

***‘Liberty’ afforded by the  
Shari’ah?***

**Part 1:  
Prohibition of Spying**

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## Contents



- I. Introduction
- II. The Qur'ānic verses
  - *The Sanctity of the Home*
  - *The Absolute Prohibition of Spying*
- III. Evidences from the Prophetic *Sunnah*
  - *Do not spy and do not hate one another*
- IV. 'We have done what Allah has forbidden - we have spied!'
- V. 'I have been forbidden to spy'
- VI. 'When a ruler seeks to make imputations against the people'
- VII. Eavesdropping carries a serious punishment in the hereafter
- VIII. 'The *Qatāt* will not enter Jannah!'
- IX. 'What great punishment they are being subjected to!'
- X. 'The worst amongst you, creating *Nameemah*'
- XI. 'Whoever covers the '*Awra* of a believer'
- XII. Conclusion

## I. Introduction

When compared with the ancient *Polis* or the feudal kingdoms that existed in Europe during the Middle Ages, the modern state genuinely does appear as a *Leviathan*. Its scope and remit is truly vast, touching directly the lives of all citizens residing within its delineated boundaries. Within the Western tradition of political thought the concept of the ‘divine right of kings’ has long since been abandoned, yet the modern state appears to have inherited some of its vestiges, retaining an almost semi-divine status amongst the political classes. Although the classical liberal tradition had at its doctrinal core the idea that the power of the state should be limited and that political society existed in order to protect the rights of life, liberty and property, these concepts seem to have been lost in the ether. The grand theorists of this era such as Locke, Montesquieu or even the American Founding Fathers could not have conceived just how the vast the reach of the modern state truly is.

Over the last thirty-years the executive branch of government in the West has been acquiring immense power, which has had the result of exposing the illusory nature of the separation of powers as well as the empty slogan that government is genuinely held to account by the electorate. Compounding these long-term trends has been the recent revelations from whistle-blowers about the depth and extent of surveillance programmes which the intelligence services conduct against citizens without any substantive form of oversight or accountability. Indeed the former head of MI5 publicly warned in 2009 that governments were using the ‘threat of terrorism’ to vastly increase state power, erode civil liberties and create the conceptual framework for a police state. The idea of the all-pervasive ‘secret state’ is not merely limited to authoritarian states typified by the old Eastern Bloc. The extent to which Western states have been involved in massive surveillance programmes appears to even dwarf the level of intrusion that existed under the Stasi in East Germany. Yet it is not just the ruling classes that have set this in motion. The security forces, the media, educational institutions and even civil society groups have all contributed to this state of affairs. It may seem that vast swathes of the population are being ‘sleep-walked’ into tyranny; the anaesthesia being used is the idea of an all-pervasive form of terrorism that is invoked to justify these measures.

Standing between these two systems that have fallen into disrepute - the discredited totalitarianism of the socialist workers republics and the crumbling edifice of liberal democratic

capitalism in the West - is the *Deen* of Islam. Against this ever-worrying contemporary backdrop, we present this short treatise, which is a scriptural analysis of the texts of the Qur'ān and the Prophetic *Sunnah* that detail what Islam's primary sources have to say upon this matter. Our intention is to try and elicit a number of principles of state from this body of evidence to show that the Islamic scriptural sources do not advocate the idea that the political apparatus of the state requires the creation and maintenance of vast intelligence agencies to spy on its citizens. Islam being a complete *Deen* and way of life, is not silent upon this matter and provides clear boundaries in relation to not only the conduct of the individual in society, but that of the political authorities as well.

## II. The Qur'ānic verses

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### - *The Sanctity of the Home*

Contrary to popular opinion, the idea of the sanctity of individual rights has a very high premium within Islam, details of which we will leave for a separate treatise. Even prior to this, the texts overall place a very high premium upon the sanctity of the home. There are several Qur'ānic verses which outline the detailed principles underpinning this concept, namely:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّىٰ تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَىٰ أَهْلِهَا ذَلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

*O you who believe! Do not enter houses other than your own houses until you have asked permission and saluted their inhabitants; this is better for you, that you may be mindful.*

[24: 27]

فَإِن لَّمْ تَجِدُوا فِيهَا أَحَدًا فَلَا تَدْخُلُوهَا حَتَّىٰ يُؤْذَنَ لَكُمْ وَإِن قِيلَ لَكُمْ ارْجِعُوا فَارْجِعُوا هُوَ أَزْكَىٰ لَكُمْ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ

*But if you do not find any one therein, then do not enter them until permission is given to you; and if it is said to you: Go back, then go back; this is purer for you; and Allah is cognizant of what you do.*

[24: 28]

وَلَيْسَ الْبِرُّ بِأَنْ تَأْتُوا الْبُيُوتَ مِنْ ظُهُورِهَا وَلَكِنَّ الْبِرَّ مَنِ اتَّقَىٰ وَأْتُوا الْبُيُوتَ مِنْ أَبْوَابِهَا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

*....and it is not righteousness that you should enter the houses at their backs, but righteousness is this that one should guard (against evil); and go into the houses by their doors and be careful (of your duty) to Allah, that you may be successful.*

[2: 189]

It is noteworthy the extent to which the Qur'ān goes into the specifics of this subject, which on a superficial level, appears quite trivial. However the importance which these verses attach to the overall sanctity of the home demonstrates that this matter is not at all trivial, but rather of great importance. There are no other textual evidences to show that these verses are limited to that of individuals; a political authority that rules by Islam would also have to adhere to them strictly. One tangible example of such adherence would be that an Islamic authority would not be able to breakdown the door of a dwelling at dawn and place the inhabitants on the floor in order to conduct a speculative arrest. Such acts would clearly be in contravention of these verses as well as other Islamic principles.

- *The Absolute Prohibition of Spying*

Verse twelve of *Surah al-Hujarāt* (chapter 49) establishes the absolute prohibition of spying amongst Muslims; this is evident from the clear unequivocal wording contained therein. Allah the exalted and majestic states:

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَب بَّعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ  
مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ

*O you who believe! Avoid suspicion, for surely suspicion in some cases is a sin, and do not spy nor let some of you backbite others. Does one of you like to eat the flesh of his dead brother? But you abhor it; and be careful of (your duty to) Allah, surely Allah is Oft-returning (to mercy), Merciful.*

[49: 12]

The verse begins with the address to those who believe to avoid suspicion since in many instances this can constitute a sin. Underpinning this point is the matter of substantive evidence; suspicion cannot replace evidence and in most instances suspicion turns out to be unsubstantiated. Again, as with the verses outlining the sanctity of the home, there are no other textual evidences to show that these verses are limited to that of individuals. This has profound implications for a political authority that is based upon Islam. Given the details provided in the aforementioned verse, the idea of establishing permanent 'intelligence' agencies in the state

whose *raison d'être* is to spy upon the citizenry; to collect their personal data (in whatever format) for analysis, or to root out and censure political criticism would be absolutely prohibited. Furthermore, it will undoubtedly have the net effect of corrupting the populace as a whole.

Despite this, it is a travesty that the vast majority of Islamic movements have not come forth to expound this point as part of their public *dawah* or political programmes. This is despite the fact that the majority of Muslim countries have extensive, elaborate and vicious intelligence agencies that have crushed political dissent and committed all manner of unspeakable crimes. Whether deliberately or through no fault of their own, the overall effect of not addressing this matter has played up to the stereotype, which is unfortunately held by the majority of people - Muslims included, that the *Sharī'ah* of Allah, if and when implemented will only bring tyranny upon the lives of people.



