



Ponder on a Hadith

The Tenth Hadith

(You bring your disputes to me)

Part One

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Hadith Tenth

Umm Salama reported Allah's Messenger as saying, "I am only a human being and you bring your disputes to me, some perhaps being more eloquent in their plea than others, so that I give judgment on their behalf according to what I hear from them. Therefore whatever I decide for anyone which by right belongs to his brother he must not take, for I am granting him only a portion of hell
(.Bukhari and Muslim)

Terms

Some perhaps being more eloquent in their plea: more capable of presenting their case



Values

Judicial Values:

- 01** We should resort to the Divine law in disputes, not traditions or manmade laws.
- 02** It is the duty of the Muslim Imam to judge between the people and give verdicts concerning their disputes and cases, either personally or authorize another to judge between them, such as governors and judges.
- 03** The judge gives the verdict based on the visible evidence and proofs “so that I give judgment on their behalf according to what I hear from them.”
- 04** If the judge gives a verdict based on what is visible, the judge is not to be held accountable if the verdict contradicted with the truth because he gave the verdict based on the visible proofs then.
- 05** The Judge should not give a verdict based on what he knows, even if he was certain, unless he bases his verdict on clear evidence.



- 06** The judge should listen to the two parties of the dispute.
- 07** What the judge decides, even if it was based on evidence, might contradict with the invisible truth. The verdict that the judge gave does not make what the wrongdoer would take permissible for him, it remains unlawful even if the verdict is in his favor.
- 08** A person might get something according to a judicial verdict, yet it is not his right according to Allah's religion, and vice versa. To clear one's conscience for the salvation in the hereafter we have to fulfill rights to their due owners as decreed by Almighty Allah.
- 09** It is legal to appeal judicial decisions and reinvestigate them if there is any doubt that the judge made a mistake while giving his verdict, and this is not considered denying Allah's decrees.
- 10** Eloquence does not reverse what is right as wrong, or what is wrong as right, for Almighty Allah.
- 11** People's rights are inviolable, they should not be denied due to a judicial verdict.



Juristic Values

- 12** It is sinful to use eloquence, distort the meanings of words, manipulate legal or material evidence to invalidate a right or validate falsehood.
- 13** The judge should advise the opponents and remind them of Allah and the consequence of wrongdoing.
- 14** The legitimacy of the legal profession or being a lawyer if it is for asserting rights, but it is a great sin for those who misuse such a profession.



Aqeedah Values

The Prophet, peace be upon him, is human and a messenger sent by Allah, he is infallible in conveying the message from Allah, and infallible regarding major sins, but Allah, may He be exalted, pointed out to him and drew his attention to minor issues, if they ever happened, so that he corrects his mistakes such as mentioned in Surat Abasa.

The Prophet, peace be upon him, also had words and deeds that were based on his own opinion and judgment. In this case the Prophet, PBUH, was not conveying or transmitting anything, rather he was working out a ruling on the basis of his opinion, as Allah gave him the authority to issue rulings and instructions and to judge between people, and Allah, may He be glorified and exalted, would approve of what he said or did, except in a few cases in which there was some error in the conclusion he reached. In that case, revelation would come down from Allah, may He be glorified and exalted, to correct it. Thus the Prophet, PBUH, remained infallible in all that he said and did.



Allah's Messenger did not judge between people based on revelation, otherwise judiciary would be invalid after his death, so he gave decisions based on evidence and proofs, to settle the foundation for judiciary after him. He forgot during Salah, and thus Sujud as-Sahw (prostration of forgetfulness) was allowed for those who pray.

Allah's Messenger, peace be upon him, did not give verdicts based on revelation, otherwise the hypocrite who defamed the Mother of Believers Aisha would have been punished. He was not punished because it was not evident that he defamed her based on evidence, even though the revelation proved it.

The Prophet, peace be upon him, does not know the ghaib (unseen), otherwise he would have judged without hearing the argument of conflicting parties or opponents, except certain things that Allah revealed to His Messenger such as the Signs of the Day of Resurrection.

(You bring your disputes to me)

رَسُولُ اللَّهِ





Generic Values:

- 01** The Prophet's compassion and mercy towards his Ummah; he told them about what rescues them on the Day of Judgment.
- 02** The Prophet's humbleness and kindness towards his Ummah in his words "I am only a human".
- 03** The effect of belief in the Last Day, in regulating the individual and collective conduct of the Muslim society.
- 04** Committing injustice is unlawful in all forms whether minor or major, Allah's Messenger said: "which by right belongs to his brother" which indicates anything, whether big or small.
- 05** The rights have to be returned to their owners before comes a day when Almighty Allah punishes the wrongdoer for committing injustice towards the wronged person (refer to the values of Hadith no.2)
- 06** It is consoling for the wronged in this world to know that his right shall not be wasted or forgotten, and the wrongdoer will be punished, if not in this world, then in the afterlife.
- 07** This indicates a confirmation of Allah's saying: "but humankind is the most argumentative of all beings." (18: 54)
- 08** It is important to learn to be eloquent, expressive and persuasive in delivering ideas and defending legitimate rights "there is charm in eloquent speech".



Aqeedah Values:

- 09** 9. The Shariah concludes all aspects of life, such as ruling and judiciary, which invalidates the claim that it is only ethics and morals.
- 10** 10. Allah’s Messenger, peace be upon him, did not know the ghaib (unseen), and did not judge according to it, let alone those who go to soothsayers and fortunetellers, building decisions on their sorcery.
- 11** 11. Confirming the brotherhood based on faith despite the judicial dispute “whatever I decide for anyone which by right belongs to his brother...”
- 12** 12. We have to always be conscious of Almighty Allah, putting in mind that He sees us.
- 13** 13. Difference in human abilities and characteristics is natural.

Values related to Principles of Jurisprudence

The Prophet’s acts, whether these acts lead to legislation or they are just regular acts, are some of the most important issues discussed in the Principles of Jurisprudence.