

# **WHAT IS ISLAM**

Gist of Teachings of Islam on All  
Important Fields of Human Life

By

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## **ACKNOWLEDGEMENT**

I express gratitude from the core of my heart to Allah, the Almighty God of the universe Who enabled His humblest creature like me to undertake and complete this great work. I pray to Him on my own behalf and on behalf of my Muslim brothers and sisters:

“Our Lord! Condemn us not if we forget, or miss the mark! Our Lord! Lay not on us such a burden as Thou didst lay on those before us! Our Lord! Impose not on us that which we have not the strength to bear! Pardon us, absolve us and have mercy on us, Thou, our Protector, and give us victory over the disbelieving folk.” (Al-Qur’an 2:286)

## **DEDICATION**

This book is dedicated to ever-lasting memory of my late father and my late mother who raised me in accordance with traditions of Islam as a staunch believer and a practicing Muslim.

It is also dedicated to my wife and daughters whose love and care has helped me a lot in producing this book.

## FOREWORD

In the Name of Allah, the Most Beneficent, the Most Merciful. "O My Lord! Relieve my mind. And ease my task for me; and loose a knot from my tongue. That they may understand what I say (Al-Qur'an 20:25-28)

Islam or Al-Islam is religion of more than 1.3 billion Muslims who represent 20% population of the world and control 23% area of the globe. Although you can find Muslims in every country of the world but most of them live in 57 countries which are called Islamic countries and which happen to be members of Organization of Islamic Conference (OIC). Islam is a monotheistic faith and is the youngest among the three revealed religions of the world, other two being Judaism and Christianity. Muhammad (may Allah's peace be on him), the Prophet of Islam, is the last of the Prophets of God; whereas Al-Qur'an the Holy Scripture of Islam, is the last revealed message of God to mankind.

The book 'What is Islam' is a humble attempt by a student and a devotee of this great religion of God to briefly explain its teachings. The book covers almost all the basic teachings of Islam about every important activity of human life. The book is also an essence of all the twenty one books written by the author so far on Islam which cover a wide range of subjects relating to various dimensions of religion of the Muslims.

After the fateful incident of 9/11 the non-Muslims living in Europe and America particularly and the other non-Muslims around the world generally perceive Islam, which literally means peace and security and which is a religion of nature and of humanity, as a religion of terrorists, militants,

extremists and fundamentalists. This book may help in dispelling their misperception by providing adequate answers to some of their questions which they raise about nature of Islamic Jihad, about rights of women in Islam, about status of minorities in an Islamic state, about existence of human rights in Islam, and about practice of polygamy among the Muslims. This Book may also cater to the needs of the newly converted Muslims who are anxious to know the basic teachings of their faith but have no time to study big volumes of books on each aspect of Islam. They would get ready information in a small compendium of only 400 pages or so. The book may not provide any additional information to those Muslims who already have vast knowledge of Islam but it would certainly be helpful to students of under-graduate classes who have taken Islamic studies as one of their subjects. If the book proves useful, even a little, in understanding of Islam, I would feel my attempt is successful and my labour has been accepted by the Almighty.

Key to understand the citations and references of the Qur'an, which have been given on almost every page of this book after reproducing the verses, is explained as follows: If reference is like this (Al-Qur'an 2:150)", it would mean Al Qur'an chapter No 2 and verse No 150. If it is like this (3:Al-Imran:42), it would mean chapter No 3 of the Qur'an, name of Chapter Al-Imran and verse No 42. If the reference is like this (7:83), it would mean Qur'an's Chapter No 7 and Verse No 83. Translation of the Verses of the Qur'an has been mostly taken from the Meaning of the Glorious Qur'an by Muhammad Marmaduke Pickthall whereas translation of the traditions of the Prophet has been adopted from the books of various translators.

I must acknowledge my debt of gratitude which I owe to those noble souls-whether living or dead- from whose works I have derived immense benefit in writing this book. I must place on record my thanks to Dr. Murad Khan, Mr. Masood Ahmad and Mr. Ali Sufian who have composed the book and brought it online at my website.

I must also express my wholehearted thanks to my wife Dr. Nasreen Sharif without whose cooperation I would not have been able to write even a single word what to speak of writing more than twenty books. Her contribution in running the household, in rearing the children and in providing me time for studies and writing must not go unrecognized. She is indeed the real author of all these books!

Let me now conclude this foreword with my usual prayer: "O My Lord! Increase me in knowledge" (20:114), and enable me to serve the noble cause of your religion.

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## **CHAPTER 1**

### **INTRODUCTION**

Islam is the religion of those who believe in Allah, the one God of the whole of universe, and who follow Muhammad (peace be upon him) of Arabia (571-632 A.D.) the last of the Prophets of God. Islam is one of the three great monotheistic religions being the youngest among them. The other two monotheistic religions are Judaism and Christianity which are predecessors of Islam. On the basis of numerical strength of its followers, Islam is the second big religion. Christianity with 30% of total world population is number one, whereas Islam with 20% of human population is number two. Today there are more than 55 Muslim countries and there are more than 1.3 billion Muslims in the world. Although Muslims are found in every country of the world but majority of them live in Pakistan, Indonesia, Bangladesh, India, China, Middle East, North Africa, Central Asian Republics of former Soviet Russia and Eastern Europe.

#### **What is Islam and Who are Muslims?**

The name 'Islam' is an Arabic word which means 'peace', 'security', 'submission' or 'surrender'. For humanity, Islam is 'peace' and 'security'. Before God of the universe Islam is complete surrender and submission of man to His will. Thus Islam defines true relationship between man and man on the one hand and between man and God on the other hand. Followers of Islam are called Muslims as they are those who submit or surrender to the will of God. The Muslims believe in one God of the whole of the universe who is Allah beside Whom there is no other God. They believe in and equally

respect all the Prophets sent by God to the mankind for guidance, right from Adam (the first human and the first Prophet) to Muhammad (the last Prophet), the other famous among them being Noah, Abraham, Ismael, Isaac, Jacob, Moses, David, Solomon and Jesus Christ (may Allah's peace be upon all). The Muslims also believe in all revealed books which were given to the Prophets by God such as Sahifas (scrolls) given to Prophet Abraham, Torah given to Prophet Moses, Zabur (Psalms) given to Prophet David, Injeel (Gospel or New Testament) given to Jesus Christ and the Qur'an given to Prophet Muhammad. They respect all the religions and also hold in respect the followers of all religions. Above all, the Muslims consider all the mankind as members of one human family, being children of one parents – Adam and Eve – and thus eligible for equal human rights without any distinctions like race, caste, nationality, blood, colour or creed.

The followers of Muhammad (PBUH), however, like to be called 'Muslims' and not 'Muhammadans' and their religion to be called 'Islam' and not 'Muhammadanism'. Because the expressions 'Muhammadans' and 'Muhammadanism' imply as if Muslims worship Muhammad or assign him some type of divinity while they worship only one God and consider Muhammad as God's messenger and a mortal human being. Further more, the name 'Islam' for the religion of Muhammad was chosen by Almighty God Himself. The Qur'an affirms this fact: "This day have I perfected your religion for you and completed My favour unto you and have chosen for you as religion Al-Islam"-(5:3). Similarly it is God Almighty who gave the name "Muslims" to the followers of Muhammad. This fact, the Qur'an tells us when it says: "He hath named you Muslims of old time and in this (scripture) ...." (22:78)

## **Islam the same religion which was given to previous Prophets**

According to the Qur'an, Islam is not the new religion and neither Prophet Muhammad (PBUH) invented or founded this religion. Islam is in fact the same religion which all the Prophets of God before Muhammad (PBUH) preached, right from Adam to Jesus, whether mentioned in the Qur'an or not. God gave to Muhammad the same religion which He had given to Prophets like Noah, Abraham, Ismael, Isaac, Jacob, Moses and Jesus. It is the same religion which Abraham commended to his sons and later on Jacob enjoined upon his sons saying: "O my sons !Lo! Allah has chosen for you the true religion; therefore die not save as Muslims" (Al-Qur'an 2: 130-132). The Qur'an tells us that Abraham who was the forefather of the Prophets like Moses and Jesus and Muhammad, was neither a Jew nor a Christian but an upright Muslim (3: 67-68). The source of revelation is the same God who sent messages through Angel Gabriel to all the Prophets and the mission of all the Prophets was the same i.e. to proclaim to the mankind Oneness of God and bring them to the worship of God alone assigning no partners unto Him. Since religion of every previous Prophet was corrupted either with the passage of time or deliberately by its followers, so Muhammad (PBUH) was sent as last Prophet, in whose hands Islam was completed, to rid Islam of all corruptions and distortions. These truths have been brought into light by the Holy Qur'an in many of its verses, some of whom are:

- Abraham was not a Jew, nor yet a Christian; but he was an upright man who had surrendered (to Allah), and he was not of the idolaters. Lo! those of mankind who have

the best claim to Abraham are those who followed him, and this Prophet and those who believe (with him): and Allah is the Protecting friend of the believers. (3: Al-Imran: 67-68)

- Naught is said unto thee (Muhammad) save what was said unto the messengers before thee. Lo! thy Lord is owner of forgiveness, and owner (also) of dire punishment. (41:Ha Mim As-Sajdah:43)
- He hath ordained for you that religion which He commended unto Noah, and that which We inspire in thee (Muhammad). and that which We commended unto Abraham and Moses and Jesus, saying: Establish the religion, and be not divided therein. (42:Ash-Shura:13)

The Qur'an further tells us that even the name given to the followers of all the previous Prophets was 'Muslim':

- And strive for Allah with the endeavour which is His right. He hath chosen you and hath not laid upon you in religion any hardship; the faith of your father Abraham (is yours). He hath named you Muslims of old time and in this (Scripture), that the messenger may be a witness against you, and that ye may be witnesses against mankind. (22:77)

In a way Islam can be called a new and updated edition or version of all previous religions and its book al-Qur'an confirms all the previous revelations. Islam has attained perfection and reached its pinnacle under Muhammad and it will prevail up to Doomsday as no other religion will be revealed after it.

The above mentioned facts have been beautifully highlighted by the Encyclopedia Americana as under: "The Qur'an presents Mohammed as the Seal of the Prophets. According to developed Islamic theological thought, God in His Mercy bestowed prophecy upon the first man, Adam, so that he and his descendants might have guidance for the proper way to live. Sadly, this guidance was first ignored and then corrupted and lost by successive generations, so God found it necessary to send other prophets to renew it. Among the prophets whom the Qur'an mentions are some known from the Bible, such as Abraham, David, and Jesus, and others unknown, such as Salih and Hud. The revelations to Mohammed were a renewal of the message of the prophets before him and like theirs, came in the form of a divine book. Mohammed was the last of this prophetic tradition but also its confirmation, climax, and proof".

## **No Priesthood in Islam**

There is no organized church or priesthood in Islam, neither there is any religious hierarchy even in the ordinary sense. To lead the prayer service or to recite and interpret the Qur'an is not monopoly of any individual or group. Any practicing layman with basic necessary knowledge of Islam can lead the prayers and can approach the Qur'an and Hadith (traditions of the Prophet) for guidance. Like Jews and unlike Christians, the Muslims do not believe in asceticism. Hence there are no monks and nuns.

## **Islam to prevail over all other religions**

The Holy Qur'an says:

- He it is Who hath sent His messenger with the guidance and the Religion of Truth, that He may cause it to prevail over all religion, however, much the idolaters may be averse. (9:At-Taubah:33)
- And who doth greater wrong than he who inventeth a lie against Allah when he is summoned unto Al-Islam? And Allah guideth not wrongdoing folk. Fain would they put out the light of Allah with their mouths, but Allah will perfect His light however much the disbelievers are averse. He it is Who hath sent His messenger with the guidance and the religion of truth, that He may make it conqueror of all religion however much idolaters may be averse. (61:As-Saff:7-9)

Al-Islam, the religion of Muhammad (rather of all the earlier prophets also) will prevail as it is ordained to prevail, over all the pagan faiths. It is the promise of God and it is the proclamation of God's last revealed book, the Qur'an. Islam has attained its perfection and completion in the reign of Muhammad (PBUH) the last Prophet of God and it will prevail up to the Last Day.

The prophesy of the Qur'an about the victory of Islam against all other faiths has, in fact, been already fulfilled. Prophet Muhammad established Islam on strong footing after his migration from Makkah to Madinah in the year 622 A.D. when he established the Islamic state. Before his death in 632 A.D., all Arabia had embraced Islam and the Muslim armies of the powerful Islamic state of Madinah aided by powerful ideology were knocking at the doors of Iranian and Roman empires which were two super powers of those days. Within a decade after the demise of Muhammad (PBUH) his followers had added Iraq, Syria, Iran, Palestine,

Egypt to the Islamic state founded by the Prophet. No doubt the process stopped for some time after the death of Umar, the second right guided caliph of Islam, on account of some internal problems, but it started again with its full force during the period of Umayyid caliphs. Very soon all the central Asia, Northern Africa, part of India and even Spain (a European country) were conquered and included in the great Islamic empire. Thus within a century of the death of their prophet, the Muslims had established the biggest and the most powerful empire of the then world. The Islamic empire had established its foothold in all the three continents of the then known world and Islam had under its control not less than one third area of the glob. The message of Muhammad (PBUH) had reached almost every nook and corner of the world, almost to every human being. Although the Muslims are on the decline since the seventeenth century as they failed to withstand onslaught of European nations which had awakened during renaissance and which are equipped with modern knowledge of science and technology, yet Islam as a religion is keeping its march on the road of progress. Islam is expanding every day as it is attracting more converts into its fold than any other faith.

### **Islam an easy and practical religion**

Islam is a religion of nature and of humanity. It is very easy to practice. Whenever there is any difficulty or hardship in performing any devotional act or any religious duty, Islam removes that difficulty and hardship to make things easy by relaxing the rigours of law.

In Islam, the sanction behind the principle of ease is provided by the Qur'anic verses which state "Allah desires

for you ease; He does not desire hardship for you" (2:185) and "He has not laid upon you in religion any hardship" (22:78).

Under the principle of ease, the Qur'an and the Sunnah provide certain concessions to the sick, old persons, travelers, persons engaged in Jihad, etc. in matters of performance of certain obligatory acts of devotion like performance of ablution for prayer, offering of prayers, fasting in the month of Ramadan, performance of certain rituals in pilgrimage, etc. Similarly, certain items of food which have been strictly forbidden by the Qur'an are allowed in case of dire necessity when there is imminent danger of death and life cannot be saved except taking the same. Following few verses of the Qur'an and Traditions of Prophet Muhammad bring out this point:

- He hath forbidden you only carrion, and blood, and swineflesh, and that which hath been immolated to (the name of) any other than Allah. But he who is driven by necessity, neither craving nor transgressing, it is no sin for him. Lo! Allah is Forgiving, Merciful. (2:Al-Baqarah:173)
- And whosoever of you is present, let him fast the month, and whosoever of you is sick or on a journey, (let him fast the same) number of other days. Allah desireth for you ease; He desireth not hardship for you; (2:Al-Baqarah:185)
- Allah tasketh not a soul beyond its scope. For it (is only) that which it hath earned, and against it (only) that which it hath deserved. (2:Al-Baqarah:286)



- Allah would make the burden light for you, for man was created weak. (4:An-Nisa:28)
- And when ye go forth in the land, it is not sin for you to curtail (your) worship if ye fear that those who disbelieve may attack you. In truth the disbelievers are an open enemy to you. (4:An-Nisa:101)
- Ayesha reported: The Apostle of Allah was never asked to choose between two things except that he chose the easier of the two so long as it was not sinful. If it was sinful, he used to keep farther from it than all the people..... (Bukhari, Muslim)
- Anas reported that the Prophet said: Give ease and not trouble, give tranquility and not oppression. (Bukhari, Muslim)
- Abu Hurairah reported that the Messenger of Allah said: When one of you leads the prayer for men, let him be short, because among them there are the sick, the weak and the old; and when one of you says prayer for himself, let him prolong it as he please. (Bukhari, Muslim)
- Abu Hurairah reported that the Messenger of Allah said: The religion is easy, and nobody must ever make the religion a rigour except that it will overcome him. So be steadfast and seek nearness and give good news and seek help at morn and at dusk and some part of a late night. (Bukhari)
- Ibn 'Umar called the adhan for prayer on a cold, windy night, then added: "Pray in your dwellings." Then he

said: When it was a cold, rainy night, God's Messenger used to command the Mu'adhdhin to say: "Pray in your dwellings." (Bukhari, Muslim)

- Ibn 'Umar reported God's Messenger as saying: "When one of you is served with his supper and the time for prayer comes, he should first have his supper and not hasten till finished it." When Ibn 'Umar's food was served and the time for prayer came, he did not go to the prayer till he finished it; and he could hear the imam's recitation. (Bukhari, Muslim)
- Abdullah b. Arqam said that he heard God's Messenger say: "When the time for prayer comes and one of you needs to relieve himself, he should do that first." (Tirmizi, Malik, Abu Daud)
- Anas said: I never prayed behind an imam who was more brief or more perfect in his prayer than the Prophet. If he heard a boy crying he would shorten the prayer for fear that his mother might be distressed. (Bukhari, Muslim)

## **Tolerant of other Faiths**

The Qur'an enjoins upon the followers of Islam to be tolerant of other faiths as there is no compulsion in religion and the basic principle is "unto you your religion and unto me my religion." The Qur'an exhorts:

- Say: O disbelievers! I worship not that which ye worship; Nor worship ye that which I worship. And I shall not worship that which ye worship. Nor will ye

worship that which I worship. Unto you your religion, and unto me my religion. (109:Al-Kafirun:1-6)

- There is no compulsion in religion. (2:Al-Baqarah:256)

The Qur'an forbade the Prophet (and so his followers) not to say any harsh word about the faith of the other people even against the gods of the pagans:

Revile, not those unto whom they pray beside Allah lest they wrongfully revile Allah through ignorance. Thus unto every nation have we made their deed seem fair. Then unto their Lord is their return, and He will tell them what they used to do. (6:Al-An'am:108)

Acting upon the instructions of the Qur'an the Prophet of Islam and his followers not only abstained from saying any thing bad about other religions but also they gave full freedom of religion to the non-Muslims living among them. It is an undisputed matter of record in history that followers of the prophet of Arabia besides giving religious freedom to the non-Muslim minorities also protected their places of worship. The non-Muslims living in the Islamic state are called *Zimmis* (protected people) as their lives, honour, and properties are protected by the Islamic state like those of its Muslim citizens. They are allowed to preserve their rituals, customs, language, dress, etc. Cultural, social and judicial autonomy is also given to the people of other faith living in the Islamic state. The tolerance shown and the kind treatment given to the adherents of other faiths by the followers of Muhammad (PBUH) is unparalleled and it forms a golden chapter in the annals of man.

## **Islam a moderate religion and Muslims a nation of middle path**

“The best of affairs is their mean” is the golden principle of Islam. Al-Qur’an, the revealed book of Islam, calls the followers of Islam a middle nation. The Muslims are middle nation between other two nations – the Jews and the Christians – who believe in revealed religions, because the Muslims avoid extremes and follow middle path. Let us explain it with some solid examples. The Bible as well as the Qur’an tells us that the Jews disobeyed their prophets and even some of them they killed. On the other hand the Christians raised the status of their prophet to that of God and started worshipping him as divine. But the Muslims avoid both the extremes. They hold their prophet, unlike Jews, in high esteem and unlike Christians, they consider him a human being and the messenger of God. Take another example. The Jews believe in the extreme form of retaliation and their principle is “eye for eye and tooth for tooth”. On the contrary, the Christians remember the advice of Jesus: “If someone slaps on left side of your face turn to him your right side also”. But the Muslims avoid both these extremes. Their religion permits them to take full revenge but they have been enjoined to show mercy and pardon the offender because pardoning is much better than taking revenge. Take yet another example. The Jews are very materialistic and money-minded while Christians believe in monasticism and indulge in ascetic practices. But the Muslims avoid both these extremes and follow middle path. They have been enjoined to abstain from materialism as well as monasticism. They are directed to give due time to worldly affairs and also faithfully discharge their religious obligations. All this justifies the title of moderate nation

bestowed upon the Muslims by the Qur'an which is the word of God.

Let us explain the principle of moderation and balance as held by Islam a little further.

Islam enjoins upon its believers to follow middle way and act upon the principle of moderation and balance. The two extremes of every thing and every action are bad according to Islam and the believers should, therefore, strike balance between the two. The Qur'an, the holy scripture of Islam, and Muhammad (PBUH), the Prophet of Islam, have recommended the Muslims to follow policy of moderation and balance in every walk of life, for example:

1. Islam condemns monasticism and materialism and exhorts its followers to adopt middle path between these two extreme ways of life. A monastic lays all the emphasis on moral and spiritual aspect of life and ignores completely material aspect. According to him, all economic activity is a sinful act and acquiring of wealth and comforts of worldly life is a sin. A materialist is on the other extreme. He lays the entire stress on the material aspect of life ignoring moral and spiritual aspects. He devotes all his time and energy to the attainment of material ends. He justifies every mean – right or wrong – to acquires wealth and comforts of life. The Qur'an disapproves the actions of those Christians who adopt monasticism and condemns the Jews who are very materialistic and greedy for wealth.
2. The principle of moderation carries paramount importance especially in the economic field. This principle is followed by the true believers in the

production of wealth, as well as in the consumption and spending of wealth. Although earning of wealth through permitted (Halal) means is allowed, yet the piety demands that a Muslim should not become mad after amassing wealth like a greedy materialist. He should exercise restraint and earn wealth to meet his lawful needs. Extra wealth, if at all is earned by him somehow, may be spent in the path of Allah on charity and relief of the poor. Similarly, in the consumption and spending of wealth, the believer is recommended to strike balance avoiding miserliness and extravagance. Miser is he who does not even provide for the legitimate needs of himself and his family let alone spending on charitable and noble causes. Extravagant or spend thrift is a person who squanders his wealth in luxury, gambling, drinking, and on lavish expenditure, on festivities, weddings, day to day living. Islam condemns both miserliness and extravagance and enjoins upon a believer to exercise moderation. The Qur'an appreciates those who exercise moderation in spending when it says: "And those who when they spend, are neither prodigal nor grudging; and there is ever a firm station between the two;" (25:67)

3. Islam advises moderation in the performance of religious acts also. One must not be hard on himself in the matters of worship like prayer, fasting etc. Once the Prophet Muhammad (PBUH) learnt that some companions had taken a vow to fast during the day, pass the night in worship, abstain from meat and fat and renounce intercourse with women. Thereupon he (peace be on him) delivered a sermon in the course of which he observed: "This is not my creed. Your body has rights over you. You should fast, but eat and drink

also. Pray at night, but sleep also. Look at me. I sleep and I pray also. I both keep and omit fasts. I eat both meat and fat. So whoso does not subscribe to my way, he is not of me”.

He (peace be on him) then said, “what has happened to people that they have renounced women, good food, perfume, sleep and worldly pleasure? I have never taught you to be a monk or a priest. In my deen (Creed) there is no provision for renunciation of women or meat nor for abandoning the world. For self-control, I enjoin fast. All the advantages of asceticism can be had from the jihad of Islam”.

4. Even in matters of everyday life, Islam calls upon its followers to avoid extremes and follow principle of balance. In matter of food one should neither take too much nor too less, rather one should eat and drink, just according to his bodily needs to keep himself hale and hearty. In matter of speaking, one should neither speak too loudly nor too low to be heard. Loud voice has been likened by the Qur’an to that of an ass. In the matter of walking, one should show humility and avoid pride. In matter of charity, one should be neither extravagant so as to squander all wealth nor one should be miserly so as to hoard wealth out of channel of circulation. In matter of clothes one must spend according to means.

Let us now glance through the following Verses of Al-Qur’an and Traditions of Prophet Muhammad (PBUH) which exhort the believers to adopt principle of moderation and balance in every activity.

- Thus We have appointed you a middle nation, that ye may be witnesses against mankind, and that the messenger may be a witness against you..... (Al-Qur'an 2:143)
- O ye, who believe! Forbid not the good things, which Allah hath made lawful for you, and transgress not. Lo, Allah loveth not transgressors. (Al-Qur'an 5:87)
- O Children of Adam! Look to your adornment and every place of worship and eat and drink, but be not prodigal. Lo! He loveth not the prodigals. (Al-Qur'an 7:31)
- And let not thy hand be chained to thy neck nor open it with a complete opening, lest thou sit down rebuked, denuded. (Al-Qur'an 17:29)
- ..... And thou (Muhammad) be not loud voiced in thy worship not yet silent therein, but follow a way between. (Al-Qur'an 17:110)
- And those who, when they spend, are neither prodigal nor grudging; and there is ever a firm station between the two; (Al-Qur'an 25:67)
- Be modest in thy bearing and subdue thy voice. Lo! The harshest of all voices is the voice of the ass. (Al-Qur'an 31:19)
- Good manners, delay and moderation form a part out of twenty-four parts of Prophethood. (Mishkat-ul-Masabih)
- Abu Hurairah reported that the messenger of Allah said: Moderation in expenditure is half of livelihood, and love



for people is half of wisdom, and good questioning is half of learning. (Bukhari)

- Matref-b-Abdullah reported that the messenger of Allah said: The best of affairs is their mean. (Baihaqi)
- Abdullah-bin-Amr reported that the Messenger of Allah said: When four things are in you, there is nothing against you in the world which may cause your loss; guarding of trust, truthfulness in speech, beauty in conduct, and moderation in food. (Ahmad, Baihaqi)
- Anas reported that three persons came to the wives of the Holy Prophet to enquire about acts of piety of the Prophet. When they were informed of them, they considered them little as it were and said: I fast all the day long and will not break. And another said: Where are we in comparison with the Holy Prophet while Allah has forgiven his past sins and what will be in future. One of them said: as for me, I pray all night long. And another man said: I keep aloof from women and shall never marry. Then the Holy Prophet came to them and said: Are you the persons saying such and such things? Behold! By Allah, I fear Allah more than your selves and I am most dutiful among you to Him, but still I keep fast and break it, and keep up prayer and keep awake at night and take wives, So whoever turns away from my way is not of me. (Bukhari, Muslim)

## **Islam provides complete code of life**

Islam, unlike other religions, is not a mere bundle of dogmas and rituals. It is a perfect religion, and a way (deen) of life. It is an all-embracing faith, a complete code of life. It provides divine guidance in all activities of human life, be

they individual or collective, private or public, moral or political, social or economic, legal or constitutional.

Islam is perfect and complete religion. The Holy Qur'an says: ".....This day have I perfected your religion for you and completed My favour unto you, and have chosen for you religion Al-Islam ....." (5: 3)

Thus Islam has been perfected by Almighty Allah Himself and this religion has been completed with the last messenger of Allah.

The fact that Islam is an organized religion and it provides guidance to its followers in every conceivable activity of human beings has been beautifully brought home by the authors of the famous book "Great Religions by which men live" as under:

"Most modern world religions became organized religions by an accident of history. In many cases, their roots are buried so deep in time that we cannot know the incidents that helped them to develop. But Islam was distinguished by two facts from the start. First, it became a religion as the result of deliberate planning and well-considered efforts. Second, its whole development took place after world history had begun to be carefully recorded.

In a short span of years, Mohammed had lifted himself to a unique position of leadership among his people. He had the time and the opportunity to plan thoroughly to meet all the social and spiritual needs of his fellow men. Mohammed, convinced that he spoke for Allah, had given rules for beliefs, for religious duties, and for proper conduct. As a result, Muslims found themselves with a

guide to almost every activity or situation undertaken by human beings.”

In this book you would see for yourself how great religion of Allah, al-Islam, provides adequate guidance to the mankind in various fields of life.

Since the religion has been completed and made way of life in the form of Islam, so there is no need for any other religion. That is why, the Qur'an tells us that religion with God is only Islam (3:19) and whoso seeks as religion other than Islam, it will not be accepted from him and he will be a loser in the Hereafter (3:85). It further tells us whomsoever it is Allah's will to guide, He expands his bosom unto Islam (6:125).

### **Islam spread through preaching not through sword**

The Qur'an declares in unequivocal terms that there is no compulsion or coercion in religion (2:256) and has laid down the principle, "unto you your religion and unto me my religion (109:6). Thus there is full freedom of faith and none can be forced to accept Islam. Islam cannot be thrust upon any body as forced conversion is not the rule.

The Qur'an also emphasizes this fact that Muhammad (PBUH) was sent by Allah as His messenger to show right path to the mankind. He was a mercy for the mankind and was charged to convey message of God to the people. It was not his duty to convert the people forcibly to Islam. He was a messenger and a warner and not a warder over men. Following are some of the verses of the Holy Book which plainly highlight this fact:

- The duty of the messenger is only to convey (the message). Allah knoweth what ye proclaim and what ye hide. (5:Al-Ma'idah:99)
- And if thy Lord willed, all who are in the earth would have believed together. Wouldst thou (Muhammad) compel men until they are believers? (10:Yunus:99)
- Say: (It is) the truth from the lord of you (all). Then whosoever will, let him believe, and whosoever will, let him disbelieve. Lo! We have prepared for disbelievers Fire. Its tent encloseth them. If they ask for showers, they will be showered with water like to molten lead which burneth the faces. Calamitous the drink and ill the resting-place! (18:Al-Kahf:29)
- We are best aware of what they say, and thou (O Muhammad) art in no wise a compeller over them. But warn by the Qur'an him who feareth My threat. (50:Qaf:45)
- Remind them, for thou art but a remembrances, Thou art not at all a warder over them. (88:al-Ghashiyah:21-22)

Instead of compelling or coercing the people into Islam, the Prophet and his companions were rather enjoined to preach the religion of truth to others through wisdom and fair exhortation. Thus says the Holy Qur'an:

- Ye are the best community that hath been raised up for mankind. Ye enjoin right conduct and forbid indecency; and ye believe in Allah. And if the people of the scripture had believed it had been better for them. Some of them

are believers; but most of them are evil-livers. (3:Al-Imran:110)

- Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way. Lo! thy Lord is best aware of him who strayeth from His way, and He is best aware of those who go aright. (16:An-Nahl:125)
- And argue not with the people of the Scripture unless it be in (a way) that is better, save with such of them as do wrong; and say: We believe in that which hath been revealed unto us and revealed unto you; our God and your God is One, and unto Him we surrender. (29:Al-Ankabut:46)

The Prophet of Islam and his followers have faithfully acted upon the advice of the Qur'an. There have been no forced conversions to Islam. Muhammad Asad, a great scholar and commentator of the Qur'an while explaining the meaning of verse 256 of chapter 3 of the Qur'an, speaks for the Muslim community when he dispels the false impression that Islam spread through sword. The great scholar says: "On the strength of the above categorical prohibition of coercion (ikrah) in anything that pertains to faith or religion, all Islamic jurists (fuqaha), without any exception, hold that forcible conversion is under all circumstances null and void, and that any attempt at coercing a non-believer to accept the faith of Islam is a grievous sin: a verdict which disposes of the widespread fallacy that Islam places before the unbelievers the alternative of "conversion or the sword." "The other great religions," writes Lothrop in his book 'New World of Islam' "won their way slowly, by painful struggle, and finally triumphed with the aid of powerful monarchs

converted to the new Faith. Christianity had its Constantine, Buddhism its Ashoka and Zoroastrianism its Cyrus, each lending to his chosen cult the mighty force of secular authority. Not so Islam. Arising in a desert land sparsely inhabited by a nomad race, previously undistinguished in human annals, Islam sallied forth on its great adventure with the slenderest human backing and against the heaviest material odds. Yet, Islam triumphed with seemingly miraculous ease”.

History bears witness to the truth that Islam spread through propagation and preaching and not through the use of force or sword. Muslims ruled India for more than seven long centuries but at the time of partition of the sub continent in the year 1947, the Muslim population was not more than 20%. Hindus and other non-Muslim communities always remained in majority and the rulers of the country, the Muslims, always in minority. Had the Muslims used force there would have been not even a single Hindu left in the country. Look at Spain. Muslims conquered this country in 711 A.D. and remained its rulers for more than 700 years up to 1492 A.D. They remained in minority and never tried to convert the Christians forcibly into Islam. The Christians overthrew their rule in 1492 A.D. The Muslims were mostly put to sword. Very few could escape to North Africa. Those who remained behind had no choice but to embrace death or Christianity. Today there is hardly any Muslim in that country.

## **Sources of Islamic Teachings**

The Qur'an which is the Holy Scripture of Islam, and the Sunnah or Hadith which comprises sayings and traditions of Prophet Muhammad (PBUH) are the basic sources of the

Islamic teachings. The Qur'an is composed of manifest revelations as were made to Muhammad in the very words of God, but the Sunnah (comprising precepts and practices) of the Prophet of Islam is mainly composed of internal revelations or hints from Gabriel or by inspiration<sup>1</sup> The importance of the Qur'an and the Sunnah as the primary sources of Islamic teachings has been underlined by the following verses of the Qur'an and the traditions of Prophet Muhammad (PBUH):

O Ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. (Qur'an 4:59)

And it cometh not a believing man or a believing woman, where Allah and His messenger have decided an affair (for them), that they should (after that) claim any say in their affair..... (Qur'an 33:35)

Jaber reported that the Messenger of Allah said: As for what follows next, the best discourse is the Book of Allah and the best guidance is the guidance of Muhammad. The worst of affairs is their innovations and every innovation is misleading. (Muslim)

Jaber reported that the Messenger of Allah said in the Farewell Pilgrimage: And I have left among you a thing which if you adhere to, you will never be misguided after this- The Book of Allah and what you get from me by questions (Hadith). (Muslim)

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<sup>1</sup> Sir Abdul Rahim: Principles of Muhammadan Jurisprudence.

## **Five Articles of Islamic Faith**

The edifice of Islam is built upon five pillars called five fundamental articles of Islamic faith. First is the profession of belief in God, in Muhammad (PBUH) the prophet of Islam, in all other Prophets of God, in all the revealed books of God including Al-Qur'an the last such book, in the Angels of God, in the Day of Judgment and the Destiny (Taqdir). Second is the establishing of prayers, third is the paying of Zakat, fourth is keeping of fast for the month of Ramadan and last is the performance of pilgrimage to Makkah.

These articles of Islamic faith would be discussed in detail in a separate chapter in this book.



## **CHAPTER 2**

# **BASIC TEACHINGS**

## **I- God is One**

"God is One and there is no god but God," is the first and the foremost teaching of Islam. Oneness of God or unity of Godhead is the heart of Islam and Islam's Holy Scripture, the Qur'an, emphasises this theme in almost every of its second or third verse. Every follower of Islam has not only to believe in One God in his heart but has also to express this belief by his tongue and demonstrate it through his deeds. No body can enter into Islamic faith unless he or she declares there is no god but God and believes truly in this declaration in his or her heart. In the technical language of the religion, the belief in One God is called Tauheed. This concept of unity of God is beautifully expressed in Chapter 112 of the Holy Qur'an which is entitled al-Ikhlās or at-Tauheed. It reads: "Say: He is Allah, the One! Allah, the eternally Besought of all! He begetteth not nor was begotten. And there is none comparable unto Him." Tauheed is belief in Allah with all His powers and attributes.

## **God's Personal Name is Allah**

The proper or personal name of God, according to Islam, is "Allah" while He has many other attributive names (of which only 99 have been mentioned in the Qur'an). The word "Allah" is an Arabic word which comprises "Al" and "Ilah". "Al" is the definite article which means "the", while "Ilah" means "the being who is worshipped". When these two words were joined, the letter "I" at the beginning of the second word was dropped for easier pronunciation and thus

the word "Allah" resulted. So "Allah" means "The God", i.e. "the supreme being who is worshipped by all creatures and to whom all turn and pray for fulfilment of their "need".

## **His Attributes**

God, according to the Qur'an, which is the Holy Scripture of Islam, is the Almighty, All-Powerful, Omnipotent, Omnipresent, Omniscient, All-Knowing and All-Seeing God of the whole of the Universe. He is the Beneficent, the Merciful, the Forgiving. There is no God save Him. He is One and He alone is to be worshipped. He has no partner, no parents, no offspring. He is the Alive, the Eternal, the Helper, the Protector. He is the Sovereign-Lord of the heavens and the earth and shares His Sovereignty with none. He is the creator of everything in the universe. Whatever is in the heavens and the earth belongs to Him. He produces everything, then reproduces it. He gives life and death and is the Master of the Day of Judgment. He would resurrect every human after his/her death and would reward the righteous for good deeds with Paradise and would punish the wicked for evil deeds with Hell. He sent messengers and revealed books for the guidance of mankind.

## **His Signs**

Islam does not give any philosophical or scientific arguments for the existence of God. Its revealed book, the Qur'an, does not try to prove God by theological reasoning. It provides creations of God and His Signs and portents scattered in the universe, in the nature around us and in ourselves, as the proof of existence of God. "Lo! in the creations of the heavens and the earth, and the difference of night and day, and the ships which run upon the sea with

that which is of use to men, and the water which Allah sendeth down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein, and (in) the ordinance of the winds, and the clouds obedient between heaven and earth: are signs (of Allah's existence and sovereignty) for people who have sense."— says the Holy Qur'an (2:164). "And of His signs is this: He created you of dust, and behold you as human beings, ranging widely! and of His signs is this: He created for you helpmates from yourselves (women) that ye might find rest in them, and He ordained between you love and mercy. Lo! here in indeed are portents for folk who reflect". (al-Qur'an 30:21)

## **Infinite**

God is Infinite. We mortal human beings having only finite and limited knowledge cannot define Him nor describe Him. All we know about Him is through His signs which are scattered in the nature around us and through Prophets and revealed books. The Qur'an, the last such revealed book which is the word of God, tells us: "Allah is the Light of the heavens and the earth. The similitude of His light is as a niche wherein is a lamp. The lamp is in a glass. The glass is as it were a shining star. (This lamp is) kindled from a blessed tree, an olive neither of the East nor of the West, whose oil would almost glow forth (of itself) though no fire touched it. Light upon light, Allah guideth unto His light whom He will. And Allah speaketh to mankind in allegories, for Allah is knower of all things"— (24:35). "Allah! There is no God save Him, the Alive, the Eternal. Neither slumber nor sleep overtaketh Him. Unto Him belongeth whatsoever is in the heavens and whatsoever is in the earth....." (al-Qur'an 2:255).

## **Omnipresent**

God is Omnipresent according to Islam. He is every where. There is no fixed place where we can say that He resides. According to the Qur'an, to God belong the East and the West, whithersoever you turn, there is the Presence of Him. God is with you where so ever you go." And when My servants question thee concerning Me, then surely I am nigh. I answer the prayer of the suppliant when he crieth unto Me. So let them hear My call and let them trust in Me, in order that they may be led aright", tells God to Prophet Muhammad (al-Qur'an 2:186). "We verily created man and We know what his soul whispereth to him, and We are nearer to him than his jugular vein", says God in the Qur'an (50:16), "There is no secret conference of three but He is their fourth, nor of five but He is their sixth, nor of less than that or more but He is with them wheresoever they may be; and afterwards, on the Day of Resurrection, He will inform them of what they did. Lo! Allah is knower of all things." (al-Qur'an 58:7).

## **He is One**

Islam is strictly a monotheistic religion. It believes God is One and there is no God except Him. Unity of Godhead is the fundamental teaching of Islam. The belief in the Oneness of God is the first and the foremost among the five pillars or articles of Islamic faith which every follower of Islam is under obligation to profess and adhere to. None can enter into Islamic brotherhood nor one can remain a Muslim until and unless he declares by tongue and also truly believes in his heart that there is no God but Allah. "Your God is One God; there is no God save Him, the Beneficent, the Merciful", says the Holy Qur'an (2:163). It is Allah alone

whom the Muslims worship: "Praise be to Allah, Lord of the worlds, the Beneficent, the Merciful. Owner of the Day of Judgment, Thee (alone) we worship; Thee (alone) we ask for help"\_ is the prayer of the Muslims in every worship. Addressing the Christians, the Qur'an says: "O people of the scripture! Do not exaggerate in your religion nor utter aught concerning Allah save the truth. The Messiah, Jesus son of Mary, was only a messenger of Allah, and His word which He conveyed unto Mary, and a spirit from Him. So believe in Allah and His messengers, and say not "Three"\_ cease! (it is) better for you! Allah is only One God. Far is it removed from His transcendent majesty that He should have a son. His is all that is in the heavens and all that is in the earth..." (4:171).

### **No kin, no partner**

God, the Almighty Lord of the cosmos, has neither parents, nor any spouse, nor any son, nor any daughter. The Qur'an says:" Praise be to God, Who hath not taken unto Himself a son, and Who hath no partner in the sovereignty, nor hath He any protecting friend through dependence" (17:111). God is alone and one. He neither begets nor was begotten. "Say: He is Allah, the One! Allah, the eternally besought of all! He begetteth not nor was begotten. And there is none comparable unto Him", commands the Holy Qur'an (112:1-4)God has no partners and associates in His sovereignty and dominion nor in His attributes. Polytheism is condemned, holding partners unto God is the biggest and unpardonable sin. "Lo! Allah pardoneth not that partners should be ascribed unto Him, He pardoneth all save that to whom He will. Whosoever ascribeth partners unto Allah hath wandered for astray" — Thus warns the Holy Qur'an (4:116)

## **None can see Him**

No mortal human being – neither an ordinary one nor even the blessed one like a prophet – can see God. Human eye cannot see God as eye – sight is limited. Prophet Moses expressed his desire to see God but, as the Qur'an tells us, lightening seized him and he fell down unconscious. Prophet Muhammad (PBUH) ascended the heaven but when he was asked had he seen God, he replied: God is light, how can I see Him? The Qur'an says: "Vision comprehendeth Him not, but He comprehendeth (all) vision. He is the Subtile, the Aware"- (6:103). "and it was not (vouchsafed) to any mortal that Allah should speak to him unless (it be) by revelation or from behind a veil, or (that) He sendeth a messenger to reveal what He will by His leave. Lo! He is Exalted, Wise." (42:51)

## **His Knowledge**

God has knowledge of every thing whatsoever is in the heavens and in the earth. He knows your secrets and what you hide in your breasts. He is knower of the visible and the invisible, seen and the unseen, indeed of every thing of past, present or future. "Lo! nothing in the earth or in the heavens is hidden from Allah" says the Qur'an (3:5)." "And with Him are the keys of the invisible. None but He knoweth them. And He knoweth what is in the land and the sea. Not a leaf falleth but He knoweth it, not a grain amid the darkness of the earth, not of wet or dry but (it is noted) in a clear record"—(al-Qur'an 6:59). The Qur'an further tells us: "Lo! Allah! with Him is the knowledge of the Hour (Doomsday). He sendeth down the rain, and knoweth that which is in the wombs. No soul knoweth what it will earn tomorrow, and no soul knoweth in what land it will die. Lo! Allah is Knower, Aware"- (31:34)

## **His Creations**

God is the best and the greatest Creator. He is the only one Who is the originator and the creator of the universe, the heavens and the earth, and of everything which is visible or invisible to human eye and which is known or unknown to man. Heavens and earth, sun and stars, moon and planets, night and day, light and darkness, air and wind, storms and clouds, rain and water, oceans and rivers, mountains and hills, flowing streams and gushing springs, glaciers and icebergs, life and death, plants and gardens, fruits and vegetables, corn and crops, forests and trees, animals and beasts, birds and fish, milk and honey, fire and water are all His creations. He created man of potter's clay, Angels of light and Jinn of fire. The Qur'an tells us that God created every thing in pairs and created life of water. When God intends to do a thing, He simply says unto it: Be! and it is.

## **His Sovereignty**

God is the Sovereign Lord of the whole cosmos. Sovereignty over heavens and the earth and over everything belongs to God. He has no partner in sovereignty. Command over all belongs to Him. He rules over everything. He is the Regulator and the Perfector. He is the Supreme Law-Giver and Supreme-Judge. He is All-Mighty and all-Powerful. He is the source and fountain of power. It is He who bestows honour and power on anyone He will. None can benefit or harm except God. If God intends to give you benefit, none can withhold it, if He intends you harm, none can protect you. He bestows daughters upon whom He will and bestows sons upon whom He will or makes barren whom He will.

## **Man is His best creation**

God created man of the best stature and made him the best of many of His creatures. He created Adam of potter's clay and asked the Angels to prostrate before him. All did except the Satan who was declared outcast. However, God accepted Satan's challenge and gave him reprieve till the Day of Resurrection. So Satan misleads the man from right path. He, first of all, misguided Adam and made him to eat from the forbidden tree and thus got him expelled from heaven. Since the Devil misleads Adam's children to the path of evil and of Hell, God sent messengers and revealed books for the guidance of man. It is against this background that great Prophets like Noah, Abraham, Moses, Jesus and Muhammad (peace be upon them) were sent and books like Torah, Gospel and the Qur'an were revealed. Those who follow the Prophets, worship God, do good deeds and lead their lives in accordance with guidance revealed by God through His messengers would be rewarded on the Day of Judgement with Paradise wherein they would lead peaceful eternal life. But those who rejected the Prophets, do not believe in God, do evil deeds and follow the Satan would be punished on the Day of Judgement and would be thrown in Hell wherein they would burn and boil and have the worst possible life.

## **His Favours**

God has appointed man Caliph (viceroy or deputy) in the earth. It is indeed a great responsibility, indeed a test, for man how he behaves. God has bestowed many favours on man. The Qur'an tells us that many things have been created for service to and benefit of man. The Qur'an says:



- Allah is He Who created the heavens and the earth and causeth water to descend from the sky, thereby producing fruits as food for you, and maketh the ships to be of service unto you that they may run upon the sea at His command, and hath made of service unto you the rivers. And maketh the sun and the moon, constant in their courses, to be of service unto you, and hath made of service unto you the night and the day. (14:Ibrahim:32-33)

See ye not how Allah hath made serviceable unto you whatsoever is in the skies and whatsoever is in the earth and hath loaded you with His favours both without and within? Yet of mankind is he who disputeth concerning Allah, without knowledge or guidance or a Scripture giving light. (31:Luqman:20)

God is great benefactor of man. His favours and bounties on man are innumerable. Some of His favours have been counted by the Qur'an in its above verses, whereas there are countless favours of God which are not even known to man. God's favours within the man are man's eyes with which he sees, ears with which he hears, hearts with which he reflects, hands with which he does everything and feet with which he walks. Indeed man is a great handiwork of God and his every limb is of immense use to him.

## **Provides Sustenance**

God is the greatest and the best Sustainer, Provider, Preserver, Protector and Nourisher of all created-beings. He provides subsistence, food and other means of living to all living beings. The Qur'an says: "He placed therein (in the

earth) firm hills rising above it, and blessed it and measured there in its sustenance in four days, alike for all who ask".\_(41:10). The Qur'an reminds the man of Allah's favour in providing food: "Who hath appointed the earth a resting place for you and the sky a canopy; and causeth water to pour down from the sky, thereby producing fruits as food for you". (2:22). Allah provides sustenance to everyone. "And there is not a beast in the earth but the sustenance thereof dependeth on Allah....." (al-Qur'an 11:6). It is God who increases and decreases subsistence. "Allah enlargeth livelihood for whom He will, and straiteneth it for whom He will (al-Qur'an 13:26). Allah preserves the heavens and the earth. "..... His throne includeth the heavens and the earth and He is never weary of preserving them....." (al-Qur'an 2:255). ".....Have they not seen the birds obedient in mid air? None holdeth them save Allah ...." (al-Qur'an 16:79).

## **All creatures worship Him**

All creatures and all things worship and glorify God in their own way. "Have they not observed all things that Allah hath created, how their shadows incline to the right and to the left, making prostration unto Allah, and they are lowly? And unto Allah maketh prostration whatsoever is in the heavens and whatsoever is in the earth of living creatures, and the Angels (also), and they are not proud. They fear their Lord above them, and do what they are bidden". says the revealed book of Islam (16:48-50). "The seven heavens and the earth and all that is therein praise Him, and there is not a thing but hymneth His praise; but ye understand not their praise..... (al-Qur'an 17:44). "Haste thou not seen that unto Allah payeth adoration whosoever is in the heavens and whosoever is in the earth, and the sun, and

the moon, and the stars, and the hills, and the trees, and the beasts, and many of mankind .....” (al-Qur’an 22:18).

## **Man’s duties towards Him**

Man is God’s best creation and God has made man viceroy in the earth, has set many of His creatures to serve man and has bestowed on man many favours, which we have mentioned above. So man owes more gratefulness to God than other creatures. Therefore, there are many obligations of man towards his creator. He should believe in Him and should worship Him alone. He should glorify God and hymn His praise. He should love God and remember Him always, sitting, walking, lying. He should fear God and be kind and merciful to others. He should pray to God alone and seek help only from Him. He should trust in God and seek His refuge from Satan the outcast. He should follow the Prophets and lead his life in accordance with their teachings. It is only then that man would succeed and would justify his creation. He can then hope for reward when God resurrects the dead on the Day of Judgement.

## **II- Muhammad is the Messenger of God**

Muhammad (peace be upon him), the prophet of Islam, is the last of the Messengers of God who have been sent to mankind for guidance and whose exact number is not known to anyone except God. But they were certainly in thousands if not in millions. In the Qur’an which is the revealed book of Islam, the names of only a few messengers of God have been mentioned, the most famous among them being Adam, Nuh, Hud, Saleh, Abraham, Ismail, Isac, Jacob, Shoaib, Moses, Jesus Christ and Muhammad (may Allah’s

peace be upon them). The chain of the prophets starts from Adam who was also the first human being and it ends with Muhammad who is the final prophet of Allah.

The book revealed to Muhammad (PBUH) is Al-Qur'an which is the last revealed message of God to mankind, the religion given to him is Al-Islam which is the first and last religion and was in fact given to every prophet who preceded Muhammad (PBUH). He has been called by the Qur'an as a messenger of Allah, a warner and a bringer of good news, a seal of the Prophets and witness on the Day of Judgment. He is a messenger to all mankind and his mission is universal. He is a mercy for humanity and was foretold by previous Prophets specially by Jesus. He is role model for his followers and his conduct and character has been called supreme and superb by the Qur'an. His sayings, his traditions, his practices, his conventions (collectively called the Sunnah) carry great authority for the believers, being only next to the Qur'an which is the word of God.