### III. Evidences from the Prophetic *Sunnah*

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- *Do not spy and do not hate one another*

Evidences from the Prophetic *Sunnah* on this topic are extensive. They both reinforce and expand in greater detail upon the rules that have been established in verse twelve of *Surah al-Hujarāt*. Arguably one of the most famous *ḥadith* upon this point is that narrated from Abu Hurayrah:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ أَخْبَرَنَا مَالِكٌ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِيَّاكُمْ وَالظَّنَّ، فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ، وَلَا تَحَسَّسُوا، وَلَا تَجَسَّسُوا، وَلَا تَنَاجَشُوا، وَلَا تَحَاسَدُوا، وَلَا تَبَاغَضُوا، وَلَا تَدَابَرُوا، وَكُونُوا عِبَادَ اللَّهِ إِخْوَانًا

Abdullah ibn Yusuf narrated to us Mālik reported to us from Abi Zinād from al-‘Araj from Abu Hurayrah (may Allah be pleased with him) said that the Messenger of Allah peace be upon him said: *Beware of suspicion, for suspicion is the worst of false tales. And do not look for the others faults, and do not do spying on one another, and do not outbid one another (with a view to raising the price), and do not be jealous of one another and do not hate one another, and do not desert (stop talking to) one another. And O, Allah's worshipers! Be brothers!*

Almost every scholar of *ḥadith* has noted this tradition, for example it may be found in the following collections:

- ❖ Bukhāri *al-Adab al-Mufrad* [Vol. 1, sec. 438, no. 1287]
- ❖ *Ṣaḥīḥ* Muslim [Vol. 4, sec. 1985, no. 2563 and vol. 4, sec. 1986, no. 2563]
- ❖ *Ṣaḥīḥ* Bukhāri [Vol. 5, sec. 1976, no. 4849; vol. 5, sec. 2253, no. 5717 and vol. 6, sec. 2474, no. 6345]
- ❖ *Ṣaḥīḥ* Ibn Ḥibbān [Vol. 12, sec. 501, no. 5687]
- ❖ *Sunan* Abu Dāwud [Vol. 4, sec. 280, no. 4917]

- ❖ *Musnad* Aḥmad bin Ḥanbal [Vol. 2, sec. 287, no. 7845; vol. 2, sec. 342, no. 8485; vol. 2, sec. 465, no. 10002; vol. 2, sec. 470, no. 10080; vol. 2, sec. 482, no. 10256; vol. 2, sec. 492, no. 10379; vol. 2, sec. 517, no. 10712, and vol. 2, sec. 539, no. 10962]
- ❖ *Muwattaʿa*ʾ of Imām Mālik [Vol. 2, sec. 908, no. 1616]
- ❖ *Musnad* aṭ-Ṭayālasī [Vol. 1, sec. 330, no. 2533]
- ❖ *Sunan al-Kubra*, Bayhaqy [Vol. 6, sec. 85, no. 11239; vol. 7, sec. 180, no. 13813; vol. 8, sec. 333, no. 17400 and vol. 10, sec. 232, no. 20848]

The *ḥadīth* has also been recorded by other than the above as well. The narration is *muttwātir* from Abu Hurayrah, narrated by him via Abdar-Raḥman ibn Hurmuz al-ʿAraj, Abu Ṣāliḥ Zakhwān as-Samān, Ṭāwus, Abdar-Raḥman ibn Abi Umrah, Ḥayān ibn Bustām as well as others. Hammām ibn Munabih narrates this without the wording of [وَلَا تَحَسَّسُوا، وَلَا تَجَسَّسُوا]. When read in tandem with the Qurʾānic verse one can see that the evidences which outlaw spying and its associated evils is indeed compelling.

#### IV. ‘We have done what Allah has forbidden - we have spied!’

During the golden age of Islamic rule, the era of the rightly guided *Khulafah* or *Khilafah Rashida*, the notion of having full time employees of the rulers whose vocation would be to spy on the citizenry was unheard of. There does exist though an interesting story that happened during the time of Umar ibn al-Khaṭṭāb (may Allah be pleased with him). Imām Abdar-Razzāq aṣ-Ṣana’i recorded the following narration in his *Muṣṣanaf* [Vol. 10, sec. 231, no. 18943]:

أخبرنا عبد الرزاق عن معمر بن الزهري عن زرارة بن مصعب بن عبد الرحمن بن عوف عن المسور بن مخرمة عن عبد الرحمن بن عوف: أنه حرس ليلة مع عمر بن الخطاب المدينة فبينما هم يمشون شب لهم سراج في بيت فأنطلقوا يؤمونه فلما دنوا منه إذا باب مجاف على قوم لهم أصوات مرتفعة, ولعظ, فقال عمر وأخذ بيد عبد الرحمن: أتدري بيت من هذا؟ قال: قلت: لا قال: هذا بيت ربيعة بن أمية بن خلف وهم الآن شرب, فما ترى؟ فقال عبد الرحمن: أرى أن قد أتينا ما نهانا الله عنه قال ولا تجسسوا فقد تجسسنا فأنصرف عمر عنهم فتركهم

Abdar-Razzāq reported to us from Ma’mar from az-Zuhri from Mu’ṣab ibn Zurāra ibn Abdar-Raḥman from al-Miswar ibn Makrama from Abdar-Raḥman ibn ‘Auf that he (Abdar-Raḥman) went one day as a guard with Umar; when they were walking, they saw a light in a house and went to that light to see what was there. As they came closer, they saw the door ajar and some people entertaining themselves with alcohol. Umar asked Abdar-Raḥman: ‘Do you know whose house that is?’ Abdar-Raḥman replied no, he didn’t. Umar said ‘That is the house of Rabi’ah ibn Umay ibn Khalaf.’ Umar said ‘what should we do?’ Abdar-Raḥman said: ‘I see that we have committed what Allah has prohibited us to do, we have spied. Allah said do not spy and we have spied.’ So Umar accepted this and they both left.

This narration has also been recorded by Bayhaqy in *Sunan al-Kubra*, [Vol. 8, sec. 334, no. 17403] and Al-Ḥākim’s *Mustadrak* [Vol. 4, sec. 419, no. 8136]. Al-Ḥākim said: this *ḥadith* is *Ṣaḥīḥ* but they didn’t record it; al-Dhahabi concurred with him regarding this. Imām al-Kharrāṭi also has this narration in *Makāram al-Akhlāq* [sec. 152/448]:

حَدَّثَنَا أَحْمَدُ بْنُ مَنْصُورِ الرَّمَادِيِّ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ صَالِحٍ حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ عَمْرِو بْنِ قَيْسٍ عَنْ ثَوْرِ  
الْكِنْدِيِّ أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ ، كَانَ يَعُصُ بِالْمَدِينَةِ مِنَ اللَّيْلِ ، فَسَمِعَ صَوْتَ رَجُلٍ فِي بَيْتٍ  
يَتَعَنَّى فِتَسَوَّرَ عَلَيْهِ ، فَوَجَدَ عِنْدَهُ امْرَأَةً ، وَعِنْدَهُ خَمْرًا ، فَقَالَ : يَا عَدُوَّ اللَّهِ ، أَظَنَنْتَ أَنَّ اللَّهَ يَسْتُرُكَ وَأَنْتَ عَلَى  
مَعْصِيَتِهِ ؟ ، فَقَالَ : وَأَنْتَ يَا أَمِيرَ الْمُؤْمِنِينَ ، لَا تَعْجَلْ عَلَيَّ ، إِنْ أَكُنْ عَصَيْتُ اللَّهَ وَاحِدَةً ، فَقَدْ عَصَيْتُ اللَّهَ فِي  
ثَلَاثٍ ، قَالَ تَعَالَى : وَلَا تَجَسَّسُوا سِوَةَ الْحَجَرَاتِ آيَةٌ 12 ، وَقَدْ تَجَسَّسْتُمْ ، وَقَالَ اللَّهُ عَزَّ وَجَلَّ : وَلَيْسَ الْبِرُّ  
بِأَنْ تَأْتُوا الْبُيُوتَ مِنْ ظُهُورِهَا سِوَةَ الْبِقَرَةِ آيَةٌ 189 ، وَقَدْ تَسَوَّرْتَ عَلَيَّ ، وَدَخَلْتَ عَلَيَّ مِنْ ظَهْرِ الْبَيْتِ  
بِغَيْرِ إِذْنٍ ، وَقَالَ اللَّهُ عَزَّ وَجَلَّ : لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا سِوَةَ النُّورِ  
آيَةٌ 27 ، فَقَدْ دَخَلْتَ بِغَيْرِ سَلَامٍ قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ : فَهَلْ عِنْدَكَ مِنْ خَيْرٍ إِنْ عَفَوْتُ عَنْكَ ؟ ، قَالَ : نَعَمْ  
، وَاللَّهِ يَا أَمِيرَ الْمُؤْمِنِينَ ، لَنْ عَفَوْتُ عَنِّي لَا أَعُودُ لِمِثْلِهَا أَبَدًا ، قَالَ : فَعَفَا عَنْهُ ، وَخَرَجَ وَتَرَكَهُ

Aḥmad ibn Manṣūr ar-Ramādi narrated to us Abdullah ibn Ṣāliḥ narrated to us Mu'āwiyah ibn Ṣāliḥ narrated to us from Amr' ibn Qays from Thawr al-Kindi that Umar ibn al-Khaṭṭāb was doing his patrols. He heard a man singing so he went over the wall and went down. He found a man with a woman and they had alcohol. Umar was outraged and said: 'O enemy of Allah! Did you think Allah will cover you while you are committing such a sin!' The man answered: 'O Ameer al-Mu'mineen! Don't be in such a hurry. If I have committed one sin, you have committed three sins: Allah said don't spy and you have spied. Allah said its not righteous to come into houses from the back and you have entered this house from the back. Furthermore, Allah also said not to enter any houses without greeting the people and asking permission; you entered without permission.' Umar said: 'If there is any good in you, if I forgive you this, can you forgive me?' The man replied: 'Yes'. They forgave each other and Umar said he would not repeat what had occurred.

