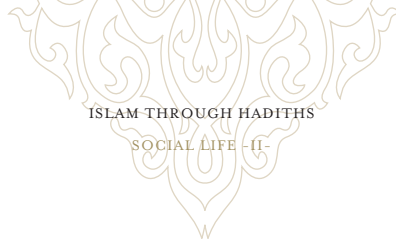
<sup>27</sup> EÜ1/612, Ibn al-Athir, *Usd al-ghaba*, I, 612.

<sup>28</sup> HS4/256, Ibn Hisham, *Sirat*, IV, 256.

<sup>29</sup> B3017, al-Bukhari, al-Jihad, 149; D4351, Abu Da’ud, al-Hudud, 1.

<sup>30</sup> M4375, Muslim, al-Qasama, 25, T1402, al-Tirmidhi, al-Diyat, 10; D4352, Abu Da’ud, al-Hudud, 1.

<sup>31</sup> D4358, Abu Da’ud, al-Hudud, 1.



Muslims—and that in time of war people were usually killed under such circumstances—more than to his apostasy from Islam. Indeed, when it was seen that he was no longer a threat, he was forgiven by Allah’s Messenger and eventually ‘Abd Allah b. Sa’d b. Abi Sarh became a Muslim again.<sup>32</sup>

The statement that if a Muslim, after testifying to the unity of Allah and that our master the Prophet (saw) is His Messenger, abandons his religion and leaves the religious community could be killed<sup>33</sup> can be understood in this respect. The section of the *ḥadīth* concerning someone who changes his religion and leaves Muslim society is understood in the sense of someone who betrays the community to which he belonged, leaves it, and becomes hostile toward it. In fact, a different version of this *ḥadīth* confirms that it must be “*someone who abjures Islam and wages war against Allah and His Messenger.*”<sup>34</sup>

‘Umar (ra) took this position. Indeed, Anas b. Malik (ra) describes an incident that he experienced with ‘Umar as follows: “After the conquest of Tustar, Abu Musa sent me to ‘Umar. A group composed of six people from the tribe of the Bakr b. Wa’il, who had become Muslims, apostatized and joined the ranks of the polytheists. ‘Umar asked me what their fate should be. I wanted to discuss another subject and describe developments concerning it. But when ‘Umar insistently asked about their fate, I said, ‘O Commander of the Faithful! Only those who abjure Islam, become apostates, and join the polytheists deserve death.’ Thereupon, ‘Umar said, ‘If I had taken hold of them safe and sound, it would be better for me than all the gold and silver over which the sun has risen.’ Then I asked, ‘O Commander of the Faithful! If you had seized them what would you have done?’ ‘Umar replied, ‘I would have proposed that they reenter the door from which they had left. If they would not agree to this, I would have thrown them in prison.’”<sup>35</sup>

Those who apostatize are assured opportunities to repent and be regained by the faithful. Ibrahim al-Nakha’i, who was one of the Successors, stated that someone who had apostatized would be advised to repent and Sufyan al-Thawri said that he agreed with this.<sup>36</sup> This indicates that their goal was to ensure that these people returned to Islam.

When asked the ruling on women who changed their religion, Ibn ‘Abbas, one of the Companions (ra),<sup>37</sup> al-Hasan al-Basri, one of the Successors,<sup>38</sup> ‘Ata’ b. Abi Rabah,<sup>39</sup> and Sufyan al-Thawri<sup>40</sup> replied that they would

<sup>32</sup> EÜ3/260, Ibn al-Athir, *Usd al-ghaba*, III, 261.

<sup>33</sup> M4375, Muslim, *al-Qasama*, 25.

<sup>34</sup> N4747, *al-Nasa’i*, *al-Qasama*, 13-14.

<sup>35</sup> MA18696, ‘Abd al-Razzaq, *al-Musannaf*, X, 165.

<sup>36</sup> MA18697, ‘Abd al-Razzaq, *al-Musannaf*, X, 166.

<sup>37</sup> 3173, *al-Daraqutni*, *al-Sunan*, III, 117.

<sup>38</sup> MŞ32767, Ibn Abi Shayba, *al-Musannaf*, *al-Siyar*, 33.

<sup>39</sup> MŞ32764, Ibn Abi Shayba, *al-Musannaf*, *al-Siyar*, 33.

<sup>40</sup> T1458, *al-Tirmidhi*, *al-Hudud*, 25.



not be punished with death. This was because, in their understanding, the actual reason for executing those who apostatized was not because they had changed their religion but because they had joined the ranks of the enemy in time of war. Because women did not in fact participate in warfare, the ruling regarding their change of faith was different.

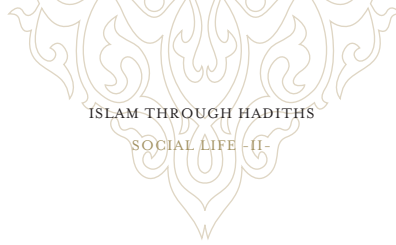
The attempt to interpret in a very broad sense a *ḥadīth* of our master the Prophet (saw) which was applicable to very specific circumstances gave rise to mistaken consequences. There are examples in the *ḥadīths* in which the punishment of death is not given to apostates. According to a *ḥadīth* reported by Ibn ‘Abbas (ra), a man who was among the Ansar had become a Muslim, but later abjured it and became an apostate and joined the polytheists. Afterwards he regretted this. He sent word to his tribe, saying, “Ask the Messenger of Allah (saw) about me. I will become a Muslim again. Would my repentance be accepted?” His relatives went to the Messenger of Allah (saw) and said, “So and so has regretted that he abjured Islam and wanted us to ask you if his repentance would be accepted.” On this occasion, verses 86-89 of the *sura* Al Imran were revealed. This news was delivered to the man in question and he became a Muslim once again.<sup>41</sup>

During the caliphate of Abu Bakr (ra) apostasy movements erupted in the form of rebellion against the state; and when they began to seriously threaten the government, he had no choice but to declare war on them.<sup>42</sup> This war was directed at stopping those who wanted to destroy the unity of the Muslims, to undermine the principles that the Prophet (saw) had established and enforced in the homeland of Islam, and to eliminate them elsewhere. During the reign of Abu Bakr and in subsequent periods, the wars which were fought against apostasy movements, in which such false prophets as Musaylima al-Kadhdhab, Sajah, and al-Aswad al-‘Ansi raised their heads, were all of the same nature and were necessary to protect the security of the people.

Changing religion is fundamentally a matter of freedom of belief. A person who has the freedom to adopt and accept a religion also has the freedom to abjure it. However it is an historical fact that no religion has looked favorably on members who left it. The punishment which was carried out in this regard, and which sometimes resulted in a death sentence, was an administrative action justified much more on political and social grounds than religious teaching. The Holy Qur’an did not stipulate any

<sup>41</sup> N4073, al-Nasa’i, al-Muharaba, 15.

<sup>42</sup> B6925, al-Bukhari, Istitabat al-murtaddin, 3; N2445 al-Nasa’i, al-Zakat, 3.



punishment for someone who abjured Islam apart from what he would receive in the next world. The relevant passage is in verse 217 in the sūra al-Baqara which reads, “*If any of you revoke your faith and die as disbelievers, your deeds will come to nothing in this world and the Hereafter, and you will be inhabitants of the Fire, there to remain.*”<sup>43</sup> As can be seen, in this verse there is no worldly punishment for apostasy, that is, abjuring Islam, only punishment in the next world. This is indicated by the expression “*If you... die as disbelievers.*” In verses 86-90 of the sūra Al Imran, it is mentioned that the punishment for those who turn from belief to unbelief will be in the next world. In verse 87 this punishment is stated clearly, “*...such people will be rewarded with rejection by Allah, by the angles, by all people, . . .*” Verse 137 of the sūra al-Nisa’ states, “*As for those who believe, then reject the faith, then believe again, then reject the faith again and become increasingly defiant, Allah will not forgive them, nor will He guide them on any path.*” If it had been stipulated that the punishment for apostasy was death, then it is highly unlikely that this verse about belief and unbelief would have been repeated and the death penalty would have been given after the initial act of apostasy. As is clear from these verses, because the Holy Qur’an, which accepts belief as an act of free will and as a test, declares against the death penalty for apostasy, it is inconceivable that a religion which assures freedom of belief would take an approach restricting this freedom or eliminating it. The relevant verses state that abjuring the faith is not a correct action and that those who do so will face the torments of Hell in the Hereafter. It is natural that a religion which would promise Paradise while inviting people to belief would warn those who turned away from that belief of the torments of Hell.

Our beloved Prophet did not look favorably on those who abjured Islam and, just like the Holy Qur’an, warned them about their fate in the next world. As he stated in one *hadith*, “*Allah will not accept any good deed from a polytheist who returned to polytheism after having become Muslim, until he leaves the polytheists and joins the Muslims.*”<sup>44</sup> Allah’s Messenger, who stated that religion meant being sincere to everyone, above all to Allah (swt) and His Messenger,<sup>45</sup> declared that in religion what was most beloved by Allah was for the adherent of the faith to be steadfast and persevering.<sup>46</sup> By saying, “*Whoever possesses the following three qualities will have the sweetness of faith: the one to whom Allah and His messenger becomes dearer than anything*

<sup>43</sup> Al-Baqara, 2:217.

<sup>44</sup> IM2536, Ibn Maja, al-Hudud, 2.

<sup>45</sup> M196, Muslim, al-Iman, 95; T1926, al-Tirmidhi, al-Birr, 17; D4944, Abu Da’ud, al-Adab, 59; N4202, al-Nasa’i, al-Bi’a, 31.

<sup>46</sup> B43, al-Bukhari, al-Iman, 32.





*else; the one who loves a person only for Allah's sake; and the one who hates to revert to unbelief as he hates to be thrown into the fire,*<sup>47</sup> the Prophet (saw) made belief and unbelief analogous to Paradise and Hell.

No matter how glad the Prophet (saw) was about those who heeded this invitation, as an Messenger who invited people to the path of Allah (fi sabilillah), he was equally disappointed by those who remained aloof from it or who recanted their conversion. Allah's Messenger, who compared his community to moths who were in danger of falling into fire and himself to one who was trying to save them by grasping their skirts as they rushed toward the fire,<sup>48</sup> was reacting, in understandable fashion, to a bedouin who, by abjuring Islam, threw himself in the fire. Thus Allah (swt) indicated this sensitivity of His beloved Messenger in the verse, "*But [Prophet] are you going to worry yourself to death over them if they do not believe in this message?*"<sup>49</sup> His concern in this matter also came to the fore when a group of Muslims, who had originally been Jewish, found themselves in dire straits, could not find enough food, and were starving and thus were in danger of abandoning their faith. The Prophet (saw) then made a great effort to find a loan for them to see it through.<sup>50</sup>

In summary, Islam, which addresses the minds and consciences of people, gives great importance to their free will and freedom of choice. Throughout history, nations have become Muslim en masse of their own free will. People who learned the truth of Islam and who were enlightened by the unity of Allah (swt) did not easily abjure Islam. Indeed, people did not abandon Islam en masse. Rather they abjured Islam as individuals. They were blind to their action and after being enlightened by Islam, denied it, and were enclosed in the darkness of polytheism or heresy. Although it would be a mistake for people not to convert to Islam, conversion should not, in principle, interfere with other choices and should be left entirely to one's own responsibility.

<sup>47</sup> B16, al-Bukhari, al-Iman, 9.

<sup>48</sup> M5955, Muslim, al-Fada'il, 17.

<sup>49</sup> Al-Kahf, 18:6.

<sup>50</sup> IM2281, Ibn Maja, al-Tijara, 59.



## PROTECTING POSTERITY AN HONORABLE LINEAGE



عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ عَنْ أَبِيهِ ذَكَرَ النَّبِيُّ ﷺ قَعَدَ عَلَيَّ بِعَيْرِهِ، وَأَمْسَكَ  
إِنْسَانٌ بِخَطَامِهِ أَوْ بِرِمَامَاهُ... قَالَ: ”فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ بَيْنَكُمْ  
حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا...”

According to ‘Abd al-Rahman b. Abi Bakra, his father (Abu Bakra) (ra) said that while the Prophet (saw) was sitting on his camel (on his Farewell Pilgrimage), and a man was holding the halter or nose rope of the camel, he addressed the people as follows: “Indeed, your blood, your wealth, and your honor are as sacred for you as the sacredness of this day of yours (the day before the Eid al-Adha), in this month of yours (Dhu al-Hijja) in this city of yours (Mecca).”

(B67, al-Bukhari, al-‘Ilm, 9; M4384, Muslim, al-Qasama, 30)





عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ: مَالُهُ وَعَرَضُهُ وَدَمُهُ حَسْبُ امْرِئٍ مِنَ الشَّرِّ أَنْ  
يَحْقِرَ أَخَاهُ الْمُسْلِمَ.“



عَنْ أُسَامَةَ بْنِ شَرِيكٍ قَالَ: شَهِدْتُ الْأَعْرَابَ يَسْأَلُونَ النَّبِيَّ ﷺ : أَعَلَيْنَا حَرْجٌ فِي  
كَذَا؟ أَعَلَيْنَا حَرْجٌ فِي كَذَا؟ فَقَالَ [لَهُمْ]: ”عِبَادَ اللَّهِ وَضَعَ اللَّهُ الْحَرْجَ إِلَّا مَنْ  
أَقْتَرَضَ مِنْ عَرَضِ أَخِيهِ شَيْئًا. فَذَلِكَ الَّذِي حَرَجَ.“



عَنْ عَلْقَمَةَ قَالَ: بَيْنَا أَنَا أَمْشِي مَعَ عَبْدِ اللَّهِ ﷺ فَقَالَ: كُنَّا مَعَ  
النَّبِيِّ ﷺ فَقَالَ: ”مَنْ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضُ لِلْبَصْرِ  
وَأَحْصَنُ لِلْفَرْجِ...“



أَخْبَرَنِي الْحَارِثُ بْنُ النُّعْمَانَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ  
أَنَّهُ قَالَ: ”أَكْرَمُوا أَوْلَادَكُمْ وَأَحْسِنُوا أَدَبَهُمْ“



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
“Everything of a Muslim is *haram* to a Muslim: His property, honor and blood.  
It is evil enough for any man to despise his Muslim brother.”

(D4882, Abu Da’ud, al-Adab, 35)



Usama b. Sharik (ra) said, “I saw some bedouin ask the Prophet (saw),  
‘Would it be sinful to do this? Would it be sinful to do that?’ The Prophet  
said, ‘O servants of Allah! Allah has only made sinful that which transgresses  
the honor of one’s brother. That is what is sinful.’”

(IM3436, Ibn Maja, al-Tibb, 1; D2015, Abu Da’ud, al-Manasik, 87)



‘Alqama said, “While I was walking with ‘Abd Allah (b. Mas’ud) (ra), he  
told me the following: ‘(One day) while we were with the Prophet (saw)  
he said, “He who can afford to marry should marry, because it is the best way  
to keep him from looking at what is forbidden (other women), and protecting  
him from unlawful sexual relations.’””

(B1905, al-Bukhari, al-Sawm, 10; M3400, Muslim, al-Nikah, 3)



Al-Harith b. al-Nu‘man said that he heard Anas b. Malik (ra) report the  
following *hadith* from the Messenger of Allah (saw):  
“Be kind to your children and raise them in the best way.”

(IM3671, Ibn Maja, al-Adab, 3)





Jabir b. ‘Abd Allah was one of the Companions (ra) who was present at the last Prophet’s Farewell Pilgrimage, which occurred in the tenth year of the Hijra and during which he gave important messages to humanity. His father ‘Abd Allah (ra) was martyred in the path of Allah (fi sabilillah) in the Battle of Uhud. Muhammad b. ‘Ali, the grandchild of Husayn and father of Ja‘far al-Sadiq, went to this distinguished Companion one day in the later years of his life and wanted him to describe the Farewell Pilgrimage, which was the only Hajj that Allah’s Messenger made, and his sermon on that occasion. Upon this request of the Prophet (saw)’s great-great-great grandson, Jabir, who by then had lost his sight, described one by one the things he could remember of the Prophet’s Farewell Pilgrimage and then he came to his Farewell Sermon. According to Jabir (ra), when the sun had begun to set (to descend to the west from its highest point), the Prophet (saw) left his tent at Arafat, mounted his camel, and began the historical speech that he addressed to tens of thousands of people with the following words: *‘Indeed, your blood, your wealth, and your honor are as sacred for you as the sacredness of this day of yours (the day before the Eid al-Adha), in this month of yours (Dhu al-Hijja), in this city of yours (Mecca).’*<sup>1</sup>

The happy Prophet began his words by mentioning the day, month, and city that he believed to be sacred and wanted to emphasize a very important principle to that enthusiastic crowd. He said that henceforth no one should attack the life, property, or personal rights of another. He drew special attention to personal rights and stressed that it was necessary to avoid behavior that would damage one’s honor and dignity. This was because, by his definition, a good Muslim was one who respected the personal rights of his Muslim brother, as well as his life and property, and regarded his person as sacrosanct. In fact our master the Prophet (saw) described this situation as follows: *“Everything of a Muslim is haram to a*

<sup>1</sup> B67, al-Bukhari, al-‘Ilm, 9; M4384, Muslim, al-Qasama, 3.



*Muslim: His property, honor and blood. It is evil enough for any man to despise his brother Muslim.*<sup>2</sup>

The Farewell Sermon of the Messenger of Allah (saw) described the concept of ‘ird, which he referred to as “a respected value” especially in various *ḥadīths*, as every type of moral personality which was the subject of praise or satire intended for man himself and his social environment.<sup>3</sup> In other words, when saying ‘ird what was meant was the moral personality of man, his dignity, virtue, honor, and personal rights. Thus ‘ird means those personal values which make one human, which give him honor and respect in society, and which make him immune to any kind of attack. The violation of such special values of a person is considered to be a direct attack on his ‘ird. Indeed, the Prophet (saw) said, “*The Muslim is the brother of the Muslim. He does not act treacherously toward him, lie to him, or forsake him. All that a Muslim possesses is sacrosanct to another Muslim: His honor (‘ird), his wealth, and his blood. Al-taqwā (fear of Allah, piety) is here. It is evil enough for a Muslim to despise his brother Muslim.*”<sup>4</sup> He thus showed that offending the dignity of a Muslim was highly blameworthy and one would be held responsible for doing so.

Another *ḥadīth* which emphasizes the sanctity of the personal rights of the Muslim states that believers must not hate each other, must not be envious of each other, and must not probe into each other’s faults.<sup>5</sup> At the same time this *ḥadīth* reveals those things that can harm a believer’s respectability. This respectability includes a person’s reputation in society. Thus, if a person’s reputation in society is destroyed as a result of certain offenses, this can be the worst punishment for him. In fact, Allah’s Messenger stated that in addition to the legal sanction that would be applied to someone who, although wealthy, did not pay his debts, real punishment would be the belittling of the honor and respectability given to him by society, that is, the punishment of regarding his honor and respectability as being non-existent.<sup>6</sup>

Attacking personal rights, such as threatening the respectability of an individual, damages at the same time the social structure and destroys the law of brotherhood. In this respect, Allah on High, who did not want believers to ridicule each other, call each other disagreeable names, or point out the faults of each other,<sup>7</sup> ordered them to avoid actions aimed at one’s personality and honor and to cultivate relations worthy of brotherhood.

<sup>2</sup> D4882, Abu Da’ud, al-Adab, 35; IM3933, Ibn Maja, al-Fitan, 2.

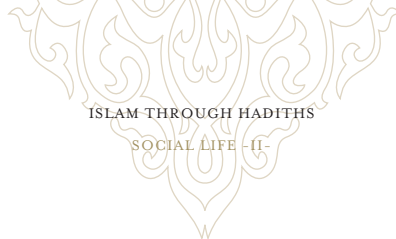
<sup>3</sup> IE3/208, Ibn al-Athir, *al-Nihaya* III/208-209.

<sup>4</sup> T1927, al-Tirmidhi, al-Birr, 18.

<sup>5</sup> M6541, Muslim, al-Birr, 32.

<sup>6</sup> D3628, Abu Da’ud, al-Qada (al-Aqdiyya), 29.

<sup>7</sup> Al-Hujurat, 49:10-12.



It is extremely meaningful that Allah's Messenger, while touching on this matter in his Farewell Sermon, equated one's honor and dignity with the things sacred to the Muslim community, such as Mecca, the month of Dhu al-Hijja, and the day before the Eid al-Adha. Indeed, 'Abd Allah, the son of 'Umar (ra), was of the opinion that the dignity of a person before Allah was even superior to the Ka'ba, which was considered the most sacred object in the eyes of Muslims. One day 'Abd Allah b. 'Umar (ra), who reported that the Noble Messenger said, "*O, one who has accepted Islam with his tongue, while faith has not reached his heart! Do not harm the Muslims, or revile them, or closely examine (drag up) their faults. For whoever examines his Muslim brother's faults, Allah will examine his faults, even if they were in the hollow of his saddle,*" said the following with reference to the Ka'ba: "How great you are, and how great your sanctity is! But before Allah the believer has greater sanctity than you."<sup>8</sup> In this way 'Abd Allah, the young Companion who fully grasped the importance that the Prophet (saw) gave to man's respectability, expressed it in striking fashion.

It is not an accident that our Prophet mentioned the principle of the sanctity of personal rights during the season of the Hajj, in which there was heavy traffic. Thus respect for one's fellow man was a principle which required much greater sensitivity than the formal elements of the rites and ceremonies of the Hajj. Indeed, Usama b. Sharik, a Companion from Kufa, witnessed, like Jabir (ra), the following incident during the Farwell Pilgrimage: Some people who came from different regions with the intention of making the Hajj asked the Prophet (saw) questions about the duties related to the Hajj, such as, "If we do this, would it be sinful? If we do that, would it be sinful?" The Prophet of mercy listened to all of this and then said, "*O, servants of Allah! Allah has only made sinful that which transgresses the honor of one's brother. That is what is sinful.*"<sup>9</sup> The Messenger of Allah stated that there would be no objection to trivial infractions which could occur during the religious ceremony of the Hajj and that they could be forgiven. However, he reminded believers that maligning a Muslim, hurting his feelings, or tormenting him was more blameworthy. Consequently, he declared that damaging a person's respectability contradicted the essence of the religion. At the basis of religious obligations, such as following the rules about what is religiously permitted and forbidden, are sublime goals, such as the protection of religious and human values. According to al-

<sup>8</sup> T2032, al-Tirmidhi, al-Birr, 85.

<sup>9</sup> IM3436, Ibn Maja, al-Tibb, 1; D2015, Abu Da'ud, al-Manasik, 87.



Nu'man b. Bashir (ra), the Prophet (saw) said, “*What is permitted and what is forbidden are clear. But between them are doubtful things about which most people have no knowledge. So, if one takes care to avoid these doubtful things, he will safeguard his religion and his ‘ird* (honor and dignity).”<sup>10</sup> Thus the Prophet (saw) in fact accepted protection of religion and protection of a person’s dignity and reputation as having equal value.

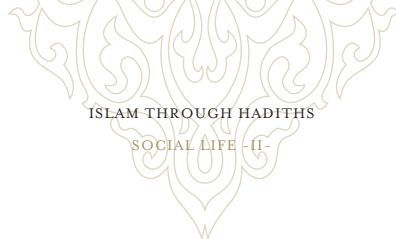
Offending and hurting the feelings of a Muslim, or verbally insulting or deriding him, are some of the behaviors which harm his personality and respectability. A person’s honor and respectability are most deeply harmed when his virtue and dignity are trampled. In fact, this is the reason why the expression “to violate one’s *ird*,” which has the sense of an attack on any personal value, has come to be identified almost exclusively with an attack on personal moral values related to chastity and sexual life. It is inconceivable that our beloved Prophet, who regarded believers’ insulting of one another as an attack on the moral personality, would remain insensitive to the matter of virtue and dignity, which were a person’s most sacred and sacrosanct values. Indeed, virtue was a meritorious quality that Allah’s Messenger wrestled with from the first years of his prophethood. For example, Ja’far b. Abi Talib (ra), who fled to the Negus, the king of Abyssinia, emphasized, while referring to Allah’s Messenger, what a virtuous personality he had and that he forbade the slandering of virtuous women.<sup>11</sup> During the same years, the Meccan polytheist Abu Sufyan mentioned to the Byzantine Emperor Heraclius, who asked him, while he was in Syria, what The Prophet of Islam had ordered and forbidden, that the Prophet (saw) had ordered Muslims to be virtuous.<sup>12</sup>

Virtue, to which Allah’s Messenger was sensitive from the first days of his prophethood, was an indispensable merit which complemented the concept of *‘ird*, which denoted one’s dignity and respectability. Virtue, which is the quality of a person “to resist wants and desires which cannot be satisfied, to avoid evil things that injure human honor, and to be able to remain pure,” is a meritorious feature which is based mainly on safeguarding one’s own reputation. “Being virtuous” means to avoid behavior which Allah (swt) has forbidden and which is regarded by reasonable people as shameful and ugly and which is rejected by social common sense. Thus, an example of this could be, as described in the Holy Qur’an, the behavior of those who, although they are themselves in need, hide their need and do

<sup>10</sup> B52, al-Bukhari, al-Iman, 39; M4094, Muslim, al-Musaqat, 107.

<sup>11</sup> SH2260, Ibn Khuzayma *Sahih*, IV, 13; IS247, Ibn Ishaq, *Sira*, s. 249.

<sup>12</sup> B4553, al-Bukhari, al-Tafsir, (Al Imran) 4.



not beg from others,<sup>13</sup> or a man who rejects a wealthy and beautiful woman's suggestion of unlawful relations by saying "I fear Allah" and controls himself.<sup>14</sup> Such virtuous behavior, which is extremely important with respect to protecting the honor and dignity of men and women, has a direct effect on both one's own self-respect and his reputation in the family and society. In addition to providing for material sanctions against those who accused respectable and virtuous women of *zinā'* but could not sufficiently prove it, the Holy Qur'an ruled that, as severe punishment afflicting their social reputations, their testimony in court would be rejected for the rest of their lives.<sup>15</sup> This shows the importance that the Holy Qur'an gave to the sacrosanctity of virtue and dignity. In like manner our master the Prophet (saw) mentioned "groundlessly accusing virtuous believing women of *zinā'*" among the great and destructive sins, such as "associating partners with Allah and murder."<sup>16</sup> This reveals his sensitivity on this point.

The most effective shield protecting both men and women against any threat to their virtue and dignity is, without doubt, the family. The Holy Qur'an, in fact, requires those who do not have the resources to get married to nevertheless protect their virtue<sup>17</sup> and points out the importance of married life for being able to remain virtuous. Allah's Messenger also addressed the youth of the Companions (ra), saying, "*Those of you who have the resources to marry should marry, because marriage is the best way to turn your eyes from what is forbidden and to protect your virtue.*"<sup>18</sup> By saying this he showed how family life protected self-respect and social respectability. The ability of a society to look to the future with confidence depends above all on encouraging young people who are entering marriageable age to contract lawful unions and establish homes. This is because the family has always been the oldest and most deep-rooted lawful means of being able to ensure the survival of mankind and being able to maintain a civilized way of life. Indeed, extramarital relationships, which frequently occur today, and "the free life," which is increasingly widespread under the expression "sexual freedom," injure the respectability of the individual, family, and society and, while accelerating the decline of the institution of marriage, threaten the existence of honorable posterity.

Under these circumstances, protecting the family, which is the basic guarantor of the survival of mankind, is of great importance. In light of this importance, the Prophet (saw) forbade the kinds of marriage in

<sup>13</sup> Al-Baqara, 2:273.

<sup>14</sup> B1423, al-Bukhari, al-Zakat, 16; M2380, Muslim, al-Zakat, 91.

<sup>15</sup> Al-Nur, 24:4.

<sup>16</sup> B2766, al-Bukhari, al-Wasaya, 23; D2874, Abu Da'ud, al-Wasaya, 10.

<sup>17</sup> Al-Nur, 24:33.

<sup>18</sup> B1905, al-Bukhari, al-Sawm, 10; M3400, Muslim, al-Nikah, 3.





the Jahiliyya period which caused a confusion of lineage and were mostly reminiscent of prostitution and *zinā'* and established the principle that a woman could marry only one man.<sup>19</sup> Before the coming of humanity's last Prophet, marriage could be viewed as a form of oppression of people and extramarital relations were common. Indeed, on the basis of the increasingly widespread practice of prostitution and *zinā'*, it could be said that people paid no attention to their own respectability or that of others. Consequently, forbidding *zinā'*, which is described as an ugly deed in the Holy Qur'an,<sup>20</sup> was a divine measure taken against an illness which, above all, harmed the respectability of both the individual, male or female, and the family. The closing of the paths which led one to fulfill sexual desire and demands, which undermined willpower, and which encouraged wickedness was another measure taken in this regard. As the Holy Qur'an states, "[Prophet], tell believing men to lower their eyes and guard their private parts: that is purer for them... And tell believing women that they should lower their eyes, guard their private parts, and not display their charms beyond what [it is acceptable] to reveal."<sup>21</sup> In addition, Allah on High said, "Do not force your slave girls into prostitution, when they themselves wish to remain honorable, in your quest for the short-term gains of this world."<sup>22</sup> Thus He declared that, in addition to himself and his family, the believer was responsible for the virtue and dignity of those who were in his service and company.

One's honor and dignity are at least as valuable as his life and property. The defamation of a person's virtue and the violation his honor are among the most staggering blows and severe attacks that he could experience in life. Virtue is the most valuable quality a person can have in order to protect himself from such attacks. There is no worse example of lack of virtue than prostitution and *zinā'* with respect to both men and women. The Messenger of Allah offered a rather vivid description of what would happen in the next world to those who committed these evil things. Anas reported that while ascending to the heavens with Jibril on the night of the Mi'raj, the Prophet (saw) saw people "who had nails of copper and were scratching their faces and their breasts." He asked Jibril who they were and the Angel of Revelation answered, "They are those who were given to back biting and demeaning people's honor."<sup>23</sup>

The Noble Messenger insistently warned his Companions (ra) against *zinā'* and shamelessness, which threatened the family and its posterity.

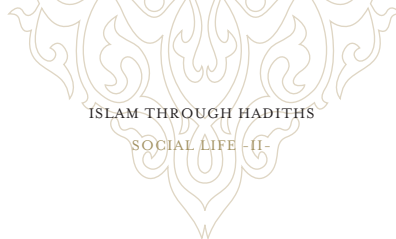
<sup>19</sup> B5127, al-Bukhari, al-Nikah, 37.

<sup>20</sup> Al-Isra', 17:32.

<sup>21</sup> Al-Nur, 24:30-31.

<sup>22</sup> Al-Nur, 24:33.

<sup>23</sup> D4878, Abu Da'ud, al-Adab, 35.



One day a young member of the Companions (ra) went to him. The youth was in a distressed state. Finally he confessed saying, “O, Messenger of Allah! Give me permission to commit *zinā*!” Those who were there were upset by the youth’s request. Some of them scolded him and others walked over to intervene. In contrast to them, Allah’s Messenger did not say a word and with great compassion listened to the youth. Then he said, “Do you want *zinā* to be committed with your mother?” The youth replied, “May my mother and father be a sacrifice to you, O, Messenger of Allah! I certainly do not want this.” Then the Prophet (saw) asked him in turn about his daughter, fraternal aunt, maternal aunt, and sister; and the youth stated that he would not consent to anyone committing *zinā* with his relatives. Then, putting his hand on him, the Prophet (saw) prayed, saying, “My Allah! Forgive his sins! Cleanse his heart of evil and protect his chastity and virtue!” After this prayer, the youth withdrew his request and was not inclined to such behavior.<sup>24</sup>

The Prophet (saw) urged women as much as men to be careful not harm to their virtue and families. According to the testimony of ‘Abd Allah b. ‘Abbas (ra), who was also a young member of the Companions (ra), at the end of the sermon that our Master gave to the Companions (ra) after the conquest of Mecca, he motioned with his hand for the men in the front row to remain where they were and going to the women in the back rows recited the verse, “Prophet, when believing women come and pledge to you that they will not ascribe any partner to Allah, nor steal, nor commit adultery, nor kill their children, nor lie about who has fathered their children, nor disobey you in any righteous thing, then you should accept their pledge of allegiance and pray to Allah to forgive them!”<sup>25</sup> Afterwards, he asked, “Are you in agreement with this?” One of the women stood up and answered, “Yes! O, Messenger of Allah!” Then all of the women pledged allegiance to him.<sup>26</sup>

It is noteworthy that, in the context of this agreement with women, there is reference to actions which would undermine the family lineage, such as not killing children and not misrepresenting a child’s paternity. The raising of a respectable generation depends above all on raising children in a healthy manner. Protecting and sustaining future generations will be possible by keeping children alive, being responsible for their maintenance and, most important, giving them a quality education. This is because the dignity of a person in society will be made complete with

<sup>24</sup> HM22564, Ibn Hanbal, V 256-257.

<sup>25</sup> Al-Mumtahana, 60:12.

<sup>26</sup> B4895, al-Bukhari, al-Tafsir, (al-Mumtahana) 3.



the respectability of his family and children. In this connection our master the Prophet (saw) was extremely sensitive to raising the valued and respected individuals of the future; and he drew attention to the fact that even the name that was given a child at birth could affect his reputation in society. As he stated, *“On the Day of Resurrection you will be called by your names and by your father’s names, so give yourselves good names.”*<sup>27</sup> The Prophet (saw), who by saying, *“Be kind to your children, and give them the best education,”*<sup>28</sup> also reminded parents to take on the responsibility of preparing a respectable future for their children. Furthermore, as Allah’s Messenger stated, the best legacy that parents could leave their children is an excellent education.<sup>29</sup> Preparing a child for life, giving him the humane and ethical virtues that are felt necessary, teaching him his religious and social obligations, and giving him a future to live for are only possible if the parents will make a great effort in these matters.

In the Holy Qur’an children are considered a divine “test” for parents.<sup>30</sup> Therefore, looking after their children’s training and education with the seriousness “of an examination” and protecting them from the harmful and dangerous habits of the age in which we live are important responsibilities with respect to the security of future generations. There must continue to be an active struggle in every level of society against such threats as cigarettes, drugs, alcohol, gambling, and certain internet connections which are aimed today at children and young people. Care must be taken, first by the family and then by society, to protect the future generations morally as much as safeguarding them materially. For this reason, it is necessary to create an environment in which we are “interested” in and “responsible” for our children and recognize and understand them and thus they can experience healthy and stable relationships. Being respectful of our children as individuals will also make an important contribution to their gaining their own self-respect.

<sup>27</sup> D4948, Abu Da’ud, al-Adab, 61.

<sup>28</sup> IM3671, Ibn Maja, al-Adab, 3.

<sup>29</sup> T1952, al-Tirmidhi, al-Birr, 33.

<sup>30</sup> Al-Taghabun, 64:15.



## GENEALOGY IDENTITY AND BELONGING



عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: ... قَالَ رَسُولُ اللَّهِ ﷺ :  
”لَا دَعْوَةَ فِي الْإِسْلَامِ، ذَهَبَ أَمْرُ الْجَاهِلِيَّةِ، الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ.“

According to ‘Amr b. Shu‘ayb, his father told him that his grandfather (ra) said that the Messenger of Allah (saw) said, “*There is no unlawful claiming of paternity in Islam. What was done in pre-Islamic times has been annulled. The child is attributed to the one on whose bed it is born, and the fornicator is deprived of any right.*”

(D2274, Abu Da‘ud, al-Talaq, 33-34)



عَنْ سَعْدِ بْنِ عَبْدِ اللَّهِ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ:  
”مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ وَهُوَ يَعْلَمُ أَنَّهُ غَيْرُ أَبِيهِ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ.“



عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”قَدْ أَذْهَبَ اللَّهُ عَنْكُمْ عُيْبَةَ الْجَاهِلِيَّةِ وَفَخَّرَهَا بِالْأَبَاءِ، مُؤْمِنٌ تَقِيٌّ وَفَاجِرٌ شَقِيٌّ،  
وَالنَّاسُ بَنُو آدَمَ وَآدَمٌ مِنْ تُرَابٍ.“



عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:  
”تَعَلَّمُوا مِنْ أَنْسَابِكُمْ مَا تَصِلُونَ بِهِ أَرْحَامَكُمْ، فَإِنَّ صِلَةَ الرَّحِمِ مَحَبَّةٌ فِي الْأَهْلِ  
مَثْرَاءٌ فِي الْمَالِ، مَنْسَأَةٌ فِي الْأَثَرِ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”...وَمَنْ بَطَأَ بِهِ عَمَلُهُ لَمْ يُسْرِعْ بِهِ نَسَبُهُ.“



Sa'd (b. Abi Waqqas) (ra) said,  
"I heard the Prophet (saw) say, *'Whoever claims to be the son of a person other than his father, and he knows that person is not his father, then Paradise will be forbidden for him.'*"

(B6766, al-Bukhari, al-Fara'id, 29)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*"Allah has removed the pride of the Jahiliyya (period) from you and boasting about lineage. (A person is either) a pious believer or a miserable sinner, and people are the children of Adam, and Adam is from dirt."*

(T3956, al-Tirmidhi, al-Manaqib, 74)



According to Abu Hurayra (ra), the Prophet (saw) said,  
*"Learn enough about your lineage to facilitate keeping your ties of kinship. For, indeed, keeping the ties of kinship encourages affection among relatives, increases wealth, and increases the lifespan."*

(T1979, al-Tirmidhi, al-Birr, 49; HM8855, Ibn Hanbal, II, 374)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, *"...he who is slow paced in doing (good) deeds, his (high) lineage does not make him go ahead."*

(M6853, Muslim, al-Dhikr, 38)





**H**ilal b. Umayya (ra) was one of three Companions (ra) from Medina who regretted remaining behind during the Tabuk campaign and about whom verses were revealed<sup>1</sup> concerning the acceptance of their repentance. This time he was the cause of a divine revelation because of a family tragedy that he had experienced. ‘Abd Allah b. Mas‘ud (ra) explains: “We were in the mosque on the night of a Friday. While we were there, a man from the Ansar entered the mosque in a state of anger and said, ‘If a man finds his wife with a strange man and declares (her adultery), would you punish him for the crime of slander, or if he kills the person he caught with his wife would you punish him with death, or should he remain silent and keep his anger to himself?’ Then he added, ‘I swear by Allah, I will ask the Messenger of Allah about it tomorrow.’ The next morning Hilal (ra) told the Messenger of Allah (saw) that his wife had had relations with a strange man. Thereupon, the Prophet (saw) said, ‘*Either provide evidence or be prepared for the punishment that will be given to you.*’ He wanted Hilal to prove what he had told him. Hilal responded, ‘O, Messenger of Allah! If one of us sees a man on his wife, does he need to find a witness? By the time he brings a witness, wouldn’t the man have finished his business and left?’ The Noble Messenger then said, ‘*Produce your witnesses! If not, you will face the punishment for slander.*’ Upon these words, Hilal vigorously stated that he had explained the facts and said that he believed Allah would reveal a verse that would save him from punishment in this matter.”<sup>2</sup>

The Messenger of Allah prayed for this matter to be resolved. While doing so, the following verses were revealed: “*As for those who accuse their own wives of adultery, but have no other witnesses, let each one four times call Allah to witness that he is telling the truth, and, the fifth time, call Allah to reject him if he is lying.*”<sup>3</sup> The Messenger of Allah recited these verses to Hilal and his wife. He gave them counsel and reminded them that the punishment

<sup>1</sup> Al-Tawba, 9:106, 118.

<sup>2</sup> D2253, Abu Da‘ud, al-Talaq, 26-27; T3179, al-Tirmidhi, Tafsir al-Qur‘an, 24.

<sup>3</sup> Al-Nur, 24:6-7.





in the next world would be more severe than that in this world. When Hilal claimed that what he said was true and his wife insisted that he was lying, the Prophet (saw) carried out the cursing procedure ordered by the verse and he separated the couple. The Prophet (saw) then pictured the child that would be born and said that he would follow up to determine if the child belonged to Hilal or to the person whom he had accused of *zinā'*. Later the woman give birth to a child who was black, had curly hair and a large build and resembled the person who was accused of *zinā'*. Allah's Messenger then said, "*Had it not been for the testimonies described in the verse, I know what I would have done to this woman.*"<sup>4</sup>

In the end, Allah's Messenger decided not to have the child to whom the woman had given birth called by the father's name, not to accuse the woman of the crime of *zinā'*, and not to have the child spoken of as a bastard. And he ruled that whoever imputed such things to the woman or child would be punished. And he stated that if a man and woman were separated for reasons other than divorce or death, the man had to provide for a home for the woman and her expenses.<sup>5</sup> According to 'Ikrima, one of 'Abd Allah b. al-'Abbas' favorite students, when this child grew up he was always given a relationship to his mother and was never known by his father's name.<sup>6</sup>

A similar tragedy befell the Banu Ajlān (ra) in Medina when the Messenger of Allah (saw) returned from the Tabuk campaign in the month of Sha'ban in the ninth year of the Hijra.<sup>7</sup> This *ḥadīth*, which we learn from the testimony of Sahl b. Sa'd al-Sa'idi, who was the last of the Companions (ra) to die in Medina, is similar in nature to the previous one.<sup>8</sup> A child who was born under similar circumstances of an unlawful union was subsequently known by an ascription to his mother and according to the shares of inheritance described in the Holy Qur'an the child and mother were heirs of each other.<sup>9</sup>

According to Abu Hurayra (ra), after the verse of imprecation was revealed, the Messenger of Allah (saw) said, "*Any woman who brings to her family one who does not belong to it has nothing to do with Allah (i.e. expects no mercy from Allah), and Allah will not bring her into His Paradise. Allah will veil Himself from any man who disowns his child when he looks at him, and disgrace him in the presence of all creatures, first and last (on the Day of Judgement).*"<sup>10</sup>

In Arab society, which had a social structure based on tribal solidarity, it was very important for a person's ancestry and lineage to be known.

<sup>4</sup> B4747, al-Bukhari, Tafsir, (al-Nur) 3; D2253, Abu Da'ud, al-Talaq, 26-27; T3179, al-Tirmidhi, Tafsir al-Qur'an, 24; MA12444, 'Abd al-Razzaq, *al-Musannaf*, VII, 114.

<sup>5</sup> TM2789, al-Tayalisi, *Musnad*, III, 107; HM2131, Ibn Hanbal, I, 238.

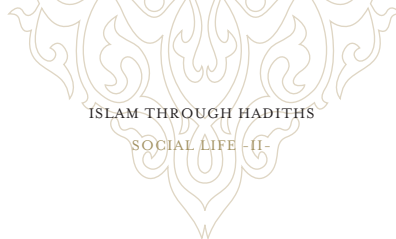
<sup>6</sup> D2256, Abu Da'ud, al-Talaq, 27; HM2131, Ibn Hanbal, I, 238.

<sup>7</sup> EÜ1/132, Ibn al-Athir, *Usd al-ghaba*, I, 132.

<sup>8</sup> B4745, al-Bukhari, Tafsir, (al-Nur) 1; M3743, Muslim, al-Li'an, 1.

<sup>9</sup> D2247 D2252, Abu Da'ud, al-Talaq, 26-27.

<sup>10</sup> D2263, Abu Da'ud, al-Talaq, 28-29.



Tribal law determined, according to lineage, such matters as marriage, divorce, inheritance, and relations with, and responsibilities toward, relatives. An individual was identified, above all, with his tribe. A person who had no tribe or who could not find a place for himself in a tribe by agreement had no security. Thus, in a sense, the tribe was the individual's social and legal assurance. All of this shows that knowledge of lineage was of vital importance. This was because the determination of a child's paternity had many legal consequences, above all with respect to inheritance. Moreover, it was not always easy to determine a person's ancestry. In fact, there were those who practiced the science of physiognomancy, which was called *qiyāfa*, and who could, when necessary, determine lineage. Based on physiological and physiognomic similarities, the physiognomist, who was called a *qā'if*, decided if someone was related to one person or another. Indeed, it was determined by the confirmation of a *qā'if* that the black-skinned Usama was the son of our Prophet's white-skinned freed slave Zayd (ra). The physiological difference between Zayd and his son had disturbed the Messenger of Allah (saw), but one day he went to 'A'isha (ra) in a happy mood and excitedly told her that a *qā'if* named Mujazzaz al-Mudliji had looked at the feet of Usama and Zayd, who were both covered with velvet (i.e., their heads were covered but their feet were bare), and said that they were father and son.<sup>11</sup> Thus he showed that he had respect for the knowledge of someone who was an expert in determining lineage.