### **Brief Biographical Sketch**

Muhammad, (PBUH) was born at Makkah in Arabia, in the Hashmite branch of the tribe of Quraish who were descendants of Prophet Ismael, the son of Prophet Abraham (Ibrahim). He was born on Monday, the 12th of Rabi-ul-Awwal 53 years before Hijrah (corresponding to 23rd April, 571 A.D.) at Makkah, and breathed his last on Monday, 12th of Rabi-ul-Awwal, 11 A.H. (corresponding to 8th of June, 632 A.D.) at Madinah. He lost his father Abdullah before his birth, his mother Aminah at the age of six and his loving grandfather Abdul Muttalib at the age of eight, and was thus left to the care of his uncle Abu Talib who brought him up like his own son. His excellent conduct and character earned

for him the names of Al-Sadiq (the truthful) and al-Amin (the trustworthy) at very young age. He married a rich widow of Quraish named Khadija at the age of twenty five who was fifteen year senior to him. At the age of forty, Muhammad received the light of first revelation through the Archangel Gabriel in the cave of Hira and thus he was commissioned as the apostle or messenger of Allah. He migrated to Madinah as the people of his own tribe Quraish severely persecuted him and his followers when he started preaching his religion. He reached Madinah on Friday, 2nd July 622 A.D. and from this very date the Islamic Lunar calendar Al-Hijrah starts. At Madinah the Prophet had to wage many wars in defence of his faith and in the defence of his own life and the lives of his followers against the Quraish, the Jews and the other hostile tribes. By the time of Prophet's death, all the Arabia had submitted to Islam and a powerful Islamic state under his headship had been established at Madinah.

## **Foretold**

Coming of Muhammad as Messenger of God was prayed for by Prophet Abraham and was foretold by the later Prophets. Prophet Abraham, who is the forefather of the Jews and the Arabs and who is held in high esteem by all the three monotheistic religions of mankind (Judaism, Christianity and Islam), built 'Kaabah' at Makkah and settled his eldest son Ismael there. He, then, prayed to God for raising a messenger among his posterity in these words: "Our Lord! And raise up in their midst a messenger from among them who shall recite unto them Thy revelations, and shall instruct them in the Scripture and in wisdom and shall make them grow. Lo! Thou, only Thou, art the Mighty, the Wise" (al-Qur'an 2:129).

Prophecies about the advent of Prophet Muhammad (PBUH) had been made in the earlier Scriptures like Torah and Bible. The Qur'an points out this fact very clearly when it says:

Those who follow the messenger, the Prophet who can neither read nor write, whom they will find described in the Torah and the Gospel (which are) with them. He will enjoin on them that which is right and forbid them that which is wrong. He will make lawful for them all good things and prohibit for them only the foul; and he will relieve them of their burden and the fetters that they used to wear. Then those who believe in him, and honour him, and help him, and follow the light which is sent down with him; they are the successful. (7:Al-A'raf:157)

Some of the learned Jews recognized the Prophet of Arabia and embraced Islam like Abdullah-ibn-Salam, Ka'b-ibn-Malik. The Qur'an refers to this fact in its following verses:

And lo, it is in the Scriptures of the men of old. Is it not a token for them that the doctors of the children of Israel know it. (26:Ash-Shu'ara':196-197)

Prophet Moses (PBUH) also spoke of the advent of a Prophet among the Arabs, as the Qur'an tells us in its following verse:

Bethink ye: If it is from Allah and ye disbelieve therein and a witness of the Children of Israel hath already testified to the like thereof and hath believed, and ye

are too proud (what plight is yours)? Lo! Allah guideth not wrongdoing folk. (46:Al-Ahqaf:10)

Prophet Jesus Christ foretold the coming of Muhammad, the Prophet of Islam, in very clear words and even mentioned his name.

And when Jesus son of Mary said: O Children of Israel! Lo! I am the messenger of Allah unto you, confirming that which was (revealed) before me in the Torah, and bringing good tidings of a messenger who cometh after me, whose name is the Praised One (Ahmad). Yet when he hath come unto them with clear proofs, they say: This is mere magic. (Al-Qur'an 61:6)

According to Torah, which forms part of Jewish Bible (called Old Testament by the Christians), Prophet Moses (PBUH) addressing his people says: "Thy Lord thy god will raise up unto thee a Prophet from the midst of thee, and of thy brethren, like unto me; unto him ye shall hearken." (Deuteronomy 18:15). In Verse No 18 and 19 of Chapter No 18 of Deuteronomy, God addressing Moses and his people says: "I shall raise them up a Prophet from among their brethren, like unto thee, and will put my words in his mouth; and he shall speak unto them all that I shall command him. And it shall come to pass, that whosoever will not hearken unto my words which he shall speak in my name, I will require it of him." In these verses of Torah the words "thy brethren" and "their brethren" clearly refer to the Arabs who are the children of Ismael (son of Prophet Abraham) and the words "a Prophet like unto me" or "like unto thee" clearly refer to Prophet Muhammad who is a Prophet like Prophet Moses.

## **Sent to all Mankind**

Prophets who had come before Muhammad (PBUH) had been sent to their tribes or communities with a limited mission. Prophet Noah had been sent to his nation. Prophet Hud had been sent to his tribe A'd while Prophet Salih had come to his tribe Thamud. Prophet Abraham had come to his folk, while Prophet Lot had been sent to Sodom. Prophet Shuaib came to Median to teach the people ethics of business. Moses came to save the children of Israel from the bondage of Pharaoh. Jesus said of himself that he has been sent by God "to the lost sheep of the house of Israel"

However, prophet Muhammad (PBUH) was sent by God as the last messenger to the whole of mankind with a universal mission. The Qur'an says: "say (O Muhammad): o mankind! Lo! I am the messenger of Allah to you all —(the messenger of Him) unto whom belongeth the sovereignty of the heavens and the earth ...." (7:158). God confirms this fact:- "And We have not sent thee (O Muhammad) save as a bringer of good tidings and a warner unto all mankind; but most of mankind know not". (al-Qur'an 34:28)

## **Seal of Prophets- Finality of Prophethood**

Prophet Muhammad (PBUH) is the last one in the chain of Prophets which started with Adam and which includes Prophets like Noah, Hud, Saleh, Abraham, Ismael, Isaac, Jacob, Joseph, Moses, David, Solomon, John and Jesus. He is the final Prophet with the last message of God to mankind. The Qur'an says: "Muhammad is not the father of any man among you, but he is the messenger of Allah and the seal of the Prophets; and Allah is Aware of all things". (33:40). With Muhammad (PBUH) Prophethood came to an



end. Message given to him (the Qur'an) is the last revealed message. Religion (al-Islam) has been completed and perfected. No Prophet would come after him till the Day of Resurrection as none is needed. Any body who claims to be a prophet after Muhammad (PBUH) is simply a liar and an imposter.

According to Qur'an (3:85), no religion is acceptable to Allah except Islam i.e. the Surrender. God has perfected his religion Al – Islam (5:3) . It means that there is no need of any other prophet after him since Al – Islam the only acceptable religion to God has been completed. Moreover, Muhammad (P.B.U.H) is the messenger of God to the whole of mankind (7:158), while the messengers before him had been sent to their tribes or communities with a limited mission. According to verse 40 of Chapter 33 of al-Qur'an, Muhammad (P.B.U.H) is the seal of the Prophets. To use the words of Allama Abdullah Yusuf Ali. When a document is sealed it is complete and there can be no further addition. So the Holy Prophet Muhammad (PBUH) closed the long line of Apostles.

Abu Hurairah reported that the Messenger of Allah said: "The parable of myself and the parable of the Prophets is as the parable of a palace of which the construction has been made good but wherein the place of a brick has been left out. The on-lookers went round it wondering at its good construction except for the place of the brick. It is I who closed up the place of the brick. The construction has, therefore, been sealed by me, and the messengers have come to an end with me. And in a narration: I am the brick and I am the seal of the Prophets." (Bukhari, Muslim). There is another tradition reported in Bukhari that prophet Muhammad (PBUH) said: "The children of Israel were

guided by the prophets. When a prophet died, another succeeded him. However, there will be no prophet after me, there will be only caliphs." Prophet Muhammad (PBUH) reiterated this fact: "there is no prophet after me and there is no Ummah after my Ummah". (Baihaqi)

## **His Conduct**

Prophet Muhammad was the most perfect man endowed with each and every virtue which goes to make up good conduct. The Qur'an calls his conduct sublime and great (68:4). He has been called mercy for the mankind, rather for the whole world, rather for the God's all creations. "We sent thee not, but as a Mercy for all creatures". (al-Qur'an 21:107). The Qur'an appreciates his lenient conduct and enjoins him to consult his followers and ask forgiveness for them: "It was by the mercy of Allah that thou wast lenient with them (O Muhammad), for if thou hadst been stern and fierce of heart they would have dispersed from round about thee. So pardon them and ask forgiveness for them and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah. Lo! Allah loveth those who put their trust (in Him)." (3:159). Muhammad's concern for believers and his compassion for them has been stressed in another verse by the Holy Qur'an which reads: "There hath come unto you a messenger, (one) of yourselves unto whom aught that ye are overburdened is grievous, full of concern for you, for the believers full of pity, merciful." (9:128). The Qur'an sets up the conduct of Muhammad as a role model for the believers when it says: "Verily in the messenger of Allah ye have a good example for him who looketh unto Allah and the Last Day, and remembereth Allah much." (33:21).

Even before his call to Prophethood, Muhammad was held in high esteem by his people for excellence of his behaviour and character. He was known as the "Truthful" and the "Trust Worthy". When the first revelation came to him, Muhammad returned home very disgusted and depressed. He narrated the episode to his wife Khadijah who consoled him by saying "Allah will never humiliate you. Certainly you observe the tie of kinship, speak the truth and bear the burden of others and help the destitute and entertain the guests and help others in genuine distress."

When asked by a person about the conduct (Khuluq) of the prophet many years after death, his wife Ayesha said "Have you not read the Qur'an? – his khuluq was the Qur'an" (Muslim, Abu Daud, and Nisai). There is a long line of very authentic traditions reported in most reliable collections of Hadith literature that the character and conduct of Muhammad (PBUH) was the most excellent and he was the greatest man the world had ever seen.

- Jaber reported that the messenger of Allah said: "Allah sent me to complete the excellent virtues and to perfect the good actions" (Mishkat-ul-Masabih)
- Anas reported that a man begged the Holy Prophet of the sheep between two hills. He gave them to him. He (the man) came to his people and said: O people! Accept Islam. Verily Muhammad certainly gives away in charity so much that he does not fear poverty (Muslim).
- Jaber reported: Apostle of Allah was never asked for anything for which he said "No" (Bukhari, Muslim).

- Anas reported: The apostle of Allah was the best of men, the most generous of men and the bravest of men..... (Bukhari, Muslim)
- Abu Hurairah reported: He was questioned: O. Apostle of Allah! Invoke against the polytheists. He replied: Verily I have not been sent as a great curser, but I have been sent as a mercy. (Muslim)
- Ayesha reported: The Prophet was not accustomed to talk hastily as you do. He was accustomed to talk in such a way that if a counter counted, he could have certainly numbered it. (Bukhari, Muslim)
- Ayesha reported: The Apostle of Allah was never asked to choose between two things except that he choose the easier of the two so long as it was not sinful. If it was sinful, he used to keep farther from it than all the people. The apostle of Allah did never take revenge for any wrong done to him personally except to vindicate the honour of Allah: he used then to take revenge for Allah. (Bukhari, Muslim)
- Ayesha reported: The Apostle of Allah was neither indecent by nature, nor indecent by compulsion, nor a wanderer in the markets, nor did he return evil for evil, but he forgave and pardoned. (Tirmizi)
- Anas narrated about the Holy Prophet that he used to visit the sick, follow the bier, respond to the invitation of a slave and ride upon mules. I have indeed seen him on the Day of Khaiber upon mule with a rein of date refuge. (Ibn Majah, Baihaqi)

- Ayesha reported that the Holy Prophet used to mend his shoes, sew his cloth and work in his household just as one of you works in his own house. She also reported that he was a man among men who used to patch his clothes, milk his goats and engage himself in work. (Tirmizi)
- Abdullah-b-Hares reported: I did not see anybody smiling more than the Apostle of Allah. (Tirmizi)
- Anas reported that whenever the Prophet handshook with a man, he used not to take away his hand from his hand till the latter took away his hand, nor did he turn away his face from him till the latter turned away his face from him. He was not seen to take steps in front of his friends. (Tirmizi)

## **His Personality**

Beautiful and vivid description of the personality and physical bearing of Muhammad (PBUH) has come down to us through the well reported Hadith literature.

- Anas reported that the Apostle of Allah was neither too long nor short, neither too white nor brown, neither too curly-haired nor straight haired.... (Bukhari, Muslim)
- Ali-bin-Abu Talib reported: that whenever he described the Prophet, he used to say: He was not too long nor too short, middle-statured among the people, not greatly curly haired, nor straight haired, strong and stout, neither too big nor too short, round of face, white-red complexioned black of eye-balls, long of eye-lances, fleshy of the bone and place between shoulders; hairless

having one line of hair on chest having thick palms and feet. When he walked, he stepped firm as if he was walking in a slopping ground; when he turned, he turned the whole body; there was the seal of prophethood between his shoulders and it was the seal of the prophets, most generous of men in generosity, most truthful of men in tongue, most affable of them in deportment, most honourable of them in lineage. Whoso saw him all on a sudden, got frightened and whoso mixed with him with acquaintance loved him. One who described him said: I saw nobody like him before him and after him. (Tirmizi)

- Umm Ma'bad said: "His was an innocently bright and broad countenance. His manners were fine. Neither was his belly bulging out nor was his head deprived of hair. He had black attractive eyes finely arched by continuous eye-brows. His hair, glossy and black, inclined to curl, he wore long. His voice was extremely commanding. His head was large and well formed and set on a slender neck. His expression was pensive and contemplative, serene and sublime. The stranger was fascinated from the distance, but no sooner he became intimate with him this fascination was changed into attachment and respect. His expression was very sweet and distinct. His speech was well set and free from the use of superfluous words, as if it were a rosary of beads. His stature was neither too high nor too small so as to look repulsive. He was twig amongst the two, singularly bright and fresh, He was always surrounded by his companions. Whenever he uttered something the listeners would hear him with rapt attention and whenever he issued any command, they vied with each other in carrying it out. He was a master and a commander. His utterances

were marked by truth and sincerity, free from all kinds of falsehoods and lies.”

## **Role Model for believers- Importance of his Sunnah**

The deeds, behaviour, character and conduct of Prophet Muhammad (PBUH) is a role model for the Muslims rather for the whole of mankind. The Qur'an says: Verily in the messenger of Allah ye have a good example for him who looketh unto Allah and the last Day..... (33:21). He has been called a guide and a light by the Holy Qur'an at another place: "Now hath come unto you light from Allah and a plain Scripture" (5:15). The Prophet lived an ideal life in accordance with the teachings of the Holy Qur'an and, therefore, his conduct, as stated earlier, was called "the Qur'an" by his wife Ayesha in response to a question. Obedience to him has been enjoined upon his followers. The Qur'an says: "and obey Allah and the messenger, that ye may find mercy" (3:132).

The believers have been exhorted to follow the Prophet because to follow the Prophet would earn them Allah's love. The Qur'an says "Say (O Muhammad to mankind): If ye love Allah, follow me: Allah will love you and forgive you your sins....." (3:31)

Thus the life of the Prophet of Islam is a pattern of ideal conduct and behaviour for his followers who try their best to emulate it. Each saying of the Prophet, each action or deed done by him, each practice or convention set by him, carries sanctity for the Muslims. Here lies the importance of the Sunnah or Hadith which comprises sayings of the Prophet, his traditions, his deeds and his conduct of various

problems. The believers have been, therefore, directed "... And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it). And keep your duty to Allah...." (al-Qur'an 59:7)

The importance of the Sunnah lies in the fact that the Prophet of Islam gave practical shape to the Qur'anic teachings by living his life in accordance with the Injunctions of Allah. He lived a very active life as an ideal man. He married. He had wives. He had children. He had to work for earning livelihood. As a Prophet and a preacher of Islam, he was persecuted. He had to migrate to a distant town. There, he established a state and created a society in accordance with the teachings of God. He had to fight many battles for his survival and for the survival of new faith and the newly established state. During all these trials and vicissitudes of life, he displayed a model behaviour and decided every issue in the light of the Qur'anic teachings. He set illuminating precedents for us to follow. The Qur'an generally lays down the basic principles and guidelines which were interpreted, explained and given practical shape by the Prophet. Some illustration can be given to highlight this point. The Qur'an makes Salat (prayer) compulsory for believers and has hinted about the times of prayers also. But the procedure in which the prayers, five times a day are to be offered, has been set by the Prophet. Similarly, Allah has made payment of Zakat obligatory, but detailed rules have not been laid down in the Qur'an. It is the Prophet of Islam who made detailed rules and set up procedure for the payment of Zakat. Again, in political, legal and economic fields, the Qur'an has laid down the fundamental principles and the Prophet applied these principles to the actual problems and set the details and procedures.



### **III- Qur'an is the Book of God**

#### **The revealed book**

Al-Qur'an is the name of the last revealed book of Allah which forms the holy or religious scripture of Islam. It was revealed to Prophet Muhammad (PBUH), the last messenger of Allah to mankind, in parts in a span of twenty two and half years between 610 A.D. to 632 A.D. i.e. from his appointment as apostle at the age of forty till his death at the age of sixty three. The first revelation was made on 27th of Ramadan 13 years before Hijrah and the last on 9th of Zil Hijah of 10th A.H. The period comprises 12.5 years of Prophet's life at Makkah during which 90 or 91 Surahs (chapters) were revealed and last 10 years of Prophet's life at Madinah during which 23 or 24 Surahs are reported to have been revealed.

#### **Its contents**

The Qur'an comprises 114 Surahs (chapters) divided into 6238 (according to some research scholars, 6247) 'Ayahs' (Verses). Each Surah bears a name taken from something mentioned in it, e.g. the second Surah is called "Baqarah" (the 'cow') because of the mention of a cow which the children of Israel were required by the Lord to sacrifice. In every case (except. Surah nine) all the surahs are introduced by "Bismillah", "In the name of Allah, the Beneficent, the Merciful." Of these Surahs, 29 are such which begin with the letters or alphabets (such as Alif Lam Mim) that are mysterious and have always been the object of explanations and comments among scholars of the Qur'an. For the convenience of the reader or reciter, the Qur'an is also divided into 30 paras (or parts) and 7 manazal

(or portions). The arrangement of Ayahs and Surahs is not in order in which they were revealed, but in accordance with a plan sanctioned by the Prophet himself under guidance of Allah. Most of the verses which embody rules of law were revealed to settle questions that actually arose for decision. That may be one of the reasons why the book was revealed in stages. To this fact reference is also found in the Qur'an itself in its verses 32 and 33 of chapter 25 (Surah Al-Furqan). Mainly the law of Islam is found in chapters 2, 3, 4, 5, 6, 8, 9, 17, 24, 33, 49, 65, of the Qur'an.

## **Its Names**

The Qur'an calls itself by various names, most famous of which are: al-Qur'an, al-Furq'an, al-Kitab, al-Dhikr, al-Hakim, etc. The term Qur'an is used in two ways: as participle it means to read; as an object, it means a thing which is read.

## **Revealed in Arabic**

The Holy Qur'an was brought by the Archangel Gabriel to the Prophet of Islam in Arabic language. The Qur'an testifies this: "We revealed it, a lecture in Arabic, that ye may understand" (12:2)

- And lo! it is a revelation of the Lord of the Worlds which the True Spirit hath brought down, upon thy heart, that thou mayst be (one) of the warners in plain Arabic speech. — (26:192-195)

## **Its Collection and Compilation**

It is proved by Ijma and continuity that the collection, arrangement and compilation of the Qur'an was complete

during the life-time of the Prophet (PBUH). The present arrangement of the Qur'an is the same and there has been no change since then. The Holy Prophet had appointed an efficient team of expert calligraphists. They are known as writers of revelation (Katiban Wahi) whose number was 26, but according to some they were 42. The most illustrious among scribes were: Abu Bakr, Umar, Uthman, Ali, Zaid bin Thabit, Abi bin Kaab, Muadh bin Jabbal, Abdullah bin Masud, Abu Zaid, Abu Darda and Aamer bin Fahira. The companions of the Holy Prophet used to write and learn the Holy Qur'an by heart. Since paper was scarce, they used to write it on the palm leaves, the epitaph of stones, the broad shoulder-bones of the camels and on pieces of skins. It may not have been in a single volume at that time due to the difficulty in the consolidation of such scattered material, yet it was committed to memory by many reciters (Hafaaz) in arranged form. It was also available in written form in complete shape.

Internal evidence is provided from the following verses of the Qur'an that the revealed book of Islam was in its written form from the very beginning. See the following verses of al-Qur'an:

- This is the scripture whereof there is no doubt, a guidance unto those who ward off (evil). (2:2)
- That (this is indeed) a noble Qur'an. In a book kept hidden. Which none toucheth save the purified, a revelation from the Lord of the worlds. (56:77-80)

During the caliphate of Abu Bakr, almost 70 reciters (hafaaz) were martyred, so Umar persuaded Abu Bakr to have the Qur'an compiled in a single volume. Thus, under the orders of Abu Bakr, Zaid bin Thabit compiled a volume

of the Qur'an and from this volume copies were prepared. One copy was retained by Abu Bakr, and after his death by Umar, who before his death, entrusted it to his daughter Hafsa, widow of the Prophet. By the time of the third caliph Uthman, many countries had been conquered and various non-Arab nations had been converted to Islam who were not familiar with the various dialects in which the Qur'an was read. Uthman, assembled Ummah on a single dialect (Qir'at) of Quraish. He got the volume of Abu Bakr from Hafsa and ordered Zaid bin Thabit to prepare copies on the dialect of Quraish which was the pronunciation of Prophet Muhammad (PBUH). One copy was sent to each province for the facility of the newly converted Muslims. The punctuation marks (Aarab) were applied to the words of the Qur'an during the times of the Ummayed caliphs.

### **It confirms previous Scriptures**

The Holy Qur'an, the revealed book of Islam, confirms the previous revealed books like Torah which was given to Prophet Moses, Zabur (Psalms) which was revealed to Prophet David and Injeel (the Gospel) which was revealed to Prophet Jesus.

- He hath revealed unto thee (Muhammad) the Scripture with truth, confirming that which was (revealed) before it, even as He revealed the Torah and the Gospel. A foretime, for a guidance to mankind; and hath revealed the Criterion (of right and wrong). Lo! those who disbelieve the revelations of Allah, theirs will be a heavy doom. Allah is Mighty, Able to Requite (the wrong). (3:Al-Imran:3-4)
- And unto thee have We revealed the Scripture with the truth, confirming whatever Scripture was before it, and a watcher over it. (5:Al-Ma'idah:48)

- And this Qur'an is not such as could ever be invented despite of Allah; but it is a confirmation of that which was before it and an exposition of that which is decreed for mankind- therein is no doubt-from the Lord of the Worlds. (10:Yunus:37)

The Qur'an not only confirms the basic teachings of these books but is also watcher over the previous revealed books. It means that the authenticity of these books can be judged by reference to the Qur'an. It is an established fact that previous revealed books have not been preserved properly in original form by their followers. These holy books have been subjected to many alterations, modifications and corruptions. The Qur'an only confirms those contents of the said books which have remained safe from corruption. The confirmation of the previous scriptures by the Qur'an proves, beyond shadow of doubt, that the author of all these books is the same. All have been revealed by God, the Almighty Lord of the Universe, for guidance of man in different languages, in different ages, at different places.

Besides confirming the preserved teachings of the previous Scriptures, the Holy Qur'an explains, expounds and clarifies controversies and differences which have arisen among the followers of previous Prophets. "Lo! this Qur'an narrateth unto children of Israel most of that concerning which they differ." (al-Qur'an 27:76). "And We have revealed the Scripture unto thee only that thou mayst explain unto them that wherein they differ, and (as) a guidance and mercy for a people who believe' (al-Qur'an 16:64). "And we reveal the Scripture unto thee as an exposition of all things" (al-Qur'an 16:89).

## **God its Protector**

Qur'an is a book which is very well-preserved. Unlike books of previous Prophets, the book revealed to

Muhammad (PBUH) is into hundred percent original form in which it was given to the Prophet. Books of previous Prophets were destroyed, reconstructed with the aid of human memory and suffered from omissions or commissions, additions or deletions. Sometimes they were deliberately corrupted or altered for a small material gain. Thus these previous Scriptures lost most of their original teachings. But this is not the case with the Qur'an. The Qur'an, as history is witness to it, has maintained its text, its language, its words, its arrangement, its teachings absolutely in original form. Not a single letter or a single word or a single punctuation mark has been changed in it what to speak of any major corruption. None could change it nor even prophet Muhammad (PBUH). In fact Almighty God has taken upon Himself the responsibility to safeguard His last revealed book from any corruption. God is the guardian of Qur'an and so the book would maintain itself up to Doomsday. The Qur'an says:

- And when our clear revelations are recited unto them, they who look not for the meeting with Us say: bring a Lecture other than this or change it. Say (O Muhammad): It is not for me to change it of my own accord. I only follow that which is inspired in me. Lo! If I disobey my Lord I fear the retribution of an awful Day. Say: If Allah had so willed I should not have recited it to you nor would He have made it known to you. I dwelt among you a whole lifetime before it (came to me). Have ye then no sense? Who doth a greater wrong than he who inventeth a lie concerning Allah and denieth His revelations? Lo! the guilty never are successful. (10:Yunus:15-17)
- Lo! We, even We, reveal the Reminder, and lo! We verily are its Guardian. (15:Al – Hjr:9)

- And recite that which hath been revealed unto thee of the Scripture of thy Lord. There is none who can change His words, and thou wilt find no refuge beside Him. (18:Al – Kahf:27)

Muhammad Asad, a Jew turned Muslim, who is a great scholar and commentator of the Qur'an writes while explaining verse 9 of Chapter 15 of the Qur'an: "This prophecy has been strikingly confirmed by the fact that the text of the Qur'an has remained free from all alterations, additions or deletions ever since it was enunciated by the Prophet in the seventh century of the Christian era; and there is no other instance of any book, of whatever description, which has been similarly preserved over such a length of time. The early-noted variants in the reading of certain words of the Qur'an, occasionally referred to by the classical commentators, represent no more than differences in respect of diacritical marks or of vocalization, and, as a rule, do not affect the meaning of the passage in question."

### **It provides guidance in all fields of life**

It is the fundamental belief of the Muslims that their religious book, Al-Qur'an is complete code of human life. Al-Qur'an provides guidance to human beings in all spheres of human activity starting from individual to socio-political, from family life to national and international relations, and from religious to mundane affairs. The following verses of the Qur'an are cited to confirm that the Holy book of Islam provides guidance to mankind in all fields of life:-

- .....(It is) an exposition of that which is decreed for mankind..... (10:37)
- (This is) a Scripture the revelations whereof are perfected and then expounded. (It cometh) from One Wise, Informed (11:1)

- And We have revealed the Scripture unto thee only that thou mayst explain to them that wherein they differ..... (16:64)
- .....And We reveal the Scripture unto thee as an exposition of all things..... (16:89)
- Lo! He Who hath given thee the Qur'an for a law will surely bring thee home again.....(28:85)
- Lo! We have revealed unto thee the Scripture for mankind with truth..... (39:41)
- This is not else than a reminder unto creation (81:27)

Mainly the Qur'an lays down guidelines in the following fields:

Religious duties, worship of Allah and devotional matters.

1. Religious duties, worship of Allah and devotional matters.
2. Family laws-marriage, dower, divorce, Iddah, etc
3. Inheritance and will.
4. Social reforms: gambling, infanticide and drinking have been prohibited while polygamy is limited. Status of woman and slaves raised.
5. Penal law: Crime and punishment.
6. Civil laws: contract, mortgage, etc.
7. Law of evidence.



8. Dispensation of Justice.
9. Constitutional law and political system.
10. Law of war and Jihad.
11. Economic and financial principles – revenue, public finance, trade, sale and purchase.
12. International relations.
13. Halal and Haram (permitted and forbidden)
14. Do's and Don'ts. Commandments and prohibitions.

## **Word of God**

"Muslims consider the Qur'an", says the Encyclopedia Americana," to be the very words of God Himself. The messages given to Muhammad by the angel were taken from Heavenly Book, uncreated and eternally coexistent with God, that is called the Mother of the Book or the Well-Preserved Tablet. This eternal book represents the eternal Speech of God, the expression of His truth and His will for the universe. Books of previous prophets, such as the Gospel of Jesus or the Torah of Moses, were also taken from this source. The Qur'an is but another yet the highest and final instance, of God's offering guidance to straying men through Scripture brought by His chosen messengers. Followers of previous prophets like the Christians and Jews had corrupted their messages, thereby necessitating the sending down of the Qur'an to restore the purity of divine guidance."

"As the very words of God, the Qur'an is the foremost authority for Muslims in all matters of faith and practice. They pay it enormous reverence and have been at pains to

preserve its contents exactly as they were received from the Prophet. There is probably no other book in history, including the Bible, that has been so much studied or commented upon. Studies that deal with its various aspects fill entire libraries and have been composed in all the important languages of the Islamic world."

## **Recited and memorized**

Besides seeking guidance from the Qur'an on every important issue, every Muslim holds the Qur'an in high reverence. The book is kept at the cleanest place in the house and is never laid on the ground. Not even a word or leaf of it is thrown into dust or waste paper basket. No believer touches it except after performing ablution or purifying bath. The verses of the book are recited at every religious or social ceremony and daily prayers also include its recitations. In the month of Ramadan the whole of Qur'an is recited in special prayers. All over the Muslim world there exist schools (called *madaris*) specifically reserved to teach and memorize the Qur'an to children. One who learns the Qur'an by heart is called 'hafiz' (memorizer) and he is held in high esteem. The memorizing of the Qur'an is regarded an act of great religious merit and spiritual excellence. In every Muslim country there are hundred of thousands of persons who have committed the Qur'an to memory.

Since the Muslims consider the words of the Qur'an to be the words of God, historically they have lavished their highest art on the calligraphic presentation of the Qur'anic text. Verses from the Qur'an in elegant calligraphy decorate the facades and walls of mosques, religious seminaries, tombs of saints and other public buildings. Every Muslim believes that the Qur'an has five rights upon him, namely: It should be believed in; it should be read or recited and if one is unable to read it one must listen to its recitation; its

meaning and message should be understood; its teachings should be strictly followed, and finally it should be taught to others. A true Muslim tries to discharge his obligations to the Holy book so that he may not be one of those on the Day of Judgement against whom Prophet Muhammad (PBUH) would make complaint: "Then the Apostle will say: O my Lord! Truly my people took this Qur'an for just foolish nonsense" (al-Qur'an 25:30)

### **Its appeal to human reason**

The Qur'an, the revealed book of Islam, does not command blind following. It does not say that one must follow the Qur'an and believe in and act upon its teachings without applying one's mind. Rather it appeals to human reason to see, to think, to reflect, to meditate and ponder over the portraits and signs of God and then believe in Him and follow the Prophet and his teachings. The Qur'an severely condemns those who do not think and ponder over the creations of God. It says: "Already have We urged unto Hell many of the Jinn and the humankind, having hearts wherewith they understand not, and having eyes wherewith they see not, and having ears wherewith they hear not. They are as the cattle-nay, but they are worse! These are the neglectful" (7:179) "Have they not travelled in the land, and have they hearts wherewith to feel and ears wherewith to hear? For indeed it is not the eyes that grow blind, but it is the hearts, which are within the bosoms, that grow blind"- (22:46)

Those who remember God and ponder over His creations and do not follow blindly have been praised in the following verses of the holy book:

- Such as remember Allah standing, sitting, and reclining, and consider the creation of the heavens and the earth

(and say): Our Lord, Thou createdst not this in vain.  
Glory be to Thee.... (3:190-191)

- And those who when they are reminded of the revelations of their Lord, fall not deaf and blind thereat. (25:73)

## **CHAPTER 3**

### **FUNDAMENTAL ARTICLES OF FAITH**

As mentioned earlier, Islam is founded on five pillars or five fundamental articles of faith. These five articles or columns of Islamic faith have been derived from a saying (Hadith) of Prophet Muhammad (PBUH) which has been recorded by Bukhari and Muslim on the authority of Ibn Omar. The Prophet is reported to have said: "Islam is built on five things – to bear witness that there is no god but Allah and that Muhammad (PBUH) is His messenger and servant, to keep up prayer, to pay Zakat, to make Pilgrimage and to keep fast in Ramadhan".

Thus following are the five pillars upon which the edifice of Islam is founded according to the above-mentioned tradition of the Prophet:

1. Iman (profession of belief).
2. Salat (to establish prayer).
3. Zakat (to pay poor-due or compulsory charity).
4. Saum (to keep fast during the month of Ramadhan).
5. Hajj (to perform pilgrimage to Makkah).

#### **I- Belief (Iman)**

Belief is the first and the foremost article of Islamic faith. The revealed book of Islam says: ".... But righteous is he who believeth in Allah and the Last Day and the Angels, and the Scripture and the Prophets ....." (al-Qur'an 2:177). At another place the Holy Book says ..... "whoso disbelieveth

in Allah and His Angels and His Scriptures and His messengers and the Last Day, he verily hath wandered far astray.... (al-Qur'an 4:136). Thus the Qur'an has prescribed for the followers of Islam to believe in Allah, His Messenger, His Angels, His Scriptures and the Hereafter. To these five elements of belief, Prophet Muhammad has added another element and that is belief in destiny (Taqdir).

Iman or belief, in short, is to expressed by proclaiming the following Kalima (formula) with the tongue and affirm its truth with the heart:

"There is no god but Allah; Muhammad is the Apostle of Allah."

Furthermore one has to testify the truth of the above mentioned Kalima with the following words (which are called second Kalima):

"I testify that there is no god but Allah who is One and has no partner. And I also testify that Muhammad is His servant and His messenger".

As stated above, there are six elements or constituents of belief which have been prescribed by the Qur'an and the Sunnah. These are: Belief in Allah, belief in messengers, belief in Scriptures or books, belief in Angels, belief in the Hereafter or the Last Day, and belief in Predestination or Taqdir. All these constituents of belief are briefly discussed as under:

1. **Belief in Allah:** Allah is the Almighty and only one God of the whole cosmos. He is the Creator of each and everything in the universe. He is Eternal and Ever-Living. He has no partner, no children, no parents, no spouses. He is All-Powerful, Unique in Essence and Attributes, All-Perfect, Sovereign Lord, Omnipresent, Omniscient, All-

Knowing, All-Seeing, All-Wise, Just, the Beneficent, the Merciful and the Forgiving. The heavens and earth are full of His signs and blessings. He gives life and death and revives the dead. He sent Prophets and revealed Scriptures for the guidance of man. He is the Master of the Day of Judgment. He is only to be worshipped. Followers of Islam have been enjoined by the Qur'an and by the Prophet Muhammad (PBUH) to believe in Allah and serve Him alone.

2. **Belief in Messengers:** For guidance of man Allah sent messengers called Prophets or Apostles of Allah who conveyed to mankind Divine message and also acted upon the message themselves setting pattern for their followers. The Prophets were human beings and they did not claim any share in Godhead. The Muslims have to believe in all the Prophets without making any distinction between them and without rejecting anyone of them. Belief is to be expressed in all the Prophets, whether mentioned in the Qur'an or not, from Adam to Muhammad. Prophets whose names have been mentioned in the Qur'an are Adam, Idris (Enoch), Nuh (Noah), Hud, Salih, Ibrahim (Abraham), Ismael (Ishmael), Ishaq (Isaac), Lut (Lot), Yusuf (Joseph), Shuaib, Ayyub (Job), Musa (Moses), Harun (Aaron), Dhu.l.Kifl, Uzair, Dawud (David), Sulaiman (Solomon), Ilias (Elias), Al-Yasa (Elisha), Yunus (Jonah), Zakariyya (Zechariah), Yahya (John), Isa (Jesus), and Muhammad. Life and teachings of some of these Prophets along with stories of their tribes or nations have been described in detail by the Qur'an such as that of Nuh, Hud, Salih, Abraham, Lut, shoab, Moses, Jesus.
3. **Belief in Scriptures:** Allah revealed books or scriptures and gave them to the Prophets for guidance and education of mankind. The famous of them are: Scrols (Sahifahs) given to Abraham; the Torah given to Moses;

the Psalms given to David; the Gospel given to Jesus Christ, and the Qur'an given to Muhammad. Followers of Islam are required to believe in all these Holy Scriptures.

4. **Belief in Angels:** Allah created Angels from light. They are invisible to human eye, have no sex and are appointed to carry out Allah's commands and glorify Him. They are not daughters of Allah as the pagan Arabs held. Most famous of them are: Gabriel charged with the duty of bringing revelations and messages of Allah to the Prophets; Israfil who will blow the Trumpet on the Day of Resurrection; Mickael appointed for arranging rainfall, Izrael charged to take souls. Some other angels mentioned in the Qur'an and Hadith are: Harut and Marut (sent by God to test the belief of some nation of the old), Kiraman Katibin (the respected recorders who record the deeds of human beings); Munkir and Nakeer who would question the dead in graves; angel who brought good tidings of birth of a son to Mary the mother of Jesus; angels who brought good news about birth of Isaac to Abraham; angels who destroyed the people of Lut; angels in charge of Hell and Angels who would welcome the righteous in Paradise, etc. Muslims are required to believe in all angels of God.
  
5. **Belief in the Hereafter:** This world would end on the Last Day called the Doomsday when every living soul would die. The Hereafter would start after the death. On the Doomsday (also called the Day of Judgment and Day of Resurrection), every dead person would be revived by Allah. Allah would judge between mankind on that day and would reward the pious with Paradise and punish the wicked with Hell. The life in the Hereafter would be real and eternal life. Muslims are required to believe in the Last Day and in the Hereafter, in life after death and in Paradise and Hell.



6. **Belief in Destiny (Taqdir):** This belief is virtually integral part of belief in Allah and so it is not regarded as an independent element. This belief implies that all good and evil is from Allah and is in the knowledge of Allah.

The formula of comprehensive belief (Al-Imanul Mufasssal) which attests belief in all the above mentioned is as follows:

"I believe in Allah, in His angels, in His books, in His messengers, in the Last Day and in the fact that everything good or bad is decided by Allah the Almighty, and in the life after death."

## **II- Prayer**

Prayer in one form or the other has always been an integral part of devotional service in every religion. Every Prophet of Allah from Adam to Muhammad (may Allah's peace be upon them) has not only been offering prayer himself but has also been enjoining his followers to establish it regularly. All the contemporary revealed religions of the world – Judaism, Christianity and Islam – recognize the efficacy of prayer.

The prayer is the second important pillar or fundamental article of Islamic faith after belief (Iman). Just as belief in Allah is the essence of faith, so is the prayer the essence of all Islamic devotions and pious actions. The Qur'an uses the term 'Salat' for prayer which stands for serving or worshipping Allah or praying to or seeking nearness to Him. The Qur'an has laid a great stress upon prayer and has repeated the commandments about prayer many times. The object of prayer in Islam is the Almighty God Who is One and Who alone is to be worshipped.

Islam has prescribed performance of prayers five times a day as an obligatory duty of every Muslim, whether he is a male or a female, free or slave, rich or poor, healthy or sick, at home or on journey. It is not excused even in the battlefield and has to be performed in the way prescribed by the Qur'an. In leisure or in business, in town or in village, in peace or in war, in sea or in land, a believer has to offer prayer on the prescribed times. Thus the prayer is universal in nature unlike other articles of faith such as Zakat and Hajj which are obligatory for the rich believers only and unlike fast which is obligatory only for one month and that too for the adult healthy Muslims.

The prayer, besides being discharge of very important obligation to the Creator, bestows upon its observers many spiritual, social and individual benefits. It helps the purification of soul. It promotes unity, brotherhood and friendship among the believers as the male Muslims observe it in the mosque in congregation. It helps the Muslims to meet each other and confer with each other to solve their common problems, be they economic, political or social. It teaches punctuality and regularity and disciplines one's daily life. The prayer helps even the physical health of one as all his bodily limbs come into action, even the toes and fingers. The prayer also helps concentration of mind. It promotes cleanliness of the body as it is preceded by ablution or bath. The Qur'an advises the believers to seek help from the prayer and patience in grief and hardship. According to the Qur'an the prayer protects one from lewdness and evil. The prayer, according to Prophet Muhammad (PBUH), distinguishes a believer from a non-believer. The prayer will serve its observer as a light on the Day of Judgment and will be a means of his salvation. The prophet told Abu Zarr that when a Muslim observes his prayers with attention and devotion he sheds his sins just like a tree which sheds its leaves in autumn. The five daily prayers wipe off the dirt of sins of the person who offers them regularly like a person

who removes his dirt by washing himself in a canal of water flowing in front of his door. Many rewards have been promised especially in the Hereafter by the Qur'an and Ahadith of the Prophet of Islam to those who establish prayer. Those who neglect it have been threatened with painful doom.

The Prophet of Islam not only taught the rules of prayer, its form and procedure, its timings, its rakaats, etc. to his followers but also showed its practical demonstration for their guidance. Detailed rules and regulations have been laid down by the jurists and scholars of Islam regarding prayer in the light of the Qur'an and the Sunnah of the Prophet which can be understood by referring to Fiqh (jurisprudence) books.

### **Call to Prayer (Azan)**

'Azan' is the call for prayer which is proclaimed at least five-times a day from the minarets of the mosques throughout the world in the loud and sweet melodious voice calling the Muslims of the vicinity to join the congregational prayer. This prayer-call is proclaimed in the prescribed words at the advent of the time of each prayer. Decision about proclaiming 'Azan' was made by Prophet Muhammad (PBUH) after his migration to Madinah in consultation with the companions.

Azan is proclaimed by a man standing in a lofty or prominent place in the mosque (generally the mosques have minarets for this purpose) in as loud a voice as possible. The caller is called Muazzin. He stands facing the Holy Ka'aba with his both hands raised to the ears and says: "Allah is greatest (repeated four times); I bear witness that there is no god but Allah (repeated twice); I bear witness that Muhammad is the Messenger of Allah (repeated twice); come to prayer (repeated twice); come to success (repeated

twice); Allah is greatest (repeated twice); There is no god but Allah (once only)". In the call for morning prayer, the words — prayer is better than sleep — are added (repeated twice) after the words, "Come to success".

'Aqamat' is the announcement which is issued just before the Imam (leader of prayer) starts the prayer. It is just like Azan but in a less loud voice and with the difference that the words — prayer is ready — are repeated twice after the words, "Come to success".

## **Ablution and Dry Ablution (Wadu and Tayammum)**

It is obligatory for a believer to purify and clean himself before offering prayer. If he is unclean he should perform 'Ghusal' (bath i.e. washing of the whole body). Otherwise he should make 'Wadu' (ablution) which is the washing of the hands, face and feet in the prescribed way with water. But if the water is not available or the use of water is harmful to health or the water available is not pure then the believer is allowed to perform 'Tayammum' (dry ablution) with pure dust in the prescribed way. Very clear injunctions regarding Ghusal, Wadu and Tayammum are given in the Qur'an and the Ahadith (traditions) of the prophet of Islam. The method and procedure of performing these acts has also been laid down by the Qur'an and the Sunnah which needs no explanation or further comments. Only the following verse of the Qur'an and tradition of the Prophet would suffice:

- ye who believe! When ye rise up for prayer, wash your faces, and your hands up to the elbows, and lightly rub your heads and (wash) your feet up to the ankles. And if ye are unclean, purify yourselves. And if ye are sick or on a journey, or one of you cometh from the closet, or ye have had contact with women, and ye find not water,

then go to clean, high ground and rub your faces and your hands with some of it. (Al – Maidah 5:6)

- Usman reported that he performed ablution and that he thrice poured (water) over his hands. Then he gurgled and snuffed up water. Then he washed his face and then he washed thrice his right arm up to the elbow. Afterwards he washed thrice his left arm up to the elbow and then he wiped his head. Afterwards he washed his right foot thrice and then the left foot thrice. Afterwards he said: I have seen the Messenger of Allah performing ablution similar to this ablution of mine. (Bukhari, Muslim)

## **Qiblah (Direction)**

Qiblah is the direction in which the Muslims turn their faces in prayers from all over the world. This direction is towards the Ka'aba (the House of God) at Makkah in Arabia which was built by the great Prophet Ibrahim about 1800 B.C. Ka'aba is also the centre of devotional rites and acts attached with pilgrimage.

For some period at Madinah, Prophet Muhammad (PBUH) observed Jerusalem as Qiblah and, therefore, he and his followers used to pray in the direction of that holy city. However, in his heart of hearts the Prophet wished that Ka'aba should be the Qiblah of Islam and so he often turned his face to heaven praying for the fulfillment of his desire. It was in the year 2 A.H. that Allah's commandment came directing the Prophet to turn his face from Jerusalem to Ka'aba when he was leading Zuhr prayer at the house of Bishr-bin-Bara-bin-Ma'arur. Since then Ka'aba is the Qiblah of the followers of Islam.

It has been aptly observed that the change of Qiblah from Jerusalem to Ka'aba marked the end of religious

leadership of the House of Israel and Jerusalem also ceased to be the religious center of the world. Now the religious leadership had come to be vested in Islam with the result that Ka'aba became the religious center for mankind.

## **Mosque (Place of Worship)**

Although the whole earth is mosque for a Muslim whereupon he can offer his prayer except unclean places, yet the Muslims construct and reserve for prayers special places and buildings called mosques. Mosque means a place of prostration. Thus the mosque is a place of worship where the followers of Islam converge at least five times a day to join congregational prayers.

Besides being a place of Divine worship, mosque has been traditionally a centre of many other social activities of the Muslim community. The Muslims are advised to discuss and solve the common problems faced by their community in socio-economic field particularly relating to common welfare, eradication of poverty, sickness, ignorance, illiteracy and promotion of missionary activities in consultation with each other. Thus the cause of helping the poor and the sick, promotion of education and learning and other issues of concern have always received prior attention of the believers in the mosque next after divine service. Politics, governmental matters, elections and foreign affairs, though not prohibited are not discussed these days in the mosque due to expediency.

Offering prayer in the mosque in congregation is obligatory for a Muslim male except in case of a valid excuse, but for a Muslim female prayer in the house is better. The mosque is the dearest place to Allah and His messenger and prayer in it carries merit much higher than the prayer at home. The mosque of Quba near Madinah is the first mosque built by Prophet Muhammad (PBUH) during

his migration to Madinah and soon after arriving at Madinah the Prophet built the famous mosque named after him called the Mosque of the Prophet in the Year 1 A.H. i.e. 622 A.D.

## **Timings**

The Qur'an says: "... Prayer at fixed hours hath been enjoined on the believers" (4:103). Thus there are fixed times for the five daily prayers of the Muslims. There are very meaningful hints about the times of prayers in the Holy Qur'an. The names of the prayers and their scheduled times as prescribed and practiced by the Prophet of Islam are: Fajr (the early morning prayer) - from the appearance of dawn upto rising of the sun; Zuhr (the early afternoon prayer) - from the declining of the sun at noon till the beginning of the time of next prayer; Asr (the late afternoon prayer) - from the time when a man's shade becomes double to the setting of the sun; Magrib (the sun-set prayer) - from just after the sun-set to the disappearance of red colour in horizon; I'sha (the night prayer) - begins after the time of Magrib prayer till midnight.

## **Units of Prayers (Rak'at)**

Each prayer generally comprises three parts \_\_ Fard (compulsory), sunat (observed by the Prophet of Islam in addition to compulsory part), and Nafl (recommended by the Prophet of Islam as optional). Furthermore, each prayer consists of certain number of fixed rak'ats, each rak'at being a single unit comprising standing, bowing, prostrations and sitting. Fard prayer in the mosque is offered in congregation. Numbers of rak'ats of each prayer are: Fajr\_\_ Sunnat 2, Fard 2, total 4; Zuhr\_\_ Sunnat 4, Fard 4, Sunnat 2, Nafl 2, total 12; Asr\_\_ Sunnat 4, Fard 4, total 8; Magrib\_\_ Fard 3, Sunnat 2, Nafl 2, total 7; I'sha\_\_ Sunnat 4, Fard 4, Sunnat 2, Nafl 2, Witr 3, and Nafl 2, total 17;

## **Friday Prayer (Jumu'ah)**

The Jews have Saturday and the Christians have Sunday as the day in a week exclusively meant for devotion and divine service with closed holiday for worldly work. The Muslims, on the contrary, have no such day in a week exclusively dedicated to worship with total leave from worldly work. They have Friday and it is obligatory for them to offer Jumu'ah prayer in congregation in the mosque in lieu of Zuhr prayer and its time is almost that of the Zuhr prayer. The Muslims are allowed to work on the day except during the time of prayer.

The Jumu'ah prayer is held in rather a bigger mosque of the locality which attracts and accommodates larger gathering of the believers. The women are allowed to participate only at their option while the slaves, children, physically incapacitated are not compulsorily required to attend. The actual prayer is preceded by the khutbah (sermon) called Friday Sermon in which the Imam or Khateeb (the person who reads sermon) recites verses of the Qur'an invokes blessings on Prophet Muhammad and emphasizes the duties of the believers to Allah and to each other. He also tells about the rewards for the pious and the punishment for the wicked in the Hereafter, and may shed light on the socio-economic problems faced by the Muslims Ummah (community). Number of Rak'ats of the Jumu'ah prayer is traditionally 14 which is: Sunnat 4, Fard in congregation 2, Sunnat 4, Sunnat 2 and Nafl 2. One cannot offer Friday prayer alone or at home. If he misses the Jumu'ah prayer, he will offer Zhur prayer instead.

## **Tahajjud Prayer**

The Holy Qur'an made Tahajjud prayer compulsory for the Prophet Muhammad (PBUH). Verse 79 of chapter 17 of the Qur'an reads: "Besides this, offer Tahajjud prayer: This



is an additional prayer for you. That time is not far when your Lord may exalt you to a laudable position”.

Although this prayer is not compulsory for the followers of Muhammad (PBUH), but acting upon the Sunnah of their beloved teacher, the most God-fearing among the Muslims offer this prayer in order to attain spiritual elevation. Tahajjud prayer is an effective way of self- purification and of developing virtues of steadfastness and fortitude. The Qur'an says: indeed, breaking the sleep at night is an affective way to subdue the self and is suitable for reciting the Qur'an" (73:6).

Tahajjud literally means "to break the sleep and get up". This prayer is offered every night, a little after midnight, say between 1.00 Am to 3.00 A.m. The number of Rak'at varies between 2 to 8 according to some scholars or between 4 to 12 according to some other.