Imām Bukhāri collected this in *Tarikh al-Kabir* [Vol. 2, sec. 178, no. 2122], though in a limited way, because he was more concerned with the history of Thawr al-Kindi. The channel he recorded is as follows:

ثور الكندي قال لنا عبدالله حدثني معاوية عن عمرو بن قيس عن ثور الكندي أن عمر بن الخطاب كان يعص  
المدينة من الليل

Thawr al-Kindi said: Abdullah he told us Muā'wiya narrated to me from Amr' ibn Qays from Thawr al-Kindi that Umar ibn al-Khaṭṭāb was walking in Medina one night...

The *isnād* is Syrian (Shāmi) in origin as well as being good and strong. Also we have the narrative provided by Abu Shaykh al-Aṣbahāni in *at-Tawbeekh wal-Tanbeeh* [sec. 56/108]:

حدثنا أحمد بن خالد الرازي ثنا محمد بن حميد ثنا نعيم بن ميسرة النحوي عن السدي قال : خرج عمر بن الخطاب رضي الله عنه ، فإذا هو بضوء نار ومعه عبد الله بن مسعود ، قال : فاتبع الضوء حتى دخل دارا ، فإذا سراج في بيت ، فدخل ، وذلك في جوف الليل ، فإذا شيخ جالس وبين يديه شراب وقينة تغنيه ، فلم يشعر حتى هجم عليه ، فقال عمر ما رأيت كالكيلة منكرا أقبح من شيخ ينتظر أجله فرفع الشيخ رأسه إليه ، فقال : « بلى ، يا أمير المؤمنين ، ما صنعت أنت أقبح ، إنك قد تجسست وقد نهى عن التجسس ، ودخلت بغير إذن ، فقال عمر صدقت ثم خرج عاضا على يديه يبكي قال تكلمت عمر أمه إن لم يغفر له ربه ، يجد هذا ، كان يستخفي هذا من أهله فيقول الآن رأى عمر فيتتابع فيه قال وهجر الشيخ مجالس عمر حينما ، فبينما عمر بعد ذلك بعيد جالس إذا هو به قد جاء شبه المستخفي ، حتى جلس في أخريات الناس ، فرآه عمر فقال علي بهذا الشيخ فقيل له : أجب فقام وهو يرى أن عمر سينبئه بما رأى ، فقال له عمر : ادن مني فما زال يدينه حتى أجلسه بجانبه ، فقال أدن مني أدنك ، فالتقم أدنه فقال : أما والذي بعث محمدا بالحق رسولا ما أخبرت أحدا من الناس بما رأيت منكرا ، ولا ابن مسعود ، فإنه كان معي فقال : يا أمير المؤمنين أدن مني أدنك ، فالتقم أدنه ، فقال : ولا أنا والذي بعث محمدا بالحق رسولا ما عدت إليه حتى جلست مجلسي فرفع عمر صوته فكبر ما يدري الناس من أي شيء يكبر

Aḥmad ibn Khālīd ar-Rāzi narrated to us Muḥammad ibn Ḥumayd narrated to us Nu'aym ibn Maysara narrated to us from as-Suddi, he said: Umar ibn al-Khaṭṭāb went out with Abdallah ibn Mas'ud and they saw some light so they went to investigate. They followed the light until they found a house with the door ajar. Umar went in despite it being the middle of night and he saw an old man sitting with a drink in his hands and a lady singing for him. Umar therefore jumped on him and confronted him about his behaviour. Umar said: 'I have never seen a night as ugly as this! A man who is waiting for his death (i.e. a man of high age) like you doing this!' The man lifted his head and replied: 'Indeed, I have also seen an ugly night Ameer al Mu'mineen, but you yourself have committed something that is even worse than this! You have spied and Allah has ordered us not to spy and entered (this house) without permission.' Umar then went out; Abdallah ibn Mas'ud was outside not knowing what was going on. Umar began to weep and was biting at his fingers. Umar exclaimed how he could make such a mistake like this. Later on the man came to Umar at his audience and Umar called upon him; he whispered in his ears that he didn't tell anyone, not even ibn Mas'ud who was outside that evening.

Admittedly, the narration from al-Aṣbahāni is weak (*daef*) and loose (*mursal*). Yet it is from an entirely different channel and indeed country, originating in Kufa. Given that the narratives cited above are sound, we can therefore confidently include this particular narration as a supportive evidence, as its common core does not contradict what we have established from the sounder narratives. Overall the common core of this event is significant. Arguably the most important aspect that shines through is the attitude of Umar ibn al-Khaṭṭāb (may Allah be pleased with him) who immediately recognised his error, repented and did not seek to scandalise the matter. This is in contradistinction to the attitudes of contemporary political leaders. It should therefore come as no surprise that *Al Lajnah ad-Dā'imah* - the 'Committee for Research and *Fatawa*' in Saudi Arabia, headed by the late Abdul Aziz bin-Baz, sought to dispute this matter in its entirety. Their position was set out in an answer to the following question: 'Is it true that Umar once jumped over the wall of a house and found people drinking alcohol and they said we only committed one sin and you committed three and Umar retreated and went.' Their response was as follows:

'This story is not well established after we have scanned and scrutinised all of the books of history and monographs nor does it fit with the overall character of Umar and his respectability. How is it that a man who is committing such a crime of drinking alcohol can confront him in this manner?'

This wouldn't be a bad argument if the only narration which existed for this event was that of Abu Shaykh al-Aṣbahāni in *at-Tawbeekh wal-Tanbeeh*, which admittedly is weak (*daef*) and loose (*mursal*) as we have said. However, we reiterate that this is not the only channel. So one cannot now attempt to rationalise a matter in order to dispute or refute the core historical incident which took place. We say to the Committee of Iftā' in Arabia that it is very good to have such analytical skills particularly regarding the analysis of historical events. We would love to see this analytical skill being used to analyse other matters, particularly the story of al-Lat who is alleged to have been a person preparing *Saweek* for pilgrims, a matter which is used to pronounce *takfeer* upon the so-called 'worshippers of graves'! The Committee's response and line of argumentation is not unusual. Throughout the Muslim world regimes have been able to find many scholars who are more than willing to 'Islamise' their policies not least on this

particular issue. It is fine for a government to spy on its citizens and those that are deemed ‘people of suspicion’; yet such decrees do not apply to the ruling classes or their cronies.

There are two further narratives which we can also present in relation to the incident, again as supporting evidences. The first is taken from Imām Suyuti, *Tarqeeḥ ash-Shāmala* [Vol. 26, sec. 128, no. 28721]. As this work is only available in manuscript, it is not possible to examine the full *isnād*, as it is written as ‘from ash-Sha’bi’ –

عن الشعبي: أن عمر بن الخطاب فقد رجلا من أصحابه، فقال لابن عوف: انطلق بنا الى منزل فلان فننظر، فأتينا منزله، فوجدنا بابه مفتوحا، وهو جالس وامرأته تصب له في الإناء فتناوله إياه، فقال عمر لابن عوف: هذا الذي شغلنا، فقال ابن عوف لعمر: وما يدريك ما في الإناء فقال عمر: أتخاف أن يكون هذا التجسس قال: بل هو التجسس، قال: وما الوبء من هذا قال: لا تعلمه بما طلعت عليه من أمره ولا يكونن في نفسك إلا خير، ثم انصرفا

From ash-Sha’bi: Umar bin al-Khaṭṭab was missing a man and went looking for him with (Abdar Raḥman) ibn Auf. So they went to his house and found the door open so he could look inside. The man was there sitting with a woman and she was pouring something in his cup that looked like wine. Umar said to ibn Auf this is what is keeping him busy and that’s why he haven’t seen him! (Abdar Raḥman) ibn Auf said: ‘How do you know what the drink is in the pot? You suspect its alcohol but it could be anything as we are far away.’ Umar said: ‘Do you mean that we are spying?’ Ibn ‘Auf replied: ‘Yes! This is exactly spying.’ Umar said: ‘How do we repent from this?’ Ibn ‘Auf said: ‘Don’t tell him that you have seen him in this situation; remove any suspicion that may exist in your mind regarding him and you repent to Allah.’ They both then left.