One of those to whom people resorted in order to determine the lineage of children who did not resemble their parents was also the Prophet (saw). For example, a man from the Banu Fazara came to our Prophet and said that his wife had given birth to a black child and he was worried that the child was not his. The Prophet (saw) first asked the man the color of the camels that he owned. When the man replied that they were red, Allah's Messenger asked, "Very well, are there any dusky ones among them?" The man answered, "Yes." The Prophet (saw) then wanted him to explain how these camels came to be dusky. And when the man said, "It must be because of a certain strain in heredity," the Prophet (saw) said, "This child of yours is also from a certain strain of heredity."<sup>12</sup> In this way, at a time when there was no science of genetics, the Messenger of Allah (saw) pointed out that genes could carry certain characteristics from very old ancestry and drew attention to the fact that our heredity could manifest itself in different ways.

<sup>11</sup> B6770, al-Bukhari, al-Fara'id, 31; M3618, Muslim, al-Rada', 39; D2267, Abu Da'ud, al-Talaq, 30-31.

<sup>12</sup> B5305, al-Bukhari, al-Talaq, 26; M3768, Muslim, al-Li'an, 20; D2260, Abu Da'ud, al-Talaq, 27-28.



In a society whose social structure was based on the tribe, a confused lineage gave rise to unfavorable consequences, morally as much as legally. The Prophet (saw), who was aware of these possible consequences, warned in strong terms those who did not accept his own family, that is, the lineage to which he belonged. In fact, he said in a *ḥadīth* that anyone who alleged that his lineage was connected to another lineage would be ungrateful to Allah (swt).<sup>13</sup> If we take into account that all laws related to tribal society came into being on the basis of the tribe, then this strong warning from the Messenger of Allah (saw) intended for those who denied biological reality and the social structure attached to it is extremely significant.

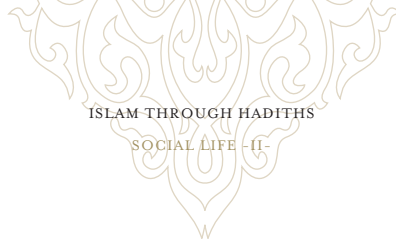
In this respect, there is another Prophetic warning which seems to have been recorded in a legal text from the time of the Prophet (saw) and which is known as a written document belonging to 'Ali (ra). It states, *“And whoever claims someone else to be his father, or claims walā’ (attached by proximity, affiliation) to someone other than his mawālī (a person linked by proximity to another: former master of a freed slave), then upon him is the curse of Allah, the angels, and the people. On the Day of Judgement, Allah will not accept either his repentance or excuse.”*<sup>14</sup>

Among the *ḥadīth* texts which emphasize the importance of lineage, there are accounts of unlawful sexual relations being the source of confused lineages. The Prophet (saw) declared any form of wedlock which did not conform to the conditions of a healthy marriage, and therefore did not have a moral foundation, was invalid;<sup>15</sup> and he established a very important legal ruling on the matter of determining the lineage and identity of children born from such unions. Accordingly he stated that, however the child may have been conceived, it belonged to the person on whose bed it was born, that is, to the man who had a lawful marriage to the child's mother. In this regard the controversy over the identity of a child between Sa'd b. Abi Waqqas and 'Abd b. Zam'a, the brother of Sawda bint Zam'a (ra), the Mother of the Believers, became famous. As 'A'isha reported, before he died 'Utba b. Abi Waqqas told his brother Sa'd b. Abi Waqqas that 'Abd al-Rahman, the son of Zam'a's slave girl, belonged to him and said that he should take him. During the conquest of Mecca, when 'Abd b. Zam'a converted to Islam, Sa'd b. Abi Waqqas kept this child, saying, “This is the son of my brother 'Utba. My brother willed him to me because I am of his lineage.” 'Abd b. Zam'a rejected this, saying, “This child is my brother. He

<sup>13</sup> HM7019, Ibn Hanbal, II, 215.

<sup>14</sup> M3327, Muslim, al-Hajj, 467; T2127, al-Tirmidhi, al-Wala', 3.

<sup>15</sup> D2272, Abu Da'ud, al-Talaq, 32-33.



is the son of my father's slave girl. He was born on my father's mattress." The two parties referred this dispute to the Prophet (saw). In the presence of Allah's Messenger, they repeated their claims against each other. Thereupon, the Messenger of Allah (saw) said, "O, 'Abd! This ('Abd al-Rahman) is your brother." And he added, "*The child belongs to the owner of the bed. As for a man who commits zinā', he is deprived of all rights over the child.*" Sometime later, the Prophet (saw) noticed that the child who was the cause of this dispute resembled 'Utba and said to his beloved wife, "*Sawda! Henceforth when you encounter 'Abd al-Rahman, screen yourself from him.*" So, 'Abd al-Rahman never saw Sawda again.<sup>16</sup> Thus, no matter who the biological father was, the Messenger of Allah (saw) did not give this person any right over the child because he had committed zinā'. Indeed, he gave this ruling despite knowing, after the child was born, who its real father was because of their similarities and despite ordering the women to behave in a stand-offish manner in their kinship relations with the child.

At the time of the Prophet (saw), determining identity or lineage had very great importance, especially in such matters as marriage, inheritance, and criminal law, for it could frequently open the way to disputes. But in every instance the Prophet (saw) decided according to legal legitimacy. In a similar case which occurred at the time of the conquest of Mecca, a man said, "O, Allah's Messenger! So and so is my son, because during the Jahiliyya period I had sex with his mother." The Messenger of Allah replied, "*There is no unlawful claiming of paternity in Islam. What was done in pre-Islamic times has been annulled. The child is attributed to the one on whose bed it is born, and the fornicator is deprived of any right.*"<sup>17</sup>

There were similar cases of paternity after the time of the Prophet (saw). That of Rabah al-Kufi, who was black and one of the *mawālī*, which occurred during the reign of 'Uthman (ra) is worthy of note. Rabah had two black sons who looked like him from his wife who was of Greek origin. He named them 'Abd Allah and 'Ubayd Allah and embraced them. His wife then gave birth to a third child who had light colored skin and this surprised him. When his wife explained that the child belonged to another man who had forced himself upon her and left her pregnant, the question arose over the person to whom the child belonged. When the dispute was taken to 'Uthman, he reminded them that the Messenger of Allah (saw) had said, "*The child belongs to the owner of the bed on which it was born,*" and

<sup>16</sup> B2053 B2218, al-Bukhari, al-Buyu', 3, 100.

<sup>17</sup> D2274, Abu Da'ud, al-Talaq, 33-34; HM6681, Ibn Hanbal, II, 180.



he decided that the person to whom the child belonged was the lawful husband of its mother. Thus he ruled that the child belonged to Rabah. In addition, the required punishment was inflicted on Rabah's wife and the other man who was a slave.<sup>18</sup> This is another example to show that, after the Messenger of Allah (saw), the rule was established that on the point of rights concerning children the basis was not the biological relationship but the legal relationship.

As for the legal consequences of lineage, it would appear that children only had a relationship with the father. In other words, in determining identity, the basis of one's relationship was not the mother but the father. For instance, in a *ḥadīth* in which the Prophet (saw) condemned those who denied their lineage, he said, "*May a place in Hell be prepared for one who claims that he belongs to someone other than his father.*"<sup>19</sup> And in another *ḥadīth* he says, "*Whoever claims to be the son of a person other than his father, and he knows that person is not his father, then Paradise will be forbidden for him.*"<sup>20</sup> Thus he indicated that relationship in fact depended on the father. In this respect an interesting discussion took place in the tenth year of the Hijra between the Messenger of Allah (saw) and al-Ash'ath b. Qays, a notable from the Kingdom of Kinda in Yeman, who had come to Medina to convert to Islam with a delegation of 80 people from his tribe. Al-Ash'ath mentioned that, with respect to lineage, they and the Prophet (saw) came from the same origin, saying, "We are of the Banu Aqil al-Murar and so are you." Allah's Messenger then smiled and said that his paternal uncles 'Abbas b. 'Abd al-Muttalib and al-Rabi' b. al-Harith had proposed to them the same thing. Al'Abbas and al-Rabi' were both merchants who had had to travel to various Arab countries to carry out their business and when they were asked their origin, they said, in order to boast, "We are of the Banu Aqil al-Murar." The reason for this was that Aqil al-Murar (al-Harith b. 'Amr), who was one of their ancestors descended through one of the great grandmothers of al-Ash'ath, was famous for the sultanate that he had established in Yemen.<sup>21</sup> When al-Ash'ath declared that he and the Prophet (saw) were from the same lineage by saying, "We assert that you are from us," Allah's Messenger, who, with respect to lineage, traced his to the Banu Aqil al-Murar through his great grandmother Umm Kulab b. Murra,<sup>22</sup> said, "*We are of the Banu Nadr b. Kinana and have all along traced our descent through our fathers, not our mothers.*" Thereupon, turning to the tribe of al-Ash'ath, he

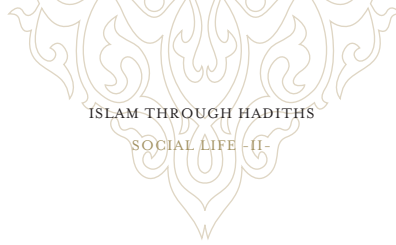
<sup>18</sup> D2275, Abu Da'ud, al-Talaq, 33-34.

<sup>19</sup> B3508, al-Bukhari, al-Manaqib, 5.

<sup>20</sup> B6766, al-Bukhari, al-Fara'id, 29.

<sup>21</sup> HS5/283, Ibn Hisham, Sira, V, 283.

<sup>22</sup> SU7/489, al-Suhayli, Rawd al-unuf, VII, 489.



said, “Thus, if any man is brought to me who suggests that a man from Quraysh does not belong to the Banu Nadr b. Kinana, I would carry out the legal punishment for slander on him.”<sup>23</sup> On the one hand, Allah’s Messenger (saw) is here indicating that lineage is basically traced through the male side of the family, while on the other hand he is warning al-Ash’ath, in an elegant fashion, not to deny his own lineage by suggesting that the people from Kinda were not from the Banu Nadr b. Kinana (Quraysh).

The Prophet (saw) was trying to destroy the mentality of the Arabs of the Jahiliyya which was based on tribal solidarity and to make supreme an outlook which was based on the brotherhood of faith<sup>24</sup> and the notion that they were all the children of the same father.<sup>25</sup> All humanity was created from one male and one female.<sup>26</sup> The wisdom in creating different tribes, races, colors, and languages<sup>27</sup> was not to divide people and make one group superior to another but in order for them to get to know each other<sup>28</sup> and to compete in doing good work.<sup>29</sup> These divine messages state that He determines the value of humans not from their biological strain or lineage but from values of faith and morality, such as goodness, charity, justice, and piety. In our time in particular when we are experiencing global disasters for the sake of regional interests and identities are threatened by mass murder and genocide, humanity is in greater need to heed these commandments of the Holy Qur’an than ever before. The following message of the last Prophet, who was sent to humanity 1,400 years ago in an environment in which there was inter-tribal competition for superiority, has much greater importance for today than in his time: “Allah has removed the pride of the Jahiliyya (period) from you and boasting about lineage. (A person is either) a pious believer or a miserable sinner, and people are the children of Adam, and Adam is from dirt.”<sup>30</sup>

People have psychological and social ties to the family, clan, or tribe to which they belong. It is quite natural that they sense a need to identify themselves with the social structure to which they are connected. As for the transformation of the sense of belonging into a concern which is much different than need, it incites discrimination and opens the door to all kinds of divisions. The warning of Allah’s Messenger to those who, while expressing themselves, wanted to give priority to the blood ties to which they belonged because of various concerns such as tribal solidarity and social anxiety was intended to prevent such fragmentation. Indeed, when

<sup>23</sup> HM22183, Ibn Hanbal, V, 211; IM2612, Ibn Maja, al-Hudud, 37.

<sup>24</sup> Al-Hujurat, 49:10.

<sup>25</sup> Al-Nisa’, 4:1.

<sup>26</sup> Al-Hujurat, 49:13.

<sup>27</sup> Al-Rum, 30:22.

<sup>28</sup> Al-Hujurat, 49:13.

<sup>29</sup> Al-Ma’ida, 5:48.

<sup>30</sup> T3956, al-Tirmidhi, al-Manaqib, 74.





the Prophet (saw) heard that ‘Uqba, who was a freed slave of Persian origin, had exclaimed to a polytheist while giving him a mortal blow at the Battle of Uhud, “Take this from me. I am a Persian slave!” he said to him, “*You should have said, ‘I am a slave of the Ansar,’*”<sup>31</sup> and thus he emphasized not ethnic solidarity but socio-cultural solidarity. This was because being Persian was a blood relationship. Whereas, being related to the Ansar was a relationship based on faith, belief, morality, principles, and ideals.

All of this, of course, does not mean that lineage or a person’s ancestry is meaningless. To the contrary, lineage is one of the basic rights that Islam aims to protect. There are many reasons for this. For example, lineage is a factor that cannot be ignored in marriage. Islam encourages one to have a knowledge of his lineage with respect to its effect on kinship relations. This is because the protection of kinship ties, to which Islam gives great importance, in an orderly and strong manner depends on a knowledge of one’s lineage. Indeed, according to Abu Hurayra (ra), our Prophet said, “*Learn enough about your lineage to facilitate keeping your ties of kinship. For, indeed, keeping the ties of kinship encourages affection among relatives, increases wealth, and increases the lifespan.*”<sup>32</sup>

While, on the one hand, Islam forbids preoccupation with claims of lineage, which are the cause of division and conflict, on the other hand it encourages knowing one’s lineage in order to open the path to social cohesion and solidarity. It requires one to accept his family and adopt his identity but not to assume any sense of superiority as a result. We can understand from all of this that lineage and the sense of belonging has nothing to do with superiority with respect to religious, legal, political, or social status and is only of great significant in social and civil relations. Today in particular when the borders between countries have begun to lose their importance and international relations bring together a variety of identities, the measures that Islam takes against ethnic discrimination take on new importance. While the Holy Qur’an states, “*On the day when the Trumpet is blown, the ties between them will be as nothing and they will not ask about each other,*”<sup>33</sup> the Prophet (saw), parallel to this, addressed his people, whose lives in the Jahiliyya period had been built on an obsession with tribe and on racism, saying, “*...he who is slow paced in doing (good) deeds, his (high) lineage does not make him go ahead.*”<sup>34</sup> Thus, he basically stated that what was fundamental was not ancestry or ethnicity but good works, that is, good behavior.

<sup>31</sup> IM2784, Ibn Maja, al-Jihad, 13; D5123, Abu Da’ud, al-Adab, 111-112.

<sup>32</sup> T1979, al-Tirmidhi, al-Birr, 49; HM8855, Ibn Hanbal, II, 374.

<sup>33</sup> Al-Mu’minun, 23:101.

<sup>34</sup> M6853, Muslim, al-Dhikr, 38; T2945, al-Tirmidhi, al-Qira’at, 10.



## RACISM THE FOUL MENTALITY OF THE JAHILIYYA

عَنْ بِنْتِ وَائِلَةَ بْنِ الْأَسْقَعِ أَتَتْهَا سَمِعَتْ أَبَاهَا يَقُولُ: قُلْتُ: يَا رَسُولَ اللَّهِ!  
مَا الْعَصِيَّةُ؟ قَالَ: «أَنْ تُعِينَ قَوْمَكَ عَلَى الظُّلْمِ.»

Bint Wathila b. al-Asqa' reported that she heard her father (ra) say,  
“I said, ‘O, Messenger of Allah! What is ‘asabiyya (racism, tribalism, tribal  
solidarity)?’ And he answered, ‘*To befriend your own people even when they  
are wrong.*’”

(D5119, Abu Da'ud, al-Adab, 111-112)





عَنْ جُنْدَبِ بْنِ عَبْدِ اللَّهِ الْبَجَلِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”مَنْ قُتِلَ تَحْتَ رَايَةٍ عُمِّيَّةٍ، يَدْعُو عَصَبِيَّةً، أَوْ يَنْصُرُ عَصَبِيَّةً، فَقَتَلَهُ جَاهِلِيَّةٌ.“



عَنْ جَبْرِ بْنِ مُطْعِمٍ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”لَيْسَ مِنَّا مَنْ دَعَا إِلَى عَصَبِيَّةٍ، وَلَيْسَ مِنَّا مَنْ قَاتَلَ عَلَى عَصَبِيَّةٍ، وَلَيْسَ مِنَّا  
مَنْ مَاتَ عَلَى عَصَبِيَّةٍ.“



عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ خَطَبَ النَّاسَ يَوْمَ فَتْحِ مَكَّةَ فَقَالَ:  
”يَا أَيُّهَا النَّاسُ إِنَّ اللَّهَ قَدْ أَذْهَبَ عَنْكُمْ عُيْبَةَ الْجَاهِلِيَّةِ وَتَعَاظَمَهَا بِأَبَائِهَا، فَالنَّاسُ  
رَجُلَانِ: رَجُلٌ بَرٌّ تَقِيٌّ كَرِيمٌ عَلَى اللَّهِ، وَفَاجِرٌ شَقِيٌّ هَيْنٌ عَلَى اللَّهِ، وَالنَّاسُ بَنُو  
آدَمَ وَخَلَقَ اللَّهُ آدَمَ مِنَ التُّرَابِ...“



According to Jundab b. ‘Abd Allah al-Bajali (ra), the Messenger of Allah (saw) said, *“He who is killed while propogating racism or under the banner of a group which is gone astray by blindly supporting tribalism/racism, dies the death of one belonging to the time of the Jahiliyya.”*

(M4792, Muslim, al-Imara, 57)



According to Jubayr b. Mut‘im (ra), the Messenger of Allah (saw) said, *“He who appeals to racism does not belong to us; and he who fights for the sake of racism does not belong to us; and he who dies for the sake of racism does not belong to us.”*

(D5121, Abu Da‘ud, al-Adab, 111-112)



According to Ibn ‘Umar (ra), the Messenger of Allah (saw) gave a sermon to the people on the day of the conquest of Mecca and said, *“O, people! Allah has removed from you the conceit of the Jahiliyya and its custom of praising forefathers. So, now there are two types of men: One who is reverent and fearful of Allah and who is honored before Allah, and one who is shameless and miserable and who is insignificant before Allah. People are the children of Adam and Allah created Adam from dust...”*

(T3270, al-Tirmidhi, Tafsir al-Qur’an, 49; D5116, Abu Da‘ud, al-Adab, 110-111)





**B**efore being illuminated by Islam, Arab society lived in the darkness of ignorance. It was a period of darkness in which the social structure was based on the tribe, in which the strong oppressed the weak, and in which superiority was obtained only through lineage, kinship, race, and wealth. Before Allah's Messenger declared that all people were equal to each other, one had the same honor, glory, and nobility as his ancestors. The principle that a black slave and a tribal chief were held in equal esteem before Allah (swt) was at that time a fantasy. It was certainly not easy for people who had long breathed the air of the Jahiliyya to abandon their old customs and acquire the virtues of Islam. That this was not easy was revealed in the incident that occurred between the Companion Abu Dharr al-Ghifari and Bilal al-Habashi (ra). Bilal, who was one of the first Muslims, was a black slave. His mother, who was subjected to all kinds of torments because she had become a Muslim, was the same. One day Bilal and Abu Dharr got into an argument in which Abu Dharr reproached Bilal because his mother was black. Bilal, who very much resented this, went to Allah's Messenger and informed him of the situation. Our beloved Prophet, who noticed traces of the mentality of the Jahiliyya in Abu Dharr's behavior, warned him when he saw him, *"O, Abu Dharr! Did you abuse him by calling his mother bad names? You are a man (in which there are traces of) the period of the Jahiliyya."*<sup>1</sup>

The Prophet (saw) characterized Abu Dharr's behavior as a remnant of the Jahiliyya. This was because, during the Jahiliyya, one boasted of his people and tribe. He would defend his tribe even if it were unjust to do so; and its members would consider themselves superior to all others. People who were not Arabs, especially because of race and color, were discriminated against and humiliated. This had reached the point where there were boasting contests over nobility of lineage and its extent.<sup>2</sup>

<sup>1</sup> M4313, Muslim, al-Ayman, 38; B30, al-Bukhari, al-Iman, 22; AU1/329, al-'Ayni, 'Umdat al-Qari, I, 329.

<sup>2</sup> Al-Takathur, 102:1-8.



The behavior which ensured that those of the same lineage and those related to the same tribe would act together as one, behavior to which the Arabs gave the name ‘aşabiyya, and the spirit of tribalism were quite strong. When Allah’s Messenger was asked, “O, Messenger of Allah! What is ‘aşabiyya?” He defined it by saying, *‘To befriend your own people even when they are wrong.’*<sup>3</sup> He considered ‘aşabiyya to be among the behaviors that would bring disaster to the community.<sup>4</sup> Although not as broad a concept as racism, ‘aşabiyya gave precedence to the superiority of lineage and tribalism. As for our Prophet, he stated that the custom of boasting about tribal nobility and insulting the ancestry of others, which was rather widespread in the period in which he lived, was a mentality remaining from the Jahiliyya.<sup>5</sup> Our Prophet, who declared that the death of one who left the community of Islam by acting according to a sense of racism (‘aşabiyya), who was incited by the feeling of ‘aşabiyya, who fought for this cause, who called other people to such a cause, and who died while advocating this cause under a banner in which the blind led the blind will be a death of the Jahiliyya,<sup>6</sup> said, *“He who appeals to racism does not belong to us; and he who fights for the sake of racism does not belong to us; and he who dies for the sake of racism does not belong to us.”*<sup>7</sup> Thus he clearly warned Muslims not to engage in tribalism.

Allah’s Messenger made a great effort to replace the conflicts, tribal warfare, and blood feuds, which had derived from the spirit of ‘aşabiyya and had lasted for years among the Arabs, with the brotherhood of Islam. In order to achieve this, he emphasized the feeling of belonging to a religion over all other defining features, such as lineage, tribe, or race, and gave precedence to the feature of religious unity and solidarity. The first Muslims sometimes forgot this principle and, worried that they would revert to their old customs, Allah’s Messenger would immediately warn them and remind them that they were brothers. An example of this occurred at the time of the Banu ‘l-Mustaliq military expedition. Two youths, one from the Ansar and one from the Muhajirun, got into a fight. Afterwards, both began to shout, “O, you of the Ansar! Grow up!” and “O, you of the Muhajirun! Grow up!” When Allah’s Messenger heard this, he reacted to these divisive actions by saying, *“What are these cries of the Jahiliyya?”* He also later advised them against unconditional obedience to, and defense of, the tribe, and tribal zealotry and to accept the brotherhood of Islam,

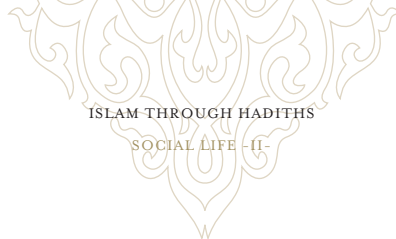
<sup>3</sup> D5119, Abu Da’ud, al-Adab, 111-112.

<sup>4</sup> MK11142, al-Tabarani, al-Mu’jam al-kabir, XI, 74.

<sup>5</sup> M2160, Muslim, al-Jana’iz, 29.

<sup>6</sup> M4792, Muslim, al-Imara 57; N4119, al-Nasa’i, al-Muharaba, 28; IM3948, Ibn Maja, al-Fitan, 7.

<sup>7</sup> D5121, Abu Da’ud, al-Adab, 111-112..



saying, “*Help your coreligionist, whether he is the oppressor or oppressed. If he oppresses his brother, then prevent him, because this will help the oppressor by turning him away from what he wanted to do. If he is the oppressed, then help him.*”<sup>8</sup> By eliminating in this way every feature of life which expressed superiority, the Prophet (saw) wanted to create a brotherhood of religion that went beyond brotherhood derived from blood ties. Islam essentially placed religious unity above every kind of racial difference and declared all believers to be brothers.<sup>9</sup>

According to the universal principle that the Holy Qur’an introduced, all of humanity is descended from a single mother and father, that is, Adam and Eve. Allah on High stated this fact as follows: “*People, We created you all from a single man and a single woman, and made you into races and tribes so that you should get to know one another. In Allah’s eyes the most honored of you are the ones most mindful of Him. Allah is all knowing, and all aware.*”<sup>10</sup> Thus, there can be no superiority or inferiority among people who all came from the same origin and have the same basic biological features. This is because according to Islam all people are equal no matter what their race or social status. No one can reproach another because of race or color. How could this be? For no one chose his race or color of his own free will. To despise, reproach, or denigrate people for reasons beyond their free will, or to do the opposite, that is exalt them, is disrespectful to both humanity and the Creator on High.

The Holy Qur’an states that, in addition to accepting as a fact the existence of many different races, the measure which is important before Allah (swt) and by which he gives value to people is the degree of their piety and sincerity.<sup>11</sup> When asked who was the most valued among people, Allah’s Messenger indicated that the primary and most important measure was piety and said, “*The best of people are those who are deeply conscious of their responsibility toward Allah.*”<sup>12</sup> While saying this, he made no distinction with respect to race, group, or class and based the measure of a person’s value on the principle of his awareness of his responsibility toward Allah. In another *hadith*, our master the Prophet (saw) criticized the Arabs of the Jahiliyya for using their lineages and tribes as tools of pride and arrogance and declared in the following manner that the measure of superiority could only be piety: “*O, people! Allah has removed from you the conceit of the Jahiliyya and its custom of praising forefathers. So, now there are two types of*

<sup>8</sup> M6582, Muslim, al-Birr, 62; T3315, al-Tirmidhi, Tafsir al-Qur’an, 63.

<sup>9</sup> Al-Hujurat, 49:10.

<sup>10</sup> Al-Hujurat, 49:13.

<sup>11</sup> Al-Hujurat, 49:13.

<sup>12</sup> B4689, al-Bukhari, al-Tafsir, Yusuf, 2.



men: one who is reverent and fearful of Allah and who is honored before Allah, and one who is shameless and miserable and who is insignificant before Allah. People are the children of Adam and Allah created Adam from dust...”<sup>13</sup>

That which will make a person valuable before Allah and make him attain bliss in the hereafter is not race, tribe, or skin color but his belief, morality, sincere effort (in being a good Muslim), and his way of life. If he believes in Allah, carries out his commands, avoids what He has forbidden, and does good works, he is the one who is the most superior. As Allah’s Messenger stated, “...he who is slow paced in doing (good) deeds, his (high) lineage does not make him go ahead.”<sup>14</sup>

On the Day of Judgement people will be questioned about their belief and what they did, not about their race or tribe. They will be examined not for their physical appearance or wealth but for their hearts and works.<sup>15</sup> When people come into the presence of Allah (swt), each person will remain alone with his deeds and his ancestry will be of no importance whatsoever. The following verse reveals this truth: “On that Day when the Trumpet is blown, the ties between them will be as nothing and they will not ask about each other.”<sup>16</sup>

We should remember here that Islam permits one to love his people and tribe provided that this is within the legitimate dimensions of the faith. What is forbidden by our religion is to regard one’s race as superior to others, to discriminate, and to make one’s lineage and ancestry a source of boasting.<sup>17</sup>

Loving one’s people and promoting a claim of ethnicity are different things. Indeed, the Prophet (saw) was once asked, “O, Messenger of Allah! Is it tribalism/racism (‘aṣabiyya) if a man loves his people?” He answered, “No, rather tribalism/racism is when a man helps his people to do wrong.”<sup>18</sup> Everyone loves his people and relatives, takes pride in their success, and grants them favors. Therefore if one loves his fatherland, nation, and state, if he feels pride in the successes of his nation, and he works for the development of his country, this is not racism because it is a feeling which is part of human nature. Our beloved Prophet, who was forced to leave Mecca and emigrate to Medina, said, years later on the conquest of Mecca, “(O, Mecca!) By Allah! You are the best of Allah’s earth, and the most beloved of Allah’s earth, and if it were not that I was expelled from you I would not have left.”<sup>19</sup> Thus he expressed the love that he felt for the place where he was born and grew up.

<sup>13</sup> T3270, al-Tirmidhi, Tafsir al-Qur’an, 49; D5116, Abu Da’ud, al-Adab, 110-111.

<sup>14</sup> T2945, al-Tirmidhi, al-Qira’at, 10; D3643, Abu Da’ud, al-‘Ilm, 1.

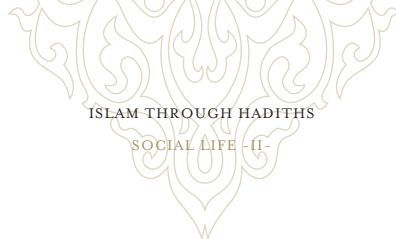
<sup>15</sup> M6543, Muslim, al-Birr, 34.

<sup>16</sup> Al-Mu’minun, 23:101.

<sup>17</sup> HM21497, Ibn Hanbal, V, 129.

<sup>18</sup> IM3949, Ibn Maja, al-Fitan, 7.

<sup>19</sup> T3925, al-Tirmidhi, al-Manaqib, 68; IM3108, Ibn Maja, al-Manasik, 103.



Our Prophet, who accepted a person's love for his own nation and tribe as legitimate and who said, "*The best of you is the one who defends his tribe, so long as he commits no sin,*"<sup>20</sup> also forbade one to claim to be the son of anyone other than his true father<sup>21</sup> and to claim that he was related to a people to which he did not belong.<sup>22</sup>

Islam forbade the concept of lineage superiority but did not favor one's severing his ties with his kin or relatives. Our religion, which incorporates the concept of *ṣilat al-raḥm* (the bond of the womb), encourages one to favor and be generous to his relatives and denounces those who sever their ties to their lineages. In addition, Islam forbade one to blindly support his relatives or tribe or to show favoritism to people related to one's tribe. It abolished the mentality of supporting someone from one's own tribe and favoring him even if he were in the wrong. This mentality arose as a result of the understanding of tribalism in the Jahiliyya period and was expressed in the statement, "Help your brother no matter if he is the oppressor or oppressed." Allah's Messenger, who was known for his moral virtues even before his prophethood, never approved of this mistaken mentality. The fact that the Prophet (saw) accepted the *Ḥilf al-fuḍūl* (a mutual aid pact concluded between certain clans of the Quraysh several years before the Prophet (saw)'s mission), which was created by people who argued that favoring someone, even an oppressor, simply because he was from the same tribe was a mistake, and was on the side of its members is significant for revealing his position toward this mistaken mentality.<sup>23</sup>

During the time in which Allah's Messenger lived, the spirit of *ʿaṣabiyya*, which, in Arab society, encompassed the idea of unconditional obedience to the tribe and its moral values, created the idea of racism in primitive form. In modern times a broader and more advanced form of the idea of racism has replaced the ideas of tribalism and *ʿaṣabiyya*. Throughout history, racism, or, in its simpler form, tribalism has been an illness which has ruined the tranquility, unity, and solidarity of people and has been the cause of fragmentation and division and oppression and exploitation. It is obvious that grouping people according to race or skin color, which has occurred in the past and at the present time, has resulted in all kinds of disasters for humanity. This is because the claim of racial superiority by one group leads another to make the same claim and the result is inescapable rampant conflict. Islam did not intervene in any religion's

<sup>20</sup> D5120, Abu Da'ud, al-Adab, 111-112.

<sup>21</sup> B4326, al-Bukhari, al-Maghazi, 57.

<sup>22</sup> B3508, al-Bukhari, al-Manaqib, 5.

<sup>23</sup> ST1/128, Ibn Sa'd, *al-Tabaqat*, I, 128-9; HS1/264, Ibn Hisham, *Sira*, I, 264-7.





or culture's maintenance of its own existence. It was not a phenomenon which required the elimination of social diversity in language, race, and color. To the contrary, these differences were each a blessing of the work of Allah's mercy and were each a sign and symbol revealing His knowledge and power. As the Holy Qur'an states, *"Another of His signs is the creation of the heavens and earth, and the diversity of your languages and colors. There are truly signs in this for those who know."*<sup>24</sup>

One of the most important features of the Islamic faith was the elimination of the domination of one people over another, one race over another, one group or community over another, an individual over society or of a society over an individual. The concept of domination is the basis of oppression. Islam rejects all elements of this mentality.

Racism or tribalism is fundamentally both a crime committed against humanity and a form of disrespect for Allah (swt). Human beings, being equal and descendants of Adam, have no right to claim superiority over one another on the basis of lineage. Superiority is not found in race, skin color, language, or geographical region but in continuously being aware of one's responsibility toward Allah and in one's attachment to the universal moral values which make human beings human. Allah's Messenger proclaimed this fact in the universal message that he gave to all humanity in his Farewell Sermon: *"O people! Know this well! Your Lord is one. Your ancestor is one. Apart from piety, the Arab has no superiority over the non-Arab nor the non-Arab over the Arab nor the white over the black nor the black over the white."*<sup>25</sup>

<sup>24</sup> Al-Rum, 30:22.

<sup>25</sup> HM23885, Ibn Hanbal, V, 411.



## RESOLVING LEGAL DISPUTES PEACE IS ALWAYS GOOD



عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”إِنَّمَا أَنَا بَشَرٌ، وَإِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ، وَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ الْحَنَ بِحُجَّتِهِ مِنْ  
بَعْضٍ فَأَقْضِي نَحْوَ مَا أَسْمَعُ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ أَخِيهِ شَيْئًا فَلَا يَأْخُذْهُ، فَإِنَّمَا  
أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ.“

According to Umm Salama (ra), the Messenger of Allah (saw) said,  
“I am only a human being, and you bring your quarrels to me. It may be that  
one of you can present his case eloquently in a more convincing way than the  
other, and I give my verdict according to what I hear. So if ever I judge (by  
error) and give the right of a brother to his other (brother) then he (the latter)  
should not take it, for I am giving him only a piece of Fire.”

(B7169, al-Bukhari, al-Ahkam, 20)



عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ قَالَ: كَتَبَ أَبِي -وَكَتَبْتُ لَهُ- إِلَى  
عُبَيْدِ اللَّهِ بْنِ أَبِي بَكْرَةَ وَهُوَ قَاضٍ بِسَجِسْتَانَ أَنْ لَا تَحْكُمَ بَيْنَ اثْنَيْنِ  
وَأَنْتَ غَضَبَانُ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: "لَا يَحْكُمُ أَحَدٌ  
بَيْنَ اثْنَيْنِ وَهُوَ غَضَبَانُ."



عَنْ [عَبْدِ اللَّهِ] بْنِ أَبِي أَوْفَى قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
" [إِنَّ] اللَّهَ مَعَ الْقَاضِي مَا لَمْ يَجْزُ. فَإِذَا جَارَ تَخَلَّى عَنْهُ وَلَزِمَهُ الشَّيْطَانُ."



عَنْ عَمْرٍو بْنِ الْعَاصِ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
"إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ فَلَهُ أَجْرَانِ، وَإِذَا حَكَمَ فَاجْتَهَدَ ثُمَّ  
أَخْطَأَ فَلَهُ أَجْرٌ."



عَنْ عَمْرٍو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ قَالَ فِي خُطْبَتِهِ:  
"الْبَيْتَةُ عَلَى الْمُدْعَى وَالْيَمِينُ عَلَى الْمُدْعَى عَلَيْهِ."



'Abd al-Rahman b. Abi Bakra (ra) said, "My father dictated (and I wrote for him) a letter to 'Ubayd Allah b. Abi Bakra while he was the judge of Sijistan as follows: Do not judge between two persons when you are angry, for I have heard Allah's Messenger say, *'None of you should judge between two persons when he is angry.'*"

(M4490, Muslim, al-Aqdiyya, 16)



According to 'Abd Allah b. Abi Awfa (ra), the Messenger of Allah (saw) said, *"Allah is with the judge as long as he is not unjust. So when he is unjust, He leaves him and he is attended by Satan."*

(T1330, al-Tirmidhi, al-Ahkam, 4)



According to 'Amr b. al-'As (ra), he heard the Messenger of Allah (saw) say, *"If a judge gives a verdict according to the best of his knowledge and his verdict is correct, he will receive a double reward; and if he gives a verdict according to the best of his knowledge and his verdict is wrong, he will get one reward."*

(B7352, al-Bukhari, al-I'tisam, 21; M4487, Muslim, al-Aqdiyya, 15)



'Amr b. Shu'ayb reported that he heard his father say that his grandfather (ra) said that the Prophet (saw) said, *"The proof is due from the claimant, and the oath is due from the one the claim is made against."*

(T1341, al-Tirmidhi, al-Ahkam, 12)





Once there were two women each of whom had a male child with her. A wolf came, snatched a child from one of them, and took it away. The woman who had lost her child said to the other, “The wolf took your child.” The other said, “No! It took your child.” Thereupon, they sought a judicial ruling from the Prophet David. He gave the child, who had survived, to the older woman (the one who had really lost her child).

The women immediately took their case to Solomon, the son of David. In order to get to the truth of the matter, Solomon said, “Bring me a knife. Let me divide this child between these two women (by cutting it in half).” When he said this, the younger woman said to Solomon, “May Allah be merciful to you! Don’t do that! Because he is the child of this woman.” Thereupon, Solomon judged that the child belonged to the younger woman.<sup>1</sup> Thus two different rulings were made in the same case. In fact, disputes in response to such cases are quite normal. There are reports in a number of sources that when David made this ruling he was influenced by such things as the child’s resemblance to the older woman and his being in the woman’s arms,<sup>2</sup> but it cannot be known exactly why he ruled in this way. In any case, Solomon reached a much different judgement than his father in a unique way.

History is full of disagreements like the one between David and Solomon. These disagreements are a natural result of social life which is one of the most important features that distinguishes humans from other living creatures. The behavior of some people who participate in the life of society can cause harm to others. Therefore, in addition to religious, ethical, customary and traditional rules which regulate relations among people, legal rules have come into being in every country. Legal rules require certain kinds of behavior from people and forbid others. The illegal behavior of people gives rise to legal disputes.

<sup>1</sup> B3427, al-Bukhari, al-Anbiya, 40; M4495, Muslim, al-Aqdiyya, 20.

<sup>2</sup> ShN12/18, al-Nawawi, *Sharh Muslim*, XII, 18.



The purpose of law is to ensure social order, security, peace, equality, and justice. The Prophet (saw), who was sent to ensure the happiness of humanity in this world and the next, resolved disputes among people, or recommended their resolution, by considering the universal objectives of law that we propound. Therefore, he himself followed certain principles and procedures in order to resolve legal disputes.

First, the Prophet (saw) took certain measures to prevent the appearance of legal disputes. They were aimed, above all, at making people live in a virtuous and ethical way so they would not cause harm or injury to others. His deeds and words were in line, in this respect, with the message of the revelation that he received from Allah on High. In fact, he defined a Muslim as “*one with whom Muslims were safe in word and deed.*”<sup>3</sup> Thus he took certain measures to ensure that Muslims lived in a society in which their legal disputes were minimized.

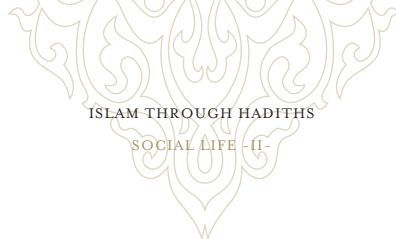
By addressing the conscience of the parties, the Prophet (saw) did not want unwarranted suits brought to him for resolution, no matter how strong was the evidence of the defendant and the plaintiff and no matter how effectively they could present their claims. Saying, “*I am only a human being, and you bring your quarrels to me. It may be that one of you can present his case eloquently in a more convincing way than the other, and I give my verdict according to what I hear. So if ever I judge (by error) and give the right of a brother to his other (brother) then he (the latter) should not take it, for I am giving him only a piece of Fire,*”<sup>4</sup> he declared that because certain people could make a strong case they could mislead judges and thus win their case and be able to obtain unjust gain, but they could not deceive Allah on High who knew everything.

The Prophet (saw), who acted on the principle that people acted in their best interest no matter if a given suit was justified or not, wanted them to try to resolve their problems in their consciences before resorting to the court. In the ninth year of the Hijra, Wabisa b. Ma'bad (ra), who was a Muslim, came to Medina with a delegation of ten people from his tribe.<sup>5</sup> He remained a short time in Medina in order to learn from the Prophet (saw) the necessary matters related to Islam and then returned to his country. While he was in Medina, he wanted to learn in detail what was good conduct and what was sinful. For this purpose he went directly to the Messenger of Allah (saw). There was, however, a rather large crowd

<sup>3</sup> B10, al-Bukhari, al-Iman, 4; M162, Muslim, al-Iman, 65.

<sup>4</sup> B7169, al-Bukhari, al-Ahkam, 20; M4473, Muslim, al-Aqdiyya, 4.

<sup>5</sup> TK30/392, al-Mizzi, *Tahdhib al-kamal*, XXX, 392.



of people around the Prophet (saw). Nevertheless, Wabisa was persistent. At the expense of angering those who were there, he tried to go forward by pushing his way through the crowd and approaching the Beloved of the Beloved while saying “the man I love the most.” Our Prophet saw him and said, “*Come near O, Wabisa! Come near O, Wabisa!*” Thereupon Wabisa came close enough for his knees to touch the Prophet (saw)’s knees; and before he could even ask a question, Allah’s Messenger said, “*May I tell you what you came to ask me about?*” Wabisa answered, “Tell me O, Messenger of Allah!” Then the Prophet (saw) said, “*Did you come to ask me about what is good and bad (good and sinful conduct)?*” Wabisa replied, “Yes.” Putting three fingers together, Allah’s Messenger tapped them on Wabisa’s chest and said, “*Ask yourself, O, Wabisa! Good conduct is something that is found in your heart and pervades it. As for bad conduct, it is something which makes the heart uneasy and causes doubt in it even if people approve of it.*”<sup>6</sup> Al-Nawwas b. Sam’an (ra), who spent a year in Medina in order to ask Allah’s Messenger many questions and learn many things, also asked him the same question. The answer that he received was little different from that of Wabisa’s. He said, “*Good conduct is excellent ethics and bad conduct is what makes your conscience uneasy and you don’t want people to know of it.*”<sup>7</sup>

Our master the Prophet (saw) said that not the person who knowingly brought a suit that was unwarranted but the one who made a great effort in order to gain from it, who acted as the intermediary, and who, moreover, slandered his adversary (the opposite party in a suit) would incite Allah’s wrath: “*Whoever intervenes to prevent the execution of one of the punishments prescribed by Allah, he has opposed Allah. Whoever knowingly tries to defend an unwarranted suit, Allah’s anger and wrath will be upon him until he desists. Whoever makes a baseless accusation against a Muslim, Allah on High will make him dwell in the mire of putridities worthy of Hell until he retracts what he said.*”<sup>8</sup>

The point that our Prophet highlighted in this *hadīth* was that there is no intermediary to obstruct the execution of the punishment given to the guilty. Thus such intervention is absolutely unacceptable. Indeed, the Quraysh sent Usama b. Zayd (ra) as an intermediary to reduce the punishment that the Prophet (saw) had given to a woman named Fatima bint al-Aswad from the tribe of Makhzum (a branch of the Quraysh) who had committed theft.<sup>9</sup> This was because our master the Prophet (saw) had said that Usama was someone he loved very much.<sup>10</sup> But he upbraided Usama

<sup>6</sup> HM18164, Ibn Hanbal, IV, 227; DM2561, al-Darimi, al-Buyu’, 2.

<sup>7</sup> M6517, Muslim, al-Birr, 15.

<sup>8</sup> D3597, Abu Da’ud, al-Qada’ (al-Aqdiyya), 14; HM5385, Ibn Hanbal, II, 71.