### **III- Zakat**

The word 'Zakat' literally means 'growth' or 'increase' or 'nourishment'. Thus Zakat means 'to grow', 'to increase' or 'to purify'. Zakat helps the purification of human soul from miserliness, selfishness, lust and greed of wealth and thus it paves the way for its growth and development. The spending of wealth for the sake of Allah purifies the heart of man from the love of materialism and instead inculcates in his heart love of God and love of humanity. Apart from its moral and spiritual effects, Zakat has also many economic and social repercussions. It establishes brotherhood, friendship and fraternity among the rich and the poor. Zakat prevents the concentration of wealth in few hands and ensures its distribution in the hands of many. It also discourages hoarding and brings about the circulation of capital into the national economy. In this way, Zakat

ensures the growth of national wealth and promotes national integration and social bonds.

Zakat is not only a tax but also an act of worship. It is one of the fundamental articles of faith for a Muslim. Zakat is one of the five columns or pillars upon which the whole edifice of Islam is built. Next to Salat (prayer), Zakat is the most important of the religious obligations enjoined on the followers of Islam.

The importance of Zakat in Islam can be judged from this very fact that the Qur'an, the revealed book of Islam, mentions Zakat for more than eighty times, while for twenty seven times commandments regarding Zakat are found in close connection with obligatory Salat (prayer). M.A. Mannan in his book "Islamic Economics: Theory and Practice", remarks: "Salat (prayer) rouses the feeling of equality and brotherhood between the rich and the poor, the high and the low, and Zakat puts the feeling of brotherhood on a firm footing by making the rich and the capitalists responsible for the maintenance of the poor and the needy. The spiritual and moral values of Islam inculcated by Salat would lose their significance if men did nothing to eradicate poverty for bringing about social justice." Another eminent scholar writes: "The spiritual discipline inculcated by prayer would lose its practical significance if men did nothing to organize themselves to root out poverty and social injustice. The brotherhood of man is not realized only by bowing together of the ruler and the subject, the lord and the peasant, the factory-owner and the wage-earner shoulder to shoulder before one God, but is established on a firm foundation even outside a mosque where the king and the lord and the factory-owner are made jointly responsible for the elementary necessities of life of the subject and the peasant and the wage-earner."

The prophet of Islam (PBUH) instructed Mu'az, when the latter was sent to Yemen as Governor: "Teach them that Allah has made obligatory over them Zakat which will be taken from the rich and will be given to the poor among them." This Hadith of Prophet (PBUH) explains the nature and purpose of Zakat.

The rules and regulations of Zakat as laid down by the Muslim jurists in the light of the Qur'an and the Sunnah are:

1. Zakat is imposed on the wealth of a person who is (a) Muslim (b) adult (c) sane (d) free and (e) solvent. However, Zakat is also payable on the wealth of a minor as well as on the wealth of an insane person but it is paid by the guardian. As it is a religious duty, it is obligatory on a Muslim only and no non-Muslim is obliged to pay it. A slave and insolvent debtor is also not liable to its payment.
2. Nisab of Zakat or the minimum limit of wealth which attracts liability of Zakat has also been fixed at various levels in case of different categories of wealth. Nisab in case of gold is 20 Misqal or 7.5 tolas or 3 ounces. In case of silver, it is 200 Dirhams or 52.5 tolas or 21 ounces. In case of camels, it is 5 in number. In case of cows, it is 30 and in case of goats and sheep, it is 40 in number. Articles of trade and general merchandise qualify for Zakat when their value is equal to Nisab of silver.
3. Rate of Zakat in case of gold and silver is 2.5%, in case of cattle wealth it varies between 1% to 2.5%, while in case of articles of trade it has been fixed at 2.5%. Assets of modern times like shares and stocks, cash and coins, deposits in banks, investments and debentures, etc. are also charged to Zakat at the rate of 2.5%.

4. No Zakat is due on property before a year elapses. Ibn Umar reported that the Messenger of Allah said: "Whoever acquires wealth, there is no Zakat therein till a year passed over it" (Tirmizi). For the purpose of Zakat, the Muslim financial year begins with the month of Ramadhan. Advance payment of Zakat is also permitted like the advance payment of Income Tax these days.
5. Properties which were subjected to Zakat in the early Islamic State included gold and silver, animal wealth, articles of trade, etc. During the reign of Umar, horses were also subjected to Zakat when they were bred and traded on a larger scale.

Industrial revolution and technological development have brought in their wake certain properties and assets which were not known in the early days of Islam such as: industrial machinery, bank or currency notes, bank deposits, bonds, securities, shares, stocks, debentures, certificates of credit, bills of exchange, insurance policies, provident funds, certificates of investments, etc. Modern jurists and scholars of Islam are almost unanimous that these assets are chargeable to Zakat in an Islamic State.

6. The following properties and assets have been exempted from the levy of Zakat:
  - i. Personal effects like clothes, articles or furniture, household goods except ornaments and utensils of gold and silver.
  - ii. Horses and asses for conveyance or Jihad.
  - iii. Arms or weapons for personal use.

- iv. Cattle employed in farming or transportation of goods.
  - v. Tools of a professional for his personal use.
  - vi. Residential house.
  - vii. Slaves and servants.
  - viii. Books.
  - ix. Food for the owner and his family.
  - x. Agricultural land and factory building and machinery etc.
7. Zakat cannot be lawfully paid to members of the tribe of Hashim who was the great grand- father of the prophet of Islam. It cannot be paid to Non-Muslims. Servants and slaves are also not eligible for Zakat when it is paid to them in consideration of their services. A person possessing Nisab property is also not eligible for it. One's ascendants and descendants are also not eligible for Zakat. Wife and husband cannot pay Zakat to each other. Similarly, according to some jurists Zakat cannot be spent on the construction of a mosque.
  8. Zakat is levied only on what remains after satisfaction of one's basic necessities. Wealth for Zakat is computed after deducting the amount of debt which the assessee owes to others. All the wealth and assets owned by an assessee are not clubbed together for the purpose of Zakat because every category of wealth has its own Nisab and its own rate. In case of joint ownership of wealth, the share of each partner is considered separately. Zakat can be collected or paid in kind or cash, whichever method is convenient. Zakat on visible

or apparent wealth is assessed and collected by the Islamic State but in case of invisible or non-apparent assests, Zakat can be assessed and determined by the Zakat payer himself. However, in this case also Zakat should be paid to the State.

9. Zakat or Sadaqa levied on the agricultural produce is called Ushr. It is levied at the rate of 10% of the produce in case of rain-irrigated land and at 5% in case of land irrigated by artificial means of irrigation such as wells. Nisab or minimum amount of produce which attracts Ushr is 5 vasqa or 948 kg.

## **IV- Fasting (Saum)**

Fasting is known to man since time immemorial and it has existed as an institution through ages in almost all religions and philosophies of life. The prophets, philosophers, sages, saints, religious leaders and thinkers adopted fasting as a means of controlling passions and attaining spiritual and moral elevation. Not only the revealed religions like Judaism, Christianity and Islam have prescribed fasting for their followers but even the followers of other religions like Hinduism, Jainism, Buddhism and Zoroastrianism have been practicing fasting. Thus institution of fasting is universal among mankind. The Holy Qur'an in its very first verse on fasting (2:183) emphasizes this fact that fasting was also prescribed by God for those religious communities who lived before the Muslims.

Fasting was made obligatory for Muslims in 2 A.H. before the Battle of Badar. It is compulsory for the month of Ramadhan which is the ninth month of the Islamic Lunar Calendar and has 29 or 30 days. The Ramadhan is also the month in which the Holy Qur'an was revealed. Fasting starts from dawn and closes at sunset on everyday and during fasting total abstention from eating, drinking and sexual

intercourse is essential. It is obligatory for every Muslim, male or female, rich or poor, slave or free, to fast during the month of Ramadhan. However, sick and those who are on a journey are allowed exemption from fasting but they are required to fast the same number of other days when they recover health or their journey terminates. But those who are permanently sick or are too old to keep fast are allowed the option to feed one poor person in lieu of one day's fast. During the night of fast, the fast observer is allowed to eat, drink and have sexual intercourse. However, when a fasting person is engaged in I'tikaf (Secluded devotion), he is not permitted to sexual intercourse even during nights of fast. During month of Ramadhan, special prayers called "Taraweeh" are offered after night prayer (Isha). In these prayers a memorizer (Hafiz) of the Holy Qur'an recites the Qur'an in portions to complete its recitation in the month. These prayers are quite lengthy and comprise twenty "Rakat" each.

Besides being a fulfillment of a religious obligation, fasting has many benefits. It helps in controlling the passions. It is useful in attaining spiritual advancement and purification of the soul. It sharpens intellect and promotes the thinking faculty of the man. Fasting contributes in maintaining health as it reduces weight of the body and removes unnecessary fat and cholesterol deposits in the body. Fasting teaches sympathy for the poor as it makes everyone realize, through his or her own experience, how it feels to be hungry and thirsty. Thus the fasting person gains true appreciation of the needs of the poor and when he helps the poor his act promotes cause of unity and brotherhood. Fasting teaches regularity, punctuality and self-discipline. And above all, fasting brings nearness to Allah because He likes the act of fasting and because fasting makes the man pious and God-fearing. The excellence and merits of fasting have been highlighted by the Qur'an and the Prophet of Islam, and many rewards have been

promised to those who regularly fulfill the obligation of fasting.

Besides compulsory fasting of the month of Ramadhan, optional fasting is also encouraged by Islam for earning reward from Allah. Fasting has also been prescribed for atonement of certain offences and sins. Muslims are encouraged during Ramadhan especially to do acts of devotion, charity and piety as the reward of each such act during Ramadhan is increased manifold. Offering of morning meal (Sehri) and evening meal (Iftari) to the poor fasters is considered to carry great merit in terms of reward. At the completion of the month of fasting, the followers of Islam celebrate the Eid-Ul-Fitr (a festival in the nature of thanksgiving to God) and give special alms (Sadaqat-ul-Fitr) to the poor.

### **Itikaf (Seclusion)**

Itikaf means to isolate oneself and stay in a place. In Islam, it signifies the practice of the followers of Islam in the tradition of their beloved Prophet to seclude themselves from worldly duties and stay in a mosque for the last nine or ten days of the Holy month of Ramadhan for whole-time devotion. In these days they are not allowed to have sexual relation with their wives even during nights of fast and to leave their palace (mosque) except for a very short period and that too for very urgent necessity like call of nature or to join a funeral. Besides fasting and usual five daily prayers, they devote their full time to worship of Allah and recitation of the Holy Qur'an.

Itikaf is Sunnat Kefayah i.e., not compulsory but it must be performed at least by few believers of the locality in the mosque.



The women are directed to perform this act of devotion in their homes. Itikaf begins from the Magrib prayer of the 20th of Ramadhan and terminates with the sighting of new moon of the month of Shawal and thus it may comprise a period of nine or ten days.

## **V- Pilgrimage (Hajj)**

Hajj or the pilgrimage is the fifth pillar of Islam which has got a historical background. Prophet Ibrahim (Abraham), the spiritual leader of Judaism, Christianity and Islam (and forefather of Prophet Moses, Jesus and Muhammad) built Ka'aba (House of God) at Makkah, with assistance of his elder son Prophet Ismael some eighteen hundred years before Christ. He was commanded by Allah to purify the House and proclaim Pilgrimage unto mankind that "they will come unto thee on foot and on every lean camel ..... from every deep ravine." Thus the people started visiting the Holy Ka'aba for performing the pilgrimage. However, with the passage of time the rituals and practices connected with pilgrimage were corrupted. Ka'aba became the place filled with so many idols and people started circumambulating it in a naked state. The Prophet of Islam conquered Makkah in the year 8 A.H. (corresponding to 630 A.D.), cleansed Ka'aba of the idols and restored its original position as the old shrine devoted to worship of one God. The original spirit of the pilgrimage (Hajj) was also restored and the Pilgrimage became compulsory for a Muslim as a fundamental article of faith in the year 9 A.H. (631 A.D.). The Prophet performed Pilgrimage himself in the year 10 A.H. that is some months before his death. This is known as the Farewell Pilgrimage. The sermon delivered by the Prophet in the plain of Arafat is known as the Sermon on the Mount. It presents gist of the teachings of Islam and is rightly regarded Islam's charter of fundamental rights and civil liberties. The Farewell Pilgrimage performed by the Prophet and the rules and procedure of Hajj laid down by

him is a goodly pattern for his followers all over the world for all times.

The pilgrimage comprises performance of certain acts and rites of devotion at the Holy Ka'aba and in the valleys of Mina and Arafat near Makkah. It is an all-embracing worship which combines in itself all the virtues of physical devotions such as prayer and fasting and monetary devotions such as Zakat and Sadaqat.

Both the Qur'an and the Sunnah of the Prophet have stressed the importance of Pilgrimage, its place in religion, its merits and excellence, and its virtues and rewards. The performance of Hajj once in life is obligatory for a believer who has attained maturity, is sane, is free, and is physically able to undertake the journey and financially able to afford its expenses. Those who fulfill these conditions and on whom Hajj becomes obligatory but they do not perform it, are great sinners.

The Pilgrimage gathers the Muslims at Makkah once in a year from all over the world irrespective of their race, colour, blood, language, place of birth, social and economic status and thus fosters brotherly love and affection among them. It is a world congress of the Muslims, a universal assemblage of the brethren-in-faith, at the House of Allah whom they love and in whose direction they have been offering their prayer since their very childhood. Thus in the social realm, the Hajj is the highest manifestation of Islamic fraternity and equality, while in the spiritual realm it contributes to the growth of soul and purifies the pilgrim of all the sins making him as he was on the day his mother gave him birth.

Rites of Hajj which are imperative in nature (fard) are three, namely: wearing of Ihram (Pilgrim's garment); halting at Arafat, and performing Tawaf-e-Ziarah (visiting of

Ka'aba for making seven circuits around it). If any of this is missed or ignored, pilgrimage would be invalid. Less imperative (wajib) rites include stay for night at Muzdalifah, throwing stones at Jamrahs (statues of satan), to shave or cut the hairs of the head, to offer animal sacrifice, to make Tawaf at the time of leaving Makkah, to run between Safa and Marwa.

The procedure of Hajj as prescribed by the jurists in the light of the Qur'an and Sunnah is briefly stated as under:

"The pilgrims should put on the pilgrim' garment (Ihram) as soon as they reach a miqat, one of the fixed points on all the roads to Makkah. After this they should abide by the code prescribed for Hajj. If on reaching Makkah, a pilgrim wished to perform 'Umrah, he might then put off Ihram and release himself from restrictions imposed by it up to the 7th of Zill-Hajjah. On the 8th , he should again put on Ihram at Makkah and go to Mina, a valley six miles from there. On the 9th he should proceed to the valley of 'Arafat which is about five miles further from Mina and stay there to the evening. Then he should return to Mash'ar-i-Haram (Muzdalifah) which is midway between 'Arafat and Mina and pass the night between 9th and the 10th, there in prayer, meditation and devotion. On the morning of the 10th, he should come back to Mina and should throw stones at the statues of Satan and then offer sacrifice there. After this he should cut the hairs of his head and put off the Ihram and go to Makkah and perform Tawwaf-i-Ziarat (going round the Ka'aba). Then he should return to Mina and stay there for two or three days. The three days (from the 11th to the 13th of Zul-Hijjah) are called the days of "Tashriq." During the days of Tashriq he should twice throw stones at Jamrahs.

Subjects connected with Hajj such as Tawaf, Umrah, sacrifice, Ka'aba shall be discussed in the subsequent paras.

Festival of Eid-ul-Azha is celebrated by the followers of Islam on 10th of Zil-Hijjah every year and those who cannot join their brothers at Mina, Makkah, offer their animal-sacrifices wherever they live in the world.

## **Umrah**

Umrah means a visit to Ka'aba. It is shorter Hajj and unlike Hajj it is not compulsory even once in life. Although performance of Umrah is optional but still it attracts countless believers from all over the world throughout the year (except during the months of hajj) because of the fact that it brings many rewards and blessings to the pilgrims. According to the Prophet of Islam, Umrah is an expiation for the sins committed between it and another Umrah, while Umrah performed during Ramadhan is equal to one pilgrimage in reward.

The person intending to perform Umrah is required to put on Ihram (pilgrim's garment) from the Miqat after taking purification bath. When he reaches Ka'aba he shall make Tawaf of the house. After completing Tawaf he would offer two rak'ats of prayer at Maqam-e-Ibrahim and take water of Zamzam. Then he would make Sa'ai between the hillocks of al-Safa and al-Marwah. After completing Sa'ai he would cut or shave the hairs of his head and then put off Ihram. Thus his Umrah is complete.

## **Kaaba**

The Ka'aba at Makkah is the house of God and is held in very high reverence by the followers of Islam. The Qur'an calls it 'ancient house' (Baitul Atiq) and tells us that it is the

first place of worship built for mankind. From pre-historic days it was a place of pilgrimage visited by many people who came from every corner of Arabia. According to a tradition, Ka'aba is said to exist since Adam (the first human and also the first Prophet of God) lived as a prototype of the 'Frequented house' (Baitul Mamur) in Heaven.

Prophet Ibrahim (Abraham) built it more than 1800 years before Christ with the assistance of his son Prophet Ismael on the ruins of the old house. Allah directed Abraham and Ismael to sanctify His House for those who circumambulate around it or use it as a retreat or bow or prostrate themselves therein in prayer.

The Ka'aba is the place of worship of One God, Allah. It is also the direction to which the believers all over the world turn their faces during prayer. It is a place of security and peace as war is prohibited within its precincts. It is centre of Hajj and Umrah as Tawaf (circumambulation) around it is an integral part of these devotional acts. Near it are the hillocks of Safa and Marwah, the Sa'ai (running in between) of which is also essential for performing Hajj and Umrah.

The Ka'aba is a small rectangular building of nearly fifty feet in height which stands in the centre of an open space like a parallelogram surrounded now by an all round building known Masjid Al-Haram (sometime all the place including Ka'aba is called as such). Maqam Ibrahim and Ab-e-Zamzam building also lie within the premises of Masjid Al-Haram and near Ka'aba. In one corner of it the Black Stone (Hajr-e-Aswad) is fixed which is to be kissed during Tawaf.

### **Tawaf (circumambulation)**

Both in Hajj as well as in Umrah, the pilgrims are required to walk seven times around Ka'aba and seven times

between hillocks of As-Safa and Al-Marwah. These are called Tawaf and Sa'ai respectively.

Tawaf occupies the most important place in the devotional acts of Hajj as it is the first one which is performed when a pilgrim arrives at Makkah and the last one when he leaves it. The former is called Tawaf-al-Qudum (the Tawaf of arrival) and the latter is called Tawaf-al-Wada (the Tawaf of departure). Tawaf-e-Ziarat is one of the major three essential acts of Hajj and is performed when the pilgrim is staying at Mina during 10th and 12th of Zil-Hajja. During the first three rounds of Tawaf, the pilgrim runs at mild speed and it is called 'Rami', while during the last four rounds he walks in a normal way. Tawaf starts from Hajr-e-Aswad and ends at it and the Hajr-e-Aswad (the Black Stone) is kissed at the end of each round. In case of sick and physically disabled persons, the Tawaf can be performed on conveyance. At the end of Tawaf two Rak'ats Nafil prayer is offered at Maqam-e-Ibrahim and then Ab-e-Zamzam is taken to heart's full.

### **Sa'ai (Running)**

After Tawaf, a pilgrim shall run seven times between the hillocks of As-Safa and Al-Marwah to perform Sa'ai which starts from the former after prayer and ends at the latter followed by shaving or cutting the hairs of the head to remove Ihram (pilgrim's garment). Hagra, the wife of Prophet Abraham, when left with her infant child (Ismael) in the desert of Makkah, ran between the two hills in search of water for her thirsty son. To her astonishment, she found a spring near the feet of the child which saved them from death through thirst. This well even exists to date and is known as Zamzam because Hajra asked the water to stop as she feared it may not flood the valley. It is in commemoration of Hagra's running that Sa'ai between the

hillocks of As-Safa and Al-Marwah has been made as an obligatory ritual of Hajj and Umrah.

The women walk in normal pace during all the seven rounds of Tawaf and Sa'ai. They are prohibited to perform Tawaf and Sa'ai during menses.

## **Animal Sacrifice**

The followers of Islam offer sacrifice every year during the days from 10th to 12th of Al-Hijjah, which is the last month of Lunar Calendar of Hijrah, by slaughtering animals such as camels, cattle, goats and sheep. Those who have gone to Makkah for pilgrimage offer the sacrifice at Mina. It is in the memory of the great sacrifice by Prophet Abraham of his son Prophet Ismael. Though the sacrifice of the son by the father actually did not take place but the way the father and the son surrendered to the will of God was very pleasing to the Almighty who ransomed Ismael with the tremendous sacrifice (of a ram which Abraham subsequently found near Ismael and slaughtered it). According to a scholar, this great event not only fulfilled the vision of Prophet Abraham but also marked the end of human sacrifice by the Simitic race.

The days of sacrifice are celebrated as festival of Eid-ul-azha and special prayer in the morning of 10th of Al-Hijjah is offered before sacrifice which attracts large gatherings of the believers. Sacrifice is obligatory only on those believers who can financially afford it being owner of the assets at the level which makes one liable to pay Zakat. Sacrifice of a goat or sheep is counted one sacrifice whereas sacrifice of a camel or a cow is counted as seven. The age of the camel should not be less than 5 years, cow not less than 2 years, goat not less than one year and sheep not less than 6 months. The animals should be healthy and without any serious defect in ear, leg, horn or in any other limb.

## **CHAPTER 4**

### **ISLAMIC LAWS**

Islamic Laws are also called Shariah or Shariah Laws. Islam has laid down a comprehensive code of laws in civil, criminal and family matters. Many volumes can be written to discuss in detail these laws. In a single volume of an average size like the present book which is devoted to many subjects relating to Islam, it is not possible to provide much space to the discussion of Islamic laws. Therefore, we will discuss very briefly some important laws of Islam in this chapter.

#### **I- Family Laws**

##### **Marriage**

Islam considers family as cradle of civilization and marriage as the foundation of family. According to Islam marriage is essential. The Prophet of Islam is reported to have remarked: "Nikah (marriage) is my Sunnah and whosoever rejects my Sunnah is not from me." The Qur'an says: "Marry those among you who are single" –(24:32). The Arabic word Ayyama means single or solitary. A single person, may be a man or a woman, should be married. He or she may be single on account of having not yet married or on account of dissolution of his or her marriage by divorce or by death of the other spouse. Whatever may be the reason for being single, he or she is supposed to marry or remarry. Even poverty is no excuse or justification to abstain from marriage, as the Qur'an says in this very verse "If they are in poverty, Allah will give them means out of His grace". Monasticism which is considered to be an ideal way of life in some religions like Christianity is discouraged by Islam. Similarly life of celibacy is not encouraged as the prophet of



Islam strongly objected to one of his companions living such life. According to a Hadith, one makes his religion half perfect by marrying and he would meet Allah pure and purified. There is consensus of Muslim jurists that marriage is 'Sunnat Muwakkidah' (recommended practice). Institution of marriage embraces in itself the character of 'Ibadah' as well as character of 'Muamlat'. Marriage in Islamic society though essentially a civil contract is also devotional act.

Islam permits marriage of widows and divorced women unlike certain other religions like Hinduism which do not allow such women to remarry. However, virgins (unmarried women) may be preferred for the first marriage of a young man since virgins are generally more prolific, more affectionate and are easily satisfied with little means of income of the husband.

Islam, as the religion of nature, understands human nature thoroughly and, therefore, it allows a man and a woman, who want to marry, to look at each other before marriage. Apparently it may look rather a liberal and progressive approach which is rejected by many creeds and customs, but actually it is the correct approach. Would-be-spouses should see each other and should exercise their right of choice. On the contrary if they are herded together forcibly by their parents or guardians, their union is likely to break apart.

Islamic law has made it compulsory that a woman's consent must be obtained before she is married. According to the Ahadith of the Prophet, the consent of the women, whether previously married or virgin, is essential for marriage. A virgin may feel shy and keep quite. If she remains silent that shall be considered her consent, but if she declines there shall be no compulsion on her. Thus Islamic law provides clearly a right to woman to exercise her choice for marriage by saying yes or no. This idea of

obtaining consent has led to the legal concept that for the completion of a marriage contract there must be proposal (Ejab) from one side and acceptance (Qabul) from other side. No compulsion or coercion can, therefore, be exercised to force a woman into marriage against her will.

Marriage contract like any other civil contract is to be evidenced by two competent witnesses. This has been emphasized by the Prophet of Islam and is established by the common practice among his followers. The verse number 2 of chapter 65 of al-Qur'an also enjoins upon the believers to call to witness two just men from among them at the time of divorce.

A minor girl, when given in marriage by her guardian, has the option to repudiate the marriage when she attains puberty. The Prophet of Islam annulled the marriage of a girl who had been given in marriage by her father, since she disliked it. However, repudiation must be made immediately after she attains puberty and before cohabiting with the husband.

Females prohibited to a man for marriage have been mentioned in detail by the Qur'an in its verses 22,23 and 24 of Chapter 4. The following women are forbidden to you as commanded by the Qur'an:

- 1) Your mothers (real mothers).
- 2) Women whom your father married (step mothers).
- 3) Your daughters.
- 4) Your sisters.
- 5) Your father's sisters.

- 6) Your mother's sisters.
- 7) Your brother's daughters.
- 8) Your sister's daughters.
- 9) Your foster-mothers.
- 10) Your foster-sisters
- 11) Your mother-in-law.
- 12) Your step-daughters born of your women unto whom you have gone-in.
- 13) Wives of your real sons.
- 14) Two sisters together.
- 15) All married women save those captives whom your right hands possess.

Certain unions have also been prohibited by Prophet Muhammad (PBUH). According to the Prophet:

- 1) What is unlawful by reason of consanguinity is unlawful by reason of fosterage. Foster suckling relationship is established only when milk is the only food of the child.
- 2) A woman and her paternal aunt cannot be united, nor a woman and her maternal aunt.

Proclamation and publicity of marriage is very important in Islam as it dislikes secret marriage. Hosting of Waleema (marriage feast) is an obligatory Sunnah of the Prophet which should be performed by the bridegrooms to entertain their relatives and friends in order to celebrate their

marriages. Even Daf beating and singing is allowed on the occasion of marriage for the purpose of celebration and jubilation.

## **Dower**

The Arabic word 'Mahr' is generally translated into English as 'dower'. Dower has been defined in different ways. According to one definition, it is a consideration for the surrender of person by the wife. According to Ameer Ali, dower is a consideration for wife's sole and exclusive use and benefit. D.F. Mullah defines dower's as "a sum of money or other property which the wife is entitled to receive from the husband in consideration of the marriage". Muhammad Asad writes: "The expression nihlah signifies the giving of something willingly, of one's own accord, without expecting a return for it (Zamakhshari). It is to be noted that the amount of the marriage-portion or dower, which the bridegroom has to give to the bride has not been circumscribed by the Law: it depends entirely on the agreement of the two parties, and may consist of anything, even a mere token. According to several authentic Traditions recorded in most of the compilations, the Prophet made it clear that "even an iron ring' may be enough if the bride is willing to accept it. Or, shot of that, even "the imparting to thy bride of a verse of the Qur'an".

The payment of dower by a Muslim husband to his wife is essential obligation of marriage. The Qur'an and the Prophet of Islam have laid much stress on dower which a believer is duty-bound to pay. The amount of dower, however, has not been fixed by either the Qur'an or the Sunnah. There is no minimum or maximum limit of dower which is prescribed by Islamic Shariah. The fixation of amount of dower entirely depends on the agreement of the husband and wife. It is generally held that the amount

should be fixed according to the means of the husband and keeping in view the practice in the family.

If a person divorces his wife before touching her and before appointing an amount of dower for her, he has been directed to make provision for her according to his means. But if he divorces her before touching her and after fixing the amount of dower for her, he is bound to give half of the amount of dower which has been fixed. However, if the woman agrees to forgo her rights of accepting this half dower or the man shows generosity in giving her full dower, such an accord is permitted by the Qur'an. (Al-Qur'an 2:237)

The men should give to their wives their dower willingly. But if the women of their own accord agree to remit the whole or part of their dower, the husbands must welcome this gesture –(Al-Qur'an 4:4). Caliph Umar and Qadhi Shuraih have decreed that if a wife remits the dower but later on demands it, the husband shall be compelled to pay it because the very fact that she demands it is a clear proof that she did not remit it of her own free will.

## **Divorce**

The Arabic word 'Talaq' which is translated into English as divorce means 'freeing or undoing the knot' or 'dismissal' or 'rejection'. Under Islamic Fiqh, it is a release from marriage tie. It is the dissolution of marriage between the husband and the wife by the pronouncement of certain words. Any adult Muslim of sound mind can divorce his wife whenever he desires, without assigning any reason. Under Shiah fiqh, intention and free will are necessary for valid 'Talaq' while these are not required under the fiqh of Sunnis.

The divorce is the most hated and unpleasant thing in Islam. According to a well reported Tradition, the Messenger of Allah said: "The most detestable of lawful things near

Allah is divorce.” Despite that, Islam permits divorce because divorce becomes inevitable in some extreme situations when it is not possible for the husband and the wife to pull on together. Divorce is allowed normally when all the efforts for reconciliation have proved abortive and there are no chances left for the couple to live together amicably.

To resolve the differences between the husband and wife, resort can be made to arbitration. The Qur’an in its verse 35 of chapter 4 instructs its followers to appoint arbiters, one from husband’s family and one from wife’s family for making reconciliation and rapprochement. If the parties wish for settlement and peace, the efforts of the arbiters shall be successful and Allah would effect harmony between the spouses.

The method of divorce as propounded by the Qur’an and the Sunnah is briefly described in these words: “If the husband intends to divorce his wife, he can do so by making a single pronouncement of divorce within Tuhr during which he has not had sexual intercourse with her, and then leave her to observe Iddah. After expiry of Iddah (three monthly courses) the divorce would attain finality. The other method is that the husband would pronounce divorce thrice in three successive Tuhrs, and in this way, the divorce would become irrevocable after the third pronouncement.” In case of one or two divorces, the husband retains the right of Rajuah or reunion within period of Iddah by resuming sexual intercourse or by verbal retraction. However, after the expiry of Iddah, divorce becomes irrevocable and the husband’s right of Rajuah stands forfeited. Now, the couple has the right to remarry if they desire to live together. But when a husband has repudiated his wife by pronouncing three divorces, he has no right of revocation, neither the couple can remarry. In this situation, the parties can remarry only when the woman marries another husband

and the latter dies or divorces her after actual consummation of marriage. Tuhr is period of purity between two monthly courses and Iddah is the waiting period which a divorcee has to undergo before she can contract a second marriage.

The procedure of divorce enunciated by the Qur'an and the Sunnah, as stated above, is spread over a period of almost three months, during which the husband has a right to revoke the divorce. It has been done with a view to check hasty, rash or an arbitrary action on the part of the husband and also to leave the door open for the parties to reconcile during the period. During Iddah the wife cannot be expelled from the house and she would be entitled to full maintenance and also to good treatment.

Those who pronounce three divorces at a single sitting, they have been condemned by the Holy Prophet. According to an authentic Tradition, the Prophet of Islam, when he heard of a man who had given three divorces to his wife at one time, got up enraged and said: "Are you playing with the Book of Almighty and Glorious Allah, while I am still amongst you?" So, the simultaneous pronouncement of three divorces was treated as a single divorce during the time of the Prophet and of Abu Bakr and even in the early days of the caliphate of Umar. Umar reportedly used to whip such persons who gave three divorces in one sitting. However, later on, Umar changed his mind when he found that people frequently divorced by three pronouncements. He, therefore, ordered to treat three pronouncements as three divorces and made them operative as a matter of punishment upon those who used this sinful method.

Al-Qur'an has given the right of obtaining divorce to a wife if she agrees to pay some ransom or compensation. This is called Khula. If the husband and wife are not able to keep the limits of Allah and they agree to dissolve the

marriage on the condition that the wife gives some compensation, such agreement is valid under law. The jurists are generally of the opinion that such compensation should not exceed the dower given by the husband to the wife. Thus the Khula is a kind of facility provided to the woman to secure divorce from her husband by returning a part of or full amount of the bridal gift or Mahr if she dislikes her husband.

### **Iddah (waiting period)**

Iddah is the period of waiting or probation during which it is incumbent upon a Muslim woman, whose marriage has been dissolved by divorce or death of her husband, to remain in seclusion and abstain from marrying another man. Syed Ameer Ali calls it 'interval which a woman is bound to observe between the termination, by death or divorce, of one matrimonial alliance and the commencement of another. Thus, Iddah is the period during which a divorced woman or a widow is not permitted to remarry.

Period of Iddah in case of a divorced woman with whom marriage has been consummated and who is still in the age of menstruation is three monthly courses while in case of a divorcee who is past the age of menstruation the period is three months. In the case of a pregnant woman the Iddah is up to her delivery. In the case of a widow, the waiting period is 4 months and 10 days. In case of a marriage which has not been consummated, there is no Iddah to be observed. In the case of a pregnant widow, if delivery or miscarriage takes place before 4 months and 10 days, the remaining period will have to be observed, according to some jurists. The period of Iddah when husband dies after divorce would run from the day of his death. The primary purpose of the Iddah is two fold: firstly the ascertainment of possible pregnancy and thus preventing the confusion of parentage of the would-be baby; secondly to provide



opportunity to the husband and the wife to resolve their differences and reconcile if the divorce is revocable. During the period of Iddah, the woman, who has been divorced by less than three pronouncements and is pregnant, shall be entitled to have both dwelling and maintenance. A woman separated by revocable divorce shall also have dwelling and maintenance, even if not pregnant, during the period of Iddah. As for a woman whose husband has died, she will have no maintenance but will have dwelling during the Iddah. In the case of a woman who has been divorced irrevocably but is pregnant, both maintenance and lodging are almost unanimously approved by the jurists.

## **Maintenance**

The meaning of 'Nafqah', which is the Arabic equivalent of 'maintenance', is what person spends on his family. Maintenance includes food, clothing and lodging. Under Islamic law, a person is bound to maintain his wife and children and in certain circumstances his parents. The law regarding maintenance is briefly discussed as below:

According to some well known Traditions reported in authentic books of Hadith, the Prophet (may Allah's peace be upon him) required his followers to accord their wives the best possible treatment. He impressed upon men the rights of women regarding food, clothing and lodging. Even in his famous Farewell Address at Arafat, the Apostle of Allah did not forget to exhort the believers to fulfill their obligations regarding the proper maintenance of their women. The Qur'an also enjoins upon the believers to accord proper treatment to their wives.

Duty of providing maintenance to the wife is so important that the Qur'an makes even a divorced wife entitled to it during the period of Iddah when the husband would provide her food, clothing and lodging and cannot

expel her from his house (Al-Qur'an 65:1 and 65:6). If she is expecting, the husband is bound to maintain her till delivery and in case she suckles the child she would be entitled to receive the due payment for this service (Al-Qur'an 65:6)

The Qur'an makes it a duty for the pious and God-fearing persons to make some provision even for those women who have been divorced by them (2:241).

No scale or standard has been fixed for maintenance by the Qur'an or by the Sunnah. However, a lot of guidance has been provided to determine it in the given circumstances. The Qur'an says: "No one should be charged beyond one's capacity" (2:233). At another place, the Qur'an directs: "Provide for them, the rich according to his means and the straitened according to his means, a fair provision" (2:236).

Spending for the maintenance of the children and for their education and well being, carries higher merit even in comparison to spending in the way of Allah or spending in emancipating a slave. A father must provide for the maintenance of children and in the absence of a nurse, the mother is obliged to suckle her infant at breast. If the father is poor and incapable of earning, the mother, if she is rich, is bound to maintain her children. The liability of a father for the maintenance of his children is not dissolved even if the children are living with their divorced mother. In case of father's death, the mother should bring up her children till they attain majority instead of contracting a second marriage.

Children are bound to maintain their parents when the parents have no property or due to old age or illness they are unable to earn their livelihood. If the children are prosperous and the parents happen to be poor, the children

are obliged to maintain them and spend for their comforts even if the parents are capable of earning. Difference of religion does not relieve children of their obligation of maintaining the parents. Maintenance of the parents in case of absentee child may be met out of his property or effects. According to Hedaya, parents include paternal and ancestral grandfather and grandmother in the matter of maintenance.

## **Polygamy**

The revealed book of Islam, the Holy Qur'an, allows Muslims to have more than one wife (two, three or four) at a time. The relevant verse of the Qur'an reads:

"And if ye fear that ye will not deal fairly by the orphans, marry of the women, who seem good to you, two or three or four; and if ye fear that ye cannot do justice (to so many) then one (only) or (the captives) that your right hands possess. Thus it is more likely that ye will not do injustice." (An-Nisa 4:3)

The Qur'an in its verse 3 of chapter 4, permits polygamy and promulgates:

- a. If you fear that you would not be able to deal fairly and equitably with the orphans, you should marry the women who (have these orphans with them and) seem good to you.
- b. You are permitted to marry even two, three or four women but not more at a time provided you can treat them justly and equitably.
- c. If you have reason to fear that you cannot do justice with all of them, you should marry only one.

'Adl or justice has not been defined in this verse. However, all the commentators of the Qur'an unanimously hold that justice in this verse means equality of treatment in food, clothing and lodgment. Mu'tazilite doctors hold that in addition to food, clothing and lodging there must be equal treatment in love and affection also.

There is almost consensus of opinion among all the scholars of the Qur'an that verse 3 of chapter 4 of the Qur'an permits polygamy. However, the injunction is in the nature of permission and not in the nature of order or command. The Qur'an simply permits its followers to contract plural marriages but it does not command them to do so. It also restricts the maximum number of wives at four and makes the permission subject to the condition that the husband must do justice with all the wives and deal with them equally. In my view there is another condition or proviso also and that is that the choice of wives for plural marriages must be from among the widows or orphan girls. It is only in this sense that the relevance of the opening sentence of this verse (4:3) is justified which reads: "And if ye fear that ye will not deal fairly by the orphans.....". If this sentence of the verse under discussion is read and considered with the preceding verse (4:2), the meanings become more clear. "Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof), nor absorb their wealth into your wealth. Lo! that would be a great sin. And if ye fear that ye will not deal fairly by the orphans, marry of the women, who seem good to you, two or three or four ...." (4:2 and 4:3). It is clear from this that the Qur'an is exhorting its followers to do justice with the orphans who are under their care. It is against this background that polygamy has been permitted so that they may be able to do justice with the orphans and treat them fairly by marrying the mothers or the sisters of the orphans and thus becoming their close relations. In that way they would feel and develop love, affection and tenderness towards the

orphans and would treat them kindly as if the orphans were their own children.

The Qur'an did not, in fact, introduce polygamy. That existed in pre-Islamic Arabia and also in the neighbouring communities. Al-Qur'an actually limited the number of wives, which was unrestricted among the pagans, to four and also subjected polygamy to a very strict condition of doing justice between the wives. Traditions of the Prophet of Islam also support this interpretation. It is reported that Gailan, the chief of Ta'if had ten wives when he accepted Islam. The Prophet (Peace be upon him) allowed him to keep four wives and divorce the rest. The Prophet (Peace be upon him) also declared: "When a man has two wives and he does not deal equitably between them, he will come on the Day of Judgment with a side hanging down." Thus, he enjoined upon his companions and followers who indulge in polygamy to deal equitably with their wives. Polygamy is justified in exceptional circumstances and in the following situations:

- a) First such exception is war. In case of war men are generally killed in large numbers. Thus the number of men is decreased while the number of females increases specially of helpless widows and orphans. If polygamy is not permitted to support the widows and the orphans and also to bring the unmarried women into marriage bond, it would lead not only to economic misery of many families but also to immoral practices like prostitution, adultery, sexual anarchy etc. Such a social disintegration can be averted only if a man is permitted by law to have more than one wife.
- b) The wife may be sterile and the natural desire for progeny may lead the husband to contract another marriage, who does not want to divorce the first wife but at the same time wants to have children.

- c) Some men may, by nature, be sexually very strong. So they cannot remain content with one wife. A woman is disabled on account of menses for almost a week in every month and besides that, pregnancy, delivery and weaning of the child is spread over almost a period of more than two years. During these periods, she is unable to meet the husband's biological needs. Hence the need of the husband for the second wife.
- d) The wife may be chronically diseased and unable to satisfy the sexual urge of her husband. In certain cases she may be able to perform marital obligations but her fragile health may not withstand pregnancies and child births. Hence a second marriage in such a situation may become a necessity.
- e) Dr. Hamidullah offers yet another interesting situation which justifies Islam's permission of polygamy. He says: "Supposing there is a case, in which a woman has young children, and falls chronically ill, becoming incapable of doing the household work. The husband has no means of employing a maid-servant for the purpose, not to speak of the natural requirements of the conjugal life. Supposing also that the sick woman gives her consent to her husband to take a second wife, and that a woman is found who agrees to marry the individual in question. Western law would rather permit immorality than a legal marriage to bring happiness to this afflicted home."
- f) It is also said that prostitution can be controlled by the introduction of polygamy.

## **Guardianship**

The term 'guardianship' means the guardianship of a minor regarding his person or his property. Islamic Law of guardianship has been developed by the jurists in the light of the verses of the Qur'an, the Sunnah of Prophet

Muhammad (PBUH) and the practice of companions of the Prophet. The law recognises three types of guardianship:

- 1) Guardianship of the minor in marriage: According to Islamic law, a boy or girl who is minor is not competent to enter into a contract of marriage, but he or she may be contracted into marriage by his or her guardian like father, grandfather, brother or mother.
- 2) Guardianship of the person of the minor: The mother is entitled to the custody of her male child until he has completed the age of seven years and female child until she has attained puberty. The right normally continues though she is divorced by the father of the child unless she marries a second husband in which case the custody shall belong to the father. A father is entitled to the custody of a boy over seven years of age and of an unmarried girl who has attained puberty.
- 3) Guardianship of the property of the minor: There are three class of the guardians of the property of the minor, namely: Legal or natural guardians; guardians appointed by the court, and de-facto guardians.

Age of puberty or the age when a minor attains majority has not been fixed by the Qur'an or the Sunnah. Views of the jurists differ a lot. Generally the age of puberty for the purpose of marriage is considered to be the age of fifteen years while for other purposes it is eighteen years.

## **II- Criminal Laws**

### **Murder**

Life is a trust of Allah and Allah has made it the most sacred. Therefore, the Qur'an regards the murder of one individual (save in the course of justice) as the murder of all

mankind. The Qur'an says: .... Whosoever kills a human being for other than man- slaughter or corruption in the land, it shall be as if he had killed all mankind and whoso saves the life of one, it shall be as if he had saved the life of all mankind – (5:32). The security of life is the most fundamental right of every human being. Human life is so sacred that it cannot be taken for any reason except in course of justice for manslaughter or for corruption (fitna) in the land. According to the Prophet of Islam, life of a man cannot be taken except for one of three reasons, namely: life for life, adultery by a married person and apostasy from religion.

The murder of human being is the greatest sin after the sin of 'shirk' (assigning partners with Allah) and is, therefore, unpardonable. It is the crime against humanity and it is the most heinous offence. The first of what will be decided on the Resurrection Day among the people will be about murder. Islam not only forbids committing of murder but has also forbidden committing of suicide with equal stress.

Islam has established perfect equality in the matter of punishment for the offence of murder. Punishment is equal for all irrespective of the status of the murderer or the murdered. Though, retaliation (Qisas) is prescribed in the matter of murder and physical injuries, yet the acceptance of blood money or giving pardon (afw) is also recommended.

For accidental murder or murder by mistake, there is no capital punishment. The murderer would, however, pay diyat (blood-wit or blood-money) to the heirs of the murdered and also free a believing slave. But if the offender cannot find a slave, he should fast for two consecutive months. Islamic law empowers the heirs of the victim to remit blood-money and pardon the assassin.



For intentional murder, Qisas or retaliation is allowed. In fact, for such murder, the heirs of the slain have three options, i.e. either to take Qisas and slay the murderer or to take diyat and accept blood-wit or to pardon and remit blood-wit as charity.

Where the murderer cannot be detected or found, blood-money shall be paid by the state from public treasury. Blood-wit is the same in case of intentional or unintentional murder.

## **Theft**

The term 'theft' has neither been defined by the Qur'an nor by the Sunnah. In the common parlance, theft means the act of depriving a person of his property dishonestly, stealthily and illegally. It is, thus, an act of taking other's property without any lawful claim to it. Protection of property is one of the fundamental rights of a citizen and the state is duty-bound to safeguard it from the encroachments of others. A thief infringes the right of a citizen with regard to his property and deprives him permanently of his hard-earned belonging. The Qur'an has prescribed very severe punishment of cutting off the hands of a thief to make him an example for others and thus create a deterrent effect.

The Qur'an has not prescribed any value of property the theft of which makes a culprit liable for the punishment of amputation of hands. However, Prophet Muhammad (PBUH) has fixed minimum value of property at one-fourth of Dinar or at three Dirhams for which the hands of a thief can be cut off. According to another version, the Prophet decreed that the hand of a thief shall not be amputated for a thing whose value is less than that of a shield. At that time the price of a shield, according to Ibn Abbas, was ten

Dirhams, according to Ibn Umar three Dirhams, and according to Ayesha one-fourth of a Dinar.

Generally the punishment of amputation of hands is not given for theft of food items, fruits, vegetables, eatables, dry wood, grass, hay, fish, milk, meat, cooked food, birds, animals grazing in forest, etc. No such punishment is awarded normally to one who steals in a journey, expedition or Jihad or to one who commits theft during a famine. A servant or slave who steals anything belonging to his master or a person guilty of stealing something from the house of a relative within prohibited degrees is not awarded punishment of cutting of limbs. Person guilty of stealing from public treasury or of misappropriation or of embezzlement or of corruption is also not liable for this punishment. Needless to say that such offences and such persons are, however, liable for Taazir (discretionary) punishment by the judge according to circumstances.

## **Adultery**

The Arabic word 'Zina' is used for illicit or unlawful sexual intercourse between a man and a woman who are not married to each other. This term stands both for adultery and fornication and does not make any difference between the two. In English language there is difference between adultery and fornication. Fornication stands for illicit relations between two unmarried persons; while adultery denotes unlawful sexual relationship between the persons, one or both of whom are married to other or others.

Zina (adultery and fornication) is the most abominable act and has been expressly made unlawful by the Islamic penal code. It is one of the gravest sins and one of the greatest crimes. The revealed book of Islam strictly prohibits its followers even from going near it because it is an abomination and evil way. It is one of the crimes liable for

hudood, the punishment for which has been prescribed in the Holy Qur'an and the Sunnah of the Prophet (PBUH).

The punishment for the offence of Zina has been prescribed by the Holy Qur'an (in its chapter 24 verse number 2) at one hundred stripes for each of the guilty parties. Thus the Holy Book of Islam has not made distinction between fornication and adultery and has laid down the punishment of one hundred lashes for a Zani (Adulterer) and for a Zaniah (Adulteress) who are guilty of this offence. The Sunnah of the Prophet (PBUH), however, makes distinction between fornication and adultery by treating the guilty persons differently on the basis of marital status. If person involved in Zina is unmarried, he or she is to be punished by one hundred lashes. But if a person guilty of this offence is married, he or she will be awarded punishment of stoning to death (rajm).

In case of rape, the man guilty of forcing the woman is punished while the woman subjected to rape is let off without any punishment.

For establishing the offence of Zina, the Qur'an stipulates (see verse 15 of chapter 4, and verse 4 and 13 of chapter 24 of the Holy Book) the direct evidence of four competent witnesses instead of the two required in all other judicial cases. The confession of a person four times is sufficient evidence for his conviction provided the confession is being made without any external pressure, coercion or duress, and also, provided the person making confession is not mad nor he is in the state of intoxication.

Once the offence of Zina is established beyond any doubt, punishment has to be awarded to the guilty parties. No compromise among the parties, no ransom or expiation, nor remorse or repentance, no pardon or reprieve, and no promise of good behaviour in future can avert punishment.

It has, therefore, been recommended that this offence should be concealed, if possible, not only by the persons involved but also by the people who know about it. Publicity of this evil in any case is undesirable.

When the offence of Zina is proved or established and decree of Hadd is issued, then the prescribed punishment against the culprits shall be executed publicly. No pity for the guilty parties can withhold the executioners of punishment from enforcing Hudood of Allah in accordance with the law.

A minor or mad or insane person or a lunatic, if involved in fornication, is not liable for Hadd.

To punish a married person guilty of adultery some additional conditions have to be fulfilled. The offender must have been legally married and must have consummated the marriage. It is also essential that the offender must have done the act of Zina under his own free will and not under pressure.

In case the adulteress is pregnant, she will not be punished till delivery. Even her punishment shall be postponed till the time when she has weaned her child and the child is no longer dependent on the milk of the mother only.

If the culprit is sick and he is likely to recover, then the punishment of flogging shall be postponed till his recovery. But in case the disease is incurable, then a bunch of one hundred twigs will be struck on his body in one go to absolve him of the liability of Hadd.

## **Wine-drinking**

Wine and other intoxicants have been prohibited by the Qur'an. The word used by the Qur'an in its verse 219 of

chapter 2 and verse 90 of chapter 5, is Khamr. The word 'Khamr' is derived from 'Khamara' which means 'he concealed' or 'obscured'. The 'Khamr' thus denotes every substance or intoxicating thing the use of which obscures or covers the intellect. Hence, the prohibition of intoxicant promulgated by this verse is not restricted merely to alcoholic drinks but also includes drugs which have a similar effect. This is the view based on many authentic traditions according to which the Prophet is reported to have declared: "Every intoxicant is unlawful". "Every liquor which intoxicates is forbidden". Every intoxicant is Khamr and every intoxicant is forbidden". The Prophet of Islam is also reported to have said: "Wine is made from grape-syrup, raisins, dried dates, wheat, barley, millet, and I forbid you from every intoxicant". According to another tradition, the Messenger of Allah forbade every intoxicant and everything which produces languidness. The Prophet also closed the door of taking wine calling it by another name when he said: "Some of my people will assuredly drink wine calling it by another name". The wine cannot be converted into vinegar and used. Umar is reported to have defined Khamr as everything that dulls the faculty of thinking.