Secondly, in *Kanz al-Amāl* [Vol. 3, sec. 808, no. 8826] there is a narration from Ḥasan al-Baṣri:

عن الحسن قال: أتى عمر رجل: إن فلانا لا يصحو فدخل عليه عمر، فقال: إني لأجد ريح شراب يا فلان أية أية هذا؟ فقال الرجل: يا ابن الخطاب، أية أية هذا؟ ألم ينهك الله أن تجسس؟ فعرفه عمر فانطلق وتركه

From Al-Ḥasan, he said – someone came to Umar and said he doesn’t wake up he is drunk continuously. So Umar went to his house and invaded it to confront him over this. Umar said: ‘I find the smell of wine present, what is this, what is this?!’ The man turned to him

and replied: ‘O son of al-Khaṭṭab, what is this, what is this?! Did Allah not prohibit you from spying?’ Umar recognised his mistake and then left.



## V. ‘I have been forbidden to spy’

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The notion of the government not engaging in activities of spying was not limited to that of the rulers during the *Khilafah Rashida*. Rather, we would contest that this point of view was also held by other *Ṣaḥāba*, such as Ibn Mas’ud. Imām Abu Bakr ibn Abi Shayba records the following in his *Muṣṣanaf* [Vol. 5, sec. 327, no. 26568]:

حدثنا أبو معاوية عن الأعمش عن زيد بن وهب قال أتى ابن مسعود ف قيل له هذا فلان تقطر لحيته خمرًا، فقال عبد الله إنا قد نهينا عن التجسس، ولكن إن يظهر لنا منه شيء نأخذه به

Abu Muā’wiya narrated to us from al-‘Amash from Zayd ibn Wahb who said: A man was brought to Ibn Mas’ud. He was told: This is so and so and wine was dropping from his beard. Abdallah thereupon said: We have been prohibited to spy. If anything becomes manifest (or apparent) to us, we shall seize upon it.

This narration can be found in several collections, such as:

- ❖ *Sunan* Abu Dāwud [Vol. 4, sec. 273, no. 4890]
- ❖ *Mu’jam al-Kabir* at-Ṭabarāni [Vol. 9, sec. 351, no. 9741]
- ❖ *Sunan al-Kubra*, Bayhaqy [Vol. 8, sec. 334, no. 17404]
- ❖ *Muṣṣanaf* Abdar-Razzāq aṣ-Ṣana’i [Vol. 10, sec. 232, no. 18945]

Al-Hākim has this narration in the *Mustadrak* [Vol. 4, sec. 419, no. 8135]. He said: ‘This *ḥadith* has a *Ṣaḥīḥ isnād* but they (Bukhāri and Muslim) didn’t record it.’ This isnād has the following wording:

حدثنا علي بن محمد بن عقبة الشيباني بالكوفة ثنا محمد بن علي بن عفان العامري ثنا أسباط بن محمد القرشي ثنا الأعمش عن زيد بن وهب قال : أتى رجل عبد الله بن مسعود رضي الله عنه ، فقال : هل لك

في الوليد بن عقبة ولحيته تقطر خمرا؟ فقال إن رسول الله صلى الله عليه وآله وسلم نهانا عن التجسس إن يظهر لنا نأخذه

Ali ibn Muḥammad ibn Uqba ash-Shaybāni narrated to us in Kufa, Muḥammad ibn Ali ibn ‘Affān al-‘Amary narrated to us Asbāṭ ibn Muḥammad al-Qurayshi narrated to us al-‘Amash narrated to us from Zayd ibn Wahb, he said: A man was brought to Ibn Mas’ud. He was told: This is so and so and wine was dropping from his beard. Abdullah thereupon said: The Prophet (peace be upon him) prohibited us to spy. If anything becomes manifest (or apparent) to us, we shall seize upon it.

Viewing these narrations holistically one can see that some of the most prominent *Ṣaḥāba* – Umar, Abdar-Raḥman ibn ‘Auf and Ibn Mas’ud (may Allah be pleased with them) understood the nature, meaning and remit of Islamic rule. The *Sharī’ah* that Allah revealed and enacted upon Muḥammad the seal of the Prophets (peace be upon him) does not seek to intrude upon the sanctity of the home even to the extent that individuals are committing sins of the nature highlighted by these narrations. This shows that there is a fundamental right to privacy. In general, state authorities have no right to interfere or attempt to police the individual's private space – as exemplified by the comments reported from Ibn Mas’ud; should an individual bring a matter into the public space, only then would he be apprehended. Ultimately no individual can hide from Allah, He will judge and determine upon individual vices that may be committed behind closed doors on the day of judgement.

## VI. ‘When a ruler seeks to make imputations against the people, he will not fail in corrupting them!’

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No society can function properly if those who occupy governmental power are suspicious of their citizenry. Any former citizen of the Soviet Eastern Bloc would readily attest to the level of insecurity, fear and misery that directly resulted from this. Power was retained under those systems through the use of brute force and an all-pervasive intelligence apparatus. Yet these systems inevitably collapsed. Millions of lives could have been spared this nightmarish existence if the following narrations had been considered - revelation would have spared many who had to endure that communist experiment. Imām Abu Dāwud records this *ḥadith* in his *Sunan* [Vol. 4, sec. 272, no. 4889]:

حدثنا سعيد بن عمرو الحضرمي حدثنا إسماعيل بن عياش حدثنا ضمضم بن زرعة عن شريح بن عبيد عن جبير بن نفير وكثير بن مرة وعمرو بن الأسود والمقدام بن معديكرب وأبي أمامة عن النبي صلى الله عليه وسلم قال إن الأمير إذا ابتغى الريبة في الناس أفسدهم

Sa’eed ibn Umar al-Ḥaḍramy narrated to us Ismā’il ibn ‘Ayyāsh narrated to us Ḍamḍam ibn Zur’a narrated to us from Shurayḥ ibn ‘Ubaid from Jubayr ibn Nufayr and Kathir ibn Murra and Amr’ ibn al-Aswad and Miqdām ibn Ma’dikarib and Abi Umāmah who narrated that the Prophet (peace be upon him) said: *When a ruler seeks to make imputations against the people, he corrupts them.*

The *ḥadith* can also be found in several collections, through various channels. For example:

- ❖ *Sunan al-Kubra*, Bayhaqy [Vol. 8, sec. 333, no. 17402]
- ❖ Aṭ-Ṭabarāni has this in *Mu’jam al-Kabir* [Vol. 8, sec. 109, no. 7516; Vol. 17, sec. 122, no. 302 & Vol. 20, sec. 258, no. 607]
- ❖ Aṭ-Ṭabarāni *Musnad Shāmiayn* [Vol. 2, sec. 441, no. 1660]
- ❖ *Musnad Aḥmad bin Ḥanbal* [Vol. 6, sec. 4, no. 23866]
- ❖ Al-Ḥākim *Mustadrak* [Vol. 4, sec. 419, no. 8137]

Imām Abu Dāwud also records the next ḥadīth in his *Sunan* [Vol. 4, sec. 272, no. 4888]:

حدثنا عيسى بن محمد الرملي، وابن عوف وهذا لفظه قالاً حدثنا الفريابي عن سفيان عن ثور عن راشد بن سعد عن معاوية قال سمعت رسول الله صلى الله عليه وسلم يقول إنك إن اتبعت عورات الناس أفسدتهم أو كدت أن تفسدهم فقال أبو الدرداء كلمة سمعها معاوية من رسول الله صلى الله عليه وسلم نفعه الله تعالى بها

Esa ibn Muḥammad al-Ramly and ibn ‘Auf (and this is his wording) narrated to us they said al-Firyāby narrated to us from Sufyān from Thawr from Rāshid ibn Sa’d from Muā’wiya he said: I heard the Messenger of Allah (peace be upon him) say: *If you search for the faults of the people, you will corrupt them, or will nearly corrupt them.* Abu Darda’ said: These are the words which Muā’wiya himself took from the Messenger of Allah (peace be upon him), and Allah benefited him by them.

