

YAQEEEN INSTITUTE FOR ISLAMIC RESEARCH

# 40 HADITHS ON SOCIAL JUSTICE

## LECTURE NOTES

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**YAQEEEN**  
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## Chapter Thirteen Corrupt Lawyers and Unserved Justice

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عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ " الْحَيَاءُ وَالْعِيُّ شُعْبَتَانِ مِنَ  
الْإِيمَانِ وَالْبِدَاءُ وَاللَّبِيَانُ شُعْبَتَانِ مِنَ النِّفَاقِ

Abu Umamah narrated that the Messenger of Allah (ﷺ) said, "*Al-Haya'* and *Al-'Iy* are two branches of faith, and *Al-Badha* and *Al-Bayan* are two branches of Hypocrisy."

The Prophet (ﷺ) said, "Modesty/shyness and guilelessness are two branches of *imân*, while vulgarity and eloquence are two branches of hypocrisy." [Narrated by at-Tirmidhi (2113) and deemed authentic by al-Albâni]

'Iy is a difficult word to translate but it means being simple in speech and not playing with words, being blunt/straightforward. It is usually used in a derogatory sense but in this hadith the Prophet (ﷺ) is praising it, because simplicity in language involves honesty and one of the best blessings is to be a "bad" liar. It's better that you get caught in this world than have to suffer for it in the next.

Eloquence sometimes enables a person to take advantage of people; it can be used to deceive others and can get you in all sorts of trouble. It's not always a branch of hypocrisy because the Prophet (ﷺ) himself was called *Al-Mubeen*. However he (ﷺ) used his eloquence for good.

إِنَّ مِنَ النَّبِيَانِ لَسِحْرًا - أَوْ - إِنَّ بَعْضَ النَّبِيَانِ لَسِحْرٌ .

The Messenger (ﷺ) said, "Some eloquent speech is as effective as magic." [Bukhari]

ليس المؤمن بالطعان، ولا اللعان، ولا الفاحش، ولا البذي

The Messenger of Allah (ﷺ) said, "A true believer is not involved in taunting, or frequently cursing (others) or in indecency or abuse."

Vulgarity/indecency is the opposite of modesty. And the opposite of someone who speaks eloquently is someone who speaks simply.

Ibn Taymiyyah writes: "*Hayâ'* (modesty) is derived from *hayâh* (life), because the person with a living heart is alive, and his modesty prevents him from indecency – for the heart's life is its immunity against the indecencies that corrupt the heart."

Hakeem b. Hizâm (ra) narrates: The Messenger of Allah (ﷺ) said: “Both the buyer and seller retain the option [to abort the sale] unless they separate. If both are truthful and making [things] clear, their sale is blessed for them. If they conceal [defects] or lie, the blessing of their sale is eliminated.” [Bukhâri and Muslim]

An Ansâri man (said to be a hypocrite) named Basheer ibn. Ubayriq had stolen a shield from another Muslim during the Prophet’s (ﷺ) life. He had concealed it in a sack of flour, and the flour began to leak from the sack, making a trail to his house. Fearing he would be caught, he threw the shield into the house of a Jewish man named Zayd ibn as-Sameen, in order to throw the blame on him for the theft. Banu Ubayriq came to the Messenger of Allah (ﷺ) seeking his defense of their clansman. Given that the stolen item was found with Zayd, the Prophet (ﷺ) was on the verge of punishing this Jewish man, so Allah (st) revealed these *ayaat*:

“Indeed, We have revealed to you, [O Muhammad], the Book in truth so you may judge between the people by that which Allah has shown you. And do not be for the deceitful an advocate. And seek forgiveness of Allah. Indeed, Allah is ever Forgiving and Merciful. And do not argue on behalf of those who deceive themselves. Indeed, Allah loves not one who is habitually a sinful deceiver. They conceal [their evil intentions and deeds] from the people, but they cannot conceal [them] from Allah, and He is with them when they spend the night in such as He does not accept of speech. And ever is Allah, of what they do, encompassing. Here you are – those who argue on their behalf in [this] worldly life – but who will argue with Allah for them on the Day of Resurrection, or who will [then] be their representative? And whoever does a wrong or wrongs himself but then seeks commits it against his own soul. And Allah is ever Knowing and Wise. **But whoever commits an offense or a sin and then blames it on an innocent [person] has taken upon himself a slander and manifest sin.**” [an-Nisâ’ (4):105-112]

Allah (swt) revealed these verses in defense of the innocent Jewish man so the Prophet would not be swayed by the eloquence and deception of the hypocrite, Basheer.

