

The Prophet (p) Refused to Punish Non-Muslims without Sufficient Evidence

Narrated Abu Laila bin Abdullah bin Abdur-Rahman bin Sahl: Sahl bin Abi Hathma and some great men of his tribe said, *“Abdullah bin Sahl and Muhayyisa went out to Khaybar as they were struck with poverty and difficult living conditions. Then, Muhayyisa was informed that Abdullah had been killed and thrown in a pit or a spring. Muhayyisa went to the Jews (of Khaybar) and said, “By Allah, you have killed my companion.” The Jews said, “By Allah, we have not killed him.” Muhayyisa then came back to his people and told them the story. He, his elder brother Huwayyisa and Abdur-Rahman bin Sahl came (to the Prophet (p)) and he who had been at Khaybar (Muhayyisa), proceeded to speak, but the Prophet (p) said to Muhayyisa, “The eldest! The eldest!” meaning, “Let the eldest of you speak.” So Huwayyisa spoke first and then Muhayyisa. The Prophet (p) said, “The Jews should either pay the blood money of your (deceased) companion or be ready for war.” After that, the Prophet (p) wrote a letter to the Jews in that respect, and they wrote back that they had not killed him. Then the Prophet (p) said to Huwayyisa, Muhayyisa and Abdur-Rahman, “Can you take an oath by which you will be entitled to take the blood money?” They said, “No.” He said (to them), “Shall we ask the Jews to take an oath before you?” They replied, “But the Jews are not Muslims.” So the Prophet (p) himself paid the diyyah (blood money) of one-hundred she-camels to the deceased’s brethren. Sahl added: When those she-camels were made to enter the house, one of them kicked me with its leg.”*¹

Supporting Texts

“O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Acquainted with what you do.” (Qur’an 5:8)

¹ Malik bin Anas Abu Abdullah, *Muwatta*, (ed. Muhammad Fu’ad ‘Abd al-Baqi), Dar Ihyah al-Turath al-‘Arabi, Cairo, hadith no.1565; Al-Baihaqi, *al-Sunan al-Sugrah*, al-Maktabah al-Shamilah, 3.13, hadith no.3332; Abu Dawud, *Sunan Abu Dawud*, Dar al-Kitab al-Arabi, Beirut, vol.4, p.300; Al-Nasa’i, *Sunan al-Nasa’i al-Kubrah*, hadith no.207; Al-Bukhari, *Sahih al-Bukhari*, hadith no. 7192; Muslim, *Sahih Muslim*, hadith no. 4441.

Anas bin Malik narrated that the Messenger of Allah (p) said, *“Beware of the supplication of the oppressed, even if he is an unbeliever, for there is no barrier between it and Allah.”*²

Mu’adh bin Jabal reported that the Messenger of Allah (p) said, *“Beware of the supplication of the oppressed, for there is no barrier between it and Allah”*.³

Abu Hurayrah reported that the Prophet (p) said, *“The supplication of three persons are never turned down: a fasting person until he breaks his fast, a just ruler, and the supplication of the oppressed which is raised by Allah above the clouds. The gates of heaven are opened for it, and the Lord says; By My Might, I will help you in due course.”*⁴

Jabir bin Abdullah reported that the Prophet (p) said, *“Beware of committing oppression, for oppression will be darkness on the Day of Resurrection.”*⁵

Comments

According to Ibn Taymiyyah, *“In this life, people’s situations uphold when justice prevails in their society even if they fall into various kinds of sins. However, people’s situations do not uphold when injustice and lack of rights prevail in their society. That is why the saying goes: God upholds a state established on justice, even if it were a nation of disbelievers, and would not uphold a state established on injustice, even if it were a nation of Muslims. The other saying goes: ‘This world lives with justice and disbelief, and does not live with injustice and Islam’. The Prophet (p) said: ‘No sin has a faster divine punishment than the sin of injustice...’. Thus, people of injustice fail in this life, even if they were to be forgiven in the Hereafter. This is because justice is the universal law of things.”*⁶

Imam Qurtubi in his commentary on Qur’an 5:8 above said that, *“This verse shows that the disbelief (kufr) of an unbeliever does not prevent him from enjoying justice.”*⁷

²Musnad Ahmad, hadith no.12140.

³Sahih al-Bukhari, hadith no.4090.

⁴Sunan al-Tirmidhi, hadith no.3598.

⁵Sahih Muslim, hadith no 2578.

⁶ Ibn Taymiyyah, *Kutub wa Rasa’il*, vol.28, p.146.

⁷Tafsir al-Qurtubi, Tafsir of Qur’an 5:8 in *Maktab Taalib al-Ilm*, CD-ROM, Ariss Computers Inc., Beirut, Lebanon, 2002.

Implications and Lessons

In the narrative above, the Prophet (p) refused to take the words of Muslims against Jews without evidence. And when the Jews insisted that they were not responsible for the murder, he did not punish them unjustly.

This shows that Muslims and their leaders are not expected to be biased in their treatment of non-Muslims, even when it concerns other fellow Muslims.