This narration can also be found in the following collections:

- ❖ *Ṣaḥīḥ* Ibn Ḥibbān [Vol. 13, sec. 73, no. 5760]
- ❖ *Mu’jam al-Kabir* aṭ-Ṭabarāni [Vol. 19, sec. 379, no. 890]
- ❖ *Musnad* Shāmiayn aṭ-Ṭabarāni [Vol. 1, sec. 272, no. 473]
- ❖ *Sunan al-Kubra* Bayhaqy [Vol. 8, sec. 333, no. 17401]
- ❖ *Musnad* Abu Ya’la [Vol. 13, sec. 383, no. 7389]

Imam Bukhāri records a similar narration in *al-Adab al-Mufrad*, again from Muā’wiya:

حَدَّثَنَا إِسْحَاقُ بْنُ الْعَلَاءِ قَالَ حَدَّثَنَا عَمْرُو بْنُ الْحَارِثِ قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ سَالِمٍ الْأَشْعَرِيُّ عَنْ مُحَمَّدٍ هُوَ ابْنُ الْوَلِيدِ الزُّبَيْدِيُّ عَنِ ابْنِ جَابِرٍ وَهُوَ يَحْيَى بْنُ جَابِرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ بْنِ نُفَيْرٍ حَدَّثَهُ أَنَّ أَبَاهُ حَدَّثَهُ أَنَّهُ سَمِعَ مُعَاوِيَةَ يَقُولُ: سَمِعْتُ مِنَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَلَامًا نَفَعَنِي اللَّهُ بِهِ، سَمِعْتُهُ يَقُولُ، أَوْ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِنَّكَ إِذَا اتَّبَعْتَ الرَّيْبَةَ فِي النَّاسِ أَفْسَدْتَهُمْ، فَإِنِّي لَا أَتَّبِعُ الرَّيْبَةَ فِيهِمْ فَأُفْسِدُهُمْ

Ishāq ibn al-‘Alā narrated to us he said Amr’ ibn al-Ḥārith narrated to us he said Abdullah ibn Sālim al-Ash’ari narrated to me from Muḥammad (who is ibn al-Waleed az-Zubaydi from Ibn Jābir (who is Yaḥya ibn Jābir) from Abdar-Raḥman ibn Jubayr ibn Nufayr (who) narrated to him that his father said: I heard Mu’āwiya say: I heard some words from the Prophet (peace be upon him) by which Allah helped me. Jubayr ibn Nufayr said - I heard him say that he heard the Messenger of Allah (peace be upon him) say: *If you openly show your suspicions of people, you will corrupt them.* Therefore, I do not show my suspicions of people openly so that I will not corrupt them.

Imām aṭ-Ṭabarāni has this narration in *Mu’jam al-Kabir* [Vol. 19, sec. 366, no. 859] with the following wording:

حَدَّثَنَا عَمْرُو بْنُ إِسْحَاقَ بْنِ إِبْرَاهِيمَ بْنِ زُبَيْرِ بْنِ زُبَيْرٍ ثَنَا أَبِي ح وَحَدَّثَنَا عُمَارَةُ بْنُ وَثِيمَةَ الْمِصْرِيُّ ثَنَا إِسْحَاقُ بْنُ  
إِبْرَاهِيمَ بْنِ زُبَيْرِ بْنِ زُبَيْرٍ ثَنَا عَمْرُو بْنُ الْحَارِثِ ثَنَا عَبْدُ اللَّهِ بْنُ سَالِمٍ عَنِ الزُّبَيْدِيِّ ثَنَا يَحْيَى بْنُ جَابِرٍ أَنَّ عَبْدَ الرَّحْمَنِ  
بْنَ جُبَيْرِ بْنِ نُفَيْرٍ حَدَّثَهُ أَنَّ أَبَاهُ حَدَّثَهُ أَنَّهُ سَمِعَ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ يَقُولُ : إِنِّي سَمِعْتُ مِنْ رَسُولِ اللَّهِ صَلَّى  
اللَّهُ عَلَيْهِ وَسَلَّمَ كَلِمًا نَفَعَنِي اللَّهُ بِهَا سَمِعْتُهُ يَقُولُ : أَعْرِضُوا عَنِ النَّاسِ أَلَمْ تَرَ أَنَّكَ إِنْ اتَّبَعْتَ الرَّيْبَةَ فِي النَّاسِ  
أَفْسَدْتَهُمْ أَوْ كَدَّتْ نَفْسُهُمْ

‘Amr ibn Ishāq ibn Ibrāhim ibn Zubreeq narrated to us (saying) my father narrated to us (*hawala*) and Umārah ibn Wathima al-Miṣri narrated to us Ishāq ibn Ibrāhim ibn Zubreeq narrated to us Amr’ ibn al-Ḥārith narrated to us Abdallah ibn Sālim narrated to us from az-Zubaydi, Yaḥya ibn Jābir narrated to us that Abdar-Raḥman ibn Jubayr ibn Nufayr narrated to him that his father said - I heard Mu’āwiya ibn Abi Sufyān say: Verily I heard some words from Messenger of Allah (peace be upon him) which by Allah helped me, I heard him say: *Turn aside from the people if you openly show your suspicions of people, you will corrupt them or they will be corrupted.*

## VII. Eavesdropping carries a serious punishment in the hereafter

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The next *ahādith* in this section demonstrate that the issue of eavesdropping – secretly listening to others speech / talk / discussions without them liking this, carries a serious penalty in the hereafter. The level of punishment which this sin carries shows that it is indicative of being a major sin and not a triviality. Again, when viewed from the angle of state, this would have profound implications if adopted, for example obtaining evidence from wire-tapping would be inadmissible in an Islamic court. Imām Bukhāri records in his *Ṣaḥīḥ* [Vol. 6, sec. 2581, no. 6635] the following:

حدثنا علي بن عبد الله حدثنا سفيان عن أيوب عن عكرمة عن ابن عباس عن النبي صلى الله عليه وسلم قال من تحلم بحلم لم يره، كلف أن يعقد بين شعيرتين، ولن يفعل، ومن استمع إلى حديث قوم وهم له كارهون أو يفرون منه، صب في أذنه الآنك يوم القيامة، ومن صور صورة، عذب وكلف أن ينفخ فيها، وليس بنافخ

Ali ibn Abdullah narrated to us Sufyān narrated to us from Ayub from ‘Ikrimah from Ibn ‘Abbās from the Prophet (peace be upon him) he said: *Whoever claims to have seen a dream which he did not see, will be ordered to make a knot between two barley grains which he will not be able to do; and if somebody listens to the talk of some people who do not like him (to listen) or they run away from him, then molten lead will be poured into his ears on the Day of Resurrection; and whoever makes a picture (idol), will be punished on the Day of Resurrection and will be ordered to put a soul in that picture (idol), which he will not be able to do so.*

The *ḥadith* is well established and can be found in numerous collections, such as:

- ❖ Bukhāri *al-Adab al-Mufrad* [Vol. 1, sec. 397, no. 1159]
- ❖ *Ṣaḥīḥ* Ibn Ḥibbān [Vol. 12, sec. 499, no. 5685/6]
- ❖ *Sunan* Tirmidhi [Vol. 4, sec. 232, no. 1751]
- ❖ *Sunan* Abu Dāwud [Vol. 4, sec. 306, no. 5024]

- ❖ *Musnad* Aḥmad bin Ḥanbal [Vol. 1, sec. 216, no. 1866; vol. 1, sec. 246, no. 2213 and vol. 1, sec. 359, no. 3383]
- ❖ *Sunan al-Kubra*, Bayhaqy [Vol. 7, sec. 269, no. 14349]

Further to this, the *ḥadīth* comes via several different channels from ‘Ikrimah to Ibn ‘Abbās. Imām Aḥmad bin Ḥanbal has this in the *Musnad* [Vol. 2, sec. 504, no. 10556] with the following channel and wording:

حدثنا يزيد حدثنا همام بن يحيى عن قتادة عن عكرمة عن أبي هريرة عن النبي صلى الله عليه وسلم، قال من صور صورة عذب يوم القيامة حتى ينفخ فيها الروح وليس بنافخ فيها: ومن استمع الى حديث قوم ولا يعجبهم أن يستمع حديثهم أذيب في أذنه الآنك، ومن تحلم كاذبا دفع إليه شعيرة وعذب حتى يعقد بين طرفيها وليس بعاقد.

