147286 - Does the guest have the right to take what he is entitled to of hospitality, if the host does not offer it?

the question

It was narrated from the Prophet (blessings and peace of Allah be upon him) that he said: “If you stay with some people and they offer you what is appropriate for a guest, then accept it, but if they do not do that, then take from them what is due to a guest, that is appropriate for them (guests).” *Sahih al-Jami` as-Sagheer*, 1441).

I have two questions:

1) What are the rights of the guest?

2) If the guest is deprived of these rights, what are the Islamically-acceptable means of taking these rights?

What I mean is: to what extent can a guest demand his rights?

Detailed answer

Praise be to Allah.

Firstly:

Hospitality is part of the etiquette of Islam; it is the way of the prophets and the righteous, and it is one of the signs of sincere faith.

Etiquette with a guest means honouring him by greeting him with a cheerful face, welcoming him warmly, speaking kindly and gently to him, offering him food and so on, as is customary.

On the first day of the guest’s stay, the host should offer him food that is better than what he and

his family usually eat, and he should put some effort into honouring him in that way, offering him the best food that he can find for him.

Al-Bukhari (6019) and Muslim (48) narrated that Abu Shurayh al-`Adawi (may Allah have mercy on him) said: My ears heard and my eyes saw when the Prophet (blessings and peace of Allah be upon him) spoke and said: “Whoever believes in Allah and the Last Day, let him honour his neighbour. Whoever believes in Allah and the Last Day, let him honour his guest and give him the best treatment.” Someone said: For how long should I offer him the best treatment, O Messenger of Allah? He said: “For one day and one night, and hospitality is for three days, then anything beyond that is charity given to him. And whoever believes in Allah and the Last Day, let him speak good or else remain silent.”

Al-Hafiz (may Allah have mercy on him) said:

Al-Khattabi said: What is meant is that if a guest comes to stay with him, he should offer him fine food, and offer him more than just what he has in his house for one day and one night, and on the next two days, he may offer him whatever he has at home. Then when the three days have passed, he has done his duty towards his guest, and whatever he offers him after that is charity. End quote.

Secondly:

The Hanafis, Malikis and Shafa`is are of the view that hosting a guest is Sunnah, and the duration of hospitality is three days. This was also narrated in one report from Ahmad.

According to the other report narrated from Ahmad – which is the view of his madhhab – it is obligatory; the duration of hospitality is one day and one night, and what is more appropriate is to offer hospitality for three days. This is also the view of al-Layth ibn Sa`d.

Al-Mawsu`at al-Fiqhiyyah, 28/316-317.

The view that it is obligatory to offer hospitality for one day and one night is the more correct view.

Ibn Qudamah (may Allah have mercy on him) said:

What is obligatory is one day and one night, and what is ideal is three days. End quote.

Ibn al-Qayyim (may Allah have mercy on him) said:

The guest has rights over the one with whom he is staying, and those rights are of three levels: obligatory, recommended and a kind of charity. What is obligatory lasts for one day and one night. The Prophet (blessings and peace of Allah be upon him) mentioned the three levels in the hadith of which the authenticity is agreed upon, which was narrated from Abu Shurayh al-Khuza`i – and he quoted the above hadith.

End quote from *Zad al-Ma`ad*, 3/658.

Ash-Shawkani (may Allah have mercy on him) said:

The correct view is that offering hospitality is obligatory, for several reasons:

1) The fact that the host may be punished, by taking some of his wealth, if he fails to do that, and such a punishment cannot be permissible except with regard to something that is obligatory.

2) The fact that the issue of hospitality is emphasized by its being described as a branch of faith and a sign of belief in Allah and the Last Day indicates that doing what is contrary to that is the action of those who do not believe in Allah and the Last Day, and it is well known that the branches of faith are enjoined. Moreover, the fact that honouring one's guest – which is more than offering food and hospitality – is stipulated as a condition of faith strongly indicates that it is obligatory.

3) The Prophet's words "then anything beyond that is charity given to him" clearly indicate that what is mentioned before that is not charity; rather it is a religious obligation.

Al-Khattabi said:

What is meant is that on the first day he should go out of his way to offer him fine and high quality

food, and on the second day he should offer him what he has at home and what he and his family usually eat. Then any hospitality after more than three days is an act of kindness and charity; if he wishes he may do it, and if he wishes he may not do it.

End quote from *Nayl al-Awtar*, 9/30.

Thirdly:

What is meant by the guest who is to be honoured in this way is the traveller who passes by someone else on his way; it does not refer to the one who is an inhabitant of the same city who goes to his friend's house to visit him.

The scholars who say that offering hospitality is obligatory differed as to whether it is obligatory for everyone, or does it apply only to some situations and not others?

