

Chapter – 29

Claims & Disputes

(دعوے اور تنازعات)

Quran:

وَكَانَ الْإِنْسَانُ أَكْثَرَ شَيْءٍ جَدَلًا

{And man is the most quarrelsome of all. (18:54)}

وَأَطِيعُوا اللَّهَ وَرَسُولَهُ وَلَا تَنَازَعُوا فَتَفْشَلُوا وَتَذْهَبَ رِيحُكُمْ

{And obey Allah and His Noble Messenger, and do not dispute with one another for you will lose courage again and your strength will be lost. (08:46)}

Hadith:

Narrated 'Abdullah bin Masood:

I heard a man reciting a verse of the Holy Qur'an but I had heard the Prophet reciting it differently. So, I caught hold of the man by the hand and took him to Allah's Prophet who said, "Both of you are right" and he said to them, "Don't differ, as the nations before you differed and perished because of their differences." (Sahih Bukhari: 2251)

Narrated Ka'ab bin Malik:

I demanded my debt back from Ibn Abi Hadrad and our voices grew louder till Allah's Prophet heard and he came out. He said to me, "Reduce your debt to one half," I said, "I have done so." On that the Prophet said to Ibn Abi Hadrad, "Get up and repay the remaining debt, to him." (Sahih Bukhari: 2258)

Narrated Abu Hurairah, Abu Saeed Khudri:

A Muslim and a Jew quarreled. Muslim showed his Prophet Muhammad's superiority and the Jew gave his Moose's superiority and abused each other. Muslim slapped the Jew on the face. The Jew went to the Prophet Muhammad and informed him of what had happened

between him and the Muslim. The Prophet called the Muslim and asked and listened to him about it as well. --- Then Prophet said, "Do not give me superiority over Moses, as on the Day of Resurrection all the people will fall unconscious. I will be one of them, but I will be the first to gain consciousness, and will see Moses standing at one corner. I will not know whether Moses has also fallen unconscious and got up before me, or Allah has exempted him from that stroke." (Sahih Bukhari: 2252 and 2253)

Narrated Aisha:

Utba bin Abu Waqqas took a firm promise from his brother Sad bin Abu Waqqas to take the son of the slave-girl of Zam'a into his custody as he was his son. In the year of the Conquest of Mecca, Sad bin Abu Waqqas caught Abdullah bin Zam'a and told about his brother's sayings. 'Abu bin Zam'a got up and said, "He is my brother and the son of the slave-girl of my father and was born on my father's bed." --- Both went to the Prophet and told the whole story. Allah's Prophet said, "The son is for the bed, and stones for the one who has done illegal sexual intercourse." And then the prophet said "Abdullah bin Zam'a! He is your brother". After that the Prophet told his wife Sauda bint Zam'a, to screen herself from that boy as he noticed a similarity between the boy and 'Utba. So, she did not see the boy till her death. (Sahih Bukhari: 1926)

Important Aspects of Islamic Doctrine

- False claims and insist on personal likings and desires are the root cause of conflicts.
- Conflicts initially starts from small domestic and social problems then enlarge to the national and international complications.
- The problems, whether small or big, always tried to be solved at the earliest.
- In Fiqh, a claim (دعوى) is said to be that thing which has been presented in front of a Qazi (judge). The basic intension of it is to demand and obtain "justice". It is a general concept that the affected (مدعى) is one who claims in the court. But, in fact, it is an apparent and surficial thing. The important thing in the claim is to rightly determine the status about the affected (مدعى), and the defendant (مدعى عليه) in a law suit. If any mistake occurs in the assessment of these two, there is every possibility of wrong result.

- A claim (دعوى) carries some conditions. For instance:
 1. Claim can only be produced on known things only and not for the unknown.
 2. The affected should claim by his mouth.
 3. A claim must have evidence.
- Taking oath has some forms: For instance:
 1. Sometimes oath is taken on reason.
 2. Sometimes oath is taken on the outcome.
 3. In certain circumstances both affected and defendant has to go through oath.
- Oath is taken by the name of Allah SWT only. Oath other than of God is not acceptable.
- Qazi (a judge) can only reach on any decision after receiving true statements, witnesses and evidences and getting its verifications. Any conflict can only be resolved in the light of the aforesaid points.