<sup>9</sup> IF12/88, Ibn Hajar, *Fath al-bari*, XII, 88.

<sup>10</sup> B4468, al-Bukhari, *al-Maghazi*, 88.





for acting as an intermediary in an attempt to get him to forego the punishment that he had imposed; and then he delivered a speech to the people in which he stated that among earlier peoples if the powerful persons committed theft they were left alone but if the weak did so they were subjected to the required punishment; and thus these peoples were destroyed. Then he said, “*Even if Fatima, the daughter of Muhammad, had committed theft, I would have cut off her hand.*”<sup>11</sup>

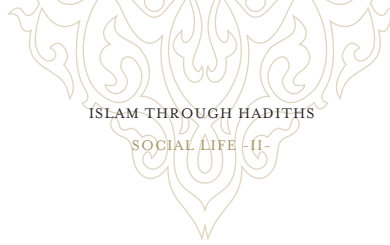
The second point that our master the Prophet (saw) emphasized was that there should be no defense of an unwarranted suit. Therefore, there should be no reason to make one an aggrieved party by defending him for no just reason or befriending him in order to obtain material benefit. Attempts to mislead the judge by such means as perjury, false witnesses, and defamation might ensure that the suit would be won. However, it is a fact that they cannot deceive with such false evidence our Lord on High, who is “*the fairest of judges.*”<sup>12</sup> Although these people may obtain certain benefits in this world, in the hereafter they will definitely be punished for what they have done.

The Messenger of Allah followed certain principles when he had to resolve disputes by legal means. Essentially, the Prophet (saw) wanted people to be content with their own rights and live in peace without causing disputes; and in great measure he achieved this, creating the ‘aṣr al-sa‘āda (era of happiness). However, disagreements, albeit few, did occur among the people and when this happened he resolved them by necessity within legal rules based on the principles of justice and fairness. And he wanted Muslims to show the same sensitivity. In the resolution of legal disputes, the Prophet (saw) provided certain principles concerning the judges who looked at the case, the parties to it, the laws of the country, and evidence.

The resolution of legal disputes was based on respect for justice and fairness. The judges who would examine a suit played a big role in the ability to achieve this. Thus the Prophet (saw) emphasized that a judgeship was a very important office and that those who were selected for this profession needed certain qualifications. He stated that those who were selected for this office had to be knowledgeable and of good character, that while looking into a dispute they had to do careful research, and that they had to make decisions within the framework of the principles of justice and fairness. As the Messenger of Allah (saw) said, “*Judges are of three types,*

<sup>11</sup> B6788, al-Bukhari, al-Hudud, 12; M4411, Muslim, al-Hudud, 9.

<sup>12</sup> Al-Tin, 95:8.



*one of whom will go to Paradise and two to Hell. The one who will go to Paradise is a man who knows what is right and gives Judgement accordingly; but a man who knows what is right and acts tyrannically in his Judgement will go to Hell; and a man who gives Judgement for people when he is ignorant will go to Hell.*<sup>13</sup> Therefore he wanted the judges not only to be knowledgeable but also to thoroughly investigate the facts of the case.

The Prophet (saw) also adopted the principle that the judge must be impartial and objective in the cases that he examined. He gave such great importance to this principle that he forbade a judge to give a verdict if he were angry out of fear that he might bring his own feelings into the case. As he stated, *“None of you should judge between two persons when he is angry.”*<sup>14</sup>

The Prophet (saw), who stressed that the office of judge was difficult and was a profession of great responsibility, tells us that the judge, who will make decisions based on the principles of justice and fairness, will do right by the position that he holds,<sup>15</sup> and said, *“Allah is with the judge as long as he is not unjust. So when he is unjust, He leaves him and he is attended by Satan.”*<sup>16</sup> Thus he emphasized that the judge must not deviate from justice.

Judges must first meticulously investigate and examine the evidence and carefully listen to the witnesses. Then, in order to be able to give the fairest decision, they exercise legal reasoning to reach a judgement that they will carry out. After making sufficient effort in this respect, it is still within the realm of possibility that the verdict that is given could be correct or incorrect. This means that judges must be very careful when making a decision based on legal reasoning, and if their decision is correct they will have reached their goal. Nevertheless, if they make an incorrect decision, despite exhibiting the necessary care, they cannot be held responsible for it. On this topic the Prophet (saw) said, *“If a judge gives a verdict according to the best of his knowledge and his verdict is correct, he will receive a double reward; and if he gives a verdict according to the best of his knowledge and his verdict is wrong, he will get one reward.”*<sup>17</sup>

Another principle which the Prophet (saw) described as a basis for resolving disputes was compliance with the law. Our master the Prophet (saw), while reaching a verdict, first followed the guidance of the Holy Qur'an. In fact the following command of our Lord required that our master act according to the Holy Qur'an in resolving disputes: *“We have sent down the Scripture to you [Prophet] with the truth so you can judge between*

<sup>13</sup> D3573, Abu Da'ud, al-Qada' (al-Aqdiyya), 2; T1322, al-Tirmidhi, al-Ahkam, 1.

<sup>14</sup> M4490, Muslim, al-Aqdiyya, 16; B7158, al-Bukhari, al-Ahkam, 13.

<sup>15</sup> T1322, al-Tirmidhi, al-Ahkam, 1.

<sup>16</sup> T1330, al-Tirmidhi, al-Ahkam, 4.

<sup>17</sup> B7352, al-Bukhari, al-Itisam, 21; M4487, Muslim, al-Aqdiyya, 15.



people in accordance with what Allah has shown you.”<sup>18</sup> As for subjects that were not mentioned in the Holy Qur’an, our master made decisions according to his own legal reasoning.<sup>19</sup> All the decisions that he made were binding on all believers. Indeed, with the following verses our Lord commanded believers to obey the rulings of the Holy Qur’an and our master the Prophet (saw): “By your Lord, they will not be true believers until they let you decide between them in all matters of dispute, and find no resistance in their souls to your decisions, accepting them totally;”<sup>20</sup> “When Allah and His Messenger have decided on a matter that concerns them, it is not fitting for any believing man or woman to claim freedom of choice in that matter: Whoever disobeys Allah and His Messenger is far astray.”<sup>21</sup>

Thus verdicts are given on the basis of their conformity with the Holy Qur’an and the Sunna of the Messenger of Allah (saw). However, if no rule can be found in the Book or Sunna on a given subject, then the authority to make a decision is given to the judge through his own legal reasoning. In fact, in the *ḥadīth* called the “Ḥadīth of Mu’adh,” the Prophet (saw) said to the renowned Companion Mu’adh b. Jabal (ra), whom he sent to Yemen as a teacher and judge, “How will you judge?” He replied: “I will judge according to what is in Allah’s Book.” Then he asked, “If it is not in Allah’s Book?” He answered, “Then with the Sunna of the Messenger of Allah (saw).” Then he asked, “If it is not in the Sunna of Messenger of Allah?” He replied, “I will exercise my own legal reasoning.” The Prophet (saw) was pleased with this answer and said, “Praise be to Allah, the One Who made the messenger of the Messenger of Allah (saw) successful.”<sup>22</sup>

When legal disputes were brought to the Prophet (saw) for resolution, he gave priority to the principle that no verdict could be given without evidence. This evidence could be written or oral testimony. After hearing the parties, our master the Prophet (saw) would not immediately make a decision to resolve the case that was before him. He would ask the plaintiff and the defendant if they had any evidence. For he said, “If people were to be given what they claim (without proving their claim), some would claim the lives and property of others. But the defendant (not the plaintiff) is obliged to swear an oath.”<sup>23</sup> Thus he declared that it was not correct simply to hear the plaintiff’s demand and make a decision without evidence.

The evidence that the Prophet (saw) sought the most was testimony and oaths. The evidence of testimony and oaths was very important for

<sup>18</sup> Al-Nisa’, 4:105.

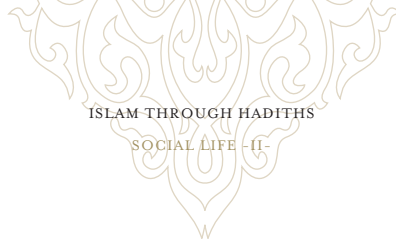
<sup>19</sup> D3585, Abu Da’ud, al-Qada’ (al-Aqdiyya), 7.

<sup>20</sup> Al-Nisa’, 4:65.

<sup>21</sup> Al-Ahzab, 33:36.

<sup>22</sup> T1327, al-Tirmidhi, al-Ahkam, 3; D3592, Abu Da’ud, al-Qada’ (al-Aqdiyya), 11.

<sup>23</sup> M4470, Muslim, al-Aqdiyya, 1; B4552, al-Bukhari, al-Tafsir, (Al-Imran) 3.



determining if one was accurate and honest. For this reason the Prophet (saw) established certain principles concerning testimony and oaths so that the courts could make correct and fair decisions.

Giving testimony meant for someone to give information in court in the presence of a judge related to a given case above all about events that he had seen with his own eyes and about relevant words and deeds and the like. The Prophet (saw) gave great significance to the testimony of Muslims in and out of court. In fact, once while he was sitting with his Companions (ra), a funeral procession passed in front of the Prophet (saw), and the Companions (ra) praised the deceased. The Prophet (saw) then said, *“It has been affirmed (Paradise).”* Then another funeral procession passed by and the Companions (ra) spoke ill of the deceased. The Prophet (saw) said, *“It has been affirmed (Hell).”* Allah’s Messenger was then asked, *“O, Messenger of Allah! You said it has been affirmed for both?”* The Prophet (saw) replied, *“The testimony of the people (is accepted), (for) the believers are Allah’s witnesses on earth.”*<sup>24</sup>

The Prophet (saw) required witnesses to make accurate statements in court and clearly forbade false testimony. On another day when the Prophet (saw) was sitting with his Companions (ra), he asked them, *“Shall I tell you the greatest of the great sins?”* His Companions (ra) said, *“Yes. O, Messenger of Allah!”* He then said, *“To associate any partner with Allah and to be disobedient to one’s parents.”* Then he sat up after he had been reclining and added, *“And I warn you against false statements and false testimony! I warn you against false statements and false testimony!”* And he continued to repeat these words.<sup>25</sup>

Furthermore, because it contributed to resolving legal disputes, the Prophet (saw) always encouraged accurate and truthful testimony. He said, *“The best of witnesses is the one who gives his testimony before being asked for it.”*<sup>26</sup> When a suit was brought to the Prophet (saw), he wanted witnesses to be brought if he deemed it necessary.<sup>27</sup>

In the resolution of legal disputes, the Messenger of Allah (saw) sometimes also had recourse to the evidence of oaths. Indeed, saying, *“The proof is due from the claimant, and the oath is due from the one the claim is made against,”*<sup>28</sup> he established the general principle that proving one’s claim with testimony and other evidence was the responsibility and duty of the plaintiff while swearing an oath was the responsibility and duty of the de-

<sup>24</sup> B2642, al-Bukhari, al-Shahadat, 6.

<sup>25</sup> B5976, al-Bukhari, al-Adab, 6; M259, Muslim, al-Iman, 143.

<sup>26</sup> T2297, al-Tirmidhi, al-Shahadat, 1; IM2364, Ibn Maja, al-Ahkam, 28.

<sup>27</sup> M356, Muslim, al-Iman, 221; B2669, al-Bukhari, al-Shahadat, 20.

<sup>28</sup> T1341, al-Tirmidhi, al-Ahkam, 12.



fendant. The Prophet (saw) accepted the oaths sworn by the parties as evidence in court, especially if there was no other evidence. However, in order for right to prevail and to be able to make a correct decision and one in conformity with justice, he warned all Muslims, above all his Companions (ra), that they should not give false testimony. This issue arose in a dispute which occurred between a man from Hadramawt and a man from Kinda. The man from Hadramawt was Rabi'a b. 'Ibdan and the man from Kinda was 'Imru 'l-Qays b. 'Abis (ra).<sup>29</sup> They were parties in a suit over ownership of land. They went to the Prophet (saw) to resolve the problem between them. The man from Hadramawt said, "O, Messenger of Allah! This man took my land (by force)." The man from Kinda rejected his allegation saying, "That land is my property. He has no right to it." The Prophet (saw) asked the man from Hadramawt, "*Do you have clear evidence (to show that that land belongs to you)?*" The man answered, "No." Thereupon the Messenger of Allah (saw) said, "*Then you have to make due with the defendant's oath.*" But the man reproached the Prophet (saw) saying, "O, Allah's Messenger! That man is a profligate. It makes no difference what he takes an oath for, he is not ashamed of doing anything!" But the Prophet (saw) said, "*There is nothing else you can do concerning him except this.*" And so he put an end to the dispute. However, after the man from Kinda got up to take the oath, the Prophet (saw) said, "*If he takes an oath [for your property] to wrongfully consume it, when he meets Allah He will turn his face from him.*"<sup>30</sup> Thereupon the man from Kinda admitted that the land belonged to the man from Hadramawt<sup>31</sup> and thus the truth came out.

The Prophet (saw) also said that Allah the Exalted would send to the fire of Hell and bar from Paradise anyone who usurped the right of another by means of an oath. When one of his Companions (ra) asked, "O, Allah's Messenger! Would this happen even if he obtained something trivial?" he replied, "*Even if it is a twig from the arak tree.*"<sup>32</sup> In fact, 'Abd Allah b. Mas'ud (ra) also reported that anyone who took the property of a Muslim by a false oath would suffer Allah's wrath when he came before him.<sup>33</sup>

All of this shows that the judge who makes a decision according to clear and objective evidence without trying to interpret the intentions of people by investigating their inner worlds is acting more in conformity with the Holy Qur'an and Sunna. Indeed 'Umar (ra) said on this matter, "People were (sometimes) judged by revelation during the lifetime of the

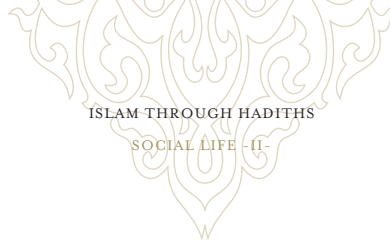
<sup>29</sup> M359, Muslim, al-Iman, 224.

<sup>30</sup> T1340, al-Tirmidhi, al-Ahkam, 12; D3623, Abu Da'ud, al-Qada' (al-Aqdiyya), 26.

<sup>31</sup> D3244, Abu Da'ud, al-Nudhur, 1.

<sup>32</sup> M353, Muslim, al-Iman, 218; MU1415, al-Muwatta', al-Aqdiyya, 8.

<sup>33</sup> B2667, al-Bukhari, al-Shahadat, 19; M356, Muslim, al-Iman, 221.



Messenger of Allah (saw), but now revelation has ceased. Now we judge you by the deeds you do publicly, so we will trust and favor the one who does good deeds in front of us, and we will not call him to account about what he is really doing in secret, for Allah will judge him for that; but we will not trust or believe the one who publicly commits an evil deed even if he claims that his intentions were good.”<sup>34</sup>

The Messenger of Allah also described certain principles which had to be complied with in court. While a suit was being examined, the Prophet (saw) required the parties to sit before the judge,<sup>35</sup> and then they each had to be heard in turn. In fact, when the Prophet (saw) sent ‘Ali (ra) as a judge to Yemen, ‘Ali said, “O, Messenger of Allah! Are you sending me when I am young and have no knowledge of the duties of a judge?” The Prophet (saw) replied, “*Allah will guide your heart and keep your tongue true. When two litigants sit in front of you, do not decide until you hear what the second has to say as you heard what the first had to say; for it is best that you should have a clear idea of the best decision.*”<sup>36</sup>

If possible, the Prophet (saw) preferred to resolve legal disputes which were brought to him by peaceful means.<sup>37</sup> Once while he was sitting at home, he overheard Ka‘b b. Malik and Ibn Abi Hadrad (ra) arguing in a loud voice in the mosque over payment of a debt. Opening the curtain of his room, he said, “O, Ka‘b!” He answered saying, “At your service! O, Messenger of Allah.” The Prophet (saw) said, “*Reduce the money owed to you by this much,*” and gestured with his hand for him to reduce the amount by half. Ka‘b said, “Done! O, Messenger of Allah.” The Prophet (saw) then said to Ibn Abi Hadrad, “*Get up and pay the debt to him!*”<sup>38</sup> Thus the Prophet (saw) advised his Companions (ra) that having a creditor forgo part of what he was owed in order to make it easier for the debtor to pay it was a virtuous act.

Wherever there is vigorous social life, misunderstandings are from time to time unavoidable. Nevertheless, if rights and justice are respected, these disputes can be settled in a healthy manner. The Messenger of Allah encouraged the parties in legal disputes to first listen to their consciences; and if their cause was unjust he advised them not to violate the rights of the opposite party by bringing certain evidence to win the suit. Furthermore he warned his Companions (ra) not to make false oaths or to give false testimony. And he stated that serving as a judge was a difficult task

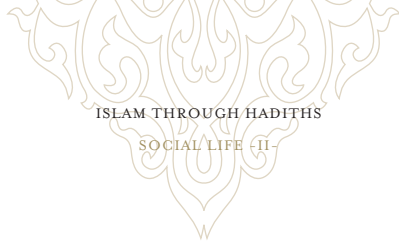
<sup>34</sup> B2641, al-Bukhari, al-Shahadat, 5.

<sup>35</sup> D3588, Abu Da‘ud, al-Qada’ (al-Aqdiyya), 8; HM16203, Ibn Hanbal, IV, 4.

<sup>36</sup> D3582, Abu Da‘ud, al-Qada’ (al-Aqdiyya), 6; T1331, al-Tirmidhi, al-Ahkam, 5.

<sup>37</sup> D4534, Abu Da‘ud, al-Diyat, 13; N4782, al-Nasa‘i, al-Qasama, 25-26.

<sup>38</sup> B457, al-Bukhari, al-Salat, 71; M3984, Muslim, al-Musaqat, 20.



requiring certain abilities and responsibilities. He said that while making a decision, the judge must be impartial and just and should base his decision on sound evidence. He advised the judge to make his decisions based on fairness, justice, and moderation. By respecting these principles, which our beloved Prophet, who served as an example for us in every respect, described, the resolution of disputes will be much easier.





## GIVING TESTIMONY A HUMAN OBLIGATION



عَنِ النَّعْمَانَ بْنِ بَشِيرٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”أَلْكَ بُنُونَ سِوَاهُ.“ قَالَ: نَعَمْ. قَالَ: ”فَكُلَّهُمْ أَعْطَيْتَ مِثْلَ هَذَا.“ قَالَ: لَا.  
قَالَ: ”فَلَا أَشْهَدُ عَلَى جَوْرٍ.“

According to al-Nu‘man b. Bashir (ra), (when his father asked the Messenger of Allah (saw) to bear witness that he had given such and such gift from his property to al-Nu‘man), the Messenger of Allah (saw) asked, “Do you have other sons?” His father said, “Yes.” Then he asked, “Have you bestowed upon all of your sons as you have bestowed upon al-Nu‘man?” When his father answered, “No,” the Messenger of Allah (saw) said, “I will not testify for wrongfulness and injustice.”

(M4183, Muslim, al-Hiba, 15)





عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ أَنَّ النَّبِيَّ ﷺ قَالَ:  
”أَلَا أُخْبِرُكُمْ بِخَيْرِ الشُّهَدَاءِ؟ الَّذِي يَأْتِي بِشَهَادَتِهِ قَبْلَ أَنْ يُسْأَلَهَا.“



عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ عَنْ أَبِيهِ ﷺ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”أَلَا أُبَيِّئُكُمْ بِأَكْبَرِ الْكِبَائِرِ؟“ ثَلَاثًا. قُلْنَا: بَلَى يَا رَسُولَ اللَّهِ. قَالَ:  
”الْإِشْرَاكُ بِاللَّهِ، وَعُقُوقُ الْوَالِدَيْنِ.“ وَكَانَ مُتَكِنًا فَجَلَسَ فَقَالَ: ”أَلَا وَقَوْلُ  
الزُّورِ وَشَهَادَةُ الزُّورِ، أَلَا وَقَوْلُ الزُّورِ وَشَهَادَةُ الزُّورِ.“ فَمَا زَالَ يَقُولُهَا حَتَّى  
قُلْتُ: لَا يَسْكُتُ.



عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”لَا تَجُوزُ شَهَادَةُ خَائِنٍ وَلَا خَائِنَةٍ وَلَا مَحْدُودٍ فِي الْإِسْلَامِ وَلَا ذِي غِمْرٍ  
عَلَى أَخِيهِ.“



عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ  
... رَدَّ شَهَادَةَ الْقَانِعِ لِأَهْلِ الْبَيْتِ وَأَجَازَهَا لِغَيْرِهِمْ.



According to Zayd b. Khalid al-Juhani (ra), the Prophet (saw) said,  
“*Let me tell you the best of the witnesses. He is the one who gives testimony  
without being required to do so.*”

(M4494, Muslim, al-Aqdiyya, 19)



According to ‘Abd al-Rahman b. Abi Bakra, his father (Abu Bakra) (ra) said that “the Prophet (saw) said three times, ‘*Shall I tell you the greatest of the great sins?*’ We said, ‘Yes, O Messenger of Allah!’ He then said, ‘*To associate any partner with Allah and to be disobedient to one’s parents.*’ Then he sat up after he had been reclining and added, ‘*And I warn you against false statements and false testimony! I warn you against false statements and false testimony!*’ He further added that he kept on saying this until I thought he would never stop.”

(B5976, al-Bukhari, al-Adab, 6)



According to ‘Amr b. Shu‘ayb, his father said that his grandfather (ra) said that the Messenger of Allah (saw) said, “*The Testimony of a man or woman who is treacherous, or of one who has been subjected to one of the ḥadd punishments (prescribed by the Holy Qur’an), or of one who bears a grudge against his brother is not permissible.*”

(IM2366, Ibn Maja, al-Ahkam, 30)



According to ‘Amr b. Shu‘ayb, his father said that his grandfather (ra) said that the Messenger of Allah (saw) rejected the testimony of a male or female servant for the landlord, but he allowed it for others.

(D3600, Abu Da‘ud, al-Qada’, 16)





Amra bint Rawaha the wife of Bashir b. Sa'd (ra), who was one of the Ansar and from the Khazraj tribe,<sup>1</sup> wanted her husband to bestow part of his wealth on his son al-Nu'man. After putting off his wife Amra for a year, Bashir accepted her proposal. However, Amra wanted him to call upon the Prophet (saw) to bear witness that he would give a certain amount of his wealth to his son al-Nu'man. So, he took al-Nu'man, who was the first child of the Ansar born in Medina after the Hijra,<sup>2</sup> by the hand and went to the Prophet (saw) and said, "O Messenger of Allah! Bint Rawaha, who is his mother, wants you to testify to the gift that I have made to her son." The Prophet (saw) then asked him, "Do you have other sons?" Bashir answered, "Yes." Then he asked, "Have you bestowed upon all of your sons as you have bestowed upon al-Nu'man?" When Bashir replied, "No," the Messenger of Allah (saw) said, "I will not testify for wrongfulness and injustice."<sup>3</sup>

As seen in this case, Allah's Messenger gave great importance to testimony based on right and justice and would not bear witness for any matter that made him apprehensive about opening a path to oppression, that is, injustice. The responsibility of witnesses is not limited simply to portraying events that they have seen. At the same time they are responsible for protecting and ensuring justice and for not allowing oppression, usurpation, and injustice to occur. This is because testifying for something means to accept, to adopt, and to believe it. One who testifies for oppression, accepts it, supports it, and participates in it. Thus, giving testimony/bearing witness has a very important function with respect to determining the truth, separating truth from falsehood, and giving rights to the one who deserves them.

The fact that Allah's Messenger attributed such importance to giving proper testimony/bearing witness is related to the special emphasis that the

<sup>1</sup>IF5/212, Ibn Hajar, *Fath al-bari*, V, 212.

<sup>2</sup>ST6/53, Ibn Sa'd, *Tabaqat*, VI, 53.

<sup>3</sup>M4183, Muslim, *al-Hiba*, 15; B2650, *al-Bukhari*, *al-Shahadat*, 9.



Holy Qur'an placed on it. A witness is one who attests, who knows, who is aware, and who gives evidence. The terms *shāhid/shahīd* and words related to them occur 55 times in the Holy Qur'an. It is noteworthy that certain expressions are used in the Holy Qur'an related to Allah's bearing witness: "Is it not enough that your Lord witnesses everything?"<sup>4</sup> "Allah is sufficient witness."<sup>5</sup> And "Whatever work you are doing, We witness you while you are engaged in it."<sup>6</sup> These expressions tell us that Allah sees and knows everything that his servants do, that he is always watching them, and that nothing is hidden from him. These verses essentially explain this verse: "...He is with you wherever you are,"<sup>7</sup> Furthermore, the name *al-shahīd* (the witness), which is one of the *al-asmā' al-ḥusnā* (the most beautiful names of Allah), and the word *shāhid*, which is its intensified form, tell us that nothing can remain hidden from Allah (swt), that He is unbound by time and place, and that He is continuously aware of everything. In addition, in the Holy Qur'an the expression *yawm mashhūd*,<sup>8</sup> which is used for the Day of Judgement in the sense that it is the day when all people will be gathered together and everything that is secret and hidden will be exposed, and the passing expression "angel witnesses"<sup>9</sup> for certain angels, namely, those who secretly watch Allah's servants, refer to the importance of testifying/witnessing.

According to Islam, what is fundamental to legal testimony/bearing witness is protecting one's right, upholding the rule of law, siding with what is just, and bearing witness only to the truth. In this respect every Muslim is a witness of the truth and is commanded to be a witness of the truth. As the Holy Qur'an states, "You who believe, uphold justice and bear witness to Allah, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, Allah can best take care of both. Refrain from following your own desire, so that you can act justly—if you distort or neglect justice, Allah is fully aware of what you do."<sup>10</sup> Thus it tells people how to bear witness, emphasizes the necessity of bearing witness, and describes its principles. The Holy Qur'an requires witnesses, for example, in borrowing money and in commercial agreements,<sup>11</sup> in cases of divorce,<sup>12</sup> in cases of inheritance and wills,<sup>13</sup> in proving the crime of *zinā*,<sup>14</sup> and when the wealth of orphans who have become adults is turned over to them by their guardians.<sup>15</sup>

The point of the Qur'anic phrases, "...establish witness for the sake of Allah"<sup>16</sup> and "... uphold justice and bear witness to Allah,"<sup>17</sup> is to show that bear-

<sup>4</sup> Fussilat, 41:53.

<sup>5</sup> Al-Nisa', 4:79.

<sup>6</sup> Yunus, 10:61.

<sup>7</sup> Al-Hadid, 57:4.

<sup>8</sup> Hud, 11:103.

<sup>9</sup> Qaf, 50:21.

<sup>10</sup> Al-Nisa', 4:135.

<sup>11</sup> Al-Baqara, 2:282.

<sup>12</sup> Al-Talaq, 65:2.

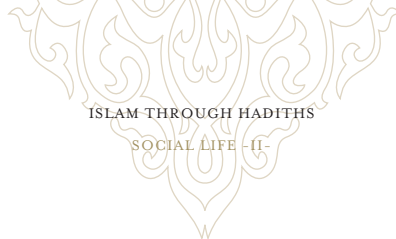
<sup>13</sup> Al-Ma'ida, 5:106.

<sup>14</sup> Al-Nisa', 4:15; al-Nur, 24:4.

<sup>15</sup> Al-Nisa', 4:6.

<sup>16</sup> Al-Talaq, 65:2.

<sup>17</sup> Al-Nisa', 4:135.



ing witness should be considered as pleasing Allah (swt) and should be done in His name. At the same time, by creating a sense of responsibility in the matter of bearing witness, an awareness is established for avoiding injustice and finding the truth. As a result, individuals will make an effort to tell the truth about events that they have seen and witnessed. This is because ensuring fairness and justice in an environment in which individuals are indifferent, have no sense of responsibility, and are apathetic is difficult.

Seen in this light, (legal) testimony (in court) is a (social) responsibility and means that the involved parties in the (legal) case have the right to require witnesses (to say the truth). Therefore Allah's Messenger encouraged people to testify about situations that they witnessed and said, "*Let me tell you the best of the witnesses. He is the one who gives testimony without being required to do so.*"<sup>18</sup> Thus Allah's Messenger wanted Muslims to fulfill the task of bearing witness voluntarily and without being asked. In this connection, Allah on High said in the Noble Qur'an, "*Let the witnesses not refuse when they are summoned.*"<sup>19</sup> Therefore He wanted those who were summoned as witnesses in any issue involved with legal matters, such as marriage, borrowing money, commerce, and suits and which required witnesses to fulfill their duty to come forward. Another verse, which states, "*Do not conceal evidence (al-shahāda): anyone who does so has a sinful heart,*"<sup>20</sup> emphasizes that avoiding bearing witness about an incident that one observed or had knowledge of was a great sin. A person who does not describe an issue that he saw as it was or who turns it in another direction opens the door to injustice. The spread of injustice is the cause of loss of confidence and damage to the public conscience. Furthermore, witnesses should have an awareness that justice will be established according to their testimony in matters in which they have testified or will testify and they should act with a sense of responsibility. If not, as the Noble Messenger has stated, they will be face to face with a great sin.<sup>21</sup>

It appears that, while describing certain social changes that would occur in the future, our master the Prophet (saw), who praised giving testimony/bearing witness without being asked, informs us that there will be people who give testimony although it was not required of them.<sup>22</sup> When all the *ḥadīths* on this subject are read together, it appears that these reports were meant chiefly to prevent the violation of individual privacy by

<sup>18</sup> M4494, Muslim, al-Aqdiyya, 19.

<sup>19</sup> Al-Baqara, 2:282.

<sup>20</sup> Al-Baqara, 2:283.

<sup>21</sup> B2458, al-Bukhari, al-Mazalim, 16.

<sup>22</sup> M6473, Muslim, Fada'il al-sahaba, 213.



describing rashly and randomly what people knew (about the behavior of others). In particular if those who witnessed such things as *zinā*, theft, robbery, extortion, or drug use shared randomly what they knew with everyone, this would threaten the social structure as well as be a bad example for others. The Prophet (saw), who aimed at protecting one's life, property, soul, mind, and posterity, intended for testimony to be given before the relevant authorities in particular and with an awareness of responsibility.

When the passages like those on *shahāda* (testimony/bearing witness), *qaḍā'* (judging), *ahkām* (judicial decisions), *qasāma* (oaths), *imān* (faith), *adab* (conduct), and *riqāq* (slaves), which are found in the reports related to giving testimony in the books on *ḥadīths*, are read and analyzed, it is clear that many of them are related to giving false testimony. One of them was an incident described by Abu Bakra, one of the noble Companions (ra). He said, "The Prophet (saw) said three times, 'Shall I tell you the greatest of the great sins?' We said, 'Yes. O, Messenger of Allah!' He then said, 'To associate any partner with Allah and to be disobedient to one's parents.' Then he sat up after he had been reclining and added, 'And I warn you against false statements and false testimony! I warn you against false statements and false testimony!'" Abu Bakra (ra), who related this incident, went on to say, "He (the Prophet (saw)) kept on saying this until I thought he would never stop."<sup>23</sup>

Allah's Messenger also stated in a sermon that giving false testimony was as much of a crime as associating a partner with Allah. He recited the thirtieth verse of the *ṣūra* al-Hajj to explain this comparison clearly and said, "Avoid the filth of worshipping idols and avoid false testimony."<sup>24</sup> He also said that on the Day of Judgement the feet of one who bears false witness will not move until he is condemned to Hell.<sup>25</sup> In this respect Allah on High has declared that those who perform the ritual prayer are bearing direct testimony to Him.<sup>26</sup> He indicated that those who bow down, that is, those who believe in Allah (swt), will not be able to give false testimony. This was because giving false testimony is a form of oppression. It is a usurpation of rights. It is a violation of the rights of Allah's servants. It does away with justice and misleads people. It gives rights to the one who does not deserve them. For all these reasons it is one of the worst acts which are unworthy of believers.

The right to testify and the fact that it has an important function in the establishment of justice mean that the question of who can testify is

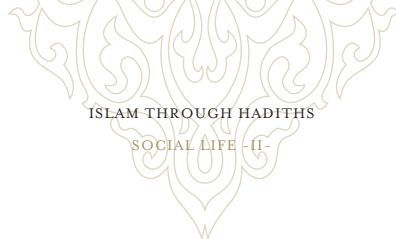
<sup>23</sup> B5976, al-Bukhari, al-Adab, 6.

<sup>24</sup> T2299, al-Tirmidhi, al-Shahada, 2; HM17747, Ibn Hanbal, IV, 177.

<sup>25</sup> IM2373, Ibn Maja, al-Ahkam, 32.

<sup>26</sup> Al-Ma'arij, 70:33.

<sup>27</sup> Al-Baqara, 2:282.



an important matter. In this respect the Noble Qur'an emphasizes that witnesses must be among those whose testimony is trusted by society<sup>27</sup> and that they be just people.<sup>28</sup> And it orders that the testimony of those who have committed a misdeed, such as slandering a chaste woman, be utterly rejected.<sup>29</sup> In this context, Allah's Messenger said, "*The Testimony of a man or woman who is treacherous, or of one who has been subjected to one of the ḥadd punishments (prescribed by the Holy Qur'an), or of one who bears a grudge against his brother is not permissible.*"<sup>30</sup> Allah's Messenger also stated that the testimony of a man or woman who committed *zinā*<sup>31</sup> or of a Bedouin against a city dweller was not permissible.<sup>32</sup> Allah's Messenger, who demonstrated the utmost care in establishing justice, took pains to avoid even the possibility that something could cause injustice and thus rejected the testimony of the servant against the house holder.<sup>33</sup> Thus, in order to bring about fairness and justice, which were the desired goals, he pointed out that witnesses must be impartial, must not be in pursuit of personal interests, and must be bound to general ethical rules. Furthermore Allah's Messenger declared that the witness must have been an eye witness to the event about which he was testifying.<sup>34</sup> However, if there was no one who had the required qualifications, the issue could be assessed according to its significance and the circumstances. In fact, it seems that in a case in which no testimony of a Muslim was available, Abu Musa al-Ash'ari, one of the Companions (ra), accepted the testimony of a non-Muslim who was held in high regard after an oath had been administered to him.<sup>35</sup> In like manner 'Abd Allah b. Zubayr (ra) accepted the testimony of children but only in situations in which they hurt each other. Imam Malik, who actively ruled on this issue, stipulated that under such circumstances the children not be influenced by the suggestions of others.<sup>36</sup> Otherwise, the testimony that children gave for or against others would not be valid. According to all theologians, the witness must be intelligent, of sound mind and have reached puberty.<sup>37</sup>

The fact that our master the Prophet (saw) did not accept the testimony of certain persons indicates a high level of rigor in ensuring the establishment of justice and was not directed towards their personal value. His statement that the testimony of nomadic bedouin against people who led a settled life would not be accepted<sup>38</sup> indicates that he was concerned about the differences in their circumstances of life, culture and education.

<sup>28</sup> Al-Talaq, 65:2.

<sup>29</sup> Al-Nur, 24:4.

<sup>30</sup> IM2366, Ibn Maja, al-Ahkam, 30.

<sup>31</sup> D3601, Abu Da'ud, al-Qada' (al-Aqdiyya), 16.

<sup>32</sup> D3602, Abu Da'ud, al-Qada' (al-Aqdiyya), 17; IM2367, Ibn Maja, al-Ahkam, 30.

<sup>33</sup> D3600, Abu Da'ud, al-Qada', 16; HM7102, Ibn Hanbal, II, 225.

<sup>34</sup> BS21169, al-Bayhaqi, *Al-Sunan al-kubra*, X, 262.

<sup>35</sup> D3605, Abu Da'ud, al-Qada' (al-Aqdiyya), 19.

<sup>36</sup> MU1413, al-Muwatta', al-Aqdiyya, 7.

<sup>37</sup> BI2/463, Ibn Rushd, *Bidayat al-mujtahid*, II, 463.

<sup>38</sup> IM2367, Ibn Maja, al-Ahkam, 30.





The persons who were mentioned in the *ḥadīth* were only bedouin who were not aware of the concept of giving testimony. Those who understood the seriousness of the matter and fulfilled the requirements for giving testimony were not included. Indeed, it is understood from the reports related to this subject that the Prophet (saw) had recourse to the testimony of Bedouin who had information about which they could testify and who were eyewitnesses. An excellent example of this is that in an important matter like *ru'yat al-hilāl* (the sighting of the lunar crescent for fixing the beginning and end of the month of Ramadan), our master the Prophet (saw) accepted the testimony of a single bedouin.<sup>39</sup>

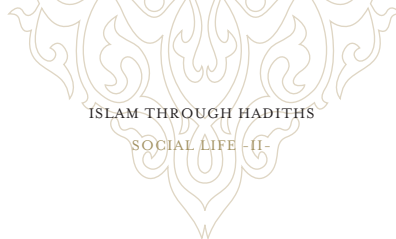
All the regulations that were drawn up on the matter of giving testimony had the purpose of establishing justice and fairness. They had no connection with a person's sex or social standing. This can clearly be seen in the practice of our master the Prophet (saw). The following incident is an excellent example of this: 'Uqba b. al-Harith, one of the Companions (ra) who became a Muslim during the conquest of Mecca, married Umm Yahya, the daughter of his paternal uncle Abu Ihab. A while later a black woman came and said to them, "(How can you marry each other?) I suckled you both." Thus the couple were foster siblings. Faced with this problem, 'Uqba b. al-Harith went to the Prophet (saw) to ask how this issue should be resolved. He explained the situation to the Prophet (saw) and then Allah's Messenger said that, because the black slave woman had said that she definitely had suckled both of them, 'Uqba should not remain married to his wife, but should divorce her.<sup>40</sup> Obviously, Allah's Messenger acted on the testimony of a woman and ruled that the couple must divorce. He thus indicated that resolving the matter had nothing to do with the sex of the people involved.

While ruling on cases that were brought to him, our beloved Prophet would first listen to the parties and then, if he thought it was necessary, have them produce witnesses.<sup>41</sup> When the witnesses came before him, he would caution them to testify truthfully. An incident occurred which is noteworthy in this regard. One day an argument broke out in front of the home of Allah's Messenger. He heard the voices and went outside and said, "*I am only a human being, and opponents (in law suits) come to me (to settle their problems). Perhaps someone among you can present his case more eloquently than the other (although it may in fact be unjust), whereby I may consider him*

<sup>39</sup> D2341, Abu Da'ud, al-Siyam, 14.

<sup>40</sup> B2659, al-Bukhari, al-Shahadat, 13.

<sup>41</sup> B2669, al-Bukhari, al-Shahadat, 20; M356, Muslim, al-Iman, 221.



*truthful and give a verdict in his favor. So, if I give the right of a Muslim to another by mistake, then it is really a portion of (Hell) Fire that he has the option to take or give up.*<sup>42</sup>

The Noble Qur'an declares the number of witnesses that are necessary in a given matter. It requires two witnesses for such issues as commerce, borrowing money, and wills.<sup>43</sup> However, in the verse which mentions borrowing money, it states, *"If two men are not there, then call one man and two women out of those you approve as witnesses, so that if one of the two women should forget the other can remind her."*<sup>44</sup> In this verse, the requirement that there should be "one male or two female witnesses" is conditioned on the need for one of the women to remind the other if she forgets. Because women at that time were not involved in interests of a financial nature, it seems that they could have been unfamiliar with the matter of borrowing money. It would not be correct to conclude from this verse that women were of less value than men or had less intelligence or poorer memories. This is because the intellectual ability of women is not in question in this verse, only their accumulated knowledge and experience in financial matters. If the first woman did not make a mistake during testimony, the testimony of the second would not be required, but if the first did make a mistake then her testimony would be invalid and the second woman would testify. Indeed, in a matter like *zinā'* in which the woman and man had the same knowledge and ability for discernment, the testimony of each of the two sexes was considered equal. As the Holy Qur'an states, *"As for those who accuse their own wives of adultery, but have no other witnesses, let each one four times call Allah to witness that he is telling the truth, and, the fifth time, call Allah to reject him if he is lying."*<sup>45</sup> Indeed, in issues in which women were more cognizant, such as menstruation, childbirth, breastfeeding, paternity determination, and *'idda* (the space of time within which a woman may not remarry in order to determine if she were pregnant), the testimony of a single woman was accepted as valid.

It is possible to say that, as was the general practice of our master the Prophet (saw), two witnesses who had the proper qualifications were needed for every matter that required punishment except for *zinā'* which required four witnesses. Furthermore, in light of the practices of the Prophet (saw), in certain suits the number of persons who were brought forth to testify on an incident could differ. Depending on the nature of the matter

<sup>42</sup> B2458, al-Bukhari, al-Mazalim, 16; M4475, Muslim, al-Aqdiyya, 5.

<sup>43</sup> Al-Baqara, 2:282; al-Ma'ida, 5:106.

<sup>44</sup> Al-Baqara, 2:282.

<sup>45</sup> Al-Nur, 24:6-7.



at hand and the ability to prove what had occurred, it has also been stated that sometimes one witness,<sup>46</sup> sometimes one witness and an oath,<sup>47</sup> and sometimes, such as in order to prove that someone was poverty-stricken, three witnesses<sup>48</sup> were required.

Because the accusation of *zinā'* was directed towards one's moral personality, virtue, honor, and dignity, four witnesses had to be provided to prove it.<sup>49</sup> In this matter it was required that people not act on their own and that the people whom they judged guilty not be subjected to the accusers' punishment.<sup>50</sup> Thus, faced with the imputation of *zinā'*, which was a serious accusation, people had strong protection; and according to the widespread custom of the Jahiliyya period, if a woman were slandered with the crime of *zinā'*, severe punishment was not carried out until there had been a thorough investigation and witnesses had given testimony. Furthermore, the punishment for slander was stipulated for those who could not prove in the required fashion such accusations and it was stated that their testimony would not in the future be accepted.<sup>51</sup> The seriousness of this matter was therefore repeatedly emphasized and it was stated that if the proper witnesses could not be provided a person's honor and dignity could not be called into question.

Furthermore, there could also be some people who risked their lives by bearing witness in serious matters. Under these circumstances, for those who might become the target of the parties, Allah on High said, "*Let no harm be done to either scribe or witness, for if you did cause them harm, it would be a crime on your part.*"<sup>52</sup> He thus declared that those who contributed to ensuring that justice was done by acting as witnesses had to be protected by the authorities.

This subject, whose legal and moral dimensions have been examined to this point, should also be considered from the following perspective: When Jibril appeared in the form of a man and asked our master the Prophet (saw), "What is Islam?" Allah's Messenger replied, "*To testify that there is no god but Allah and that I am Allah's Messenger, to perform the correct ritual prayers, to give zakat, to fast during Ramadan, and to make the Hajj.*"<sup>53</sup> It appears here that bearing testimony has the sense of professing as well as accepting and adopting. It is understood from this that the first stage of giving testimony is to take on, to accept, and the second stage is to act according to that knowledge (of what one has accepted) and to fulfill one's

<sup>46</sup> D2342, Abu Da'ud, al-Siyam, 14.

<sup>47</sup> M4472, Muslim, al-Aqdiyya, 3.

<sup>48</sup> M2404, Muslim, al-Zakat, 109.

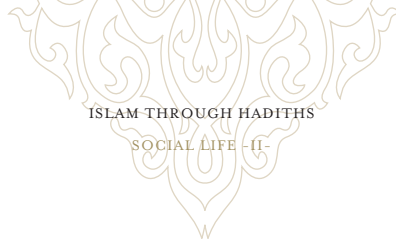
<sup>49</sup> Al-Nisa', 4:15.

<sup>50</sup> M3762, Muslim, al-Li'an, 15.

<sup>51</sup> Al-Nur, 24:4.

<sup>52</sup> Al-Baqara, 2:282.

