

YAQEEN INSTITUTE FOR ISLAMIC RESEARCH

40 HADITHS ON SOCIAL JUSTICE

LECTURE NOTES

PRESENTER: SH. OMAR SULEIMAN
FOUNDER AND PRESIDENT OF YAQEEN INSTITUTE

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Institute for Islamic Research

Chapter 15:

Building a Coalition of Justice: The Fiqh of Hilf al-Fudul

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

The Messenger (ﷺ) said: Certainly, I had witnessed a pact of justice in the house of Abdullah ibn Jud'an that was more beloved to me than a herd of red camels. If I were called to it now in the time of Islam, I would answer it.

عن طلحة بن عبد الله بن عوف أن رسول الله صلى الله عليه وسلم قال: لَقَدْ شَهِدْتُ فِي دَارِ عَبْدِ اللَّهِ بْنِ جُدْعَانَ حِلْفًا مَا أَحَبُّ أَنْ لِي بِهِ حُمْزَ النَّعْمِ وَلَوْ أُدْعِيَ بِهِ فِي الْإِسْلَامِ لَأَجَبْتُ

[Sunan Al-Kubra by Al-Bayhaqi: 12859]

The Story of Hilf al-Fudul

- Before the prophet (ﷺ) received revelation, a man from the tribe of Zubaid came to do business in Makkah. On his journey he encountered a man who was from the Quraysh. The Qurayshi man asked him to handover his merchandise, and told him that he would give his payment for the merchandise the next day. There was no doubt in the Zubaidi man's heart that he would receive his payment as people from outside Makkah respected and trusted the Quraysh. The next day he went to collect the money from the Qurayshi man, however he denied any knowledge of such payment.
- The Zubaidi man was distraught at the situation and went to all the leaders and complained of the Qurayshi man who took his belongings. They ignored and dismissed him. The next morning he went to the Ka'aba and stood at the door and took his shirt off as a sign of desperation. He cried out and read some verses of poetry addressing the the Makkans as a people of dignity and honour, asking how theft and oppression could occur in the city Makkah
- Embarrassed about the whole ordeal, the Quraysh called a meeting to address the situation and the youngest attendees were The Prophet (ﷺ) and Abu Bakr (ra). They came to the agreement that they would stand with the oppressed regardless of what tribe they are coming from. There were five tribes who made this pact and they were:

- Banu Hashim, Banu Muttalib, Banu Zuhrah, Banu Asad, Banu Taym
 - There was a notable tribe that was missing from this gathering. Banu Umayyah did not attend the gathering. They would go on to reject Islam initially and were among the largest opponents of the Prophet (ﷺ) and his message.
- This pact was also called Hilf Al-Mutayyabeen, the pledge of the perfumed. They dipped their hands in henna and imprinted onto the Kaaba as an oath that they stand together in the support of those that are oppressed.
 - This was a turning point in the history of Makkah. Historically Makkans were known to take petty conflicts and turn them into full-blown wars that would span several decades.

The Prophet (ﷺ) affirms Hilf al-Fudul after revelation

- The Prophet (ﷺ) said: "I witnessed a treaty at the home of Abdullah bin Jud'aan. If I am asked to attend such meeting now, I would answer." [Sunan Al-Bayhaqi Al-Kubra: 12859]
 - The Prophet (ﷺ) mentioning that he would continue to uphold the pact indicates that it was still in place when the Prophet said this statement. Despite the fact that many of the original members of the agreement never accepted Islam.
- The Prophet (ﷺ) also said, "I was present with my uncles at the alliance of the perfumed (Hilf al-Mutayyabin). I would not wish to break it, even for red camels." [Al-Adab al-Mufrad 567]
- Scholars say this took place after the Conquest of Makkah because after this, the Muslims were confused about what should be upheld and what should not (from theology and seemingly good things done before Islam i.e. certain rituals of Hajj) and so the Prophet (ﷺ) clarified for the community that Hilf al-Fudul would be upheld.
 - This makes this statement all the more powerful because it's easier to call upon the pact when you are one of the oppressed. However he (ﷺ) was at the height of his

power and maintained the integrity of this pact to make sure accountability is still in order.

Lessons and Rulings from Hilf al-Fudul

- This pact gives Muslims a precedent for the moral responsibility of all citizens to protect the weak, speak for them, critique the rulers and the powerful and the concept of establishing citizens' groups that advocate, and lobby for social rights.
- The Prophet (saw) acknowledged that Muslims and non-Muslims could work together in such pacts and coalitions even if there are bigger issues that they disagree on.
 - It is okay because the pact is to achieve a specific noble goal and not a general alliance that might be understood as an endorsement of certain actions.
- The pact also teaches muslims to embrace anything that is for the betterment of humanity in this life or the next.
 - Allah (swt) says *وتعاونوا على البر والتقوى* "and cooperate with one another in righteousness and piety" [5:2] Scholars say that Al-Birr means well being in this world and Taqwa means well being in the next.
 - Any the purpose of any pact should be to achieve one or both of these goals.
- The pact doesn't only apply when the Muslims are in a state of minority but also when Muslims are in a state of power.
- The scholars say that this pact isn't restricted to being between non-Muslims and Muslims. Meaning initiating such a pact within the Muslim community is possible.
 - This could be to uphold rights, solve disagreements between themselves, or work for the well being of the community.
 - For example, the Masajid in an area can make an agreement to work together and support each other.
 - This happened during the time of the Sahabah, as will be mentioned below.
- Scholars say that when the Prophet (ﷺ) said, *هل ترزقون وتنصرون إلا بضعفائكم*, "Are you supported or given victory by Allah (swt) except by how you treat your poor." The

Prophet is teaching us that barakah comes to a society as a whole when they uphold the rights of the weakest. Presence of oppression ruins a society.

- There was a boom in the economy for Makkans after this pact was made. It led to more blessing in their economy.

Was Hilf al-Fudul Invoked After Islam?

- The Ameer of Madinah was Uthman ibn Abi Sufyan. He wronged a man and refused to pay him back. Al-Hussein ibn Ali (ra) stood up and said: "I swear by Allah, if you do not give him back his money, I will invoke Hilf al-Fudul". After he made this statement, Abdullah ibn Zubayr (from Banu Asad), Abdurahman ibn Harith, and Muhammad ibn Talha (Banu Zuhrah) also stood up. They were all descendants of the original writers of this pact. Uthman ibn Abi Sufyan then gave the man his money.

Conclusion

- The prophet was always eager to improve whatever conditions he was capable of improving
 - It is easy to be overwhelmed by all the different types of Dhulm. By creating pacts like this, we can do away with conditions of oppression in some capacities and that will slowly chip away at the spirit that allows oppression to be maintained in the society.