



**Fatwa no. (200) :**

**Q: In cases where altercations occur between two or more people over any matter, the elders of the village or the Sheikh of the tribe comes to resolve the issue. After deliberation, the party proven to be at fault**

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**is ordered to slaughter two or more animals, and the other party to slaughter one animal. In addition, other requirements are placed on both parties. Each one of them does his part, and the slaughtered animals are eaten by those who judged in this case. Regardless as to whether the conflicting parties are rich or poor, they must abide by their decision. This custom is called Burhah or 'Atamah. In most cases, they do not seek the help of governmental authorities to resolve their conflicts. I would like to know the ruling on these customs and whether they are permissible. Do those who practice this fall under the category mentioned in the Quran ( "Allah has cursed the one who sacrifices 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 according to the Islamic Shari'ah is considered a legitimate**

right according to the Qur'an and the Sunnah. Allah the Exalted stated, ﴿ 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 which outrages till it complies with the Command of Allah. Then if it complies, then make reconciliation between them justly, and be equitable. Verily, Allah loves those who are the equitable. ﴾(Surah Al-Hujurat, 49: 9).

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

As for 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 fraternity, it is something good which Shari'ah encourages. It is implied generally in the texts which urge doing good and being grateful for blessings. Some of the Sahabah (Companions of the Prophet) did this, such as Ka'b Ibn Malik . It is permissible unless it is considered an obligatory custom that becomes a financial burden, in which case it should be prohibited. As for arbitrators compelling the parties to comply, so that if one of them does not it is considered a shame hindering reconciliation and aggravating hostilities, this legislation was not ordained by Allah. However, if it is Ta'zir (discretionary punishment) for the aggressor or the wrong-doer and compensation for the victim, it is permissible according to the Fuqaha' (Muslim jurists) who believe that Ta'zir is permissible.

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The money taken as Ta'zir is to be spent where the judges see fit, whether in Bayt-ul-Mal (Muslim treasury) or in one of the forms of charity, without the obligation of giving it to the judges and the people present at the proceedings. The ruling on these slaughtered animals is not the same as Qarabin (sacrifices) slaughtered for other than Allah, whether for idols, the graves of the pious, or Jinn in order to get closer to them, repel harm or bring benefit. This should only be considered when attempting to stop the introduction of Bida' (rejected innovations in religion) and following a legislation which was not ordained by Allah. This meaning is closer to the statement of Allah, ﴿ They (Jews and Christians) took their rabbis and their monks to be their lords besides Allah (by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allah) ﴾(Surah Al-Tawbah, 9: 31) than the Hadith which states, ﴿ "Allah has cursed the one who sacrifices to other than Allah." ﴾However, both deeds are considered misguidance.

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

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