<sup>53</sup> IM63, Ibn Maja, al-Sunna, 9; T2610, al-Tirmidhi, al-Iman, 4.



obligations according to one's ability. In the verse, *"Lord, we believe in what You have revealed and we follow the messenger: record us among those who bear witness [to the truth],"*<sup>54</sup> faith is mentioned as having the meaning of accepting and then adopting and carrying out. In addition the Noble Qur'an says, *"We have made you [believers] into a just community, so that you may bear witness [to the truth] before others and so that the Messenger may bear witness [to it] before you."*<sup>55</sup> Thus it emphasizes that the Prophet (saw) was sent to bear witness to mankind, that is, be an example to mankind, and that believers were to bear witness to humanity, that is, be an example to humanity. In like manner, in the verse, *"Allah has called you Muslims—both in the past and in this [message]—so that the Messenger can bear witness about you and so that you can bear witness about other people,"*<sup>56</sup> it is emphasized that being a Muslim means that one must bear witness to the truth with regard to its essence, promise, and way of life. In order to prevent the injustices that they see, Muslims are attentive and responsible witnesses and the behavior and attitudes that they exhibit are examples for people. Because they are responsible witnesses, truthful testimony is also required from believers about coreligionists who have died. This is because, during the deceased's funeral prayer, testimony to his good conduct (*husn al-shahāda*) could ensure that his place in the next world would be Paradise.<sup>57</sup> In light of all these explications, one should act in the matter of giving testimony/bearing witness with the following awareness: *"In whatever matter you [Prophet] may be engaged and whatever part of the Holy Qur'an you are reciting, whatever work you [people] are doing, We witness you when you are engaged in it. Not even the weight of a speck of dust in the earth or sky escapes your Lord, nor anything lesser or greater: It is all written in a clear record."*<sup>58</sup>

<sup>54</sup> Al 'Imran, 3:53.

<sup>55</sup> Al-Baqara, 2:143.

<sup>56</sup> Al-Hajj, 22:78.

<sup>57</sup> B1368, al-Bukhari, al-Jana'iz, 85; N1936, al-Nasa'i, al-Jana'iz, 50.

<sup>58</sup> Yunus, 10:61.





## SWEARING AN OATH BEAR WITNESS TO ALLAH



عَنْ عَبْدِ اللَّهِ ﷺ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”مَنْ أَقْتَطَعَ مَالَ امْرِئٍ مُسْلِمٍ بِيَمِينٍ كَاذِبَةٍ، لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضَبَانُ.“

According to ‘Abd Allah (b. Mas‘ud) (ra), the Messenger of Allah (saw) said, “Whoever takes the property of a Muslim by taking a false oath will meet Allah Who will be angry with him.”

(B7445, al-Bukhari, al-Tawhid, 24)



عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”مَنْ كَانَ حَالِفًا فَلْيَحْلِفْ بِاللَّهِ أَوْ لِيَصْمُتْ.“



عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
”لَوْ يُعْطَى النَّاسُ بِدَعْوَاهُمْ أَدَّعَى نَاسٍ دِمَاءَ رِجَالٍ وَأَمْوَالَهُمْ وَلَكِنِ الْيَمِينُ عَلَى  
الْمُدَّعَى عَلَيْهِ.“



إِنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ:  
”الْحَلْفُ مَنْفَقَةٌ لِلسَّلْعَةِ مَمْحَقَةٌ لِلْبِرْكََةِ.“



عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
فَذَكَرَ أَحَادِيثَ مِنْهَا وَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ :  
”وَاللَّهِ لَأَنْ يَلْجَأَ أَحَدُكُمْ بِيَمِينِهِ فِي أَهْلِهِ أَثْمٌ لَهُ عِنْدَ اللَّهِ مِنْ أَنْ يُعْطِيَ كَفَّارَتَهُ الَّتِي  
فَرَضَ اللَّهُ.“



According to ‘Abd Allah (b. ‘Umar) (ra), the Prophet (saw) said,  
“Whoever has to take an oath should swear by Allah or remain silent.”

(B2679, al-Bukhari, al-Shahadat, 26)



According to Ibn ‘Abbas (ra), the Messenger of Allah (saw) said,  
“If the people were given what they claimed, some would have claimed the lives  
and property of men. But the one the claim is made against is obliged to  
swear an oath.”

(IM2321, Ibn Maja, al-Ahkam, 7)



Abu Hurayra (ra) said, “I heard the Messenger of Allah (saw) say,  
‘Swearing produces a ready sale for a commodity but blots out the blessing.’”

(D3335, Abu Da‘ud, al-Buyu‘, 6; N4466, al-Nasa‘i, al-Buyu‘, 3)



Hammam b. Muhabbih said, “This is what Abu Hurayra (ra) told us  
about the Messenger of Allah (saw): He mentioned a number of *ḥadīths*  
in one of which the Messenger of Allah (saw) said, ‘By Allah, if anyone of  
you insists on fulfilling an oath by which he may harm his family, he commits a  
greater sin in Allah’s sight than that of dissolving his oath and making expiation  
for it.’”

(M4291, Muslim, al-Ayman, 26; B6625, al-Bukhari, al-Ayman wa ‘l-nudhur, 1)







The Messenger of Allah (saw) was sitting with his Companions (ra). Two men who had a dispute over land came to our Master. It was clear that they were upset. One of them was the poet Imru' al-Qays b. 'Abis al-Kindi<sup>1</sup> who had settled in Kufa and the other was Rabi'a b. 'Ibdan from Hadramawt.<sup>2</sup> Rabi'a b. 'Ibdan immediately spoke up and said, "O, Messenger of Allah! This man took my land (by force)." Thereupon the Prophet (saw) said, "Do you have clear evidence?" Rabi'a b. 'Ibdan replied, "I have no evidence." So, the Prophet (saw) said, "Then you have to make due with the defendant's oath." Rabi'a b. 'Ibdan then said (implying that Imru' al-Qays had no religious sensitivity), "Then he should immediately give an oath." And the Messenger of Allah (saw) responded, "There is nothing else you can do concerning him except this."

When Imru' al-Qays realized that he had to take an oath and rose to his feet to do so,<sup>3</sup> Allah's Messenger said, "Whoever takes the property of a Muslim by taking a false oath will meet Allah Who will be angry with him."<sup>4</sup> Imru' al-Qays then admitted that the land belonged to Rabi'a b. 'Ibdan (ra)<sup>5</sup> and thus the truth came out. According to the report of 'Abd Allah b. Mas'ud (ra), afterwards the Messenger of Allah (saw) recited the following verse from Allah's Book, which was the basis of this decision, "Those who sell out Allah's covenant and their own oaths for a small price will have no share in the life to come. Allah will neither speak to them nor look at them on the Day of Resurrection—He will not cleanse them [of their sins]—agonizing torment awaits them."<sup>6</sup>

In declaring whether or not something was true or in proving whether or not a certain act was done, swearing an oath is to make Allah one's witness by invoking His name or one of His ninety-nine names and thus give strength to his words. In order to strengthen one's statement/promise, it is linked to the Exalted Creator. One makes Allah his witness and agent in agreeing with his statement/promise. The following verse describes this

<sup>1</sup> EU1/276, Ibn al-Athir, *Usd al-ghaba*, I, 276.

<sup>2</sup> M359, Muslim, al-Iman, 224.

<sup>3</sup> M359, Muslim, al-Iman, 224; T1340, al-Tirmidhi, al-Ahkam, 12; D3623, Abu Da'ud, al-Qada' (al-Aqdiyya), 26.

<sup>4</sup> B7445, al-Bukhari, al-Tawhid, 24; M355, Muslim, al-Iman, 220.

<sup>5</sup> D3244, Abu Da'ud, al-Nudhur, 1.

<sup>6</sup> B7445, al-Bukhari, al-Tawhid, 24; Al 'Imran, 3:77.



situation exactly, “Fulfil any pledge you make in Allah’s name and do not break oaths after you have sworn them, for you have made Allah your surety: Allah knows everything you do.”<sup>7</sup> Thus if the one who makes an oath does not do what he said/promised, he is deemed to have broken this relationship that he established between what he said/promised and Allah (swt). He will have ignored the dignity of Allah, Whom he has given as a witness to what he has said/promised, and because of this reckless attitude that he has taken toward his Lord, who said, “Keep your oaths!”<sup>8</sup> he will deserve to be punished.

Swearing an oath was a matter on which all the people of the previous revealed religions and of ancient times dwelt. There are many references in the Torah to oaths. It states that oaths must be given in the name of Allah and stresses that giving a false oath was forbidden.<sup>9</sup> As for the Gospel, it emphasizes that, in general, one should not avoid swearing an oath.<sup>10</sup> It seems that oaths were also extremely important in the Jahiliyya, for many are mentioned in the poetry of that period. The Hanifs, who believed in one Allah (swt), would swear to His might and power, while the idolaters would swear in the name of the values and idols that they held most sacred, or in the name of their forefathers and fathers.

One should not include polytheistic elements in oaths concerning things to be done which have the sense of “calling on Allah to be a witness.” It was for this reason that Allah’s Messenger specifically forbade the custom of swearing oaths by invoking idols, forefathers, and fathers, which was common in the Jahiliyya period and stated that the person who was going to swear an oath should do so only in the name of Allah (swt).<sup>11</sup> While stressing that an oath could only be made in the name of Allah or one of His ninety-nine names, the Prophet (saw) tried to instill the necessity of placing belief in the unity of Allah above everything. In particular he warned people saying, “Whoever intentionally swears falsely by a religion other than Islam, in oaths like ‘If I do such and such, then may I be an unbeliever,’ then he is what he has said.”<sup>12</sup> Thus he wanted to instill in their minds the idea that in Islamic society, which was newly established apart from the culture of polytheism, the fundamental element was the need to believe in the unity of Allah. He also evaluated “swearing on trust/faithfulness (*imāna*),” which was widespread in the Jahiliyya period, in the same context and said, “He who swears by *imāna* is not one of us.”<sup>13</sup>

<sup>7</sup> Al-Nahl, 16:91.

<sup>8</sup> Al-Ma’ida, 5:89.

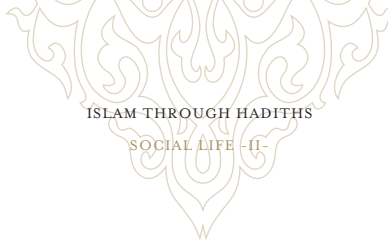
<sup>9</sup> The Bible (Old Testament), Leviticus, 19:12.

<sup>10</sup> The Gospel, Mathew, 5:33-37.

<sup>11</sup> M4262, Muslim, al-Ayman, 6; B7401, al-Bukhari, al-Tawhid, 13.

<sup>12</sup> B1363, al-Bukhari, al-Jana’iz, 83.

<sup>13</sup> D3253, Abu Da’ud, al-Nudhur, 5.



In short, our master the Prophet (saw) stated that no one in society can swear to anything of value or importance except in the name of Allah (swt). In order to reinforce this understanding, Allah's Messenger intervened at the moment that inappropriate oaths were given and established a new procedure in oath giving. Indeed, according to 'Abd Allah, the son of 'Umar b. al-Khattab (ra), once while his father and our master the Prophet (saw) were on a journey together, his father made an oath by invoking his father, as people had done in the Jahiliyya period. Allah's Messenger heard this oath and said to those who were there, "*Know that Allah forbids you to swear by your fathers. If one has to take an oath, he should swear by Allah or keep quiet.*"<sup>14</sup> Thereupon 'Umar said, "By Allah, after hearing the Messenger of Allah (saw) forbid this, I never took an oath by my father nor repeated such words from anyone else."<sup>15</sup>

The commands of Allah's Messenger on the need to not swear oaths by one's forefathers and fathers are quite precise and clear enough not to be misinterpreted.<sup>16</sup> Nevertheless, it was also reported that our master the Prophet (saw) swore an oath on the fathers of those he addressed, although infrequently.<sup>17</sup> It is within the realm of possibility that such oaths, which Allah's Messenger rarely used, were given before he forbade giving oaths by invoking anything other than in the name of Allah or one of His ninety-nine names.<sup>18</sup>

In the Noble Qur'an, Allah on High frequently used the element of the oath. Sometimes he swore an oath by invoking himself, sometimes by invoking the names of certain times and places, sometimes by invoking some of the things that He had created, such as the moon, sun, and stars, and sometimes by invoking the blessings that he had bestowed upon mankind. In the verses that were revealed in Mecca in particular, more attention was given to the device of the oath as a means of making His words more believable and giving assurance to His audience. It is noteworthy in fact that Allah the Exalted wanted His Messenger, while he was explaining His truths, to swear oaths.<sup>19</sup> This is why our master the Prophet (saw) swore oaths on various occasions by invoking the name of Allah. Among the oaths that he used the most often were those of the following kind, "*I swear by Allah who overturns hearts,*"<sup>20</sup> "*I swear by the One who holds Muhammad's existence in His hand,*"<sup>21</sup> "*I swear by the One who holds my existence in His hand,*"<sup>22</sup> or "*I swear by the One who holds Abu 'l-Qasim's existence in His hand.*"<sup>23</sup>

<sup>14</sup> B6108, al-Bukhari, al-Adab, 74; B2679, al-Bukhari, al-Shahadat, 26.

<sup>15</sup> M4254, Muslim, al-Ayman, 1.

<sup>16</sup> B7401, al-Bukhari, al-Tawhid, 13; M4254, Muslim, al-Ayman, 1.

<sup>17</sup> M101, Muslim, al-Iman, 9; M2383, Muslim, al-Zakat, 93.

<sup>18</sup> IF11/534, Ibn Hajar, *Fath al-bari*, XI, 534-535; ShA2/295, al-Tahawi, *Sharh mushkil al-athar*, II, 295.

<sup>19</sup> Yunus, 10:53; Saba', 34:3; al-Taghabun, 64:7.

<sup>20</sup> D3263, Abu Da'ud, al-Nudhur, 9; T1540, al-Tirmidhi, al-Nudhur wa 'l-ayman, 13.

<sup>21</sup> M961, Muslim, al-Salat, 112.

<sup>22</sup> M530, Muslim, al-Iman, 377.

<sup>23</sup> D3264, Abu Da'ud, al-Nudhur, 9.



In order to resolve disputes that were brought to him, Allah's Messenger wanted the parties to, above all, submit evidence<sup>24</sup> or testify/bear witness.<sup>25</sup> However, sometimes there was no evidence, or testimony could not be given, or it was insufficient. In rare instances under these circumstances, he required the defendant to swear an oath depending on the request of the plaintiff.<sup>26</sup> However, it was still possible for some plaintiffs, who did not understand the responsibility of swearing an oath by invoking Allah (swt), to easily swear false oaths in order to obtain their own purpose. Therefore, Allah's Messenger gave the following warning: *"Whoever takes for himself the right of a Muslim by a (false) oath, Allah will mandate the fire for him and Paradise will be forbidden to him."* One of the Companions (ra) who heard these words asked, "Even if it is something trivial, O, Messenger of Allah?" And he replied, *"Even if it is a twig from the arak tree."*<sup>27</sup> Thus our Master, in response to the possibility that someone could make unjust demands on another by swearing an oath, said, *"If the people were given what they claimed, some would have claimed the lives and property of men. But the one the claim is made against is obliged to swear an oath."*<sup>28</sup>

In daily life oaths are used especially to make a profit in sales, to attract the attention of the customer, or to deceive him. Under these conditions, there may be a short-term gain for the seller, but principles and values like honesty and trust are undermined. Therefore, if merchants exhibit behavior based on trust, they will receive greater profits as a result of greater continuity of business and ethics. By saying, *"Swearing produces a ready sale for a commodity but blots out the blessing,"*<sup>29</sup> our master the Prophet (saw) reminds us that the consequences of the profit that will be earned by one who takes an oath will in fact be great. However, while it is necessary to be truthful, this does not mean being made blind to such feelings as making do with religiously permissible profit, having a clear conscience, and being contented

The Prophet (saw), who tells us that those who cheat their customers in business will face punishment in the hereafter, included among the three groups of people whose faces Allah will not look at, and whom He will not purify, on the Day of Judgement those who display their goods for sale after the zuhr prayer and cheat their customers by swearing falsely, "I swear by Allah, Who is the only one who has the right to be worshipped, that I have been given so much for my goods." Then he recited the following verse: *"But those who sell out Allah's covenant and their own oaths for a*

<sup>24</sup> B6898, al-Bukhari, al-Diyat, 22.

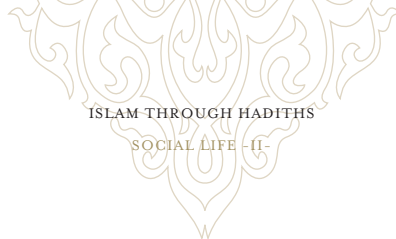
<sup>25</sup> B2356, al-Bukhari, al-Musaqat, 4.

<sup>26</sup> M359, Muslim, al-Iman, 224

<sup>27</sup> DM2631, al-Darimi, al-Buyu', 62.

<sup>28</sup> IM2321, Ibn Maja, al-Ahkam, 7.

<sup>29</sup> D3335, Abu Da'ud, al-Buyu', 6; N4466, al-Nasa'i, al-Buyu', 3.



*small price will have no share in the life to come. Allah will neither speak to them nor look at them on the Day of Judgement—He will not cleanse them [of their sins]—agonizing torment awaits them.*<sup>30</sup>

As for oaths that are sworn in Allah’s name in legitimate and reasonable measure, they should be met with respect and an attempt should be made to fulfill them. Contributing to the fulfillment of oaths aimed at calling on people to do good works, and encouraging the one to whom the oath is addressed to do and spread good works, are important with respect to helping those to whom the oaths are addressed. Al-Bara’ b. ‘Azib (ra) indicated this when he said, “The Prophet (saw) ordered us to help others fulfill their oaths.”<sup>31</sup>

Our master the Prophet (saw) used the following incident, which occurred to Jesus, to explain the necessity of fulfilling oaths made by invoking Allah’s name: One day Maryam’s son Jesus saw someone commit a theft and asked him, “Did you steal something?” The man replied, “I swear by Allah, who is the only god, I did not steal!” When Jesus saw this man make this kind of oath, he said, “I believe in Allah and I have denied my own eyes.”<sup>32</sup> Jesus had to decide between what his eyes had seen and what his ears had heard. So, he denied what his eyes had seen. Thus it is possible for a mere person to deny what he has seen. It appears that Jesus considered it appropriate to overlook this situation by transferring punishment for the theft over to Allah and give an opportunity to that person to take a warning from this. In short, Jesus showed in a different way how important were oaths made in Allah’s name.

The oath is a means to dispel the doubts and hesitation of the one to whom it is addressed and a means to which one can resort if necessary to convince one of something. At the same time, it is a sign of a person’s resolve. Although an oath can ensure certain benefits in daily life, the habit of continuously resorting to an oath can cause it to lose its effect. Furthermore, to bear witness in any matter by invoking the name of Allah (swt) or one of His ninety-nine names or to give an oath casually is to show disrespect to Allah. Moreover, not being able to fulfill an oath that had to be fulfilled creates intense regret in the minds of believers and they feel like they have committed a sin. Thus, by saying, “*An oath leads either to sin or regret,*”<sup>33</sup> our Master recommended that, instead of insisting on an oath and then being remorseful, the oath should be broken if a proper occasion arises.

<sup>30</sup> B2358, al-Bukhari, al-Musaqat, 5; Al ‘Imran, 3:77.

<sup>31</sup> B6654, al-Bukhari, al-Ayman wa ‘l-nudhur, 9.

<sup>32</sup> B3444, al-Bukhari, al-Anbiya, 48.

<sup>33</sup> IM2103, Ibn Maja, al-Kafarat, 5.



In particular, our Prophet would not allow mentioning Allah (swt) or swearing an oath as a means of insistence or compulsion. A man once came to the Messenger of Allah (saw) and said, “O, Messenger of Allah! I had a dream last night” and he began to describe it. Abu Bakr (ra) then interpreted the dream. When he finished, our master the Prophet (saw) said, “*Some of your comments are correct and some are mistaken.*” When Abu Bakr then said, “May my father be sacrificed to you O, Messenger of Allah! Would you tell me where I was mistaken?” Allah’s Messenger said, “*Don’t swear!*”<sup>34</sup> In this way the Noble Messenger reminded us that oaths should not be taken casually and needed to be made in moderation, and he emphasized that they should not try the patience and tolerance of the persons to whom they are addressed.

When one feels the need to give an oath, it is important that it not be done as the last resort, that it be done only after taking into account the possibility of other actions, and that it alleviate the obligation that gave rise to the oath. In this respect Allah’s Messenger said, “*If anyone swears an oath and makes an exception, he may fulfil it if he wishes and break it if he wishes without committing a sin.*”<sup>35</sup> Thus he suggested that instead of making an absolute decision from which there was no turning back, one should act by taking into consideration various contingencies.

In the verse, “[Believers], do not allow your oaths in Allah’s name to hinder you from doing good, being mindful of Allah, and making peace between people. Allah hears and knows everything,”<sup>36</sup> Allah (swt) forbids making oaths, the fundamental purpose of which is to establish the truth, an obstacle to doing certain good things. An incident in this respect happened to Abu Bakr. When his daughter ‘A’isha (ra) was slandered (in the *Ifk* Event), he swore that he would never give anything of benefit again for Mistah (a kinsman), who was one of those who had been involved in the slander. But subsequently the following verse was revealed: “*Those who have been graced with bounty and plenty should not swear that they will [no longer] give to kinsmen, the poor, those who emigrated in Allah’s way: let them pardon and forgive. Do you not wish that Allah should forgive you? Allah is most forgiving and merciful.*”<sup>37</sup> After this verse was revealed, Abu Bakr said, “Yes, by Allah! O, our Lord! We wish that you would forgive us.” And he began to help Mistah once again.<sup>38</sup>

Allah’s Messenger also said, “*An oath or vow to disobey the Lord, or to break ties of relationship or about something over which one has no control is*

<sup>34</sup> D3268, Abu Da’ud, al-Nudhur, 10; T2293, al-Tirmidhi, al-Ru’ya, 10.

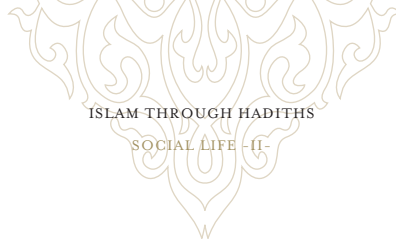
<sup>35</sup> D3262, Abu Da’ud, al-Nudhur, 9; N3824, al-Nasa’i, al-Ayman, 18.

<sup>36</sup> Al-Baqara, 2:224.

<sup>37</sup> Al-Nur, 24:22

<sup>38</sup> T3180, al-Tirmidhi, Tafsir al-Qur’an, 24; B4757 al-Bukhari, al-Tafsir, (al-Nur)





*not binding on you.*<sup>39</sup> Thus he stated that it was not right for oaths to be an obstacle to doing good. The Companions (ra) who heard this advice tried to live up to it in their lives.

One day a man came to ‘Adi b. Hatim (ra), a Companion famous for his generosity, and asked for some spending money. ‘Adi said, “I have nothing to give you except my armor and helmet. I will, however, write to my family to give you spending money.” However, man was not pleased with this suggestion. ‘Adi then became angry and said, “By Allah, I will not give you anything.” The man then regretted what he had said and agreed to accept spending money from ‘Adi’s family. ‘Adi then agreed to help the man and swore an oath. Later he said, “By Allah, had I not heard Allah’s Messenger saying, *‘He who took an oath, but then found something more pious in the sight of Allah, he should (break the oath) and do that which is more pious,’* I would not have broken my oath (and thus paid you anything).”<sup>40</sup>

Losing the essential nature of an oath can result in obstinacy and escape from doing good. Zahdam b. Mudrib, one of the Successors, related the following: “I was a guest of Abu Musa al-Ash‘ari, one of the Companions (ra). He provided dinner. There was chicken to eat. At that moment a member of the Banu Taym Allah who had white skin like the *mawālī* appeared. Abu Musa offered him a meal, but the man did not want to come. Abu Musa offered him a meal a second time and tried to dispel his hesitation by saying, ‘I saw the Messenger of Allah (saw) eating chicken.’ The man then explained why he would not eat, saying, ‘I saw a chicken eating certain (dirty) things. I was disgusted and swore that I would not eat another chicken.’ Thereupon, Abu Musa said, “Come! Let me explain to you an incident related to this. I went with a group of the Banu Ash‘ari to request from the Messenger of Allah (saw) riding animals to carry our loads. Allah’s Messenger said, *‘By Allah! I cannot give you riding animals because I have no mount to give you.’* We waited a while as Allah willed it. Meanwhile, camels taken as booty were brought to the Messenger of Allah (saw). He then summoned us and ordered that we be given five white-humped camels. When we set out on the road, we said to ourselves, ‘We will not find these goods to be a blessing because we did not remind the Messenger of Allah (saw) of his oath.’ So, we immediately returned to him and said, ‘O, Messenger of Allah! When we came to you requesting riding animals, you swore that you could not provide one, but afterwards you requested that

<sup>39</sup> D3272, Abu Da‘ud, al-Nudhur; N3823, al-Nasa‘i, al-Ayman, 17.

<sup>40</sup> M4275, Muslim, al-Ayman, 15.





they be given to us. Did you forget your oath, O, Messenger of Allah?’ Our master the Prophet (saw) then replied, ‘By Allah! if Allah so wills, I shall not swear an oath, and then consider something else to be better than it without making atonement for my oath and doing the thing that is better. So go on your way. Allah, the Exalted and Glorious, has given you riding animals.’<sup>41</sup>

Especially in situations in which an oath could be detrimental to family unity, it was possible to atone for it and recant it. The Prophet (saw) said, “By Allah, if anyone of you insists on fulfilling an oath by which he may harm his family, he commits a greater sin in Allah’s sight than that of dissolving his oath and making expiation for it.”<sup>42</sup> Thus he reminded us that oaths should not be an obstacle to charity and service. Under these circumstances, it is best to recant the oath. For example, it is proper for a man who makes an oath to neglect his wife to recant the oath and, atoning for it, remain married to her.<sup>43</sup>

If one breaks an oath, Allah on High has described the nature of the atonement to be made: “Allah does not take you [to task] for what is thoughtless in your oaths, only for your binding oaths: the atonement for breaking an oath is to feed ten poor people with food equivalent to what you would normally give your own families, or to clothe them, or to set free a slave—if a person cannot find the means, he should fast for three days.”<sup>44</sup> Atonement is given for oaths that are made deliberately and consciously. ‘A’isha (ra) stated that the phrase, “Allah does not take you [to task] for what is thoughtless in your oaths,...”,<sup>45</sup> was revealed concerning such casual pronouncements as “No. By Allah!” or “Yes. By Allah!”<sup>46</sup> Thus it is understood that one need not make atonement for saying such words as “By Allah!” which result from a slip of the tongue, habit, or mistake. It is very important, however, that children in particular be taught about oaths. If the nature and importance of oaths are emphasized in this instruction, exemplary behavior based on trust will be exhibited and this will prevent the giving of unnecessary oaths in their future lives. Ibrahim al-Nakha’i, who was an important theologian during the time of the Successors, said, “If we give testimony/bear witness by invoking Allah’s name while we are young, our elders would beat us.”<sup>47</sup> This shows that great attention was paid to this matter from the very early years of Islam.

Our master the Prophet (saw) accepted the *qasāma* oath which was used in the Jahiliyya period and was done in order to determine the per-

<sup>41</sup> M4265, Muslim, al-Ayman, 9; B3133, al-Bukhari, Fard al-Khums, 5.

<sup>42</sup> M4291, Muslim, al-Ayman, 26; B6625, al-Bukhari, al-Ayman wa ‘l-nudhur, 1.

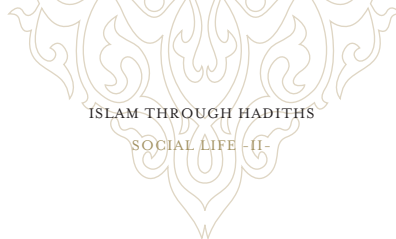
<sup>43</sup> MU1171, al-Muwatta’, al-Talaq, 6.

<sup>44</sup> Al-Ma’ida, 5:89.

<sup>45</sup> Al-Ma’ida, 5:89.

<sup>46</sup> B4613, al-Bukhari, al-Tafsir, (al-Ma’ida) 8.

<sup>47</sup> B3651, *Fada’il ashab al-nabi*, 1.



petrator of an unsolved murder committed in a certain area and to rule on the compensation (*diya*) for the victim by resorting to fifty persons (i.e., swearing fifty times) from the region in question. He reformatted it, making it conform to belief in tawhid, and applied it in various claims.<sup>48</sup> Thus, by means of the *qasāma* (an oath by which is asserted the guilt of innocence of a person presumed to have killed someone, repeated fifty times, as a procedure of accusation or defense), which ensured that the parties swore an oath with a special understanding, important functions were fulfilled in society, such as ensuring the security of life, strengthening the sense of shared responsibility, protecting one unjustly suspected of murder, assuaging the pain of the relatives of the victim, seeing that justice was done, and providing relief to the public conscience.

In summary, swearing an oath, a practice which had existed before Islam, was a method used at the time of the Prophet (saw) to resolve a dispute when there was no evidence or witnesses. This phenomenon, which was commonly encountered in interpersonal relations in daily life, was meant to convince the one to whom it was addressed and to dispel his doubts and hesitation while placing on the one who swore the oath the moral responsibility for it and the necessity of having a clear conscience. Thus it was necessary for the one making the oath to take very seriously making Allah (swt) his witness and to not invoke Allah's name for everything. This was because breaking an oath that was deliberately made will result in atoning for it (in the next world).

<sup>48</sup> B6898, al-Bukhari, al-Diyat, 22; M4346, Muslim, al-Qasama, 3





## CRIME AND PUNISHMENT OFFENSES AND PENALTIES



عَنْ سُلَيْمَانَ بْنِ عَمْرٍو بْنِ الْأَخْوَصِ عَنْ أَبِيهِ قَالَ:  
سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ فِي حَجَّةِ الْوَدَاعِ:  
”...أَلَّا لَا يَجْنِي جَانٌ إِلَّا عَلَى نَفْسِهِ. وَلَا يَجْنِي وَالِدٌ عَلَى وَلَدِهِ وَلَا  
مَوْلُودٌ عَلَى وَالِدِهِ...”

Sulayman b. ‘Amr b. al-Ahwas said that his father (ra) said, “I heard the Prophet (saw) say during his Farewell Pilgrimage,  
‘...A person is only responsible for the crimes that he commits.  
No father is to be punished for the crimes of his child, and no child is to be punished for the crimes of his father...”

(IM3055, Ibn Maja, al-Manasik, 76)



عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”ادْرَعُوا الْحُدُودَ عَنِ الْمُسْلِمِينَ مَا اسْتَطَعْتُمْ فَإِنْ كَانَ لَهُ مَخْرَجٌ فَخَلُّوا سَبِيلَهُ فَإِنَّ  
الْإِمَامَ أَنْ يُخْطِئَ فِي الْعَفْوِ خَيْرٌ مِنْ أَنْ يُخْطِئَ فِي الْعُقُوبَةِ.“



عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ قَالَ:  
”تَعَاَفُوا الْحُدُودَ قَبْلَ أَنْ تَأْتُونِي بِهِ فَمَا أَتَانِي مِنْ حَدٍّ فَقَدْ وَجَبَ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”حَدٌّ يُعْمَلُ بِهِ فِي الْأَرْضِ خَيْرٌ لِأَهْلِ الْأَرْضِ مِنْ أَنْ يُمَطَّرُوا أَرْبَعِينَ صَبَاحًا.“



عَنْ أَبِي شُرَيْحٍ الْخَزَاعِيِّ أَنَّ النَّبِيَّ ﷺ قَالَ:  
”مَنْ أُصِيبَ بِقَتْلِ أَوْ خَبَلٍ فَإِنَّهُ يَخْتَارُ إِحْدَى ثَلَاثٍ إِمَّا أَنْ يَقْتَصَّ وَإِمَّا أَنْ يَعْمُوَ  
وَإِمَّا أَنْ يَأْخُذَ الدِّيَةَ فَإِنْ أَرَادَ الرَّابِعَةَ فَخُذُوا عَلَى يَدَيْهِ وَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ  
عَذَابٌ أَلِيمٌ.“



According to ‘A’isha (ra), the Messenger of Allah (saw) said,  
*“Avert the legal penalties from the Muslims as much as possible, if you can find a way out for him then leave him to his way, for it would be better if the Imam makes a mistake in forgiving than making a mistake in punishment.”*

(T1424, al-Tirmidhi, al-Hudud, 2)



According to ‘Amr b. Shu‘ayb, his father said that his grandfather (ra) said that the Prophet (saw) said, *“Try to pardon matters that may deserve a ḥadd punishment (prescribed by the Holy Qur’an) before you bring it to my attention, for whatever is brought to my attention, the ḥadd punishment becomes binding.”*

(N4889, al-Nasa’i, Qat’ al-sariq, 5)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*“A legal punishment that is carried out in the land is better for the people of that land than if it were to rain for forty days.”*

(IM2538, Ibn Maja, al-Hudud, 3)



According to Abu Shurayh al-Khuza’i (ra), the Prophet (saw) said,  
*“If a relative of anyone is killed, or if he suffers khabl, which means a wound, he may choose one of the three things: he may retaliate, or forgive, or receive compensation (diyya). But if he wishes a fourth (i.e. something more), hold his hands (i.e., prevent him).*

*After this whoever exceeds the limits will have a painful penalty.”*

(D4496, Abu Da’ud), al-Diyat, 3)





Abu Rimsa al-Taymi, who was one of the Companions (ra) who went to Africa after Allah’s Messenger passed away and died there,<sup>1</sup> described the first time he met the blessed Prophet as follows: “One day my father and I set out to visit the Messenger of Allah (saw). When we met him, my father said, ‘Do you know who this is?’ I said, ‘No.’ My father said, ‘This is Allah’s Messenger.’ When he said this, I was very amazed because I had imagined that Allah’s Messenger would be someone unlike anyone else. I immediately noticed that he had henna on his hair, he had extended earlobes, and over him were two pieces of green cloth. My father then greeted him, sat down, and chatted a bit. Then Allah’s Messenger asked my father, ‘Is this your son?’ My father answered, ‘I swear by the Lord of the Ka’ba, yes.’ Allah’s Messenger smiled at my close resemblance to my father and at my father’s serious oath. (In order to make my father comfortable) he said, ‘Surely he will not be punished for your crimes and may you never be punished for his crimes.’ He then recited the following verse: *‘Each soul is responsible for its own actions; no soul will bear the burden of another. In the end you will all return to your Lord and He will tell you the truth about your differences.’*”<sup>2</sup>

Abu Rimsa’s father made a very insistent oath against any suspicion that his child did not belong to him. And when the Prophet (saw) saw the man swear so seriously, he could not help but smile. As a result of this interview, Allah’s Messenger taught, through him, a legal principle to all Muslims. This principle was that a crime was personal and no one else could be held responsible for it.

Because of the understanding of tribal solidarity and collective responsibility at that time, a father, son, and close relatives generally acted together. If someone committed murder or extortion, it was considered to have been done by the whole tribe and whatever property or wealth was

<sup>1</sup> EU6/107, Ibn al-Athir, *Usd al-ghaba*, VI, 107.

<sup>2</sup> Al-An’am, 6:164; HM7109, Ibn Hanbal, II, 227; BS16326, al-Bayhaqi, *al-Sunan al-kubra*, VIII, 46.





obtained was shared by the whole tribe. One of the Companions (ra) who grew up on that environment came to the Prophet (saw) and said, “O, Messenger of Allah! These are Banu Tha‘alaba who killed so and so during the Jahiliyya: avenger us!” Allah’s Messenger raised his arms until the whiteness of his armpits could be seen and said twice, “*No mother can be punished for the crime of her child.*”<sup>3</sup> It is clear from his various pronouncements that the Messenger of Mercy was very careful in establishing the principle of personal responsibility for crime and being held personally for punishment.<sup>4</sup> As Allah’s Messenger said during his Farewell Sermon, “...*A person is only responsible for the crimes that he commits. No father is to be punished for the crimes of his child, and no child is to be punished for the crimes of his father...*”<sup>5</sup> Thus he ensured that the principle that crimes were individual acts was established among his Companions (ra).

Allah’s Messenger wanted certain principles to be respected in carrying out the punishments that were stipulated for crimes. As is clear from various examples, one of the most important of these principles, namely, that of personal responsibility, was observed in crime and punishment. Accordingly, the person who committed a crime should be punished for it. In other words, a person cannot be condemned to punishment for a crime that someone else committed. This rule was a humane and civilized principle which protected people who were not guilty of a crime or sin and forbade taking action against anyone who did not deserve it. Allah on High declared in various verses that sins were personal acts and that no one could be held responsible for the sins that someone else committed. The content of one of these verses is as follows: “*No burdened soul will bear the burden of another: even if a heavily laden soul should cry for help, none of its load would be carried, not even by a close relative.*”<sup>6</sup> With respect to the time of the Prophet (saw), it can be seen that he always respected this principle of holding (individual) Muslims responsible for the sins that they committed and for punishing those who actually committed a crime.

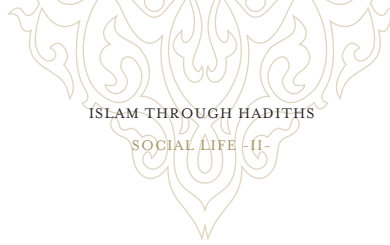
Another principle that the Prophet (saw) stated was that one must be very careful in administering punishment for a crime and that, before the punishment was carried out, the punishment for the crime that was committed must be specific. According to this universal principle accepted by modern legal systems, if there is no provision clearly prohibiting a word or deed, no one can be punished for it in any manner. According to this

<sup>3</sup>N4843, al-Nasa’i, al-Qasama, 40-41.

<sup>4</sup>N4131, al-Nasa’i, al-Muharaba, 29.

<sup>5</sup>IM3055, Ibn Maja, al-Manasik 76; T3087, al-Tirmidhi, Tafsir al-Qur’an, 9.

<sup>6</sup>Fatir, 35:18.



principle, it was forbidden to determine a crime or punishment by analogy and that whether or not a word or deed was a crime and, if it was a crime, the type and amount of punishment that should be given for it must be known beforehand. In Islam the principle was also adopted that what were crimes and what type and amount of punishment should be given to those who committed them had to be known to everyone beforehand. The Prophet (saw) also described the crimes and their punishment mentioned in various verses and clearly stated that, if a crime were not mentioned in the Holy Qur'an, whether or not a certain word or deed was a crime had to be known beforehand.<sup>7</sup>

Another matter which the Prophet (saw) felt needed to be taken into consideration when administering punishment was if, in general, punishment was valid for everyone. According to this principle, the same legal rules were applied to everyone without regard to religion, language, race, or sex. When the life of the Prophet (saw) is examined, it is obvious how scrupulously he behaved in this matter. In the Jahiliyya period, people could be tyrannical. Women were not treated as fully human and slaves were treated as chattel in every respect. If one committed a crime, he was dealt with according to his social, political and economic status in society. Some of the Companions (ra) who had grown up in such a society demanded from the Prophet (saw) that he give special consideration to a woman named Fatima who had committed theft at the time of the conquest of Mecca but was an important member of the tribe of the Banu Makhzum.<sup>8</sup> After discussing among themselves what they should do so that this woman would not be punished, the Quraysh decided to send Usama b. Zayd (ra), a Companion beloved by the Prophet (saw), to him as an intermediary. After Usama went to the Prophet (saw) and explained the situation, Allah's Messenger said, "Are you interceding in a punishment decreed by Allah?" Then he rose to his feet and said the following: "O, people! What destroyed the nations preceding you was that if a noble person among them committed theft, they would forgive him, and if a poor person among them committed theft, they would inflict on him the required punishment. By Allah, if Fatima, the daughter of Muhammad, committed theft, I would cut off her hand."<sup>9</sup>

With this stance, our master the Prophet (saw) declared to mankind the rules that would be applied to everyone. In like manner he stated that crimes committed against the poor and destitute in society would not go

<sup>7</sup> B6878, al-Bukhari, al-Diyat, 6; M4435, Muslim, al-Hudud, 25.

<sup>8</sup> IF1/338, Ibn Hajar, *Fath al-bari*, 1/338.

<sup>9</sup> B3475, al-Bukhari, al-Anbiya', 54; M4410, Muslim, al-Hudud, 8.



unpunished, “If anyone kills his slave, we shall kill him, and if anyone cuts off the nose of his slave, we shall cut off his nose.”<sup>10</sup> The Prophet (saw), who gave priority to life and honor in all matters, considered the lives of those who were in the womb to be as sacred and sacrosanct as those who were born. Someone struck a pregnant woman and caused her to lose her child he would be punished.<sup>11</sup>

If no evidence could be provided to prove the commission of a crime, there would be no punishment. When a case came before the Prophet (saw) he would not have the accused punished without being thoroughly convinced that he had committed the crime attributed to him. In later periods this concept which he introduced was adopted as the basis of *beraet-i zimmet* (freedom from responsibility or guilt)/basis of innocence. The primary means of proof that the Prophet (saw) accepted as evidence was the confession of the accused that he had committed a crime. However, sometimes the Prophet (saw) acted cautiously and was not satisfied with the accused’s one-time confession and had him repeat his confession until he was thoroughly convinced that he had committed the crime. For example, he did not immediately inflict punishment on one who had confessed that he had committed theft and wanted him to repeat his confession.<sup>12</sup> Once the Companion Ma’iz b. Malik al-Aslami (ra) confessed to the crime of *zinā* and said to the Prophet (saw), “O, Messenger of Allah! Purify me!” Nevertheless, the Prophet (saw) said, “Shame on you! Go away! Ask for Allah’s forgiveness and repent!” When Ma’iz was persistent and came back, the Prophet (saw) sent him away saying, “Do you have any evidence?” When he returned once more, the Prophet (saw) still did not accept his confession saying, “Did this man drink alcohol?” When Ma’iz confessed yet again, the Messenger imposed the necessary punishment on him having come to the conclusion that he had the capacity to commit the crime.<sup>13</sup> If the guilty person did not confess his crime, the Prophet (saw) only imposed punishment when he was absolutely certain that he was the perpetrator.

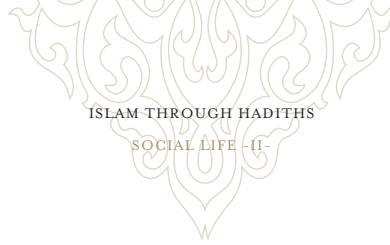
Punishment may result in damage for which atonement is most often not possible. With all of this in mind, the principle of “giving the accused the benefit of the doubt” has been adopted by many universal legal systems. According to this principle, if it cannot be proven with absolute certainty that a person committed a crime, he cannot be punished. When the practices of the Prophet (saw) are examined, this principle can be clearly

<sup>10</sup> D4515, Abu Da’ud, al-Diyat, 7; T1414, al-Tirmidhi, al-Diyat, 17.

<sup>11</sup> B5758, al-Bukhari, al-Tibb, 46; M4391, Muslim, al-Qasama, 36.

<sup>12</sup> N4881, al-Nasa’i, Qat’ al-sariq, 3; D4380, Abu Da’ud, al-Hudud, 9.

<sup>13</sup> M4431, Muslim, al-Hudud, 22.



seen. In fact, our Prophet states in a hadith, “Avert the legal penalties from the Muslims as much as possible, if he has a way out then leave him to his way, for if the Imam makes a mistake in forgiving it would be better than making mistake in punishment.”<sup>14</sup> Indeed, once the Prophet (saw) imprisoned a person who had been accused of theft but, acting in accordance with this principle, let him go free because the evidence against him was insufficient.<sup>15</sup>

Although the Noble Qur’an stipulates that an equivalent penalty be paid for murder or wounding, it also states that the victim or his guardian could forego that and accept *diya* instead or could forgive the perpetrator without compensation.<sup>16</sup> The verse, “Let harm be requited by an equal harm, though anyone who forgives and puts things right will have his reward from Allah Himself— He does not like those who do wrong” declares that forgiveness is more appropriate for ending animosity.<sup>17</sup>

Acting above all on the presumption that the victim or his relatives were injured by the crime, the Prophet (saw) stated that they had the right to demand that the guilty be punished but he recommended that they forgive the guilty.<sup>18</sup> The fact that Anas b. Malik (ra) saw Allah’s Messenger recommend forgiveness for all the cases that were brought to him<sup>19</sup> shows the sensitivity of the Messenger of Mercy to this matter. In like manner, with regard to forgiving the guilty, a peaceful/agreeable way to do so would be preferable. The forgiveness of the aggrieved party or an understanding between the two parties does not however eliminate the right of the authorities to impose a punishment in order to ensure security and order.