Shyness in the sight of God will keep someone from cheating others and deceiving them with their speech and misusing a gift (eloquence) from Allah (swt). Eloquence can be used for beautiful things or for the worst things. It can be used to grow or to destroy; it can be used to inspire, or to hinder.

Some use eloquence for advocacy for negative causes. A great example includes the tobacco lobbyists who advocate and use their eloquence for evil. Many lobbyists (like those who work for pharmaceutical and insurance companies), media pundits, and false advertisers (like the sugar industry) are corrupt advocates.

Sugar industries are truthful, but deceitfully hiding some of the truth. They say one truth as a decoy from discovering the greater truth. Harvard Business Journal uncovered in 2015 that sugar industry funds research on the dangers of fat, to divert attention from the much more dangerous sugar.

Qadhi Al-Iyyad (the great judge) was approached by two women who were crying and began to listen to their side of the story. Once they were done he said that he would need to hear the other side of the story in order to be just. A man said to him, “Don’t you see these women crying in front of you? Why don’t you judge in their favor?” He replied by saying that Allah says about the brothers of Yusuf that they came to Yaqub crying. Crying isn’t enough. I cannot make a judgment without hearing both sides.

Eliciting sympathy (e.g., by crying) can sometimes be used to sway a person in their favor when in fact they could be in the wrong.

ولا يجرمكم شئنان قوم الا تعدلوا اعدلوا هو اقرب للتقوى

Do not let your distrust or hatred for people cause you to be unjust; be just for it is closer to piety.

Imam Shawkâni said, “If the person being testified against is rich, he should not be favored because of his richness – in order to benefit from him or avoid his harm – and hence not testified against. And if he is poor, he should not be favored because of his poverty – out of mercy and compassion for him – and hence not testified against.”

We should be careful not to use our eloquence, power, wealth, or privilege to wrong others. False testimony is a major sin.

Short-changing others requires the ability to deceive others. So in the case when two people argue about an issue of justice and one person is better at arguing their case even though they are in the wrong, that person is cheating others by their eloquence. So if someone judges in favor of that person, they know they are getting more than they deserve then in reality they are getting a piece of hellfire.

Two men from the Ansar came to the Messenger (ﷺ) and argued about some old inheritance that was not resolved. When they brought their disputes neither of them had solid evidence to bring to the Prophet (ﷺ). He told them that they could argue their cases and one might do a better job at arguing his case better than the other and that could result in that person having a seat in the hell-fire. When they heard this they both began to cry and started to say, “My right is for my brother.” They wanted to give up their right out of fear of a greater punishment.

The Prophet ordered a third party to go and divide the land up evenly between them and advised both men to forgive one another.

If you are going to cheat someone then realize that you might be better at hiring someone to win the case for you in this world, however in the hereafter you will have none but yourself to stand in front of Allah.

Today, justice is directly influenced by power and relationships. The rich have the opportunity to hire the best lawyers whereas others are assigned lawyers who don't hold as much power. This is something the Prophet (ﷺ) prohibited.

During the *khilafah* of Ali ibn Abi Talib (ra) there was a battle in which his shield was stolen. He noticed one day that there was a Christian citizen who had his shield. He told him that the shield belonged to him and the Christian man denied that. They both then went to a very well known judge named Shurayh to settle the matter. The judge asked Ali (ra) whether he had any evidence to prove that this was his shield. He says that he would bring his son and servant to testify that the shield was his. Shurayh said that these two witnesses won't work because the servant may fear you and therefore give false testimony and the other is your son so there is a conflict of interest. Ali (ra) replied, "SubhanAllah, you would reject the testimony of one whom the Prophet (ﷺ) guaranteed Paradise?" Shurayh said that these witnesses would not be and A accepted and Ali (ra) agreed; all the while the Christian citizen was in awe of the way justice was being dealt. He said that this type of behavior could only have been taught by a Messenger and proceeded to take the *shahada* and return the shield to Ali (ra). He said that he had seen the shield fall from Ali (ra) and that he had taken it wrongfully. Ali (ra) then gave the shield to the man as a gift for his *shahada*.

Justice has to be applied to everyone equally. Whether a person has a better lawyer or is better able to represent themselves should not play a role.