Wine is the mother of many evils (Umul Khabaith). It is one of the major sins to drink it. According to a tradition of the Prophet of Islam, a person is not a believer at the time of drinking wine. Paradise has been prohibited for a habitual drinker. God accepts repentance of a drinker only for three times and when he takes wine for the fourth time after repentance, neither his prayer is accepted nor his repentance is accepted.

Despite condemning wine-drinking in unequivocal terms, the punishment for drinking has not been prescribed by the Holy Qur'an. In the Sunnah also, we do not find any definite punishment for this offence. In almost all cases of wine-drinking which came to the notice of the Prophet, the

Prophet ordered for beating of the offenders with shoes, sticks and hands. This punishment of beating of the culprit remained in force during the rule of Abu Bakr and early part of the caliphate of Umar. But according to another version, the sentence of 40 stripes was awarded during the times of Prophet Muhammad and Abu Bakr.

Umar, the second right-guided caliph of Islam, held consultations with the companions for fixing the punishment of wine-drinking as the incidence of such cases was rising. Ali said: My decision is that you should flog such a person by 80 lashes, for when he drinks, he becomes intoxicated, and when he becomes intoxicated, he muses, and when he muses, he tells lies. Umar agreed with Ali and thus punishment of 80 lashes was prescribed for wine-drinking.

## **Gambling**

The word used by the Qur'an for gambling is 'maisir' which literally means 'getting something too easily' or 'getting a profit without working for it'. Originally, it stood for a game or play with unfeathered or headless arrows. Gambling can briefly be defined as wagering money or other valuable things upon the outcome of an event or making money upon some chance. Thus it is a game of chance by which you either win or lose. The evil of gambling is in vogue since the time immemorial. According to a writer: 'Games of chance' are as old and as wide-spread as humanity....."

The extent to which gambling prevails in the modern world is difficult to assess. Most of it is centred in the horse racing. Dice and wagering are rightly included in the definition of gambling. Modern forms of gambling are lottery, betting, cross-word puzzles, card-playing (with bets), prize schemes, etc.

Gambling and all games of chance have been strictly prohibited by the Qur'an. According to the Qur'an, gambling, as wine-drinking, is devil's handiwork through which he seeks to cast enmity among the people and turns them away from remembrance of God. Gambling, like drinking, has been declared a major sin and followers of Islam have been enjoined to refrain from these evils. Thus gambling and all other games of chance are illegal in an Islamic society.

Although Islamic penal code recognizes gambling as an offence but no prescribed punishment (Hadd) has been fixed by the Qur'an or the Sunnah. Gambling is a crime and is cognizable by the courts of law in an Islamic state. Since no prescribed (Hadd) punishment has been fixed, therefore, according to the jurists, punishment for this offence is discretionary (Tazir). The judge (Qadhi) would award suitable punishment to a culprit keeping in view the nature and extent of crime by exercising his discretion judiciously.

### **III- Personal and Other Laws**

#### **Inheritance**

Islam's law of inheritance is very detailed and sometimes very complicated. It is not possible to do justice with it in a short space. In this section, therefore, only fundamental principles of law of inheritance, as laid down by the Qur'an and the Sunnah, are described.

1. It has been ordained by the Holy Qur'an in its verse number 7 and 8 of chapter 4, that the male as well as the female heirs are entitled to inherit the estate (according to their prescribed shares) left by their deceased parents and near kindred. It has been further enjoined upon the believers to bestow something on the

kinsfolk, orphans and the needy who are present at the time of division of the heritage.

2. The verse number 11 of chapter 4 of the revealed book of Islam prescribes the shares of the children (descendants) and parents (ascendants) of the deceased. These shares are:
  - (i) Share of the male child would be equal to the shares of two female children.
  - (ii) If there are two or more daughters but no son, the daughters would inherit two-third of the estate.
  - (iii) If there is one daughter and no son, the daughter would get one half of the heritage.
  - (iv) If the deceased has a son, his father and mother (each) would have one-sixth of inheritance.
  - (v) If the deceased have no son and (only) his parents are his heirs, then mother would get one third and the remaining portion would go to his father.
  - (vi) If the deceased has brethren (but no children) then his mother would get one-sixth and the balance would be inherited by his father.
3. Verse No. 12 of chapter 4 of the Holy Book of Islam prescribes shares of the husband and the wife. It also prescribes the shares of the distant kindred in case the deceased has no children and parents to survive him. These shares are mentioned as under:
  - (i) If the wife dies and leaves no child, the husband would inherit one half of her heritage.



- (ii) If the wife dies and leaves a child or children, then the share of the husband would be one fourth.
  - (iii) If the husband dies and leaves no child, the wife or the wives would get one fourth of his estate.
  - (iv) If the husband dies and leaves a child or children, then the wife or wives shall get one eighth of his heritage.
  - (v) If the deceased leaves neither parents nor children to inherit him, then his distant heirs shall inherit him.
  - (vi) If such a deceased is survived by a uterine brother or a uterine sister, then each of them shall get one sixth in his or her heritage.
  - (vii) If such a deceased is survived by more than two brothers and sisters on mother's side, then they will be sharers in one third of his or her heritage.
4. Verse No. 176 of chapter 4 deals with the division of inheritance of a person who is not survived by any child (and not survived by parents). In that situation, the distant kindred of the deceased would succeed him. The estate of such a person shall be divided as under:-
- (i) If a man dies childless and has a sister, her's is half the heritage.
  - (ii) If such a man has two sisters, then they would inherit two-third of the estate.
  - (iii) If such a man is survived by more brothers and sisters, then the heritage shall be divided among all on the basis of the principle that the share of

one male would be equivalent of the shares of two females.

5. The heritage of the deceased, which is to be divided among his legal heirs, is what remains after the payment of his debt and the legacy which he has bequeathed. However, the debt or the legacy should not be injurious to the rights of the heirs. It means that the deceased must not deliberately have contracted debt injuring the rights of the heirs or he must not have made a will of more than one third of his property or a will in favour of any legal heir without the consent of his legal heirs or other legal heirs as the case may be.
6. The rules of inheritance as laid down by the Sunnah of Prophet Muhammad (PBUH) are:
  - (i) Pay the fixed shares of inheritance to the persons entitled to them. What remains thereafter is for the nearest male person.
  - (ii) No Muslim inherits a non-Muslim nor a non-Muslim inherits from a Muslim.
  - (iii) The murderer shall not inherit (from one who has been murdered by him).
  - (iv) An illegitimate child will neither inherit from his (illegitimate) father, nor he will be inherited by him.
  - (v) Wife of the slain would be entitled to get her prescribed share in the blood-money of her husband.
  - (vi) When an infant child raises its voice, it will be treated as an heir.

## Will

The Arabic terms used in connection with the law of will are 'Wasiyyah' 'Musi', 'Musa lahu' and 'Wasi'. 'Wasiyyah' means will or bequest, 'Musi' means the testator who makes the will, 'Musa lahu' is the legatee in whose favour the will is made, and 'Wasi' stands for the executor who is charged with the responsibility of executing the will. The jurists have defined will as an endowment of property to a person (legatee) which takes effect after the death of the testator (maker of will). It may be made either verbally or in writing.

According to verses from 180 to 182 of chapter 2 of the Holy Qur'an, it is obligatory on every Muslim to make a will. It is a great sin that the executor or the hearers of will should change it. But if a person fears that the testator has made some injustice in the will and he makes some change or modification in the will with a motive to make peace between the concerned parties, then there is no sin for him. Before the revelation of the verses regarding the division of inheritance, it was prescribed that the will should be made in favour of parents and the near relations. It was also required that the will should be made regarding the wives that they should not be expelled from the houses of their husbands and they should be provided maintenance for an year after the death of their husbands.

At the time of making of the will, presence of two witnesses, who are from tribe of the testator and are just men, is essential. However, if the maker of will is away from home being on a journey or in Jihad and his death approaches he is allowed to make others as witnesses. But if such witnesses are later on suspected to be liars, then they can be replaced by another two witnesses who are more truthful.

The Qur'an has not fixed any upper or lower limit upon the quantity or amount of property which can be willed. However, Prophet Muhammad (peace be upon him) prescribed that one should not make a will for more than one-third of his property. But there is no minimum limit. In view of the Sunnah of the Prophet, the Shariah has laid down that none should make a will of more than one-third of his property so that the rights of his legal heirs may not be adversely affected. It has been also laid down that will cannot be made in favour of an heir to the exclusion of other heirs. Thus, will is generally made in favour of strangers i.e. in favour of those who are not otherwise entitled to inherit the property of the testator.

## **Contract**

The Arabic word for contract is 'Aqd' which literally means conjunction or tie. In the language of law it signifies conjunction of elements of disposition i.e. proposal (ejab) by one party and acceptance (Qabul) by the other. For validity of the contract, the conditions are: the persons who enter into contract should be legally competent; there should be free consent of the parties to contract; consideration is an important factor in a contract, and physical transfer of the thing involved from one party to the other is essential. Evidence of two witnesses is also a basic requirement of a valid contract. Islamic law of contract has been laid down in detail by the Holy Qur'an in its verse 282 and 283 of Chapter 2. Although the Holy Qur'an mentions in these verses only those contracts which relate to debt and exchange of merchandise, yet the law laid down in the said verses is general in nature and embraces all lawful contracts executed between the parties relating to various activities. The main points of the law of contract in the light of the teachings of the Qur'an and the Sunnah are:

1. When you contract a debt for a fixed term, record it in writing.
2. Let a scribe, whom Allah has taught how to write, record it in writing with equity for the parties concerned. He should not refuse to write.
3. Let the one who incurs the debt give dictation to the scribe for writing down the documents. He should fear Allah and should neither omit nor add anything to the terms which have been settled between him and the creditor. While giving dictation to the scribe, he should act fairly and honestly.
4. If the debtor is of low understating or is unable to give dictation for any other reason, then his guardian shall honestly dictate the terms which have been settled between the parties.
5. The documents of contract should be testified by two male witnesses or by one man and two women. The witnesses should be from among you i.e. they should be Muslims. They should be of good moral character, reliable, steadfast and honest. When the witnesses are asked to testify, they should not refuse.
6. The scribe and the witness should not be harassed.
7. In verse 283 of its chapter 2 the Qur'an lays down law of mortgage. If you are on a journey and cannot find a scribe to write down the contract, then get loan or debt against the security or pledge of something in hand such as some goods or belongings. But if one does some business or gives some loan without any pledge in hand merely on the basis of trust, then the one who is trusted should fulfil his trust and fear God.

8. Writing down of contracts of loan is so much important that the Prophet of Islam is reported to have said that those who lend money to others without any document or evidence are not helped by Allah when they cry for help in case of non-recovery of such loan.
9. The Prophet (PBUH) has enjoined upon those who enter into some agreement, pact, pledge or covenant that they should fulfil the terms thereof. Those who do not fulfil their trusts or promises are not reliable and have no religion.
10. The Prophet (PBUH) has forbidden the creditor to accept any gift or any favour from the debtor after giving him loan as it would be considered usury unless the practice of exchanging gifts or accepting favour was prevalent between them previously.

## **Food Laws**

According to Islam it is the exclusive prerogative of God to declare a food item as lawful and permitted (Halal) or as unlawful and forbidden (Haram). All pure and wholesome food lawfully earned such as sea food, fruits, vegetables, pulses, corn, meat of permitted (Halal) animals slaughtered in the name of Allah, is allowed. Forbidden items of food have been clearly mentioned by the Qur'an in some of its verses and by the Prophet of Islam in some of his traditions. The Holy Qur'an for example, says: "O ye who believe! Eat of the good things wherewith we have provided you, and render thanks to Allah if it is (indeed) He whom ye worship. He hath forbidden you only carrion, and blood, and swine flesh, and that which hath been immolated to (the name of) any other than Allah. But he who is driven by necessity, neither craving nor transgressing, it is no sin for him. Lo! Allah is Forgiving, Merciful" (2:173-174).

Following items of food have been forbidden by the Qur'an and the Sunnah:

1. All animals and birds which die of themselves without being slaughtered in the name of Allah. These include animals strangled to death, or beaten to death or killed by a fall or attacked by horns and killed, or torn to death by beasts.
2. Blood
3. Swine – flesh.
4. Food on which Allah's name is not taken or meat of even lawful animal which is not slaughtered in the name of Allah, or which is slaughtered in the name of other than Allah.
5. Everything which is offered to idols.
6. All beasts and birds of prey i.e. all quadrupeds that seize prey with teeth such as lions, tigers, leopards, jackals, etc, and all birds such as hawks, kites, crows, raven, etc. which attack with claws.
7. All unclean things repugnant to health and morality. These include dogs, cats, mules, horses, asses, lizards.
8. Wine and all other intoxicants.
9. All the food items though lawful but acquired by unlawful means.

Principle of necessity, however, makes temporarily an unlawful thing lawful. However this principle can be applied only where there is real necessity and not merely an excuse. For example if someone is dying of hunger and he has

nothing to save his life except a dead animal or swine-flesh to eat, then he can take it. Similarly a sick person can take alcohol or wine provided a doctor certifies that he would die if he is not instantly given that. According to the Qur'an following two conditions should be kept in view while making use of a haram thing:

- (a) that it should not be taken with a view to rebel against Allah or to break the law of Allah and
- (b) that it should be taken only in a minimum possible quantity just with a view to save life.



## **CHAPTER 5**

### **JUDICIAL SYSTEM**

#### **I- Concept of Justice**

##### **What is Justice?**

The administration of Justice, according to the unanimous view of political philosophers of all ages, is the foremost and fundamental duty of a state. States cannot survive without the proper establishment of justice as oppression and tyranny cannot provide enduring basis for their survival. Hence, the dispensation of justice between the ruler and the ruled, between one citizen and the other, between the oppressor and the oppressed, between the wrong-doer and the wronged one, between the plaintiff and the defendant, has been the hallmark of viable states. Good and evil have co-existed since fall of Adam from Paradise. Justice requires suppression of evil and establishment of good. Clash of interests leads to disputes which need to be decided for the peace and prosperity of society and the state.

Despite the fact that justice is one of the most fundamental values of humanity, the philosophers and jurists have not been able to agree on a definition of justice. Justice means different things to different people at different times. Aristotle talks of 'distributive' justice, 'corrective' justice or 'remedial' justice and 'general' justice. According to St. Thomas Aquinas, justice "is a habit whereby a man renders to each one his due by a constant and perpetual will". According to some other philosophers, justice is an irrational ideal which cannot be defined. According to them, justice is what we think and not what it really is. Justice, in the opinion of many Muslim Jurists,

means to equalize, to give one what is exactly due to him i.e.. equal to what he deserves. Giving of less than due is injustice (or 'Zulm'), while giving of more than due is good (or 'Ehsan').

## **Islam and Justice**

Islam, as the religion of humanity, attaches great importance to establishment of justice and the suppression of tyranny. One of the fundamental objectives of the Islamic state, according to the Qur'an, is to dispense justice without fear and favour and in fair and equitable manner. The Qur'an emphasizes the fact that one of the basic objectives of Allah in sending the Prophets and revealing the books is 'that the mankind may stand forth in justice'. Justice is a sacred trust in Islam and this trust is to be discharged most honestly, fairly and impartially. Dispensation of justice is regarded as one of the most important duties after belief in God. It constitutes one of the most important acts of devotion.

However, before we discuss the system of administration of justice in Islam, let us have a look upon the relevant verses of al-Qur'an, the revealed book of Islam, and Ahadith and Sunnah of Muhammad (PBUH), the Prophet of Islam.

- Lo! Allah commandeth you that ye restore deposits to their owners, and, if ye judge between mankind, that ye judge justly. Lo! comely is this which Allah admonisheth you. Lo! Allah is ever Hearer, Seer. (4:An-Nisa:58)
- Lo! We reveal unto thee the Scripture with the truth, that thou mayst judge between mankind by that which Allah showeth thee. And be not thou a pleader for the treacherous; (4:An-Nisa:105)
- O ye who believe! Be ye staunch in justice, witnesses for Allah, even though it be against yourselves or (your)

parents or (your) kindred, whether (the case be of) a rich man or a poor man, for Allah is nearer unto both (than ye are). So follow not passion lest ye lapse (from truth) and if ye lapse or fall away, then lo! Allah is ever informed of what ye do. (4:An-Nisa:135)

- O ye who believe! Be steadfast witnesses for Allah in equity, and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty. Observe your duty to Allah. Lo! Allah is Informed of what ye do. (5:Al-Ma'idah:8)
- O my people! Give full measure and full weight in justice, and wrong not people in respect of their goods. And do not evil in the earth, causing corruption. (11:Hud:85)
- Lo! Allah enjoineeth justice and kindness, and giving to kinsfolk, and forbiddeth lewdness and abomination and wickedness. He exhorteth you in order that ye may take heed. (16:An-Nahl:90)
- O David, Lo! We have set thee a viceroy in the earth; therefore judge aright between mankind, and follow not desire that it beguiles thee from the way of Allah.....(38:Sad:26)
- We verily sent Our Messengers with clear proofs, and revealed with them the Scripture and the Balance, that mankind may stand forth in Justice..... (57:Al-Hadid:25)
- Abu Bakrah reported: I heard the Messenger of Allah say: No judge shall pass a decree between two men while he is angry. (Bukhari, Muslim)
- Abdullah-bin-Amr and Abu Hurairah reported that the messenger of Allah said: When a judge wishes to pass a decree, and then strives hard and decides justly, there are two rewards for him; but when he wishes to pass a

decree, and then strives hard but commits mistake, there is one reward for him. (Bukhari and Muslim)

- Abu Hurairah reported that the Prophet said: Whoso is appointed a judge among men has indeed been slaughtered without a knife. (Ahmad, Tirmizi, Abu Daud, Ibn Majah)
- Ali reported: The Messenger of Allah sent me to Yemen as a Judge. I said: O Messenger of Allah! you are sending me while I am young in years and I have no knowledge of judgeship. He said: verily Allah will soon give guidance to your heart and make your tongue firm. When two persons come to you for decision, don't give decree in favour of the first till you hear the argument of the other, because that is more necessary that decision may become clear to you. He said: I had afterwards never entertained any doubt in decisions. (Tirmizi, Abu Daud, Ibn Majah)
- Abdullah bin Amr reported that the messenger of Allah said: Verily the just persons near Allah will be upon pulpits of light on the right side of the Merciful. (Muslim)
- Mu' adh b. Jabal told that when God's messenger sent him to Yemen he asked him how he would judge when the occasion arose, and he replied that he would judge in accordance with God's Book. He asked what he would do if he could not find guidance in God's Book, and he replied that he would act in accordance with God's messenger's Sunnah. He asked what he would do if he could find no guidance in God's messenger's Sunnah, and he replied that he would do his best to form an opinion and spare no pains. God's messenger then tapped him on the breast and said, "Praise be to God who has disposed His messenger's messenger to

something with which God's messenger is pleased!" (Tirmidhi, Abu Daud and Darimi)

- Umm Salamah reported that the Prophet said: I am only a man and you bring your disputes before me (for decision). Perhaps some of you may be more eloquent with his arguments than others that I may give decree in his favour according to what I hear from him. Whoso is, therefore, given a decree by me on account of something out of the properties of his brother, he shall not take it. For I am granting him only a portion of fire. (Bukhari, Muslim)
- Amr-bin Shuaib reported .... that the messenger of Allah said: Proof is upon the plaintiff and oath is upon the defendant. (Tirmizi)
- Ayesha reported that verily as for the Quraish the affair of a woman of Mukhjumiyyah tribe who had stolen-gave them much anxiety. They said: Who will plead for her to the messenger of Allah? They said who will dare it than Osamah, son of Zaid, who is a favourite of the messenger of Allah? Then Osamah pleaded to him. The messenger of Allah said: You plead for a crime out of ordained crimes of Allah! Then he got up and delivered sermon. Afterwards he said: Verily those who were before you were destroyed, because when a noble man from them committed theft, they let him off, and when a weak man committed theft from among them, they executed sentence on him. By Allah, had Fatima daughter of Muhammad (PBUH), committed theft, I would have cut off her hand. (Bukhari, Muslim)

## **Views of Muslim Thinkers**

Jurists and political thinkers of Islam like Ibn Abir'-Rabi, Nizam-ul-Mulk and Al-Ghazzali have very high vision of justice. According to Ibn Abir'-Rabi, justice is the correctness of all action and is based on the happy means

between the thinking faculty and the animal nature in man. It consists in putting everything in its proper place and giving everyone his due. Administration of justice is a function of government which is on a higher plan than other functions. For qualifications of a Qadhi, Ibn Ab'r-Rabi says:

- a) Judge should be God-fearing and at the same time should have a dignified demeanour;
- b) He should have sound commonsense and be conversant with the best of judicial literature;
- c) He should bear an absolutely irreproachable character;
- d) He should not deliver judgments before he is satisfied that full proof has been laid before him nor err in his judgment when sufficient evidence has been produced;
- e) He should be fearless in awarding what is right and due;
- f) He should not accept any present nor hear any recommendation;
- g) He should never see any party in private;
- h) He should rarely smile, and speak little;
- i) He should never ask any party to do him any favour; and
- j) He should take great care to protect the property of the orphans.

**Al-Ghazzali** relates how Khalifah 'Umar bin 'Abdul-'Aziz asked the definition of justice from Muhammad bin Ka'b of Cordova, to which the savant replied that real justice was dealing with the inferiors like a father, with superiors like a son and with equals like a brother and to award punishment only according to the wrong done and the power to bear it. He quotes 'Ali that the best judge is he who is not prejudiced in his decisions from personal desires, or by any leaning

towards his relations, fear or hope, but takes a natural attitude towards all that come before him.

According to Nizam-ul-Mulk Tusi, the first and foremost duty of the king towards his subjects is to dispense justice. Justice, in his view, is a religious duty, and he lays much stress on its importance for state and society. Justice brings progress and prosperity for a state while tyranny leads to chaos and destruction. To highlight the significance of justice for the existence of a state, Nizam-ul-Mulk quotes the saying: "A state can continue to exist notwithstanding impiety, but it cannot exist with tyranny." According to him, a king must remember that God, the Almighty, would be pleased with him only when he treats his people with kindness and justice. He advises the king to appoint men of sound understanding and knowledge of Shariah as Qadhis who should be able to dispense justice in accordance with Islamic law. The Qadhis should be paid handsome salaries so that they should not be tempted to bribery and corruption. Thus he gives the idea of integrity, impartiality and independence of judiciary which is claimed by the western scholars as a product of modern theory of justice.

## **II- Judge and Administration of Justice**

Administration of justice in the history of Islam is known as "Qadha". Qadha is an Arabic term which has several meanings. Literally, it means "he finished a thing entirely". It, thus, stands for complete and final decision of a thing. The word "Qadha" as used in the Holy Qur'an at various places, carries various connotations such as; to intend, to fulfil, to fix a limit, to perform a religious duty, to give a judgement, to kill etc. However, in Fiqh books "Qadha" has been used for adjudication of disputes, for issuance of decrees and for judicial decisions. The person who performs this work and makes judicial decisions is called a "Qadhi". Thus the Qadhi is a person who performs the duty of deciding disputes. Sometimes such a person is also called

'Hakam' or 'Hakim' but generally these terms are used for an arbiter and a ruler respectively.

1. **Qualifications of a Qadhi:** A lot of discussion has been made by the Muslim jurists like Ibn Jarier al-Tabari, Ibn Qudama, Ibn Farhun, al-marghinani, etc. about the qualifications of a Qadhi. Some jurists have prescribed as many as thirty or more conditions of eligibility, while some of them have fixed only a few conditions. Generally a candidate for the post of a Qadhi should possess the following qualifications in order to be eligible:-

- a) **Must be a Muslim:** The Qur'an says: O ye who believe ! Obey Allah, and obey the messenger and those of you who are in authority .....(4:59). Ulul amr or those of you who are in authority also refers to the Qadhi who decides disputes between the litigants in an Islamic state. Thus a Qadhi or a judge in an Islamic state must be a Muslim. However, Imam Abu Hanifa states that a non-Muslim can be appointed as a judge to perform judicial work among his co-religionists. But al-Mawardi does not allow a non-Muslim to be a judge even in the disputes of non-Muslims.
- b) **Should be sane and adult:** A Qadhi should be sane, adult and a man of sound judgement. An insane person or a minor who has not attained age of puberty cannot be appointed as Qadhi. He should not suffer from physical defects pertaining to his power of speech, hearing and sight. However, Imam Malik says that a blind person can also be appointed a Qadhi as blindness is no disqualification.
- c) **Must be a free citizen:** In order to qualify for the post, a person must be a free citizen of the Islamic state. Jurists like Ibn Qudamah and Ibn Farhun think



that only a free Muslim adult citizen of the Islamic state can exercise the functions of a judge. However, some other jurists argue on the basis of a tradition according to which the Prophet of Islam exhorted his followers to obey the Amir even if he happens to be a mutilated slave, that a slave can be appointed as Qadhi.

- d) **Should be of good character:** A Qadhi must be a pious person having excellent moral character. His integrity and honesty must be above doubt. He should not have been convicted of any crime. According to Hidayah, he must possess the qualifications of a witness which require integrity of character. Many jurists are unanimous in the view that a fasiq (a person of loose character who is guilty of committing major sins) cannot be appointed as Qadhi.
- e) **A man or a woman:** According to some Hanbali jurists like Ibn Qudamah and Maliki jurists like Ibn Farhun, only a man can be appointed to exercise the functions of a Qadhi. They quote a tradition attributed by Abu Bakarah to the Prophet of Islam that "a people who entrust their affairs to a woman cannot prosper" and say that a woman cannot become a Qadhi or judge. However, there are some other jurists who opine that a woman can exercise judicial functions as her evidence is admissible in many cases and she is capable of issuing a fatwa. Imam abu Hanifa is of the opinion that a woman can be appointed a Qadhi only in those cases in which her evidence is admissible. But al-Tabari pronounces that a woman can be appointed as a judge without any restrictions.
- f) **Should be a learned person and well-versed in Islamic law:** A Qadhi must be a learned person and

must be well-versed in Islamic law. He should have sound knowledge of the Qur'an and the Sunnah and must be well conversant with the opinions of Muslim jurists. According to some fuqaha, he should be a mujtahid. Their view is that a person who is incapable of exercising Ijtehad, does not understand Qiyas and other means of inferring or deducing Islamic law and does not have sound knowledge of Arabic language cannot be appointed as a Qadhi. Imam Malik, Ibn Qudamah, Imam Shafii and jurists of Shia School of thought hold that only a mujtahid is competent for the office of a Qadhi. However, Imam Abu Hanifa and his followers say that the qualification of being a mujtahid is merely preferable and not essential or indispensable.

2. **Qualities of a Qadhi:** According to the author of al-Mughni, Caliph 'Ali is reported to have said that a person cannot become a qadhi, in the true sense of the word, unless he possesses five qualities; i.e. he is pious, sober, possessing the knowledge of the past events, consulting the wise and fearing Allah and none else.
3. **Code of conduct for a Qadhi:** Muslims jurists, in the light of the Qur'an and Sunnah, the conventions of the right-guided caliphs and practice of good Qadhis, have recommended the following code of conduct for a Qadhi:
  - i. The Qadhi should perform the work of dispensation of justice and adjudication when he is in good frame of mind. We have already quoted a tradition of the Prophet (PBUH) that no Qadhi should pass a decree between two men when he is angry. According to another Hadith, the Prophet (PBUH) is also reported to have said that a judge should not decide cases when he has not taken his meals (when he is hungry). From these Ahadith, it has been inferred

that a judge should not adjudicate when he is tired or sad or angry or hungry or suffering from pain or is indisposed, etc.

- ii. Before coming to a decision or announcing judgement, a Qadhi, should hear both the parties with patience. According to a tradition already reproduced, Hadrat Ali was advised by the Prophet (PBUH), when he was sent to Yemen as a Qadhi, that he should not pass judgement between two persons unless he has heard both of them.
- iii. The Qadhi should give equal treatment to the parties who bring their disputes to him for decision. The Prophet of Islam is reported to have said that if one of you is appointed as Qadhi, let him give equal treatment to the parties with respect to their sitting arrangement, in respect of giving attention to them or in respect of even looking towards them. Thus, the Qadhi must not show any sign or gesture towards any party appearing in his court which gives suspicion that he is favourably inclined to that party. Caliph Umar once snubbed a Qadhi before whom he appeared in a case as the Qadhi tried to show the Caliph respect by standing up in his honour. A Muslim Qadhi is, therefore, obliged to be completely impartial.
- iv. While performing judicial functions, a Qadhi should not smile to anyone, nor he should joke with anyone as this would not only create suspicion but would also destroy the proper awe and respect due to his august office.
- v. Needless to say that a Qadhi must be very honest and that he should not be tempted by bribery or any other offers. The Qur'an prohibits giving bribe to judges when it says: "And eat not up your property

among yourselves in vanity, nor seek by it to gain the hearing of the judges that ye may knowingly devour a portion of the property of others wrongfully (2:188). The Prophet of Islam is also reported to have cursed the bribe-taker and the bribe-giver. According to another oft-quoted tradition the Prophet (PBUH) said that one who gives bribe and one who takes bribe are both in Hell.

- vi. A Qadhi must not accept presents or gifts as the acceptance of gifts by a public functionary, according to the Prophet (PBUH), is *ghulul* (misappropriation). However, some jurists are of opinion that a Qadhi can accept presents from his close relations and also from his friends who used to give him presents before his appointment as Qadhi. But the best course is that he must avoid gifts as they are a way to bribery.
- vii. A Qadhi must not attend feasts and entertainments except those which are general. Particularly he must discourage and avoid those feasts which the people want to arrange in his honour. However, a Qadhi can attend the funeral and visit the sick.
- viii. No particular dress has been prescribed for a Qadhi, However, it has been recommended by the jurists that a Qadhi must appear in his court in his best and the most dignified attire. This recommendation is based on the practice of the Prophet (PBUH) who used to wear a black turban or a fine gown whenever he received envoys.
- ix. A Qadhi should not indulge in any trade or business and must avoid going to the market for purchase or sale. A Qadhi should also avoid transactions like lending or borrowing as its effects are related to his office and position.

- x. A Qadhi should not take cognizance of the cases of his children, parents, brothers and sisters, or other near relatives, which can create doubts or aspersions on his impartiality. Thus, he cannot accept cases of those relatives, according to the opinion of some jurists, in whose favour he cannot appear as a witness. He should also avoid hearing of cases of his enemies. He should not contest his own case. Instead, he should appoint an attorney.
4. **Powers and functions:** The primary function of a Qadhi is to dispense justice. He is obliged to decide cases and disputes between the parties. He may do it by pronouncing judgements or by arbitration. He is required to show exemplary impartiality, fairness and sense of justice while adjudicating the cases between the high and the low, between ruler and the ruled, between the rich and the poor and, above all, between the relative and the stranger.

However, in addition to the dispensation of justice, the Qadhi has been traditionally entrusted with some other functions such as:

1. Supervision of the subordinate law officers and subjudges within his jurisdictional limits.
  2. Implementation of his decrees and judgements by calling upon the guilty to satisfy the judgement given against him.
  3. The appointment of guardians for minors and lunatics.
  4. Administration and supervision of waqf properties.
  5. Execution of wills of the deceased.
5. **Position and status:** A Qadhi enjoys a very high and dignified status in an Islamic state. Since the post of a

Qadhi in an Islamic society is essential for peace and dispensation of justice is regarded as one of the best acts of devotion, some Shafites assign status to the Qadhi as equal to the caliph in respect and esteem. The Prophet of Islam is reported to have said that there is no envy except for two; a man whom Allah has given wealth and spends it in His way, and a man who has been given wisdom and he imparts justice by means of it and spreads it.

The religious character of his office made the position of the Qadhi very respectable. Sometimes he was appointed by the rulers to carry out religious functions and preside over Friday prayers. He also assumed importance in political field as his concurrence was regarded essential to lend religious legitimacy for accession or deposition of a king or to justify the imposition of a tax.

6. **His emoluments:** Handsome salaries and remunerations are paid to a Qadhi lest he should be tempted to accept bribe and do injustice. Though, no standard of remunerations has been prescribed by the Qur'an or the Sunnah of the Prophet (PBUH), yet the pieces of historical evidence collected by the historians of early Islamic state reveal that the right-guided caliphs paid respectable salaries and allowances to the Qadhis. In the period of Caliph Umar, a Qadhi was paid one hundred Dirhams and an amount of wheat compatible with his needs. The same standard continued during the reign of third and fourth caliph. Caliph Ali, in his letter to a governor, advised him regarding a Qadhi. "... and spend on him with a bountiful hand that removes his ills and minimizes his needs unto people. Confer on him such a position that even your most chosen persons do not enjoy."

7. **His appointment and deposition:** A Qadhi is appointed by the caliph or the head of Islamic state from among the persons eligible for the post on the basis of learning, excellent character, honesty, trust-worthiness and dedication. Once appointed, the Qadhi becomes independent in his job and the appointing authority cannot interfere in his judicial functions. Though an appointing authority can depose a Qadhi on strong charges of corruption and misconduct, yet ordinarily he is not removed from his post at the discretion of the appointing authority. A Qadhi continues in his office even after the demise of the appointing authority and no fresh appointment is required.

However, a Qadhi, on his own account, may resign from the post by tendering his resignation to the appointing authority.

### **III- Law and Procedure of Evidence**

The law of evidence which has been derived by the jurists and the scholars from the Qur'an and the Sunnah as well as from the exercise of Ijtehad is discussed briefly as follows:

1. Evidence is essential in contracts, business transactions, purchase and sale of goods and property. It is also required to establish a claim, to prove an offence, to hand over property to an orphan when he attains majority, to contract marriage, etc. Evidence of four witnesses is required in case of proving adultery, while in other matters evidence of two witnesses is needed.
2. The witness should be fair, just and impartial in his evidence. He should honestly and steadfastly give his evidence though it goes against his own interests or goes against the interests of his nears and dears.
3. The evidence of the following persons is inadmissible:

- (i). That of a treacherous man and a treacherous woman.
  - (ii) That of one who has been whipped for an ordained crime.
  - (iii) That of one who has enmity with the accused.
  - (iv) That of a slave in favour of his master.
  - (v) That of a relative in favour of a relative.
  - (vi) That of a person who is under obligation to the plaintiff or the defendant.
  - (vii) That of a fornicator and fornicatress.
  - viii. That of one who is dependent on a family (in favour of that family)
  - (ix) That of criminals like slanderers, murderers, thieves, dacoits, wine-drinkers, public singers, prostitutes, usurers, heretics.
  - (x) That of a person who has been convicted for the offence of Qazaf (levelling of false allegation).
4. False evidence is one of the major crimes and cardinal sins. It is equal to shirk (holding partner unto Allah) which is an unpardonable sin.
  5. At the time of giving evidence, man who is witness can be made to swear by Allah except Whom there is no God that he would speak truth and hide nothing.
  6. Regarding the Islamic institution of purification of witnesses, Dr. Hamidullah writes: "As for the administration of justice among Muslims, apart from its simplicity and expedition, the institution of the "purification of witnesses" is worth mentioning. In fact, in every locality, tribunals organize archives regarding the conduct and habits of all the inhabitants, in order to



know, when necessary, whether a witness is trustworthy. It is not left only to the opposite party to weaken the value of an evidence. The Qur'an (24:4) has said that, if someone accuses the chastity of woman and does not prove it according to the judicial exigencies, not only is he punished, but is also rendered, for ever, unworthy of testimony before tribunals"

In its Verse no 282 of Chapter 2, the Qur'an equates evidence of two women to that of one man in the matters relating to contracts of debt and the reason given by the Qur'an for that is: if one of the two women forgets the other should remind her. Mr Ahmad Ali, in his commentary of the Qur'an, explains this injunction as follows:

"The verse deals with a special kind of monetary transaction, as the word *dain* signifies. Generally translated as 'debt' *dain* also means, as here, bill of hand' which would be called 'letter of Credit' today. The conditions of an LC can be very tricky and complicated, and are often missed even by experienced businessmen and legal experts. That is why, perhaps, the Qur'an emphasises that the terms of the contract should be written down, preferably by a well-versed scribe, who would today be equivalent to lawyer. There being no established courts of law at that time, the Qur'an suggests a further safeguard of having witnesses to the deal namely, two men, and in case two men are not available, one man and two women of whom only one, in reality, is the witness, the other being just her helper in case she gets confused. That is why the role of the second woman is so clearly defined. These precautions have not been suggested in the case of simple transaction face to face about merchandise, mentioned in the later part of the verse, and the simple way of pledging the goods against the loan is considered sufficient. The presence of two women does not mean that both are witnesses, or that the evidence of one woman is half of that of a man. In no other place in the Qur'an two women have been suggested as witnesses

except here, because this is a case of special transaction and women, not being adepts at business, were more likely to get confused than men."

## CHAPTER 6

### POLITICAL SYSTEM

#### I- Distinctive Features

Islamic political system, like any other political system of the world, has got some features which distinguish it from others. Some of these distinctive features of Islamic political order are briefly underlined below:

##### **Sovereignty belongs to God**

This is the first feature of Islam's political system which distinguishes it from a secular political system.

The word Sovereignty is derived from the Latin word 'Supernus' which means supreme. Although the political scientists do not agree on one definition of sovereignty yet they recognize it as the supreme political power in a state which is absolute, permanent, exclusive, indivisible, all-comprehensive and subject to none. Despite its importance, there is also no unanimity of opinion about the locus of sovereignty. According to some Roman Jurists of old, the emperor was sovereign; according to British jurists, Parliament is sovereign being representative of people; according to socialists, sovereignty lies in proletariat class; but many modern political scientists place sovereignty in the whole people.

Islam has solved this controversial issue of sovereignty very amicably. Islam does not place sovereignty in a king or parliament, in an individual or people, in bourgeois class or proletariat, but in God who is Absolute Sovereign being Lord of the whole universe. According to Islam, Allah alone is Sovereign and Absolute Ruler of the whole universe. He is the Creator, the Sustainer, the Cherisher, the Nourisher, the

Regulator, the Perfector, the Law-Giver, the Supreme Judge, the Supreme Lord and the Most powerful. Sovereignty in all its dimensions is for Allah only. Power of command and rule in the heavens and the earth, in state or society, indeed in the whole of universe belongs to Him and Him alone. The totality of power and authority in all aspects is God's right and none is His partner in this right.

The Islamic concept of sovereignty, as propounded by the Qur'an is a fundamental principle of Islamic political system. From sovereignty of God, the Qur'an means that Allah must be recognized as the sovereign, the Ruler, the Judge and the Law-Giver in the moral, social, cultural, economical and political life. In other words, the Divine Law or the Qur'anic Law is supreme.

Some of the verses of the Qur'an which highlight Islamic concept of sovereignty of God are:

- Knowest thou not that it is Allah unto Whom belongeth the sovereignty of the heavens and the earth; and ye have not, beside Allah, any friend or helper? (2:Al-Baqarh:107)
- Say: O Allah! Owner of sovereignty! Thou givest sovereignty unto whom Thou wilt, and Thou withdrawest sovereignty from whom Thou wilt. Thou exaltest whom Thou wilt and Thou abasest whom Thou wilt. In Thy hand is the good. Lo! Thou art to do all things. (3:Al-Imran:26)
- Unto Allah belongeth the Sovereignty of the heavens and the earth. Allah is Able to do all things. (3:Al-Imran:189)
- Blessed is He in Whose hand is the Sovereignty, and He is Able to do all things. (67:Al-Mulk:1)

## **Man viceroy on earth**

The Holy Qur'an says: "And when thy Lord said unto the angels: Lo! I am about to place a viceroy in the earth, they said: Wilt Thou place therein one who will do harm therein and will shed blood, while we, we hymn Thy praise and sanctify Thee? He said: Surely I know that which ye know not." (2:30)

From this verse of the Holy Qur'an it is abundantly clear that the position of man on earth is not that of a sovereign but it is that of a Caliph. Allah has appointed man as caliph on earth. Caliph generally means one who succeeds after the other. In this sense man cannot be called as caliph of Allah because God is ever-living and man cannot succeed Him. Caliph also means a deputy, a delegate, a viceroy or a vicegerent. Since man is the holder of delegated powers, he is caliph in this sense.

Allah appointed Adam a caliph or vicegerent on earth. Adam being the caliph, the notion of vicegerency is applicable to every human being of whom Adam is the father. The descendants of Adam as a whole are therefore caliphs or vicegerents on earth. Thus the vicegerency or viceroyalty is not vested in one individual or family or tribe or race, but in the whole Muslim community in an Islamic state. It means Islamic concept of vicegerency is that of 'collective' or 'popular' vicegerency.

Islamic concept of 'popular vicegerency' has led to the establishment of perfect equality of all citizens in an Islamic state. A society in which every member of community is a caliph of Allah and equal participant in caliphal responsibilities, can hardly afford any discriminations based on race, colour, wealth, place of birth, language, class or social status. No individual in an Islamic state feels any disability on account of any prejudice based on birth or social position. He is equal to any other member of the

community and enjoys equal opportunities for progress. The criterion of superiority in the Islamic social order is personal merit and pious conduct. The revealed book of Islam says: "O mankind! Lo! We have created you male and female. And have made you nations and tribes that ye may know one another. Lo! the noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower Aware". (Al-Qur'an 49:13). The Prophet of Islam repeatedly and explicitly asserted this point on every occasion and especially on the occasion of his Farewell pilgrimage when he declared: "No one is superior to another except on the basis of pious conduct. All human beings descended from Adam and Adam was made of clay." Therefore, in an Islamic state, all the members of Muslim Ummah (community) have equal socio-political rights. They can equally participate in governmental matters because everyone is caliph of God having equal constitutional rights. Everyone has the right to vote, the right to contest elections, right to seek for public or representative office and right to become even head of state. No inherent privilege or vested right on the basis of any discrimination or prejudice is available to anyone under an Islamic constitution. All the citizens are granted basic human rights including the right of freedom of expression.

This concept of popular sovereignty and political equality of all cuts at the roots of discriminations based on race, tribe, colour, caste, blood place of birth, language, etc. on one hand, while on the other hand it rejects the claims of usurpers to legitimacy who come to power through unlawful means like military coup and assume dictatorial and despotic powers and thus deprive the people of their caliphal status which was bestowed on them by Almighty God.

## **Supremacy of the Qur'an and the Sunnah**

The Holy Qur'an enjoins upon the believers to obey God and His messenger. It says:

- 1) And obey Allah and the messenger, that ye may find mercy (3:Al-Imran:132)
- 2) These are the limits (imposed by) Allah. Who so obeyeth Allah and His messenger, He will make him enter Gardens underneath which rivers flow, where such will dwell for ever. That will be the great success. And whoso disobeyeth Allah and His messenger and transgresseth His limits, He will make him enter fire, where such will dwell for ever; his will be a shameful doom. (4:An-Nisa:13-14)
- 3) And obey Allah and his messenger, and dispute not one with another lest ye falter and your strength depart from you; but be steadfast Lo! Allah is with the steadfast. (8:Al-Anfal:46)
- 4) O ye who believe! Obey Allah and obey the messenger, and render not your actions vain. (47:Muhammad:33)

The Holy Qur'an also enjoins upon the Muslims to refer their disputes regarding any matter for decision to God and His messenger i.e. to the Qur'an and the Sunnah. It says: O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end. (4:An-Nisa:59)

The Qur'an further commands the believers to accept decision of Allah and His apostle as final and binding. It pronounces:

- 1) But nay, by the Lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of that which thou decidest, and submit with full submission. (4:An-Nisa:65)

- 2) And when they appeal unto Allah and His messenger to judge between them, lo! a faction of them are averse; But if right had been with them they would have come unto him willingly. Is there in their hearts a disease, or have they doubts, or fear they lest Allah and His messenger should wrong them in judgement? Nay, but such are evil-doers. The saying of (all true) believers when they appeal unto Allah and His messenger to judge between them is only that they say: We hear and we obey. And such are the successful. He who obeyeth Allah and His messenger, and feareth Allah and keepeth duty (unto Him): such indeed are the victorious. (24:An-Nur:48-52)
  
- 3) And it becometh not a believing man or a believing woman, when Allah and His messenger have decided an affair (for them), that they should (after that) claim any say in their affair; and whoso is rebellious to Allah and His messenger, he verily goeth astray in error manifest. (33:Al-Ahzab:36)

The above mentioned injunctions of the Qur'an establish beyond any doubt that in an Islamic system supremacy of the Law of Allah and of the Prophet is ensured. This means that the legislature has no right to make laws, the executive has no right to issue orders and the law courts have no right to decide cases in contravention of the teachings of the Qur'an and the Sunnah. Where a matter has been decided by the Holy Qur'an or Sunnah of the Prophet, that decision must be complied with. The Muslims have no authority to differ with that judgement. That is final for them and they have no right of appeal against it. In case of their disputes and differences, the Muslims are required to refer them to God and His apostle (Qur'an and Hadith) and if they find decision in Qur'an or in Hadith, they are bound to accept it.



The Qur'an is the written constitution of the Islamic State. It is the word of God and is the fundamental law for all believers. It is a source of law in all fields of human life and provides the essential guidance about religion, morality and mundane affairs. In an Islamic State no constitution, manifesto, law, ordinance, rule, regulation or decree can be issued by any authority which is in contradiction to any express provision of Quranic law. The executive, legislature and judiciary of an Islamic State are obliged to enforce the provisions of Quranic law and thus establish the kingdom of God on earth.

## **Power for the righteous**

According to Islamic conception, power or authority is a great trust or responsibility. It is a great trial for those who are entrusted with it. The Qur'an says: "He it is who hath placed you as viceroys of the earth and hath exalted some of you in rank above others, that He may try you by the (test of) that which He hath given you....." (6:165).

Now the question arises as to who is eligible for exercising power and authority to rule. As power is a trust, it should be given to the trust-worthy. It is the pious and righteous people, and not the wicked and arrogant, who can be entrusted with power. Thus power and authority in an Islamic dispensation belongs to the righteous, God-fearing and competent people.

According to the Qur'an, only pious, righteous and believing slaves of Allah have been entrusted to govern as deputies or viceroys of God. Wherever the wicked are ruling it is against this fundamental principle and hence their rule would be only de facto and not de jure, according to Islam. Such wicked persons are actually the usurpers and not legitimate rulers.

The Qur'an in the following verses clearly establishes this principle that only the pious have the right to rule:

- 1) And verily We have written in the Scripture, after the Reminder My righteous slaves will inherit the earth. (Al-Anbiya 21:105)
- 2) Allah hath promised such of you as believe and do good works that He will surely make them to succeed (the present rulers) in the earth even as He caused those who were before them to succeed (others); and that He will surely establish for them their religion which He hath approved for them, and will give them in exchange safety after their fear. They serve Me. They ascribe nothing as partner unto Me. Those who disbelieve henceforth, they are the miscreants. (An-Nur 24:55).

## **Concept of a nation**

Concept of nation-hood or nationality in Islam is based upon religion. A common religion is the basis of nationality among the Muslims and Islam is that religion. The Qur'an says: "Thus, We have appointed you a middle nation, that ye may be witness against mankind. And that the messenger may be a witness against you ....." (2:143). At another place, the revealed book of Islam calls the Muslims the best community of the world that has been raised for the guidance of mankind. It says: "ye are the best community that has been raised up for mankind. Ye enjoin right conduct and forbid wrong; and ye believe in Allah ....." (3:110).

Among the other people, basis of nationality is blood or race, language, colour, or place of birth. These notions provide a very weak basis as they make the problem of assimilation of foreigners very difficult rather impossible. For

example if society were to group itself solely on the basis of blood relationship, naturalization would be out of question for ever. The same would be true if the basis were the colour of the skin which cannot be concealed. Language as a factor of social unity requires long years for a veritable assimilation. Place of birth is even less perceptible in a stranger; and ever since man has crossed the horizon of city-states, not much importance is attached to this factor. However, one would remark that in all these various conceptions of social unity, the basis is a mere accident of nature, and belongs more to the animal instinct than to the rationality of man. Thus, if nationality is based on the identity of language, race, colour or place of birth, it will make the problem of aliens or strangers exist perpetually and such a nationality will be too narrow, ever to be able to embrace the inhabitants of the entire world; and if the aliens are not assimilated there will always be risk of conflicts and war. It is common knowledge that Islam has rejected all these notions of nationality, and selected only the identity of ideas — a thing which depends upon the choice of man and not upon the accidents and hazards of birth — as the basic tie of society and the factor of union. Naturalization and assimilation in such a society is not only easy and accessible to all human races in their entirety, but is also closer to reason and more practical, showing how to live one's life in peace and tranquility.<sup>2</sup>

## **II – State and Government**

### **Concept of State**

Although the political thinkers do not agree on a unanimous definition of state, yet the state is generally

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<sup>2</sup> Dr. Hameedullah: Introduction to Islam.

considered to possess four elements, namely; population, territory, government and sovereignty.

The Qur'an and the Sunnah, the two primary sources of Islamic law and constitution do not define state. But the Prophet of Islam (PBUH) did practically establish the first Islamic state at Madinah in the year 1 A.H. (622 A.D.) under his leadership. The state of Madinah possessed all the elements of state as defined today such as population, territory, government and sovereignty from external control. However, this simple statement of fact may not satisfy the curiosity of a reader unless we explain the Islamic concept of state in a bit detail.

According to Islamic concept, a state inhabited predominantly or even entirely by Muslims may not necessarily conform to the definition of an Islamic state. It may, no doubt, be a Muslim state but it would not be an Islamic state unless it is based on the ideology of Islam. Islam conceives state as an instrument to enforce the law of Islam and, thus, to establish kingdom of God on earth. Sovereignty in the Islamic State belongs to Allah, the Supreme Lord of the universe, besides Whom there is no god and Who Alone is to be worshipped. Consequently, Divine Law is supreme law in this state while no other law can be made or practiced in violation of the injunctions of the Qur'an (the revealed book of God) and the Sunnah (the sayings and the traditions of the Prophet of Islam). This state is to be run and administered, predominantly, by the Muslims who testify that there is no God but Allah and Muhammad (PBUH) is the messenger of Allah and who also believe in and practice the tenets of Islam. The Muslim citizens of this state lead their lives in accordance with the teachings of Islam, while the non-Muslim minorities living in this state are allowed all the human rights and civil liberties, like their Muslim compatriots, including full freedom of religion. Religious and moral code of Islam is implemented

in this state while socio-economic and political system of Islam provides the basis of state economy and state constitution.