In crimes like theft, *zinā*, false accusation of *zinā*, robbery, and terrorism, the victim’s decision to drop the case does not prevent the imposition of punishment. This is because these crimes were not only committed against people but were also attacks on society. For instance, once while a Companion named Safwan b. Umayya was sleeping in the Masjid al-Nabi (Mosque of the Prophet), someone came unawares and stole his clothes from under his head. Safwan caught the thief and brought him to the Prophet (saw). After carrying out the necessary judicial proceedings, the Prophet (saw) decided to have the thief’s hand cut off. When Safwan said, “Are you going to cut off his hand?” The Prophet (saw) said, “You should have let him go before bringing him to me.”<sup>20</sup> It is understood from this hadith that various personal misunderstandings which occur among people could be resolved before being taken to court. In another hadith related to this

<sup>14</sup> T1424, al-Tirmidhi, al-Hudud, 2.

<sup>15</sup> T1417, al-Tirmidhi, al-Diyat, 20; N4880, al-Nasa’i, Qat’ al-sariq, 2.

<sup>16</sup> Al-Baqara, 2:178.

<sup>17</sup> Al-Shura, 42:40.

<sup>18</sup> N4727, al-Nasa’i, al-Qasama, 5-6

<sup>19</sup> D4497, Abu Da’ud, al-Diyat 3; N4787, al-Nasa’i, al-Qasama, 28-29.

<sup>20</sup> N4888, al-Nasa’i, Qat’ al-sariq, 5.



matter, the Prophet (saw) said, “Try to pardon matters that may deserve a *hadd* punishment (prescribed by the Holy Qur’an) before you bring it to my attention, for whatever is brought to my attention, the *hadd* punishment becomes binding.”<sup>21</sup>

The Prophet (saw) stated that the victim in an injury suit, or, if the victim were killed, his relatives had one of three choices. They were retaliation, forgiveness, or *diya* (compensation).<sup>22</sup> If there were no close relatives on the male side (*‘aṣaba/‘āqila*) who could pay the *diya* on behalf of the accused, or if the perpetrator of the murder were unknown, then the Prophet (saw) paid the *diya* demanded by the victim or his relatives from the state treasury on behalf of the accused.<sup>23</sup>

On the one hand, Allah on High cautioned mankind to live without doing anything unlawful and, on the other hand, wanted the authorities in particular to fulfill the duties which fell upon them more than anyone in order to create an environment that was not conducive to crime. However, taking into account the fact that in Muslim society, as in every society, there can be people who will commit crimes, the necessary provisions were put in place by Allah (swt) and His Messenger for punishing the guilty. Furthermore, when the life of the Prophet (saw) is examined, it is clear that, without absolutely clear evidence that the accused committed a crime and there being no support for punishing him, there was no grounds for declaring anyone guilty and punishing him.

The Prophet (saw) was not enthusiastic about punishing those who had committed crimes. He wanted the crimes which were committed in matters which did not concern human law (as opposed to divine law) not to be clearly revealed by the perpetrator. Because if such a crime was concealed, no one would hear of the crime, it would not spread, and it would not set an example. In this respect, the Prophet (saw) said, “People! The time has come for you to observe the limits of Allah. Whoever has had any of these ugly things befall him should cover them up with the veil of Allah. Whoever reveals to us his wrong action, we perform what is in the Book of Allah against him.”<sup>24</sup>

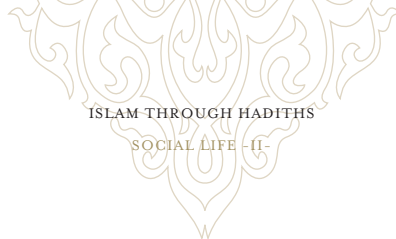
In response to all this, if the Prophet (saw), who was compassionate and merciful to his community, was absolutely certain that the accused had committed a crime and he could find no way to avoid executing the legally prescribed punishment, he did not hesitate for a moment to prescribe that punishment and carry it out in order to protect the rights of the victim

<sup>21</sup> N4889, al-Nasa’i, Qat’ al-sariq, 5.

<sup>22</sup> D4496, Abu Da’ud, al-Diyat, 3; IM2623, Ibn Maja, al-Diyat, 3.

<sup>23</sup> B6898, al-Bukhari, al-Diyat, 22; M4349, Muslim, al-Qasama, 6; MU1599, al-Muwatta’, al-Qasama, 1.

<sup>24</sup> MU1514, al-Muwatta’, al-Hudud, 2.



or his relatives and to ensure public order. This was because punishment was unavoidable for justice to be served and for ensuring peace and tranquility. In fact, he stated in a *ḥadīth*, “A legal punishment that is carried out in the land is better for the people of that land than if it were to rain for forty days.”<sup>25</sup>

The guilty suffered specific punishments in this world for crimes committed against individuals and society. It is understood from the *ḥadīths* of Allah’s Messenger that, if a person admitted that he had made a mistake and sincerely repented, this would be a way to be forgiven and a way for atonement for crimes that were committed. The following *ḥadīth* transmitted by ‘Ubada b. al-Samit (ra) clarifies this matter: the Prophet (saw) said, “Swear allegiance to me that you will not worship anything besides Allah, you will not steal, and you will not commit *zinā*” Then he added, “And whoever among you fulfills his pledge, his reward is with Allah; and whoever commits one of these crimes and receives the legal punishment for it, that will be considered as the expiation for that crime, and whoever commits one of these crimes and Allah screens him, it is up to Allah whether to excuse or punish him.”<sup>26</sup>

One day after a person had been punished for theft, Allah’s Messenger had him brought before him and said, “Say, ‘I seek forgiveness from Allah and I repent before Him.’” The man said, “I seek forgiveness from Allah and I repent before Him.” Afterwards, the Messenger of Allah (saw) prayed, saying, “O, Allah! Accept his repentance!”<sup>27</sup> In other *ḥadīths* transmitted on this subject, it is understood that, if a person who is punished for a crime in this world repents in the proper manner, his crime will be forgiven in the next world, but if he does not repent after being punished in this world, he will be punished again in the next.

The attitude and behavior of Allah’s Messenger toward those who deserved punishment were also restrained. He wanted punishments to be carried out in the prescribed manner, but he used to say that those who went to extremes in doing this would also be punished. For example, he said, “If a relative of anyone is killed, or if he suffers *khabl*, which means a wound, he may choose one of the three things: he may ask for retaliation, or forgive, or receive compensation (*diya*). But if he wishes a fourth (i.e., something more), hold his hands (i.e., prevent him). After this whoever exceeds the limits will have a painful penalty.”<sup>28</sup> If the punishment exceeded the measures that were specified, such goals as bringing order to society and eliminating extremism and imbalances would not be fulfilled and injustice, revenge, and

<sup>25</sup> IM2538, Ibn Maja, al-Hudud, 3

<sup>26</sup> B6784, al-Bukhari, al-Hudud, 8.

<sup>27</sup> N4881, al-Nasa’i, Qat’ al-sariq, 3; D4380, Abu Da’ud, al-Hudud, 9.

<sup>28</sup> D4496, Abu Da’ud, al-Diyat, 3.





blood feuds would continue. Therefore, Allah's Messenger said, "I will not forgive anyone who kills after accepting blood-wit."<sup>29</sup>

When administering punishment, human honor and dignity should not be offended. People can certainly make mistakes and become involved in crimes; and as a result they are punished. On the one hand, punishment gives a message to society and prevents injustice and, on the other hand, serves the purpose of punishing the guilty in this world as well as in the next. While administering punishment, holding the guilty person in contempt and offending his honor, can harm these goals. According to Abu Hurayra (ra), a person who was to be punished was brought to the Messenger of Allah (saw) and the Prophet (saw) wanted those who were present to carry out the punishment. Abu Hurayra (ra) said, "...after the punishment had been carried out, some of those from the group said to the man, 'May Allah dishonor you!' But the Prophet (saw) replied, 'Do not say that! Do not let Satan overpower him!'"<sup>30</sup> Thus he indicated that those who committed crimes and were being punished did not deserve to be subjected to different treatment by being held in contempt.

Above all, Allah's Messenger wanted people, before they came face to face with punishment, to question themselves, to establish courts in their own souls, and not to find themselves in a situation that would result in punishment. By saying, "If the evil that you do hurts you and the good that you do delights you, you are a believer,"<sup>31</sup> he declared that this awareness, which was established in people's minds, was a requirement of faith. Indeed, 'Abd Allah b. Mas'ud (ra) also said, "A believer sees his sins as if he were sitting under a mountain which, he is afraid, may fall on him; whereas the wicked person considers his sins as flies passing over his nose and he just drives them away like this."<sup>32</sup> Thus he indicated that the Muslim must recognize the mistakes that he has made and pay attention to them.

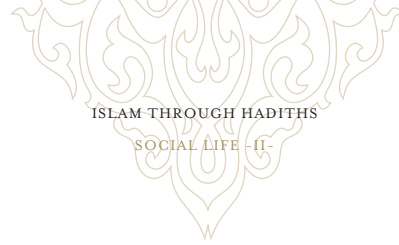
When we examine the procedures related to crime and punishment, we find that the Prophet (saw) drew up the punishments that would be applied in order, above all, to see that justice was done. In order to ensure justice, the same punishment had to be applied to everyone without distinction and the punishment for a crime had to be known beforehand. Our Prophet also did not want crimes that would go beyond the individual and harm the general structure of society to become widespread. He preferred forgiveness to punishment. He stated that the feelings of the victimized party had to be

<sup>29</sup> D4507, Abu Da'ud, al-Diyat, 5; HM14973, Ibn Hanbel, III, 363.

<sup>30</sup> B6777, al-Bukhari, al-Hudud, 4; D4477, Abu Da'ud, al-Hudud, 35.

<sup>31</sup> HM22512, Ibn Hanbal, V, 251.

<sup>32</sup> B6308, al-Bukhari, al-Da'awat, 4; T2497, al-Tirmidhi, Sifat al-qiyama, 49.



taken into account and that the authority to forgive the guilty, no matter if he was a prophet or head of state, had to be given to the relatives of the victim.

The punishments for crimes that have been committed are intended, on the one hand, as a deterrent to such crimes and a way of protecting the social structure and assuaging the public conscience, and, on the other hand, to reform the guilty and bring him back into society. Thus, while assuaging the social conscience, an attempt is made to diminish the feelings of revenge and hostility on the part of the victims. It should be said, therefore, that punishment is unavoidable in order to preserve the public interest, public order, and social tranquility and to chasten transgressors.







## GOOD AND EVIL SOCIAL RESPONSIBILITIES AND SANCTIONS

عَنْ وَابِصَةَ بِنِ مَعْبَدِ الْأَسَدِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”... الْبِرُّ مَا أَطْمَأَنَّتَ إِلَيْهِ النَّفْسُ وَأَطْمَأَنَّ إِلَيْهِ الْقَلْبُ، وَالْإِثْمُ مَا حَاكَ فِي النَّفْسِ  
وَتَرَدَّدَ فِي الصَّدْرِ وَإِنْ أَفْتَاكَ النَّاسُ وَأَفْتَوْكَ.“

According to Wabisa b. Ma'bad al-Asadi (ra), the Messenger of Allah (saw) said, “...good is what brings tranquility to the heart and pervades it; evil, even if people gave you a fatwa to do it, is what unsettles the heart and leaves it in doubt.”

(DM2561, al-Darimi, al-Buyu', 2)



عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَجُلٌ لِرَسُولِ اللَّهِ ﷺ :  
كَيْفَ لِي أَنْ أَعْلَمَ إِذَا أَحْسَنْتُ وَإِذَا أَسَأْتُ؟ قَالَ النَّبِيُّ ﷺ :  
”إِذَا سَمِعْتَ جِيرَانَكَ يَقُولُونَ: قَدْ أَحْسَنْتَ، فَقَدْ أَحْسَنْتَ. وَإِذَا سَمِعْتَهُمْ  
يَقُولُونَ: قَدْ أَسَأْتُ، فَقَدْ أَسَأْتُ.“



قَالَ أَبُو سَعِيدٍ... سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
”مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ  
وَذَلِكَ أَوْعَى الْإِيمَانِ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”إِذَا أَحْسَنَ أَحَدُكُمْ إِسْلَامَهُ فَكُلُّ حَسَنَةٍ يَعْمَلُهَا تُكْتَبُ لَهُ بِعَشْرِ أَمْثَالِهَا إِلَى  
سَبْعِمِائَةِ ضِعْفٍ وَكُلُّ سَيِّئَةٍ يَعْمَلُهَا تُكْتَبُ لَهُ بِمِثْلِهَا.“



عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ كَانَ يَقُولُ:  
”اللَّهُمَّ اجْعَلْنِي مِنَ الَّذِينَ إِذَا أَحْسَنُوا اسْتَبَشَرُوا وَإِذَا أَسَاءُوا اسْتَغْفَرُوا.“



According to what was transmitted from ‘Abd Allah b. Mas‘ud (ra), a man asked the Messenger of Allah (saw), “How can I know if what I have done is good or evil?” The Prophet (saw) answered, “*If you hear your neighbors saying that you have done well, then you have done well, and if you hear them saying that you have done something evil, then you have done something evil.*”

(IM4223. Ibn Maja, al-Zuhd, 25; HM3808, Ibn Hanbal, I, 402)



Abu Sa‘id (al-Khudri) (ra) said,  
“I heard the Messenger of Allah (saw) say, *‘If one of you sees something evil, he should try to change it by hand, if not by words; and if he cannot do that either, (he should detest it) by the heart. This is the minimum required by the faith.’*”

(M177, Muslim, al-Iman, 78)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
“*If any one of you lives by adhering closely to Islam, then he will be rewarded from ten times to seven hundred times for each good deed that he does and each bad deed will be recorded as it is.*”

(B42, al-Bukhari, al-Iman, 31)



According to ‘A’isha (ra), the Prophet (saw) used to say,  
“*O, Allah! Make me one of those who, if they do good deeds, they rejoice, and if they do bad deeds, they seek forgiveness.*”

(IM3820, Ibn Maja, al-Adab, 57; HM26066, Ibn Hanbal, VI, 188)





It was the ninth year of the Hijra and was known as the “Year of the Delegations.”<sup>1</sup> Arab tribes from various regions of the Arabian Peninsula sent many delegations to Medina. More than sixty delegations came to state that they wanted to accept Islam and learn its fundamental beliefs.

Among them was a delegation of ten people selected from the tribe of the Banu Asad. When it arrived in Medina, Allah’s Messenger was sitting with his Companions (ra) in the mosque. The delegation entered the mosque, pledged allegiance to Allah’s Messenger and, by making the declaration of faith, became Muslim. Then some members of the delegation came on their own and reminded the Prophet (saw) reproachfully that they had become Muslims without warfare (i.e., as a favor to him), and because of this behavior they were warned by Allah on High.<sup>2</sup>

The delegation from the Banu Asad, who had adopted a new religion, asked our prophet many questions and listened to his answers. Allah’s Messenger ordered them to learn the Noble Qur’an.<sup>3</sup>

There was in the delegation a man named Wabisa b. Ma’bad (ra), who was softhearted and emotional.<sup>4</sup> He remained in Medina and was determined to learn the religion that he had newly adopted and apply it to his life to the best of his ability. Because he was not from Medina, the time that he spent with the Messenger of Allah (saw) was limited. But there was so much to learn... For example, there were so many questions about good and evil that a large crowd had entered the mosque and gathered around the Prophet (saw) to ask them.<sup>5</sup> But Wabisa was determined. He was certainly going to ask his question and receive an answer from the Prophet (saw) whom he might not be able to see again. At the expense of angering those who were sitting there, he began to force his way forward. To those who admonished him, usually by pleading with him, he said, “Let me through! Let me get close to him! He is the man whom I most want to ap-

<sup>1</sup> HS5/248, Ibn Hisham, *Sira*, V, 248.

<sup>2</sup> ST1/292, Ibn Sa’d, *Tabaqat*, I, 292; EU3/94, Ibn al-Athir, *Usd al-ghaba*, III, 94; al-Hujurat, 49:17.

<sup>3</sup> EU2/40, Ibn al-Athir, *Usd al-ghaba*, II, 40-41.

<sup>4</sup> TK30/392, al-Mizzi, *Tahdhib al-kamal*, XXX, 392.

<sup>5</sup> HM18169, Ibn Hanbal, IV 229.



proach.” Finally, this commotion caught the attention of Allah’s Messenger who said to those around him, “*Let Wabisa through! Come near O, Wabisa!*” Wabisa’s greatest desire was about to be fulfilled. He came to the side of the Noble Messenger and sat before him, close enough for his knees to touch the Prophet (saw)’s knees.<sup>6</sup>

Allah’s Messenger asked him, “*O, Wabisa! May I tell you what you came to ask me about or would you like to ask?*” Apparently the question that Wabisa was interested in asking had come to the ears of Allah’s Messenger. Wabisa replied, “*Tell me!*” Allah’s Messenger said, “*Did you come to ask me about what is good and bad (good and sinful conduct)?*” Wabisa answered, “*Yes. I swear by Allah Who sent you with the truth that I came here only to ask this question and nothing else.*”<sup>7</sup> Thereupon, Allah’s Messenger put three fingers together and tapped them on Wabisa’s chest and said, “*O, Wabisa! Ask for the fatwa from yourself, ask the fatwa from your heart!*” Then he added, “*Good is what brings tranquility to the heart and pervades it; evil, even if people gave you a fatwa to do it, is what unsettles the heart and leaves it in doubt.*”<sup>8</sup>

For those who want a standard as a guide for distinguishing between good and evil, right and wrong, and for word and deed, there is noteworthy advice in this *ḥadīth* of the Noble Messenger. He described good and evil with sensitivity and an inner conviction which could be felt in the conscience. And he reminds us that the human conscience has the awareness and understanding to perceive and evaluate events. However, the conscience does not only determine which behaviors are good or evil, it also forces man, as a source of sanction, to fulfill his moral obligations. While positive behavior gives one peace, negative behavior, in contrast to this, causes one to taste a painful discomfort.<sup>9</sup>

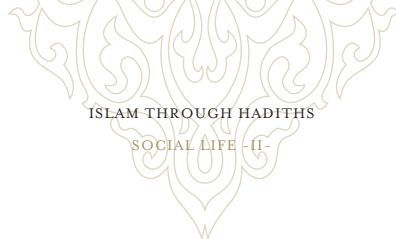
Ka’b b. Malik, Hilal b. Umayya, and Murara b. Rabi’ (ra) were three people who knew, perhaps better than anyone, what it meant to have a guilty conscience. Without any excuse, they did not participate in the Tabuk campaign. When they explained their situation forthrightly to the Messenger of Allah (saw), they met with a stern reaction. This was because Allah’s Messenger and the Companions (ra) did not say a single word to these three. They did not acknowledge their greetings. They did not even look them in the face. Everyone, including women, avoided them. They remained alone with their consciences for fifty days. They could do nothing but weep while enduring this misery. Allah on High described their

<sup>6</sup>HM18164, Ibn Hanbal, IV, 227; HM18169, Ibn Hanbal, IV, 229.

<sup>7</sup>HM18162, Ibn Hanbal, IV, 227; HM18164, Ibn Hanbal, IV, 227.

<sup>8</sup>DM2561, al-Darimi, al-Buyu’, 2; HM18164, Ibn Hanbal, IV, 227

<sup>9</sup>Al-Qiyama, 75:2.



situation in the Holy Qur'an as follows: *"When the earth, for all its spaciousness, closed in around them, when their very souls closed in around them, when they realized that the only refuge from Allah was with Him."*<sup>10</sup> The pain in their consciences was only lightened by this verse which said that Allah (swt) had forgiven them; but they carried the memory of this suffering in their hearts for the rest of their lives.<sup>11</sup>

Man was created weak.<sup>12</sup> He has, at the same time, an impetuous<sup>13</sup> and ambitious nature<sup>14</sup> and the potential to cause corruption and shed blood in this world.<sup>15</sup> Nevertheless, Allah on High gave him value,<sup>16</sup> breathed His spirit into him,<sup>17</sup> made him His successor on the earth,<sup>18</sup> and left him to face the test of servanthood,<sup>19</sup> which is the wisdom of creation. Now, by behaving with an awareness of responsibility, it is within man's power to reach the high levels which even the angels held in high regard,<sup>20</sup> or by exhibiting weak morals to fall to the lowest low.<sup>21</sup> Furthermore, while creating man, Allah (swt) inspired in him both the ability to do evil and the ability to avoid it.<sup>22</sup> Conscience is the name of this divine inspiration given to man.

When man was created, the voice of the conscience within him was the voice of human nature. The things that the conscience accepted as good were also good with respect to human creation and the Creator; and the things that the conscience regarded as evil were also considered as evil with respect to human creation and the Creator. In fact, when one of the Companions (ra) asked him, "What is belief?" Allah's Messenger replied, *"If the evil that you do hurts you and the good that you do delights you, you are a believer."*<sup>23</sup>

However, this is a mutual relationship. Thus just as there is a path from the conscience to belief there is also a path from belief to the conscience. As the Holy Qur'an states, *"Hearts only find peace in the remembrance of Allah."*<sup>24</sup> And, *"When Allah wishes to guide someone, He opens their breast to Islam; when He wishes to lead them astray, He closes and constricts their breast as if they were climbing up to the skies."*<sup>25</sup> Therefore, the heart and conscience of the believer who acts with absolute sincerity toward Allah (swt) would never deceive him.<sup>26</sup>

The conscience, being a voice coming from within man, is described in a *ḥadīth* as the center of two different entities which inculcate good and evil, that is, the angelic and satanic. *"Indeed the satanic has an effect on the*

<sup>10</sup> Al-Tawba, 9:118.

<sup>11</sup> B4418, al-Bukhari, al-Maghazi, 80; T3102, al-Tirmidhi, Tafsir al-Qur'an, 9.

<sup>12</sup> Al-Nisa', 4:28.

<sup>13</sup> Al-Anbiya', 21:37.

<sup>14</sup> Al-Ma'arīj, 70:19.

<sup>15</sup> Al-Baqara, 2:30.

<sup>16</sup> Al-Isra', 17:70.

<sup>17</sup> Al-Hijr, 15:29.

<sup>18</sup> Al-Baqara, 2/30.

<sup>19</sup> Al-Mulk, 67:2.

<sup>20</sup> Al-Baqara, 2:34.

<sup>21</sup> Al-Tin, 95:4-5.

<sup>22</sup> Al-Shams, 91:7-10.

<sup>23</sup> HM22512, Ibn Hanbal V, 251.

<sup>24</sup> Al-Ra'd, 13:28.

<sup>25</sup> Al-An'am, 6:125.

<sup>26</sup> HM21924, Ibn Hanbal, V, 184.





son of Adam, and the angelic also has an effect. As for the satanic, it is by causing him evil and rejecting the truth. As for the effect of the angelic, it is by causing him good and making him believe the truth. Whoever finds this, let him know that it is from Allah, and let him praise Allah for it. Whoever finds the other, then let him seek refuge with Allah from Satan the stoned.”<sup>27</sup>

The word “conscience” is often found in the Noble Qur’an and the sacred *ḥadīths* with the word “heart.” Peaceful hearts,<sup>28</sup> devoted hearts,<sup>29</sup> hearts turned to Allah (swt),<sup>30</sup> hearts which tremble when Allah is mentioned,<sup>31</sup> hearts bound to each other,<sup>32</sup> hearts respectful of Allah,<sup>33</sup> and hearts which are humble<sup>34</sup> direct their owners to good behavior and keep away evil. However, sometimes negative feelings like wickedness and pride,<sup>35</sup> or stubbornness, ambition, and bigotry,<sup>36</sup> or desire and zeal<sup>37</sup> suppress the voice of the conscience. Therefore there are evil hearts which can be characterized as perverse hearts,<sup>38</sup> heedless hearts,<sup>39</sup> hard hearts,<sup>40</sup> wrapped hearts,<sup>41</sup> diseased hearts,<sup>42</sup> sealed hearts,<sup>43</sup> hearts closed to the voice of truth,<sup>44</sup> blind hearts unable to think,<sup>45</sup> and locked hearts.<sup>46</sup>

Thus, under these circumstances, the place that man’s heart takes him might not be the place where he should go. Because of this, those who cannot hear the voice of their conscience or who sully their conscience with various evil acts can sometimes discover their direction based on their environment, neighborhood or even neighbors. According to tradition, when a man asked the Prophet (saw), “How can I know if what I have done is good or evil?” the Prophet (saw) answered, “If you hear your neighbors saying that you have done well, then you have done well, and if you hear them saying that you have done something evil, then you have done something evil.”<sup>47</sup>

The most important duty for creating a virtuous and sensitive society in Islam is summed up in the phrase *al-’amr bi-’l-ma’rūf wa ’l-nahy ’an al-munkar* (commanding what is right and forbidding what is wrong). In the verse, “Be a community that calls for what is good, urges what is right, and forbids what is wrong,”<sup>48</sup> Allah on High identified the attempt to maintain good and prevent evil among people as a social obligation. The Noble Messenger called upon believers to struggle in word, deed, and psychologically against evil, “If one of you sees something evil, he should try to change it by hand, if not by words; and if he cannot do that either, (he should detest it) by the heart. This is the minimum required by the faith.”<sup>49</sup>

The need for social responsibility is best expressed in the following

<sup>27</sup> T2988, al-Tirmidhi, Tafsir al-Qur’an, 2.

<sup>28</sup> Al-Ra’d, 13:28.

<sup>29</sup> Al-Shu’ara’, 26:89.

<sup>30</sup> Qaf, 50:33.

<sup>31</sup> Al-Anfal, 8:2.

<sup>32</sup> Al-Anfal, 8:11.

<sup>33</sup> Al-Hajj, 22:54.

<sup>34</sup> Al-Hadid, 57:16.

<sup>35</sup> Al-Naml, 27:14.

<sup>36</sup> Al-Anbiya’, 21:64-65.

<sup>37</sup> Al-Jathiya, 45:23.

<sup>38</sup> Al-’Imran, 3:7.

<sup>39</sup> Al-Kahf, 18:28.

<sup>40</sup> Al-Baqara, 2:74.

<sup>41</sup> Al-Baqara, 2:88.

<sup>42</sup> Al-Baqara, 2:10.

<sup>43</sup> Al-Jathiya, 45:23.

<sup>44</sup> Fussilat, 41:5.

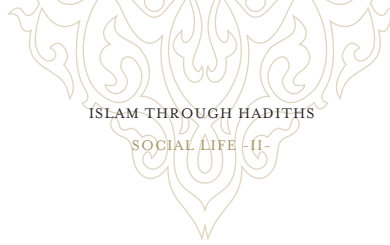
<sup>45</sup> Al-Hajj, 22:46.

<sup>46</sup> Muhammad, 47:24.

<sup>47</sup> IM4223, Ibn Maja, al-Zuhd, 25; HM3808, Ibn Hanbal, I, 402.

<sup>48</sup> Al-’Imran, 3:104.

<sup>49</sup> M177, Muslim, al-Iman, 78.



analogy made by Allah's Messenger: "The example of the person abiding by Allah's order and restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a boat. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) saving those who are above us from troubling them. So, if the people in the upper part left the others do what they had suggested, all the people of the ship would be destroyed, but if they prevented them, both parties would be safe.'"<sup>50</sup>

The value judgements which are found in public opinion and the public conscience are in line with religious and moral values in many situations. The following tradition transmitted from the learned Companion 'Abd Allah b. Mas'ud (ra) explains this: "The good and beautiful things that Muslims do are good and beautiful before Allah. The evil and ugly things that they do are evil and ugly before Allah."<sup>51</sup> This is confirmed by another tradition attributed to Allah's Messenger, "Allah will not gather my umma in order to lead them astray."<sup>52</sup>

Rules and practices based on long-standing customs and traditions are social and legal sources of behavior. While behavior conforming to customs and traditions is ratified by society, behavior which is not in accordance with them is condemned and shamed. However, just because a behavior is accepted by society does not mean that it is correct and legitimate. This is because certain common beliefs and practices might not have a right and true basis.<sup>53</sup> In addition, the reaction of society against crimes and misbehavior might not always be consistent with respect to being balanced and orderly. The results of this reaction cannot always be predicted.

Thus, legal sanctions are needed when all social, customary, and conscientious sanctions are insufficient. The legal sanctions to be carried out in response to a person's given behavior must be known and they must be balanced, specific, serve as a deterrent, and have a predictable result.

Legal sanctions, which are an institutionalized component of constraint, are first of all obstacles to the commission of illegal acts and hold the threat of punishment, which is an element of moral persuasion. If this is not sufficient and an illegal act is committed, then atonement for it results in the constraint of physical force. Sometimes, because of a failure or omission at the basis of a legal process, an injustice occurs.<sup>54</sup> Sometimes

<sup>50</sup> B2493, al-Bukhari, al-Shirka, 6.

<sup>51</sup> HM3600, Ibn Hanbal, I, 379.

<sup>52</sup> T2167, al-Tirmidhi, al-Fitan, 7; D4253 Abu Da'ud, al-Malahim, 1.

<sup>53</sup> Al-Baqara, 2:170; al-Zukhruf, 43:24.

<sup>54</sup> B2168, al-Bukhari, al-Buyu', 73.



compensation is given by the party who is liable for the harm or damage that he caused.<sup>55</sup> Sometimes it is possible for the victim of one who has violated the law to apply to state power for redress. In short, different punitive actions are applied depending on the type and level of the crime and the situation and circumstances of the guilty. Legal sanctions should be carried out in the context of equity,<sup>56</sup> justice,<sup>57</sup> and fair mindedness<sup>58</sup> and specific principles should be observed in their application. Above all, legal sanctions are not arbitrary<sup>59</sup> and everyone is treated equally before the law.<sup>60</sup> All crimes which are subject to sanction are considered personal. The Holy Qur'an mentions the principle that crimes are personal, "Each soul is responsible for its own actions; no soul will bear the burden of another."<sup>61</sup> And a person who commits a crime can be punished only with a penalty equal to the crime.<sup>62</sup> "Retaliation," which has the meaning of "the equivalence of a crime and its punishment," thus comes from this.<sup>63</sup> Because it ensures justice and protects the lives of the innocent, the Holy Qur'an states, "Fair retribution saves life for you."<sup>64</sup> However, by the mercy and relief of Allah Most High, in Islam the right to demand blood money (*diya/tadmīnāt*) instead of retaliation was given to the relatives of a victim,<sup>65</sup> a divine decree not previously given to the Banu Israel.<sup>66</sup> If the relatives of someone who was killed gave up the right of retaliation and demanded *diya*, the parties should act according to fairness and the *diya* required for the person who was killed should be paid without compulsion.<sup>67</sup> If someone forgives the one who killed his relative without compensation, this will serve as atonement for his sins,<sup>68</sup> but the true reward for this murder will rest with Allah on High Himself.<sup>69</sup>

Thus, here is the place where the virtue of forgiveness goes beyond the virtue of justice. Here we are exactly at the stage of bestowing a gift. This is because justice is to give punishment equal to the crime that was committed; but to forego punishment is a virtue which ignores punishment. Therefore, our master the Prophet (saw) said, "making a mistake in forgiving would be better than making a mistake in punishment."<sup>70</sup> To forgive is difficult, but it is an act worth doing.<sup>71</sup> It is the virtue of those pious people who restrain their anger and forgive.<sup>72</sup>

Islam gives to the victim whose rights have been violated or—if this is not possible—to his relatives the authority to forgive crimes between people. The believer, if he has suffered an injustice, either demands a punish-

<sup>55</sup> D4587, Abu Da'ud, al-Diyat, 23; MU1555, al-Muwatta', al-Uqul, 1.

<sup>56</sup> M4410, Muslim, al-Hudud, 8.

<sup>57</sup> Al-Ma'ida, 5:8; D3575, Abu Da'ud, al-Qada' (al-Aqdiyya), 2.

<sup>58</sup> IM2422, Ibn Maja, al-Sadaqat, 15.

<sup>59</sup> M4470, Muslim, al-Aqdiyya, 1.

<sup>60</sup> N4736, al-Nasa'i, al-Qasama, 8-9; D4494, Abu Da'ud, al-Diyat, 1.

<sup>61</sup> Al-An'am, 6:164; T3087, al-Tirmidhi, Tafsir al-Qur'an, 9.

<sup>62</sup> Nahl 16/126; T3129, al-Tirmidhi, Tafsir al-Qur'an, 16.

<sup>63</sup> Al-Baqara, 2:178.

<sup>64</sup> Al-Baqara, 2:179.

<sup>65</sup> Al-Baqara, 2:178.

<sup>66</sup> B4498, al-Bukhari, Tafsir, (al-Baqara) 23.

<sup>67</sup> Al-Baqara, 2:178.

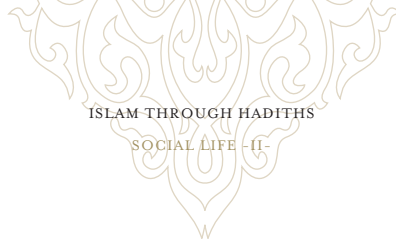
<sup>68</sup> Al-Ma'ida, 5:45.

<sup>69</sup> Al-Shura, 42:40.

<sup>70</sup> T1424, al-Tirmidhi, al-Hudud, 2.

<sup>71</sup> Al-Shura, 42:43.

<sup>72</sup> Al 'Imran, 3:134.



ment equal to the crime as the law allows or decides on forgiveness, which is the more charitable thing to do.<sup>73</sup> However, the Noble Messenger said that a believer who suffered an injustice did not have the right to retaliate personally.<sup>74</sup> This was because taking reprisals could cause chaos and disorder in society; and if the person who suffered the injustice inflicted greater harm on the guilty than what he received, the oppressed could become the oppressor. Consequently, while the decision to forgive is left to the victim himself or his relatives, the authority to carry out justice by punishing the guilty is given to legal institutions.

In Islam physical and concrete legal sanctions have both an other-worldly and moral aspect. A believer, whether or not he does something with a clear awareness of it, will face both the worldly consequences based on physical evidence and those of the next world as a manifestation of divine justice.<sup>75</sup> Furthermore, if the physical evidence is insufficient, indeed, if the truth is turned around, the only sanctions will be divine sanctions.<sup>76</sup> Muhammad (saw), being the Prophet who taught religious truths and a judge who carried out legal sanctions,<sup>77</sup> sometimes mentioned the other-worldly sanctions in the legal cases that came to him.<sup>78</sup>

In Islam the ultimate source of all sanctions is Allah on High. He sees everything that his servants do.<sup>79</sup> He knows everything that is said secretly and in public, indeed, even what comes from within.<sup>80</sup> This is because He is closer to man than his jugular vein.<sup>81</sup> He is the One who gives life and then resurrects the one to whom he has brought death.<sup>82</sup> After people are taken from their graves after death,<sup>83</sup> He is the One who will question them.<sup>84</sup> Allah, who will quickly see their accounts,<sup>85</sup> will treat no one unjustly in any manner.<sup>86</sup> He is the Just, the One who judges with truth.<sup>87</sup> As the Holy Qur'an states, "*Whoever has done an atom's-weight of good will see it, but whoever has done an atom's-weight of evil will see that.*"<sup>88</sup> When the deeds are weighed, those whose deeds are heavy will be saved but those whose deeds are light will enter Hell forever.<sup>89</sup>

Islam wants people to live a life in conformity with the divine will. It brought them rules and principles to follow in order to be happy in this world and the next. The purpose of these rules and principles can be summarized as follows: protection of the faith, life, posterity, wealth, and the mind. The believers are required to protect these five essential principles (necessities). Islam also established physical and moral sanctions in

<sup>73</sup> T1405, al-Tirmidhi, al-Diyat, 13; D4496, Abu Da'ud, al-Diyat, 3.

<sup>74</sup> IM2340, Ibn Maja, al-Ahkam, 17; MU1435, al-Muwatta', al-Aqdiyya, 26.

<sup>75</sup> M4470, Muslim, al-Aqdiyya, 1; B25, al-Bukhari, al-Iman, 17.

<sup>76</sup> B6967, al-Bukhari, al-Hiyal, 10.

<sup>77</sup> Al-Nisa', 4:65.

<sup>78</sup> D3245, Abu Da'ud, al-Nudhur, 1.

<sup>79</sup> Al-Hadid, 57:4.

<sup>80</sup> Al 'Imran, 3:29.

<sup>81</sup> Qaaf, 50:16.

<sup>82</sup> Al-Hajj, 22:66.

<sup>83</sup> Al-Rum, 30:19.

<sup>84</sup> Al-Baqara, 2:284.

<sup>85</sup> Al-Baqara, 2:202.

<sup>86</sup> Al-Anbiya', 21:47.

<sup>87</sup> Ghafir, 40:20.

<sup>88</sup> Al-Zalzala, 99: 7-8.

<sup>89</sup> Al-Mu'minun, 23:102-103.



order to add force to these principles and ensure their continuation.

In order to protect the faith, people are ordered not to follow their carnal desires and not to deify them<sup>90</sup> and to fight for the sake of the religion.<sup>91</sup> As for those who apostatize, they are threatened with Hell in the Holy Qur'an.<sup>92</sup>

In order to protect future generations and to ensure the proliferation of people in the correct fashion with respect to health, morality, law, and religion, Islam has established physical and moral sanctions. In the verse, "And do not go anywhere near *zinā'*: it is an outrage and an evil path,"<sup>93</sup> behavior that could lead to *zinā'* is strictly forbidden. Furthermore in a related verse, the physical sanction of *jald* (flogging) is imposed for *zinā'*<sup>94</sup> and in some traditions the sanction of *rajm* (stoning to death)<sup>95</sup> is imposed; and by declaring that *zinā'* "is a great sin,"<sup>96</sup> a moral sanction is also imposed.

Islam also introduced sanctions aimed at protecting life. In the verse, "Do not take life, which Allah has made sacred, except by right,"<sup>97</sup> Allah declares the inviolability of human life. Crimes against the right to life, such as committing suicide,<sup>98</sup> pursuing vendettas,<sup>99</sup> terrorism and anarchy<sup>100</sup> are forbidden. Islam supports life with physical sanctions such as retaliation, *diyya* (compensation), and *tadmīnāt* (reparations)<sup>101</sup> and with moral sanctions such as the torment of Hell.<sup>102</sup>

As with life, wealth is also inviolable.<sup>103</sup> And as with the other principles, the protection of wealth is ensured with physical<sup>104</sup> and moral<sup>105</sup> sanctions.

In order to protect the mind, our religion forbids alcoholic beverages<sup>106</sup> and drugs which harm the mind.<sup>107</sup> In order to prevent their use, the physical sanction of flogging<sup>108</sup> and the moral sanction of the torment of Hell<sup>109</sup> are stipulated.

In short, on the one hand Islam, as a legal and moral system, imposes physical sanctions against behaviors which fall into the categories of "evil" and "forbidden," and on the other hand, as a metaphysical system of values, it stipulates religious and otherworldly sanctions against behaviors which fall into the category of "sin." Thus, while happiness is promised to Allah's good servants in this world and the next,<sup>110</sup> evil servants are informed that they will be disappointed in this world and the next.<sup>111</sup> The good will win Allah's love; the evil will experience his wrath.<sup>112</sup> The good will reap the blessings of Paradise; the evil will deserve the punishment of

<sup>90</sup> Al-Jathiya, 45:23.

<sup>91</sup> Al-Tawba, 9:29.

<sup>92</sup> Al-Baqara, 2:217.

<sup>93</sup> Al-Isra', 17:32.

<sup>94</sup> Al-Nur, 24:2.

<sup>95</sup> B6813, al-Bukhari, al-Hudud, 21.

<sup>96</sup> M258, Muslim, al-Iman, 142.

<sup>97</sup> Al-Isra', 17:33.

<sup>98</sup> B5778, al-Bukhari, al-Tibb, 56.

<sup>99</sup> M2950, Muslim, al-Hajj, 147.

<sup>100</sup> Al-Ma'ida, 5:33.

<sup>101</sup> D4496, Abu Da'ud, al-Diyat, 3; IM2623, Ibn Maja, al-Diyat, 3.

<sup>102</sup> Al-Nisa', 4:93.

<sup>103</sup> Al-Baqara, 2:188; M360, Muslim, al-Iman, 225.

<sup>104</sup> Al-Ma'ida, 5:38.

<sup>105</sup> IM2583, Ibn Maja, al-Hudud, 22.

<sup>106</sup> B5581, al-Bukhari, al-Ashriba, 2.

<sup>107</sup> M5219, Muslim, al-Ashriba, 74.

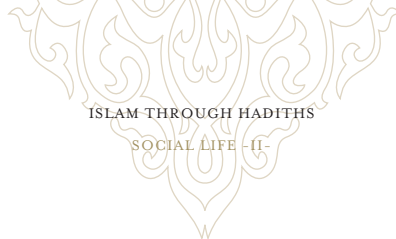
<sup>108</sup> M4452, Muslim, al-Hudud, 35.

<sup>109</sup> T1862, al-Tirmidhi, al-Ashriba, 1; IM3377, Ibn Maja, al-Ashriba, 4.

<sup>110</sup> Yunus, 10:62-64.

<sup>111</sup> Al-Ma'ida, 5:33.

<sup>112</sup> M4481, Muslim, al-Aqdiyya, 10; T2568, al-Tirmidhi, Sifat al-janna, 25.



Hell.<sup>113</sup> As a result, the good will be saved and the evil will be destroyed.

Allah's Messenger said, *"If any one of you lives by adhering closely to Islam, then he will be rewarded from ten times to seven hundred times for each good deed that he does and each bad deed will be recorded as it is."*<sup>114</sup> Accordingly, every good deed that is done will lead to even better things, countless rewards, and ultimately to winning Allah's approval, while every evil deed that is done, because it will result in subsequent evil deeds and falling into sin, will in the end lead to losing Allah's approval. Only by thinking well, feeling well, and behaving well, in short, by avoiding evil in mind, spirit, and body is it possible to give priority to Allah's approval in one's life. His approval is the ultimate goal of every situation and act. Good deeds are done for His sake. Bad deeds are to be avoided for His sake. His approval is the highest ideal that one could desire. Therefore, the following prayer poured forth from the lips of Allah's Messenger: *"O, Allah! Make me one of those who, if they do good deeds, they rejoice, and if they do bad deeds, they seek forgiveness."*<sup>115</sup>

<sup>113</sup> Al-Infitar, 82:13-14.

<sup>114</sup> B42, al-Bukhari, al-Iman, 31.

<sup>115</sup> IM3820, Ibn Maja, al-Adab, 57; HM26066, Ibn Hanbal, VI, 188.





## ATONEMENT REDRESS FOR ERRORS



عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
”مَا مِنْ مُصِيبَةٍ يُصَابُ بِهَا الْمُسْلِمُ إِلَّا كُفِّرَ بِهَا عَنْهُ  
حَتَّى الشُّوْكَةِ يُشَاكُهَا.“

According to ‘A’isha (ra), the Messenger of Allah (saw) said,  
“There is no calamity that occurs to a believer without its serving to atone for  
his sins, even if it is the pricking of a thorn.”

