

YAQEEEN INSTITUTE FOR ISLAMIC RESEARCH

40 HADITHS ON SOCIAL JUSTICE

LECTURE NOTES

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Chapter Eight The Right to Water, Food, and Shelter

عثمان ابن عفان، رضي الله عنه أن النبي صلى الله عليه وسلم، قال: " ليس لابن آدم حق في سوى هذه الخصال: بيت يسكنه، وثوب يوارى عورته، وجلف الخبز، والماء

rights: A home to live in, a garment to cover his nakedness, a piece of bread, and water." [At-Tirmidhi].

'Uthman bin 'Affan (May Allah be pleased with him) reported: The Prophet (ﷺ) said, "There is no right that the son of Adam is more entitled to other than these (four)

The language that The Messenger (ﷺ) uses is really interesting. He is talking about rights you're entitled to that are tangible physical rights.

Allah (swt) mentions people of *sadaqah* (charity) in these *ayaat*

وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَّعْلُومٌ ﴿٢٤﴾ لِّلسَّائِلِ وَالْمَحْرُومِ ﴿٢٥﴾

And those within whose wealth is an acknowledged right, for the needy and the destitute - those who ask (beggars) and those who are forbidden from asking (either self-imposed or forbidden by law or culture).

People need to know that others have a right to their wealth. From both the ones who explicitly ask and those who do not ask. If you cannot find someone who asks of you, then you must commit to looking for people to help so people don't have to ask for their needs to be fulfilled.

عَنْ ابْنِ عَبَّاسٍ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " الْمُسْلِمُونَ شُرَكَاءُ فِي ثَلَاثٍ فِي الْمَاءِ وَالْكَأْبِ وَالنَّارِ وَتَمَنُّهُ حَرَامٌ
It was narrated from Ibn 'Abbas that the Messenger of Allah (pbuh) said, "The Muslims are partners in (co-owners of) three things: water, pasture, and fire - and their price is unlawful

This isn't referring to water from a store that someone is selling. It's referring to public water, an open stream. This means that someone cannot claim a stream of water for themselves and refuse others access to it. There has to be a process and it can't be used in a way that would forbid others or be harmful to a community

When the Prophet (ﷺ) would explicitly specify the "Muslims" in a hadith it was either to indicate he was speaking directly to the Muslims or that it was in regards to the people of Madinah.

Many of the scholars say that with regards to fire, it includes all the things necessary to make fire (i.e., firewood, stones, etc.).

From a juristic perspective this hadith is in reference to open streams, lakes, rivers, and property that is open to the community. You cannot find open land, claim it for yourself and forbid people from using it.

The scholars dispute in the case when there's something that belongs to you but is also in a public setting.

Example: You own a garden and there's water that comes from that garden or there are trees that grow certain fruit. The owner has first right but should also open it for the community to benefit from.

Allah (swt) says in the Qur'an about a group of people he tried,

إِنَّا بَلَوْنَاهُمْ كَمَا بَلَوْنَا أَصْحَابَ الْجَنَّةِ إِذْ أَقْسَمُوا لَيَصْرِمُنَّهَا مُصْبِحِينَ

Indeed, We have tried them as We tried the companions of the garden, when they swore to cut its fruit in the [early] morning.

There was a generous man who owned a garden and he would allow members from the community to come and harvest from that garden. He had selfish and entitled children that decided they would pick everything from the garden during the night before the community would traditionally come. To teach them a lesson, Allah (swt) destroyed their garden.

Another example is seen in the dispute between Az-Zubair and an Ansari man. A man from the Ansar was arguing with Az-Zubair about a stream at Al-Harrah with which they irrigated their date-palms. So the Ansari man said: 'Let the water pass through.' But Az-Zubair refused, so they brought their dispute to the Messenger of Allah (ﷺ). So the Messenger of Allah (ﷺ) said to Az-Zubair: 'O Zubair! Water your land and then let the water flow to your neighbor.' The Ansari got angry and said: 'O Messenger of Allah! Is it because he is your cousin?' The face of the Messenger of Allah (ﷺ) changed. Then he said: 'O Zubair! Water your land and withhold the water until it flows over your walls.'

Based on this, the scholars say that the one who owns the land or the area has the most right to it but that they shouldn't restrict it to just themselves. They should allow other people to benefit.

Saeed ibn Jubayr said, “Allah curses a man who has a wealthy plot of land with fruits, vegetation, and water and closes it off while people around him starve and go thirsty.”

The Prophet (ﷺ) stresses **water** the most in this hadith. Why?

The scholars mention that among the greatest sins is to contaminate a water supply (example: Flint, MI) or withholding water (example: Gaza) or confiscating water from a people that it belongs to, harming and jeopardizing their water stream (example: Standing Rock).

The right to water is such an emphasized right in Islam that if you read the *tafseer* of the ayah that says “Zakah spending is for the poor and for the needy” (9:60), the ulema always mention water, food, clothing, and shelter. They will always stress and mention water first.

From the hadith of the Prophet (ﷺ) you will find that it is considered forbidden to deny water to anyone who comes to your home and asks you for it.

There is so much contemporary relevance in the stressed inalienable right to water in our religion. There are millions of people who die every year due to a lack of access to clean water and from diseases due to filthy water.