Islamic state, in its true perspective, is a Qur'anic state. It is not like communist or totalitarian states which restrict or suppress individual liberties and have established the worst type of totalitarian rules. It is neither like a capitalist state which believes in total freedom for the individual to do anything or commit any exploitation at the cost of public interest. The Islamic state believes in moderation and occupies rather moderate or middle position between the two extremes. It combines the best of every system while avoiding their evils.

The political system of Islamic state is based on justice, fairness, equality and the Islamic ideal of democracy. The concept of sovereignty of Allah and vicegerency of man forms the core of this system. In an Islamic state, all the people, collectively, are responsible to conduct their governmental affairs under Divine law. The head of an Islamic state is neither a despot nor an absolute ruler but a servant of the people who conducts public affairs in consultation with the people or the representatives of the people. Thus, an Islamic state is distinguishable from the secular democratic states of the modern world who divorce religion from politics and place sovereignty in the people. Islamic state is also not a theocracy wherein a priestly class exercises unbridled power and rules in the name of Deity. Islam does not create any priestly class neither it encourages sacerdotalism in any form. Islamic state is not, thus, ruled by any particular religious class but by the whole Muslim community.

The aims and objectives of the Islamic State include: to create an ideal Islamic society, as conceived in the Qur'an and Sunnah, based on brotherhood, equality and tolerance;

to enforce Islamic Shariah as the fundamental law of land; to establish Islamic consultative democracy as from of its government and to achieve the goal of social justice through equitable distribution of wealth.

The Holy Qur'an sums up the aims of an Islamic state in one of its verses. It says:

- Those who, if We give them power in this land, establish worship and pay the poor-due and enjoin kindness and forbid inequity.... (22:41)

## **Concept of welfare state**

The idea of welfare state has become very popular in recent times so much so that every state now likes to call itself welfare state. Although welfare as a purpose of government is not an invention of this century, yet the term 'welfare state' came into wide spread use only after the Second World War.

The term 'welfare state' has not been clearly and exactly defined with the result that welfare programmes almost differ from country to country and place to place. However, generally understood meanings of this term are that it is state in which the government assumes responsibility for minimum standards of living for every citizen. But the welfare state based on the materialistic philosophy of the West gives emphasis on the material welfare of the people to the neglect of spiritual and moral one.

Islam, as universal religion for humanity, believes in the well-being of mankind in this world as well as in the next world. The Qur'an, in one of its very popular prayers, teaches its believers to ask God: "Our Lord! Give unto us in the world that which is good and in the Hereafter that which is good....." (2:201). The primary objective of an Islamic

state is, therefore, to establish an ideal society wherein the welfare of the individual in this world (which is material and economic prosperity) and the welfare of the individual in the Hereafter (which is spiritual and religious betterment) is ensured by the state. So the Islamic state not only establishes the system of Allah's worship (i.e., Salat or Prayer) but also establishes system of Zakat which is collected from the rich and distributed among the poor. Thus, both the spiritual and material well-being of the individuals is aimed at by the Islamic state. In other words, the Islamic state is a welfare state which performs a number of functions, in addition to the traditional functions of a state, for the socio-economic welfare of its citizens in this world and for their religio-spiritual welfare in the Hereafter. Its functions aimed at material welfare of its people include provision of basic necessities of life for all, ensuring of a comprehensive social security system and establishment of social justice, whereas its functions for the spiritual well-being of its people include establishment of Islamic system of life for the Muslims and full religious freedom for the non-Muslims.

In the light of the teachings of Islam, the right-guided caliphs established welfare state of Islam at Madinah. During the caliphate of Umar (may Allah be pleased with him) an ideal welfare state of Islam existed wherein the basic needs of the poor and the destitute were properly looked after and stipends and pensions were given to orphans, widows and needy persons.

## **Democratic Form of Government ensured**

The doctrines of sovereignty of God and vicegerency of man coupled with the principle of consultation give to the Islamic political system a form of perfect democracy. The doctrine of sovereignty of Allah ensures the supremacy of divine law in an Islamic state. No ruler or legislature can

issue an order or ordinance or can frame a law which is repugnant to any injunction of the Qur'an and Sunnah. The ruler is required to obey Islamic law as much as an ordinary citizen of the Islamic state. He is neither, in his official capacity, above law, nor he can violate the religious and moral code of Islam in his personal and private life. Therefore, the possibility of a ruler becoming a despot, a tyrant or a power-hungry man indulging in unlawful acts, is ruled out.

The doctrine of vicegerency of man is another strong blow to a ruler who tries to harbor any dictatorial tendencies. The doctrine of vicegerency of man makes every human being vicegerent or deputy of Allah. According to it, vicegerency or caliphate is not vested in any individual, family, tribe, class or race. Rather everyone is caliph and an equal participant in the caliphal functions as a deputy or representative of God. In an Islamic society where the idea of popular vicegerency prevails, there is no room for the dictatorship of any person or group of persons. The position of a person who is selected or elected to conduct the affairs of the government is no more than this: That all the citizens of the Islamic State who are, technically speaking, caliphs of Allah, have delegated their caliphate to him, as a matter of administrative convenience, to act and administer Divine law for the common benefit of all. He is answerable to Allah for his acts on the one hand and on the other hand he is responsible to his fellow citizens who have trusted him by delegating their rights of Caliphate in his favour. Thus, in no way, he can assume the position of an absolute ruler. If he does so, then he would be a usurper and the citizens of the Islamic State would be within their right to depose him.<sup>3</sup>

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<sup>3</sup> Syed Abul 'Ala Maududi.



The principle of consultation helps the smooth running of democracy as envisaged by Islam. According to this principle, the citizens of an Islamic state are required to conduct their mutual and collective affairs by consultation. Al-Qur'an, the revealed book of Islam, while discussing the good qualities of the believers, especially mentions their attribute of mutual consultation. The Holy Qur'an says: "...They conduct their affairs by mutual consultation...." (42:38). This description of the Qur'an is not merely a statement of fact, but has been regarded by many jurists as an obligatory injunction. The command regarding mutual counsel embraces in its fold all collective affairs from family matters to socio-economic and political issues. It also applies to the appointment of the head of state or the ruler and to the conduct of the government affairs by the ruler. Thus, the ruler of an Islamic State is appointed by mutual consultation and he conducts the affairs of the State in consultation with people or the representatives of the people. The principle of government by consent and counsel is so important in Islamic political system that even the Prophet of Islam, who was not likely to make any mistake being directly guided by revelation, was required as head of Islamic state, to consult his followers in the conduct of mutual affairs. The Quran addresses the Prophet on this issue and says: "..... So pardon them and ask forgiveness for them and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah..... (3:159). This ordinance of the Qur'an, although addressed in the first instance to the Prophet, is binding on all Muslims and for all times.`

The Prophet did not leave any instructions regarding the selection of his successor. The silence of the Prophet on this issue was not without wisdom. The principle of mutual consultation helped the companions after the death of the Prophet in selection of the most pious and the most capable person (Abu Bakr) as successor of Muhammad, (PBUH). His

selection or election, though originally made by few leading persons was ratified by all the Muslim Ummah through Bai'at (oath of allegiance) of the caliph.

Thus, the system of government established by the successors of the Prophet in the Islamic State of Madinah was not that of monarchy or despotic kingship. It was a republic and is known in the history of Islam as a pious or righteous caliphate. The system of the election of the caliph followed by oath of affirmation (Bai'at) of the whole Muslim community continued during reign of the four right guided caliphs (Abu Bakr, Umar, Usman and Ali). The caliph was not an autocrat or dictator as he was bound to decide and conduct the affairs of the state in consultation with the Consultative Council (Shura) and was accountable for his actions to the people. Full freedom of criticizing the government and opposing the caliph in various policies of his government was available. Since the social justice of Islam formed the basis of economic system and effective measures were taken for fair and equitable distribution of wealth, the foundations of Islamic welfare state were properly laid down. Therefore, the right-guided caliphate can be considered rightfully, without any fear of contradiction, as a republic with consultative democracy as its form of government and welfare of the people as its policy. No doubt, this republic still remains a model for the followers of Islam even today.

## **Dictatorship and despotic system rejected**

Dictatorship is a form of government in which a person or group possesses absolute power without any effective constitutional checks. The term 'dictatorship' is derived from the Latin title dictator, designating a magistrate who is given extra-ordinary powers for a limited period to steer the state in an emergency. But in modern times the meaning of the term has changed. In modern usage, dictator is an absolute

ruler possessing extra-constitutional powers without any limitation of period, while a national emergency may or may not exist. A dictator behaves in an authoritarian manner and uses his powers most oppressively. Absolutism, despotism, authoritarianism, autocracy, tyranny, totalitarianism, etc. are some of the terms which are either used as synonymous with dictatorship or used to describe various features of dictatorship.

Islam not only rejects dictatorial, despotic and totalitarian system of rule but also severely condemns those who establish such rule outrightly and reduce the human beings from their dignified status of caliphs of God to the hapless condition of serfs and slaves. The rule of Pharaoh of Egypt who was tyrant and despot has been severely condemned by the Holy Qur'an in its following verses:

- 1) But none trusted Moses, save some scions of his people, (and they were) in fear of Pharaoh and their chiefs, that they would persecute them. Lo! Pharaoh was verily a tyrant in the land, and lo! he verily was of the wanton. (Yunus 10:83)
- 2) Lo! Pharaoh exalted himself in the earth and made its people castes. A tribe among them he oppressed, killing their sons and sparing their women. Lo! he was of those who work corruption. (Al-Qasas 28:4)

It is because the rule of the Pharaohs and despots is based on cruelty, oppression, autocracy and injustice. Such despotic and arrogant rulers have no place in an Islamic system and, according to a saying of the Prophet, to utter a word of truth in the presence of such rulers is a great jihad. Thus those who struggle against such rulers to save the people from their oppression would be great warriors (Mujahideen) in the path of God who would be blessed with immense rewards.

As mentioned earlier, the teachings of Islam regarding sovereignty of Allah, vicegerency of man and mutual consultation in conduct of collective affairs establish a true representative and democratic form of government. Hence tyrannical and absolute rule is implicitly excluded by these teachings.

In a true Islamic society, there is no room for tyrannical rule, dictatorship or despotism. Since the ruler or the head of state is one of the caliphs of Allah (i.e. one of the members of Muslim community) and is the representative of other caliphs (other members of the Ummah), he is one of them. He therefore, cannot be a dictator or despot because he has no power to deprive the other citizens (who have surrendered their right to caliphate in favour of him) of their politico-legal rights. In the words of Maulana Abul'Ala Maududi: "The position of a man who is selected to conduct the affairs of the state is no more than this: That all Muslims (or technically speaking, all caliphs of God) delegate their caliphate to him for administrative purposes." It is perhaps on account of this fact that a Muslim ruler is required to conduct governmental affairs in consultation with the people. The Qur'an addresses the Prophet of Islam and says: "..... And consult with them upon the conduct of affairs ...." (3:159). No doubt the citizens of an Islamic state have been directed by the Qur'an and Sunnah to obey their ruler, but this obedience is available to him only if he behaves in accordance with the Islamic injunctions.

### **III- Ruler or Head of State**

#### **His qualifications**

For the head of Islamic state or government, who has been traditionally called caliph, Ameer-ul-Mumineen

(commander of the faithful) or Sultan, the jurists of Islam have prescribed some qualifications in the light of the Qur'an and the Sunnah of the Prophet Muhammad (PBUH) and in the light of the conventions set by the pious caliphs. These qualifications should be possessed by a candidate for this prestigious post. The candidate should not only be a Muslim but he should also be a practicing Muslim not indulging in any major sin like fornication, drinking, gambling, usury, shirk (polytheism), and disobedience to parents. He should be pious with excellent moral character and should be known for integrity, honesty, justice, kindness, forgiveness, humility, chivalry, diligence, trust-worthiness and sense of responsibility. He should be an adult and sane citizen of the Islamic state and should not be greedy for the post. Al-Mawardi, a great Muslim political philosopher of Middle Ages, lays down the following qualifications for the post of Imam: (1) Justice, (2) Learning, (3) Mental soundness, (4) Physical fitness, (5) Wisdom, (6) Bravery, (7) Quraishite descent. However, regarding the qualification of Quraishite descent, many other jurists differ with Al-Mawardi and reject his views. Of course, relying on verse 13 of Chapter 49 of the Holy Qur'an we can turn down the view of Al-Mawardi as the criterion of nobility in Islam is piety and not noble descent, race, colour or place of birth.

## **His Appointment**

The appointment of the head of state (called Imam or Amir or Caliph in Islamic terminology) is a very important question. Islam favours election instead of designation through nomination or hereditary principle. To understand the Islamic point of view, let us have a look at the early history of Islam.

Prophet of Islam, like any other messenger of Allah, was commissioned by the Almighty Allah Himself as Prophet. After his migration from Makkah to Madinah, he established

a small Islamic state at Madinah and became its first head. Despite strong and perpetual opposition from the non-believers and the Jews, this state grew into a mighty one before the death of Prophet in 632 A.D.

Prophet Muhammad (PBUH) did not nominate his successor nor left any explicit instructions on the question of selection or appointment of his successor. In the absence of any nomination by the Prophet, the companions of Muhammad (PBUH) rightly inferred that the selection of head of state has been left at the discretion of the Muslim Ummah, which was to be exercised in accordance with the spirit of the Qur'anic injunction: "They decide their affairs with mutual consultation" (42:38).

As soon as the news of the demise of the Prophet became known, the helpers (ansars), particularly the chiefs of Banu Khazraj, proceeded to hold a conference at a place called 'Saqifa Bani Saadah' to elect successor. Hearing this, Abu Bakr, Umar and Abu Obaidah hurried to the place of meeting. After some discussion in conference of Saqifa, Abu Bakr was chosen as the first caliph of Islam. Umar proposed his name, Abu Obaidah seconded it and the people present in the conference endorsed and accepted. On the following morning, when Abu Bakr took his seat on the pulpit in the mosque where the Holy Prophet had been accustomed to address his followers, Umar called upon the Faithful to swear allegiance to Abu Bakr and those who had been present at the meeting the night before, renewed the oath of allegiance they had then made and the rest of assembly followed their example. The people were guided in their choice by factors like seniority, merit, nobility of birth and his Quraishite origin<sup>4</sup>. The first caliph Abu Bakr was thus

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<sup>4</sup> Syed Abul 'Ala Maududi

elected publicly with the general consent of the Muslim community.

Umar was subsequently made caliph. When he felt that death was approaching him, Abu Bakr consulted his companions for nomination of his successor. Though he was personally convinced that Umar was the fittest person to be the caliph yet he did not, forthwith, announce his nomination. He called certain companions and consulted them about nomination of Umar. People like Abdul Rahman-bin-Auf told Abu Bakr that Umar was of hot temper and was not suitable. To this, Abu Bakr replied that his hot temper will cool down when he is entrusted with public responsibilities. Then the caliph consulted Usman and some other companions who gave their opinion in favour of Umar. Abu Bakr then gathered the people in the Mosque of the Prophet and announced the nomination of Umar, addressing the people thus:

"Are you willing to accept him your Amir whom I nominate as my successor? God is my Judge, I have left no stone unturned in coming to (the best) conclusion in this matter. I am not nominating anybody related to me. I nominate 'Umar son of Khattab as my successor. Therefore, listen you all to him and obey him." From the crowd the people cried: "We have heard and we accept." Here we find that Abu Bakr only suggested and recommended the name of Umar after consultations with those in whom the people had confidence, and then it was put to the vote of the Muslim masses who accepted him.

Caliph Usman was chosen yet in another way. When Umar was seriously wounded and he was nearing his death, he set up a regency or council of elders consisting of six most notables of the Muslim Ummah, namely, Abdul Rahman-bin-Auf, Saad-bin-Abi Waqqas, Usman-bin-Affan,

Ali-bin-Abi Talib, Zubair-bin-Awwam and Talha. The caliph strictly forbade the nomination of his son Abdullah and instructed the members of the council to select his successor within three days of his death. He also declared that whosoever tried to become Amir without the approval of Muslim masses was to be beheaded. The council appointed Abdul Rahman-bin-Auf, one of its members who had expressed his intention not to be interested in the post, to decide the issue. Abdul Rahman conducted a survey and went around Madinah to ascertain the public opinion. He even met the visitors and pilgrims to know their views. From his enquiries, he came to the conclusion that either Ali or Usman can be the caliph as they commanded the people's approval. He, thereafter, gathered the people in the Mosque of the Prophet after morning prayers, to nominate the caliph from among Ali and Usman. Addressing Ali and Usman he said. "You have to follow the Qur'an and Sunnah and practice of Abu Bakr and Umar". To this, Usman agreed but Ali replied that he would, no doubt, follow the Qur'an and Sunnah, however he would follow the previous two caliphs only to the extent to which his knowledge and power allowed him. Thus Usman was nominated by Abdul Rahman and other members of the council and soon afterwards he was elected by the Ummah.

Usman's tragic assassination created a serious situation for the Muslim Ummah. So some companions gathered in the house of Ali and persuaded him to accept the responsibility of caliphate, but Ali declined. When the companions insisted that there was no more suitable person than him and that the Muslim Ummah needed him in her critical moments, Ali agreed on the condition that he should be accepted as Amir openly by the community in the Mosque of the Prophet. Therefore, the people assembled in the Mosque of the Prophet at Madinah and unanimously elected Ali as caliph of the Islamic state.



From the foregoing discussion, it is crystal clear that different modes of election for the head of state were adopted by the companions of the Prophet (PBUH) during the pious caliphate. Since, the law does not specify any particular method of appointment of the head of state, therefore, the companions regarded this issue as something which can be rightly varied in accordance with the best interests of the Muslim Ummah. However, the legal consequences which flow from the conduct of the companions of the Prophet and right-guided caliphs are: that the head of state should be elected with the popular will and not imposed forcibly from above; that no particular class has monopoly of this post and that elections should be fair and free. Different methods can be adopted to assess the public opinion about the candidates in different circumstances at different places. In the contemporary Islamic state, the modern system of elections can be adopted. The head or President may be elected directly through general elections in which every adult citizen is entitled to vote. He may be elected indirectly by an electoral college comprising the representatives of the people.

## **His Bai'at or allegiance**

As soon as an Ameer or Caliph of the Islamic state is elected, all the citizens offer Bai'at or allegiance to him. The Bai'at or oath of allegiance is not only a sort of ratification or confirmation of his election but is also a pact, a covenant or a contract whereby the people express their resolve that they would obey him and stand with him through thick and thin. The prophet also used to secure the oath of allegiance or Bai'at from the believers, male and female, on their conversion to Islam and on very important issues faced by the Muslim community, e.g. on the occasion of Treaty of Hudaibya he took Bai'at from the companions Verse 12 of Chapter 60 of al-Qur'an mentions oath of allegiance of the women. According to Marmaduke Pickthall, "this is called

the women's oath of allegiance. It was the oath exacted from men also until the second pact of al-Aqabah when the duty of defence was added to the men's oath."

### **Obedience due to him**

The Qur'an gives paramount importance to the Ulul-amr (the rulers) of the Islamic state and the obedience to them has been made second only to the obedience which is due to God and His messenger. Thus the followers of Islam are obliged to obey their rulers and stand united with them through thick and thin. However, there are limits to this obedience: Firstly that the rulers should be from among the Muslims and secondly that they should not be transgressors and disobedient to God and God's messenger. If the rulers transgress the limits of God and openly disobey rather ridicule the injunctions of Islam, they need not be obeyed.

Abu Bakr, when he was made the first caliph of the Islamic state, explained this point. He said; "If I am right, help me. If I am wrong, correct me. Obey me so long as I follow the commandments of Allah and the Prophet (PBUH), but turn away from me when I deviate."

### **His functions and duties**

The main duties and functions of the Ameer or the ruler of Islamic state, as briefly stated, are: dispensation of justice; establishment of law and order; establishment of Islamic system specially system of Salat and Zakat and enjoining good and forbidding wrong; protection of state and its citizens against the aggression of enemies, internal or external; enforcement of Islamic laws and Hudood; looking after the welfare of the people particularly the poor, the sick, the orphans, the widows. Al-Mawardi has beautifully summarized the functions and duties of the Imam as follows:

1. To safeguard and defend the Faith of Islam against heresies and innovations.
2. (The dispensation of justice according to principles of Islamic shariah.
3. The maintenance of law and order in the country.
4. The enforcement of Hudood i.e./ the criminal code of the Qur'an.
5. The defence of frontiers against foreign invasion.
6. The organization and execution of Jihad against non-believers in order to establish the supremacy of Islam over all other religions.
7. The imposition and collection of Zakat and Kharaj.
8. The sanction of stipends and allowances from Bait-al-Mal (state treasury) to the needy, poor and disabled.
9. The appointment of efficient and honest persons to the important public offices.
10. The Imam should personally look into the government affairs and should have his strong hold on the government protecting the interest of his subject, and carefully look into the foreign policy issues.

## **IV- Counsel (Shura)**

### **Institution of consultation**

Foundation of Islamic political system is governance by consultation. The institution of consultation is so important

in the body-politics of Islam that one of the Chapters of the Holy Book of Islam, al-Qur'an, has been named "Shura". Following verses of the Qur'an and traditions of Prophet Muhammad (PBUH) provide sanction for this institution:

- It was by the mercy of Allah that thou wast lenient with them (O Muhammad), for if thou hadst been stern and fierce of heart they would have dispersed from round about thee. So pardon them and ask forgiveness for them and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah. Lo! Allah loveth those who put their trust (in Him). (3:Al-Imran:159)
- And those who answer the call of their Lord and establish worship, and whose affairs are a matter of counsel and who spend of what We have bestowed on them. (42:Ash-Shura:38)
- Ali asked the messenger of Allah: O Messenger of Allah! What should we do if, after your demise, we are confronted with a problem about which we neither find anything in the Qur'an, nor have anything from you? He said, "Get together the obedient people (to Allah and His law) from amongst my followers and place the matter before them for consultation. Do not take decisions on the basis of any single person." (Alusi quoted in 'Concept of the Islamic State by Encyclopedia of Seerah')
- Ali reported that the messenger of Allah said: "The man who gives counsel to his brother knowing well that it is not right does most surely betray his trust." (Abu Daud quoted in 'Concept of the Islamic State by Encyclopedia of Seerah')
- It is reported on the authority of Ali-bin-Abu Talib that when the Messenger of Allah was asked to explain the implications of the word 'azm' which occurs in verse 159

of al-Imran referred to above, he said: It means taking counsel with knowledgeable people and, thereupon, following them therein." (Ibn Kathir quoted by Muhammad Asad)

- Umar-bin-al-Khattab declared: There can be no khilafat except by consultation.
- The Prophet is reported to have said to his two illustrious companions, Abu Bakr and Umar: "If you two agree on a point, I shall not differ with you." (Ahmad, Ibn Kathir)

## **Practice of the Prophet and the righteous caliphs**

Acting upon the command of Allah contained in verse 159 of Chapter 3 of the Holy Qur'an, the Prophet of Islam always consulted his companions on all important issues regarding which he did not receive any guidance through revelation. For example on the occasion of the Battle of Badr, the Prophet (PBUH) selected a certain place for his army which was not suitable in the view of his companions. When he was asked whether his decision was according to revelation or according to his own opinion, the Prophet replied that it was his own opinion. Then, he was advised by the experienced persons like Al-Hubab Ibn Mundhir to change his decision in favour of a more suitable place which the Prophet readily did. On the occasion of Battle of Uhud, the Prophet wanted to defend the attack of Quraish while staying in Madinah, but majority of his companions, particularly the youth among them wanted to come in the open and fight against the enemy. He accepted the opinion of majority and came out of Madinah for the battle which was fought at Uhud. In the Battle of the Allies (Ahzab), the Prophet accepted the advice of Salman the Persian and defended Madinah with the help of a trench which was dug around the city. These are few examples of the consultation

of the Prophet with his companions. He used to hold such consultative deliberations with his companions and tribal chiefs or representatives not only on the issues of war and peace but also on other socio-economic issues of importance arising before the government.

The Prophet did not nominate his successor. After his demise in 632 A.D., the companions elected their senior and most pious colleague, Abu Bakr, as Caliph. Election took place in an open place with mutual consultation and was confirmed with general Bai'at (allegiance) of the Muslim community. Three other righteous caliphs, Umar, Usman and Ali were also elected by the people with mutual consultation although each time the election was held in a different way.

During the reign of the pious caliphs, the institution of consultation was gradually formalized and the concept of standing advisory council emerged. The caliph used to consult his advisory council on every important issue confronting the Islamic state.

It is unfortunate that after the death of Ali, the fourth and the last righteous caliph, the republic was transformed into absolute monarchy and institution of consultation also lost its importance.

## **CHAPTER 7**

### **ECONOMIC SYSTEM**

#### **I- Distinctive Features**

Every economic system has its own peculiar features, which form its foundation and from which it can be distinguished and recognized. Modern capitalism, which has emerged due to rapid industrialization facilitated by unprecedented human advancement in science and technology, is based on free market economy, non-intervention or very limited intervention of state in economic affairs, interest and banking. Socialism, which has emerged as a reaction to capitalism, believes in complete control of state on economy and full ownership of means of production by the state or community. Feudalism stands for ownership of land by few persons or families and makes majority of people tenants or serfs who work on lands either as servants of the landlords or for meagre share in the produce of land.

Islam, on the other hand, believes in justice and fairness in the economic field. According to it, the man is God's viceroy or deputy in overall divine scheme and he has been given limited rights of ownership of means of production. It recognises intervention of state in the economic activity for the purpose of ensuring welfare of its citizens. Abolition of interest, institution of sadaqat and Zakat, distinction between lawful and unlawful, equitable distribution of wealth, prohibition of hoarding and stress on circulation of wealth, concern for well being of the poor are the distinctive features of the Islamic economic system. We will elaborate and discuss some features of Islamic economy in this chapter as follows:

## God provides sustenance

One of the major features of Islamic economic system is the concept that Allah, the Almighty God of universe, is the sustainer and provider. Allah provides livelihood and subsistence to all of His creatures in the universe. It is Allah who has created all means and resources through which man earns his livelihood. Allah, in fact, has committed Himself to feed, sustain and nourish all creatures including human beings. It is Allah who expands or curtails 'rizq' (sustenance). The Qur'an says:

1. Who hath appointed the earth a resting-place for you, and the sky a canopy; and causeth water to pour down from the sky, thereby producing fruits as food for you. And do not set up rivals to Allah when ye know (better). (Al-Baqarah 2:22)
2. And we have given you (mankind) power in the earth, and appointed for you therein a livelihood. Little give ye thanks! (Al-Araf 7:10)
3. And there is not a beast in the earth but the sustenance thereof dependeth on Allah. He knoweth its habitation and its repository. All is in a clear record. (Hud 11:6)
4. Lo! thy Lord enlargeth the provision for whom He will, and straiteneth (it for whom He will). Lo, He was ever knower, seer of His slaves. (Bani-Isra'il 17:30)

The conception of God's dispensation does not, however, suggest that one should sit idle and wait for sustenance which would automatically come down to him. Instead of giving up struggle, Islam rather inspires a person to do his best in order to earn his livelihood by using all lawful (Halal) and fair means. The Qur'an encourages struggle when it says: "And that man hath only that for



which he maketh effort, and that his effort will be seen" (53:39-40). The revealed book of Islam encourages its followers even on Friday to disperse in the land after finishing their prayer and seek of the bounty of God (62:10) although Friday is prescribed as a day of large congregational prayer for Muslims. Ahadith of Prophet Muhammad (PBUH) also emphasise the importance of struggle and hard work put in for earning livelihood for oneself and one's family.

### **God is Real Owner of everything while man is merely a trustee and beneficiary**

The heavens and the earth and everything in the universe belong to Allah. God is the real owner of everything, al-though He has given some rights to man for use of things required by the latter for his existence on the earth. However, the rights given to man are very limited, the real position of man being that of a trustee and a beneficiary.

This limited ownership or trusteeship bestowed on man by Allah in respect of the wealth which is given to him is not without significance. The divine wisdom underlying this principle of trusteeship is that man should not hoard his wealth treating it as his absolute ownership and deprive others from its use. Rather the surplus wealth of man must go to his fellow-beings who are in want. This principle has been made more clear when the Qur'an says: ".....and bestow upon them of the wealth of Allah which He has bestowed upon you....." (24:33). Thus the whole scheme of circulation of wealth through charity and Zakat and distribution of it through other equitable means envisaged by Islam is based on man's limited right as a trustee of wealth which has been bestowed on him by His Lord.

## **Distinction between Halal (legal) and Haram (illegal)**

Islam has introduced concept of Halal (lawful) and Haram (unlawful) in its economic system. In fact the foundations of the Islamic economy have been laid on this concept. This concept reigns supreme in the realm of production as well as consumption. Certain means of earning livelihood and wealth have been declared unlawful such as interest, bribery, gambling and games of chance, speculation, short weighing and short measuring, business malpractices, etc. Unlawful means of earning are strictly forbidden and a follower of Islam is permitted to earn only through lawful and fair means. Similarly in the field of consumption, certain items of food are unlawful such as dead animals, blood, swine-flesh and animals slaughtered in the name of other than that of Allah. Even expenses on unlawful things like drinking, fornication, pornography, things that promote obscenity and vulgarity, lotteries and gambling are strictly disallowed.

## **Equity and not equality in distribution**

Islam establishes equity, fairness and justice in the production and distribution of wealth, and in ownership of means of livelihood. However it recognizes that like other natural things there is no equality among human beings as regards the economic means and possession of worldly wealth. This inequality has been presented by the Qur'an as a part of Divine economic order. The Qur'an does not consider these disparities in the distribution of Divine sustenance as punishment or reward and does not try to eliminate them, because no two individuals have been blessed with hundred percent equal mental and physical abilities.

Taking the existence of inequalities as a part of divine scheme, the Qur'an advises its followers not to covet those things in which Allah has made some of them excel others. By exalting some of you over others in rank or by favouring some of you over others in provisions, God in fact tries and tests the human beings whether they are thankful to Him in good circumstances and patient in bad ones.

Although, Islam does not believe in hundred percent equality in distribution of economic means, yet it does not allow the difference between the rich and the poor to reach an uncontrollable limit where the rich live in luxury and the poor live in misery, hunger and deprivation. Islam in fact stands for socio-economic justice and ensures fair and equitable distribution of wealth and income.

## **Elimination of Exploitation**

Elimination of economic exploitation of the weak by the strong is another element of Islamic economic system. Many steps have been taken by Islam in this direction. Riba or usury is one of the worst instruments of human exploitation and this has been abolished root and branch. Other means of human exploitation such as bribery, gambling, speculative transactions, fraudulent practices, prostitution, embezzlement, etc. have also been prohibited in Islamic society.

Interest of the weaker classes of the society like women, orphans, slaves, labourers, consumers, etc. have been protected through detailed legislation by Islam.

The women were treated as chattel and were denied the status of human being before emergence of Islam. Islam restored their human status and gave them equal social and economic rights along with men. In the economic field, for example, women have been given rights to own property,

to acquire property and to dispose it off at their discretion. They are given right of inheritance from their parents, their husbands, their children and near relatives. They are allowed to work to earn their livelihood through any dignified profession or vocation of their choice. The orphans are another economically exploited class in society as their property is generally devoured by their guardians and near kindred. Islam has declared devouring the property of the orphans a major sin. The Qur'an warns the devourers of orphan's property in these words: "Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning fire" (4:10). The slaves were perhaps the most exploited class in human history. Islam declared the emancipation of slaves as the most pious act and enjoined upon its followers to set the slaves free and thus earn God's pleasure. The Qur'an has made emancipation of slaves an expiation of some kinds of sins of the believers. The Muslim men and women were encouraged to marry the believing maids and slaves in preference to non-believers even if the non-believers were very rich and good looking. Islamic state is obliged to financially assist the slaves for their manumission out of its Zakat revenues.

Islam has protected the labourers against the economic exploitation by the capitalist by providing that fair wages should be fixed before employing the labourers and that they should be promptly paid their wages before their sweat dries up. To eliminate the exploitation of the tenants by the landlords, Islam almost abolished Jagirdari (feudal) system. Interests of consumers have been protected by ordering ban on certain exploitive business malpractice like hoarding, monopoly, speculation, and short-weighting and short-measuring.

## **Principle of moderation**

Islam prescribes policy of moderation to its followers in every walk of life and enjoins upon them to avoid extremes. In economic system the believers are recommended the principle of moderation in earning of wealth as well as in expenditure of money. The believers should be neither too greedy for wealth so as to spend all their times and energies for acquiring it through all legal or illegal means nor they should be too lazy and lethargic to earn wealth through lawful means for their lawful needs. Similarly they should be neither too miser in spending wealth for their needs and needs of the poor around them nor they should be too extravagant to squander wealth on luxuries and illegal and immoral acts. Rather they should follow middle course in earning wealth by lawful means and in spending wealth on their needs and needs of the have-nots in the way of Allah. Moderation is the best policy in the sight of Islam.

The Qur'an and the traditions of Prophet Muhammad (PBUH) on moderation are:

- 1) And let not thy hand be chained to thy neck nor open it with a complete opening, lest thou sit down rebuked, denuded. (Al-Qur'an 17:29)
- 2) And those who, when they spend, are neither prodigal nor grudging; and there is ever a firm station between the two; (Al-Qur'an 25:67)
- 3) Abu Hurairah reported that the Messenger of Allah said: Moderation in expenditure is half of livelihood, and love for people is half of wisdom, and good questioning is half of learning. (Bukhari)
- 4) Matref-b-Abdullah reported that the messenger of Allah said: The best of affairs is their mean.

## **II- Means of fair and equitable distribution**

For fair, just and equitable distribution of wealth, Islam prescribes positive as well as prohibitive measures. Positive measures include Zakat, laws of inheritance and other compulsory and voluntary contributions (Sadaqat). Prohibitive measures comprise abolition of interest, prohibition of hoarding, and above all prohibition of all immoral, unfair, unjust and unlawful means of acquiring wealth which, in fact, are the major cause leading to concentration of wealth in few hands. However in the section we will discuss positive means of distribution only.

### **Zakat and other compulsory contributions**

Zakat is the first such measure which helps the state and the Muslim community in fair distribution of wealth. It is collected from the rich and is distributed or spent on the poor and the needy. Other compulsory levies collected by the state also help the cause of elimination of poverty and fair distribution. Such levies and collections are in the form of taxes and compulsory contributions. Taxes collected by modern Islamic state also enable such state to spend for the poor.

Another levy is Sadaqat-ul-Fitr which is prescribed by the Prophet on every well-to-do Muslim who possesses property equal to the Nisab of Zakat. It is to be paid for all the members of the family, even for servants and slaves, according to the rate fixed by the Prophet per head, before the prayer of Eid which is celebrated after the fasting month of Ramadan every year.

## **Laws of inheritance and will**

Law of inheritance followed by a community plays a vital role in setting the pattern of distribution of wealth among its members. Those communities who adopt law of primogeniture, which makes the eldest son to inherit the whole of the property of his father, have concentration of wealth in few hands. Those communities who confine the inheritance to only male children and exclude the females also have a narrow base of distribution. Only those communities who confer the inheritance on a larger number of heirs without any discrimination between males and females have broad-based pattern of distribution.

Islamic law of inheritance is perhaps the only such law in the world which conceives a very broad-based distribution pattern. This law not only makes the male and female children of the deceased his legal heirs but also includes among his legal heirs his spouse or spouses and his parents. In case the deceased leaves on children and no parents, his estate goes to his brothers and sisters and sometimes even to his distant kindred. In case a deceased person leaves behind him no near or distant relatives, his property may go to the community or the state for benefit of all the members or the citizens.

Similarly law of will or bequest prescribed by Islam helps the cause of distribution of wealth. According to this law, a Muslim is allowed to bequest his property up to one-third of it in the favour of some charity, institution or a person other than his legal heirs.

The law of will generally inspires rich and well-to-do Muslims to bequeath some fortune in the path of God for charitable causes like relief of the poor, education and medical relief, etc. This law has helped, in Islamic society, the establishment of waqfs, trusts, hospitals, educational

institutions. This law, thus promotes Jihad against poverty, misery, disease, ignorance and illiteracy and in this way it helps transfer of wealth from the rich to the poor.

## **Monetary atonements**

Monetary atonements have been prescribed by the Qur'an for certain sins and faults such as failure to keep fasts of Ramadhan, unintentional murder, intentional oaths, putting away wife by Zihar, etc. Those who commit some sins, offences or omissions intentionally or unintentionally have been enjoined upon by the Qur'an to make prescribed charity in expiation of these sins.

These prescribed monetary atonements are also a channel of flow of wealth from the well-to-do to the poor people.

## **Charity and alms-giving**

If Zakat and other compulsory charities fail to satisfy the needs of the poor, the state can either impose taxes or motivate the rich to donate voluntarily and generously to help eradicate poverty and want.

Voluntary charities to earn the pleasure of God Almighty are rewarded in this world as well as in the next one. They also help in flow of wealth from the rich of the community to the poor and the needy. Thus the cause of distributive and social justice is achieved through this voluntary measure.

The Qur'an commands the believers:

- Spend your wealth for the cause of Allah, and be not cast by your own hands to ruin; and do good. Lo! Allah loveth the beneficent. (Al-Baqarah 2:195)



The Prophet of Islam said:

- Verily charity appeases wrath of the Lord and removes pangs of death. (Tirmizi)
- Surely the shade of the believer on the Resurrection Day will be his charity. (Ahmad)

Islam does not prescribe any limit for charity. The Holy Qur'an says: And they ask thee what they ought to spend. Say: That which is surplus" (2:219). Thus a believer is encouraged to spend all of his wealth in the path of God which is over and above his needs.

### **Feeding the poor**

Feeding the poor is one of the voluntary charities and is a very common practice among the generous and God-fearing Muslims.

Rewards for this act are very numerous and both the Qur'an and the Prophet of Islam exhort the believers to feed the poor and the needy. This measure is also a good step to mitigate want and misery from the Islamic society. The relevant Verses and Ahadith are:

- The Qur'an exhorts the believers: "And feed with food the needy wretch, the orphan and the prisoner, for love of Him" (76:8)
- The Prophet said: The best charity is to satisfy a hungry belly. (Baihaqi)

### **Good loan to Allah**

It is Grace of Allah, the Almighty God that any expense incurred by a person in His path on charity or alms to the

poor is regarded by Him as goodly loan to Him and He undertakes to repay it manifold. The rich are inspired to give loan to God in the form of helping the poor people and to earn many times big reward for this.

According to Abdullah Yusuf Ali: "Spending in the cause of God is called metaphorically "a beautiful loan". It is excellent in many ways: (1) it shows a beautiful spirit of self-denial; (2) in other loans there may be a doubt as to the safety of your capital or any return thereon: here you give to the Lord of All in Whose hands are the keys of want or plenty: giving, you may have manifold blessings, and withholding, you may even lose what you have. If we remember that our goal is God, can we turn away from His cause?

According to Abul A'la Maududi: "Good loan" is that which is lent without any idea of personal gain or interest but is given with the sole intentions to please Allah. Allah in His bounty credits the wealth thus spent in His Way as loan to Himself. He promises that He will not only return the actual debt but increase it manifold, provided that it is a goodly loan in the real sense and is lent merely to please Him and for the sake of those objects he approves."

The Holy Qur'an says:

- If ye lend unto Allah a goodly loan, He will double it for you and will forgive you, for Allah is Responsive, Clement, (At-Taghabun 64:17)

## **Hoarding forbidden, circulation of wealth encouraged**

The Holy Qur'an says:

- They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings (O Muhammad) of a painful doom, on the day when it will (all) be heated in the fire of hell, and their fore-heads and their flanks and their backs will be branded therewith (and it will be said unto them): Here is that which ye hoarded for yourselves. Now taste of what ye used to hoard. (At-Taubah 9:34-35)
- That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His messenger and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you. (Al-Hashr 59:7)

In the verse given at serial no 1 above, the Qur'an forbids hoarding of wealth by the threat of severe punishment, while in the verse at serial no 2 it encourages distribution of wealth among the poor so that it may not remain confined to the rich only.

Hoarding of wealth has been condemned by Islam with threats of severe punishment whereas circulation of wealth has been encouraged. This measure not only forces the hoarded wealth out of coffers of the rich but also ensures its flow into investment channels ultimately helping its natural distribution.

### **III – Prohibited means of earning**

Following means of earning income have been declared haram (forbidden) to a follower of Islam:

#### **Interest (Riba)**

Islam has strictly prohibited riba (usury or interest) to its followers. According to the Qur'an, Riba, which is generally translated into usury, decreases one's wealth

whereas Zakat increases it. Charging of Riba in the sight of the Qur'an tantamount to declaring of war against Allah; while in the words of Prophet Muhammad (PBUH) , a dirham of usury a man devours with knowledge is greater (in sin) than thirty six fornications. During the times of the Prophet, Riba was not only charged on money loans but was also charged on exchange of commodities in barter transactions. So the Prophet prohibited Riba in both the forms. Some modern economists have tried to distinguish bank interest from Riba and have held that bank interest is not prohibited. But majority of the Muslim scholars are unanimous in holding that Riba in every form is prohibited including bank interest.

Some of the Verses of the Qur'an and traditions of Prophet Muhammad which forbid interest are:

- 1) Those who swallow usury cannot rise up save as he ariseth whom the devil hath prostrated by (his) touch. That is because they say: Trade is just like usury; whereas Allah permitteth trading and forbiddeth usury. He unto whom an admonition from his Lord cometh, and (he) refraineth (in obedience thereto), he shall keep (the profits of) that which is past, and his affair (henceforth) is with Allah. As for him who returneth (to usury) Such are rightful owners of the Fire. They will abide therein. (Al-Qur'an 2:275)
- 2) ye who believe! Observe your duty to Allah, and give up what remaineth (due to you) from usury, if ye are (in truth) believers. And if ye do not, then be warned of war (against you) from Allah and His messenger. And if ye repent, then ye have your principle (without interest). Wrong not and ye shall not be wronged. (Al – Qur'an 2:278-279)

- 3) ye who believe! Devour not usury, doubling and quadrupling (the sum lent). Observe your duty to Allah, that ye may be successful. (Al-Quran 3:130)
- 4) Abu Sayeed al-Khodri reported that the messenger of Allah said: Don't sell gold for gold unless like for like and don't increase something of it upon something, and don't sell silver for silver unless like for like and don't increase something of it upon something, and don't sell the absent therefrom for the present. In a narration: Sell not gold for gold, nor silver for silver unless like for like. (Bukhari, Muslim)
- 5) Abu Sayeed reported that Bilal came to the Holy Prophet with Barni dates. The Prophet asked him: whence is this? He replied: There were old dates with me and I sold out for them two sa'as for one. He said: Alas! Veritable interest! Don't do (it), but when you intend to purchase, sell the dates for purchasing another kind, and then purchase therewith. (Bukhari, Muslim)
- 6) Osamah-b-Zaid reported that the Messenger of Allah said: Usury is in promise. And in another narration he said: There is no usury in what is hand to hand. (Bukhari, Muslim)
- 7) Omar reported that the Messenger of Allah said: Gold for gold is interest unless in hand to hand (transaction); silver for silver is interest unless in hand to hand (transaction); wheat for wheat is interest unless in hand to hand (transaction), barley for barley is interest unless in hand to hand (transaction), and date for date is interest unless in hand to hand (transaction). (Bukhari, Muslim)
- 8) Abu Hurairah reported that the Messenger of Allah said: I came across a people in the night in which I was taken

to heaven. Their bellies are like houses wherein there are serpents which can be seen from outside their bellies. I asked: O Gabriel! Who are they? He said: These are those who devoured usury. (Ahmad, Ibn Majah)

- 9) Jaber reported that the Messenger of Allah cursed the devourer of usury, its payer, its scribe, and its two witnesses. And he said that they are equal (in sin). (Muslim)
- 10) It is reported that the Holy Prophet, on his last Pilgrimage and in his last address, said: "Every form of interest ( 'Riba' ) is cancelled; capital indeed is your which you should have, wrong not, and you shall not be wronged.

Thus the Qur'an and Ahadith (traditions) of the Prophet have used the term 'Riba' which has been translated by the scholars as 'usury' or 'interest'. We do not find the definition of this term in the Qur'an or in Hadith. The Arabic word Riba literally means 'increase in' or 'addition to' any thing over and above its original size or amount. In the terminology of Islam, Riba signifies any unlawful addition by way of interest to a sum of money or goods lent by one person to another.

On the basis of practice prevailing at the time of emergence of Islam, the Muslim jurists have classified 'Riba' in two types, namely: "Riba-an-Nasia" and "Riba-al-Fadl". The former is in cash loans whereas the latter is in barter transactions of goods.

## **Bribery**

Bribery eats justice and gives birth to many socio-economic evils. Islam has not only prohibited bribery but has also condemned both the parties to its transaction to Hell in the next world. Bribery is a major sin and a culpable crime in an Islamic state. Therefore, earning wealth through

bribery is absolutely illegal (Haram). Let us see what the Qur'an and the Sunnah say about it.

- And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that ye may knowingly devour a portion of the property of others wrongfully. (2:188)
- Abdullah-b-Amr reported that the Messenger of Allah cursed the bribe-taker and bribe-giver. (Abu Daud, Ibn Majah)

### **Devouring wealth of orphans**

The orphans are the weakest and the most exploited class in human society. They are generally the easiest targets of those near relatives and guardians to whose care they are left. Unscrupulous persons do not feel any moral compunction and devour the property of the orphans with impunity. Such persons have been warned by the Qur'an as follows:

- Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof) nor absorb their wealth into your own wealth. Lo! that would be a great sin. (An-Nisa 4:2)
- Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning flame. (An-Nisa 4:10)

### **Earning through dealing in wine and gambling**

Wine-drinking has been prohibited by the Qur'an and denounced as a great sin. The Prophet of Islam has declared manufacture, purchase, sale and transportation of wine illegal and unlawful. According to the Prophet, every

intoxicant is unlawful (Haram) and thus, by implication, consumption of and trade in narcotics, wine, opium, heroin, etc. is illegal. Therefore, income generated through transactions connected with narcotics is forbidden.

Earning through gambling and games of chance is also prohibited by Islam. The word used by the Qur'an for gambling is 'maisir' which literally means 'getting something too easily' or getting a profit without working for it'. Gambling can briefly be defined as wagering money or other valuable things upon the outcome of an event or making money upon some chance. Thus it is a game of chance by which you either win or lose.

Gambling and all games of chance have been strictly prohibited by the Qur'an. According to the Qur'an, gambling, as wine-drinking, is devil's handiwork through which he seeks to cast enmity among the people and turns them away from remembrance of God.

## **Embezzlement**

Embezzlement means betraying of trust and unlawfully appropriating property belonging to others. Acquisition of wealth through embezzlement of public money or individual's property has been strictly forbidden to a believer in Islam.

The Qur'an says:

- ye who believe! Betray not Allah and His messenger, nor knowingly betray your trusts. (Al-Anfal 8:27)

## **Hoarding, monopoly and black-marketing**

Business of monopoly and hoarding of necessities of life has been condemned by Islam. Especially holding back or



storing up of food grains, eatables and other articles of daily use for getting higher prices in times of scarcity and crises is absolutely unlawful (Haram). In times of scarcity and non-availability of food items, hoarding of such items becomes the worst type of human exploitation and hence a major crime and great sin. Making undue profits from such business of exploitation and black-marketing is illegal.

Hoarding has been condemned by the Qur'an and Prophet Muhammad (PBUH) as follows:

- 1) And let not those who hoard up that which Allah hath bestowed upon them of His bounty think that it is better for them. Nay, it is worse for them. That which they hoard will be their collar on the Day of Resurrection. Allah's is the heritage of the heavens and the earth, and Allah is informed of what ye do. (3:180)
- 2) Ibn Omar reported that the Messenger of Allah said: Whoever stores up food-grains for forty days, intending thereby a dear price, becomes free from Allah and Allah is free from him. (Razin)
- 3) Abu Omamah reported that the Messenger of Allah said: Whoso stores up food-grains for forty days, and then gives it in charity, it will not be an expiation for his sins. (Razin)

### **Short weighing and short measuring**

Business malpractices such as wrong measuring and wrong weighing have been very common in the nations of old as of today. This device of spurious weights and measures is adopted by unscrupulous traders to harm the interests of customers and earn undue profits. The practice of short measuring and short weighing while giving and over-measuring and over-weighing while taking has been

condemned by the Qur'an and the Sunnah of the Prophet of Islam as under:

- 1) And unto Midian (We sent) their brother Shu'eyb. He said: O my people! Serve Allah. Ye have no other God save Him! And give not short measure and short weight. Lo! I see you well-to-do, and lo! I fear for you the doom of a besetting Day. O my people! Give full measure and full weight in justice, and wrong not people in respect of their goods. And do not evil in the earth, causing corruption. (Al-Qur'an 11:84-85)
- 2) Woe unto the defrauders: Those who when they take the measure from mankind demand it full, But if they measure unto them or weigh for them, they cause them loss. Do such (men) not consider that they will be raised again unto an awful Day: The day when (all) mankind stand before the Lord of the Worlds? (Al-Qur'an 83:1-6)
- 3) Ibn Abbas reported that the Messenger of Allah said to the owners of measurement and weight: You have been certainly entrusted with two affairs about which the former nations before you were destroyed. (Tirmizi)
- 4) Ibn Abbas reported: Treachery does not appear in a nation but Allah throws fear into their hearts, nor fornication becomes wide-spread in a nation but death becomes frequent in them, nor does a nation decrease weight and measure but provision is cut off from them, nor does a nation pass order unjustly but murder becomes prevalent among them, nor do a nation break a treaty but the enemy becomes powerful over them. (Malek)

## **Prostitution and immoral professions**

Fornication and adultery have been banned by Islam and declared a major crime in an Islamic state. Therefore,

earning income from prostitution and adultery is strongly prohibited. By implication, all professions and vocations which directly or indirectly promote adultery in society such as obscenity, pornography, blue films, dancing, and sex-songs become unlawful (Haram). The verses of the Qur'an and Ahadith of the Prophet of Islam concerning prostitution and adultery are:

- 1) And come not near unto adultery. Lo! It is an abomination and an evil way. (Al-Qur'an 17:32)
- 2) And of mankind is he who payeth for mere pastime of discourse, that he may mislead from Allah's way without knowledge, and maketh it the butt of mockery. For such there is a shameful doom. (Al-Qur'an 31:6)
- 3) Rafe-bin-Khadiz reported that the Messenger of Allah said: Price of dog is impure, earning of a prostitute is impure, and earning of a cupper is impure. (Muslim)
- 4) Abu Mas'ud al Ansari reported that the Messenger of Allah forbade the price of dogs, earning of prostitutes and fore-telling of a sooth-sayer. (Bukhari, Muslim)
- 5) Abu Hurairah reported that the Messenger of Allah prohibited the price of dogs and earning of singing girls. (Sharhi Sunnat)

### **Other unlawful means**

Islam has prohibited earning of income through profession of singing and dancing. Income of magician, soothsayer, foreteller and a painter of life portraits is also unlawful. Earning of income through unfair trade practices like fraud, deception, misrepresentation and sale of defective things or the things which are yet not in possession of the seller is strictly prohibited. Speculation

and forward transactions are also un-Islamic. Injunctions of the Qur'an and Hadith on this issue are:

- 1) O ye who believe! Squander not your wealth among yourselves in vanity, except it be a trade by mutual consent, and kill not one another. Lo! Allah is ever Merciful unto you. (4:29)
- 2) Jaber reported that the Messenger of Allah forbade Mukhabarah, Muhaqalah and Muzabanah. Muhaqalah is a man's selling corn for one hundred Farq or wheat, and Muzabanah is to sell dry dates upon the heads of date trees for one hundred Farq. And Mukhabarah is to let out land for one-third or one-fourth (of produce). (Muslim)
- 3) Abu Qatada reported that the Messenger of Allah said: Be careful of excessive swearing in sale, because it finds market but then reduces (blessing). (Muslim)
- 4) Abu Hurairah reported that the Holy Prophet forbade the sale by stone-throwing and the sale of unpossessed things. (Muslim)
- 5) Abu Hurairah reported that the Holy Prophet passed by a heap of corn. He thrust his hands therein but his fingers touched moisture. He asked: O owner of corn! What is this? He replied: Rain fell in it, O Messenger of Allah. He enquired: Have you not done so over the corn so that people may see it? Whoso acts with deceit is not of me. (Muslim)
- 6) Ali reported that the Messenger of Allah forbade the (forced) purchase from a needy person, and purchase from the inconsiderate and purchase of fruit before it reaches maturity. (Abu Daud)

- 7) Waselah-b-Asqa's reported: I heard the Messenger of Allah say: Whoso sells a defective thing without disclosing it continues to be in the wrath of Allah..... (Ibn Majah)
- 8) Abu Huzaifah reported that the Holy Prophet prohibited price of blood, price of dogs and earnings of a prostitute. And he cursed the devourer of usury and its giver, the tattooer and the tattooed and the painter (of life-pictures). (Ibn Majah)

## **IV – Miscellaneous subjects**

### **Labour**

The term labour in Economics is used in a very wide sense. Any work whether manual or mental which is undertaken for a monetary consideration is called labour. Any work done for the sake of pleasure and pastime only having no consideration of any reward or compensation is not labour. According to Marshall, "any exertion of mind and body undergone partly or wholly with a view to some good other than the pleasure derived directly from work, is called labour." Labour in this sense includes the very highest professional skill of all kinds as well as the labour of a mass of unskilled workers. Thus it includes labour of highly educated professionals like scientists, engineers, doctors, economists, professors, lawyers, judges, accountants, diplomats, administrators, as well as that of ordinary workers in factories, agricultural farms, government departments, private sector, etc.