(M6565, Muslim, al-Birr, 49)





عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَقُولُ:  
”الصَّلَوَاتُ الْخَمْسُ وَالْجُمُعَةُ إِلَى الْجُمُعَةِ وَرَمَضَانُ إِلَى رَمَضَانَ مُكَفِّرَاتٌ مَا  
بَيْنَهُنَّ إِذَا اجْتَنَبَ الْكَبَائِرَ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ... فَقَالَ رَسُولُ اللَّهِ ﷺ :  
”مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا فَلْيَأْتِهَا وَلْيُكْفِرْ عَنْ يَمِينِهِ.“



عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”كَفَّارَةُ الذَّنْبِ النَّدَامَةُ.“



According to Abu Hurayra (ra), the Messenger of Allah (saw) used to say,  
*“The five (daily) prayers, Friday prayer, and Ramadan are expiations for the  
(sins) committed in between (their intervals) provided one avoids the major  
sins.”*

(M552, Muslim, al-Tahara, 16)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said,  
*“Whoever takes an oath, and then he sees that something else is better than it,  
then he should make atonement for his oath.”*

(M4271, Muslim, al-Ayman, 11)



According to Ibn ‘Abbas (ra), the Messenger of Allah (saw) said,  
*“The atonement for sin is repentance.”*

(HM2623, Ibn Hanbal, I, 289)





Our master the Prophet (saw) would inform his Companions (ra), without delay, of the verses of the Holy Qur'an that were revealed to him. He would explain to them the verses that they did not understand or were hesitant about. One of these verses stated *"anyone who does wrong will be requited for it."*<sup>1</sup> The Companions (ra) had difficulty understanding it, and it greatly weighed upon them. They immediately complained about it to Allah's Messenger. The Prophet of mercy, intending to put them at ease, told them to fulfill their obligations of worship in the most correct and balanced fashion and to continue to do good. Then he said, *"There is no calamity that occurs to a believer without its serving to atone for his sins, even if it is the pricking of a thorn."*<sup>2</sup>

It could be said that in most people there is a desire to turn away from the wrong that they have done and to compensate for the error. In a sense this a situation necessitated by being human, by being able to think, and by having a sense of accountability. Thus the Companions (ra) who heard this verse were confused and immediately went to the Messenger of Allah (saw). One of those who went to him was Abu Bakr (ra), who was well-known for his loyalty and endless trust in Allah's Messenger. He was also perturbed by this verse. Thus, like the other Companions (ra), he could not help but express his concern by saying, "O, Messenger of Allah! Will we be punished for every evil thing that we do?" Thereupon, Allah's Messenger said to his loyal friend three times, "May Allah forgive you." Then he asked, "Do you never become ill? Do you never worry? Are you never troubled?" When Abu Bakr answered, "Yes" to all of these questions, the happy Prophet said, *"These things are punishment/atonement for what you have done in the world."*<sup>3</sup> Another time he put everyone at ease by stating generally, *"Any affliction that befalls a Muslim, such as fatigue, illness, sorrow, sadness, hurt, distress, or even a prick he receives from a thorn, is Allah's way of making him atone for his sins."*<sup>4</sup>

<sup>1</sup> Al-Nisa', 4:123.

<sup>2</sup> T3038, al-Tirmidhi, Tafsir al-Qur'an, 4; M6565, Muslim, al-Birr, 49.

<sup>3</sup> BS6632, al-Bayhaqi, al-Sunan al-kubra, III, 528.

<sup>4</sup> B5642, al-Bukhari, al-Marda, 1.



Since the beginning of history, people have resorted to such things as entreating the divine, making offerings, and sacrificing animals in order to purify themselves from the errors they have made and the sins they have committed. Sometimes they did this to avoid calamities and sometimes to continue benefitting from divine blessings. However, the primary goal of these actions was to express regret for, and ask forgiveness for, sins and rebelliousness. Therefore, when the Companions (ra) first heard the verse, “*anyone who does wrong will be requited for it,*”<sup>5</sup> they assumed that it would be impossible to ask for forgiveness for their infractions and they immediately rushed to Allah’s Messenger. And he explained to them in excellent fashion that they should not be fearful of this admonition.

Saying, “*The believer is like a fresh green plant the leaves of which move in whatever direction the wind forces them to move; and when the wind becomes still, it stand straight. Such is the believer that he is disturbed by calamities (but like the plant is not knocked down). As for a disbeliever, he is like a cedar tree (which remains) hard and straight until Allah pulls it up when He will,*”<sup>6</sup> he pointed out that believers will face misfortunes and calamities, but if they remain patient and firm in their faith, these calamities will be atonement for their sins. They will sway with the winds just like crops in the field and will not be uprooted; and when they sway, they will become strengthened. However, those who do not believe will not be patient in the face of the calamities that befall them and will be rebellious. And just like the cedar tree, they will not be able to resist the wind and will be broken.

Allah’s Messenger also stated that various acts of worship which were properly carried out would serve, like illness and other calamities, as atonement for minor sins. One day ‘Uthman b. ‘Affan (ra), one of the most famous names in Islamic history and an exemplar of the Muslims, wanted some water to do his wudu’s and said that he heard Allah’s Messenger say, “*When the time for a prescribed prayer comes, if any Muslim performs wudu’ well and offers his prayer with humility and bowing, it will be an expiation for his past sins, so long as he has not committed a major sin; and this applies for all times.*”<sup>7</sup> Another time our beloved Prophet said on this subject, “*The five (daily) prayers, Friday prayer, and Ramadan are expiations for the (sins) committed in between (their intervals) provided one avoids the major sins.*”<sup>8</sup>

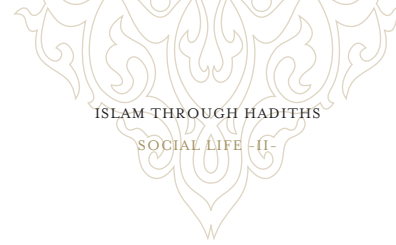
In like manner, the Prophet (saw), who said, *(The performance of) ‘Umra (Lesser Pilgrimage) is an expiation for the sins committed (between it and*

<sup>5</sup> Al-Nisa’, 4:123.

<sup>6</sup> B7466, al-Bukhari, al-Tawhid, 31.

<sup>7</sup> M543, Muslim, al-Tahara, 7.

<sup>8</sup> M552, Muslim, al-Tahara, 16.



the previous one); and the reward of the Hajj Mabruur (the Pilgrimage accepted by Allah) is nothing except Paradise,”<sup>9</sup> answered “Yes” to a man who asked him, “My father died and left property but he did not make a will. If I distribute this wealth as *ṣadaqa* in his name, would this be atonement for his sins?”<sup>10</sup>

Our beloved Prophet mentioned many fine actions that would serve as atonement for sin, such as doing the proper wudu’ despite difficulties, frequently going to the mosque and waiting eagerly to make one prayer after another,<sup>11</sup> performing the ritual prayer in order to avoid major sins,<sup>12</sup> praying,<sup>13</sup> performing the fast of ‘Ashura,<sup>14</sup> circumambulating the Ka’ba, touching the Black Stone and the corner of the Ka’ba called the al-Rukn al-Yamani,<sup>15</sup> giving *ṣadaqa*,<sup>16</sup> enjoining good and forbidding evil,<sup>17</sup> and dying as a martyr on the path of Allah (fi sabilillah).<sup>18</sup> Indeed, the verse, “Good things drive bad away,”<sup>19</sup> expresses all of this succinctly.

In this sense atonement means the excellent behavior and acts of worship of people, the various torments and distress that they encounter, and forgiveness of minor sins. In addition, it appears from the Noble Qur’an and the words of Allah’s Messenger that atonement is also used to mean fulfilling specific financial or physical obligations if a certain act is religiously forbidden. However, in this meaning atonement is intended as compensating with certain obligations not for the otherworldly consequences of oversights against society or Allah’s servants but for the otherworldly consequences of the violation of certain prohibitions.

In the Holy Qur’an and the *ḥadīths* of the Prophet (saw), it is stated that breaking an oath that was clearly given, swearing the oath of divorce (*zihār*), killing someone by accident, hunting while in a state of ritual purity, shaving, and knowingly and without excuse breaking the fast of Ramadan were acts that required atonement.

Breaking an oath is at the top of the list of acts requiring atonement. On this subject the Noble Qur’an says, “Allah does not take you [to task] for what is thoughtless in your oaths, only for your binding oaths: the atonement for breaking an oath is to feed ten poor people with food equivalent to what you would normally give your own families, or to clothe them, or to set free a slave—if a person cannot find the means, he should fast for three days. This is the atonement for breaking your oaths—keep your oaths. In this way Allah makes clear His revelations to you, so that you may be thankful.”<sup>20</sup> Our master the Prophet (saw) also fulfilled the requirements of his oaths and said that if he broke his oath he

<sup>9</sup> B1773, al-Bukhari, al-‘Umra, 1; M3289, Muslim, al-Hajj, 437.

<sup>10</sup> M4219, Muslim, al-Wasiyya, 11; N3682, al-Nasa’i, al-Wasaya, 8.

<sup>11</sup> IM428, Ibn Maja, al-Tahara, 49; M587, Muslim, al-Tahara, 41.

<sup>12</sup> M543, Muslim, al-Tahara, 7.

<sup>13</sup> MU508, al-Muwatta’, al-Qur’an, 8.

<sup>14</sup> M2746, Muslim, al-Siyam, 196; T752, al-Tirmidhi, al-Sawm, 48.

<sup>15</sup> T959, al-Tirmidhi, al-Hajj, 111.

<sup>16</sup> B1895, al-Bukhari, al-Sawm, 3.

<sup>17</sup> M7268, Muslim, al-Fitan, 26.

<sup>18</sup> M4884, Muslim, al-Imara, 120; T1640, al-Tirmidhi, Fada’il al-jihad, 13.

<sup>19</sup> Hud, 11:114.

<sup>20</sup> Al-Ma’ida, 5:89.



would atone for it as specified in the Qur'anic verse. Abu Musa al-Ash'ari (ra) described as follows how our master the Prophet (saw) atoned for an oath he had broken: "Several friends and I went to Allah's Messenger in order to participate in the Tabuk Campaign and we wanted him to give us riding animals. But he said to us, 'By Allah! I cannot give you riding animals because I have no mount to give you.' We had no choice but to wait. Later when some camels were brought to him, Allah's Messenger, who had previously sworn that he would not be able to give us animals, ordered three camels to be given to us. We thought we had made Allah's Messenger forget his oath and we felt guilty about this. So we went back to him and said, 'O, Messenger of Allah! When we came to you requesting riding animals, you swore that you could not provide one, but afterwards you requested that they be given to us.' The Noble Messenger replied, 'By Allah! I did not give you animals, Allah gave them. By Allah! If I swear an oath to do something and then find something better, I will make atonement for my oath and do the thing that is better.'"<sup>21</sup> In similar fashion on another occasion, he said on this matter, "A person who swears an oath to do something and then finds something else better, he should do that and atone for his oath."<sup>22</sup>

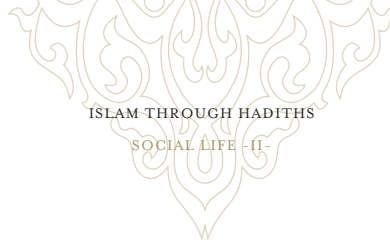
Another act which requires atonement is *zihār*. This is an oath whereby a man swears that his wife is as close to him as the back (*zahr*) of someone whom he is forbidden to marry, such as his mother, sister, fraternal and maternal aunt. This custom was a method used by men in the Jahiliyya period to divorce their wives. Islam, however, abolished it as a procedure for divorce and made it a form of misconduct which could be compensated for by atonement. The Holy Qur'an describes the following three levels of atonement for *zihār*: "Those of you who say such a thing to their wives, then go back on what they have said, must free a slave before the couple may touch one another again—this is what you are commanded to do, and Allah is fully aware of what you do—but anyone who does not have the means should fast continuously for two months before they touch each other, and anyone unable to do this should feed sixty needy people. This is so that you may [truly] have faith in Allah and His Messenger. These are the bounds set by Allah: grievous torment awaits those who ignore them."<sup>23</sup>

One form of atonement mentioned in the *ḥadīths* concerns the fast of Ramadan. A man who has sexual relations with his wife while fasting during the month of Ramadan went to the Prophet (saw) to ask what he should do. The Messenger of Allah said, "Can you find a slave whom you

<sup>21</sup> M4263, Muslim, al-Ayman, 7; B6623, al-Bukhari, al-Ayman wa 'l-nudhur, 1.

<sup>22</sup> M4271, Muslim, al-Ayman, 11.

<sup>23</sup> Al-Mujadala, 58:3-4.



can set free?” When the man said, “No,” the Messenger of Allah (saw) said, “Are you strong enough to fast continuously for two months?” The man said, “No.” Then Allah’s Messenger said, “In that case, feed sixty poor people.”<sup>24</sup> It is understood that the reason for atoning for having sexual relations while fasting during Ramadan is that committing this act while fasting is a violation of the prestige of Ramadan. Thus, one who knowingly does this deed while fasting has three choices each of which will serve as atonement: he can free a slave, fast two months without interruption, or feed sixty poor people morning and evening.

If a believer is killed by accident, the Noble Qur’an states that, in addition to the *diyya* which must be paid to the relatives of the victim, the killer must also atone for his deed. It is stipulated that, as atonement, he must free a Muslim slave, but if this is not possible he must fast for two months without interruption in order for his repentance to be accepted.<sup>25</sup>

Another form of atonement concerns the violation of certain special prohibitions prescribed for those who enter a state of ritual purity for the major and minor pilgrimages. The Noble Qur’an states, “If any of you is ill, or has an ailment of the scalp, he should compensate by fasting, or feeding the poor, or offering sacrifice.”<sup>26</sup> Allah’s Messenger explained how atonement stipulated as fasting, *ṣadaqa*, or sacrifice would be carried out. One day during the Hajj when the happy Prophet saw the condition of his Companion Ka’b b. ‘Ujra, he asked him, “Perhaps the lice on your head bother you?” Ka’b answered, “Yes. O, Messenger of Allah!” Thereupon the Prophet (saw) said, “Have your head shaved and then either fast three days or feed six poor persons or slaughter one sheep as a sacrifice!”<sup>27</sup> Thus he clarified the general statements in the verse.

In some traditions it is stated that atonement is also required for having sexual relations with menstruating woman. This is because, in the Holy Qur’an, our Lord on High forbade having sexual relations with a menstruating woman.<sup>28</sup> As for our master the Prophet (saw), he recommended that those who violated this prohibition pay, as atonement, one dinar or a half dinar as *ṣadaqa*.<sup>29</sup> Many theologians state that the atonement specified in these traditions is not absolute but is only a recommendation.

It is also stated in the *ḥadīths* that carrying out the punishments specified in the Holy Qur’an for the commission of various crimes is considered atonement. When Allah’s Messenger was in Mecca and searching for a

<sup>24</sup> B6822, al-Bukhari, al-Hudud, 26.

<sup>25</sup> Al-Nisa’, 4:92.

<sup>26</sup> Al-Baqara, 2:196.

<sup>27</sup> B1814, al-Bukhari, al-Muhsar, 5; M2879; Muslim, al-Hajj, 81.

<sup>28</sup> Al-Baqara, 2:222.

<sup>29</sup> D2168, Abu Da’ud, al-Nikah, 46-47.





place of refuge, among the first Muslims in Medina to open his arms to him and one of the distinguished representatives at the Pledges of Aqaba was 'Ubada b. Samit (ra). He said the following about the promise that they made there: "The Messenger of Allah said to his Companions who had gathered around him, 'Pledge to me that you promise not to associate anything with Allah, not to steal, not to commit zina', not to kill your children, not to slander anyone with a lie that you have concocted, and not to be disobedient (when ordered) to do good deeds. Whoever fulfills his pledge, his reward will be with Allah, and whoever commits any of those sins and receives the legal punishment in this world for that sin, then that punishment will be an expiation for that sin, and whoever commits any of those sins and Allah does not expose him, then it is up to Allah, if He wishes He will punish him or if He wishes, He will forgive him.'" <sup>30</sup>

In addition, it is understood from some *hadiths* that if punishment for a crime is carried out in this world, this will be atonement for it and it will not be held as a sin in the hereafter.<sup>31</sup> The noble Companions (ra), who knew this very well, insisted on being punished in this world for the crimes that they committed; and to that end even accepted the death penalty if necessary.<sup>32</sup>

Allah's Messenger stated that in some situations atonement could also be compensation for physical damage. One day while our Prophet was in the room of his beloved wife 'A'isha, his other wife Safiyya bint Huyayy (ra), whom he had married right after the conquest of Khaybar, sent him a pot of food in order to honor him. 'A'isha (ra), who sometimes displayed jealousy toward the Prophet (saw)'s other wives, could not control herself and caused the pot to fall from the hand of her servant and break. Afterwards she felt remorse for what she had done and asked Allah's Messenger what her atonement should be for her error. Our beloved Prophet said, "A pot like the broken pot, and food like the spilled food." <sup>33</sup>

Allah's Messenger reminded people that they should be careful about what they said, and, because they could sometimes make mistakes inadvertently, they should excuse themselves. According to the Companion Abu Barza al-Aslami (ra), who died in Khurasan where he went to spread the beauties of Islam,<sup>34</sup> one day our beloved Prophet said, when he was going to leave an assembly, "Glory be to You. O, Allah! I begin with praise of You. I testify that there is no god but You. I ask Your pardon, and turn to You in repentance." One of those who was there then said, "O, Allah's Messenger! You utter words now which you did not do in the past?" And the Messenger of

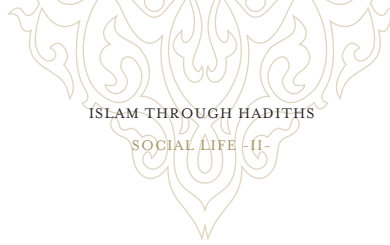
<sup>30</sup> B7213, al-Bukhari, al-Ahkam, 49; N4166, al-Nasa'i, al-Bi'a, 9.

<sup>31</sup> T2626, al-Tirmidhi, al-Iman, 11; IM2604, Ibn Maja, al-Hudud, 33.

<sup>32</sup> M4432, Muslim, al-Hudud, 33.

<sup>33</sup> N3409, al-Nasa'i, 'Ishrat al-nisa', 4; D3568, Abu Da'ud, al-Buyu' (al-Ijara), 89.

<sup>34</sup> TO2/247, Ibn Hajar, *Taqrib al-tahdhib*, II, 247.



Allah (saw) replied, “(These words are) atonement for what takes place in the assembly.”<sup>35</sup>

Allah’s Messenger, who indicated that there was broad leeway with regard to atonement by saying, “Remorse is atonement for sin,”<sup>36</sup> proposed to those who were in the habit of swearing oaths in the name of al-Lat and al-‘Uzza, as was the custom in the Jahiliyya period, that they immediately say, “There is no god but Allah (*la ilāha illā ‘llāh*).”<sup>37</sup> Our beloved Prophet, who showed great zeal with regard to having all the errors and sins of his community be forgiven and having believers appear before Allah in a pure state, preferred atonement as the way to redress certain negative behaviors and attitudes which were encountered not only with regard to sins committed against Allah and the violation of his prohibitions but also in daily life. According to the distinguished Companion Anas b. Malik (ra), who spent the most wonderful years of his youth in the service of the Master of Masters, the Messenger of Allah (saw), who saw someone spit in the mosque, the floor of which was composed of dirt, sand, and gravel, said, “Spitting in the mosque is a sin and its atonement is to bury it.”<sup>38</sup> Allah’s Messenger, who also said, “If anyone slaps or beats his slave, his atonement for this is to free this slave,”<sup>39</sup> thus indicated that actions which offended human honor were just like other prohibitions and there should atonement for them in similar fashion.

Atonement also means repentance in the sense that it is a wish for pardon and forgiveness from Allah for errors and sins that were committed. In fact, in the Noble Qur’an, in the verse which mentions the atonement for those who kill a man by mistake, the atonement which serves as repentance for this act is specified.<sup>40</sup> In like manner, when a group of polytheists came to the Master of the Worlds and said, “The religion which you have explained and to which you have summoned people is indeed quite wonderful. If you tell us what the atonement will be for our sins, we will adopt it,” the following verses were revealed<sup>41</sup>: “Those who never invoke any other deity beside Allah, nor take a life, which Allah has made sacred, except in the pursuit of justice, nor commit *zinā*. (Whoever does these things will face the penalties: their torment will be doubled on the Day of Resurrection, and they will remain in torment, disgraced except those who repent, believe, and do good deeds: Allah will change the evil deeds of such people into good ones.”<sup>42</sup> Therefore, from the beginning, our master the Prophet (saw), while commanding one who is a Muslim to desist from all the previous errors in his life, made use of

<sup>35</sup> D4859, Abu Da’ud, al-Adab, 27.

<sup>36</sup> HM2623, Ibn Hanbal, I, 289.

<sup>37</sup> B6107, al-Bukhari, al-Adab, 74; M4260, Muslim, al-Ayman, 5.

<sup>38</sup> B415, al-Bukhari, al-Salat, 37; M1231, Muslim, al-Masajid, 55.

<sup>39</sup> M4298, Muslim, al-Ayman, 29; D5168, Abu Da’ud, al-Adab, 123, 124.

<sup>40</sup> Al-Nisa’, 4:92.

<sup>41</sup> B4810, al-Bukhari, al-Tafsir, (al-Zumar) 1; M322, Muslim, al-Iman, 193.

<sup>42</sup> Al-Furqan, 25:68-71.



repentance and atonement together. Thus, when ‘Amr b. al-‘As (ra) became a Muslim but did not want to swear allegiance without being forgiven of his previous sins, Allah’s Messenger said, “O, ‘Amr! *Do you not know that Islam erases all the sins which were previously committed?*”<sup>43</sup> While repentance is a person’s remorse for errors that he has committed, beseeching Allah (swt) and asking for forgiveness for his sins, atonement is the requirement to supplement this by fulfilling specific obligations under certain circumstances. In this sense, atonement is a form of repentance which is done in deed rather than in word. Accordingly, it could be said that atonement has, in this respect, a more specific meaning than repentance.

Atonement is not, in fact, a desired or recommended state. What is essential is for a person to take into consideration Allah’s approval and to live a life without violating His will. However, when His will is violated, atonement can serve as compensation for errors and sins and thus provide one with a way out of his dilemma. Through the practice of atonement, people learn and become mature on the one hand, and, on the other, are given various opportunities which can be of use to the needy segments of society. Through atonement and having the peace of mind that comes with having made compensation for the error that one has committed, one can satisfy people who are freed, fed, and clothed.

In summary, it is understood that Allah (swt) has prescribed two means by which his servants can be cleansed of their errors and be reformed. First, the misfortunes that they experience, every act of worship and good deed that they do, are atonement for their sins, errors, and shortcomings. Second, a number of financial and physical obligations can be fulfilled as atonement for violating certain prohibitions. Thus, on the one hand, one can be cleansed of his sins through the kindness and beneficence of Allah by performing acts of worship and, on the other, by fulfilling the obligations specified for atonement, he can mature and see to the needs of the poor in society. While acts of atonement, such as ritual prayer, fasting, and the ‘Umra contribute to personal development, things like freeing a slave, making a sacrifice, and repayment for what one personally owes reveal the importance and value that our wonderful religion gives to the protection and strengthening of social relations. In addition, it should be stated that atonement must be appreciated as an opportunity given to one to absolve him of responsibility in the hereafter for his sins.

<sup>43</sup> HM17981, Ibn Hanbal, IV, 205.



MURDER  
TAKING THE LIFE OF A PERSON  
IS LIKE TAKING THE LIFE OF ALL  
HUMANITY

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو أَنَّ النَّبِيَّ ﷺ قَالَ:  
”لَزَوَالِ الدُّنْيَا أَهْوَنُ عَلَى اللَّهِ مِنْ قَتْلِ رَجُلٍ مُسْلِمٍ.“

According to ‘Abd Allah b. ‘Amr (ra), the Prophet (saw) said,  
“That the world would cease to exist is less significant to  
Allah than killing a Muslim man.”

(T1395, al-Tirmidhi, al-Diyat, 7; N3992, al-Nasa’i, al-Muharaba, 2)



عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”لَا تُقْتَلُ نَفْسٌ ظُلْمًا إِلَّا كَانَ عَلَى ابْنِ آدَمَ الْأَوَّلِ كِفْلٌ مِنْ دَمِهَا، لِأَنَّهُ أَوَّلُ  
مَنْ سَنَّ الْقَتْلَ.“



عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
”كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ: مَالُهُ وَعَرِضُهُ وَدَمُهُ...“



عَنْ أَبِي بَكْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
”إِذَا تَوَاجَهَ الْمُسْلِمَانِ بِسَيْفَيْهِمَا فَقَتَلَ أَحَدُهُمَا صَاحِبَهُ فَالْقَاتِلُ وَالْمَقْتُولُ فِي  
النَّارِ.“ قَالُوا: يَا رَسُولَ اللَّهِ! هَذَا الْقَاتِلُ فَمَا بَالُ الْمَقْتُولِ؟ قَالَ: ”إِنَّهُ أَرَادَ قَتْلَ  
صَاحِبِهِ.“



عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو عَنِ النَّبِيِّ ﷺ قَالَ:  
”مَنْ قَتَلَ نَفْسًا مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ، وَإِنْ رِيحَهَا يُوجَدُ مِنْ مَسِيرَةِ  
أَرْبَعِينَ عَامًا.“



According to ‘Abd Allah (b. Mas‘ud) (ra), the Messenger of Allah (saw) said, *“Whenever a person is killed unjustly, there is a share of the burden of the crime on the first son of Adam, for he was the first to start the tradition of killing.”*

(B3335, al-Bukhari, al-Anbiya’, 1; M4379, Muslim, al-Qasama, 27)



According to Abu Hurayra (ra), the Messenger of Allah (saw) said, *“Everything of a Muslim is sacred to a Muslim: His property, honor and blood...”*

(D4882, Abu Da‘ud, al-Adab, 35)



Abu Bakra (ra) said, “I heard the Messenger of Allah (saw) say, ‘If two Muslims confront each other with their swords and one of them kills the other, both the killer and the slain will be in Hell.’ They said, ‘O, Messenger of Allah! (We understand about) the killer, but what about the one who is slain?’ He said, ‘He wanted to kill his companion.’”

(N4127, al-Nasa’i, al-Muharaba, 29; B6875, al-Bukhari, al-Diyat, 2)



According to ‘Abd Allah b. ‘Amr (ra), the Prophet (saw) said, *“Whoever kills a person who is a mu‘āhid (a person who is granted the promise of protection by the Muslims) will not smell the fragrance of Paradise though its fragrance can be smelled at a distance of forty years (of traveling).”*

(B6914, al-Bukhari, al-Diyat, 30)





Adam had two sons: Cain who was a farmer and Able who was a herder. When their father wanted them to make a sacrifice to Allah (swt), Able offered his most valuable property while Cain offered some of his crop which had little value.<sup>1</sup> Able's sacrifice was accepted by Allah, but Cain's was not accepted. Thereupon, Cain, who was consumed by jealousy, said to his brother, "I will kill you." Able warned him, saying, "Do not forget that Allah only accepts the sacrifice of those who are mindful of their responsibility toward Him," and added, "If you raise your hand to kill me, I will not raise mine to kill you. I fear Allah, the Lord of all worlds, and I would rather you were burdened with my sins as well as yours and became an inhabitant of the Fire: Such is the evildoers' reward."<sup>2</sup>

Cain, who ignored his brother's warning, was overcome and killed him. However, he did not know what to do with his brother's body. Allah on High sent two ravens to show him how to bury his brother's body. These two ravens attacked each other and one killed the other. The surviving raven scratched the soil and buried the other there. Cain, who saw this raven, said, "Woe is me! Could I not have been like this raven and covered up my brother's body?" Feeling remorse, he began to have pangs of conscience.<sup>3</sup>

Allah on High, who reported this event as the first murder committed on earth, stated what a great crime this was against humanity in the next noble verse as follows: "On account of [this deed], We decreed to the Children of Israel that if anyone kills a person—unless in retribution for murder or spreading corruption in the land—it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind."<sup>4</sup> And as our beloved Prophet said, "That the world would cease to exist is less significant to Allah than killing a Muslim man."<sup>5</sup>

Our Prophet, who referred to this incident that occurred between Able and Cain, regarded Cain as responsible for shedding the first blood on earth and said, "Whenever a person is killed unjustly, there is a share of the

<sup>1</sup>IT3/83, Ibn al-Athir, *Tafsir*, III, 83.

<sup>2</sup>Al-Ma'ida, 5:27-29.

<sup>3</sup>Al-Ma'ida, 5:30-31.

<sup>4</sup>Al-Ma'ida, 5:32.

<sup>5</sup>T1395, al-Tirmidhi, al-Diyat, 7; N3992, al-Nasa'i, al-Muharaba, 2.





*burden of the crime on the first son of Adam, for he was the first to start the tradition of killing.*<sup>6</sup> According to our religion, for someone who does something good for the first time and sets the precedent for it for mankind and causes that good act to become established among people, the reward for him for this act will be recorded in the hereafter whenever it is done; and the same holds true for doing something bad.<sup>7</sup> Therefore, whenever someone is murdered, a note is added to Cain's register of sin.

Man, whom Allah on High created in perfect form and into whom he breathed his own spirit,<sup>8</sup> is superior to all other creatures. Because he bears within him the divine essence and was sent to be Allah's successor on earth, he is worthy of every honor and respect. The greatest injustice that could be done to man, who carries such value, would, without doubt, be to take his life.

To end someone's life, to take the life that was given by the Creator on High is, above all, not only one of the greatest sins that could be committed against Him but also a crime against humanity. This is because a person who kills someone extinguishes the right of life which Allah (swt) considers sacred and can cause this behavior to become widespread as a bad example to others. Thus, it opens the way to making fear and insecurity dominate society and takes from people the ability to live in peace. Taking the life of a believer without justification was such a great crime that our Prophet said, *"If the inhabitants of the heavens and the earth all took part in shedding the blood of a believer, then Allah would cast them (all) in the Fire."*<sup>9</sup>

Allah's Messenger (saw) mentioned that among the great sins which would send one to Hell were associating a partner with Allah and killing a man.<sup>10</sup> The famous Companion from Medina 'Ubada b. Samit (ra), who did not leave the side of the Noble Messenger from the time of the second Pledge of Aqaba, reported that the Messenger of Allah (saw) said, *"If a man kills a believer unjustly, Allah will not accept any action or duty of his, obligatory or supererogatory."* And the Companion Abu 'l-Darda' (ra), who had promised to teach him the Holy Qur'an, transmitted the tradition that the Prophet (saw) said, *"A believer will continue to go on quickly and well so long as he does not shed unlawful blood; when he sheds unlawful blood, he becomes slow and heavy-footed."*<sup>11</sup> This is because only Allah (swt) has the authority to take the life that He has given. Therefore taking a life means to interfere directly in Allah's authority. Consequently murder is mentioned together with denial of

<sup>6</sup> B3335, al-Bukhari, al-Anbiya', 1; M4379, Muslim, al-Qasama, 27.

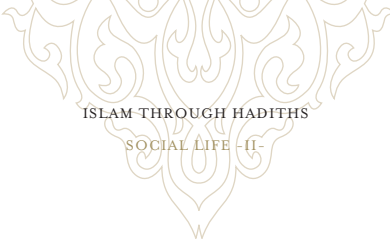
<sup>7</sup> M2351, Muslim, al-Zakat, 69; T2675, al-Tirmidhi, al-'Ilm, 15.

<sup>8</sup> Al-Hijr, 15:29; Saad, 38:72.

<sup>9</sup> T1398, al-Tirmidhi, al-Diyat, 8.

<sup>10</sup> B6871, al-Bukhari, al-Diyat, 2; M261, Muslim, al-Iman, 144.

<sup>11</sup> D4270, Abu Da'ud, al-Malahim, 6.



Allah. Putting an end to life, apart from that required by warfare, legitimate defense, or a legal ruling, is murder and is religiously forbidden.

Islam regards human life as sacred and one of its fundamental bases is the need to protect it. As our beloved Prophet said, “*Everything of a Muslim is sacred to a Muslim: His property, honor and blood...*”<sup>12</sup> Allah’s Messenger, who frequently addressed his Companions (ra) during his Farewell Pilgrimage, reminded them in one of his sermons of the honorable day, month, and region in which they were and then said, “*Indeed, your blood, your wealth, and your honor are as sacred for you as the sacredness of this day of yours (the day before the Eid al-Adha), in this city of yours (Mecca), in this month of yours (Dhu al-Hijja).*”<sup>13</sup>

Because respect for life is so important to Allah (swt), Hell is specified for the commission of murder in the verse, “*If anyone kills a believer deliberately, the punishment for him is Hell, and there he will remain [forever]: Allah is angry with him, and rejects him, and has prepared a tremendous torment for him.*”<sup>14</sup> It should immediately be stated, however, that the punishment for killing someone to be remaining in Hell [forever] has been interpreted by most Muslim scholars to mean “to remain a long time in Hell.” Some of them have also asserted that “remaining in Hell [forever]” is valid for those who consider killing people unjustly as religiously permissible. Furthermore, Sunni theologians who have examined the verses that state that Allah will forgive whom he wishes except for those who have joined partners with him<sup>15</sup> have come to the conclusion that, if the guilty have faith, after they serve their sentences they will leave Hell and enter Paradise.

Our master the Prophet (saw) sternly warned people against committing murder and even thinking about it. He stated that Hell would be the place where two parties who tried to kill each other would go, “*If two Muslims confront each other with their swords and one of them kills the other, both the killer and the slain will be in Hell.*” And when he was asked, “O, Allah’s Messenger! We understand the fate of the killer, but what about the one who is slain?” He answered, “*He wanted to kill his companion.*”<sup>16</sup>

Allah’s Messenger considered the increasing number of murders to be among the signs of Judgement Day.<sup>17</sup> Unfortunately, today murder is committed for such trivial reasons that madness and murder have been the hallmarks our age. Even in our country (Turkey) whose population is almost all Muslim murders are committed for no significant reason. Some

<sup>12</sup> D4882, Abu Da’ud, al-Adab, 35; M6541, Muslim, al-Birr, 32.

<sup>13</sup> B67, al-Bukhari, al-’Ilm, 9; M4383, Muslim, al-Qasama, 29.

<sup>14</sup> Al-Nisa’, 4:93.

<sup>15</sup> Al-Nisa’, 4:48, 116.

<sup>16</sup> N4127, al-Nasa’i, al-Muharaba, 29; B6875, al-Bukhari, al-Diyat, 2; M7253, Muslim, al-Fitan wa ishrat al-sa’a, 15.

<sup>17</sup> M7257, Muslim, al-Fitan, 18.



incidents of murder which occur in our country are honor killings. The reason for these killings, which are carried out against women in particular, is that a woman has brought dishonor to her family and in this matter even the slightest doubt about her conduct is seen as sufficient to kill her. In any case, no one can be charged with it unless the crime has been confirmed and it cannot be punished by someone who does not have legal authority.

When a believer has been treated unjustly, he can either demand a punishment to fit the crime via legal means or he can be more charitable and chose to forgive.<sup>18</sup> The believer who suffers an injustice does not therefore have the right to retaliation.<sup>19</sup> This is because retaliation can lead to chaos and disorder in society; and if the person who suffered the injustice inflicted greater harm on the guilty than what he had received, the oppressed could become the oppressor. For this reason, the authority to carry out justice by punishing the guilty is given to legal institutions.

Today because one can get married without the approval of the family and one does not have to marry the person the family wants or can divorce the person he married, honor killings have no humane, legal, or religious support. The killing of a person over the aforesaid issues is nothing but ignorance and cruelty. Using a religious excuse to commit an honor killing instead of resolving negatives issues that can be experienced in the family by acting calmly and through legal means is unacceptable under all circumstances.

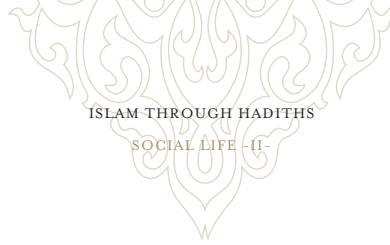
Our master the Prophet (saw) showed us how we should act in an incident in which suspicions arose that a woman had had an illegal sexual relationship. Hilal b. Umayya, who was one of three of the Companions (ra) who did not participate in the Tabuk Campaign, accused his wife of committing *zinā'* with Sharik b. Sahma' and complained of this to Allah's Messenger. Thereupon the Prophet (saw) said, "*Either you bring forth a proof (four witnesses) or you will receive the legal punishment (lashes) on your back,*" and wanted Hilal to prove what he had said. With these words Allah's Messenger was reminding him of the punishment for falsely accusing a chaste woman of indiscretion. But Hilal insisted that he had told the truth, and went to one side and prayed to Allah. At that moment verses 6-9 of the *sūra* al-Nur were revealed. Then in accordance with the verses, Allah's Messenger performed the *mulā'na* between them (each spouse swearing that the accusation against the other was true) and divorced them.<sup>20</sup>

As can be seen, under these circumstances, instead of deciding on his

<sup>18</sup> T1405, al-Tirmidhi, al-Diyat, 13.

<sup>19</sup> IM2340, Ibn Maja, al-Ahkam, 17; MU1435, al-Muwatta', al-Aqdiyya, 26.

<sup>20</sup> B4747, al-Bukhari, al-Tafsir, (al-Nur) 3; T3179, al-Tirmidhi, Tafsir al-Qur'an, 24.



own and punishing the woman as soon as her husband's suspicions were aroused, he sought a legal resolution which was the most correct approach. Not when simply faced with suspicions but even if a crime were committed, no authority of any kind was given to kill anyone in the family. If a crime had obviously been committed, inflicting punishment for it rested not with any individuals, even if they were the victims, but with the legal authority.

This is the route that should be followed in blood feuds which can cause loss of life. People should not take into their own hands the punishment of others with whom they are in dispute. This is because the fact that the person who is killed in this way is guilty does save the one who has the knife in his hand from becoming the killer just as it does not make him innocent of the blood feud. Therefore our Prophet declared in his Farewell Sermon that, as with all other customs of the Jahiliyya period, he had trampled the blood feud underfoot and abolished it.<sup>21</sup>

It is specified in Islam that not only are the lives and property of Muslims sacrosanct but also those of non-Muslims living in Muslim society. In order to ensure social peace, non-Muslims living in Muslim society, or, as we would say today, minorities, need to have a sense of security. Our master the Prophet (saw) said, *“Whoever kills a person who is a mu’ahid (a person who is granted the promise of protection by the Muslims) will not smell the fragrance of Paradise though its fragrance can be smelled at a distance of forty years (of traveling).”*<sup>22</sup> Thus he stressed that there was no difference between such a murder and one committed against a Muslim. This ruling would establish security in international relations because it would also ensure the security of Muslims living in non-Muslim societies.

The Islamic religion is not satisfied with only otherworldly punishments to protect the right to life, which is considered the most important universal right in many international agreements, above all in the current Universal Declaration of Human Rights. This is because in certain situations otherworldly punishment alone does not serve as a deterrent. For this reason, in order to prevent the crime of murder, some strong sanctions are provided in the Noble Qur’an. Paramount among them is retaliation (talion).<sup>23</sup> The punishment of retaliation is carried out only in cases of deliberate murder. According to this principle, the killer is given a punishment equal to the crime that he committed. In order to prevent taking re-

<sup>21</sup> M2950, Muslim, al-Hajj, 147; D1905, Abu Da’ud, al-Manasik, 56.

<sup>22</sup> B6914, al-Bukhari, al-Diyat, 30.

<sup>23</sup> Al-Baqara, 2:178.



venge, to protect society and to save other innocent lives, the Holy Qur'an says, "Fair retribution saves lives for you."<sup>24</sup>

The Holy Qur'an also states that either the victim or his guardian can forgo retaliation and instead accept compensation (*diya*): "But if the culprit is pardoned by his aggrieved brother, this shall be adhered to fairly, and the culprit shall pay what is due in a good way. This is an alleviation from your Lord and an act of mercy. If anyone then exceeds these limits, grievous suffering awaits him."<sup>25</sup> What is highly recommended, however, is forgiveness without anything in return, "though if a person is patient and forgives, this is one of the greatest things."<sup>26</sup>

In cases when a person is killed unintentionally or by accident, the punishment for the killer is *diya*.<sup>27</sup> If the murderer is a close enough relative to be an heir of the person he killed, then, according to the *hadith*, "The murderer should not inherit anything (from the person he killed)," he is forbidden to receive anything from the victim's estate.<sup>28</sup> The matter which needs to be properly understood here is that the authority to carry out these punishments rests with the state. The aforesaid sanctions are carried out only by legal means. Otherwise such principles as equivalency and equity, which are the essence of retaliation, would be violated and the road to social chaos could be opened. Our religion absolutely forbids a person to punish someone on his own or to pursue a vendetta because this would lead to even greater disasters.

In the world of modern times there are very few examples of this sanction being carried out. Indeed, in many countries of the world the death penalty has been abolished. Nevertheless, the theoretical place and importance of this punishment is still being discussed. In fact the crime of murder, which means taking the right to life, which is man's most valuable asset, does not only put an end to the life of the victim, but it also blackens the life of the families of both the killer and the person killed. This situation causes many social problems and makes the lives of the people involved miserable, as if they were spending their lives in prison in both this life and the next. Thus, for this reason, Islam, which holds man's right to life above everything and in fact considers it sacred, takes serious measures to protect it. By stating that taking a life is a great sin and specifying its punishment in the hereafter, Islam tries to ameliorate people's consciences. In addition, by emphasizing that man's right to life is too important to be left to peoples' consciences, it specifies strong and dissuasive worldly punishment for murder.

<sup>24</sup> Al-Baqara, 2:179.

<sup>25</sup> Al-Baqara, 2:178.

<sup>26</sup> Al-Shura, 42:43.

<sup>27</sup> Al-Nisa', 4:92.

<sup>28</sup> D456, Abu Da'ud, al-Diyat, 18.



## RETALIATION (TALION) THE BALANCE OF CRIME AND PUNISHMENT

عَنْ سُلَيْمَانَ بْنِ عَمْرٍو بْنِ الْأَحْوَصِ قَالَ: حَدَّثَنِي أَبِي أَنَّهُ شَهِدَ حَجَّةَ الْوَدَاعِ مَعَ رَسُولِ اللَّهِ ﷺ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ وَذَكَرَ وَوَعَّظَ ثُمَّ قَالَ: «...أَلَّا لَا يَجْنِي جَانٌ إِلَّا عَلَى نَفْسِهِ وَلَا يَجْنِي وَالِدٌ عَلَى وَلَدِهِ وَلَا وَلَدٌ عَلَى وَالِدِهِ...»

Sulayman b. 'Amr b. al-Ahwas (ra) said, “My father told me that he participated in the Messenger of Allah (saw)’s Farewell Pilgrimage. The Prophet (saw) praised Allah and extoled Him, reminded and exhorted and then he said, ‘...Know this! No one commits a crime except against himself; a father is not punished for his son nor a son for his father.’”

(T3087, al-Tirmidhi, Tafsir al-Qur'an, 9)



عَنْ أَبِي شَرِيحٍ الْخَزَاعِيِّ أَنَّ النَّبِيَّ ﷺ قَالَ:  
”مَنْ أُصِيبَ بِقَتْلِ أَوْ خَبْلِ فَإِنَّهُ يَخْتَارُ إِحْدَى ثَلَاثٍ إِمَّا أَنْ يَقْتَصَّ وَإِمَّا أَنْ يَعْمُورَ  
وَإِمَّا أَنْ يَأْخُذَ الدِّيَةَ فَإِنْ أَرَادَ الرَّابِعَةَ فَخُذُوا عَلَيَّ يَدِيهِ وَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ  
عَذَابُ الْيَمِّ.“



عَنْ أَنَسٍ قَالَ: أَتَى رَسُولُ اللَّهِ ﷺ فِي قِصَاصٍ فَأَمَرَ فِيهِ بِالْعَفْوِ.



