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Part 2 Chapter 4: Laws Pertaining To Financial And Ownership Affairs

221. It is obligatory upon every man and woman to engage in work and other lawful ways of earning, in order to provide their living expenses and that of their dependants and to settle their debts. This rule is applicable to every person who has the ability to work and make money and whose expenses cannot be maintained in any other way. It is forbidden for any person to refuse a job that is within his/her ability that suits his/her personality, and meets the abovementioned needs.

222. It is forbidden to use derelict lands, public resources of water, and unknown-owner properties more than needed such that others are deprived of their use, although the use of them is allowed in itself.

223. It is forbidden to act extravagantly; that is to use one's own belongings in an excessive manner, leave them unattended until they are wasted, or give others the permission to waste them.

224. It is forbidden to squander; that is to use one's property in an unlawful way.

225. It is obligatory upon the owners and breeders of domestic animals such as camels, cows, sheep, horses, mules, chickens, bees, and the like to provide their fodders or to turn them out to feed in pastures; otherwise, the owner must sell them or transfer their ownership.

226. It is forbidden to slaughter an animal with pronouncing a name other than the Name of God—a name of something that the speaker considers holy, stated to gain proximity with it—such as offering animals to an idol, the sun, a sheep, a rock, an old tree, etc. In addition to the prohibition of this act, it wastes the life of the animal and it is regarded as worthless damage of property.

227. It is obligatory upon a usurper of a property or a person who has acquired a usurped property from another to return it to its owners as immediately as possible. In addition to restoring to its owner, it is obligatory upon a usurper or holder of a usurped thing to make the following reparations:

1. Return of the property itself.

2. Payment of an adequate rent for the time it was usurped.

3. Recompense for damage caused by the usurper.

4. Giving back the benefits obtained from the usurped thing, including produce such as milk, wool, offspring, etc. and revenues.

5. Fully compensate for consumed or lost benefits with money.

228. It is obligatory to restore the properties of others even if they were not gained by means of usurpation if they do not have the right to keep them and the properties are restorable; otherwise, the current keeper of such properties is required to make the aforementioned reparations.

229. It is obligatory to compensate a just amount for a usurped property if it exists but cannot be returned, such as a gold coin or ring that has fallen into a well or a river, or a property that has been confiscated by a tyrannical person and cannot be taken back. This recompense is called *badal haylulah* (compensation for unreturnable things) in the language of Muslim jurisprudence.

230. It is obligatory upon all those who held a usurped property to satisfy the owner, because the owner has the right to ask for her/his property from any one of them. To explain, if, for example, a property was handed down through ten persons the last of whom wasted it, the owner will have the right to ask for his property from any one of the ten persons. When the owner asks for his/her property from one of them, she/he must pay its price and then refer to the person to whom he/she gave that property. Finally, the compensation is paid by the person who has used up or lost the property. If, in this case, the property is available in the hands of the tenth person, the owner can still demand her/his property from any one of them and it is obligatory upon that one to provide the property and give it back to its owner. If he/she cannot, she/he must pay an amount equal to its worth as compensation of unreturnable things.

231. It is obligatory to announce found property (*luqatah*). If one picks up a thing of unknown ownership or he/she is given a thing of unknown ownership, she/he must then announce that thing being in his/her possession. If a found property is in the possession of a single person, it is individually obligatory upon her/him to announce it, but if it is in the possession of a group of people, it is not obligatory upon all of them to announce it; rather, it is sufficient for one of them to announce it.

232. It is obligatory to pick up and protect a foundling (i.e. a child whose guardian has for any reason abandoned him/her and who is exposed to death) whether infant or not, discerning or undiscerning.

233. It is forbidden to give and receive usurious money (i.e. money lent at interest) whether the giver or taker is a relative or nor, except in the following cases:

1. The recipient is in extreme need and has no other option.

2. The recipient is Muslim but the giver is not.

In the two above cases, interest is allowed for the recipient.

3. The recipient and the giver are father and son.

4. The recipient and the giver are spouses.

234. Fraud in dealings is forbidden, which involves selling a product in the name of another product, selling a mixed product described as a pure one without informing the customer, or selling a product that seems to be something other than what it is, be it food, clothes, means of transportation, housing, etc. Fraud in transactional deals is also forbidden, such as contracts of lease, partnership, sharecropping, and the like.

235. It is forbidden to enter another person's property, such as house and ranch, before obtaining his/her approval unless there is a specific or general indication of the owner's approval.

236. It is forbidden to make any sort of disposition of the possessions of others before obtaining permission, or if there is doubt or hesitation about their permission, regardless of whether the disposer is poor or wealthy, whether she/he intends to make compensation or not, and whether he/she is family or otherwise. Excepted from this law are the following cases:

1. Cases of emergency.

2. Making disposition of the others' property having the status of right of passage. To explain, if a person incidentally passes by an orchard or a fruitful tree, he/she has the right to eat some of its fruits by picking some fruits from the tree or picking up the ones that have fallen to the ground, even if the permission of the owner is in doubt.

3. Making disposition of the houses and household furniture and appliances that God has given permission to make disposition of. These are namely the houses of one's children, father, mother, brothers, sisters, uncles, aunts, and friends, and also houses which one (rightfully) possesses the keys of. According to the law of Islam, it is allowable to use the possessions in these houses without need for obtaining their owners' permission. The disposition allowed at such houses without obtaining their owners' permission includes such ordinary matters like sitting, sleeping, performing and offering prayers, eating, and drinking from the available foods and drinks.

237. Usurpation is forbidden. This means that it is forbidden to appropriate others' properties wrongfully. Usurpation may take various forms. It may be in the form of (1) making changes to the properties of others, (2) making use of the other's properties themselves or of their benefits, like the domination of an owner over his/her property after she/he has rented it out, (3) appropriating wrongfully the others' prerogatives, like controlling over an uncultivated land after someone else has fenced it, (4) appropriating the others' rights, like the domination of a debtor over the property he/she has charged in favor of a creditor as security for a debt, before obtaining the creditor's permission, or (5) actions, like

forcing a person to do a definite action.

238. It is forbidden to take possession of derelict lands that fall inside the borders of the properties of others or that the use of which interferes with another person's right or property. For instance, it is forbidden to dig a well within the perimeter of the well of others, causing them loss.

239. It is forbidden to make disposition of one's own property in a way that causes loss for neighbors or other people in the event that to avoid making this disposition does not cause loss and severe hardship to the owner him/herself.

240. It is forbidden to make changes in public ways, roads, and streets in a dominating manner or any other manner if doing so is obtrusive to people's passage.

241. It is forbidden to construct balconies, install rainwater pipes, dig underground tunnels, dig a well, and make a stream in a public way if doing so is obtrusive to pedestrians.

242. It is forbidden to take possession of any animal that is found in villages or cities, such as cows, sheep, and chickens. It is also forbidden to take possession of animals that are found in deserts that can protect themselves from predators by means of escape or defense, such as horses, camels, cows and buffalos. If they are taken, then their safety must be guaranteed.

243. It is forbidden to take possession and make disposition of properties or unknown ownership other than *luqatah* (i.e. found property with specific attributes), whether they are kept by the person himself or given to another person.

244. Setting off against a debtor is forbidden. To explain, it is prohibited for a creditor to take secretly her/his due from the debtor's property while the debtor intends to pay his/her debt.

245. It is forbidden for beneficiaries of *zakat* and *khumus* taxes to take secretly their portions from the property of persons who owe these dues except by the permission of the supreme religious authority.

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