عن رسول الله ﷺ قال : « من حفر ماء لم يشرب منه كبد
حرّي من جن ولا انس ولا طائر إلا أجره الله يوم القيامة . ومن
بنى مسجدا كمفحص قطاة أو أصغر بنى الله له بيتاً في الجنة

beast will drink from it except that Allah (swt) will give him reward for that on the day of Judgment. And whoever builds for Allah a masjid even if it's the size of a bird's nest, or even smaller, Allah will build (for that person) a house in Paradise.

Whoever constructs a well of water, no human being, no jinn, no bird, and no wild

The Messenger (ﷺ) is here emphasizing providing for both the physical needs (well) and spiritual needs (masjid) of a people. Even providing for the physical needs of animals is rewarded.

When the Prophet (ﷺ) and the sahaba migrated to Madinah they came upon a well that was owned by a non-Muslim. Knowing how desperate they were, he increased the price of water to one that they were unable to afford. This being one of the first priorities of the Prophet (ﷺ) he asked for the price of the well. The owner asked for 40,000 dirhams which was a very unreasonable price for a well. The Prophet (ﷺ) announced to the community “Who will purchase this well and in return I will guarantee them jannah?” Uthman ibn Affan (ra) rose to the occasion and agreed to purchase the well.

This story is relevant as it was Uthman who narrates the first hadith in this chapter about the four things every human is entitled to.

So Uthman goes to the owner of the well and asks to purchase it from him. The owner denies it on the basis that the well is a source of immense wealth for him. So Uthman asks to be sold half of the well for 20,000 dirhams and the owner agrees. They would alternate days in which they would have access to and sell water from the well. On the days where it was Uthman's turn to the well, he would invite all the residents of Madinah to come and get water for free. The previous owner ended up receiving no business on his days so he went to Uthman asking to sell him the other half of the well for another 20,000 dirhams. Uthman (ra) said he would take it for 10,000, and he made it a *waqf* for the community and it exists to this day. So Uthman (ra) is still getting reward for something he did 1400 years ago!

The Prophet built a home in a masjid for a poor woman. He did this for an entire group of people, the people of *suffah* - they were poor sahaba who could not afford a home so they lived in the back of the masjid. The Prophet (ﷺ) used to spend on them and share his food with them. He knew the pain of hunger. These were some of the most righteous and noble companions and he would share any gifts that came with them.

When the Muslims migrated to Madinah, he commanded a tie of brotherhood. The Ansar had to take complete strangers into their homes, giving them the same food and clothing they had, and providing for them avenues of work.

“The child of the street” is a term used in the Qur’an for the homeless. Being without a home is as almost as disastrous or more disastrous than being without parents. Being homeless is essentially a feeling of being an orphan. If you can't provide a home for homeless people, do what you can to alleviate some of their stress.

After housing, he (ﷺ) mentioned the importance of clothing. Anas Ibn Malik mentioned about the Messenger (ﷺ) that no one ever asked him for a garment except that he took it off his back and gave it to them. To the point where he said once he Prophet (ﷺ) was wearing a gift, a cloak from Yemen, and a man started pulling it off him and said give to me from what Allah gave you, and the Prophet (ﷺ) took it off and gave it to him. He also told Anas to take him to the treasury and give him some charity.

The prophet saw a non Muslim tribe covering themselves with skins and became angry with the people for not hastening to provide for them. He commanded the community to give the people clothes. We also see this in the *fiqh* of captives. They were required to

be clothed from the same clothing as the captors themselves. Scholars said clothing is the greatest signifier of wealth and social status. That's why during hajj there's *ihram* (everyone is dressed the same so there is no indicator of their social status). The prophet didn't forbid people from dressing well. But he ordered that if you had a captive they had to wear the same clothes as you. Abu Dhar (ra) was walking with a slave and he was wearing the exact same thing as the slave. After mentioning the reward for freeing slaves, the very next *ayah* is about clothing and feeding the needy. Through Allah you find that you are tasked with making a person's life easier. If you can't free someone, you should at least clothe and feed them.

The Messenger (ﷺ) mentioned these four things as being required of a person.

Zubaida (wife of the Khalifa Haroon ar-Rasheed who did a lot for the advancement of the ummah) was known as being the most charitable woman that her generation had ever seen. She started all these traditions of hospitality. When anyone would go to Madinah or Iraq, she would take care of the people. She built a huge road from Baghdad and Makkah that was over 1200 kilometers long. People used to find it very difficult to make the journey to Makkah. So everyone coming from this region would take this road. She paved the entire way so everyone could travel easily. She set up 40 stations on the way. In these stations were shelters for the travelers, stables for the animals, and wells every 10-15 kilometers. She also set up pools so people could cool down, guest houses, as well as over 50 *masajid*. She set up security posts. And she set up minarets so the path would be lit up. In today's currency it would've cost several billions of dollars. The road lasted over 1,000 years (it was known as the Road of Zubaida). If you're at hajj or umrah, you can still see that path.

What should we do?

- Advocate for people's water to stay clean. We should take this up locally, ensuring clean water.
- Construct wells around the world where they can save lives.

There was a Hadith where Saad (ra) said his mother passed away, what could he do that would be the best form of *sadaqa* on her behalf. The Prophet (ﷺ) responded, "Water." So Saad set up a water well and said it was on behalf of his mom.