حَدَّثَنِي وَأَيْلُ بْنُ حُجْرٍ قَالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ إِذْ جَاءَ بَرَجُلٌ قَاتِلٍ فِي  
عُنُقِهِ النَّسْعَةَ قَالَ: فَدَعَا وَلِيَّ الْمَقْتُولِ فَقَالَ: ”أَتَعْفُو؟“ قَالَ: لَا. قَالَ: ”أَفْتَأْخُذُ  
الدِّيَةَ؟“ قَالَ: لَا. قَالَ: ”أَفْتَقْتُلُ؟“ قَالَ: نَعَمْ. قَالَ: ”أَذْهَبَ بِهِ.“ فَلَمَّا وَلَّى  
قَالَ: ”أَتَعْفُو؟“ قَالَ: لَا. قَالَ: ”أَفْتَأْخُذُ الدِّيَةَ؟“ قَالَ: لَا. قَالَ: ”أَفْتَقْتُلُ؟“ قَالَ:  
نَعَمْ. قَالَ: ”أَذْهَبَ بِهِ.“ فَلَمَّا كَانَ فِي الرَّابِعَةِ قَالَ: ”أَمَا إِنَّكَ إِنْ عَفَوْتَ عَنْهُ  
يُبْوءُ بِإِثْمِهِ وَإِثْمِ صَاحِبِهِ.“ قَالَ: فَعَفَا عَنْهُ.



According to Abu Shurayh b. al-Khuza'i (ra), the Prophet (saw) said, "*If a relative of anyone is killed, or if he suffers khabl, which means a wound, he may choose one of the three things: he may retaliate, or forgive, or receive compensation (diya). But if he wishes a fourth (i.e., something more), hold his hands (i.e., prevent him). After this whoever exceeds the limits will have a painful penalty.*"

(D4496, Abu Da'ud, al-Diyat, 3)



Anas (b. Malik) (ra) said, "*Someone came to the Messenger of Allah (saw) to ask for retaliation, but he recommended forgiveness.*"

(N4787, al-Nasa'i, al-Qasama, 28-29)



Wa'il b. Hajr (ra) said, "I was with the Prophet (saw) when a man who was a murderer and had a strap round his neck was brought to him. He then called the legal guardian of the victim and asked him, '*Do you forgive him?*' He said, 'No.' He then asked, '*Will you accept blood-money (diya)?*' He said, 'No.' He then asked, '*Will you kill him?*' He said, 'Yes.' He then said, '*Take him!*' When he turned his back, he said, '*Do you forgive him?*' He said, 'No.' He then said, '*Will you accept blood-money?*' He said, 'No.' He then said, '*Will you kill him?*' He said, 'Yes.' He then said, '*Take him!*' After repeating all this a fourth time, he said, '*If you forgive him, he will bear the burden of his own sin and the sin of the victim.*' When the man heard this, he then forgave the culprit."

(D4499, Abu Da'ud, al-Diyat, 3)







According to what the beloved Companion Anas b. Malik (ra) transmitted to us, the following interesting incident occurred immediately after our Prophet arrived in Medina: Some people from the ‘Urayna and ‘Ukl tribes came to Medina and declared that they had become Muslims. During the time they were in Medina, the weather became uncomfortable for them and so they went to the Messenger of Allah (saw) and said, “We are herders and not farmers” and they wanted to leave Medina. So The Prophet of Mercy ordered that they be settle in a place called al-Harra where some camels had been collected as *zakāt* and there was a shepherd; and he said that they could receive nourishment from the camel’s milk until their health returned. Subsequently, these people began to live near the camels and when they regained their health, they abjured Islam and reverted to disbelief. They killed the shepherd and drove away the camels. When news of this reached the Prophet (saw), he sent a group of men in pursuit of them (and they were caught and brought back). When their crimes were proven, they were subjected to retaliation and they were executed in a painful manner just as they had killed the shepherd.<sup>1</sup>

This punishment, which Anas b. Malik (ra) characterized as “the severest punishment that the Prophet (saw) administered,”<sup>2</sup> was, as described, carried out as retaliation. What is retaliation which left Allah’s Messenger, who, whenever his name is mentioned, he is thought of as The Prophet of compassion and love, in the position of carrying out this severe punishment?

Retaliation means “to go after something, to follow the tracks of, to equalize, to make a reprisal, to respond to an act with an equal act.” As a legal term it means “responding to the deliberate killing of someone by having the killer killed or by punishing someone who has injured someone by inflicting on him bodily or physical injury similar to that received

<sup>1</sup> B5727, al-Bukhari, al-Tibb, 29; N306, al-Nasa’i, al-Tahara, 191.

<sup>2</sup> B5685, al-Bukhari, al-Tibb, 5.



by the victim.<sup>3</sup> As indicated in this definition, retaliation is carried out in cases of deliberate unjustified murder or bodily injury. This punishment is not carried out for deeds done by accident.

The object of retaliation, which is mentioned in the Noble Qur'an and which the Prophet (saw) carried out in a time which was trying to escape from the vestiges of the brutal society of the Jahiliyya, was to secure society's right to life by punishing someone who had taken from another his right to life, which is man's most basic right, or had injured him, in a way that was exactly like the crime. Our religion in fact considers crimes against life, above all murder, as great sins and forbids them categorically. Retaliation served to both prevent unjustified assaults on human life and to ensure that justice was done by punishing the guilty in a manner equal to their crimes.

Retaliation has a long history stretching back to very ancient nations and civilizations. The practice of punishment by retaliation was widespread in Arab society in the pre-Islamic period. It is found in the Torah as well as in the Holy Qur'an. Indeed, in one verse Allah on High says, *"In the Torah We prescribed for them a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, an equal wound for a wound: if anyone forgoes this out of charity, it will serve as atonement for his bad deeds. Those who do not judge according to what Allah has revealed are doing grave wrong."*<sup>4</sup> In fact, retaliation, which has a distinct meaning in the verse which goes, *"Fair retribution saves life for you..."*,<sup>5</sup> and finds expression in the proverb "The best way to stop killing is to not kill again," held an important place in the contemporary understanding of justice.

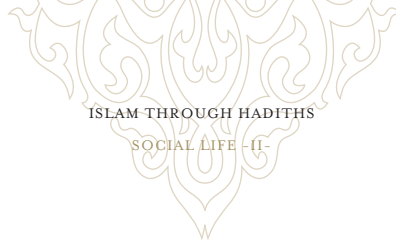
According to Sulayman b. 'Amr b. al-Ahwas (ra), his father participated in the Messenger of Allah (saw)'s Farewell Pilgrimage and said, "In his address during his Farewell Pilgrimage, the Prophet (saw) first praised Allah and extolled Him, reminded and exhorted and then he said, *'...Know this! No one commits a crime except against himself; a father is not punished for his son nor a son for his father.'*"<sup>6</sup> With these words the Prophet (saw) explained that with respect to retaliation and all crimes the punishment would be given only to the perpetrator of the crime in question; and he emphasized that the crime would be personalized. This is because, at that time, when the concept of state had not reached full development, the balance of power among tribes, which were the determinants of blood ties,

<sup>3</sup> "Kisas," *DIA*, XXV, 488.

<sup>4</sup> *Al-Ma'ida*, 5:45.

<sup>5</sup> *Al-Baqara*, 2:179.

<sup>6</sup> T3087, *al-Tirmidhi*, *Tafsir al-Qur'an*, 9; IM3055, *Ibn Maja*, *al-Manasik*, 76.



played a very influential role in the practice of retaliation. As a result, arbitrariness and excess often became the issue in the practice of retaliation and caused blood feuds which lasted for generations. A crime committed against one member of a tribe was considered a crime against the whole tribe. Anyone in the tribe, the guilty or innocent, could be subjected to retaliation without distinction. Islam put an end to this shared guilt and established the principle that everyone was equal before the law and that crime was individualized.

Ibn ‘Abbas (ra) described another incident showing how punishment should be specific to the guilty when he gave the following noteworthy example of discriminating between the two large Jewish tribes living in Medina, the Banu Qurayza and the Banu Nadir: The Banu Nadir was considered superior to the Banu Qurayza. If a member of the Qurayza killed a member of the Nadir, he would be killed, but if the opposite were the case only 100 measures of dates would be given as compensation. After our Prophet graced Medina with his presence, a member of the Nadir killed a member of the Qurayza. When the Banu Qurayza demanded that the murderer be killed in retaliation, the Banu Nadir, following their old custom, would not surrender the killer and took the matter to the Prophet (saw) (they knew what a prophet was, but they did not believe he was a prophet). Verses were revealed<sup>7</sup> ordering our master the Prophet (saw) to rule justly between the two tribes in this matter<sup>8</sup> and condemning those who wanted to follow the practices of the Jahiliyya period.<sup>9</sup> The Prophet (saw) gave great importance to justice regarding retaliation, as he did in all matters as we have seen. Everyone agreed/would agree that when justice, law, and sanctions were applied equally to everyone then justice was served; and awareness that everyone was equal before the law would, on the one hand, give security to all the people in that society and, on the other, discourage them from crime.

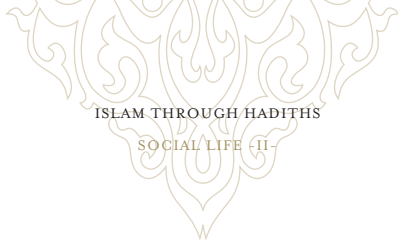
Some theologians, such as Imam al-Shafi‘i, Imam Malik, and Ahmad b. Hanbal, citing the *ḥadīth*, “No Muslim should be killed for killing a disbeliever,”<sup>10</sup> have stated that a believer who killed a disbeliever could not be killed in retaliation. In contrast to this, according to Imam Abu Hanīfah, who looked at this issue from the perspective of the Holy Qur’an, the concept of retaliation did not distinguish between Muslim and disbeliever, man and woman, free person and slave; it was a concept that arose on the

<sup>7</sup> N4736, N4737, al-Nasa‘i, al-Qasama, 8-9.

<sup>8</sup> Al-Nisa’, 4:58.

<sup>9</sup> Al-Ma‘ida, 5:50.

<sup>10</sup> B111, al-Bukhari, al-‘Ilm, 39.



basis of being a human being; and, he stated, the person who was meant as a disbeliever in this *ḥadīth* were non-Muslims who had been in war.<sup>11</sup> Not distinguishing between believer and disbeliever with regard to retaliation and applying the Qur'anic verses and the Islamic concept of justice and equality, along with the Prophet (saw)'s ordering retaliation against a free person for injury to a slave girl,<sup>12</sup> and the fact that a man could be killed for killing a woman<sup>13</sup> were all actions in harmony with the *ḥadīth*, “If someone kills his slave, we would kill him; whoever cuts an organ of his slave, we will cut his organ.”<sup>14</sup>

‘Umar (ra), whose name was synonymous with justice, retaliated individually against six or seven persons who had jointly ambushed and killed a person in the city of San‘a in Yemen and said, “If all the people in San‘a had participated in this crime I would have punished them all in the same fashion.”<sup>15</sup>

The Prophet (saw) said, ““If a relative of anyone is killed, or if he suffers *khabl*, which means a wound, he may choose one of the three things: he may retaliate, or forgive, or receive compensation (*diya*). But if he wishes a fourth (i.e. something more), hold his hands (i.e., prevent him). After this whoever exceeds the limits will have a painful penalty.”<sup>16</sup>

As we have seen, Islam offered three alternatives to the victim or his family in cases which required retaliation. If the victim or his family did not wish to forgive the perpetrator or accept *diya*, then retaliation was carried out on the basis of justice. Accordingly, the killer would be killed, a tooth would be broken for a broken tooth, an equal wound would be inflicted for a wound. Balance would be observed between the crime and its punishment and legitimate measures would not be exceeded.<sup>17</sup> According to Anas b. Malik (ra), his paternal aunt al-Rubay‘ broke the front teeth of a slave girl. Her requests for forgiveness and *diya* did not receive a positive response. The relatives of the slave girl insisted on retaliation and wanted her teeth to be broken. Even when this matter was brought to Allah’s Messenger, they would not forego their demand for retaliation. Thereupon, the Prophet (saw) said, “Retaliation is required according to Allah’s Book,” and he gave the order for it to be carried out. However, when Anas b. al-Nadr, the paternal uncle of Anas b. Malik<sup>18</sup> and brother of al-Rubay‘ (ra) insisted that the retaliation not be carried out, the relatives of the slave girl changed their minds and eventually accepted *diya*.<sup>19</sup> Thus, in Islam, even if a slave

<sup>11</sup> “Kisas,” *DĪA*, XXV, 491.

<sup>12</sup> B6894, al-Bukhari, al-Diyat, 19.

<sup>13</sup> DM2384, al-Darimi, al-Diyat, 3.

<sup>14</sup> DM2388, al-Darimi, al-Diyat, 7.

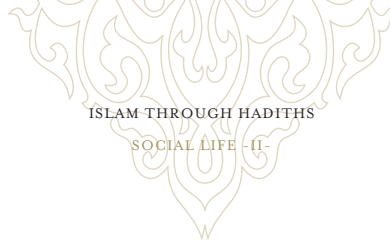
<sup>15</sup> MU1593, al-Muwatta’, al-Uqul, 19.

<sup>16</sup> D4496, Abu Da’ud, al-Diyat, 3.

<sup>17</sup> Al-Isra’, 17:33.

<sup>18</sup> IBS53, Ibn ‘Abd al-Barr, *al-Isti’ab*, 53.

<sup>19</sup> B4500, al-Bukhari, al-Tafsir (al-Baqara) 23; N4756, al-Nasa’i, al-Qasama, 16-17; N4761, al-Nasa’i, al-Qasama, 17-18.



girl were a victim, ultimate justice could be demanded for her and the demand could be retaliation.

Although retaliation is described as recompense for such willful crimes, being moral and worldly punishment in addition to what one will be responsible for in the next world,<sup>20</sup> the most virtuous response to harm would be to forgive the culprit with nothing in return, to treat him with kindness, and to give good in response to evil.<sup>21</sup> Allah on High has recommended forgiveness without anything in return on the principle that recompense for sins will occur in the next world.<sup>22</sup> In fact, when the Messenger of Allah (saw) was once asked for permission to retaliate, he also recommended forgiving the guilty.<sup>23</sup>

According to Wa'il b. Hajr (ra), a chief in Yemen who abandoned his position and went to Mecca when he heard that a prophet had appeared there,<sup>24</sup> a murderer was brought to Allah's Messenger bound by the neck with a strap. The Messenger of Allah summoned the guardian of the victim and first suggested that he forgive him, but when he would not accept this he proposed that he take *diya*. The guardian of the person who was killed insisted on retaliation and so the Messenger of Allah (saw) ruled that he be taken and put to death. As the man turned his back to leave, our Prophet again tried to persuade him to forgive the culprit or accept *diya*, but again he answered in the negative. The Prophet (saw) repeated himself four times. Finally, our master the Prophet (saw) said, "If you forgive him, he will bear the burden of his own sin and the sin of the victim." Thereupon the man forgave the culprit.<sup>25</sup>

As mentioned in the aforesaid *hadith*, the victim or his guardian had the right to forego the right of retaliation and, instead, forgive the culprit without receiving anything in return or in return for *diya*. This compensation, which we could call "blood money" for the person who was killed, was meant to be a large financial burden on the culprit and also to be a significant economic contribution to the aggrieved party. Indeed, the Prophet (saw) had stated that the *diya* of a person who was killed would be 100 camels,<sup>26</sup> and had recognized that their monetary value could fluctuate.<sup>27</sup> As for injuring someone without causing death and leaving that person disabled, the amount of the *diya* should correspond to the seriousness of the injury, as stated in the *hadith* and Sunna, and such circumstances as the type of crime committed, the loss of activity resulting from the injury,

<sup>20</sup> Al-Baqara, 2:178-179.

<sup>21</sup> N4730, al-Nasa'i, al-Qasama, 6-7.

<sup>22</sup> Al-Ma'ida, 5:45.

<sup>23</sup> N4787, al-Nasa'i, al-Qasama, 28-29; D4497, Abu Da'ud, al-Diyat, 3.

<sup>24</sup> BT2607, al-Bukhari, *Ta'rikh al-kabir*, VIII, 175.

<sup>25</sup> D4499, Abu Da'ud, al-Diyat, 3.

<sup>26</sup> T1387, al-Tirmidhi, al-Diyat, 1.

<sup>27</sup> T1388, al-Tirmidhi, al-Diyat, 2; N4805 al-Nasa'i, al-Qasama, 33-34.



and the vital function of the organ.<sup>28</sup> As for those who go to extremes by taking *diyya* and killing the culprit, the Prophet (saw) said, “*I will not forgive one who kills (the killer) after taking diyya.*”<sup>29</sup>

For injuries for which balancing the punishment with the crime is difficult, generally *diyya* is preferred because of the risk that the punishment might be more severe than what the guilty deserves. In order to ensure the necessary balance, the Prophet (saw) sometimes recommended that the victim wait until the full extent of his injury emerged. In fact, one day a man who had been stabbed with a knife came to the Prophet (saw) and demanded retaliation. The Prophet (saw) wanted him to wait until his wound had healed. However, when the injured man insisted on retaliation, the Messenger of Allah carried out the punishment. When the leg of the victim did not heal but that of the culprit did, he came to the Prophet (saw) and demanded *diyya*. Thereupon the Prophet (saw) said, “*Didn’t I tell you not to demand retaliation until your wound had healed? But now you have come to me (for diyya). May Allah take you! May the wound not heal!*”<sup>30</sup>

During the time in which our beloved Prophet lived, a Jew attacked a slave girl from Medina and after taking her jewelry tried to kill her by crushing her head with a stone. Those who found her brought her to the Prophet (saw). The poor girl, who was on the verge of death and could not speak, was given the name of several people and each time she was asked, “Did so and so kill you?” The slave girl, who motioned with her head each time as if to say, “No,” finally nodded her head to answer, “Yes,” when she was given the name of the Jew. Allah’s Messenger had this Jew brought to him. Subsequently the Jew confessed to his crime and the Prophet (saw) ordered him to be punished.<sup>31</sup>

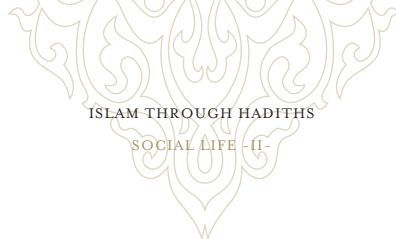
The concept of retaliation in Islam is also reflected in some touching anecdotes concerning the Companions (ra). Usayd b. Hudayr, a Companion from Medina, was a man who spread mirth among those around him. One day he was talking to people and making them laugh. Our master the Prophet (saw), who was among them, smiled, picked up a stick from the ground and lightly poked Usayd in the side. Usayd, who recognized an opportunity, turned to the Prophet (saw) and said, “O, Messenger of Allah! Give me permission to retaliate!” The exalted Prophet said, “*Then take retaliation!*” But Usayd said, “I have no shirt.” The humble Prophet raised his shirt and revealed his side. Usayd, who saw that the time had come to do

<sup>28</sup> “Diyet,” *DIA*, IX, 476.

<sup>29</sup> D4507, Abu Da’ud, al-Diyat, 5.

<sup>30</sup> HM7034, Ibn Hanbal, II, 218; MA17991, ‘Abd al-Razzaq, *al-Musannaf*, IX, 454.

<sup>31</sup> B5295, al-Bukhari, al-Talaq, 24; D4527, Abu Da’ud, al-Diyat, 10; N4049, al-Nasa’i, al-Muharaba, 9; T1394, al-Tirmidhi, al-Diyat, 6.



what he had intended all along, embraced our master and kissed his side. Saying, “O, Messenger of Allah! This is what I wanted to do,” he created an environment in which the Companions (ra) around him were touched.<sup>32</sup>

Retaliation –punishment being of the same nature as the crime, punishment being as severe as the crime, no more and no less– was carried out for the purpose of establishing the principle that The Prophet of Mercy tried to ensure, that is, justice. Retaliation which was paramount among the measures that our exalted religion of Islam took to ensure security of life, which is man’s most fundamental right, is not only a punishment which has an influence after the crime was committed but also at the same time has an important function in keeping people from committing crime and trying to prevent crime. The essential strength of the principle of retaliation lies in its value as a deterrent to committing crime. In fact if the punishment for a crime were too light, one could posit that it would lose its influence as a deterrent, which is a basic goal of law and, in a sense, lose its function and thus cause crime and the number of criminals to increase. Today the punishment of retaliation is seen as a legal sanction found in history, for which there are many examples. There are few countries in the world which have preserved this sanction in a system of law. Indeed, in many countries of the world the death penalty has been completely abolished from criminal codes. These measures, whose object is to protect human life under all conditions and in all circumstances, indicate the current level that the concept of modern law has reached. Nevertheless, the extent to which these measures can satisfy people who have experienced the pain of having the life of a relative cut short or can satisfy society’s sense of fairness and justice is a subject that is still being debated by legal theorists.

In this respect, the verses in the holy books and in the Noble Qur’an which mention balancing the punishment with the crime continue to remind us of the principle that human life is sacred to humanity: “*Fair retribution saves life for you, people of understanding, so that you may guard yourselves against what is wrong.*”<sup>33</sup>

<sup>32</sup> D5224, Abu Da’ud, al-Adab, 148-149.

<sup>33</sup> Al-Baqara, 2:179.







## BLOOD FEUD THE JAHILIYYA CUSTOM WHICH IGNORES THE LAW

عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”أَوَّلُ مَا يُقْضَى بَيْنَ النَّاسِ يَوْمَ الْقِيَامَةِ، فِي الدِّمَاءِ.“

According to ‘Abd Allah b. Mas‘ud (ra), the Messenger of Allah (saw) said,  
“The cases which will be decided first on Resurrection Day will be  
the cases of blood feuds.”

(M4381, Muslim, al-Qasama, 28; B6533, al-Bukhari, al-Riqaq, 48)



عَنْ حُدَيْفَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:   
”لَا تَكُونُوا إِمْعَةً تَقُولُونَ: إِنَّ أَحْسَنَ النَّاسِ أَحْسَنًا، وَإِنْ ظَلَمُوا ظَلَمْنَا، وَلَكِنْ   
وَطَّنُوا أَنْفُسَكُمْ، إِنَّ أَحْسَنَ النَّاسِ أَنْ تُحْسِنُوا، وَإِنْ أَسَاءُوا فَلَا تَظْلِمُوا.“



عَنْ سُلَيْمَانَ بْنِ عَمْرٍو بْنِ الْأَحْوَصِ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ   
فِي حِجَّةِ الْوَدَاعِ: ”أَلَا لَا يَجْنِي جَانٍ إِلَّا عَلَى نَفْسِهِ. لَا يَجْنِي وَالِدٌ عَلَى وَلَدِهِ،   
وَلَا مَوْلُودٌ عَلَى وَالِدِهِ.“



عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: مَا رَأَيْتُ رَسُولَ اللَّهِ ﷺ رُفِعَ إِلَيْهِ شَيْءٌ فِيهِ   
قِصَاصٌ إِلَّا أَمَرَ فِيهِ بِالْعَفْوِ.



According to Hudhayfa (b. al-Yaman) (ra), the Messenger of Allah (saw) said, *“Do not let yourselves be opportunists, saying, ‘If the people do good then we will do good, and if they do wrong then we will do wrong.’ Rather, if the people do good then you do good, and if they do evil, then do not behave unjustly.”*

(T2007, al-Tirmidhi, al-Birr, 63)



According to Sulayman b. ‘Amr b. al-Ahwas (ra), his father heard the Messenger of Allah (saw) say during his Farewell Pilgrimage, *“Know this! No one commits a crime except against himself; a father is not punished for his son nor a son for his father.”*

(IM2669, Ibn Maja, al-Diyat, 26; T3087, al-Tirmidhi, Tafsir al-Qur’an, 9)



Anas b. Malik (ra) said, *“I saw that whenever a dispute involving retaliation was brought to the Messenger of Allah (saw), he commanded forgiveness.”*

(D4497, Abu Da’ud, al-Diyat, 3; N4788, al-Nasa’i, al-Qasama, 28-29)





**O**n 25 Dhu 'l-Qa'da, the Messenger of Allah (saw) and the Muslims set out from Medina to fulfill the religious obligation of the Hajj.<sup>1</sup> Thousands of people, together with those who participated in the caravan traffic, entered Mecca on a market day, which was 4 Dhu 'l-Hijja, while exclaiming the *takbir* (the statement that Allah is most great) and *talbiya* (the invocation made loudly and repeatedly by pilgrims upon entering the state of ritual taboo for the Hajj).<sup>2</sup> The Noble Messenger, who remained in Mecca until Thursday, went first to Mina and then to Arafat. Riding his camel, he came to the middle of Wadi 'Urana (Urana Valley). There a large crowd had gathered and was waiting excitedly for him. Allah's Messenger spoke to them as follows in a speech which became known as the Farewell Sermon: *"Indeed, your blood, your wealth, and your honor are as sacred for you as the sacredness of this day of yours (the day before the Eid al-Adha), in this city of yours (Mecca), in this month of yours (Dhu al-Hijja). Know that everything belonging to the Jahiliyya is under my feet. All blood feuds from the Jahiliyya period have been abolished. The first blood feud that I have abolished is that of Ibn Rabi'a."*<sup>3</sup>

Thus Allah's Messenger declared that he had placed this bloody custom, which was known as the blood feud and was about as old as human history, under his feet. Asking those who were there, *"Have I communicated this to you?"* he made those who heard him and Allah on High witnesses to his words. He began with his own relatives, by abolishing the blood feud of Iyas b. Rabi'a, the grandson of his paternal uncle who was killed by the Hudhayl tribe when he was a small child.<sup>4</sup> Iyas was with his foster mother in the Sa'd tribe which was a branch of the Hudhayl.<sup>5</sup> At that time war had broken out between the Sa'd and the Layth tribe, which was a branch of the Kinana tribe.<sup>6</sup> During the fighting a stone struck Iyas who was crawling among the tents and killed him. The blood feud that broke out as a result of this incident was the first to be abolished by our master.<sup>7</sup>

<sup>1</sup> WM3/1089, al-Waqidi, al-Maghazi, III, 1089-1091.

<sup>2</sup> M3013, Muslim, al-Hajj, 202.

<sup>3</sup> M2950, Muslim, al-Hajj, 147; M4384, Muslim, al-Qasama, 30; D1905, Abu Da'ud, al-Manasik, 56.

<sup>4</sup> M2950, Muslim, al-Hajj, 147; AV5/262, 'Azimabadi, 'Awn al-ma'bud, V, 262.

<sup>5</sup> BA11/256, al-Baladhuri, *Ansab al-ashraf*, XI, 256.

<sup>6</sup> CR2/465, Ibn Hazm, *Jamharat ansab al-'arab*, II, 465.

<sup>7</sup> ShN8/183, al-Nawawi, *Sharh Muslim*, VIII, 183.

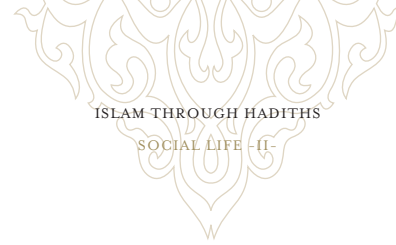


In fact, long before his Farewell Sermon, he had struck the biggest blow against the blood feud by founding a powerful socio-political unit in Medina. This was because, during the Jahiliyya when the concept of state as the central authority had not yet evolved, a tribal organization based on consanguinity held sway; and when the punishment for murder was carried out, it could go to extremes based on arbitrariness and personal revenge. Because avenging the blood of the person killed was considered a sacred duty and one that brought honor, sometimes powerful tribes would kill more than one person from a weak tribe in return for one of its members who had been killed. Weak tribes were willing to accept *diyya*. Therefore Allah's Messenger, by establishing an administrative system based on law, which took over certain functions such as preventing the arbitrary punishment of crimes by taking the punishment into one's own hands and ensuring that punishment would be carried out according to the results of a fair trial, made the political and social structure which nourished the blood feud nonfunctional.

For example the tribe of al-Nadir, which was a Jewish tribe in Medina, was considered superior to the tribe of Qurayza. Consequently when someone from the Qurayza killed someone from the al-Nadir the perpetrator was killed, but if someone from the al-Nadir killed someone from the Qurayza, 100 measures of dates were given as compensation. After Allah's Messenger made the Hijra to Medina and made it the site of his state, cases began to be brought to him and at that point he abolished this barbarous Jahiliyya practice by order of Allah on High Himself and tried to reach rulings and impose sanctions within the limits of "justice."<sup>8</sup>

The blood feud is not a method of punishment that can be explained simply by social and legal vacuums. It is an illness of blind revenge and a feeling of superiority. It is like an excruciating thirst which can only be slaked with blood. Such things as disagreements over land and boundaries, shares of inheritance, rape, animosity, killing someone by accident, abducting a girl, the sexually-oriented concept of honor directed toward women, and refusing to honor customs, can immediately cause feelings of anger and hatred to burst forth in the heart. If measures against these feelings are not taken right away, they can get out of hand and hostility can turn into the desire for revenge. Spreading like fire, revenge is seen as virtually impossible to stop, an error from which one cannot turn back.

<sup>8</sup> Al-Ma'ida, 5:42-50; al-Nisa', 4:58; N4736, al-Nasa'i, al-Qasama, 8-9 D4494, Abu Da'ud, al-Diyat, 1.



Thus, under such circumstances, keeping the spark of hatred from the fire of revenge is the best recourse. This is because once the fire of revenge ignites a social conflagration it is no longer easy to extinguish.

Thus Islam turns the taking of revenge completely on its head. It takes this matter out of people's hands and, on behalf of the victim, makes it the duty of Allah (swt). Allah the Exalted, who, on behalf of his servants, is the most powerful revenge taker when it comes to giving people what they deserve,<sup>9</sup> is responsive to every crime and injustice committed on the face of the earth. Sometimes he takes revenge in this world,<sup>10</sup> but the primary place where He will take divine revenge is in the next world.<sup>11</sup> As our Prophet stated, on the Day of Judgement blood feuds will be the first item on which people will be judged.<sup>12</sup> There is no evil deed to which Allah the Exalted will not respond.<sup>13</sup> Our master the Prophet (saw) said, "*The hornless sheep will get its claim from the horned sheep.*"<sup>14</sup> Thus he indicated that on the Day of Judgement those whose rights were taken from them will have them returned. This simile made by our master shows that if such a careful accounting is made even for animals which have no religious duties, then it will be equally careful in meeting out justice to people.

The Prophet of Islam who, with the cry "*O, servants of Allah! Be brothers!*" called upon believers to avoid hatred and vengeance,<sup>15</sup> reminded them that those whom Allah despised the most were those whose animosity knew no bounds.<sup>16</sup> He also said, "*It is enough sin for you that you never stop arguing.*"<sup>17</sup> The Prophet (saw), who throughout his life was an example to believers as someone who never pursued personal vengeance,<sup>18</sup> advised them, on one hand, to cease enmity and, on the other, not to react to something evil done to them with something just as evil; and he said, "*Do not let yourselves be opportunists, saying, 'If the people do good then we will do good, and if they do wrong then we will do wrong.' Rather, if the people do good then you do good, and if they do evil, then do not behave unjustly.*"<sup>19</sup>

Without doubt, the blood feud is not a simple reaction arising from the urge for vengeance. It is, at the same time, closely related to social and cultural realities. This is because the most important factor compelling a person to continue the custom of cherishing consanguinity is "the principle of common responsibility" which distinguishes the blood feud from ordinary murder and leads to illusory results. Accordingly a crime committed against one member of a family or lineage is considered to be

<sup>9</sup> Al 'Imran, 3:4.

<sup>10</sup> Al-Zukhruf, 43:25.

<sup>11</sup> T2561, al-Tirmidhi, Sifat al-janna, 22; HM9815, Ibn Hanbal, II, 450.

<sup>12</sup> M4381, Muslim, al-Qasama, 28; B6533, al-Bukhari, al-Riqaq, 48.

<sup>13</sup> Al-Zalzala, 99:7-8.

<sup>14</sup> M6580, Muslim, al-Birr, 60.

<sup>15</sup> B6064, al-Bukhari, al-Adab, 57; M6536, Muslim, al-Birr, 28.

<sup>16</sup> B7188, al-Bukhari, al-Ahkam, 34; T2976, al-Tirmidhi, Tafsir al-Qur'an, 2.

<sup>17</sup> T1994, al-Tirmidhi, al-Birr, 58.

<sup>18</sup> B6853, al-Bukhari, al-Hudud, 42; M6045, Muslim, al-Fada'il, 77.

<sup>19</sup> T2007, al-Tirmidhi, al-Birr, 63.





a crime committed against the entire family or lineage; and for a person to be related to the family of the culprit is accepted as sufficient reason for retaliation to be carried out against him as punishment. In this respect Islam put an end to the principle of common responsibility by ruling, “Each soul is responsible for its own actions,”<sup>20</sup> and “Know this! No one commits a crime except against himself; a father is not punished for his son nor a son for his father.”<sup>21</sup>

Islam thus personalizes crime and punishment. It put a definite end to the concept of common responsibility and punishment among tribes and relatives.<sup>22</sup> It declares that the person who commits a crime can only be punished with a punishment equal to the crime he committed.<sup>23</sup> “Retaliation,” which is an expression of matching the punishment with the crime, derives from this notion.<sup>24</sup> In order to ensure justice and protect the lives of the innocent, the Holy Qur’an states, “Fair retribution saves life for you.”<sup>25</sup> However through the mercy and palliation of Allah the Exalted, the relatives of the victim have been given the right to forgo retaliation and demand blood money (*diya/taḍmīnāt*).<sup>26</sup> If the relatives of the person who was killed forgo retaliation and accept *diya*, the parties should act fairly and the *diya* required for the person who was killed should be paid without compulsion.<sup>27</sup> Furthermore, if someone forgives, without compensation, a person who killed his relative, this act will serve as expiation for his sins<sup>28</sup> and Allah Himself will undertake to give him his true reward.<sup>29</sup>

Thus retaliation, which was an expression of balancing punishment with the crime, and the concept of *diya*, which was an expression of connecting crime with compensation, played a role in preventing blood feuds from continuing for generations among families and tribes and in putting an end to the notion of common responsibility for crime. Islam established the basis for ensuring that this method of punishment, which had been previously known among people, was carried out within the framework of parity between punishment and crime, justice, and fairness. Moreover it strongly recommended a superior approach to the punishments of retaliation or *diya*, namely, to forgive the culprit and forgo punishment.<sup>30</sup> Here is the place where the virtue of forgiveness went beyond the virtue of justice. Here we have a new order of benevolence. This is because justice is to administer punishment equal to the crime that was committed. However, to forgo punishment is a virtue which exceeds punishment. Forgiveness, therefore, is difficult, but it is a valuable act.<sup>31</sup> Consequently this virtue is

<sup>20</sup> Al-An’am, 6:164.

<sup>21</sup> IM2669, Ibn Maja, al-Diyat, 26; T3087, al-Tirmidhi, Tafsir al-Qur’an, 9.

<sup>22</sup> N4839, al-Nasa’i, al-Qasama, 40-41; IM2672, Ibn Maja, al-Diyat, 26.

<sup>23</sup> Al-Nahl, 16:126; T3129, al-Tirmidhi, Tafsir al-Qur’an, 16.

<sup>24</sup> Al-Baqara, 2:178; al-Isra’, 17:33; al-Ma’ida, 5:45.

<sup>25</sup> Al-Baqara, 2:179.

<sup>26</sup> Al-Baqara, 2:178.

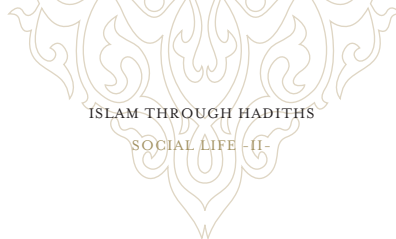
<sup>27</sup> Al-Baqara, 2:178.

<sup>28</sup> Al-Ma’ida, 5:45.

<sup>29</sup> Al-Shura, 42:40.

<sup>30</sup> Al-Baqara, 2:178; al-Ma’ida, 5:45.

<sup>31</sup> Al-Shura, 42:43.



one which the devout in particular, that is, those who are aware of their responsibility toward Allah (swt), possess.<sup>32</sup>

Islam gives to the victim whose rights have been violated, or, if this is not possible, to his relatives, the authority to pardon the person who committed the crime against him. The believer, if he suffers an injustice, has the choice of either demanding, by legal means, punishment in parity with the crime or, even better, forgiving the perpetrator.<sup>33</sup> The Noble Messenger says, however, that a believer who has suffered an injustice does not have the right of retaliation for it.<sup>34</sup> This is because retaliation can lead to chaos and disorder in society; and the person who suffered the injustice could become an oppressor by inflicting on the one who caused him harm a worse injury than what he received. Consequently, the decision to forgive is given to the victim or his relatives while the authority for the administration of justice by punishing criminals is given to legal institutions.

The Prophet (saw) said, *“Whoever suffers from killing or wounding has the choice of three things... He may demand retaliation (parity with the crime by legal means), accept blood money, or forgive without receiving anything in return. If, after selecting one of these alternatives, he changes his mind and does something else, then he can expect to abide in Hellfire forever.”*<sup>35</sup>

Allah’s Messenger who, throughout his life, never pursued personal revenge,<sup>36</sup> indeed, who forgave without hesitation those who threatened his life,<sup>37</sup> encourage forgiveness in every case concerning retaliation which was brought to him.<sup>38</sup> One day while he was sitting with his friends, a man came up to him. With him was an Abyssinian worker with a tether around his neck. The man said, “O, Messenger of Allah! This man killed my brother.” The Prophet (saw) turned to the Abyssinian and asked, *“Did you really kill him?”* Before he could answer, the man interrupted and said, “If he does not confess, I can bring evidence against him.” So, the Abyssinian confessed his crime saying, “Yes, I killed him.” Allah’s Messenger then said, *“How did you kill him?”* The Abyssinian replied, “This man’s brother and I were pruning a tree by shaking its leaves. During this job he cursed me and I became angry with him. I hit him on the head with the ax in my hand and killed him.”<sup>39</sup> He wanted the Messenger of Allah (saw) to know that he regretted what he had done and added, “I really did not intend to kill him.”<sup>40</sup>

Thereupon the Prophet (saw) turned to the man and said, *“Forgive him!”* The man, who did not want the crime to be left unpunished, said, “But he

<sup>32</sup> Al ‘Imran, 3:133-134.

<sup>33</sup> T1405, al-Tirmidhi, al-Diyat, 13.

<sup>34</sup> IM2340, Ibn Maja, al-Ahkam, 17; MU1435, al-Muwatta’, al-Aqdiyya, 26.

<sup>35</sup> IM2623, Ibn Maja, al-Diyat, 3; DM2381, al-Darimi, al-Diyat, 1.

<sup>36</sup> B6853, al-Bukhari, al-Hudud, 42.

<sup>37</sup> B4136, al-Bukhari, al-Maghazi, 32; B2617, al-Bukhari, al-Hiba, 28.

<sup>38</sup> D4497, Abu Da’ud, al-Diyat, 3; N4788, al-Nasa’i, al-Qasama, 28-29.

<sup>39</sup> M4387, Muslim, al-Qasama, 32; N4731, al-Nasa’i, al-Qasama, 6-7.

<sup>40</sup> T1407, al-Tirmidhi, al-Diyat, 13.



killed my brother.” And he turned down the request to pardon him. The Prophet of mercy said, “*Forgive!*” three times to the man, but the man insisted on punishment. When it proved impossible to resolve the problem by forgiveness, the Prophet (saw) asked the Abyssinian, “*Do you have property that you can pay as diya for the man that you killed?*” But the Abyssinian, who was clearly a poor worker who could not pay blood money, said, “I have nothing except my garment and ax.” The Messenger of Allah then asked the Abyssinian if he could go to his tribe and ask them for the *diya*. The Abyssinian said that the people with whom he lived were without means and they would not be able to pay him the amount required. Meanwhile, the man who was complaining, intervened and stated that he would not accept *diya*.<sup>41</sup>

The Messenger of Allah, who had first recommended that the complainant forgive the Abyssinian and then tried to ensure the latter’s payment of *diya*, finally gave his permission for retaliation when the two solutions that he had proposed could not be realized. He handed the tether on the Abyssinian to the older brother of the person who was killed and said, “*Take him!*” The man finally heard the decision that he was waiting for. Taking the Abyssinian in exchange for his brother’s blood, he departed from the Prophet (saw). The Prophet (saw) was not pleased that this matter did not end peacefully with an understanding. It unsettled him that a man who had unwillingly lost his temper would be punished with death for having killed someone. After they left, he said, “*If he kills him, he would be just like him.*” It was clear that he did not want to create another killer.

When the man heard these words as he departed, he could not believe his ears. He turned around in a state of bewilderment and said, “O, Allah’s Messenger! I heard you say, ‘*If he kills him, he would be just like him.*’ But I took him on your order.”<sup>42</sup> The Messenger of Allah, who held forgiveness and mercy above everything, wanted to prevent a long-lasting blood feud and replied, “*Do you not want to take him for your sins and the sins of your brother?*”<sup>43</sup> Presented with this good news, the man finally agreed to forgive the killer of his brother and he released the Abyssinian. The Abyssinian, who left while dragging on the ground the end of the tether hanging from his neck, was, for the rest of his life called Dhu ’l-Nis’a (Possessor of the Tether).<sup>44</sup>

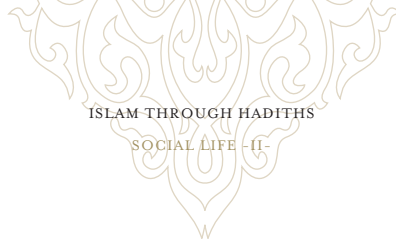
In addition to taking legal measures to put an end to blood feuds, The Prophet of Islam warned of their consequences in the next world,

<sup>41</sup> N5417, al-Nasa’i, Adab al-qudat, 26; DM2389, al-Darimi, al-Diyat, 8.

<sup>42</sup> M4387, Muslim, al-Qasama, 32.

<sup>43</sup> DM2389, al-Darimi, al-Diyat, 8.

<sup>44</sup> N4730, al-Nasa’i, al-Qasama, 6-7; T1407, al-Tirmidhi, al-Diyat, 13.



saying, *“That the world would cease to exist is less significant to Allah than killing a Muslim man.”*<sup>45</sup> And he said that Cain, the son of the prophet Adam was a shareholder in the sin of all killers and murders because he was the first person to commit the sin of killing someone.<sup>46</sup> This was because someone who opens a new path of evil will share in the sin of those who subsequently commit that evil.<sup>47</sup> Taking the life of an innocent person is one of the greatest of evils.<sup>48</sup> On the other hand, one who puts an end to a blood feud or who helps it to end will share in the reward of tranquility and peace. This is because, *“If anyone kills a person—unless in retribution for murder or spreading corruption in the land—it is as if he kills all mankind, while if he saves a life it is as if he saves the lives of all mankind.”*<sup>49</sup>

While all of this is obvious, there is no legal basis for the perception that blood feuds—which still occur because of man’s apparent unending desire for revenge, the breakdown in authority and punishment, unhealthy perceptions of virtue and honor, the pressure of certain sectors of society, and, most fundamentally, the concept of shared responsibility—along with the pressure of certain outdated concepts related to it, are a kind of obligation. This custom, which Allah’s Messenger specifically declared that he had crushed underfoot, can in no way be compatible with Islam. Attributing to Islam violent acts like shedding blood, of which no religion can approve, or even going to far as claiming the Holy Qur’an and Ḥadīth to be the sources of such bloody customs, is a demonstration of ignorance and a great injustice to Islam.

Furthermore, it is a fact that in some societies and in some circumstances there is very strong social pressure which inculcates in a person such ideas as “not leaving the blood of the victim on the ground (that is, leave him unavenged).” It is unfortunate that there are those who, in the name of protecting virtue and honor, would carry out this custom, even if they know they might spend the rest of their lives in prison, because they would feel humiliated if they did not resort to weapons, or because they would think that they would be excluded from their family and society, or perhaps even because they would not be able to find a bride. Under such circumstances a person of willpower and character must be able to make a choice. Does he want to participate in an evil an ugly custom by taking a life or does he want to submit to the order of Allah and not to the supposed expectations of other people? Faced with this dilemma, the choice of the

<sup>45</sup> T1395, al-Tirmidhi, al-Diyat, 7N3992, al-Nasa’i, al-Muharaba, 2.

<sup>46</sup> B6867, al-Bukhari, al-Diyat, 2; M4379, Muslim, al-Qasama, 27.