In view of its importance in the production of wealth, Islam has laid great emphasis on human labour. Al-Qur'an, the revealed book of Islam, promulgates the fundamental principle regarding role of labour when it says: "There is

nothing for man but what he strives for" (53:39). According to this verse, there is no royal road or easy way to success. The way to progress and success in the world is through struggle and effort. The harder a man or a people work, the higher reward they are likely to get. According to Prophet Muhammad (PBUH), "God loves those who work and strive for their livelihood" and "to search lawful earning is obligatory after the compulsory things (like prayer, fasting, belief in God)".

Both physical and intellectual labour have been emphasized in Islam. The Qur'an refers to manual labour when it talks of construction of boat by Prophet Noah, manufacture of coats of mail by Prophet David, tending of sheep by Prophet Moses and building of wall by Zul-Qarnain. The holy Book also refers to intellectual labour when it relates the story of Prophet Joseph who was appointed incharge of treasures of Egypt by its king.

Dignity and honour is attached to labour and work in Islam while the sources of unearned income and easy gains like usury, games of chance, etc. are despised and forbidden. Work is so much dignified and honourable that the Prophets who are the noblest of the human beings had engaged themselves in labour and work for earning their livelihood. The Qur'an mentions the example of Prophet David and Prophet Moses who respectively worked as ironsmith and shepherd. Prophet of Islam himself pastured sheep. He did not consider any work as menial or below dignity.

Rights of labourer and worker include: that a labourer should be treated as a human being and not as a beast of burden; that dignity and respect should be attached to labour and work; that reasonable wages should be fixed at the time of employment, and that wages should be promptly paid. All these rights were given by Islam to the labour some

fourteen hundred years ago when there was no concept of such rights, there were no labour unions, there were no charters of demand, there was no labour movement and there was no concept of collective bargaining.

## **Trade**

Trade (Tajarah) plays significant role in acquisition of wealth. It is certainly superior to agriculture, service and even industry. History is witness to the fact how individuals and communities have gained prosperity through trade and how nations acquired territories and built up colonial empires through trade. Islam recognizes role of trade in acquiring fortune and greatness. There are many verses of the Qur'an about trade and sale. The Prophet of Islam also highlighted importance of trade. The Prophet himself adopted the profession of trade during his youth and worked as agent of Khadijah, a wealthy lady of Makkah, who was much impressed by his honesty, fair dealing and trustworthiness and who later on became his wife. His companions Abu Bakr and Usman traded in cloth whereas Umar carried on trade in corn. The Prophet issued instructions to his followers to be honest and trust-worthy in their commercial dealings as the trustworthy merchant will be with the prophets, the truthful and the martyrs on the Day of Judgment. His followers not only carried on maritime and land trade throughout the then known world but also became the torch bearers of Islam to the darkest corners of the world causing the spread of message of Allah.

## **Tenancy (Muzara'a)**

Cultivation of land can be done in two ways: Either the owner of the land may cultivate his land himself, or he may give his land for cultivation to another person on the basis of share in produce or fixed rental in cash. If land is given by the owner to another person for cultivation, it is called tenancy or Muzara'a. Tenancy is of two types: one is share-

tenancy in which the tenant and the landlord share the produce of the land in agreed proportions, and the other is cash-tenancy in which the tenant pays the fixed rent of the land to the land owner in cash.

The Qur'an directly does not throw any light on the subject of tenancy but it indirectly mentions the cultivation of land when it enjoins upon the believers to pay the due (Zakat or Ushr) on the produce of the land on the harvest day. However, the traditions of Prophet Muhammad (PBUH) throw a lot of light on both types of tenancy and lay down comprehensive rules.

Prophet Muhammad (PBUH) in his traditions has discouraged both forms of tenancy and has enjoined upon his followers to give their spare agricultural land to their brother Muslims gratis i.e. free of any charge.

Views of Muslim jurists regarding permission of tenancy, however, differ. According to some, both forms of tenancy are prohibited while according to others, both are allowed by Islam. The balanced view is that share tenancy is allowed but lease or rental of land i.e. cash tenancy is strictly forbidden as it tantamount to taking of usury or interest.

## **Debt or Loan**

Indebtedness has been discouraged by Islam as it ruins the individuals as well as nations. This can be easily known from the severe warnings that have been given in case of debts left unsatisfied. All the sins of a martyr are forgiven except debt. The Prophet did not offer funeral prayer of a debtor who did not leave behind provision for payment of his debts. The greatest of sins with which a man shall meet Allah on the Day of Judgment is his debt outstanding at death for payment of which he leaves nothing. Keeping in



view these warnings, great precaution should be taken in contracting debt.

Since the verbal agreements regarding loans lead to disputes, feuds and litigations, the revealed book of Islam has made it obligatory on both the parties, creditor as well as debtor, to reduce the contract of debt into writing in the presence of two witnesses and settle terms and conditions regarding its payment. Writing down of contracts of loan is so much important that the Prophet of Islam is reported to have said that those who lend money to others without any document or evidence are not helped by Allah when they cry for help in case of non-recovery of such loan.

The lender can ask for some security in the shape of an asset or property from the debtor as a guarantee of repayment of loan. It is technically called mortgage or 'Rahn'. The creditor is, however, strictly prohibited to make any profit out of mortgaged property because it would be usury. But he is allowed to drink the milk of or ride on the animal which is a pledge if he incurs expenses of its fodder.

In the absence of any stipulation regarding interest in the contract, the repayment of debt voluntarily with excess amount is lawful. It is not *riba*. According to Jaber, the Prophet owed him some debt and when he paid it back he paid excess.

If a debtor is in straitened circumstances and is not in a financial position of repaying his debt, then the creditor should postpone his demand to the time when the financial position of the debtor improves and he is able to repay it. However, if the creditor remits the debt as almsgiving, it would earn him high rewards from God.

If a poor person dies with unpaid debt leaving no property for its discharge, Islamic state is responsible for its

payment provided the debt is genuine and the Islamic state is financially in a position to do so. It can repay such debts from its Zakat funds also. The Prophet, as first head of the Islamic state, accepted this responsibility when the state under him attained sound financial position.

### **Social Security**

The term social security has recently come into common usage. However, this term has not been exactly defined. So every individual and community assigns to it meanings of his or her own liking. Broadly speaking, social security embraces in its fold social assistance, provision of basic necessities of life, social insurance against risks of hazards (such as sickness, old age, unemployment), public maintenance, etc.

The Islamic concept of social security originates from some of the Verses of the Qur'an and the Ahadith which enjoin upon the believers to help their poor and needy brothers in-faith who are unable to fulfil their basic human needs. From such Verses and Ahadith, it is clear that Islamic state being guardian of the poor and helpless is responsible for providing the barest necessities of life to its poor and needy citizens. In the income of the state from Zakat, spoils of war and Fai, the Qur'an has especially mentioned the share of the poor and needy. Besides making the Islamic state responsible to provide for the poor, Islam also enjoins upon its rich followers to help their poor relatives, friends and neighbours.

Basic human needs or the barest necessities of life have been defined by the following Verses of the Qur'an and Hadith of the Holy Prophet:

- 1) There is therein (enough provision) for thee not to go hungry nor to go naked; nor to suffer from thirst, nor from the sun's heat. (Al-Qur'an 20:118-119)

- 2) The son of Adam has no better right than that he would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness, and a piece of bread and some water. (Tirmizi)

Thus the basic human needs, according to the Qur'an and the Sunnah, include food, clothes and house.

Many Muslim jurists of classical age have taken the notion of state responsibility for meeting the basic human needs of every eligible citizen so seriously that according to them the allegiance of the Islamic state depends upon this condition. If the state fails to provide basic needs to its citizens, it forfeits its right to their obedience.

From its very inception at al-Madinah in the early seventh century, the Islamic state accepted its responsibility towards the poor and the destitute. The Prophet of Islam as the first head of this state initiated the policy of providing economic assistance to the needy and the poor from the state treasury although this tiny state during his time had meagre resources which were always under pressure due to constant wars. He utilized the limited revenues of the state collected from Zakat, Khums and Fai to meet the needs of the poor, orphans, widows, the disabled, debtors, slaves, prisoners of war and those who were unemployed.

Prophet's policy was followed by Abu Bakr, his successor, who continued helping the poor and the needy. It was, however, during the time of Umar, Abu Bakr's successor and second caliph of Islamic state, that the scheme of social security for all was established on permanent footing as the state had expanded to include in its fold many rich countries like Iraq, Syria and Egypt and its revenues had substantially increased.

## Social Justice

The term "social justice" is of recent vintage. It first appeared in political debate in the early nineteenth century. It was employed by political thinkers like John Stuart Mill and its use has since become widespread. Social Justice implies that overall pattern of distribution in a society ought to be brought into line with principles of justice.

Islam, as religion of nature, understands that human beings are born with varying gifts. As they differ in their bodies and their features so they differ in their mental and other capabilities. Their environment, their circumstances and their hereditary gains also differ. In this situation there can be no possibility of economic equality. Thus the existence of economic inequalities among the human beings is but natural. It is also there because Islam allows individual initiative in earning wealth and gives right of private ownership of property. Moreover, existence of inequalities in economic and social life is part of Divine scheme whereby God tests the people to know who are good and who are bad. To this fact, the Holy Qur'an refers when it says: He it is who hath placed you as viceroys of the earth and hath exalted some of you in rank above others, that He may try you by (the test of) that which He hath given you..... (6:165)

However, despite recognizing inequalities as natural part of Divine world order, Islam permits differences in wealth within reasonable limits only. It does not tolerate that these differences should grow so wide that some people live their life in absolute luxury while millions are left to lead a life of abject poverty and misery. It does not allow economic disparities to turn into an extreme position wherein millions of have-not' become serfs and slaves in the hands of few 'haves' of society. In other words, we can say that Islam does not believe in equal distribution of economic resources

and wealth among the people rather it believes in equitable, just and fair distribution. It bridges the gulf between the rich and the poor by taking very effective measures to modify the distribution of wealth in favour of the poor.

Islam, on the one hand, ensures just and equitable distribution of wealth among the people and, on the other hand, provides social security to the poor and the destitute in the form of the provision for basic necessities of life. Besides that, Islam also protects the weak from the economic exploitation by the strong. All these are various aspects and manifestations of what is called Islamic social justice. Thus social justice (which is also referred to as economic justice or distributive justice) according to Islamic conception includes three things, namely: (1) fair and equitable distribution of wealth, (2) provision of basic necessities of life to the poor and the needy, and (3) protection of the weak against economic exploitation by the strong.

## CHAPTER 8

### MORAL CODE

#### I- Foundations

Moral or ethical code of Islam is based on taqwa (fear of God), tawakkal (trust in God) and self purification (tazkia nafs). Let us study these foundations in a little detail.

#### **Fear of God (Taqwa)**

The root of the word 'Taqwa' is 'Waq' which stands for saving or guarding i.e., the guarding of a thing from that which harms it. The verb is 'Ittaqa' which means "he saved or guarded himself properly". 'Muttaqi' is the nominative for this verb and it means one who guards himself against evil or one who is careful and keeps his duty well. Taqwa, and the verb and nouns connected with the root, according to Abdullah Yusuf Ali, signify: (1) fear of God which is the beginning of wisdom; (2) restraint, or guarding one's tongue, hand and heart from evil; hence righteousness, piety, good conduct. Muttaqi, according to Muhammad Asad, is God-conscious who has awareness of Allah's all-presence and has the desire to mould his existence in the light of this awareness.

In brief, taqwa means fear of God, restraint from evil, piety, righteousness, right conduct, warding off evil, keeping duty to God. Muttaqi is the person who is fearful of God, who guards his tongue, his hand and his heart from evil; who is pious, righteous and possesses good conduct.

Once Caliph Umar asked Abi-bin-Kaab: What is Taqwa? The latter questioned him as to what he would do if he had

a chance to pass through a forest full of thorns. Umar replied that he would keep his clothes closer to him and would pass through the forest with utmost care to escape from the thorns. Abi aptly replied that his utmost care if exercised in avoidance of sins is taqwa.

'Taqwa' or fear of God is the foundation of Islamic society. The merits of 'Taqwa' and the qualifications of those (Muttaqin or righteous persons) who possess it have been highlighted by the Qur'an and the Prophet of Islam along with the rewards which are due to such persons. Some of the verses of the Qur'an and traditions of Prophet Muhammad (PBUH) are:

- 1) This is the Scripture whereof there is no doubt, a guidance unto those who ward off (evil): Who believe in the unseen, and establish worship, and spend of that We have bestowed upon them; And who believe in that which is revealed unto thee (Muhammad) and that which was revealed before thee, and are certain of the Hereafter. These depend on guidance from their Lord. These are the successful. (Al-Qur'an 2:2-5)
- 2) Say: Shall I inform you of something better than that? For those who keep from evil, with their Lord are Gardens underneath which rivers flow, and pure companions, and contentment from Allah. Allah is Seer of His bondmen. (Al-Qur'an 3:15)
- 3) And the reward of the Hereafter is better, for those who believe and ward off (evil). (Al-Qur'an 12:57)
- 4) Lo! Allah is with those who keep their duty unto Him and those who are doers of good. (Al-Qur'an 16:128)
- 5) Abu Dharr said: I asked God's Messenger to give me some instructions and he replied: I enjoin you to fear

God, for that will be the best adornment for everything that concerns you ..... (Miskhat-ul-Masabih)

- 6) Abu Hurairah (Allah be pleased with him) has reported that the Messenger of Allah (peace and blessings of Allah be upon him) was asked: What is that pursuit which will stand foremost to lead a man to Paradise? He replied: Fear of Allah and good conduct. Then he was asked: What is that indulgence which will admit a man to Hell (Fire)? He answered: The mouth and sexual organ. (Tirmizi)
- 7) In his famous sermon delivered on the occasion of farewell pilgrimage, Prophet Muhammad (PBUH) addressed the people as under: "O people! Be ware: your God is one. No Arab has any superiority over a non-Arab, and no non-Arab any superiority over an Arab, and no white one has any superiority over a black one, and no black one any superiority over a white one, except on the basis of Taqva (piety). The most honourable among you in the sight of Allah is he who is the most pious and righteous of you,"
- 8) Abu Hurairah reported God's messenger as saying: "There are three things which save and three which destroy. Those which save are fear of God in secret and in public, speaking the truth both when pleased and displeased, and moderation both when wealthy and when poor. Those which destroy are passion which is followed, niggardliness which is obeyed, and self-conceit which is the worst of them." (Baihaqi)
- 9) Abu Zarr reported that the Messenger of Allah said: Surely I know a verse. If people would have followed it, it would have sufficed them — "And whoso fear Allah, He will find out a way for him and He will give him



provision from where he will not know — 65:30 (Ahmad, Ibn Majah)

## **Trust in God (Tawakkal)**

'Tawakkal' comes from 'waki' which means to resign or to rely or to trust. Another derivative of this word is 'Wakil' which means a pleader to whom a legal suit is entrusted as an agent for pursuing in a court of law. So Tawakkal-al-Allah means to rely on Allah and entrust Him all the worldly affairs. A true Muslim absolutely submits himself to Allah and entrusts all his affairs to the Will of Allah believing that "my prayer, my sacrifice, and my life, and my death are all for Allah, the Lord of the worlds." (Al-Qur'an 6:162).

But reliance on Allah does not mean that one should not take any action and do any work and sit idle entrusting all affairs to Allah believing that Allah would provide him every thing without any effort or action on his part. This is rather sluggishness and not trust in Allah. At least Islam does not support this passive attitude to life. True reliance on Allah means that a person works hard and makes his best efforts to achieve a goal and then he entrusts the results thereof to Allah with the belief that Allah would accept his efforts and would bless him with success. The Qur'an says: "There is nothing for man but what he strives for" (53:39). Therefore a Muslim is expected to set himself wholeheartedly to action and then rely on Allah for good results.

According to a well known tradition, some companion asked the Prophet: "Should I not leave my camel free and rely on God for its safety?" The Prophet replied: "You must tie the camel and then trust in Allah." An absolute belief in the Will of God, His Omnipotence and His Ability to do everything is essential but a true believer is not supposed

to resign himself to idle life and expect from God that He would do every thing for him.

The Qur'an enjoins the believer to put their trust in Allah in every situation. It says:

- 1) And when thou art resolved, then put thy trust in Allah. Lo! Allah loveth those who put their trust (in Him). (Al-Imran 3:159)
- 2) If Allah is your helper none can overcome you, and if He withdraw His help from you, who is there who can help you? In Allah let believers put their trust. (Al-Imran 3:160)
- 3) They only are the (true) believers whose hearts feel fear when Allah is mentioned, and when the revelations of Allah are recited unto them they increase their faith, and who trust in their Lord; (Al-Anfal 8:2)
- 4) And if they incline to peace, incline thou also to it, and trust in Allah. Lo! He is the Hearer, the Knower. (Al-Anfal 8:61)
- 5) Say: Naught befalleth us save that which Allah hath decreed for us: He is our Protecting Friend. In Allah let believers put their trust! (At-Taubah 9:51)

### **Purification of self (Tazkia)**

'Tazkia' is actually 'Tazkia Nafs' which means purification of self. It is internal purity as well as external purity. In other words it is purification of body as well as of mind and soul. But in religious and spiritual sense we generally understand from Tazkia Nafs the purification of one's self i.e. one's mind and soul of evils and vices. Since mind and soul cannot be purified or cleansed without cleanliness of body, so internal

and external purity becomes interconnected as body and mind are connected inseparably. If both body and mind are clean, then the man is healthy. But if any of them is unclean, then the man is unhealthy and impure. Since cleanliness of body and mind is not possible without cleanliness of house, place of worship, place of work and physical environment around the people, so cleanliness of these things is also essential.

Islam emphasises cleanliness of its followers and of everything around them so that they should be physically and mentally healthy with healthy soul.

Therefore, the followers of Islam have been enjoined to keep their bodies, minds and souls clean and also to keep their houses, places of worship and work, roads and streets, and even their wealth and goods clean. For cleanliness of their bodies, ablution and bath have been prescribed; for cleanliness of their minds and souls, prayer, fasting and Hajj have been prescribed; for cleanliness of their goods and wealth, Zakat, Sadaqat and charity have been recommended.

The purification of self, particularly of mind and soul, from evils and vices is very difficult as it is not possible without fight and struggle against oneself, therefore this struggle has been called by the Prophet of Islam as Jihad-e-Akbar (the greatest war).

Some of the traditions of Prophet Muhammad (PBUH) which emphasise cleanliness of body, soul and environment are:

- 1) Abu Malik al-Ash'ari reported that the Messenger of Allah said: Cleanliness is half of faith. (Mishkat-ul-Masabih)

- 2) Jaber reported that the Messenger of Allah said: The key of Paradise is prayer, and the key to prayer is cleanliness. (Ahmad)
- 3) Jaber reported: The Prophet came to see us and found a man of disheveled hairs whose hairs were not arranged. Then he said: This man is not finding with what he should comb his head! And he saw a man with dirty clothes on. So he said: This man is not finding with what thing he should wash his clothes! (Ahmad, Nisai)
- 4) Abu Hurairah reported that the Messenger of Allah said: Verily Allah is pure. He does not accept but what is pure. And verily Allah ordered the believers with which He ordered the Prophets. He said: O Prophets! Eat of the pure things and do good deeds. And he said: Eat of the pure things with which We provided you. Then he mentioned about a man disheveled in hair and laden with dust, making his journey long and extending his hand towards heaven: O Lord! O Lord! While his food was unlawful, his drink unlawful, his dress unlawful and he was nourished with unlawful things. How can he be responded to for that? (Muslim)
- 5) Jaber reported that the Messenger of Allah said to a people who returned from holy war: Welcome to you all, you have come from little fight to the greatest fight. It was questioned: O Messenger of Allah! What is the greatest fight? He said fighting with passion. (Baihaqi)

## **II- Basic Concepts**

In this section we will explain some of the basic concepts which play key-role in founding the social and moral edifice of Islam. Without comprehending these concepts such as – good and evil, right and wrong, Halal (permitted) and Haram (forbidden), reward for good deeds

and punishments for evil deeds – we can hardly be motivated to do pious acts, to adopt virtues and to shun vices, to observe good manners, and to discharge our obligations to others. A comprehensive discussion of these basic concepts would be made in the light of the Qur'an, the revealed book of Islam, and the traditions of Muhammad (PBUH), the Prophet of Islam.

## **Good and Evil**

The terms 'good' and 'evil' have not been defined by Islam. Neither the Qur'an nor the Ahadith of the Prophet Muhammad provide any exact definition of these terms. Without giving any definition of good and evil, the Qur'an and the Sunnah, however, throw a lot of light on what is good and what is evil as the concepts of good and evil are fundamental in the socio-ethical structure of Islam. Islam enjoins upon its followers to do good and refrain from evil. Things or actions which are good and which are bad have been clearly demarcated by the Qur'an and Hadith. The doers of good actions have been promised rewards whereas doers of evil actions have been threatened with awful punishment.

According to Holy Qur'an, the man may have many justifications for his actions but he knows what he is. This knowledge "he knows what he is" is in fact human conscience which Almighty God has bestowed upon everyone. Conscience is a lamp which is enkindled in every human mind and which guides the man about what is right and what is wrong and what is good and what is evil. If this lamp switches off due to continuous and prolonged wicked acts, then the voice or opinion of the people around one would help him to know what is right and what is wrong. It is said: you are good if the people say that you are good; and you are bad if the people say that you are bad.

Righteousness and sin have been explained by the Prophet of Islam in a very precise but vivid way. When asked by a companion about righteousness and sin, the Prophet replied: Righteousness is good character, and sin is that which revolves in your heart about which you do not want people to know.

Some of the verses of the Qur'an and traditions of Muhammad (PBUH) which highlight the concept of good and evil are:

- 1) Whoso interveneth in a good cause will have the reward thereof, and whoso interveneth in an evil cause will bear the consequence thereof. Allah overseeth all things. (Al-Qur'an 4:85)
- 2) Whoso bringeth a good deed will receive tenfold the like thereof, while whoso bringeth an ill deed will be awarded but the like thereof; and they will not be wronged. (Al-Qur'an 6:160)
- 3) The good deed and the evil deed are not alike. Repel the evil deed with one which is better, then lo! he, between whom and thee there was enmity, (will become) as though he was a bosom friend. (Al-Qur'an 41:34)
- 4) An-Nawwas b. Sam'an told that he asked God's Messenger about righteousness and sin and he replied: "Righteousness is good character, and sin is that which revolves in your heart about which you do not want people to know." (Muslim)
- 5) Huzaifah reported that the Messenger of Allah said: Don't be silly by saying: if people do good, we will do good; and if they do wrong, we will do wrong;; but

accustom yourselves to do good if the people do good and not to do wrong if they do wrong. (Tirmizi)

- 6) Ali said that the following was inscribed on the sword of the Holy Prophet: pardon one who does harm to you, join him who cuts you off; do good to one who does evil to you, and speak the truth although it be against yourself. (Ihya)

## **Truth and Falsehood or Right and wrong**

Truth and falsehood are being taken as English equivalents of Arabic words 'Haq' and 'Batil'. Truth is what is just, morally good, ethically right and conforms to fact, reason, or some standard or principle. Truth is in judgment, opinion, or action. Actuality, veracity, spiritual or philosophical verity, accuracy, exactness, equity, fairness, righteousness, genuineness, legitimacy are some of the words which describe some shades of meanings of truth. False is untrue; it is lie, incorrect, unjust, unfair act, opinion or judgment. It is wrong, not according to rule, wish, design or the like. Falsehood is the act of lying; something that is untrue, want of truth or veracity, not right according to moral law.

Truth and falsehood, like good and evil, are basic human values which cannot be defined so easily. Islam, therefore, elaborates the concepts of truth and falsehood without defining the same in words. Truth is light while falsehood is darkness, and as darkness vanishes when the light comes, the falsehood disappears when the truth comes. Falsehood, according to Islam, is a great sin while truthfulness is a great virtue. Hence Islam enjoins upon its followers to shun falsehood and be truthful. Truth is to be rewarded while falsehood is to be punished. Truth is to be found in six things i.e. in words, in motives, in intentions, in determination, in

obedience, in action, and in religious duties. Truthful is he who is true in all these things.

## **Halal and Haram (legal and illegal)**

Islamic conception of Halal and Haram governs all the economic activities of man especially in the field of production of wealth and consumption of wealth as well as consumption of food items. Certain means of earning livelihood and wealth have been declared unlawful such as interest, bribery, gambling and games of chance, speculation, short weighing and short measuring, business malpractices, etc. Unlawful means of earning are strictly forbidden and a follower of Islam is permitted to earn through lawful and fair means. Similarly in the field of consumption certain items of food are unlawful such as dead animals, blood, swine flesh and animals slaughtered in the name of other than that of Allah. Even expenses on certain items such as drinks, narcotics, debauchery, prostitution, pornography, things that promote obscenity and vulgarity, lotteries and gambling are strictly disallowed.

## **Reward and punishment**

To keep its followers on the right track and to make them do good deeds and abstain from evil, Islam, like other religions and systems, follows policy of reward and punishment. Those who believe, perform righteous actions, worship Allah only, act upon religious injunctions and do good to others as enjoined by Islam are promised high rewards and Paradise. But those who do not believe, do evil deeds, ridicule religious injunctions and violate rights of their fellow-beings are threatened with painful doom and Hell.

About Islam's Philosophy of reward and punishment, the Holy Qur'an says:



- Nay, but whosoever hath done evil and his sin surroundeth him, such are rightful owners of the Fire; they will abide therein. And those who believe and do good works: such are rightful owners of the Garden. They will abide therein. (Al-Baqarah 2:81-82)
- It will not be in accordance with your desires, nor the desires of the People of the Scripture. He who doth wrong will have the recompense thereof, and will not find against Allah any protecting friend or helper. And whoso doth good works, whether of male or female, and he (or she) is a believer such will enter Paradise and they will not be wronged the dint in a date-stone. (An-Nisa 4:123-124)

## **Satan (Devil)**

According to Islam's religious and moral code, devil (called Satan in the Qur'an) is enemy number one of mankind. The Qur'an tells us that God created Adam, the father of all mankind, and asked the angels and also Iblees (the Satan or devil) to prostrate before Adam.

All prostrated save the Satan. When God asked him why he disobeyed and did not prostrate, the Satan said: "I am superior than him as You have created me of fire and him of mud." At this God declared the Satan outcast. Satan then threw challenge to God that if he was given respite, he would beguile Adam and his children from right path. God gave him reprieve till the Day of Judgement or the Doomsday accepting his challenge. The Satan misguided Adam and Eve to eat fruit of the forbidden tree and thus got them expelled from Paradise. From here starts the enmity between children of Adam and the Satan and also war between good and evil. God guides the mankind to right path and to Heaven through His Prophets; while the Satan lures mankind to evil path and to Hell.

The Qur'an, the book of God, and the traditions of Muhammad (PBUH), the Prophet of Islam, teach the believers how to combat the Satan, how to refrain from evil and keep to the right path of God which leads to Heaven.

## **Repentance**

Taubah is repentance which signifies retreating or turning back from sin. It is accompanied with Istighfar which means to seek forgiveness from Allah for sins, wrongs, irregularities, commissions and omissions, whether specific or general. Taubah has generally three elements namely: to have knowledge that the act done is wrong and sinful; to repent sincerely and ask for forgiveness, and to make sincere commitment that such act would not be repeated in future. Repentance, if made with all these conditions, earns God's pleasure who forgives past sins and bestows immense rewards on His slave. However, repentance of those is not acceptable who turn back to sins again and again after repentance. Nor the repentance of those is accepted who continue doing evil deeds up till their death and offer repentance only at the time of death. The Verses Holy Qur'an and Ahadith of Prophet Muhammad (PBUH) say:

- 1) Lo! those who disbelieve after their (profession of) belief, and afterward grow violent in disbelief: their repentance will not be accepted. And such are those who are astray. (Al-Imran 3:90)
- 2) Forgiveness is only incumbent on Allah toward those who do evil in ignorance (and) then turn quickly (in repentance) to Allah. These are they toward whom Allah relenteth. Allah is ever Knower, Wise. The forgiveness is not for those who do ill deeds until, when death attendeth upon one of them, he saith: Lo! I repent now; nor yet for those who die while they are disbelievers. For such we have prepared a painful doom. (An-Nisa 4:17-18)

- 3) Abu Musa reported that the Apostle of Allah said: Allah extends His hand at night to accept repentance from one who commits sins during the day, and He extends His hand during the day to accept repentance from one who commits sin at night, till the sun will rise from its place of setting. (Muslim)
- 4) Ayesha reported that the Apostle of Allah said: When a servant recognizes his sin and then repents, Allah will accept his repentance. (Bukhari, Muslim)
- 5) Anas reported that the Apostle of Allah said: The Almighty Allah said: O son of Adam! I will forgive you as long as you implore Me and hope in Me in spite of what you have done, and I don't care. O son of Adam! If your sins are so numerous as to reach the clouds of heaven and thereafter if you seek forgiveness from Me. I would forgive you and I don't care. O son of Adam! If you were to meet Me with an earth- full of sins and then if you were to meet Me without setting up anything with Me, I would certainly come to you with an earth-full of forgiveness. (Ahmad, Darimi, Tirmizi (Approved, Rare))
- 6) Ibn Abbas reported that the Apostle of Allah said: Whoso sticks to seeking forgiveness, Allah will create for him a way out from every difficulty and a relief from every anxiety, and He will supply him provision from where he did not think. (Ahmad, Abu Daud, Ibn Majah)

### **III- Virtues**

The virtues of human character are those good qualities which raise the status of human beings above all other creatures and make them the best of God's creations. Many rewards have been promised in this world as well as in the next world for those Muslims who possess these virtues. Such virtues are numerous and no exhaustive list of them

can be prepared. Therefore, we would discuss in this section only a few important virtues.

## **Contentment**

Contentment is satisfaction or state of happiness or complacency with what one has got. It is opposed to discontentment, unhappiness or dissatisfaction. It is a great treasure and a great virtue in a human being. Contentment saves a person from many unnecessary worries and troubles which are generally caused by discontentment. Contentment brings peace of mind which is not only essential for leading a happy life but also for concentration of mind in achieving one's goals in life. A contented mind can concentrate in the divine service and worship of Allah. A discontented or disturbed mind can hardly give proper attention to remembrance of Allah. Therefore, Islam enjoins the believers to live a happy and contented life. The Prophet of Islam has said that wealth is not in vast riches but it is in contentment. Hence a Muslim should content himself with what Allah has given him and he should spend in Allah's path out of that if he can afford. He should not look towards those people who are wealthier than him as it would make him discontented. Discontentment generally arises out of greed for more and more wealth and hence it should be shunned. In fact discontentment is ungratefulness whereas contentment is gratefulness to Allah.

Belief in pre-measurement of sustenance (rizq) and pre-determination of human destiny is an article of faith with a Muslim. It teaches one to remain contented with one's determined share of fortunes and misfortunes. There is no use to worry and grieve over what has not been given to one. It is Allah who enlarges the provision for whom He will and decreases it for whom He will. Fortune and misfortune comes from Allah. Wealth and children are a test for man.

Allah has exalted some people in rank above others that He may try them.

## **Forgiveness**

To forgive means to remit, to let off or to pardon. Forgiveness is act of forgiving or state of being forgiven. Absolution, acquittal, amnesty, condonation, exoneration, mercy, overlooking, pardon, remission are its synonyms. By forgiveness we generally understand that a person is able to take revenge for the wrong done to him but he does not do so.

Forgiveness is a virtue which is akin to mercy and kindness. It is one of the greatest attributes of Almighty God. Allah is Forgiving, Merciful and He forgives the biggest sins of His creatures if they repent, turn to Him and ask His pardon sincerely. Those of the mankind who adopt this attribute of forgiveness and forgive each other's mistakes have been promised great reward by Allah in this world and in the Hereafter. Forgiveness does not gain but honour. A pious person who is able to retaliate or get revenge forgives his foe and thus shows magnanimity and large heartedness.

Prophet Muhammad (PBUH) was the most forgiving person. On the day he conquered Makkah, he forgave thirteen years of merciless persecution of himself and his companions by the Quresh, though there was none who could stop him from taking revenge. The Quresh had driven him and his companions from their home town of Makkah and had forced them to take refuge in a distant town of Madinah. The Quresh had persistently chased the Muslims in Madinah and had waged a continuous war against the Prophet. But on the day of conquest Muhammad (PBUH) forgave all his enemies. He even forgave Abu Sufian who was his greatest enemy and had led expeditions against him. Not only Abu Sufian was forgiven, but his house was also declared a place of amnesty for those who entered into

it. Abu Sufian's wife Hind who had chewed liver of Prophet's uncle Hamzah was pardoned. What a great amnesty it was! The history of the world cannot produce another such example!

The Holy Qur'an and the Prophet of Islam have enjoined the Muslims to practice this virtue of forgiveness. According to the Qur'an, forgiveness is better than alms-giving followed by injury. According to a Hadith, the most honourable of Allah's servants is he who pardons when he is in a position of power to take revenge.

## **Hospitality**

Hospitality means friendly and generous reception of guests or strangers or new ideas. In common parlance, hospitality stands for large heartedness and broad-mindedness shown in the entertainment of guests.

The Holy Qur'an as well as Prophet of Islam have admired the virtue of hospitality and exhorted the believers to adopt this virtue. According to the Prophet, a Muslim must entertain his guests at least for three days with as good food as he can afford and if he entertains them beyond three days then he would get rewards of charity for each meal. A believer is obliged to show hospitality even to those who had failed to show him hospitality. Manners of hospitality prescribed by the Prophet require that the host should bid the guest farewell at the door of his house with a smiling countenance and the guest should not leave the house of his host without his permission and should not become economic burden on his host.

## **Humility**

Humility means humbleness, meekness or humble condition, lack of pride, etc. Modesty, diffidence, unpretentiousness, loneliness are its synonyms. Its

antonyms are arrogance, haughtiness, pride, pretentiousness, snobbishness, vanity, etc. Humility or modesty is one of the best virtues of human conduct and is found in the great men and the Prophets. Islam exhorts its followers to adopt this virtue of humility in their conduct and avoid pride and haughtiness. As soon as a man lowers himself by way of humility, he rises proportionately in the sight of his Creator Who makes him highly respectable among his fellows. A man is not great because he calls himself great or considers himself great but the great man is he who is most pious and who makes himself humble in his conduct with others. According to the Qur'an, the faithful slaves of God are those who are humble and who walk upon the earth modestly. According to the Prophet of Islam, nobody humbles himself for Allah but Allah raises him up. He is small to himself but great to the eyes of men.

## **Kindness**

Kindness is an attribute of Almighty Allah and in showing kindness Allah does not make distinction between man and man. 'Follow the divine attributes' is the advice of the Prophet of Islam to his followers. We should, therefore, adopt this attribute of kindness and show kindness to Allah's creatures. We should be especially kind to our children, our parents, our kith and kin, our neighbours, our friends, our juniors, our seniors, our servants, the weak, the distressed, and to others with whom we come in contact. In order to invoke kindness from Allah, we should show kindness even to those who are not kind to us. We must not forget to follow the example of our Prophet who gave very kind treatment even to his bitter enemies on the day of conquest of Makkah. They had persecuted the Prophet and his companions for years and had expelled them from Makkah. But despite that, Prophet forgave them and treated them kindly.

The Qur'an enjoins upon the believers:

- 1) . . . . . (Show) kindness unto parents, and unto near kindred, and orphans, and the needy, and unto the neighbour who is of kin (unto you) and the neighbour who is not of kin, and the fellow-traveller and the wayfarer and (the slaves) whom your right hands possess. Lo! Allah loveth not such as are proud and boastful, (An-Nisa 4:36)
- 2) Lo! Allah enjoineeth justice and kindness, and giving to kinsfolk, and forbiddeth lewdness and abomination and wickedness. He exhorteth you in order that ye may take heed. (An-Nahl 16:90)

The Prophet of Islam said:

- 1) Jabir reported that the Messenger of Allah Said: he who is devoid of kindness is devoid of good. (Muslim)
- 2) Ayesha reported that the Messenger of Allah said: He who is given his share of kindness is given his share of good of this world and the Hereafter; and he who is deprived of his share of kindness, is deprived of his share of the good of this world and the Hereafter. (Sharh-i-Sunnat)
- 3) 'Abdullah reported God's Messenger as saying: "All creatures are God's children, and those dearest to God are the ones who treat His children kindly." (Baihaqi)
- 4) Jaber reported that the Holy Prophet said: Whoso has got three things in him, Allah will make his death easy and will admit him in Paradise: mercy to the weak, kindness to the parents, and doing good to the slave. (Tirmizi (Rare))



- 5) Jarir bin Abdullah reported that the Messenger of Allah said: Allah is not kind to one who is not kind to men. (Bukhari, Muslim)

## **Mercy**

Mercy is one of the greatest attributes of Allah Who is the most Beneficent (Rehman) and the most Merciful (Rahim). As Allah is merciful to us, we should be merciful to His creatures especially to the weak, to the distressed, to the people under command, to the minorities living with us, even with the animals. Mercy is opposed to oppression. We should avoid oppression and practice the attribute of mercy but no pity should be shown to the criminals in the matter of punishment and in the establishment of Hudood and justice. The Qur'an says: "The adulterer and the adulteress, scourge ye each one of them (with) a hundred stripes. And let not pity for the twain withhold you from obedience to Allah....." (24:2)

Prophet Muhammad (PBUH) has highlighted this virtue in his following traditions:

- 1) Jarir b. 'Abdullah reported God's Messenger as saying: "God will not show mercy to him who does not show mercy to others." (Bukhari, Muslim)
- 2) Abu Hurairah told that he heard Abul Qasim who spoke the truth and whose word was verified say: "mercy is taken away only from him who is miserable." (Ahmad, Tirmizi)
- 3) 'Abdullah b. 'Amr reported God's Messenger as saying: "Those who are merciful have mercy shown them by the Compassionate One. If you show mercy to those who are in the earth He who is in heaven will show mercy to you." (Abu Daud, Tirmizi)

## Patience

Patience is calm endurance of pain or of any provocation. It is perseverance, forbearance, or quite and self-possessed waiting for something. It is the quality of being able to calmly endure suffering, toil, vexation, or the like.

Patience is an attribute only of men and not of animals or beasts who are subordinate to instincts and passions. Patience is not only to show endurance during hardships, poverty, diseases calamities, assaults, tortures and other physical troubles but it also means resistance to temptations and control over passions and immoral and evil tendencies. The former is called physical patience while the latter is spiritual patience.

The Holy Qur'an enjoins patience and admires those who are patient in its following verses:

- 1) Seek help in patience and prayer; and truly it is hard save for the humble minded. (Al-Baqarah 2:45)
- 2) And surely We shall try you with something of fear and hunger, and loss of wealth and lives and crops; but give glad tidings to the steadfast, Who say, when a misfortune striketh them: Lo! we are Allah's and lo! unto Him we are returning. (Al-Baqarah 2:155-156)

About patience, Prophet Muhammad (PBUH) has said:

- 1) Abu Sayeed reported that the Messenger of Allah said: There is no patient man but possesses power and no wise man but possesses experience. (Ahmad, Tirmizi (Rare)

- 2) Ibn Abbas reported that the Holy Prophet said to the wounded men of Abdul Qais tribe: Surely there are in you two attributes which Allah likes-patience and delay. (Muslim)
- 3) Ibn Mas'ud reported that the Messenger of Allah said: Patience is half of faith. (Abu Nayeem)

## **Promise**

Keeping or fulfillment of promise has been much emphasized by the Qur'an and the Sunnah of the Prophet of Islam. The Qur'an commands its followers: "O ye who believe! Fulfill your promise..." (5:1). According to Prophet Muhammad (PBUH), breaking of promise is one of the characteristic of hypocrisy. The breaker of the promises would be one of the three persons against whom Allah, the Almighty God Himself would contend on the Day of Judgment. A person who has got no promise has in fact got no religion. Fulfillment of promise is one of the characteristic of the conduct of Prophets. The Qur'an praises Prophet Ismael as a keeper of promise. Prophet Muhammad (PBUH) waited for three long days for a companion at a place who had promised him to deliver a thing. Fulfillment of promise is so much stressed that even the promise of a deceased should be fulfilled by his successors. Abu Bakr, the first Caliph of Islam, fulfilled the promise made by the Prophet to a companion after Prophet's death.

## **Speaking Truth**

Speaking truth is the greatest virtue of human character and it has been enjoined by Islam upon its followers with great stress. It is an attribute of the great Prophets of Allah like Ibrahim and Ismael and has been praised by the Qur'an which mentions Ibrahim as truthful Prophet in verse 41 of its Chapter 19 and calls Ismael as truthful of promise in

verse<sup>54</sup> of Chapter 19. Truth is light and falsehood is darkness, and as darkness vanishes when light comes similarly falsehood vanishes when truth comes. The best man is he who is pure of heart and truthful of tongue. Truth is bitter but it is very sweet in its rewards. It greatly contributes to peace of mind and removes doubts and anxieties.

The Holy Qur'an exhorts the believers to be truthful and promises them high rewards. It says:

- 1) Confound not truth with falsehood, nor knowingly conceal the truth. (Al-Baqarah 2:42)
- 2) Allah saith: This is a day in which their truthfulness profiteth the truthful, for theirs are Gardens underneath which rivers flow, wherein they are secure for ever, Allah taking pleasure in them and they in Him. That is the great triumph. (Al-Maidah 5:119)
- 3) ye who believe! Be careful of your duty to Allah, and be with the truthful. (At-Taubah 9:119)

Prophet Muhammad (PBUH) has enjoined upon his followers to speak truth and has highlighted the merits and rewards of truth as follows:

- 1) Abdullah –b-Amr reported that the messenger of Allah was asked: Who among men is the best? He replied: Everyone, pure of heart, truthful of tongue. He was enquired: "Truthful of tongue" – we know it. But what is 'pure of heart'? He said: he is pure and pious upon whom there is neither sin, nor transgression, nor deceit, nor malice. (Ibn Majah)
- 2) Abdullah-b-Mas'ud reported that the Messenger of Allah said: you shall speak the truth, because truth leads to

piety and piety leads to Paradise. A man continues to speak the truth and to adhere to truth, till he is enrolled near Allah as a great truthful man. Beware of falsehood and falsehood leads to transgression and transgression leads to the fire. A man continues to speak falsehood and to adhere to falsehood till he is enrolled as a great liar in the sight of Allah. Agree upon it; and in a narration of Muslim, he said: Truth is piety and piety leads to Paradise; and falsehood is transgression and transgression leads to Hell. (Bukhari, Muslim)

- 3) Hasan bin 'Ali (Allah be pleased with him) narrated that he remembered (these words) from the Messenger of Allah (peace and blessings of Allah be upon him): Give up what appears doubtful to you and adhere to that which is not doubtful, for truth is peace of mind and falsehood is doubt. (Tirmizi)
- 4) Malek reported: It has reached me that Luqman the wise was asked: How have you acquired what we see meaning excellence? He replied: Truth in talk, fulfilment of trust and giving up of what is of no use to me. (Muatta)
- 5) Obadah-b-Swamet reported that the Holy Prophet said: If you guarantee me six things from yourselves, I shall then guarantee you Paradise. Speak the truth when you talk, fulfil trust when you are entrusted, guard your private parts, shut up your eyesight and withhold your hands. (Baihaqi)

## **IV- Vices**

The vices are bad qualities, bad characteristics, demerits or weaknesses of human character which bring down human beings to the lowest ebb and make them as the worst of God's creations. The possessors of these vices have

been informed by the Qur'an and Ahadith of Prophet Muhammad (PBUH) about painful doom especially in the Hereafter.

List of vices dealt in this section should not, however, be taken as final. The vices are numerous and no exhaustive list can be made of them. In this section only some of the very notorious vices are being discussed. The believers have been exhorted by Islam to avoid these vices.

## **Anger**

Anger is a violent, revengeful passion or emotion, excited by a real or supposed injury to oneself or others. Extreme anger (wrath or rage) implies a certain outward manifestation, violence and want of self-command. Annoyance, antagonism, fury, indignation, outrage, rage, wrath are its synonyms. Anger is a fleck of fire lodged in the heart of man. In the state of anger it is very difficult to control oneself. In the case of extreme anger, people lose self-control and sometimes commit major crimes even murders in order to quench their thirst for revenge. Islam condemns such type of anger. According to the Prophet, anger spoils faith as aloes spoil honey. The strong man is not the wrestler; the strong man is only he who controls his anger. The Qur'an admires those who control their anger and forgive (3:134, 42:37).

## **Backbiting**

Backbiting means to slander, to speak ill of. It can be defined as speaking evil of one who is absent. In other words, backbiting is to say something bad in one's absence which you would not like to say in his presence.

The meaning of backbiting has been explained by Prophet Muhammad (PBUH) in very beautiful way. When

asked what is backbiting the Prophet said: Your talk about your brother (in his absence) which he dislikes. He was questioned: Inform if what is said is found in my brother. The Prophet said: If what you say is in him, it is backbiting, and if it is not in him it is slander. Backbiting, according to Islam, is one of the major evils connected with the tongue. In the words of the Qur'an backbiting is like eating the flesh of one's dead brother (49:12).

Why backbiting is that much hated in Islam? The reason is simple. The blood, the property and the honour of a Muslim is unlawful to another Muslim. Backbiting is a crime against the honour of a Muslim and hence it is the most despised thing. Backbiting is violation of basic human rights and the person whose right has been violated is entitled to revenge or compensation. In the sight of Islam, it pertains to Huqooqul Ibad (rights of men) where Allah does not pardon. The backbiting can be forgiven only by the aggrieved person and if he does not, then the backbiter will have to compensate the aggrieved person.

## **Deception**

Deception is act of deceiving or state of being deceived. Deceive means anything intended to mislead others; persuade of what is false, mislead purposely. It is also concealment or perversion of the truth for the purpose of misleading. It is to cause to believe what is false or disbelieve what is true; to mislead; to delude; to beguile; to disappoint with regard to hopes, expectations. Synonyms of deception are deceit, craftiness, fraud, guile, deceitfulness, deceptiveness, dissimulation, duplicity, hypocrisy, illusion, treachery, cheating, bluff, trick, stratagem, etc.

Islam condemns deception and deceit. A deceitful man or a cheat or a fraudulent man will never enter paradise. Cursed is he who injures a believer or plays deceit with him.

The Prophet Muhammad (PBUH) enjoined upon his followers to avoid deception and fraudulent practices in business which were not uncommon in those days as today. According to the Qur'an, the life of this world is an illusion. Let this life not deceive you and let not the deceitful deceive you about Allah. Iblis (Satan or Devil) deceived Adam and mislead him to taste the forbidden fruit and thereby got Adam expelled from Paradise. The Qur'an has prohibited fraudulent practices in measuring and weighing. It has also strictly prohibited to beguile or mislead the people in the matters of religion.

## **Envy**

Envy means feeling of resentment, discontent or jealousy excited by the sight of another's superiority, his successes, his possessions or his advantages. It is envious resentment against a successful rival or the possessor of any coveted advantage. Envy is a mental uneasiness due to suspicions or fear of rivalry. It is a feeling, may be on account of known or suspected rivalry, that makes a person begrudge another in respect of his good fortune.