Yazeed narrated to us Hammām ibn Yaḥya narrated to us from Qatādah from ‘Ikrimah from Abu Hurayrah from the Prophet (peace be upon him) who said: *Whoever fashions a picture (idol), he will be punished by Allah until he breathes into it - meaning the soul - and he cannot breathe (a soul) into it. And whoever secretly listens to a people's conversation and they do not wish to be heard, he will be punished by having silver poured into his ears. Whoever claims to have seen a dream which he did not see, will be ordered to make a knot between two barley grains which he will not be able to do.*

حدثنا أحمد بن منيع قال أنبأنا يزيد بن هارون قال أنبأنا همام عن قتادة عن عكرمة عن أبي هريرة عن النبي، صلى الله عليه وسلم، قال: من استمع الى حديث قوم لا يحبون أن يستمع حديثهم أذيب في أذنه الآنك

Aḥmad bin Muneeh’ narrated to us he said Yazeed ibn Hārūn informed us Hammām reported to us from Qatādah from ‘Ikrimah from Abu Hurayrah from the Prophet (peace be upon him) who said: *Whoever listens to the talk and people don't like that they are listed to, zinc will be poured into his ears.*

### VIII. ‘The Qatāt will not enter Jannah!’

As individuals, Muslims are duty bound not to spy on one another. The narrations in this section show that this is even to the extent of reporting criticism of the government to the ruling authorities. Taken together the evidences make it clear that Muslims cannot be informants who spy on one another and provide such reports to the ruling authorities. Moreover, the government cannot use or employ individuals to conduct ‘dirty tricks’ which seek to malign any perceived political opponents. Imām Aḥmad bin Ḥanbal has recorded the following *ḥadith* in the *Musnad* [Vol. 5, no. 389, no. 23353] whose *isnād* is to the level of Bukhāri and Muslim:

حدثنا يحيى بن سعيد القطان أبو سعيد الأحول عن الأعمش حدثني إبراهيم منذ نحو ستين سنة عن همام بن الحارث قال مر رجل على حذيفة فقيل إن هذا يرفع الحديث إلى الأمراء قال سمعت رسول الله صلى الله عليه وسلم يقول: {أو قال رسول الله صلى الله عليه وسلم} لا يدخل الجنة قتات.

Yaḥya ibn Sa’eed al-Qaḥṭān Abu Sa’eed al-Aḥwal narrated to us from al-‘Amash Ibrāhim narrated to me 60 years previously from Hamām ibn al-Ḥārith, he said: one man came upon Ḥudhayfah and he was known to report news to the rulers. (Ḥudhayfah) said: I heard the Messenger of Allah (peace be upon him) say (or the Messenger of Allah peace be upon him said): *The Qatāt will not enter Jannah.*

Bukhāri also has the following in his *Ṣaḥīḥ* [Vol. 5, sec. 2251, no. 5709]:

حَدَّثَنَا أَبُو نُعَيْمٍ حَدَّثَنَا سَفْيَانُ عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ، عَنْ هَمَّامٍ قَالَ كُنَّا مَعَ حُذَيْفَةَ فَقِيلَ لَهُ إِنَّ رَجُلًا يَرْفَعُ الْحَدِيثَ إِلَى عُثْمَانَ فَقَالَ حُذَيْفَةُ سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ لَا يَدْخُلُ الْجَنَّةَ قَتَاتٌ

Abu Nu’aym narrated to us Sufyān narrated to us from Maṣṣūr from Ibrāhim from Hamām who said: I was with Ḥudhayfah and present was a man who used to report news to Uthmān. Ḥudhayfah said that he heard the Prophet (peace be upon him) said: *The Qatāt will not enter Jannah.*



Imām Bayhaqy has recorded this narration in *as-Sunan al-Kubra* [Vol. 8, sec. 166, no. 16449]:

أخبرنا أبو محمد الحسن بن علي بن المؤمل الماسرجسي حدثنا أبو عثمان عمرو بن عبد الله البصري حدثنا أبو أحمد محمد بن الوهاب أنبا يعلى بن عبيد حدثنا الأعمش عن إبراهيم عن همام قال كنت جالسا عند حذيفة فمر رجل فقالوا هذا يرفع الحديث الى السلطان فقال حذيفة قال رسول الله صلى الله عليه وسلم: لا يدخل الجنة قتات. قال الأعمش – والقتات النمام.

Abu Muḥammad al-Ḥasan ibn Ali al-Mu'mil al-Māsarjī reported to us Abu Uthmān 'Amr ibn Abdallah al-Baṣri narrated to us Abu Aḥmad Muḥammad ibn al-Wahāb narrated to us Ya'la ibn Ubaid reports al-'Amash narrated to us from Ibrāhim from Hammām who said: I was sitting at Ḥudhayfah when it was said that a man (was there) who reports news to the authorities. So Ḥudhayfah said – the Messenger of Allah (peace be upon him) said: *The Qatāt will not enter Jannah.* Al-'Amash added that the *Qatāt* is the *Namām*.

These *aḥādith* have also been collected by many other notable Imām's in their respective collections including:

- ❖ Bukhāri *al-Adab al-Mufrad* [Vol. 1, sec. 119, no. 322]
- ❖ *Sunan* Abu Dāwud [Vol. 4, sec. 268, no. 4871]
- ❖ *Sunan al-Kubra* Nasā'i [Vol. 6, sec 497, no. 11614]
- ❖ *Musnad* Ḥumaydi [Vol. 1, sec. 210, no. 443]
- ❖ *Musnad* Aḥmad [Vol. 5, sec. 382, no. 2329]
- ❖ *Musnad* aṭ-Ṭayālasi [Vol. 1. Sec. 56, no. 421]

Imām Muslim [Vol. 1, sec. 102, no. 105] also has this narration but from a different channel:

وَحَدَّثَنِي شَيْبَانُ بْنُ فَرُّوخَ وَعَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ أَسْمَاءَ الصُّبَيْعِيِّ قَالَ حَدَّثَنَا مَهْدِيُّ وَهُوَ ابْنُ مَيْمُونٍ حَدَّثَنَا وَاصِلُ الْأَحْدَبِ عَنْ أَبِي وَائِلٍ عَنْ حُذَيْفَةَ أَنَّهُ بَلَغَهُ أَنَّ رَجُلًا، يَنْمُ الْحَدِيثَ فَقَالَ حُذَيْفَةُ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ لَا يَدْخُلُ الْجَنَّةَ نَمَامٌ

Shaybān ibn Farukh and Abdallah ibn Muḥammad ibn Asmā'a aḍ-Ḍoba'i narrated to me, they said: Mahdi (and he is ibn Maymoon) narrated to us Wāṣil al-Aḥḍab narrated to us

from Abu Wāil from Ḥudhayfah: It is reported from Ḥudhayfah that news reached him that a certain man carried tales. Upon this Ḥudhayfah remarked: I heard Allah's Messenger (may peace be upon him) saying: *The Namām shall not enter Paradise.*

Various words have been used in English translations of *ḥadith* collections to render the words 'Qatāt' and 'Namām / Nameema'. Rather than sticking to one of the translated terms it may be of use to list all of them in order to elucidate this matter further:

- Informer (noun) - An informant, especially one who informs against others
- Calumny (noun, p. calumnies) - The utterance of maliciously false statements; slander; false statements made to maliciously injure another's reputation
- Eavesdropper - To listen secretly to the private conversation of others
- Tale bearer (noun) - One who spreads malicious stories or gossip

Although from the context of the narrations that have been cited, it should be evidently clear about the nature of the 'Qatāt' and 'Namām'. The man who Ḥudhayfah chided and cited the *ḥadith* to was informing on people to Uthmān, who was one of the *Khilafah Rashida*. Yet despite this, the severity of the act should be noted as it is not a small matter: the 'Qatāt' / 'Namām' will not enter paradise.

