

‘Alā’ al-Dīn Abū Bakr b. Mas‘ūd al-Kāsānī (d. 587/1191), renowned Ḥanafī jurist of the sixth/twelfth century, gives more details about the condition of chastity (*‘iffa*), “Refraining from *zinā* means that the accused did not ever commit the prohibited sexual intercourse (*waḥḥan ḥarāman*), [that is, such an act] without lawful ownership or valid marriage...if he did so even once, he does not remain chaste” (*Badā’i’ al-ṣanā’i’* 9:218). If a person levels this allegation against a non-Muslim, insane or slave, he is liable to receive a discretionary punishment (*ta’zīr*) instead of the one prescribed in the verse (Qurṭubī, *Tafsīr*).

Bibliography

- Abū Dāwūd. *Sunan*.
 Abū Ḥayyān. *Baḥr*.
 Ālūsī. *Rūḥ*.
 Bayhaqī. *Sunan*.
 Bukhārī. *Ṣaḥīḥ*.
 Ibn al-Jawzī. *Zād*.
 Ibn Manẓūr. *Lisān*.
 Ibn Qudāma. *Mughnī*.
 Ibn Sa’d. *Ṭabaqāt*.
 Ibn Rushd, Abū al-Walīd Muḥammad b. Aḥmad al-Qurṭubī. *Bidāyat al-muḥtad wa nihāyat al-muqtaṣid*. Ed. ‘Abdullāh al-‘Abādī. Cairo: Dār al-Salām, 1416/1995.
 Jaṣṣaṣ. *Aḥkām al-Qur’ān*.
 Al-Kāsānī, ‘Alā’ al-Dīn Abū Bakr b. Mas‘ūd. *Badā’i’ al-ṣanā’i’ fī tartīb al-sharā’i’*. Ed. ‘Alī Muḥammad Mu‘awwaḍ and ‘Ādil Aḥmad ‘Abd al-Mawjūd. 10 vols. Beirut: Dār al-Kutub al-‘Ilmiyya, 1424/2003.
 Qurṭubī. *Tafsīr*.
 Rāghib. *Mufradāt*.
 Rāzī. *Tafsīr*.
 Al-Sarakhsī, Abū Bakr Muḥammad b. Abī Sahl. *al-Mabsūṭ*. Ed. Abū ‘Abd Allāh Muḥammad Ḥasan Ismā‘īl al-Shāfi‘ī. 30 vols. Beirut: Dār al-Kutub al-‘Ilmiyya, 2001.
 Al-Shirbīnī, Shams al-Dīn Muḥammad b. al-Khaṭīb. *Mughnī al-muḥtāj ilā ma‘rifat ma‘ānī alfāz al-minḥāj*. Ed. Muḥammad Khalīl ‘Aytānī. 4 vols. Beirut: Dār al-Ma‘rifā, 1418/1997.
 Ṭabarī. *Tafsīr*.
 Tirmidhī. *Sunan*.
 al-Wāḥidī, Abū I-Ḥasan ‘Alī b. Aḥmad. *Asbāb muzūl al-Qur’ān*. Ed. Kamāl Basyūnī Zaghlūl. Beirut: Dār al-Kutub al-‘Ilmiyya, 1411/1991.
 Al-Zayla‘ī, Jamāl al-Dīn. *Naṣb al-rāya li-‘aḥādīth al-hidāya*. Cairo: Maṭba‘at Muṣṭafā al-Bābī al-Ḥalībī, n.d.

See also: ADULTERY AND FORNICATION; ALLIANCE AND TREATY; CALUMNY; GUARDIANSHIP; HOMOSEXUALITY; JAHILIYYA; LEGAL PUNISHMENTS; MARRIAGE AND

DIVORCE; OATHS; ORPHANS; PEOPLE OF THE BOOK; SLAVES AND SLAVERY; TESTIMONY; AND VEIL.

MUHAMMAD MUSHTAQ

CHEATING

AKL AMWĀL AL-NĀS BIL-BĀṬIL, BAKHS, SUḤT

Definition and usage

Cheating here refers to defrauding as mentioned in the Qur’ānic references to it via (i) the phrase *walā takulū amwālakum baynakum bil-bāṭil* (and devour not one another’s wealth unjustly); (ii) *bakhs* (“decreasing something in an unlawful manner”); (iii) *suḥt* (devouring wealth unlawfully); and (iii) shortchanging, mentioned in the opening verses of Sūrat al-Muṭaffifīn (“The Defrauders”, Q 83). Related concepts, such as unlawful consumption of wealth of an orphan (*q.v.*), usury (*q.v.*), bribery (*q.v.*), taking another’s property or wealth by theft (*sariqa*) and robbery (see THEFT AND ROBBERY), extorting money under a false pretext, such as through the practice of magic (*sihr*, *q.v.*) and soothsaying (*kahāna*, see SOOTHSAYERS) have their own entries in this encyclopedia.

Unlawful devouring of the wealth of other people is proscribed in seven verses (Q 2:188; 4:29, 161; 5:42, 62-63; 9:34) via direct reference to consuming “*māl* (pl. *amwāl*; “possessions, wealth”) of other people; the first two are addressed to the community of the Prophet Muḥammad, upon him blessings and peace, the remainder refer to Jews, their Rabbis (*q.v.*), and Christian Monks (see MONASTICISM AND MONKS).