Islam condemns jealousy or envy which is a negative passion, while it encourages healthy competition amongst its followers specially in the matter of religion and pious acts. Medicine for overcoming negative feeling of envy prescribed by Islam is that one should have a strong belief that all our fortunes or misfortunes have been predetermined and they come from Allah, the Almighty.

About envy, Prophet Muhammad (PBUH) has said:

- 1) Abu Hurairah (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: Beware of jealousy because jealousy



consumes the virtues just as fire consumes the fuel.  
(Abu Daud)

- 2) Ibn Mas'ud reported that the Messenger of Allah said: There is no envy except for two: a man whom Allah has given wealth and whom He gave power for spending it for cause of truth and a man whom Allah has given wisdom and who acts upto it and teaches it (to others).  
(Bukhari, Muslim)

## **Fornication (Zina)**

The Arabic word 'Zina' is used for illicit or unlawful sexual intercourse between a man and a woman who are not married to each other. This term stands both for adultery and fornication and does not make any difference between the two. In English language there is difference between adultery and fornication. Fornication stands for illicit sexual relations between two unmarried persons; while adultery denotes unlawful sexual relationship between the persons, one or both of whom are married to other or others.

Zina (adultery and fornication) is the most abominable act and has been expressly made unlawful by the Islamic penal code. It is one of the gravest sins and one of the greatest crimes. The revealed book of Islam strictly prohibits its followers even to go near it because it is an abomination and evil way. It is one of the crimes liable for hudood. The punishment for it has been prescribed in the Holy Qur'an and the Sunnah of the Prophet (PBUH).

## **Greed**

Greed is insatiate longing for wealth or food or possessions. It is excessive eagerness for gain, property, children, fame, power, or desire to have more than needed. A greedy person has inordinate appetite or craving to possess

more and more. Desirous, avaricious, covetous, selfish, eager, ravenous, cupid, are other names of greedy person.

Islam condemns greed for wealth, worldly gains and possessions as it is a disease which arrests the progress of man in the path of Allah. The greed also adversely effects mental and spiritual progress of man as it makes the man acquire as much as he can through foul or illegal means such as theft, plunder, dacoity, corruption, embezzlement, hoarding, business malpractices, etc. Wealth, children and possessions, according to Qur'an divert the people from remembrance of Allah. Hence the Qur'an calls them a great temptation and a great trial. So it advises the believers not to envy such people who have been given abundance in riches and children as Allah thereby punishes them. The Prophet says that a man's greed for wealth never ends even if he has been given mountains of gold and only earth (of the grave) fills the belly of the (greedy) man. Therefore, the believers should find riches in self-contentment as it does not lie in vast wealth.

## **Hypocrisy**

Hypocrisy in simple dictionary meanings is pretence of virtue or simulation of virtue or goodness. It is the act or practice of simulating or feigning feelings or beliefs, especially the false appearance of piety or virtue.

According to the Qur'an the hypocrites are those who say: We believe in Allah and the Last Day, when they believe not; they utter with their mouths a thing which is not in their hearts. When they stand up to worship they perform it languidly and to be seen of men, and remember Allah but little; swaying between this and that, belonging neither to these nor to those. The likeness of a hypocrite in the view of Qur'an is that of one who worships Allah upon a narrow marge so that if good befalls him he is happy, but if a trial

befalls him he falls away. Thus the tongue and the mind of a hypocrite or what he says and what he does is not one. A believer, on the other hand, is one in mind and tongue as he believes in Allah and His apostle in heart and utters the same from his tongue.

Islam condemns hypocrisy in the severest possible terms. According to the Qur'an, the hypocrites will be in the lowest deep of the Hell. The Holy Prophet was exhorted by Allah to fight against the hypocrites and against the disbelievers. The Prophet was forbidden to seek forgiveness for the hypocrites as Allah would not forgive them even if the forgiveness for them is sought seventy times. The Prophet and the believers were also forbidden to offer the funeral prayer on the death of a hypocrite. Thus the sin of hypocrisy, according to Islam, is bigger than that of disbelief.

## **Pride**

Dictionary meanings of pride are: unduly high opinion of one's own qualities, merits, etc.; arrogant bearing or conduct. Vanity, arrogance, conceit, egotism, haughtiness, boastfulness, vainglory are all synonyms of pride; whereas humility, meekness and modesty are some of its antonyms. Objects in which pride is taken are: ancestry, tribe, wealth, power, physical strength, beauty, learning and knowledge, social status, personal achievements; even pride is taken in excessive divine service. The worst type of pride is that which is expressed against God, Prophets and religion. Iblis, Namrud, Pharaoh, Qaroon, Shaddad, and the tribal chiefs who opposed various prophets are the examples which have been given by the Qur'an of this type of pride. The next worst to this type of pride is that which is expressed in dealing with men. The wealthy, the powerful, the beautiful, the strong, those having more influence and following, the learned, those belonging to royal and feudal families, etc.

despise the poor, the less powerful, the ugly, the weak, the less influential, the illiterate and the persons of modest or humble background. Pride in any form and against anyone is condemnable. 'Pride hath a fall' is the general saying. No religion, no system of morality ever praises the proud and boastful man who brings the people, religion, things, and institutions to ridicule. Islam regards pride as one of the worst attributes and has condemned it in very strong terms.

The Qur'an tells us that God expelled Satan (the devil) from paradise when the Satan refused to prostrate before Adam and showed pride saying: "..... I am better than him. Thou created me of fire while him Thou did create of Mud" (7:12-15). So the Qur'an advises its followers:

- 1) And walk not in the earth exultant. Lo! thou canst not rend the earth, nor canst thou stretch to the height of the hills. (Bani-Isra'il 17:37)
- 2) Turn not thy cheek in scorn toward folk, nor walk with pertness in the land. Lo! Allah loveth not each braggart boaster. (Luqman31:18)

## **Telling lie**

To tell lie means to speak falsely or to tell untruth knowingly; to express what is false or convey a false impression. Lie is an intentional untruth. It is a false statement with intent to deceive. Its synonyms are: deceit, fabrication, falsehood, misrepresentation, perjury, dissimulation.

Islam condemns falsehood in the severest possible terms and the Qur'an enjoins upon its followers to shun the filth of idols and filth of telling lie. Thus, idol-worship and lie are, in a way, equal in sin according to the Qur'an. Allah does not guide a liar, an ingrate and a prodigal, as stressed

by the Qur'an. Liars are those who do not believe in Allah and invent lie against Allah. Lying and hypocrisy are also the same thing. According to Prophet of Islam, lie is a sin equal to polytheism and disobedience to parents. The fasting of a man is meaningless if he goes on speaking lie during fast. Telling lie is one of the characteristics of hypocrisy. Truth leads to Paradise while falsehood leads to Hell. Narrating without ascertaining its truth whatever one hears amounts to telling lie.

Following traditions of Prophet Muhammad (PBUH) highlight the vices of falsehood and enjoin upon his followers to abstain from telling lie:

- 1) Ibn 'Umar reported God's messenger as saying: "When a man lies the angel moves a mile from him because of the bad odour of what he produced." (Tirmizi)
- 2) Sufyan b.Asad al-Hadrami told that he heard God's Messenger say: "it is great treachery that you should tell your brother something and have him believe you when you are lying." (Abu Daud)
- 3) Ibn Mas'ud (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: Truth leads to piety and piety leads to Paradise. A man persists in speaking the truth till he is enrolled near Allah as a great truthful man. Falsehood leads to transgression and transgression leads to the fire of Hell. A man continues to speak falsehood till he is enrolled as a great liar in the sight of Allah (Bukhari, Muslim)
- 4) Abu Hurairah (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon Him) said: It is enough for a man to prove him a

liar that he should go on narrating whatever he hears.  
(Muslim)

## **Use of narcotics and intoxicants**

Wine drinking is a great vice and Islam absolutely prohibits wine – drinking and taking of drugs which produce intoxication such as opium, heroine, hash, etc. Some people are so strict in interpreting of Islamic law on this point that they bring even use of tobacco and smoking under this ban. Taking of intoxicants is not only a sin to be punished in the hereafter but it is also an offence punishable in this world.

The word used by the Qur'an in its Verse 219 of Chapter 2 and Verse 90 of Chapter 5, is Khamr. The word 'Khamr' is derived from 'Khamara' which means 'he concealed' or 'obscured'. The 'khamr' denotes every substance or intoxicating thing the use of which obscures or covers the intellect. Hence, the prohibition of intoxicant promulgated by this verse is not restricted merely to alcoholic drinks but also includes drugs which have a similar effect. This is the view based on many authentic Ahadith according to which the Prophet is reported to have declared: "Every intoxicant is unlawful". "Every liquor which intoxicates is forbidden". "Every intoxicant is Khamr and every intoxicant is forbidden". The Prophet of Islam is also reported to have said: "Wine is made from grape-syrup, raisins, dried dates, wheat, barley, millet, and I forbid you from every intoxicant".

## CHAPTER 9

### SOCIAL ORDER

#### I- Basic Concepts

Before discussing the contours of Islamic social order, let us briefly highlight some basic concepts which motivate the believers to form an ideal society to live in. First such concept is brotherhood and unity among Muslims.

#### **Islamic brotherhood and unity**

Islam believes and also stands for universal brotherhood of all Muslims all over the world. It preaches unity among Muslims and wants to see them as they were a solid structure. Al-Qur'an, the revealed book of Islam, calls upon the believers, "And hold fast, all of you together, to the cable of Allah, and do not separate" (3:103). It also enjoins upon them: "And obey Allah and His Messenger and dispute not with one another lest you falter and your strength depart from you....." (8:46). The Qur'an tells the believers that they are naught else than brothers (49:10). Therefore they must make peace when there is some dispute between two brothers or two groups of brothers. Prophet Muhammad (PBUH) said: "A Muslim is brother to a Muslim. He does neither wrong to him, nor puts him to disgrace, nor he hates him. Every Muslim's blood, property and honour are sacred to a Muslim. Spread peace among you, eat together and be not separate, because blessing is with united body".

Let us reproduce some more traditions of Prophet Muhammad (PBUH) to further explain the concept of brotherhood and unity among his followers.

- 1) God's messenger is reported as saying: "The believers are like a single man; if his eye is affected he is all affected, and if his head is affected he is all affected." (Muslim)
- 2) Abu Musa al-Ash'ari reported the Prophet as saying: "Believers are to one another like a building whose parts support one another." He then interlaced his fingers. (Bukhari, Muslim)
- 3) Nu'man-b-Bashir reported that the Messenger of Allah said: You will see the believers in their mutual kindness, love and sympathy just like one body. When a limb complains, the whole body responds to it with wakefulness and fever. (Bukhari, Muslim)
- 4) Anas reported that the Messenger of Allah said: Help your brother whether he is a wrong doer or is wronged. A man enquired: O Messenger of Allah! I may help him when he is wronged, but how can I help him when he is a wrong-doer? He said: you can prevent him from wrong-doing. That will be your help to him. (Bukhari, Muslim)
- 5) Abu sayeed reported that the Messenger of Allah said: Whoso Muslim clothes a naked Muslim, Allah will clothe him with green robes of Paradise; and whoso Muslim feeds a hungry Muslim, Allah will feed him from the fruits of Paradise; and whoso Muslim gives drink to a thirsty Muslim, Allah will give him drink from the close-up Fountain. (Abu Daud, Tirmizi)
- 6) Abu Hurairah reported that the Messenger of Allah said: It is not lawful for a Muslim to forsake his brother beyond three (days). So whoso forsakes beyond three (days) and then dies shall enter the Fire. (Ahmad, Abu Daud)



- 7) Abul Kherash as-Solami reported that he heard the Messenger of Allah say: Whoever forsakes his brother for a year is like one who sheds his blood. (Abu Daud)
- 8) Sayeed-b-Zaid reported from the Holy Prophet who said: The most compound of usury is prolonging (tongue of evil) unjustly in respect of the honour of a Muslim. (Abu Daud)

## Friendship

Second concept is that of friendship. Prophet Muhammad (PBUH) is reported to have said: Man is upon the religion of his friend and there is no good in friendship with one who does not see for you what he sees for himself. The almighty Allah has prohibited friendship with the unbelievers, idol-worshipers, polytheists, evil-doers such as drunkards, adulterers, corrupt and wicked. Friendship with hypocrites and those non-Muslims who are working against Islam and against the interest of Muslims has also been prohibited. According to a saying, the liars, the illiterate, the foolish, the niggardly and the great transgressors should not be made friends, nor the proud, the flatterers, and the wicked be made friends.

Let us reproduce some verses of the Holy Qur'an and some traditions of Prophet Muhammad (PBUH) to explain Islam's concept of friendship.

- 1) Let not the believers take disbelievers for their friends in preference to believers. Whoso doth that hath no connection with Allah unless (it be) that ye but guard yourselves against them, taking (as it were) security. Allah biddeth you beware (only) of Himself. Unto Allah is the journeying. (Al-Qur'an 3:28)

- 2) ye who believe! Take not for intimates others than your own folk, who would spare no pains to ruin you; they love to hamper you. Hatred is revealed by (the utterance of) their mouths, but that which their breasts hide is greater. We have made plain for you the revelations if ye will understand. (Al-Qur'an 3:118)
- 3) And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong, and they establish worship and they pay the poor-due, and they obey Allah and His messenger. As for these, Allah will have mercy on them. Lo! Allah is Mighty, wise. (Al-Qur'an 9:71)
- 4) Yazid b. Na'ama reported God's Messenger as saying: "When a man makes another his brother he should ask him his name, his father's name and the stock from which he comes, for it binds friendship more closely." (Tirmizi)
- 5) Imran-b-Khattan reported: I came to Abu Zarr and found him alone within the mosque covered with a black garment. Then I enquired: O Abu Zarr! Why is this loneliness? He said: I heard the Messenger of Allah say: Loneliness is better than a bad companion, and a good companion is better than loneliness; and the dictation of good is better than silence, and silence is better than dictation of evil. (Baihaqi)
- 6) Abu Musa reported that the Messenger of Allah said: A good and bad companion were like the bearer of musk and one who pumps but filth. As for the bearer of musk, he will either give you a share or you will get perfumed air from him, or you will purchase something from him and for one who pumps out filth, he will either burn your clothes or you will feel filthy smell from him. (Bukhari, Muslim)

## **Enjoining good and forbidding wrong**

Next comes enjoining good and forbidding wrong. This concept is rather most important. The followers of Islam have been directed to enjoin good and forbid wrong. It is because of the fact that they are the last Ummah (community) and their prophet, the Prophet Muhammad (PBUH), is the final prophet. No prophet is to come after Muhammad (PBUH) and so the mission of the prophets regarding enjoining good and forbidding wrong will have to be performed by the followers of Muhammad (PBUH). According to the Qur'an, the last revealed book of Allah, Muslims are the best community that has been raised by Allah for the mankind and it is their duty that they enjoin good conduct and forbid the mankind from doing wrong (3:110).

The Holy Qur'an motivates the believers to stand up for enjoining good and for forbidding wrong in many of its verses. It says: And there may spring from you a nation who invite to goodness, and enjoin right conduct and forbid indecency. Such are they who are successful. (Al-Imran 3:104)

Prophet Muhammad (PBUH) has highlighted the merits of enjoining good and forbidding wrong in the following traditions:

- Hudhaifa reported the Prophet as saying: "By Him in whose hand my soul is, you must enjoin what is reputable and forbid what is disreputable, or God will certainly soon send punishment from Himself to you. Then you will make supplication and not receive an answer." (Tirmizi)

- Al-Urs b. 'Amira reported the Prophet as saying: "When sin is done in the earth he who sees it and disapproves of it will be like one who was not present, but he who is not present when it is done and approves of it will be like him who sees it," (Abu Daud)
- Abu Bakr as-Siddiq said: I heard God's Messenger say: "When people see something objectionable and do not change it, God will soon include them all in His punishment."
- Abu Sa'id Al-Khudri reported God's Messenger as saying: "If any of you sees something objectionable he should change it with his hand, but if he cannot he should do it with his tongue, and if he cannot he should do it in his heart, that being the weakest form of faith. (Muslim)
- Jabir reported God's Messenger as saying that God who is great and glorious revealed to Gabriel that he should overthrow such and such a city with its inhabitants, and he (Gabriel) said: "My Lord! Among them is Thy servant so and so who has not disobeyed Thee by as much as the glance of an eye." He replied: "Overturn it on him and on them, for his face never once showed anger on my behalf." (Mishkat)

## **Concept of Equality**

Concept of equality preached by Islam has won for it a larger number of conversions especially from the down trodden classes like serfs, slaves, and harijans of India than any other idea or principle. Let us explain and discuss the concept of equality as held by Islam.

- 1- In an Islamic society all are equal as human beings. None is superior to the other on account of race, language, colour, place of birth or tribe. This is because

all human beings come of the same human stock and are children of one parents. The Qur'an says:

"O mankind! Be careful of your duty to your Lord who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women. Be careful of your duty toward Allah in whom ye claim (your rights) of one another, and toward the wombs (that bare you). Lo! Allah hath been a Watcher over you." (4:An-Nisa:1)

Division of human beings into tribes and nations was ordained by the Creator for the purpose of recognition otherwise nobody is superior to the other except on basis of piety. In one of its well known verses the revealed book of Islam states this fact: "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you... (49:13)". Thus this verses places all the human beings on the equal level and makes the pious and righteous superior to the wicked and evil doers on the basis of virtuous conduct.

- 2- In the legal field also, Islam treats all the people equal. In the sight of law, all the citizens of the state are equal. They enjoy equal rights and in case of violation of law they are given equal punishment. In case of retaliation, murder, theft, adultery all are given equal treatment in respect of punishment. Similarly in civil matters and in case of rewards for actions, all are equal.
- 3- However in the moral and religious field, Islam makes distinction between the people and gives superiority to those who are good, pious, God fearing, observers of all religious practices and bearers of good moral character

over impious, evil doers, bad characters, persons of loose morals, disbelievers and non-practicing believers. The Holy Qur'an says:

- Say: The evil and good are not alike even though the plenty of the evil attract thee ..... (5: Al-Maidah:100)
- And the blind man and the seer are not equal, neither are those who believe and do good works (equal with) the evil-doer. Little do ye reflect! (40:Al-Mu'min:58)
- Or do those who commit ill-deeds suppose that We shall make them as those who believe and do good works, the same in life and death? Bad is their judgement! (45:Al-Jathiyah:21)
- mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one another. Lo! the noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware. (49:Al-Hujurat:13)

In his famous sermon delivered on the occasion of farewell pilgrimage, Prophet Muhammad (PBUH) addressed the people as under: "O people, be aware: your God is one. No Arab has any superiority over a non-Arab, nor any non-Arab has any superiority over an Arab, and no white one has any superiority over a black one, and no black one any superiority over a white one except on the basis of taqva (piety). The most honourable among you in the sight of Allah is he who is the most pious and righteous of you". Again, according to another tradition, the Prophet said: "You are all the children of Adam, and Adam was created from the dust. Let the people give up boasting of their ancestors,

otherwise they will stand more degraded than a mean insect in the sight of Allah". There is yet another Hadith; "Allah does not see your outward appearances and your possessions but He sees your hearts and your deeds."

- 4- In the economic field, Islam establishes equity, fairness and justice in the production of wealth, and in ownership of means of livelihood. However it recognises that like other natural things there is no equality among human beings as regards the earning of income and possession of worldly wealth. This inequality has been presented by the Qur'an as a part of Divine Economic order. The Qur'an does not consider these inequalities in the distribution of Divine sustenance as punishment or reward and does not try to eliminate them, because no two individuals have been blessed with hundred percent equal mental and physical abilities.

However disparities in economic field are not allowed by Islam to take dangerous proportions. Islam stands for fair and equitable distribution of wealth and its system of social security and social justice comes into play when gap between the rich and the poor widens beyond certain limits.

## **II – Rights and obligations**

In the following paras we would deal with the rights and obligations of various cross sections of Islamic society. No doubt rights of one group mean the obligations of others towards it and the obligations of one group mean the rights of the others against it, e.g., the rights of parents are in fact obligations of children toward them and obligations of parents towards children are in fact rights of children against parents. So discussion can be made under one head only, either rights or obligations. But we would prefer to make discussion under the head rights— such as rights of

parents, rights of children, rights of poor, rights of neighbours, etc. — as our age is the age of human rights.

## **Rights of parents**

After rights of God, the rights of parents are the most supreme in the sight of Islam. In its list of priorities, the Qur'an places the duties towards parents only next to duties towards God. The Qur'an enjoins upon its followers to be kind and obedient toward their parents. If they attain old age and are living with you, you should not say them even *fi* (a word of slight derogation) what to speak of repulsing or misbehaving with them. You should be very much submissive in talking to them and always pray for Allah's mercy on them. You should obey their orders, look after their comforts and must not be arrogant, rude or rebellious to them. According to a Hadith, your parents are your Paradise and your Hell, which means that by your good treatment to them you can earn Paradise while your disobedience and misbehaviour with them would make you liable for Hell. According to another Hadith, a person is very unfortunate who finds parents in old age and yet does not enter Paradise by serving them kindly and by according them good treatment. Disobedience to parents is a major sin, and the Almighty Allah may pardon every other sin he pleases except disobedience to parents.

Children are duty-bound to maintain their parents in their old age, and in case of default they would be forced by the state to maintain their parents. Islamic law of inheritance makes the parents shareholder in the estate left by their deceased child.

Among the parents, mother's place in respect of kind treatment and obedience from children has been made higher than that of father. The Qur'an especially underlines the services of mother regarding the pains of pregnancy and



her privations regarding rearing of the children; whereas the Prophet has declared that Paradise is near the feet of the mother.

## **Rights of Children**

Just as obedience to parents have been enjoined upon the children by the Qur'an and Hadith, similarly the parents have also been exhorted to discharge their duties and obligations towards their children. The duties of the parents include nursing and bringing-up of the children, imparting of education and teaching of good manners, and spending for their comforts besides kind treatment, love, affection and their protection. At the very birth of a child, he or she should be given a good name. The parents are recommended to perform aqiqah or birth ceremony, provided they can afford, by sacrificing a goat or goats. Immediately on birth, proclamation of Allah's name should be made in their ears and honey or some sweet thing should be given to them for suckling. According to a tradition of the Prophet, education is compulsory for every Muslim male or female and therefore, the parents are bound to provide them good education, religious as well as worldly, which normally starts with the teaching of the Holy Qur'an. The children are also taught how to perform their religious obligations like Prayer. Of all the gifts which the children receive from their parents, the best is good manners. So the children should be taught good manners and given good training regarding their behaviour and general conduct from the beginning. When the children reach marriageable age, it is the bounden duty of their parents to marry them. Even after the puberty, marriage and independence of children, the parents should pray for the well-being of their children and should never invoke curse or punishment of Allah against them. Among the children, the maintenance and upbringing of daughters has been more stressed.

Spending for the maintenance of the children on their education, living and well-being, carries higher merit even as compared with spending in the way of Allah or spending in emancipating of slave. According to Islamic law of inheritance, children are entitled to prescribed shares in the estate left by their deceased parents.

## **Mutual Rights of Husband and Wife**

Man and woman come from the same stock. Allah has ordained love and mercy between husband and wife. About the relationship between the husband and wife, the Qur'an says: "They are your garments, and you are their garments: (2:187). The relationship between the husband and wife cannot be described perhaps in a better way than this. As the clothes protect a person from heat and cold, similarly husband and wife protect each other from social evils and moral vices of base passions, lewdness and sexual indulgence. Husband and wife are thus source of comfort, consolation, peace and security for each other. Besides relationship of love and affection, they are mutually entitled to kind treatment, good behaviour and respect of each other. According to the Prophet of Islam, the most perfect of the believers is he who is best to his wife. Similarly the best woman is she who obeys her husband, and who does not oppose him regarding herself and her riches. The Qur'an and the Prophet of Islam have especially enjoined upon the Muslims to treat their wives very kindly and nicely. Husband and wife are required to be faithful to each other and none of them is permitted to have sexual relations with any other person outside marriage.

Husband and wife have mutual rights of inheritance. In case of death of the husband, wife is entitled to inherit one-fourth of his estate if the husband leaves no child. But in the case of children, the share of the wife would be one-eighth. On the other hand, when the wife dies leaving no child, the

share of the husband would be equal to one-half of her estate; but if she leaves children, the share of the husband would be one-fourth.

Briefly speaking, the rights of husband over wife include: that she should be obedient to her husband; that she should be faithful to her husband; that she should not refuse her husband to herself and her property; that she should bring up and train the children, and finally that she should protect her honour and her husband's property in the absence of her husband. The rights of wife over husband include: that he should protect her; that he should give her kind treatment and should not beat her except for a serious cause like moral turpitude and even in that case beating should be mild with a view to reform, and that he should give her agreed dower and provide her house, food clothes, etc.

## **Rights of the Orphans**

The orphans should be kindly treated. They should be accorded, as far as possible, the same love and affection which is given to one's own children. High rewards are promised for those who give kind treatment to the orphans. Whoso gives shelter to an orphan, Allah will guarantee him Paradise unless he has committed an unpardonable sin. Whoso shows kindness to an orphan under his care will live in Paradise near the Prophet (PBUH); and whoso passes his hand over the head of an orphan shall have merits for every hair over which his hand passes.

The orphans should be given food, drink and clothes. They should be taught good manners and given education. If the parents of the orphans have left property, the guardian should meet their expenses out of that. But if no property has been left by their parents, the expenses on their food, clothing, education, etc. should be met by the

guardian from his own sources. Spending in the way of Allah on the orphan is a best form of charity and Allah would certainly reward those who provide food, clothing and shelter to the orphans.

There are clear Injunctions of the Holy Qur'an about the management of the property and wealth of the orphans. The guardians of the orphans have been strictly prohibited to exchange the good properties of the orphans with their bad properties. The guardians have also been exhorted not to absorb the properties and wealth of the orphans into their own wealth. The wealth of the orphans should not be devoured and squandered hastily with the idea that the orphans might not grow up and demand for its return. The Qur'an warns those who swallow the wealth of the orphans wrongfully by declaring that they swallow nothing but the fire into their bellies. Usurping the wealth of the orphans is one of the major sins and one who commits that sin would go to hell.

## **Rights of Kinsmen**

Islam has laid much stress upon the connection of blood-ties and family relations. Rights of family members upon each other and the duties and obligations towards family members and near kindred have been especially emphasized by the Qur'an and Prophet of Islam.

The Qur'an stresses the rights of near relatives and kinsmen in following verses:

- 1) They ask thee, (O Muhammad), what they shall spend. Say: That which ye spend for good (must go) to parents and near kindred and orphans and the needy and the wayfarer. And whatsoever good ye do, lo! Allah is Aware of it (2:215)

- 2) And when kinsfolk and orphans and the needy are present at the division (of the heritage), bestow on them therefrom and speak kindly unto them. (4:8)

Prophet Muhammad (PBUH) has enjoined on his followers to honour the blood relations and accord them good treatment. He said:

- 1) Abu Hurairah reported: O Messenger of Allah! Which charity is best? He said: The charity of the needy. And begin with one who is a kinsman. (Abu Daud)
- 2) Solaiman-b-A'mer reported that the Holy Prophet said: Alms to a poor man has one (merit) charity, and to a kinsman two (merits) charity and connection. (Ibn Majah, Ahmad, Tirmizi, Nisai)
- 3) Anas reported that the Messenger of Allah said: Whoever desires that provisions might be extended to him and that his time of life be prolonged, let him keep affinity with his kindred. (Bukhari, Muslim)
- 4) Zubair-b-Mut'em reported that the Messenger of Allah said: One who cuts (blood-tie) shall not enter Paradise. (Bukhari, Muslim)

## **Rights of neighbours**

Islam attaches paramount importance to the rights of neighbours. The Qur'an enjoins upon the believers to show kindness to their neighbours. The duty to neighbours is only next in importance to your duties towards parents and near kindred. The Prophet (PBUH) himself set noble example by his kind treatment towards his neighbours. He was very kind and friendly to Ashab-Suffa who were his immediate neighbours. Once Ali asked the Prophet for a maid-servant for Fatima, Prophet's daughter, but the Prophet did not

accede to the request, saying: "As yet the companions of Suffa have not been provided for". The duties towards neighbours include: the neighbours should be accorded kind treatment: they should be safe from one's injuries caused by actions or words: one should send presents and food to one's neighbours however small it may be: in case of sickness they should be looked after and every sort of help should be extended to them.

Some jurists of Islam have held in the light of the Qur'an and Hadith that the neighbours have got right of pre-emption in case of disposal of property. This right which has been conferred by Islam is an important right which was not known before in any part of the world.

Following traditions of Prophet Muhammad (PBUH) bring in focus the rights of a neighbour:

- 1) Anas reported that the Messenger of Allah said: One whose neighbour is not safe from his troubles, shall not enter Paradise. (Muslim)
- 2) Ayesha and Ibn Omar reported from the Messenger of Allah who said: Gabriel did not stop to advice me about neighbour till I thought that he would soon make him an heir. (Bukhari, Muslim)
- 3) Ibn Masud reported that a man asked the Holy Prophet: O Messenger of Allah! how can I know when I do good and when I do bad? The Holy Prophet said: when you hear your neighbours say-you have done good-you have done good, and when you hear them say-you have done bad-you have done bad. (Ibn Majah)
- 4) Ibn Abbas reported: I heard the Messenger of Allah say: he is not a (true) believer who eats his full, while his neighbour lies hungry by his side. (Mishkat-ul-Masabih)

- 5) Amr-b-Shuaib reported from his father who from his grandfather that the Messenger of Allah said: Do you know what the duties of a neighbour are? Help him if he seeks your help, give him succour if he seeks your succour, give him loan if he seeks your loan; give him relief if he is needy; nurse him if he falls ill, follow his bier if he dies; cheer him if he meets any good; sympathies with him if any calamity befalls him; raise not your building higher so as to obstruct his air without his permission; harass him not; give him when you purchase a fruit, if you do not do it take it secretly; and let not your children take it out to excite thereby the anger of his children. (Ibn Majah)

## **Rights of the Sick and disabled**

Nursing and visiting the sick is compulsory (Fard) in cases when the sick man is about to die for want of care and attention. It is Fard Kefayah (compulsory on the community as whole) in case of pressing need for nursing. If one Muslim performs this nursing at the time of dire need, the whole community is absolved from the responsibilities, but if none of them takes care of the patient the entire body of the Muslims will be responsible and suffer for the sin thus committed. Nursing and visiting the sick is Sunnah in case of general sickness and disease without grave anxiety for life (Gazzali's Ihya). The great Prophet himself discharged this important duty without making any distinction between high and low, servant and master, rich and poor, Muslim and non-Muslim.

In nursing the sick, some rules are to be observed. Patient should be allowed to rest. Noise should not be made, neither prolonged conversation should be made with him or in his presence. The person visiting the sick should have a short sitting. Diet which is conducive to the health of the

sick person and which he desires to have should be given to him.

Those who visit the sick have been advised by the Holy Prophet to pray for the health and recovery of their sick brother. Since the sick man is in good grace of Allah and his prayer is accepted, they should request him to pray for their welfare in turn.

Islam has given some concessions to the sick persons from the performance of religious obligations. A sick person can defer fasting and if he suffers from a permanent illness and has no chances of recovery, he can give ransom for not fasting. If he feels some problem in performing ablution (Wadu) for prayer, he is permitted to perform dry ablution. In case a person is suffering from some grave disease and is unable to stand for prayer, he can pray while sitting or lying in the bed. Menstruation is also considered by the Qur'an as illness. Thus, a menstruating woman is exempted from performing conjugal duties to her husband. She is also exempted from prayer and certain rituals of pilgrimage. She is permitted to postpone her fasting during menstruation. The sick and disabled have been exempted from participation in Jihad.

## **Rights of Slaves and Servants**

Although slavery has been universally abolished in the modern age and no class of slaves legally exists in any country of the world including the Muslim countries, yet the discussion about the rights of slaves is not out of place as we cannot forget the services of Islam in changing human attitude towards this most miserable class of mankind. Now we can accord the kind treatment, which was enjoined by Islam in respect of slaves, to our personal servants.



The Qur'an enjoins upon the believers to show kindness to the slaves. The Prophet (PBUH) has given instructions to his followers that they should treat the slaves like their brothers and should give them food out of what they eat. The slaves must be provided food, clothes and residential place. They should not be charged with a work which they are unable to do. If the assignment is difficult, the master should assist the slave. The Prophet declared that the worst of the men is he who beats his slave and does not help him in performing a difficult task. If a slave makes mistakes, he should be pardoned as many as seventy times a day. In case he disobeys, he may be sold but no punishment should be inflicted on him. False allegations should not be made against an innocent slave. One who badly treats a slave will not enter Paradise. The families of the slaves should not be separated from them. Manumission and freeing the slaves was treated as a very pious act. In certain cases freeing of slaves was made compulsory for atonement of certain sins. Release of prisoners of war gratis or in exchange or against ransom was ordered and thus a major and perpetual source of slavery was closed.

### **III- Conduct**

Dictionary meanings of conduct are: to lead or guide; to convey; to direct: to manage; to behave; to carry or transmit. But here we are taking this word in the meaning of manner of conducting; mode of treatment; personal behaviour or deportment; character consisting of one's virtues and vices. Synonyms of conduct are: attitude, bearing, behaviour, demeanour, deportment.

In general sense conduct is one's behaviour, character, deeds and actions. It comprises good actions and bad actions, good qualities and bad qualities, virtues and vices, strengths and weaknesses. But we would use the word in good sense here.

## **Model of conduct**

The Qur'an, the revealed book of Islam, sets up the conduct of Prophet Muhammad (PBUH) and the conduct of Prophet Ibrahim as model or an ideal conduct for the Muslims. The Muslims have been enjoined to follow the pattern of behaviour of these great Prophets of Allah and to emulate their example for building their own conduct and character. The conduct of a great saintly woman, Mary, the mother of Prophet Jesus, and that of another woman, wife of Pharaoh is also to be followed by the believers especially by the believing women. Even the examples of good character set up by the companions of the Prophet of Islam and other great Muslims should inspire the ordinary believers who can derive immense benefit from them.

Particularly the conduct of the Prophet Muhammad (PBUH) is a model for a Muslim. Muhammad was the most perfect man endowed with each and every virtue which goes to make up good conduct. The Qur'an calls his conduct very sublime and great. Even before the call to prophethood, he had been given the titles of al-Sadiq (the truthful) and al-Ameen (the trustworthy) by his compatriots. The Holy Qur'an and Hadith literature provide numerous instances of excellent conduct of the Prophet of Islam which was a great factor in winning the hearts of the people to Islam.

## **General code of conduct**

Code of conduct prescribed by Islam for its followers comprises certain dos and don'ts which make one a good human being. Long lists of such actions which are good and recommended can be drawn up from the Qur'an and the Sunnah as there are hundreds of verses and Ahadith in both of the sacred sources of Islamic teachings. However, because of constraints of space, we would produce only few

of the verses of the Holy Qur'an and traditions of Prophet Muhammad (PBUH) without comments, which lay down certain rules of good behaviour. If these are acted upon, they would help to earn pleasure of Allah and goodwill of one's fellow beings. Such verses and traditions are:

- 1) And serve Allah. Ascribe nothing as partner unto Him. (Show) kindness unto parents, and unto near kindred, and orphans, and needy, and unto the neighbour who is of kin (unto you) and the neighbour who is not of kin, and the fellow-traveller and the wayfarer and (the slaves) whom your right hands possess Lo! Allah loveth not such as are proud and boastful, (Al-Qur'an 4:36)
- 2) Lo! Allah enjoineth justice and kindness, and giving to kinsfolk, and forbiddeth lewdness and abomination and wickedness. He exhorteth you in order that ye may take heed. Fulfil the covenant of Allah when ye have covenanted, and break not your oaths after the asseveration of them, and after ye have made Allah surety over you. Lo! Allah knoweth what ye do. (Al Qur'an 16:90-91)
- 3) Thy lord hath decreed, that ye worship none save Him, and (that ye show) kindness to parents. If one of them or both of them attain to old age with thee, say not "Fie" unto them nor repulse them, but speak unto them a gracious word. And lower unto them the wing of submission through mercy, and say: My Lord! Have mercy on them both as they did care for me when I was little. (Al-Qur'an 17:23-24)
- 4) Give the kinsman his due, and the needy, and the wayfarer, and squander not (thy wealth) in wantonness. Lo! the squanderers were ever brothers of the devils, and the devil was ever an ingrate to his

Lord. But if thou turn away from them, seeking mercy from the Lord, for which thou hopest, then speak unto them a reasonable word. And let not thy hand be chained to thy neck nor open it with a complete opening, lest thou sit down rebuked, denuded. (Al-Qur'an 17:26-29)

- 5) Slay not your children, fearing a fall to poverty. We shall provide for them and for you. Lo! the slaying of them is great sin. And come not near unto adultery. Lo! it is an abomination and an evil way. And slay not the life which Allah hath forbidden save with right. Whoso is slain wrongfully, We have given power unto his heir, but let him not commit excess in slaying Lo! he will be helped. Come not near the wealth of the orphan save with that which is better till he come to strength; and keep the covenant. Lo! of the covenant it will be asked. Fill the measure when ye measure, and weigh with a right balance; that is meet, and better in the end. (O man), follow not that whereof thou hast no knowledge. Lo! the hearing and the sight and heart - of each of these it will be asked. And walk not in the earth exultant. Lo! thou canst not rend the earth, nor canst thou stretch to the height of the hills. The evil of all that is hateful in the sight of thy Lord. (Al-Qur'an 17:31-38)
- 6) ye who believe! Let not a folk deride a folk who may be better than they (are), nor let women (deride) women who may be better than they are; neither defame one another, nor insult one another by nicknames. Bad is the name of lewdness after faith. And whoso turneth not in repentance, such are evil-doers. O ye who believe! Shun much suspicion; for lo! some suspicion is a sin. And spy not, neither backbite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)!

And keep your duty (to Allah). Lo! Allah is Relenting, Merciful. (Al-Qur'an 49:11-12)

- 7) Abu Hurairah reported that the Messenger of Allah asked: Who has today got up fasting at dawn among you? Abu Bakr replied: I. He enquired: Who has followed today the bier of a dead man among you? Abu Bakr replied: I. He enquired: Who has fed today a poor man among you? Abu Bakr replied: I. He asked: who among you has today visited a sick man? Abu Bakr replied: I. Then the Holy Prophet remarked: These do not combine in a man but to admit him in Paradise. (Muslim)
  
- 8) Abu Hurairah reported that the Messenger of Allah said: Who will take from me these sayings and act according to them or teach these who will act accordingly? I said: I, O Messenger of Allah! Then he caught me by my hand counted five (sayings). He said: Fear the forbidden things, you will then become the holiest of men; be pleased with what Allah apportioned to you, you will then be the most contented of men; be good to your neighbour, you will then be a (true) believer; love for men what you love for yourself, you will then become a (true) Muslim; and laugh not much, for excessive laughter makes the heart dead. (Ahmad, Tirmizi (Rare))
  
- 9) Amr-b-Shuaib from his father from his grandfather reported that the Messenger of Allah said: Whoso has got two traits of character in him, Allah will enroll him as grateful and patient; whoso looks to one in his religious acts who is superior to him and then follows him, and whoso looks in his worldly affairs towards one who is inferior to him, and then gives thanks to Allah for gifts bestowed upon him, Allah enrolls him as patient and grateful; and whoever looks in his religious

matters towards one who is inferior to him, and looks in his worldly affairs towards one who is superior to him, and becomes aggrieved for what has escaped from him, Allah will enroll him neither patient, nor grateful. (Tirmizi)

- 10) Abu Hruairah reported that the Messenger of Allah said: There are seven whom Allah will give shade under His shade on the day on which there will be no shade except His shade; a just leader; a young man who strives hard in the worship of Allah; a man whose heart is attached to the mosque when he comes out of it till he returns to it; two men who love each other for Allah, they get together for Him and separate for Him; a man who remembers Allah sincerely and whose two eyes are filled up with tears; a man whom a young girl of accomplishment and beauty calls (for sexual intercourse) and who says: "Certainly I fear Allah", and a man who gives away alms and then keeps it concealed till his left hand knows not what his right hand spends. (Bukhari, Muslim)
- 11) Bara'a-b-Az'aeb reported: The Messenger of Allah enjoined us seven things and forbade us seven. He bade us to visit the sick, to follow the biers, to respond to the sneezer, to return greeting, to respond to the inviter, to prove true to one's given oath and to help the oppressed; and he forbade us rings of gold, thick brocade, embroidered silk, red saddle, Qasi silk and utensils of silver; and in a narration-drink in cups, for he who drinks therein in this world will not drink there in the hereafter. (Bukhari, Muslim)
- 12) Abu Dharr said: I went in to visit God's Messenger. He then mentioned the tradition at length till he came to the following: I asked God's Messenger to give me some instruction and then he replied: "I enjoin you to

fear God, for that will be the best adornment for everything that concerns you". I asked him to tell me more, and he said: "Engage in recitation of the Qur'an and remembrance of God who is Great and Glorious, for it will be a means of your being mentioned in heaven and will be a light for you in the earth". I asked him to tell me more, and he said: "Observe long silence, for it is a means of driving away the devil and is a help to you in your religion". I asked him to tell me more, and he said: "Avoid much laughter, for it slays the heart and removes the light of the face". I asked him to tell me more, and he said: "Speak the truth, even if it is bitter". I asked him to tell me more, and he said: "Do not fear anyone's blame when you are serving God". I asked him to tell me more and he said: "Let what you know of yourself keep you from blaming other people". (Mishkat)

- 13) 'Ubada b. as-Samit reported the Prophet as saying: "If you guarantee me six things on your part I shall guarantee you Paradise: Speak the truth when you talk, keep a promise when you make it, when you are trusted with something fulfil your trust, avoid sexual immorality, lower your eyes, and restrain your hands from injustice". (Mishkat)
- 14) Abu Zarr reported that the Messenger of Allah said: O Abu Zarr! There is no wisdom like efforts, no piety like self-denial and no goodness like good conduct. (Baihaqi)

## **IV- Manners**

Manner, according to dictionary meaning, is the way or mode in which a thing is done or a thing occurs or happens. It is a mode of life, outward bearing, style of utterance, behaviour in social intercourse. It is also one's way of performing or behaving, personal style of acting or bearing,

style of writing or thought, social conduct or behaviour currently considered as polite or impolite, pleasing or displeasing.

Manners can be good or bad, decent or indecent. Good and decent manners please others while bad and indecent manners make one unpopular. Islam likes good manners for its followers. The Qur'an says that none is better than a Muslim in speech, while the Prophet of Islam said that he was sent to complete good manners. In this section we shall discuss manners relating to various activities of life such as manners of entering houses, sitting in assemblies, eating and drinking, dress, etc. in the light of Islamic teachings.

## **Manners of Drinking and Eating**

The Qur'an prohibited excess or wastage in eating and drinking. It permits eating from your houses and the houses of your relatives and friends. You may eat together or apart. When you are invited, you must not stay longer in the house of your host as it may annoy him but he may be shy in telling you to go. Therefore, you may disperse and linger not for conversation after taking your meal.

The Prophet of Islam has given exhaustive instructions about the manners of eating and drinking. Eat with right hand, mention Allah's name when you start eating, praise Allah when you have finished, and eat from what is next to you. Eat simple food and exercise moderation. Do not eat from the vessels and dishes of silver and gold. Preferably eat together. Some other instructions of the Prophet are reflected in the following traditions:

- 1) Ibn 'Abbas said: God's Messenger forbade breathing or blowing into a vessel. (Abu Daud, Ibn Majah)
- 2) Ibn 'Abbas reported God's Messenger as saying: "Do not drink without stopping as camel does, but divide



your drink into two or three sections; mention God's name when you drink and praise Him when you finish". (Tirmizi)

- 3) Jabir told that when Abu Humaid, one of the Ansar, brought a vessel of milk to the Prophet from an-Naqi the Prophet said: "Why did you not cover it up, even by putting a piece of wood on it?" (Bukhari, Muslim)
- 4) Salman reported: I read in the Torah that the blessing of food is in wash after it. When I mentioned it to the Prophet, he said: The blessing of food is in wash before it and wash after it. (Tirmizi, Abu Daud)
- 5) Abu Juhaifa reported the Prophet as saying: "I do not eat reclining." (Bukhari)
- 6) Abu Hruairah said that the Prophet never expressed disapproval of food; if he desired it he ate it and if he disliked it he left it alone. (Bukhari, Muslim)
- 7) Ibn 'Umar reported God's Messenger as saying: "When any of you eats he should eat with his right hand, and when he drinks he should drink with his right hand." (Muslim)
- 8) Ibn 'Umar reported God's Messenger as saying: "None of you must ever eat or drink with his left hand, for the devil eats and drinks with his left hand," (Muslim)
- 9) Anas reported God's Messenger as saying: "God most high is pleased when a man eats something and praises Him for it, or drinks something and praised Him for it." (Muslim)
- 10) Jabir told of hearing God's Messenger say: "One person's food is enough for two, two persons' food is

enough for four, and four persons' food is enough for eight." (Muslim)

## **Manners of dress**

According to Holy Qur'an, God has revealed the garment to protect you from the heat and coats of mail to protect you in your wars. Clothing also covers your nakedness and preserves your physical beauty. You must take your proper dress particularly when you go to your places of worship. Let not the Satan seduce you as he caused Adam and Eve, your parents, to get out of Paradise, tore off from them their robe and made them see their shame. In the light of the Qur'anic teachings, we can understand the purpose and importance of dress.

Islam has not fixed or prescribed any code of dress and has left the matter to be decided by the individuals and the society according to their weather conditions, customs and environments. However, some fundamental rules have been laid down which require that dress should not be too short or too thin to cover the private parts properly from nakedness. The dress should be simple and not very expensive. The men should not wear silk. The Prophet liked the clothes of white and green colour and he discouraged the use of red clothes by the men. Lengthening of trousers beyond ankles was strongly forbidden as it gives an air of vanity and makes the robes dirty. Women have been prescribed veil and they should cover their body fully. The subject of veil would be addressed at proper place. Perfume was liked by the Prophet and its use has been recommended. Use of shoes and socks is desirable.

## **Manners of greeting**

The Qur'an exhorts the believers to greet others by a better greeting than the one with which they were greeted;

while Prophet Muhammad (PBUH) assured them of immense rewards in the Hereafter and many blessings in this world which are brought by greeting. Greeting removes ill feeling, malice and hatred between the people and promotes brotherhood and fraternity. It also demolishes sense of vanity and superiority complex in the upper class people and promotes equality. Prophet Muhammad (PBUH) directed his followers that irrespective of the social status, one riding shall salute one walking, one walking shall salute one sitting; the small party shall salute the big party, and the junior in age shall greet the senior one. These directions of the Prophet cut at the roots of social distinctions and bias which divide the people into classes.

Thus it is the duty of a believer to greet the other believer whenever he meets him. The best man is he who greets first. Greeting brings great rewards and when it is accompanied with invoking of blessings and mercy of Allah on the other it increases the rewards. The best form of Islam is your giving of food to the needy ones and your greeting all whom you know and whom you know not. When you enter a house you are obliged to greet the inmates of the house. The best form of greeting is saying "peace be on you" and then handshaking.

### **Asking permission for entering in houses**

When you go to the house of a person for an interview or to see or meet him, you should first ask him for permission. If you are permitted you will enter the house after greeting the inmates of the house. If you are refused permission you would go back gently. Permission is to be sought thrice. If it is refused or no reply is given you are obliged to return. The proper way of seeking permission is to say: "Peace be on you. May I come in?" Permission should not be given to a person who does not begin with a greeting. Asking for permission is, however, not necessary in case of

a person who has been called for or sent for and he comes with the messenger. Seeking permission is essential even in case of close relations. If you go to the house of your parents or mother with whom you live, you should ask permission. Even your servants and your children are required to ask for your permission when they want to enter your rooms at the time of privacy.

### **Sitting in assemblies**

For sitting in assemblies, Islam has prescribed certain manners. According to the Qur'an, the persons already sitting should make room for a new-comer when he requests for place to sit in. This generally happens when the place is already full and the new-comer finds no room. In such a situation it is incumbent on the believers to accommodate their brother. When a person enters he should greet others. The Prophet enjoined his followers not to sit keeping their hands behind back and leaning against the palms of their hands. Before sitting they should draw their clothes closer with their hands. One must not sit in the middle of a circle. The late comer should sit at the end of the assembly. One must not sit between two persons without their permission. One must not expect that the others should stand up in his honour. Nobody should make a man stand up from his seat and then sit therein.

## CHAPTER 10

### JIHAD (WAR)

#### What is Jihad?

The Arabic word 'Jihad' is derived from the verb 'Jihada' which means 'he exerted'. Another derivative of the word is 'Jahadun' meaning 'exertion' or 'striving'. So, literally Jihad means exertion, striving or struggle. It means to exert one's utmost or to make effort or struggle for the achievement of one's aim or objective. In order to achieve an objective, Jihad is waged through different means such as through the use of physical force or with the help of one's tongue or with the help of one's wealth. The Holy Qur'an has used word Jihad in various ways: "And whosoever striveth, striveth only for himself, for lo! Allah is altogether independent of (His) creature" \_ (29:6): "And for those who strive in us, We surely guide them to our paths, and lo! Allah is with the good" \_ (29:69): "And strive for Allah with the endeavour which is His right....." (22:78): "Fight in the way of Allah against those who fight against you, but begin not hostilities ....." (2:190): "Go forth, light armed and heavy armed, and strive with your wealth and your lives in the way of Allah ....." (9:41) "Therefore listen not to the unbelievers, but strive against them with the utmost strenuousness, with the (Qur'an)\_\_\_ (25:52). Thus the word Jihad has been used by the Qur'an to signify different meanings in different situations, right from earning of livelihood to fighting against the enemy. But the keynote remains the same i.e. the exertion or striving undertaken to achieve an objective. In this way Jihad has a wider meaning than war because it includes every sort of effort — physical or non-physical, mental or spiritual, martial or non-martial — made in the way of Allah or for a just cause.