<sup>47</sup> M6800, Muslim, al-’Ilm, 15; T2675, al-Tirmidhi, al-’Ilm, 15.

<sup>48</sup> M261, Muslim, al-’Iman, 144; B5977, al-Bukhari, al-Adab, 6.

<sup>49</sup> Al-Ma’ida, 5:32.



believer must be to take the side of Allah. As the Holy Qur'an states, "*Do they want judgement according to the time of pagan ignorance? Is there any better judge than Allah for those of firm faith?*"<sup>50</sup>

Islam's position on this subject is quite clear. The believer, who is always aware that his Lord is closer to him than his jugular vein,<sup>51</sup> seeks justice when he has suffered injustice by means of the law, knowing that this is the most proper and legitimate approach. When one does not have the ability to seek justice by legal means, he never loses his belief that that the Exalted Power in which he trusts will assist and befriend him.<sup>52</sup> Thus while there is Allah on High, who never inflicts one iota of injustice on anyone,<sup>53</sup> who knows everything that people do,<sup>54</sup> and who promises to take revenge against all perpetrators of crimes,<sup>55</sup> the best path for a believer is to refer to Allah (swt) the account of the oppressors whom he cannot overcome.<sup>56</sup>

Finally, is it obvious that this bloody act is incompatible with human honor and dignity. To try to slake with blood the thirst for revenge is not a sign of valor and courage, but, at the most, of weakness and desperation.<sup>57</sup>

<sup>50</sup> Al-Ma'ida, 5:50.

<sup>51</sup> Qaaf, 50:16.

<sup>52</sup> Al-Nisa', 4:45.

<sup>53</sup> Al-Nisa', 4:40.

<sup>54</sup> Al-An'am, 6:18.

<sup>55</sup> Al-Zukhruf, 43:41; M7067, Muslim, Sifat al-munafiqin, 40.

<sup>56</sup> T3502, al-Tirmidhi, al-Da'awat, 79.

<sup>57</sup> M6592, Muslim, al-Birr, 69; T2029, al-Tirmidhi, al-Birr, 82.



## SUICIDE

### TAKING THE LIFE THAT ALLAH HAS GIVEN

حَدَّثَنَا جُنْدُبُ بْنُ عَبْدِ اللَّهِ... قَالَ قَالَ رَسُولُ اللَّهِ ﷺ :  
”كَانَ فَيَمَنْ كَانَ قَبْلَكُمْ رَجُلٌ بِهِ جُرْحٌ، فَجَزَعَ فَأَخَذَ سِكِّينًا فَحَزَّ  
بِهَا يَدَهُ، فَمَا رَقَا الدَّمُ حَتَّى مَاتَ، قَالَ اللَّهُ عَزَّ وَجَلَّ: بَادَرَنِي عَبْدِي  
بِنَفْسِهِ حَرَّمْتُ عَلَيْهِ الْجَنَّةَ.“

Jundub b. 'Abd Allah (ra) said that the Messenger of Allah (saw) said,  
“Amongst the nations before you there was a man who was wounded and,  
growing impatient (with its pain), he took a knife and cut his hand with it.  
The blood did not stop until he died. Allah said, ‘My servant hurried to bring  
death upon himself, so I have forbidden him (to enter) Paradise.’”

(B3463, al-Bukhari, al-Anbiya', 50)



عَنْ أَنَسِ بْنِ مَالِكٍ رضي الله عنه : قَالَ النَّبِيُّ صلى الله عليه وسلم :  
”لَا يَتَمَنَّيَنَّ أَحَدُكُمْ الْمَوْتَ مِنْ ضُرِّ أَصَابِهِ، فَإِنْ كَانَ لَا بُدَّ فَاعِلًا فَلْيَقُلْ: اللَّهُمَّ  
أَحْيِنِي مَا كَانَتْ الْحَيَاةُ خَيْرًا لِي، وَتَوَفَّنِي إِذَا كَانَتْ الْوَفَاةُ خَيْرًا لِي.“



عَنْ أَبِي هُرَيْرَةَ رضي الله عنه عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ:  
”مَنْ تَرَدَّى مِنْ جَبَلٍ فَقَتَلَ نَفْسَهُ، فَهُوَ فِي نَارِ جَهَنَّمَ يَتَرَدَّى فِيهِ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا، وَمَنْ تَحَسَّى سَمًّا فَقَتَلَ نَفْسَهُ، فَسَمُّهُ فِي يَدِهِ يَتَحَسَّاهُ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا، وَمَنْ قَتَلَ نَفْسَهُ بِحَدِيدَةٍ، فَحَدِيدَتُهُ فِي يَدِهِ، يَجَأُ بِهَا فِي بَطْنِهِ فِي نَارِ جَهَنَّمَ ﴿خَالِدًا﴾ مُخَلَّدًا فِيهَا أَبَدًا.“



عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ: أَتَى النَّبِيَّ صلى الله عليه وسلم بِرَجُلٍ قَتَلَ نَفْسَهُ بِمَشَاقِصَ،  
فَلَمْ يُصَلِّ عَلَيْهِ.



According to Anas b. Malik (ra), the Prophet (saw) said,  
*“None of you should wish for death because of a calamity befalling him; but if he has to wish for death, he should say, ‘O, Allah! Keep me alive as long as life is better for me, and let me die if death is better for me.’”*

(B5671, al-Bukhari, al-Marda, 19)



According to Abu Hurayra (ra), the Prophet (saw) said,  
*“Whoever throws himself from a mountain and kills himself, he will be in the Fire falling down into it and abiding therein forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the Fire wherein he will abide forever; and whoever kills himself with an iron (weapon), he will be carrying that weapon in his hand and stabbing his belly with it in the Fire wherein he will abide forever.”*

(B5778, al-Bukhari, al-Tibb, 56)



According to Jabir b. Samura (ra), “The body of a man who had killed himself with arrow heads (*mashāqīs*) was brought to the Prophet (saw), but he did not say the funeral prayer over him.”

(M2262, Muslim, al-Jana'iz, 107)







The Prophet (saw) and his army reached the place where the Battle of Khaybar would be fought. The army of Islam and the army of the polytheists began to fight. At the night of that day there was a pause in the fighting. The Prophet (saw) returned to his headquarters and the enemy forces returned to their headquarters. There was a man named Quzman al-Zufuri (ra) in the Muslim army. He fought heroically and killed whom-ever he caught from the enemy. This was reported to the Prophet (saw) as follows: “O, Messenger of Allah! None of your Companions (ra) was able to demonstrate such prowess as so and so.” Allah’s Messenger replied, “*But he will be among the dwellers of Hell.*” Abu Ma’bad al-Khuza’i, who was surprised at this, said, “I will (nevertheless) follow that man,” and set out with him for the battlefield. He followed him in every sense. Wherever Quzman stopped, there he stopped. Whichever direction he went, he went there as well. Eventually Quzman was gravely wounded. Because of the pain from his wound, he wanted to die immediately. He placed the hilt of his sword in the ground and put the sharp point between his breasts. Then he impaled himself on his sword and killed himself.

Thereupon Abu Ma’bad al-Khuza’i returned to Allah’s Messenger and said, “I testify that you are the Messenger of Allah (saw).” The Messenger of Allah asked, “*What happened?*” Abu Ma’bad explained, saying, “People found it strange what you said about this man, that he would be among those in Hell. And so I (disagreed and) said, ‘I will follow this man.’” When the Prophet (saw) heard this, he said, “*A man may do what seems to people as the deeds of the dwellers of Paradise, but he is from the dwellers of Hell; and another may do what seems to people as the deeds of the dwellers of the Hell, but he is from the dwellers of Paradise.*”<sup>1</sup> And, “*One’s deeds (throughout life) are evaluated only by the last.*”<sup>2</sup>

Through intelligence, prudence, and foresight, the Prophet (saw) was

<sup>1</sup> B4203, al-Bukhari, al-Maghazi, 39; IF7/472, Ibn Hajar, *Fath al-bari*, VII, 472.

<sup>2</sup> B6607, al-Bukhari, al-Qadar, 5.



aware of circumstances surrounding Quzman of which the Companions (ra) were not cognizant; and understood that he would be dragged to Hell. In fact, what the Noble Messenger said came to pass. Despite the heroism that he showed in battle, Quzman ended his life by suicide. Whereas, no matter how much pain he was in, he should not have taken the life that Allah (swt) gave him. While waiting for his martyrdom, he should not have exchanged it for suicide.

Suicide is for a person to put an end to his own life, to prefer death by a deliberate act of free will which he knows will result in death; but, above all, it means to take the life that Allah (swt) gave him. Suicide, which is a terrible way to end one's life, is one of the great sins leading to Hell. Therefore, even if it is his own life, the person should not betray the trust that Allah has placed in him.

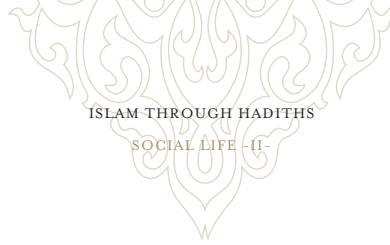
Islam recognizes man as an honorable creature. He was created superior to all other creatures in body and spirit. Indeed, it is stated in the Noble Qur'an that the life of man is sacrosanct,<sup>3</sup> and that to deliberately take a life is like killing all of humanity.<sup>4</sup> In fact, one of the greatest crimes that can be committed against a person who acquires the right to life, that is, sanctity, even while in the womb is to put an end to his life. This is because one of the fundamental principles that Islam strives for is the protection of life; and in order to secure life, our religion has introduced a number of moral and legal rules. Moreover, Allah (swt) has clearly stated that only He is the One who can give and take life.<sup>5</sup> The authority to take the spirit which dwells in trust in the body belongs only to Him. Thus no person has the authority or right to end his own life.

There are many reasons why people put an end to their lives. Among the primary factors that can trigger suicide are psychological and physical discomfort and illness, lack of communications in the family, inability to get along with others, violence and repression, difficulty in earning a living, alcohol and gambling, social pressure, and humiliation in society. These factors can result in suicide when combined with the feeling of exclusion from one's family and circle, leading in turn to the feeling of loneliness, the belief that life is meaningless, and unhappiness. In addition, hedonism, unlimited freedom, and lack of rules can also encourage some people to commit suicide. Economic and social imbalances in society and a weakening of moral values can also cause those who cannot find firm support

<sup>3</sup> Al-An'am, 6:151.

<sup>4</sup> Al-Ma'ida, 5:32.

<sup>5</sup> Al-Hijr, 15:23.



for themselves to see suicide, unfortunately, as the only solution to their dilemma.

If one kills himself because of the loss of mental capacity or consciousness resulting from great suffering or psychological illnesses, this should not be considered suicide. This is because such people are not in their right minds and they cannot be aware of their actions.

It appears that suicide, for which experts can list many reasons, is very rare among Muslims who possess a mature faith and whose religious beliefs are strong. The reasons for this are that the believer feels that Allah is always at his side and he is never overcome with the feeling of being alone, he believes in fate, and knows that if he were to do such a thing he would be tormented in the next world.

None of the religions of divine origin accept suicide as a proper resolution of one's problems. All the divine religions state that it is a sin to take a person's life. Even in the nations that came before us, suicide was a forbidden act, like murder. This shows that it was no different from committing murder. The Prophet (saw) described the following exemplary incident with respect to this subject: *"Amongst the nations before you there was a man who was wounded and, growing impatient (with its pain), he took a knife and cut his hand with it. The blood did not stop until he died. Allah said, 'My servant hurried to bring death upon himself so I have forbidden him (to enter) Paradise.'"*<sup>6</sup>

Man is obliged to meet the needs of the body that his Lord has given to him. Allah's Messenger said, *"Your body also has a right over you."*<sup>7</sup> This indicates the fact that the body is a trust for man. Therefore it is forbidden for man, who has been left with this trust, to take his own life or even to harm any part of his body.

Tufayl b. 'Amr accompanied the Prophet (saw) on the Hijra to Medina. A certain person from Tufayl's tribe also participated in the Hijra, but he was depressed in Medina. A while later he became ill. He cut the knuckles of his fingers with arrows, he lost blood, and died. Later Tufayl saw him in a beautiful form in a dream but the man's hands were covered with something. Tufayl asked, "What did your Lord do to you?" He replied, "He forgave me because I accompanied the Prophet (saw) on the Hijra." Tufayl then asked him about his hands. He said that he was told, "We will not repair any part of your body that you have harmed." When Tufayl described

<sup>6</sup> B3463, al-Bukhari, al-Anbiya', 50.

<sup>7</sup> B1975, al-Bukhari, al-Sawm, 54; M2730, Muslim, al-Siyam, 182.



his dream to the Prophet (saw), our Prophet prayed, saying, “My Allah! Forgive his hands.”<sup>8</sup>

There is a difference between the incident in which Quzman killed himself at the Battle of Khaybar and the one in which this person died. By impaling himself on his sword because he could not bear the pain of his wound, Quzman chose death as a way to end it. As for the person described by Tufayl, he cut his fingers in order to prevent the spread to his body of a disease like gangrene which was probably in his hands and to treat himself in a way that would end the pain. Therefore, although both men died, their intentions were different. While the first can be considered as suicide, the second took a deliberate action which resulted in death but was not intended as suicide. Thus, in the next world, in the evaluation of our deeds, intention will hold an important place.

There was another incident which revealed that Islam considered human life to be sacred and forbade not only suicide but also even putting life in danger. As ‘Amr b. al-‘As (ra) described, “I had a nocturnal emission on a cold night during the Battle of Dhat al-Salasil. I was afraid that if I washed I would (catch a chill and) die. I, therefore, performed *tayammum* (ritual purification with sand, soil, or dust, allowed when water is not available) and then led my companions in the fajr prayer. They mentioned this to the Messenger of Allah (saw) who said, “Amr, did you lead your companions in prayer while you were ritually unclean?” I informed the Prophet (saw) why I did not wash and I said that I had heard Allah’s verse, ‘Do not kill yourself! Allah is surely very merciful toward you.’ Thereupon the Messenger of Allah (saw) laughed and said nothing.”<sup>9</sup>

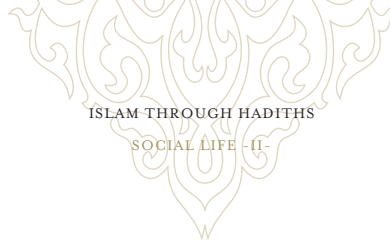
If a believer thinks of harming himself when faced with calamities, he should, instead, remember that this suffering is a test for him. As Allah’s Messenger stated, “How agreeable is the situation of the believer! Everything is auspicious for him. No one else is in such a state. If he is thankful when obtaining a blessing, this is good for him. If he is patient when in dire straits or faced with adversity, this is also good for him.”<sup>10</sup>

The believer who is aware of this does not fall into error, such as taking his life, and is patient. This is because our master the Prophet (saw) declared that we must be patient when faced with suffering and calamity and he admonished us not to wish for death. As he stated, “None of you should wish for death because of a calamity befalling him; but if he has to wish for

<sup>8</sup> M311, Muslim, al-Iman, 184.

<sup>9</sup> D334, Abu Da’ud, al-Tahara, 124; HM17965, Ibn Hanbal, IV, 204.

<sup>10</sup> M7500, Muslim, al-Zuhd, 64.



death, he should say, ‘O, Allah! Keep me alive as long as life is better for me, and let me die if death is better for me.’”<sup>11</sup>

Adopting the following verse as guidance when faced with adversity, the believer tries to meet the test successfully: “We shall certainly test you with fear and hunger, and loss of property, lives, and crops. But [Prophet], give good news to those who are steadfast, those who sat when afflicted with calamity, ‘We belong to Allah and to Him we shall return.’”<sup>12</sup> He knows very well that Allah (swt) is always with those who are patient and will give ease after every difficulty. In return for patience, he will find solace by thinking of Allah’s good news, “Those who persevere patiently will be given a full and unstinting reward.”<sup>13</sup> Taking our master the Prophet (saw) as an example, he seeks refuge in Allah from everything and in all circumstances.<sup>14</sup> He never loses hope in the mercy of his Lord.<sup>15</sup> Most important, he knows that death is not the end. In this respect, death is the end of the journey in this world and the door which is opened to eternal life.<sup>16</sup> As for those who do not believe in the hereafter, suicide can be seen as an unfortunate solution.

A person who is a believer should know that if he tries to save himself from the problems that he is experiencing by committing suicide, he will be punished in the next life. While he is punished in the afterlife, the person who commits suicide will also cause his mother, father, spouse, children, and relatives whom he has left behind to drown in sorrow and bring them untold calamity. If he has children they will be left orphaned or half-orphaned and they will be raised deprived of love.

Our Prophet has informed us that by whatever means a person kills himself, on the Day of Judgement he will be tortured evermore in the same fashion.<sup>17</sup> In this respect he said, “Whoever throws himself from a mountain and kills himself, he will be in the Fire falling down into it and abiding therein forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the Fire wherein he will abide forever; and whoever kills himself with an iron (weapon), he will be carrying that weapon in his hand and stabbing his belly with it in the Fire wherein he will abide forever.”<sup>18</sup>

The funeral procession of a man who had killed himself with arrowheads was brought to the Prophet (saw) so he could pray over his body. But the Prophet (saw) would not do the funeral prayer for him.<sup>19</sup> Perhaps he did not do this prayer in order to show Muslims that this path should be strictly avoided. However, he ordered his Companions (ra) to do the

<sup>11</sup> B5671, al-Bukhari, al-Marda, 19; M6814, Muslim, al-Dhikr, 10.

<sup>12</sup> Al-Baqara, 2:155-156.

<sup>13</sup> Al-Zumar, 39:10.

<sup>14</sup> M1090, Muslim, al-Salat, 222; D984, Abu Da’ud, al-Salat, 178, 179.

<sup>15</sup> Yusuf, 12:87.

<sup>16</sup> M7157, Muslim, al-Janna, 22; DM2852, al-Darimi, al-Riqaq, 103.

<sup>17</sup> B6047, al-Bukhari, al-Adab, 44.

<sup>18</sup> B5778, al-Bukhari, al-Tibb, 56.

<sup>19</sup> M2262, Muslim, al-Jana’is, 107.



funeral prayer for another person who had committed suicide<sup>20</sup> because the person who had killed himself was not a Muslim and, as with every Muslim who died, those who were left behind were required to do the funeral prayer for him.<sup>21</sup>

In any case, thanks to the value that our religion gives to man and the view of this world that is instilled in believers, the incidence of suicide in Muslim countries is very low compared to Western countries, but we are faced with it as a reality of our time.

Healthy communications within the family have an important role to play in preventing suicide among young people. Many of our youth, who are in the springtime of life and cannot make sound judgements because they act more according to emotion than reason, unfortunately decide to commit suicide because of pressures they feel from their parents who have not been able to establish good communications with their children.

In summary, every Muslim should know that he is to be patient when confronted with calamities, because they are a test in this world; and he should try to resolve his problems in the knowledge that in the presence of Allah he will receive great reward for his sufferings. This is because struggling with calamities by not giving up on life, by being patient, and by seeking refuge in Allah is what it means to be a Muslim. Suicide is to escape from the struggle. It is to betray the trust that Allah has given him.

Life is the trust in this skin, in this body. Thus the believer should not betray this trust. The most important goal of man is to live and die as a Muslim. Indeed, Allah on High demands this of us, *“You who believe, be mindful of Allah, as is His due, and make sure you devote yourselves to him, to your dying moment.”*<sup>22</sup>

<sup>20</sup> ShN7/47, al-Nawawi, *Sharh Muslim*, VII, 47.

<sup>21</sup> ShN2/132, al-Nawawi, *Sharh Muslim*, II, 132.

<sup>22</sup> Al ‘Imran, 3:102.



ZINA\*  
THE LOSS OF SELF-RESPECT AND  
VIRTUE

قَالَ أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : إِنَّ النَّبِيَّ ﷺ قَالَ :  
”لَا يَزْنِي [الزَّانِي] حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ...”

According to Abu Hurayra (ra), the Prophet (saw) said,  
“While committing zinā, one does not do so as a believer...”

(B5578, al-Bukhari, al-Ashriba, 1)

\* Unlawful Sexual Intercourse





عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ :  
”إِنَّ أَخَوْفَ مَا أَخَافُ عَلَى أُمَّتِي، عَمَلُ قَوْمِ لُوطٍ.“



عَنْ سَهْلِ بْنِ سَعْدٍ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ:  
”مَنْ يَضْمَنْ لِي مَا بَيْنَ لَحْيَيْهِ وَمَا بَيْنَ رِجْلَيْهِ أَضْمَنْ لَهُ الْجَنَّةَ.“



فَقَالَ عَبْدُ اللَّهِ كُنَّا مَعَ النَّبِيِّ ﷺ شَبَابًا لَا نَجِدُ شَيْئًا، فَقَالَ لَنَا رَسُولُ اللَّهِ ﷺ :  
”يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضُ لِلْبَصْرِ وَأَحْصَنُ  
لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ.“



عَنْ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ لِعَلِيِّ:  
”يَا عَلِيُّ لَا تُتْبِعِ النَّظْرَةَ النَّظْرَةَ، فَإِنَّ لَكَ الْأُولَى وَلَيْسَتْ لَكَ الْآخِرَةُ.“



According to Jabir b. ‘Abd Allah (ra), the Messenger of Allah (saw) said,  
“*The thing that I most fear for my nation is (committing) the act of the people of Lot.*”

(IM2563, Ibn Maja, al-Hudud, 12; T1457, al-Tirmidhi, al-Hudud, 24)



According to Sahl b. Sa‘d (ra), the Messenger of Allah (saw) said,  
“*Whoever can guarantee for me (the virtue of) what is between his two jawbones and what is between his two legs, I guarantee Paradise for him.*”

(B6474, al-Bukhari, al-Riqaq, 23)



‘Abd Allah (b. Mas‘ud) (ra) said, “We were with the Prophet (saw) when we were young and had no wealth whatsoever. So the Messenger of Allah (saw) said to us, ‘*O young people! Whoever among you can settle down should marry, because it helps him lower his gaze and guard his private parts; and whoever is not able to marry should fast, because fasting diminishes his sexual desire.*”

(B5066, al-Bukhari, al-Nikah, 3; T1081, al-Tirmidhi, al-Nikah, 1)



According to Ibn Burayda, his father said that the Messenger of Allah (saw) said to ‘Ali (ra), “*O ‘Ali! Do not give a second look! You are not to blame for the first, but you have no right to the second.*”

(D2149, Abu Da‘ud, al-Nikah, 42-43; T2777, al-Tirmidhi, al-Adab, 28)





A young man came to the Prophet (saw) and said, “O Messenger of Allah! Give me permission to commit *zinā*!” The Companions (ra) who were there immediately turned to him and said, “Shush, shush,” and tried to prevent him from speaking. But Allah’s Messenger said to the youth, “*Come here!*” The young man approached the Messenger of Allah (saw) and sat next to him. The following conversation took place between them:

*“Do want *zinā*’ to be committed with your mother?”*

“By Allah! No! May my soul be a sacrifice to you. No. I do not want this.”

*“Other people also do not want *zinā*’ to be committed with their mothers. Do you want *zinā*’ to be committed with your daughter?”*

“By Allah! No, O Messenger of Allah! May my soul be a sacrifice to you. No. I do not want this.”

*“Other people also do not want *zinā*’ to be committed with their daughters. Do you want *zinā*’ to be committed with your sister?”*

“By Allah! No! May my soul be a sacrifice to you. No. I do not want this.”

*“Other people also do not want *zinā*’ to be committed with their sisters. Do you want *zinā*’ to be committed with your paternal aunts?”*

“By Allah! No! May my soul be a sacrifice to you. No. I do not want this.”

*“Other people also do not want *zinā*’ to be committed with their paternal aunts. Do you want *zinā*’ to be committed with your maternal aunts?”*

“By Allah! No! May my soul be a sacrifice to you. No. I do not want this.”

*“Other people also do not want *zinā*’ to be committed with their maternal aunts.”*

After this conversation, Allah’s Messenger put his hand on the young



man's head and prayed, saying, "My Allah! Forgive his sins! Cleanse his heart of evil and protect his chastity and virtue!"

The narrator of this *ḥadīth* said, "Afterwards, that young man was no longer inclined toward such behavior."<sup>1</sup>

Because that youth felt intense sexual desire, he wanted Allah's Messenger to give him permission for unlawful sexual relations. Our master, who understood his feelings, had him sit next to him without criticizing or offending him. Then, by asking him certain questions, he made him understand how much an action that he did not want done with his relatives would also be considered an error by others. The Prophet (saw), who knew extremely well how to deal with people, was able to establish excellent communications with that young man thanks to this discussion in which he paid close attention to the people most affected by this issue; and he prevented him from committing a great sin.

In another *ḥadīth* our master the Prophet (saw) said, "While committing *zinā'*, one does not do so as a believer..."<sup>2</sup> The fact that *zinā'* is directly related to faith in this *ḥadīth*, definitely shows what a great sin this reprehensible act is. *Zinā'*, which means sexual relations between a man and a woman who are not bound in a lawful marriage, is an act which the human mind, ethical and legal systems, and the other divine religions have long viewed as an error, and as shameful and wicked. This is because, *zinā'* disrupts and confuses lineage, and thus can cause injustice to women who would (otherwise) have many rights if they were married (under a marriage contract).

Allah on High, who mentioned that avoiding *zinā'* was a characteristic of sincere believers, warned that those who committed *zinā'* and similar great sins would suffer severe torment if they did not repent.<sup>3</sup> On various occasions, the Prophet (saw) spoke about this immoral act both as a sin and as having serious consequences. One day 'Abd Allah b. Mas'ud (ra) asked the Prophet (saw), "O Messenger of Allah! What is the greatest sin?" The Messenger of Allah replied, "To set up a rival to Allah Who created you." Ibn Mas'ud then asked, "And after that what?" The Messenger of Allah answered, "To kill your son lest he should share your food with you." Ibn Mas'ud again asked, "And after that what?" This time the Messenger of Allah (saw) replied, "To commit *zinā'* with your neighbor's wife."<sup>4</sup>

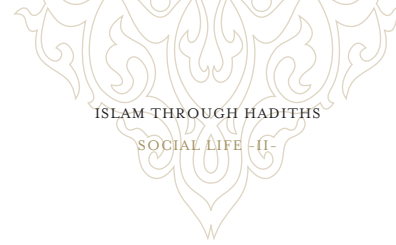
While stating in this *ḥadīth* what a wicked act and great sin were

<sup>1</sup> HM22564, Ibn Hanbal, V, 257.

<sup>2</sup> B5578, al-Bukhari, al-Ashriba, 1.

<sup>3</sup> Al-Furqan, 25:68-70.

<sup>4</sup> B6001, al-Bukhari, al-Adab, 20.



unlawful sexual relations, the Prophet (saw) explained that this act with one's neighbor would result in greater torment in the next world. This was because doing such a wicked deed with one's neighbor would have much worse consequences—from the perspective of destroying trust in society and neighborly relations, to which Islam gave great importance—than with a stranger. Similarly, if old people whose sexual desires are weak and who are expected to have a respectable place in society engage in unlawful relations, this is also regarded as more serious than if done by people who are single. The Prophet (saw) stated that on the Day of Judgement Allah would not even look at the face of an old man who had committed *zinā'*.<sup>5</sup>

The Messenger of Allah, while receiving the allegiance, that is, the oath of allegiance, from men and women who had newly become Muslims, also stipulated, in addition to social and political principles, that they avoid *zinā'*.<sup>6</sup> Allah's Messenger, who considered the widespread practice of *zinā'* to be one of the signs of the coming of the Day of Judgement,<sup>7</sup> said, "...O community of Muhammad! By Allah! There is no one angrier than Allah if his servant, male or female, commits *zinā'*."<sup>8</sup>

In addition to *zinā'*, our religion forbids sodomy, lesbianism, homosexuality, and other perverted relationships. The Holy Qur'an refers to the people of Lot who committed these wicked acts and describes how they were destroyed because of their perverted relationships.<sup>9</sup> On the subject of sodomy, which is contrary to human creation, disposition, and nature, our Prophet said, "*The thing that I most fear for my nation is (committing) the act of the people of Lot.*"<sup>10</sup> And he stated that Allah cursed the one who committed this act.<sup>11</sup> Indeed, every kind of perversion, such as incest and sexual contact with animals,<sup>12</sup> is forbidden in Islam. All of these things should be evaluated with respect to protecting human nature and what is natural for people, maintaining a moderate and balanced sexual life, preventing perversions and excesses and making people avoid them.

Allah's Messenger, who forbade the youth to commit *zinā'*, stated that Paradise would be the reward of those who avoided it.<sup>13</sup> One has the ability to do whatever he wishes, but, by simply fearing Allah (swt) and hoping to gain his pleasure, how great will be the merits gained for one by abandoning a sin! Therefore, on the terrible Day of Judgement when there is no shade (protection) but Allah's shade, would not one from the seven classes of people who will be shaded (given special protection) under Al-

<sup>5</sup> M296, Muslim, al-Iman, 172.

<sup>6</sup> B7468, al-Bukhari, al-Tawhid, 31 MU1812, al-Muwatta', al-Bay'a, 1.

<sup>7</sup> B80, al-Bukhari, al-Ilm, 21; HM12555, Ibn Hanbal, III, 151.

<sup>8</sup> B1044, al-Bukhari, al-Kusuf, 2.

<sup>9</sup> Hud, 11:78-82; al-Shur'ara', 26:165-166.

<sup>10</sup> IM2563, Ibn Maja, al-Hudud, 12; T1457, al-Tirmidhi, al-Hudud, 24.

<sup>11</sup> HM2917, Ibn Hanbal, I, 317.

<sup>12</sup> HM2917, Ibn Hanbal, I, 317; D4464, Abu Da'ud, al-Hudud, 29.

<sup>13</sup> NM8062, al-Hakim, *al-Mustadrak*, VIII, 2865 (4/358).



lah's throne be the one who said "I fear Allah!" when invited to unlawful relations?<sup>14</sup>

Abandoning sin and avoiding sin mean one should renounce it in deed, word, sight, and sexual desire. In fact, when he was asked what was the main reason that people entered Hell, Allah's Messenger answered, "*The mouth and the sexual organs.*"<sup>15</sup> In another *ḥadīth* he said, "*Whoever can guarantee for me (the virtue of) what is between his two jawbones and what is between his two legs, I guarantee Paradise for him.*"<sup>16</sup> By saying this, he indicated the importance of protecting these organs from evil, and he brought the good news that those who protected themselves in this matter would enter Paradise. This being so, the necessity and importance of protecting all of one's organs are self-evident. As the forefathers had said, to maintain self-control in deed, word, and at the waist is to reach peace in both this world and the next.

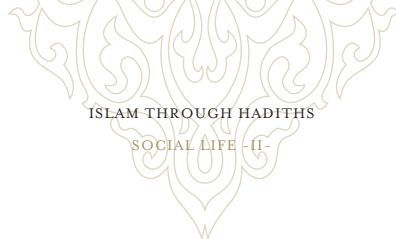
One day our master the Prophet (saw) went up to some of the Muhajirun who had been sitting together for a while and said that he was anxious about their being tested in five matters. One of them was that if *zinā'* was so widespread that it was committed openly in a society, he warned them that plagues and illnesses that were never known among their predecessors would spread among them.<sup>17</sup> Indeed, today certain dangerous and deadly illnesses, such as AIDS, which have spread for the most part as a result of unlawful sexual relations, lie before our eyes and are only part of the damage caused by *zinā'*. This is because *zinā'* is a wicked act which causes wide-spread material and moral harm to both the individual and society. This immoral behavior opens the way to destroying the concept of family in society, to causing many an established home to disintegrate, to causing the loss of tranquility among family members, to increasing the number of problem children whose lineage is unknown and who are deprived of the affection of parents, and in this connection to the inability to educate and support these children. In addition, *zinā'* breaks down the social order, intensifies feelings of hostility and hatred, increases conflict and crime, and dissolves social bonds such as those among relatives, neighbors, and friends. It also causes such harm and suffering as shaking the foundations of the moral and ethical values of society, decreasing the respectability of men and women, making one a captive to his bodily desires, and humiliating him.

<sup>14</sup> B660, al-Bukhari, al-Adhan, 36; M2380, Muslim, al-Zakat, 91.

<sup>15</sup> T2004, al-Tirmidhi, al-Birr, 62.

<sup>16</sup> B6474, al-Bukhari, al-Riqaq, 23.

<sup>17</sup> IM4019, Ibn Maja, al-Fitan, 22.



Islam aims to prevent *zinā'*, homosexuality, and other sexual perversions, whose harm and negative effects are incalculable, and to promote a healthy individual and society; and it states that the way to satisfy sexual needs, desires, and urges is through lawful relationships, that is, through marriage. Islam, which adopts the principle of the need to meet, in a reasonable and balanced way, all of man's material and moral needs, aims to both protect sexual life by establishing specific bases for it and to prevent excesses and behavior unbecoming the honor of humanity. At the same time, Islam forbids giving up sexual life altogether<sup>18</sup> and also castration.<sup>19</sup> It approves meeting this innate need by legitimate means, that is, through marriage.

The understanding of sexual freedom which has appeared in modern times opens the way to the spread of many perversions and relationships that are not in harmony with human dignity and, in this connection, the outbreak of rampant illnesses and spiritual crises. Therefore, it is important that children and young people be protected from the harm of the mass media, such as the internet, television, and the press, which can be the means of the rapid spread of immorality, and that they be educated against harmful media and be made aware of them.

The body is a trust that Allah (swt) has given to man. If someone has not used the body that Allah gave him in trust according to the bases that He has stipulated, he will be responsible for this in both this world and the Hereafter; and, while in the pursuit of pleasure, he will become lost in the swirl of unease and material and moral crises. The most important factor protecting man from all of these negative consequences is attachment to belief in Islam and respect for its religious and moral values. If one behaves respectfully and with an awareness of responsibility toward Allah (swt), he will be able to restrain easily his bodily desires and feelings and be able to maintain a way of life worthy of humanity.

Our religion not only describes the boundaries of lawful sexual life but also takes the necessary measures to prevent mistaken and abominable behavior. It is for this reason that Islam is not simply content to forbid *zinā'* but also gives importance to blocking the paths to *zinā'* and preventing obscenity and immoderation and excess in relations between men and women. Furthermore, it is careful to expect moral maturity and personal responsibility from people and to protect and improve family

<sup>18</sup> B5063, al-Bukhari, al-Nikah, 1.

<sup>19</sup> B5075, al-Bukhari, al-Nikah, 8.





life by speaking of certain rights and obligations of the spouses related to sexual life.

Allah on High, who portrayed *zinā'* as an ugly deed and bad path to follow, said, *"And do not go anywhere near zinā': it is an outrage, and an evil path."*<sup>20</sup> He thus forbade one to even approach committing an act of *zinā'*. In order to close the paths to *zinā'*, the Prophet (saw) said, *'O young people! Whoever among you can settle down should marry, because it helps him lower his gaze and guard his private parts; and whoever is not able to marry should fast, because fasting diminishes his sexual desire.'*<sup>21</sup> The Prophet (saw), who singled out marriage as one of the important measures to prevent *zinā'*, wanted young people, in this context, to marry early if possible; and he encouraged providing assistance to those who did not have the financial means to marry.<sup>22</sup> And he gave the good news that Allah (swt) would help one marry in order to protect his virtue.<sup>23</sup> This good news is clearly spelled out in fact in the Noble Qur'an, *"Marry off the single among you, and those of your male and female slaves who are fit [for marriage]. If they are poor, Allah will provide for them from His bounty: Allah's bounty is infinite and He is all knowing."*<sup>24</sup> Furthermore, although license was given for a man to have more than one wife according to circumstances and needs, it was stressed that, if he was worried that he could not treat all of his wives equitably, he should marry only one.<sup>25</sup>

Islam also forbade anything provocative that could lead a person to *zinā'* and all words and deeds that could make him go near it.<sup>26</sup> Allah (swt) also ordered both men and women not to cast their eyes at places which they were forbidden to gaze at and to protect their virtue.<sup>27</sup> Allah's Messenger warned his community in the person of 'Ali (ra), saying, *"O 'Ali! Do not give a second look! You are not to blame for the first, but you have no right to the second."*<sup>28</sup> By saying this, he wanted them to keep their gaze from what was denied to them. In addition, sexual exhibitionism, wearing transparent or provocative clothing<sup>29</sup> and showing parts of the body which are forbidden to be shown were also forbidden.<sup>30</sup>

Allah on High advised all women believers to behave in a mature and dignified manner, like the wives of the Prophet (saw), so that while talking to strange (marriageable) men they would not awaken any doubts in their hearts (about the women's intentions) and cause a misunderstanding.<sup>31</sup> He also ordered them not to reveal their charms to strangers and to

<sup>20</sup> Al-Isra', 17:32.

<sup>21</sup> B5066, al-Bukhari, al-Nikah, 3; T1081, al-Tirmidhi, al-Nikah, 1.

<sup>22</sup> T1075, al-Tirmidhi, al-Jana'iz, 73; D2985, Abu Da'ud, al-Imara, 19-20.

<sup>23</sup> T1655, al-Tirmidhi, Fada'il al-ijtihād, 20; N3122, al-Nasa'i, al-Jihad, 12.

<sup>24</sup> Al-Nur, 24:32.

<sup>25</sup> Al-Nisa', 4:3.

<sup>26</sup> Al-Isra', 17:32.

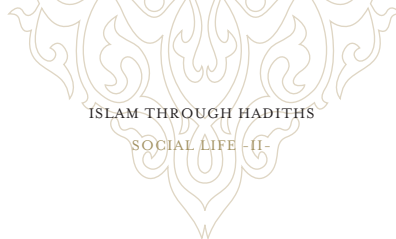
<sup>27</sup> Al-Nur, 24:30-31.

<sup>28</sup> D2149, Abu Da'ud, al-Nikah, 42-43; T2777, al-Tirmidhi, al-Adab, 28.

<sup>29</sup> M5582, Muslim, al-Libas wa 'l-zina', 125; MU1661, al-Muwatta', al-Libas, 4.

<sup>30</sup> D4104, Abu Da'ud, al-Libas, 31.

<sup>31</sup> Al-Ahzab, 33:32.



cover themselves when they went into the street.<sup>32</sup> Furthermore, Allah's Messenger did not even look with favor on women who wore perfume, to the extent that anyone would notice, when coming to the mosque for prayer—especially for the prayer done two hours after sunset.<sup>33</sup> He used strong language about women who went out perfumed, especially because others (men) would notice.<sup>34</sup>

Because of his anxiety that it could lead to *zinā'*, gossip, and casting aspersions on one's virtue, Allah's Messenger considered it inappropriate for a man to be alone with a woman who was not within the forbidden degrees of relationship for marriage.<sup>35</sup> For, if one's virtue and honor were stained, irreparable damage would result for which there could be no compensation and the most fundamental personal right would have been violated. Virtue and honor are inseparable and can only be protected by avoiding any evil or wrongfulness that would stain them.

Despite all the measures that Islam took to prevent one from being smeared with *zinā'*, certain sanctions were stipulated for one who committed this offense. The goal of Islam was not simply to use these sanctions to ensure that the guilty would be punished but also to ensure that this offense was not committed and that people could live in peace and security without being subjected to this punishment.<sup>36</sup> Islam forbade forcing women who wanted to remain honorable into prostitution.<sup>37</sup> The Prophet (saw) also punished a man who had raped a woman, considering it a disregard of human honor, dignity, and virtue.<sup>38</sup>

The history of sanctions for sexual infractions goes back to the earliest periods and they are clearly found in the New Testament.<sup>39</sup> It is probable that before the revelation of the verse, "*As for those who accuse chaste women of zinā', and then fail to provide four witnesses, strike them eighty times, and reject their testimony ever afterwards; they are the lawbreakers,*"<sup>40</sup> such sanctions were carried out at the time of the Prophet (saw). Because there is no further provision on this matter in the Noble Qur'an, such sanctions were hardly ever carried out throughout Islamic history.

The Prophet (saw) said, "*O people! The time has come for you to observe Allah's limitations. May whoever commits one of these ugly acts (like zinā') hide under Allah's cover. Whoever admits to us this error, we will apply to him the punishment in Allah's Book.*"<sup>41</sup> In order for one to be forgiven for committing this sin, he must beseech Allah (swt) sincerely; and he must promise the

<sup>32</sup> Al-Nur, 24:31; al-Ahzab, 33:59.

<sup>33</sup> M998, Muslim, al-Salat, 143.

<sup>34</sup> D4173, Abu Da'ud, al-Tarajjul, 7.

<sup>35</sup> M3272, Muslim, al-Hajj, 424.

<sup>36</sup> Al-Nur, 24:2; B6814, al-Bukhari, al-Hudud, 21; B6813, al-Bukhari, al-Hudud, 21; M4414, Muslim, al-Hudud, 12; M4420, Muslim, al-Hudud 16.

<sup>37</sup> Al-Nur, 24:33.

<sup>38</sup> T1454, al-Tirmidhi, al-Hudud, 22.

<sup>39</sup> New Testament, John, 8:3-7.

<sup>40</sup> Al-Nur, 24:4.

<sup>41</sup> MU1514, al-Muwatta', al-Hudud, 2.



Creator on High that he will refrain from ever committing such a great sin again. This is because it will be hoped that Allah, whose compassion encompasses everything,<sup>42</sup> will accept the repentance of those who sincerely repent.<sup>43</sup>

In Islam determining if the act of *zinā'* had been committed was treated very carefully. Apart from a confession, at least four witnesses were required to confirm that it had occurred.<sup>44</sup>

At the basis of the need to provide four witnesses to prove the act of *zinā'* were a number of concerns: to show the seriousness of the alleged act, to protect the rights of people, to ensure the confidentiality of private life, to prevent any doubt that the act had actually happened, and to prevent its occurrence.

In Islam, forbidding *zinā'*, that is, unlawful sexual relations, and stipulating punishment for it were intended to protect the institution of the family in particular. This is because a healthy generation can only grow up in a family environment. *Zinā'* is an attack on the institution of marriage, which is based on faithfulness and trust. Therefore, in order to ensure faithfulness and trust between spouses and to maintain the institution of the family, Islam stipulated punitive sanctions without regard to whether the one who committed *zinā'* was a man or woman.

The future of humanity depends on establishing relations between men and women on a firm family foundation. A society in which there is no firm family structure will have difficulty surviving. If people ignore establishing a home and family and are free to come together simply to satisfy their pleasure and lust, unavoidable problems will arise in society and turmoil will spread. Thus it is for this reason that *zinā'* was regarded as evil by all the divine religions in every age and was considered to be among the great sins with respect to religious values. The lawful path to sexual relations, which are a natural need of men and women, is through marriage. In order to protect oneself from *zinā'*, one should avoid any kind of behavior that could lead one to it. As with the prayer that Allah's Messenger said for the youth who wanted permission for *zinā'*,<sup>45</sup> we should, with respect to our own souls, seek refuge in Allah by saying, "*My Allah! Forgive our sins! Cleanse our heart of evil and protect our virtue!*"

<sup>42</sup> Al-A'raf, 7:156.

<sup>43</sup> Al-Tahrim, 66:8; al-Nisa', 4:110.

<sup>44</sup> Al-Nur, 24:4.

<sup>45</sup> HM22564, Ibn Hanbal, V, 256-257.



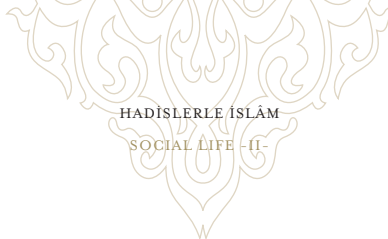
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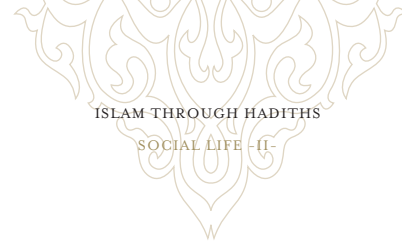


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ISLAM THROUGH HADITHS

SOCIAL LIFE -II-

