



Fatwa no. 200

Q: In cases where altercations occur between two or more people over any matter, the elders of the village or the chieftain comes to arbitrate between the quarrelling parties.

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After investigating the case, finding out the cause of the conflict, the wrong-doer and the wronged, the party proven to be mainly at fault is ordered to slaughter two or more animals, and the party slightly at fault to slaughter one animal; in addition to some other things they may get from the quarrelling parties. Each one of them slaughters his share of animals, as imposed on him, and then the slaughtered animals are served to those who arbitrated the case. Either the conflicting parties are rich or poor, they must abide by these rulings. This custom is called *Burhah* or *'Atamah*. In most cases, people do not contact the governmental authorities there to resolve their conflicts. What I need to know is the legal ruling on these customs and whether they are permissible or not. Do those who practice this fall under the category mentioned in the Hadith: **“Allah has cursed the one who slaughters (a sacrifice) to other than Allah”**, given that the animals are slaughtered to please the leaders of the tribe? Please advise.

A: Arbitration in conflicts in order to expose the guilty, stand for the wronged person, resolve the conflict and settle disputes by the truth which the Islamic Shari'ah (Law) has come to administer is a legitimate right by the authority of the Qur'an and the Sunnah. Allah the Exalted states (what means): **“And if two parties or groups among the believers fall to fighting, then make peace between them both. But if one of them outrages against the other, then fight you (all) against the one that which outrages till it complies with the Command of Allâh. Then if it complies, then make reconciliation between them justly, and be equitable. Verily! Allâh loves those who are the equitable.”** (Surah Al-Hujurat, 49: 9).

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Allah also states, **“There is no good in most of their secret talks save (in) him who orders Sadaqah (charity in Allâh's Cause), or Ma'rûf (Islâmic Monotheism and all the good and righteous deeds which Allâh has ordained), or conciliation between mankind; and he who does this, seeking the good Pleasure of Allâh, We shall give him a great reward.”** (Surah Al-Nisa', 4: 114).

As for the animals slaughtered by the disputing parties upon reconciliation, whether few or many, if they are slaughtered out of gratitude to Allah for ending the dispute in peace and returning to the previous condition of concord and fraternity, it is something good which Shari'ah encourages. It is implied in the general texts which urge doing good and expressing gratitude for blessings. Some of the Sahabah (Companions of the Prophet), such as Ka`b ibn Malik, did this. It is permissible as long as it is not adopted as a custom and an obligation specifying times and conditions that should be abided by, or that it lays a financial burden, in which case it should be prohibited. As for arbitrators and peacemakers dictating to both parties unavoidable compliance, so that if one of them fails to do what they obliged him to do, it will be regarded as a shame and disgrace that may hinder

reconciliation, annul arbitration, revive hostilities, and perhaps aggravate them, this will be judged as passing laws which Allah has not ordained. However, if it is done as a Ta'zir (discretionary punishment) for the aggressor or the wrong-doer, only in proportion to the wrong that he has committed, meted out as a disciplinary measure against him and also as a compensation for the victim, it is permissible according to view of the Fuqaha' (Muslim jurists) who sanction Ta'zir with money payment.

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The money paid as Ta'zir should be placed where the arbitrators see conforming to the Shari'ah, whether in Bayt-ul-Mal (Muslim treasury) or any charitable channel, without there being any obligation of giving it to the arbitrators and the people who attended the reconciliation gathering. The ruling on these slaughtered animals is not the same as the offerings slaughtered to other than Allah, whether for idols, at the graves of the righteous, or for Jinn in order to get closer to them, for them to repel harm or bring benefit. But when judged from the view point of prevention of introducing Bid'ah (innovation) into the religion and acting upon a law not ordained by Allah, it falls under the meaning of Allah's Saying: [\(They \(Jews and Christians\) took their rabbis and their monks to be their lords besides Allâh \(by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allâh\)\)](#) (Surah Al-Tawbah, 9: 31) rather than the Hadith which states, [\("Allah has cursed the one who slaughters \(a sacrifice\) to other than Allah."\)](#) However, both deeds are considered misguidance and falsehood.

May Allah grant us success. Peace and blessings be upon our Prophet Muhammad, his family and Companions!

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