Q 2:188 reads: *And devour not one another’s wealth unjustly, nor bribe judges to knowingly consume a portion of people’s property sinfully*. Q 4:29 reads: *O believers! Do not wrongfully consume each other’s wealth, but trade by mutual consent*. Abū ‘Abd Allāh Muḥammad b. Aḥmad al-Qurṭubī (600-671/1204-1273) elucidates eight exegetical and juristic enquiries from Q 2:188 and says “the verse addresses the entire community of the Prophet Muḥammad, upon him blessing and peace, instructing them not to devour each other’s wealth unjustly, which includes gambling (*qimār*, *q.v.*), trickery (*khad*), extortion (*ghaṣb*); denial of rights, taking something which the owner does not want to give, or what has been declared unlawful in the Sacred Law even though the owner is willing to give it—such as earnings of a prostitute, soothsayer, as well as money from the sale of wine and swine and the like” (*Tafsīr*).

Other exegetes include betting-games, such as chess (*shaṭranj*) and dice (*nard*) under gambling (Ibn Juzay, Wāḥidī, *Wajīz* and Ibn al-‘Arabī, *sub* Q 2:188; Ibn ‘Ajība, *sub* Q 2:219).

Q 4:161 includes illegal consumption of other people’s money by Jews among their wrongdoings (in addition to usury and turning others away from the Path of Allah) because of which certain pure things were declared unlawful for them (Q 4:160). Q 5:42, 62 and 63 use *suḥt* to refer to their devouring of unlawful wealth. *Suḥt* includes every unlawful thing (Farāhīdī; Jawharī, *sub s-h-t*), it especially refers to bribes (Ṭabarī; Jaṣāṣ, *sub* Q 5:42), but in general, everything that kills obedience to Allah is *suḥt* (Qurṭubī).

Q 9:34, *Verily many of the rabbis and monks consume the wealth of people falsely, and turn from the way of Allah; those who hoard gold and silver and spend it not in the way of Allah, give them glad tidings of a painful punishment*, specifies Jewish rabbis and Christian monks as they took bribes for their judgements, altered the Book of Allah, wrote with their own hands and then said, ‘this is from Allah’, in order to gain a paltry sum through this lowly trick (Ṭabarī).

Bakhs, is derived from the sound trilateral root *b-kh-s*, meaning “to decrease something iniquitously (*ẓulman*)” (Rāghib, *Mufradāt*; Samīn, ‘*Umdat*, faṣl al-bā’ wal-khā’). The root appears five times as a verb (Q 2:282; 7:85; 11:15, 85; 26:183), once as a noun, “*bakhsan—any loss*” (Q 72:13), and once as an adjective, “*bi-thamanin bakhsin—for a small price*” (Q 12:20). *Bakhs* implies cheating by fraudulent measures, short-changing, and is the opposite of giving “*full measure and weight in justice*” (Q 11:85) so that people are not deprived of what is their due. Q 2:282 uses the phrase “*wa lā yabkhas minhu shay’an—and he should not leave anything out of it,*” instructing the scribe who is writing a debt contract to do so with equity, that is, “to justly register the amount, without adding or taking away from it” (Wāḥidī, *Wajīz*), “without increase or decrease [of the amount] and without advancing or postponing the due date” (San‘ānī). “The scribe needs to record the due rights accurately” to prevent cheating (Qurṭubī).

- i. Three verses (Q 7:85; 11:85; 26:183) refer to the wide-spread practice of cheating among the people of Madyan (*q.v.*), and instruct them to observe full measure and proper scale (*awfū-l-kayla wal-mīzān*), and not to diminish people’s goods (*wa lā tabkhasū-l-nāsa ašhyā’ahum*) (Q 7:85). Disbelief and cheating

were so widespread among them that they are characterized as people of disbelief (*q.v.*) and unjust decrease (*ahl kufr wa bakhs*) (Baghawī, *sub* Q 7:85). They manipulated scales and weights and treated buyers in a dishonest way (Samarqandī), although they were commanded through their Prophet, Shu‘ayb, upon him peace (*q.v.*), to *Give full measure, and be not among those who fall short. Weigh with the right balance, and diminish not people’s goods, nor behave wickedly upon the earth, working corruption* (Q 26:181-183). After their persistence refusal they were destroyed by a mighty earthquake (Q 7:85-95).

- ii. Shortchanging others is condemned in Sūrat al-Muṭaffifin (Q 83) (“The Defrauders”), which derives its name from the root *t-ff*. *Ṭaffif* is used for a small quantity as well as for an insignificant and lowly thing; *ṭaffaf al-kayl* means giving short weight and short measure (Rāghib, *Mufradāt*). *Muṭaffif* means *muqallil*—the one who unlawfully gives less than required (Ṭabarī, Qurṭubī, *sub* Q 83:1). According to Ibn ‘Abbās (3BH-68/619-688), Allah be well-pleased with him, it is the first sura to have been revealed in Madīna shortly after the arrival of the Prophet, upon him blessings and peace, as cheating was widespread at that time: “When the Prophet arrived in Madīna, its inhabitants were the worst kind of defrauders, and so Allah Most High revealed (Q 83:1-4): *Woe unto the defrauders, who, when they take measure from people, demand [it] in full, and when they measure for them or weigh for them, they stint. Do they not think that they will be resurrected?*” (Ṭabarī, Qurṭubī, Baghawī). The verses censure those who intentionally decrease (*yabkhasūna*) the rights of buyers, using false scale and measure (Wāḥidī, *Wajīz*), which is similar to theft (*sariqa*), for such a merchant takes away a little portion of what is due to the buyer (Samarqandī).
- iii. The Prophet, upon him blessings and peace, said, “Stealing from the spoils does not appear in a people but that terror is cast into their hearts. Fornication does not spread in a people but that there is much death among them. A people do not shortchange their measures and weights but that provision is cut off from them. A people do not judge without right but that blood spreads among them. A people do not betray the pledge but that Allah gives their