Ibn Rajab (may Allah have mercy on him) said: Humayd ibn Zanjawayh said: [Offering hospitality] for one night is obligatory, but the guest has no right to force them to offer him food, unless his journey is for the purpose of serving the public interests of the Muslims, not his own interests…

`Ali ibn Sa`id narrated from Ahmad words which indicate that the obligation of offering hospitality applies specifically to Muslim troops who pass by, who are to be hosted for three days. But what is well known from him is the former view, which is that it is obligatory to offer hospitality to any guests who stay with people.

There are different views as to whether offering hospitality is obligatory for both city dwellers and those residing in villages, or is it only obligatory for those residing in villages and those who live along the route through which travellers pass. There are two views which were narrated from Ahmad.

End quote from *Jami` al-`Ulum*, 142.

See also the answer to question no. 128791.

Thirdly:

If the host neglects the guest's rights and does not offer him what he needs, can the guest take as much as is appropriate for hospitality on a reasonable basis, even if his hosts do not give him permission to do that?

This is the view of some of those scholars who say that offering hospitality is obligatory, and it is one of two views narrated from Imam Ahmad, because Islam has given the guest that right, so if the host does not give it to him willingly, the guest has the right to take it by force, either by himself or via the court. That is because of the report narrated by Abu Dawud from al-Miqdam ibn Ma`di Karib (may Allah be pleased with him) from the Messenger of Allah (blessings and peace of Allah be upon him), who said: "Any man who comes as a guest to people who offer him no hospitality, has the right to take the equivalent of the hospitality that they withheld from him."

Imam Ahmad (8725) narrated from Abu Hurayrah (may Allah be pleased with him) that the Prophet (blessings and peace of Allah be upon him) said: "Any man who comes as a guest to people and in the morning he is not offered anything, has the right to take as much (food) as he is entitled to, and there is no blame on him."

Al-Albani classed it as sahih in *As-Sahihah*, 640.

Al-Bukhari (6137) and Muslim (1727) narrated from `Uqbah ibn `Amir (may Allah be pleased with him) that he said: O Messenger of Allah, you send us and we stay with people who do not offer us anything. What do you think? The Messenger of Allah (blessings and peace of Allah be upon him) said to us: "If you stay with a people and they order that you be offered what is befitting to a guest, then accept it, and if they do not do that, then take from them the right of a guest that is due to him."

Imam Ahmad (may Allah have mercy on him) said:

What is meant is that they may take from their land, crops and milch animals as much as is sufficient for them, without their [the hosts'] permission.

End quote from *Al-Mughni*, 9/343.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said:

If a guest visits someone and he refuses to offer him hospitality, then the guest has the right to take from his wealth what is sufficient in terms of food, on a reasonable basis, without his knowledge, because the right of the guest is clear in this case. For if a guest comes to stay with someone, that person is obliged to offer him hospitality and food for one day and night, and it is not permissible for him to refuse to do that.

End quote from *Fatawa Nur `ala ad-Darb*, 234/8.

However, the majority of scholars say that it is not permissible for the guest to take anything from his host's wealth without his permission, even if he does not offer him what he should of hospitality, or he refuses to host him in the first place, because the Prophet (blessings and peace of Allah be upon him) said: "It is not permissible to take the wealth of anyone unless he gives it willingly." Narrated by Ahmad, 20172; classed as sahih by al-Albani.

This is the view of the majority of scholars who think that offering hospitality is something good and recommended, but they do not think that it is obligatory in principle.

Ibn `Abd al-Barr said:

Ar-Rabi` narrated from ash-Shafa`i that he said: Offering hospitality is an obligatory duty for both those who reside in the desert and those who reside in cities, and it is a sign of good character. Malik said: Offering hospitality is not obligatory for city dwellers.

Sahnun said: Offering hospitality is obligatory for people of villages; as for city-dwellers, when a traveller comes to a city he will find hotels in which travellers can stay.

End quote from *At-Tamhid*, 21/43.

With regard to the view of Imam Ahmad concerning the obligation of offering hospitality, which was mentioned above and is stated in one report from him, that only applies in the case of troops who are fighting in Allah's cause; as for any other guest, he cannot take anything other than what

the host gives him.

Ibn Qudamah (may Allah have mercy on him) said:

Al-Athram said: I heard Abu `Abdillah being asked about offering hospitality: What do you think about it? He said: It is important, and it may be more important for those who live on well-travelled routes and in villages through which people pass. As for people like us now, it is as if it is not as important as it is for those people.

End quote from *Al-Mughni*, 9/343.

Conclusion:

Giving the guest his right to hospitality is obligatory according to the more correct scholarly view, based on what we have discussed above. But if the host refuses to give him his rights, then the scholars differed: can he take his right by force, as is the apparent meaning of the hadiths quoted above, or is it not permissible for him to do that?

What is more prudent is not to take anything by force, because there is a considerable difference of scholarly views, and there is the possibility that taking it by force may be permissible only in certain, limited cases, such as one who is in desperate need of hospitality, and the like.

See: *Fat-h al-Bari* by Ibn Hajar, 5/108; *Istifa' al-Huquq min Ghayr al-Qada'* by Dr Fahd al-Yahya, 148-153.

And Allah knows best.