## IX. 'What great punishment they are being subjected to!'

Following on from the previous section, in the *aḥādīth* presented here, the Prophet (peace be upon him) further highlights this issue of 'Nameema' as carrying a severe penalty in the hereafter, which shows that it is a major sin. Bukhāri has collected this tradition in his *Ṣaḥīḥ* [Vol. 5, sec. 2250, no. 5708]:

حَدَّثَنَا ابْنُ سَلَامٍ أَخْبَرَنَا عبيدُ بنُ حميدِ أبو عبدِ الرَّحْمَنِ عن مَنْصُورٍ عن مُجَاهِدٍ عن ابْنِ عَبَّاسٍ قَالَ قَالَ خَرَجَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ بَعْضِ حَيْطَانِ الْمَدِينَةِ، فَسَمِعَ صَوْتِ إِنْسَانَيْنِ يُعَذَّبَانِ فِي قُبُورِهِمَا فَقَالَ : يُعَذَّبَانِ، وَمَا يُعَذَّبَانِ فِي كَبِيرَةٍ، وَإِنَّهُ لَكَبِيرٌ، كَانَ أَحَدُهُمَا لَا يَسْتَتِرُ مِنَ الْبَوْلِ، وَكَانَ الْآخَرُ يَمْشِي بِالنَّمِيمَةِ، ثُمَّ دَعَا بِجَرِيدَةٍ فَكَسَرَهَا بِكِسْرَتَيْنِ أَوْ ثَلَاثَتَيْنِ، فَجَعَلَ كِسْرَةً فِي قَبْرِ هَذَا، وَكِسْرَةً فِي قَبْرِ هَذَا، فَقَالَ لَعَلَّهُ يُخَفَّفُ عَنْهُمَا مَا لَمْ يَبْيَسَا

Ibn Salām narrated to us 'Uбайдah ibn Ḥumayd Abu Abdar-Raḥman reported to us from Maṣūr from Mujāhid from Ibn 'Abbās who said: Once the Prophet (peace be upon him) went through the grave-yards of Medina and heard the voices of two humans who were being tortured in their graves. The Prophet (peace be upon him) said: *They are being punished, but they are not being punished because of a major sin, yet their sins are great. One of them used not to save himself from (being soiled with) the urine, and the other used to go about with Nameema.* Then the Prophet asked for a green palm tree leaf and split it into two pieces and placed one piece on each grave, saying: *I hope that their punishment may be abated as long as these pieces of the leaf are not dried.*

Also in the *Ṣaḥīḥ* of Bukhāri [Vol. 1, sec. 464, no. 1312] he has a similar narration from a different channel but again to Ibn 'Abbās:

حَدَّثَنَا قُتَيْبَةُ حَدَّثَنَا جَرِيرٌ عن الأعمشِ عن مُجَاهِدٍ عن طَاوُسٍ قَالَ ابْنُ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - مَرَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى قَبْرَيْنِ فَقَالَ: إِنَّهُمَا لَيُعَذَّبَانِ، وَمَا يُعَذَّبَانِ مِنْ كَبِيرٍ - ثُمَّ قَالَ - بَلَى أَمَا أَحَدُهُمَا فَكَانَ يَسْعَى بِالنَّمِيمَةِ، وَأَمَا أَحَدُهُمَا فَكَانَ لَا يَسْتَتِرُ مِنْ بَوْلِهِ، قَالَ ثُمَّ أَخَذَ عَوْدًا رَطْبًا فَكَسَرَهُ بِاثْنَتَيْنِ ثُمَّ عَرَزَ كُلَّ وَاحِدٍ مِنْهُمَا عَلَى قَبْرِ، ثُمَّ قَالَ لَعَلَّهُ يُخَفَّفُ عَنْهُمَا مَا لَمْ يَبْيَسَا

Qutayba narrated to us Jarir narrated to us from al-‘Amash from Mujāhid from Ṭāwus - Ibn ‘Abbās said: The Prophet (peace be upon him) once passed by two graves and said: *They (the deceased persons in those graves) are being tortured not for a great thing to avoid. And then added: Yes, (they are being punished for a big sin), for one of them used to go about with Nameemah while the other never saved himself from being soiled with his urine.* (Ibn ‘Abbas added): Then he took a green leaf of a date-palm and split it into two pieces and fixed one piece on each grave and said: *May their punishment be abated till these (two pieces) get dry.*

These narrations are very well established and famous. Almost every collector of *ahādith* has recorded them; most notably they appear in the following collections:

- ❖ *Ṣaḥīḥ* Muslim [Vol. 1, sec. 241, no. 292 / 3]
- ❖ Bukhāri *al-Adab al-Mufrad* [Vol. 1, sec. 256, no. 735]
- ❖ *Sunan* Nasā’i [Vol. 1, sec. 31, no. 31 and vol. 4, sec. 106, no. 2068 / 9]
- ❖ *Sunan al-Kubra* Nasā’i [Vol. 1, sec 69, no. 27]
- ❖ *Sunan* Tirmidhi [Vol. 1, sec. 104, no. 70]
- ❖ *Ṣaḥīḥ* Ibn Ḥibbān [Vol. 7, sec. 399, no. 3128 / 9]
- ❖ *Sunan* Abu Dāwud [Vol. 1, sec. 6, no. 20]
- ❖ *Sunan* Ibn Mājah [Vol. 1, sec 125, no. 347]
- ❖ *Musnad* Aḥmad bin Ḥanbal [Vol. 1, sec. 225, no. 1980 / 1981]

## X. 'The worst amongst you - those who go about creating Nameemah'

We have on record the Prophet (peace be upon him) also adding that people who go about creating 'Nameemah' are considered the worst amongst the community. Imām Bukhāri records the following narration in *al-Adab al-Mufrad* [Vol. 1, sec. 119, no. 323] with a strong *isnād*:

حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا مُسَدَّدٌ، قَالَ: حَدَّثَنَا بَشْرُ بْنُ الْمُفَضَّلِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُثْمَانَ بْنِ خُنَيْمٍ عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ أَسْمَاءِ بِنْتِ يَزِيدَ قَالَتْ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَلَا أُخْبِرُكُمْ بِخِيَارِكُمْ؟ قَالُوا: بَلَى، قَالَ: الَّذِينَ إِذَا رُؤُوا ذُكِرَ اللَّهُ، أَفَلَا أُخْبِرُكُمْ بِشِرَارِكُمْ؟ قَالُوا: بَلَى، قَالَ: الْمَشَاوُونَ بِالنَّمِيمَةِ، الْمُفْسِدُونَ بَيْنَ الْأَحِبَّةِ، الْبَاغُونَ الْبِرَاءَ الْعَنَتِ

Muḥammad narrated to us he said Musaddad narrated to us he said Bishr ibn-ul-Muffaḍal narrated to us he said Abdullah ibn Uthmān ibn Khaytham narrated to us from Shahr ibn Ḥawshab from Asmā bint Yazeed, she said: The Prophet (peace be upon him) said: *Shall I tell you who is the best of you?* Yes they replied. He said: *Those who remind you of Allah when you see them.* He went on to say: *Shall I tell you who is the worst of you?* Yes they replied. He said: *Those who go about creating Nameemah between friends / lovers in order to separate them, and desiring to lead the innocent into wrong action.*

This narration is also found in, amongst others, *Musnad Aḥmad* [Vol. 6, sec. 459, no. 27640] and *Mu'jam al-Kabir* of aṭ-Ṭabarāni [Vol. 24, sec. 167, no. 423].

**XI. ‘Whoever covers the ‘awra of a believer, it is as if he revived those buried alive from their graves.’**

Aside from spying not being permitted within the Islamic sources, another key feature that is stressed within the texts is that of not scandalising people. It has almost become an accepted part of life now that one of the key roles of the media, particularly the tabloid media, is to highlight and expose the scandals of politicians and celebrities. This has reached to such an extent that very often the main focus of public discourse has become to share such stories. Aḥmad bin Ḥanbal has collected the following *Ṣaḥīḥ ḥadīth* [Vol. 4, sec. 153, no. 17433]:

حَدَّثَنَا هُشَيْمٌ حَدَّثَنَا لَيْثٌ عَنْ إِبْرَاهِيمَ بْنِ نَشِيطِ الْخَوْلَانِيِّ عَنْ كَعْبِ بْنِ عَلْقَمَةَ عَنْ أَبِي الْهَيْثَمِ عَنْ دُخَيْنِ كَاتِبِ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : قُلْتُ لِعُقْبَةَ : إِنَّ لَنَا جِيرَانًا يَشْرَبُونَ الْخَمْرَ , وَأَنَا دَاعِي لَهُمُ الشَّرْطُ فَيَأْخُذُهُمْ فَقَالَ : لَا تَفْعَلْ وَلَكِنْ عِظْهُمْ وَهَدِّدْهُمْ قَالَ : فَفَعَلْتُ فَلَمْ يَنْتَهُوا قَالَ : فَجَاءَهُ دُخَيْنٌ فَقَالَ : نَهَيْتُهُمْ فَلَمْ يَنْتَهُوا , وَأَنَا دَاعِي لَهُمُ الشَّرْطُ فَقَالَ لَهُ عُقْبَةُ : وَيْحَكَ لَا تَفْعَلْ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : مَنْ سَتَرَ عَوْرَةَ مُؤْمِنٍ فَكَأَنَّمَا اسْتَحْيَا مَوْءُودَةً مِنْ قَبْرِهَا

Hushaym narrated to us Layth narrated to us from Ibrāhim ibn Nasheet al-Khawlanay from Ka’b ibn Alqamah from Abu Haytham from Dukhayn the scribe of ‘Uqbah ibn ‘Aāmir, who narrated: I said to ‘Uqbah ‘We have neighbours who drink alcohol. I have admonished them but they haven’t stopped, I am going to call the police to take them.’ ‘Uqbah said: ‘Don’t do that, admonish and advise them.’ I again came to Uqbah ibn ‘Aāmir and said: ‘Our neighbours have refused to refrain from drinking wine, and I am going to call the police to take them.’ ‘Uqbah replied: Woe to you! Leave them, for I heard the Messenger of Allah (peace be upon him) said: *Whoever covers the ‘awra of a believer, it is as if he revived those buried alive from their graves.*

Numerous collectors of *ḥadīth* have recorded this, albeit bar Imām Muslim, amongst them are the following:

- ❖ *Ṣaḥīḥ* Ibn Ḥibbān [Vol. 2, sec. 276, no. 517]
- ❖ *Sunan* Abu Dāwud [Vol. 4, sec. 273, no. 4891]
- ❖ Al-Ḥākim *Mustadrak* [Vol. 4, sec. 426, no. 8162]
- ❖ *Musnad* at-Ṭayālasi [Vol. 1. Sec. 135, no. 1005]
- ❖ *Mu'jam al-Kabir* at-Ṭabarāni [Vol. 17, sec. 319, no. 884]
- ❖ *Sunan al-Kubra*, an-Nasā'i [Vol. 4, sec. 307, no. 7281 / 7283]
- ❖ *Sunan al-Kubra*, Bayhaqy [Vol. 8. Sec. 331, no. 17387 / 17388]

Further to this, there is also the narration reported in the *Musnad* of Imām Ḥumaydi [Vol. 1, sec 190, no. 384] which has a good *isnād* and contains the story of Abu Ayub al-Anṣārī with confirmation of this *ḥadīth*:

ثَنَا الْحَمِيدِيُّ ثَنَا سُفْيَانُ ثَنَا ابْنُ جُرَيْجٍ قَالَ : سَمِعْتُ أَبَا سَعْدٍ الْأَعْمَى ، يُحَدِّثُ عَطَاءَ بْنَ أَبِي رَبَاحٍ قَالَ : خَرَجَ أَبُو أَيُّوبَ إِلَى عُقْبَةَ بْنِ عَامِرٍ ، وَهُوَ بِمِصْرَ ، يَسْأَلُهُ عَنْ حَدِيثٍ ، سَمِعَهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَلَمَّا قَدِمَ أَتَى مَنْزِلَ مُسَلِّمَةَ بْنِ مَخْلَدٍ الْأَنْصَارِيِّ ، وَهُوَ أَمِيرُ مِصْرَ ، فَأَخْبَرْتُهُ فَعَجِلَ ، فَخَرَجَ إِلَيْهِ ، فَعَانَقَهُ ، وَقَالَ : مَا جَاءَ بِكَ يَا أَبَا أَيُّوبَ ؟ قَالَ حَدِيثٌ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، لَمْ يَبْقَ أَحَدٌ سَمِعَهُ غَيْرِي وَغَيْرُ عُقْبَةَ ، فَأَبَعْتُ مَنْ يَدُلُّنِي عَلَى مَنْزِلِهِ ، قَالَ : فَبَعَثَ مَعَهُ مَنْ يَدُلُّهُ عَلَى مَنْزِلِ عُقْبَةَ ، فَأَخْبَرَ عُقْبَةَ بِهِ فَعَجِلَ ، فَخَرَجَ إِلَيْهِ فَعَانَقَهُ ، وَقَالَ : مَا جَاءَ بِكَ يَا أَبَا أَيُّوبَ ؟ فَقَالَ حَدِيثٌ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، لَمْ يَبْقَ أَحَدٌ سَمِعَهُ غَيْرِي وَغَيْرِكَ فِي سِتْرِ الْمُؤْمِنِينَ . قَالَ نَعَمْ ، سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : مَنْ سَتَرَ مُؤْمِنًا فِي الدُّنْيَا عَلَى خُرْبَةٍ ، سَتَرَهُ اللَّهُ يَوْمَ الْقِيَامَةِ . فَقَالَ لَهُ أَبُو أَيُّوبَ صَدَقْتَ ، ثُمَّ انْصَرَفَ أَبُو أَيُّوبَ إِلَى رَاحِلَتِهِ ، فَرَكِبَهَا رَاجِعًا إِلَى الْمَدِينَةِ ، فَمَا أَدْرَكَتْهُ جَانِزَةُ مُسَلِّمَةَ بْنِ مَخْلَدٍ إِلَّا بِعَرِيشِ مِصْرَ

Al-Ḥumaydi narrated to us Sufyān narrated to us Ibn Jurayj narrated to us, he said: I heard Abu Sa'd al-'Ama talking to 'Aṭā ibn Abi Rabāḥ who said: Abu Ayub al-Anṣārī went (to visit) 'Uqbah ibn 'Aāmir who was in Egypt. He went there to hear a *ḥadīth* from the Messenger of Allah (peace be upon him). Upon arrival in Egypt, he went to the house of the governor, Maslama bin Makhlad al-Anṣārī, who rushed to meet him. He asked: 'What has brought you to Egypt Abu Ayub?' Abu Ayub said: 'I have come to hear a *ḥadīth* from the Messenger of Allah (peace be upon him), nobody else heard it with me except 'Uqbah. So I want to ascertain if my memorisation is correct. Send someone to guide me to the house of 'Uqbah so I can check with him.' Upon arrival to the house, Abu Ayub said to 'Uqbah: 'I heard the Messenger of Allah saying a *ḥadīth* and you were also present and you were the last one present that day. About covering up for the Muslim, what was it, can

you repeat it to me?’ ‘Uqbah said: ‘Yes, the Messenger of Allah said: *Whoever covers anything shameful of a believer in this life, Allah will cover him on the day of judgement.* Abu Ayub confirmed that this was also what he heard, then he mounted his camel and left, travelling to Medina. The guide went back to Maslama and he enquired where Abu Ayub was, he replied he has left Egypt. He exclaimed he was supposed to stay at least for a few days. Therefore he sent him a gift from Egypt which reached him at Areesh.

Aḥmad bin Ḥanbal also has this narration in the *Musnad* at [Vol. 4, sec. 153, no. 17429].



## XII. Conclusion

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Large parts of the Muslim world are currently experiencing monumental upheaval. What is largely absent from the political agenda is how Muslims should realise the implementation of the Qur'ān and *Sunnah*. Arguably one of the biggest problems is that the majority of Islamic movements have not been able to articulate a credible programme based upon the revelation that has mass appeal. The vast-majority of Muslims recognise that the Qur'ān and *Sunnah* provide the rulings for prayer, fasting, pilgrimage etc. Yet this is not the case though when it comes to how a political system or even an economy should be run. No group or movement seems to have bridged this gap which has now turned into a chasm. When Islamic movements do take power they are short lived, either because of outright ineptitude or they drive the ordinary people away from the *Sharī'ah* through their obsessive behaviour towards trivialities.

The net result is that many have become averse when the word '*Sharī'ah*' is mentioned and through blind ignorance many have sought to slander the law of God because of the offences of man. Serious work is therefore now required to dispel the current negative image that the idea of *Sharī'ah* presently conjures in people's minds. If implemented properly it provides more freedom, security and liberty for all citizens than any other system. We hope that this short treatise outlining how the *Sharī'ah* does not promote or sanction the setting up of vicious intelligence agencies which spy and are beyond the scope of accountability and justice, will go some way towards demonstrating this crucial point.

All success is with Allah the exalted the majestic and only in Him do we place our trust.