Jihad generally means, however, a war undertaken by the followers of Islam for a just cause or for defence of Islam and Islamic State or for cause of Allah. Al-Kasaniy, a Muslim jurist of middle ages has defined jihad or the war of Muslims in these words: "Jihad in the technology of law is used for expending ability and power in fighting in the path of God by means of life, property, tongue and other than these."<sup>5</sup>

Islam does not allow aggressive wars to establish empires, to promote imperialistic designs or to achieve economic and commercial interests at the expense of others, or to subjugate other people just to satisfy the ambitions of egotistic rulers and generals. It permits war as a last resort, when there is no other peaceful way left, for the defence of Islamic faith and Islamic state. War can be waged by the Muslims simply for the cause of Allah so that the Kingdom of God on earth is established and the word of God alone prevails. The slightest desire for worldly gains mars the noble cause of Jihad and deprives the Muslim soldier of the reward of Paradise. Thus it will be seen that Jihad does not mean killing and plundering others but offering one's ownself to be killed. It is a supreme sacrifice required of an idealist, sacrifice both of property and life, for the sole purpose of obeying the command of one's Creator and Master, God Almighty.<sup>2</sup>

Jihad is of various types. With reference to means through which it can be waged, Jihad is of following types: 1) Jihad with physical force i.e. through hand and sword; 2) Jihad with use of tongue i.e. with speeches, with propaganda, electronic media, etc; 3) Jihad through pen i.e. by books, pamphlets, articles, press media. Number 2 and 3 can be collectively called intellectual Jihad; 4) Jihad by use

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<sup>5</sup> Dr. Hameedullah: The Conduct of Muslim State

of wealth like donations to war fund, contribution to organisations engaged in Jihad, financial assistance to families of Mujahideen, weapons, food, and clothes for Mujahideen, etc.

With reference to enemy against whom Jihad is waged, it is of following types: 1) Jihad against one's ownself or evil soul; 2) Jihad against foreign enemy; 3) Jihad against rebels and terrorists; 4) Jihad against social evils; 5) Jihad to help the oppressed Muslims in non-Muslim lands; 6) Jihad against despotic rulers and tyrants; 7) Jihad against natural calamities like floods, earth quake, cyclone, epidemics by helping their victims; and 8) Constructive Jihad like nation-building activities.

The Holy Qur'an motivates the followers of Islam to wage Jihad in many of its verses, some of whom are:

- Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors. And slay them wherever ye find them, and drive them out of the places whence they drove you out, for persecution is worse than slaughter. And flight not with them at the Inviolable Place of worship until they first attack you there, but if they attack you (there) then slay them. Such is the reward of disbelievers. (2:190-191)
- Warfare is ordained for you, though it is hateful unto you; but it may happen that ye hate a thing which is good for you, and it may happen that ye love a thing which is bad for you. Allah knoweth, ye know not. (2:216)
- Relent not in pursuit of the enemy. If ye are suffering, lo! they suffer even as ye suffer and ye hope from Allah that for which they cannot hope. Allah is ever Knower, Wise. (4:104)

- ye who believe! When ye meet those who disbelieve in battle, turn not your backs to them. (8:15)
- Prophet! Exhort the believers to fight. If there be of you twenty steadfast they shall overcome two hundred, and if there be of you a hundred steadfast they shall overcome a thousand of those who disbelieve, because they (the disbelievers) are a folk without intelligence. Now hath Allah lightened your burden, for He knoweth that there is weakness in you. So if there be of you a steadfast hundred they shall overcome two hundred, and if there be of you a thousand (steadfast) they shall overcome two thousand by permission of Allah. Allah is with the steadfast. (8:65-66)
- The (true) believers are those only who believe in Allah and His messenger and afterward doubt not, but strive with their wealth and their lives for the cause of Allah. Such are the sincere. (49:15)
- ye who believe! Shall I show you a commerce that will save you from a painful doom? Ye should believe in Allah and His messenger, and should strive for the cause of Allah with your wealth and your lives. That is better for you, if ye did but know. (61: 10-11)

Following traditions of Prophet Muhammad (PBUH) bring in focus Jihad, its types and its merits:

- Anas reported from the Holy Prophet who said: Fight against the polytheists with your properties, your lives and your tongue. (Abu Daud, Nisai, Darimi)
- Abdullah-b-Amr reported that the Holy Prophet said: Fighting in the way of Allah atones for every thing except debt. (Muslim)



- Abdullah-b-Hubshi reported that the Prophet was asked: Which of the action is best? He said: prolonged standing (in prayer). He was questioned: Which charity is best? He said; Strivings of a man of small means. He was questioned: Which migration is best? He said: He who flees away from what Allah has prohibited him. He was questioned: Which Jihad is best? He said: He who fights with the polytheists with his property and his life. (Abu Daud)
- Abu Musa reported that the Messenger of Allah said: Verily the doors of Paradise are under the shades of swords. (Mishkat)
- Sahl-b-Sa'ad reported that the Messenger of Allah said: Guarding for a day in the way of Allah is better than the world and what is therein. (Bukhari, Muslim)
- Ali, Abu Dard'a, Abu Hurairah, Abu Omamah, Abdullah-b-Umar, Jaber-b-Abdullah, Imran-b-Hussain (Allah be pleased with them all ) reported from the Messenger of Allah that he said: Whoso sends contribution in the way of Allah and stays at his house, he will get 700 dirhams for every dirham, and whoso fights with his ownself in the way of Allah and spends for that cause, he will get 70,000 dirhams for every dirham. Afterwards he recited the verse: And Allah multiplies for whom he pleases. (Ibn Majah)
- Zaid-b-Khalid repoted that the Messenger of Allah said: Whose supplies a warrior with arms in the way of Allah fights indeed a holy fight; and whoso keeps behind a warrior in charge of his family fights indeed in a holy fight. (Bukhari, Ahmad)

- Jaber-b-Samurah reported that the Messenger of Allah said: This religion will never cease to exist. A party of the Muslims shall always fight for it till the Hour comes to pass. (Muslim)
- Abu Hurairah reported that the Messenger of Allah said: Whoso dies without fighting (holy war) and without consulting himself about it dies on a branch of hypocrisy. (Muslim)
- Abu Musa reported that a man came to Messenger of Allah and enquired: A man fights for booty, a man fights for fame, and a man fights that his position may be known — who then (fights) in the way of Allah? He said: Whoso fights to raise highest thereby the word of Allah, is in the way of Allah. (Bukhari, Muslim)

### **Why is Jihad waged? Its justification**

Why Jihad after all? Why does Islam permit Jihad? Why do the Muslims wage Jihad? These and alike are some of the questions which are generally raised by non-Muslim critics against Islamic doctrine of Jihad. It is perhaps due to misunderstanding of the concept of Jihad that Muslims are being labelled, in the world of today, as terrorists, extremists, fundamentalists, militants and harbingers of doom; while Islam is being perceived as threat to international peace and security, because in the view of the critics it preaches war and violence.

All the propaganda against Islam and Jihad is, however false if impartially examined in the light of justice and fairness. Islam literally means 'peace' and submission to the will of Allah, Who is Creator, the Sustainer and Sovereign of the universe. It is the final religion and its message is perfect and complete. Islam came to give peace and security to mankind and as a universal religion for humanity it teaches

its followers to live in peace and follow the path of complete submission and obedience to the commands of God.

Thus peace is fundamental to Islam and Islam attaches great sanctity to human life. Of all the things of the world, human life is no doubt the most valuable one. The life in fact is a trust of Allah and it is the foremost duty of the followers of Islam to preserve and protect it under all circumstances. Al-Qur'an, the revealed book of Islam, highlights the importance of human life when it condemns the first human murder, by a son of Adam who killed his brother, in the following words which have achieved fame of a proverb on the sanctity of human life..... "Whosoever killeth a human being for other than manslaughter or corruption in the land, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind....." (5:32)

Despite glorifying sanctity of human life and holding life as a sacred trust, Islam permits war in which very many human lives are lost. Why? This is because Islam is a religion of peace and security and it is also a religion of nature and humanity. None understands human nature better than God Who has created the mankind. Human society is not composed of Angels who cannot do any wrong. Evil and good are ingrained in the instinct of man. There are certain individuals and groups of people who are evil minded and who do not let others live in peace. They transgress all bounds of morality and laws of society and violate the rights of others. They attack other individuals and nations and deprive them of their homes, property and lives. They subjugate other people, occupy their lands and impose their own laws and values on the conquered people. Thus they create mischief in the earth (fesad fil arz) and persecute the oppressed nations and, therefore, disturb the peace and security of the world. Such mischief mongers and corrupt have to be kept under restraint. This is how the question of

war against such anti-human elements comes in. That is why Islam allows retaliation in the case of murder because in the words of the Qur'an: "And there is life for you in retaliation, O men of understanding! That ye may ward off (evil)" (2:179). And that is why Islam permits war for repelling aggression. "Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory:" thus says the Qur'an (22:39). The philosophy and rationale behind this permission has been explained by the revealed book of Islam thus: ".....And if Allah had not repelled some men by others, the earth would have been corrupted. But Allah is a Lord of Kindness to (His) creatures: (2:251). At another place, the same underlying wisdom has been elaborated further: "For had it not been for Allah's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down" (22:40)

Islam does not allow war for aggressive designs or with the motives of killing or conquering other human beings. War has been permitted in defence only. The Muslims are permitted to fight against those who have invaded them or who have invaded their faith or their country. In other words the Muslims are allowed to wage war in defence against the aggressors but they are not permitted to initiate aggression or hostilities against others. Al-Qur'an, the revealed book of Islam, says: "Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors." (2:190).

Besides war in defence and against aggression, Islam also allows war against persecution i.e. against those who oppress and torture the Muslims and do not give them freedom of religion and worship (Al-Qur'an 8:39). Jihad is also allowed in favour of the oppressed Muslim minorities living in the non-Muslim lands provided such Muslim

minorities ask for help (Al-Qur'an 4:75). But help cannot be given in violation of treaties, international obligations and conventions governing relations between the Islamic state and non-Muslim country against whom help is sought (Al-Qur'an 8:72). Jihad is allowed against internal enemies, rebels, disruptionists of peace, terrorists, robbers. It is also permitted against those who break treaties and indulge in hostile activities against Muslims.

Thus Islam sanctions war only in exceptional circumstances and that too in defence of Islamic faith, Islamic state, oppressed Muslims and for any other just cause against aggressors, persecutors, oppressors, terrorists and disturbers of peace and security. No wars with material designs to establish empires, to subjugate other nations, to occupy other countries, to expand Islamic state, to promote trade or commercial interests are allowed by Islam. Nor the use of sword or military power is permitted to forcibly convert the non-Muslims to Islam. There is no compulsion in religion, as stressed by the Holy Qur'an (2:256), and so no Jihad can be undertaken by the Muslims to bring others into the fold of Islam. In fact, Jihad is waged with very noble objectives, the first and foremost of which is pleasing God and earning His goodwill.

## **Laws and rules of Jihad**

Islam as religion of humanity, and of peace and security does not lose its cool even in war. Its law of war is very humane, chivalrous, generous, kind and tolerant. In the light of the Qur'an and the Sunnah and in view of the conventions set by the Prophet and his successors, the jurists of Islam have formulated a long list of the rules of warfare in Islam with comprehensive details regarding acts allowed in war and acts forbidden in war. For knowing these details one may refer to books of Fiqh and Jihad. Briefly the

acts which have been forbidden by the humanistic Islamic law of war are:

- 1) Killing of non-combatants such as women, minors, sick, servants and slaves, monks, hermits, insane, very old persons, etc is forbidden.
- 2) The prisoners of war cannot be put to death except in very exceptional circumstances.
- 3) The cruel and torturous ways of killing are not allowed even if some enemy has to be killed.
- 4) Mutilation of men and animals is strictly disallowed.
- 5) Destruction of crops, cutting of trees unnecessarily, slaughtering of animals more than what is necessary for food and burning of houses is prohibited.
- 6) Killing of enemy hostages is disallowed even in retaliation.
- 7) Severing the head of some fallen enemy and presenting it to higher authority is highly disliked.
- 8) General massacre is prohibited when the enemy is vanquished and his land is occupied.
- 9) Killing peasants, traders, merchants, artisans, contractors is disallowed when they do not take part in actual fighting.
- 10) Burning a captured man or animal to death is strictly forbidden.

Prophet Muhammad (PBUH) gave following instructions to Abdul Rahman-bin-Awaf at one occasion when he was deputed to lead an expedition: "O son of 'Awf! take it. Fight

ye all in the path of God and combat those who do not believe in God. Yet never commit breach of trust, nor treachery, nor mutilate anybody nor kill any minor or woman. This is the pact of God and the conduct of His Messenger for your guidance”.

Abu Bakr, the first caliph of Islam and successor of Prophet Muhammad (PBUH) as head of Islamic state, gave following instructions to Osama when the latter was nominated as commander of Jihad against Syrians: “I enjoin upon you the fear of God. Do not disobey, do not cheat, do not show cowardice, do not destroy churches, do not inundate palm-trees, do not burn cultivation, do not bleed animals, do not cutdown fruit-trees, do not kill old men or boys or children or women.....”

Whenever Umar, the second caliph of Islam, dispatched armies, he used to give following instructions to the commanders: “Do not show cowardice in an encounter. Do not mutilate when you have power to do so. Do not commit excess when you triumph. Do not kill an old man or a woman or a minor, but try to avoid them at the time of the encounter of the two armies, and at the time of the heat of victory, and at the time of expected attacks. Do not cheat over booty. Purify jihad from worldly gain. Rejoice in the bargain of the contract that ye have made (with God), and that is the great success”.

### **Status of a Warrior (Mujahid)**

The word ‘Jihad’ as we have already explained means struggle or exertion undertaken for a noble cause. In Islam, Jihad stands for a struggle or war undertaken by the Muslims in the path of God for a just cause and for the defence of Islam. A Muslim who participates in such struggle and wages jihad for the cause of Allah is called ‘Mujahid’. A Mujahid fights in the way of Allah for the defence of Islam

or Islamic state. The sole objective of all of his efforts is to ensure that the word of God shall alone prevail. A Mujahid expends all of his abilities and powers in fighting in the path of Allah by means of life, property, tongue, pen and other than these. The slightest desire for worldly gains pollutes the purity and mars the nobleness of the cause of Jihad and thus deprives the Mujahid of reward of Paradise.

In brief, Mujahid is one who spends all his efforts and resources for Islam and fights against all those forces who try to harm the cause of his faith, so much so that he does not hesitate to put even his very life in danger.

The Mujahid who survives in a battle field is called 'Ghazi'. But if he falls or dies is called 'Shaheed'.

The following verses of the Qur'an and traditions of Prophet Muhammad (PBUH) highlight status of a Mujahid (warrior) and a Shaheed (martyr) and the rewards due to them:

- 1) And call not those who are slain in the way of Allah "dead." Nay, they are living, only ye perceive not. (Al-Baqarah 2:154)
- 2) Think not of those who are slain in the way of Allah, as dead. Nay, they are living. With their Lord they have provision: Jubilant (are they) because of that which Allah hath bestowed upon them of His bounty, rejoicing for the sake of those who have not joined them but are left behind: that there shall no fear come upon them neither shall they grieve. They rejoice because of favour from Allah and kindness, and that Allah wasteth not the wage of the believers. (Al-Imran3:169-171)



- 3) Let those fight in the way of Allah who sell the life of this world for the other. Whoso fighteth in the way of Allah, be he slain or be he victorious, on him We shall bestow a vast reward. (An-Nisa 4:74)
- 4) Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure. (As-Saff 61:4)
- 5) Abu Hurairah reported that the Messenger of Allah said: The likeness of a fighter in the way of Allah is like the likeness of one who fasts, stands up (in prayer) and obeys the verses of Allah without any break of fast and prayer till the fighter returns to the way of Allah.
- 6) Abu Hurairah reported that one of the companions of the Holy Prophet passed through the valley of a hill wherein there was a fountain of sweet water. It pleased him most and he said: Would that I should have retired from men and settled in the cave of the hill. It was mentioned to the Prophet. He said: Do (it) not, because the rank of one of you in the way of Allah is better than his prayer for 70 years in his house. Don't you like that Allah should forgive you and admit you in heaven? Fight in the way of Allah. Whoso fights in the way of Allah even for an interval between two milking of a she-camel, Paradise is sure for him. (Tirmizi)
- 7) Abu Hurairah reported that the Holy prophet said: .... By Him in Whose Hand is my life, how much do I Like that I should be martyred in the way of Allah and then be brought back to life, and then be martyred and then be brought back to life, and then be martyred and then be brought to life, and then be martyred. (Bukhari, Muslim)

- 8) Anas reported that the Messenger of Allah said: There will be none entering Paradise who will like to come back to this world and to have that is in the earth except a martyr. He will wish to return to the world and then be martyred ten times on account of the honour he sees. (Bukhari, Muslim)
- 9) Fuzalah-b-Obaid reported from the Messenger of Allah who said: A seal is put over the actions of every dead man except one who dies guarding in the way of Allah, and verily his actions will increase for him up to the Resurrection Day, and he is safe from the punishment of the grave. (Tirmizi, Abu Daud)
- 10) Hasna'a-Ibn-Muawayyah reported: My uncle informed me. He said: I asked the Prophet: Who is in Paradise? He replied: The Prophet is in Paradise, the martyr is in Paradise, the new born babe is in Paradise, and the one buried alive is in Paradise. (Abu Daud)
- 11) Abu Hruairah reported that the Messenger of Allah said: The first three persons entering Paradise were presented to me: A martyr, and a self-denying man abstaining from begging, and a slave who does good divine service and wishes the welfare of his master. (Tirmizi)
- 12) Maqdam-b-Ma'ad-i-Kareb reported the messenger of Allah said: There are six virtues of a martyr near Allah. At the first instance he is forgiven, he is shown his place in Paradise, he is protected from punishment of the grave, he is kept safe from the great catastrophe, a crown of glory is put upon his head, one jewel of which is better than the world and what is therein, he will be married to seventy two wives of black eyed virgins, and he will be given permission to make intercession for seventy of his relations. (Tirmizi, Ibn Majah)

## **Spoils of War**

"To the victor belongs the spoils" was a popular slogan not only among the heathen Arabs of the pre-Islamic period but also among many other nations of the world. So the common practice before the advent of Islam was that the entire booty obtained in a war was either divided by the victorious army or was usurped by the tribal chief or the king for his own benefit. Islam brought about a great change in this outlook. It restricted the claim of the conquering soldiers to four-fifth of the booty while one-fifth of it was reserved for the Islamic state to be used for the common benefit of the nation. During the reign of Caliph Umar this division of the spoils between the Islamic state and the conquering army was further restricted to chattels and movable assets. It was decided by consensus that the lands conquered from the enemy should be kept in the ownership of the state for the common benefit of the existing and future generations instead of dividing the same among the soldiers who took part in the fight.

Islam divides spoils or booty into two categories, namely: 'Ghanimah' and 'Fai'. If the spoils are obtained by actual fighting, the same are called Ghanimah. But if they are obtained without fighting i.e. the enemy surrenders or flees away, then they are called Fai. In the case of Ghanimah, share of Islamic state is one-fifth which is deducted first and the remaining four-fifth is divided among the soldiers. In the case of Fai, the whole booty goes to the Islamic state.

## **Prisoners of war**

Treatment given to the prisoners of war by Islam is unparalleled in kindness, nobility and magnanimity in the history of mankind. The Holy Book of Islam has laid down

that the prisoners should be taken in the actual battlefield after completely crushing the fighting power of the enemy but before the war terminates. Once an enemy soldier surrenders and is taken as prisoner of war he should not be put to sword save for exceptional reasons. The prisoners should be accorded kind and human treatment. They should be properly fed. The Qur'an considers it an act of great virtue and goodness to feed prisoners for love of Allah without wishing any reward or thanks. Regarding release of the prisoners of war, the Qur'an prescribes two options, namely: they should be set free either as a favour and grace, or they should be released for a ransom. Release of prisoners for ransom includes: that they should be set free after accepting ransom money; that they should be set free after taking some service from them or that they can be exchanged for the Muslim prisoners of war who are in the possession of the enemy.

The precedent set by Prophet Muhammad (PBUH) about the treatment of prisoners of war is very inspiring:

- 1) Seventy prisoners fell into the hands of the Muslims in the battle of Badar. The question arose how to treat these prisoners. The Prophet consulted his companions on this vital issue. The opinion of Abu Bakr was that the prisoners should be released on ransom while Umar suggested that the prisoners should be put to sword. The prophet (PBUH) agreed with the views of Abu Bakr and decided to release the prisoners on receipt of ransom. Those prisoners who were poor were required to teach ten Muslim children each and thus get their liberty. The rich among the prisoners were obliged to pay ransom (generally four thousand Dirhams per head) for securing their freedom. The Prophet's uncle Abbas and son-in-law Abu'al A's had to pay ransom for their release. Those prisoners who were poor and also illiterate being

unable to pay ransom or teach children were set free without ransom. Out of seventy prisoners only two were put to death but not for their participation in the war but for their past crimes against Islam and the Muslims.

- 2) During their detention, the prisoners of Badr were distributed among the companions by the Prophet (PBUH) as there were no state prisons in Madinah in those days. Each companion got one or two prisoners with the condition that they should be treated kindly and food, clothing and lodging should be provided to them according to means. The companions of the Prophet treated the prisoners so kindly that one of the prisoners is reported to have remarked: "Blessings be to the people of Madinah! They made us ride while they themselves walked, they gave us bread to eat when there was little of it contenting themselves with dates". Suhail-b-Amr, a prisoner of war, was a good orator who used to deliver speeches against Islam. Umar suggested that two of his teeth should be broken, but the suggestion was turned down by the Prophet who said: "I have not been sent to mutilate men".

## CHAPTER 11

# INTERNATIONAL RELATIONS

### Division of the world

Muslim political thinkers divide the world into three types of countries or lands: (1) Dar-ul-Islam (Muslim lands); (2) Dar-ul-Sulh (lands or countries having peace with Muslim lands) and (3) Dar-ul-Harb (countries at war with Muslim countries).

Dar-ul-Islam comprises Muslim country or countries where Muslims are brothers of each other and, therefore, friendly relations exist between them. Dar-ul-Sulh are generally those non-Muslim countries with which the Islamic state has got treaty relations and hence the relations with such countries are governed by the terms of the treaty. Dar-ul-Harb are those countries which have no treaty relations with the Islamic state. Relations with such countries would normally depend on their attitude towards their Muslim minorities and towards the Islamic state.

The concept of Islamic country, hostile country and allied country has been developed perhaps from verse 92 of chapter 4 of the Holy Qur'an which prescribes punishment for the offence of murder. It reads:

"It is not for a believer to kill a believer (it be) by mistake. He who hath killed a believer by mistake must set free a believing slave, and pay the blood-money to the family of the slain, unless they remit it as a charity. If he (the victim) be of a people hostile unto you, and he is a believer, then (the penance is) to set free a believing slave. And if he cometh of a folk between whom and you there is a covenant, then the blood-

money must be paid unto his folk and also a believing slave must be set free.....” (4:92)

Thus the above mentioned verse clearly refers to three types of regions or people. If the murdered believer has been killed by mistake by a believer, of course in Islamic region, then the murderer will free a believing slave and would pay blood-money to the family of the murdered. If the murdered hails from a hostile country or hostile nation, then the penalty would be to set free a believing slave. And if the murdered is from an allied nation or country with which Islamic state has treaty relationship, then blood-money would be paid to that nation and a believing slave would be set free. This verse, in a way, approves the division of the world into above mentioned three categories which is made by the Islamic Jurists.

## **Principles of foreign policy of Islamic state**

Fundamental principles laid down by Islam for the guidance of the Islamic state in its foreign policy, as briefly stated, are: promotion of international peace and security; promotion of brotherhood and friendship; establishment of justice and equity in international dealings, and promotion of cooperation between nations.

We shall now discuss relations of the Islamic state with Muslim countries and its relations with non-Muslim countries along with some other relevant topics.

## **Relations with Muslim countries**

All Muslims, wherever they live, are one community and are brothers-in-faith. They form one brotherhood bound by the ties of common religion and so geographical boundaries or other artificial barriers cannot separate one brother from the other. Islam has established on very strong footing the

solidarity and fraternity among all the Muslims and has abolished all the distinctions on the basis of race, colour, language, blood or nationality. The concept of Islamic brotherhood makes all the Muslims, men and women, to whatever nation, race, colour, rank or status they may belong, equal in rights and obligations.

The above-mentioned teachings of the Qur'an and the Sunnah are not only applicable to the Muslims at individual level but are also applicable to the Muslim countries at international level. A Muslim country, therefore, would regard other Muslims countries as brothers and would extend every sort of help to his brothers in every field of life such as defence, economic development, education, finance, social sector, etc. The Islamic state would live in peace with the other Islamic state or states and would resolve its differences peacefully with her Muslim sister through mutual negotiations or through arbitration. If there is war or any dispute between two brotherly Muslim countries, it is the bounden duty of the other Muslim countries to arrange reconciliation and peace between the two. But if the aggressor among the combatants is not ready to reconcile, the other Muslim countries would help the one wronged by the aggressor till the aggressor is forced to come to terms.

The verses of the Qur'an and traditions of Muhammad which establish Islamic brotherhood and teach the Muslims to remain united and solve their disputes mutually are:

- And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong, and they establish worship and they pay the poor-due, and they obey Allah and His messenger. As for these, Allah will have mercy on them. Lo! Allah is Mighty, wise. (At-Taubah 9:71)



- And if two parties of believers fall to fighting, then make peace between them. And if one party of them doth wrong to the other, fight ye that which doth wrong till it return unto the ordinance of Allah; then, if it return, make peace between them justly, and act equitably. Lo! Allah loveth the equitable. The believers are naught else than brothers. Therefore make peace between your brethren and observe your duty to Allah that haply ye may obtain mercy. (Al-Hujurat 49:9-10)
- Nu'man-b-Bashir reported that the Messenger of Allah said: you will see the believers in their mutual kindness, love and sympathy just like one body. When a limb complains, the whole body responds to it with wakefulness and fever. (Bukhari, Muslim)
- Abu Zarr reported that the Messenger of Allah said: Whose parts from the united body even a hand's breadth has indeed shaken off the rope of Islam from his neck. (Ahmad, Abu Daud)

## **Relations with non-Muslim Countries**

Relations between the Islamic state and a non-Muslim allied state (Mu'ahid) would be governed strictly in accordance with the terms of treaty or alliance or pact executed between them. Terms of the agreement would be fulfilled in all circumstances and at all cost by the Islamic state and all the rights and obligations flowing from the treaty relationship would be duly honoured.

Islam is a religion of peace and it preaches brotherhood and fraternity. So the relations of an Islamic state with non-Muslim countries would be based on general principle of 'friendship towards all and malice towards none' and 'peace with all and war against none'. Those non-Muslim countries which are not allied with Islamic state through any treaty or

covenant need not feel uneasy about the foreign policy of the Islamic state as the policy of such state is not based on any aggressive designs. Rather the foreign policy of an Islamic state is based on friendship and cooperation in all matters of common interest. It would cooperate with those countries which are promoting the cause of peace, justice and human welfare. The Qur'an, the revealed book of Islam, enjoins upon its followers: ".....Help ye one another unto righteousness and pious duty. Help not one another unto sin and transgression....." (5:2). Acting upon this principle, the Islamic state would extend its cooperation to all the like-minded states who are working in the domain of international peace and security and are also working to achieve human betterment through cooperation in the field of economic development, education, science and technology and social sectors.

Islam enjoins justice and fairness in human dealings. The Islamic state would base its foreign relations with aligned and non-aligned non-Muslim countries on the values of justice and equity.

## **Fulfilment of Treaties**

Treaties are made between the states or nations sometimes to bring war or hostilities to an end and sometimes to settle terms of peace after the termination of a war. Treaties are even made to resolve certain disputes peacefully and to avoid possible wars. Between friendly or like-minded states, treaties are made to form alliances against a common enemy or to keep peace and security in a certain region. These days treaties of mutual cooperation in economic field, trade and commerce, education, science and technology, political and diplomatic relations, etc. are also being made. In this section however, we shall be dealing only with the treaties relating to war and peace.

Islam means 'peace' and it stands for peace. Its followers are always ready to incline towards peace as the Holy Qur'an enjoins upon them: "And if they incline to peace, incline thou also to it, and trust in Allah. Lo! He is the Hearer, the Knower." (8:61).

Islam attaches as much importance to treaties, pacts and alliances in international relations as is the importance attached by it to the promises, covenants and pledges in individual and personal human relationships. The Qur'an enjoins upon its followers to fulfil their promises and pledges. According to the Qur'an, the fulfillment of a covenant is a great human virtue and so it showers its admiration very liberally upon those who honour their given word at all costs. Similarly, Prophet Muhammad (PBUH), in his words and deeds, has enjoined upon the believers to fulfil their promises and agreements in individual as well as collective dealings.

The Islamic state, like individuals, is duty-bound to fulfil its treaties, alliances and words of honour given by it to foreign countries. It is one of the fundamental principles of the foreign policy pursued by an Islamic state to abide by its international commitments in all circumstances and at every cost. To comply with the terms and obligations of a treaty amounts to keeping duty to Allah. The Holy Qur'an enjoins the Islamic state to honour its pledges even with its enemy states and not to be the first one in breaking a pledge as it is great sin. The Islamic state can break a treaty or pledge only when the other party to the treaty or pledge has been the first to break it.

Islam gives so much importance to the sanctity of treaties that sometimes even the obligations of Muslim brotherhood can be overridden to honour the given words. We read in the Qur'an "..... And those who believed but did not leave their homes, ye have no duty to protect them till

they leave their homes, but if they seek help from you in the matter of religion then it is your duty to help (them) except against a folk between whom and you there is a treaty. Allah is Seer of what ye do". (8:72). According to this verse, it is the bounden duty of the Islamic state to help its Muslim brothers living in another state who are being oppressed and who ask for such help. However, help cannot be given to them if they are citizens of a state with which the Islamic state has made a treaty. Thus observance of international obligations in such a situation would be more imperative for the Islamic state than honouring its religious ties with the oppressed Muslim minority.

About the nature and terms of treaties and about the procedure and effects of such treaties, no detailed rules have been made in the Holy Qur'an obviously for the reasons that the same are to be made according to the demands of the occasion. In the practice of the Holy Prophet, however, we find a lot of guidance about peace treaties as he himself concluded many treaties with the tribes and nations around him.

Traditions of Prophet Muhammad (PBUH) which enjoin the Muslims to fulfil their promises, covenants, pledges and treaties are:

- Anas reported: Hardly did the Messenger of Allah address us without saying: There is no faith in him who has got no trust, and no religion for him who has got no promise. (Baihaqi)
- Bara'a-b-A'jeb reported that the Messenger of Allah made treaty with the Quraish on the Day of Hudaibiyyah over three things: On conditions that whoso of the polytheists would come to him, he would return him to them, but whoever of the Muslims comes to them, they would not return him; and on condition that he would

come to Makkah next year and would stay there for three days, and would not enter there except by sheathing lances, swords and bows and like that. Then Abu Jandal came to him while he was bound in fetters. So he returned him to them. (Bukhari, Muslim)

- Solaim-b-A'mer reported that there was a treaty between Muawiyah and the Byzantines and he was going towards their lands till when the covenant came to an end, he attacked them. A man came riding on a horse (or a pack horse) and said: Allah is greatest, Allah is greatest, fidelity and no treachery. They reconnoitered when lo! he was Amr-b-Abasah. Muawiyah asked him about that. He said: I heard the Messenger of Allah say: Whoso has got a treaty between him and a people must not loosen the treaty, nor make it tight till its term expires or he is thrown to them on an equal footing. He said: Then Muawiyah returned with the people. (Tirmizi, Abu Daud)

## **Help to oppressed Muslims living in non-Muslim Countries**

We have already studied the aims and objectives of Jihad and have also analyzed the reasons for which the Muslims are permitted to wage Jihad. Thus we know that one of the noble causes for which Jihad is waged is the help to oppressed and persecuted Muslims living in non-Muslim lands. In other words one of the aims of Jihad is that the persecuted Muslims living in Dar-ul-Harb be helped and be liberated from the oppression of the non-Muslims. The Qur'an inspires its followers to help such Muslims when it enjoins: how should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from out this town of which the people are oppressor! Oh, give us from Thy

presence some protecting friend! Oh, give us from Thy presence some defender! (4:75).

However, help can be given only to those persecuted Muslims who are living in such countries with whom the Islamic state has no alliance or treaty of peace and friendship. But if a treaty exists between the Islamic state and a non-Muslim country which is oppressing its Muslim minority, then the Islamic state is not permitted to help the oppressed Muslims. The Qur'an has issued very clear directions on this point in its verses 72 and 73 of chapter 9. The question arises that in such case what should be done? The answer is that the Islamic countries should use their good offices because of their treaty relations in persuading the concerned non-Muslim country to spare its Muslim minority. The non-Muslim country should be pressurized to treat its Muslim citizens kindly, grant them fundamental human rights and civil liberties, and accept their genuine demands. But if the non-Muslim country does not give up its oppression, the Islamic countries can break their treaties after a due ultimatum and can directly intervene in favour of their oppressed brothers to help them out of the miserable plight.

In the present world many Muslim communities living in non-Muslim countries are being persecuted. Muslims are being oppressed in Palestine, Kashmir, Chechnya, Philippine, Sinkiang, Bosnia, Kosovo, Arakan, Eritrea. But the Islamic countries cannot intervene directly in their favour and wage Jihad against their persecutors because the Islamic countries have diplomatic relations with oppressor non-Muslim countries. In many cases they have also direct or indirect treaty relations with such countries. Thus they are not in a position to help the oppressed Muslims by physical force until and unless they break their treaties and sever their ties with the concerned non-Muslim states which is not desirable in the present situation of the

world. So what they should do is that they should unitedly exercise their pressure in persuading countries like Israel, India, Russia, Serbia, Burma and Ethiopia to cease their oppressive policies and grant their Muslim citizens fundamental rights and accept their genuine demands. Good offices of the leading states of the world, United Nations and international forums can also be utilized to help the persecuted Muslims. The moral and political support and economic assistance can be extended to the oppressed Muslim communities. Hospitality should be shown to the Muslim immigrants from such places.

## **Migration**

One way of helping the oppressed Muslims living in non-Muslim countries is, as we have seen, to wage Jihad for liberating them from the yoke of their oppressors, while the other way is to welcome them in one's land if they are expelled or if they opt themselves to migrate. Islam teaches those Muslims who are being persecuted in non-Muslim lands to migrate in the path of Allah and seek asylum in safer places where they could live in peace and practice their faith freely. There are many rewards from Allah, the Almighty, for those who migrate in His way and for those who offer hospitality to the immigrants.

The first ever migration of the oppressed Muslims that took place was that of the Makkan Muslims who migrated to Abyssinia, a Christian country around the year 616 or 617 A.D. To escape from the persecution by the pagan Quraish, the Muslims migrated to the said country, with the permission of Prophet Muhammad (PBUH). The ruler of Abyssinia not only accorded them a kind treatment but also refused the request made by a high-powered delegation of the Quraish to extradite the Muslim refugees. The Prophet was so much pleased by the hospitality shown by the

Abyssinian ruler (Negus) to his followers that he offered funeral prayer of the Negus in absentia when the latter died.

Second migration of the oppressed followers of Islam, and this time in the company of the Prophet himself, was from Makkah to Madinah in the year 622 A.D. This is very important event in the history of Islam and also that of the world as Muslim Calendar of Higerah commenced from this event. The Muslims of Madinah welcomed their brothers from Makkah and showed them the most excellent hospitality which has become a model to emulate for the later generations. The Qur'an praises their hospitality and Allah showered His blessings upon the Helpers (Ansar) of Madinah and the immigrants (Muhajirin) of Makkah.



## **CHAPTER 12**

# **EDUCATION**

The importance of education in the life of the individuals and nations can hardly be over-emphasised. Education is religiously as well as temporally very essential as it equips the individuals with the capacity to work and trains them in the art of citizenship. The democratic system of government makes the people sovereign and ultimate masters of their destiny. An uneducated individual can neither understand politics nor can he become vigilant and aware about his as well as national interests. Education is, therefore, imperative to enable the citizens to exercise their political rights intelligently and perform their civic duties satisfactorily.

## **I- Importance of Education**

Islam grants paramount importance to education and learning. Let us see what the revealed book of Islam, the Qur'an, and Prophet Muhammad (PBUH) say about education.

### **What the Qur'an says**

1. AL-Qur'an, the religious scripture of Islam, gives so much importance to education that the very first verses of this holy book which were revealed to Prophet Muhammad (PBUH) instructed the Prophet to 'read'. The Qur'an says:

"Read: In the name of thy Lord Who createth, Createth man from a clot. Read: And thy Lord is the Most Bounteous, Who teacheth by the pen, Teacheth man that which he knew not". (96:Al-'Alaq:1-5)

Thus, the Holy Qur'an, if its revelation is put in chronological order, starts with the commandment 'to read'. In these verses, the Qur'an uses three words 'read', 'teach' and 'pen' which shows the priority given to reading, teaching and pen (being the instrument of writing).

2. The importance of the writing and the pen (symbol of writing) is so much that at one place in the Qur'an (68:1-2), the Almighty Allah swears by the pen and at another place He commands the believers to reduce their contracts, agreements and their business deals into writing. The relevant verse of the Qur'an reads:

O ye who believe! When ye contract a debt for a fixed term, record it in writing. Let a scribe record it in writing between you in (terms of) equity. No scribe should refuse to write as Allah hath taught him, so let him write, and let him who incurreth the debt dictate, and let him observe his duty to Allah his lord, and diminish naught thereof.... (2:282)

3. The prayer of the Prophets and the righteous people have been mentioned in the Qur'an. The prayer of the prophet of Islam given in the Qur'an is about the increase in knowledge. Allah commanded his messenger to pray to Him in these words: ".....My Lord! Increase me in knowledge" (Al-Qur'an 20:114). This has been the most popular prayer of the followers of Muhammad (may Allah's peace be upon him) through centuries and even the children in the Muslim homes start chanting this prayer from the day they enter a school.
4. The Qur'an tells us that it is on account of the learning and knowledge that man's superiority was established over the Angels. Allah taught Adam all the names, and then showed them to the Angels asking them to inform

Him about them which they could not, but Adam did. (Al-Qur'an 2:31-33). So Allah commanded the Angels to prostrate before Adam.

5. Allah blessed the Prophets with wisdom and knowledge and raised them in different communities in different ages with the mission to guide the people and teach them knowledge and books of Allah (Al-Qur'an 4:54, 4:113, 12:22, 21:74, 27:15, 62:2). It reflects on the paramount position of honour which has been attached to wisdom and knowledge. According to Prophet Muhammad, learning is the heritage of the Prophets and the Prophets left for heritage no silver or gold coins, but they left learning.
6. The Qur'an instructs the believers that all of them should not go out for fighting, rather they should leave some of them behind who should acquire sound knowledge of religion and should teach the others when they return from fighting (9:122). Jihad is obligatory on every adult male Muslim in case the security of Islamic state is in danger. But even in such a state of emergency and critical position, the importance of learning is not being ignored. The believers are being commanded that all of them should not go forth together for participation in Jihad. It would be better if they leave some contingent behind who should devote themselves to studies in religion and should acquire the capability to teach others.
7. Wisdom and knowledge is a great treasure, and everlasting wealth and enormous blessing. In many of its verses, the great book of Allah, the Qur'an, mentions virtues, good characteristics, points of distinction and merits of the men of learning. The wise and the learned persons are not only admired for their educational achievements but are also the recipients of great

rewards and blessings from Allah in this world and in the Hereafter. Some of these verses of the Qur'an are:

- He giveth wisdom unto whom He will, and he unto whom wisdom is given, he truly hath received abundant good. But none remember except men of understanding. (2:Al-Baqarah:269)
- Say (unto them, O Muhammad): Are those who know equal with those who know not? But only men of understanding will pay heed. (39:Az-Zumar:9)
- And when it is said, Come up higher! Go up higher; Allah will exalt those who believe among you, and those who have knowledge, to high ranks. Allah is informed of what ye do. (58:Al-Mujadilah:11)

### **What the Prophet Muhammad (PBUH) said**

- 1) Anas reported that the Messenger of Allah said: Search for knowledge is compulsory upon every Muslim male and Muslim female. (Ibn Majah)
- 2) Anas reported that the Messenger of Allah said: Whoso goes out in search of knowledge, he is in the path of Allah till he returns. (Tirmizi)
- 3) Sakhbarah al Azdi reported that the Messenger of Allah said: Whoever searches after knowledge, it will be expiation for his past sins. (Tirmizi)
- 4) Ayesha reported: Superiority in education is better than superiority in divine service. And the root of religion is abstinence. (Baihaqi)
- 5) Anas reported that the Messenger of Allah said: Search knowledge though it be in China. (Baihaqi)

- 6) Ibn Mas'ud reported that the Messenger of Allah said: There is no envy except for two: a man whom Allah has given wealth and whom He gave power for spending it for cause of truth and a man whom Allah has given wisdom and who acts up to it and teaches it (to others). (Bukhari and Muslim)
- 7) Kasir-b-Qais reported: Certainly the superiority of a learned man over the pious worshipper is like the superiority of the full moon at full moon-lit night over the rest of the stars; and verily the learned are the heritage of the prophets, and the prophets left for heritage no silver or gold coins, but they left learning. So whoso acquires it, acquires a sufficient fortune. (Ahmad, Tirmizi, Abu Daud)
- 8) Abu Omamah al Baheli reported: Two persons were mentioned to the Messenger of Allah, one of the two was a pious worshipper and the other a learned man. Then the Messenger of Allah said: "The superiority of the learned man over the pious worshipper is like my superiority over the meanest of you. Then the Holy Prophet said: Verily Allah, His angels and the dwellers of the heavens and the earth and even an ant in its hole and even a fish certainly send blessings upon a preacher of good to the people." (Tirmizi)
- 9) Ibn Abbas reported that the Messenger of Allah said: To the devil, a learned theologian is stronger than a thousand pious worshippers. (Tirmizi, Ibn Majah)
- 10) Anas-b-Malek reported that the messenger of Allah said: Do you know who is best in generosity? They replied: Allah and His Apostle know best. He said: Allah is best in generosity, then I am the most generous of the children of Adam, and the most

generous man among them after me will be a man who will acquire learning and broadcast it. He will come on the Resurrection Day as a ruler alone (or he said: as one people). (Baihaqi)

- 11) He to whom death comes while he is in search of knowledge to revive Islam thereby, between him and the Prophets there shall be but one degree (of excellence) in the Garden. (Ad-Darimi)
- 12) Abu Hurairah reported that the Messenger of Allah said: When a man dies, his works also stop except three: Acts of charity which are continued; knowledge by which all take benefit, and a righteous issue who prays for him. (Muslim, Abu Daud, Tirmizi)
- 13) Abu Hurairah reported that the Messenger of Allah said: verily what reaches the believer of his works and of his actions after his death is the knowledge which he acquired and spread abroad.....or a book which he has given to inherit. (Baihaqi)
- 14) No present or a gift given by the parents to a child is superior to good education. (Tirmizi)
- 15) Jabir-bin-Samurah reported that the Messenger of Allah said: That a man gives good education to his child is better for him than that he gives a large measure of corn in alms. (Tirmizi)
- 16) "All the things of the earth and the heavens pray for the deliverance of the learned." (Abu Daud, Tirmizi)
- 17) "Muslim theologians are the successors of Prophets." (Abu Daud, Tirmizi)

- 18) "Faith is naked, its dress is piety, its adornment is modesty and its fruit is knowledge." (Hakim)
- 19) "The death of a tribe is easier in comparison to the death of a learned". (Bukhari and Muslim)
- 20) "Nearer to Prophethood are the learned and the crusaders - the learned, because they conveyed the message which the prophets brought and the crusaders, because they fought with their swords for the sake of religious law of the prophets." (Abu Naeem)
- 21) "On the Day of Resurrection, the ink of the learned will be weighed with the blood of martyr." (Ibn Abdulbar)
- 22) Abu Hurairah reported: And he who so walks in the path seeking knowledge therein, God will make easy to him the path of Paradise. (Muslim, Ibn Majah)
- 23) "Allah revealed Ibrahim (peace be upon him) that He is Omniscient and loves every learned one." (Ibn Abdulbar)
- 24) "Intercession of three persons will be accepted on the Day of Resurrection — The Prophets, the learned ones and the martyrs." (Ibn Majah)
- 25) "The preference of Muslim learned over the Muslim devotee is seventy times more." (Ibn Aadi)
- 26) "There is a difference of 100 degrees in the learned one and the devotee. The distance of one degree is such that a swift horse can cover it in seventy years."

- 27) "The person who obtains knowledge to teach others, he will be rewarded virtues equal to seventy ever-truthful persons." (Welmi Masnadal Firdaus)
- 28) "Knowledge is treasure, its keys are questions. Continue to ask about knowledge because by asking one question four persons are rewarded — petitioner, learned, listener and who loves them." (Abu Naeem)
- 29) "Attendance in the assembly of a learned is better than praying thousand Rakats, visiting of thousand patients, and participating thousand funeral processions. The Companions of the Holy Prophet asked the Prophet if it was better than recitation of Holy Qur'an. He replied. Was the Holy Qur'an beneficial without knowledge." (Ibnul Jozi)
- 30) "It is better to learn any chapter of knowledge than to pray 100 Rakats of prayer." (Ibn Abdulbar, Ibn Majah)
- 31) "On the Day of Resurrection, Allah will order worshippers and crusaders to enter into Paradise. The learned persons will request that they have worshipped and endeavoured through the knowledge. God will tell them that you are like angels for me. You intercess. Your intercession will be accepted. Then, they will intercess and will enter into Heaven." (Abu Abbas Zahbi)
- 32) "It is narrated by Abdullah bin Umar that one day the Prophet (peace be upon him) came out and saw two gatherings. In one gathering, people were invoking blessings and were attentive towards it. In the other gathering, people were teaching. The Prophet said that these people were praying. If He willed He might give and if He did not will He might not give. And these people were teaching and God sent him (the prophet)



also as a teacher. Then, he turned towards them and sat with them.” – (Ibn Majah)

## **II- Education in the Early Islamic State**

Since the human beings, male as well as females, are responsible and accountable for their actions and deeds on the Day of Judgement, they are required to acquire the knowledge of the teachings of the Qur’an and Sunnah particularly the basic knowledge of the fundamentals of Islam like Belief, Prayer, Zakat, Fasting, Hajj, etc. Beside that, they are also obliged to know the Attributes of Allah, knowledge of lawful and unlawful, right and wrong, their religious obligations, laws promulgated by the Qur’an regarding marriage, dower, divorce, inheritance, will adultery, murder, theft etc. A woman is also required to acquire such education and learning which is fundamental to her basic area of activity, i.e. management of home, education, training and bringing up of children.

The Prophet of Islam himself took keen interest in the training and education of the Muslim community. He made suitable arrangements for the education of Muslim men as well as women. He was so much concerned even for the education of the women that whenever he felt that the women could not hear him because they were seated behind the men in the mosque, he would get closer to them and repeated his instructions. It is reported in Sahih Bukhari from Abu Said Khudri that some women came to the Prophet and complained: “Men are always gathered in your presence, and we cannot benefit. Therefore, appoint one day for us”. So the Prophet fixed one day for them, during which he would go to them, listened to their problems, told solutions and gave them instructions regarding their religious, social and family obligations. Sometimes, he

would depute some learned companion to educate the women on various issues. It is reported by Umme Atiyyah: When the Prophet came to Madinah, he sent Umar to educate the women of Ansars. Ayesha, wife of the Prophet, also used to teach the women as well as men.

The Prophet of Islam released some of the prisoners who had been captured in the Battle of Badr, without ransom on the condition that each of them should teach at least ten Muslim children how to read and write. This shows how the Prophet viewed the need of education and literacy for the Muslim children.

It is useful to mention here that reading and writing was introduced in Makkah a little before the emergence of Islam. According to Baladhuri, there were about seventeen literate persons at the beginning of Islam. Writing was a new art with the Arabs of Makkah and had not yet made much advancement. A basic reform in the script by way of dotting letters was introduced in the period of the Prophet (PBUH). Soon after his migration to Madinah in the year 622 A.D., the Prophet of Islam ordered reservation of a part of his mosque (known as Mosque of the Prophet) for educational purposes. The place was called al-Suffah which means platform or dais. Education imparted in al-Suffah was of an elementary nature comprising the teaching of al-Qur'an and also teaching the students how to read and write. Al-Suffah functioned as a school by day and a hostel by night for students who had no other place to live in. Dr. Hamidullah calls it the first residential university of Islam. According to him, residential facilities were subsidized by the state as well as private citizens. The number of students fluctuated but the number was considerable as we learn that eighty resident scholars of this institute were once invited to a dinner by Saad bin Ubadah. Prophet Muhammad (PBUH) himself as well as his learned companions taught the students and gave lectures on various aspects of Islam.

Besides the school of al-Suffah, other mosques in Madinah (which according to a report of Baladhuri were nine in number during the prophetic period) were also used as a school for educational purposes. According to Tabari, one of the duties of Mu'adh bin Jabal, appointed as governor of Yemen by the Prophet, was to provide suitable educational facilities to the people in his Jurisdiction.

The system of education established by the Prophet (PBUH) continued under the right – guided caliphs in the Islamic state which had expanded to cover three continents on account of conquests of many countries like Iraq, Syria, Egypt, Palestine, Iran, etc. Though some changes did take place according to the needs of the time, yet the mosque continued to be the centre while the Qur'an and Sunnah continued to be the primary syllabus of education in the early Islamic period.

"In pursuance of the injunctions of the Holy Qur'an and Hadith on education and reflection on natural phenomena, the Muslims of early ages spread throughout the world for acquisition of knowledge and made a tremendous progress in every branch of learning. They were the first who founded regular institutions in the form of schools; colleges and universities for the advancement of learning and established big libraries. Commentators of the Qur'an, traditionists, theologians, faqis, scientists, astronomers, biographers, historians and medical men flourished in great numbers, and left indelible marks on the pages of history. Their voluminous books and interesting treatises now form the chief treasures of modern civilization. The jurists like Imam Abu Hanifa, Shafi, Malik, Ahmad and Abu Yusuf, the traditionists like Imam Bukhari, Muslim and others, thinkers like Imam Ghazzali, the philosophers and scientists like Avicenna, Averoes, Albeiruni and others, the historians like Sayuti, Ibn Masudi, Ibn Batuta, and others, the Sufi poets like Sa'di, Hafiz, Rumi and others, the artistic poets like

Mutanabbi and Umar Khayyam are a small fraction of the galaxy of talented men that appeared under the guidance of the Qur'an and Hadith; Abul Hasan invented the telescope, Ibn Unus of Cairo invented pendulum and measurements of time; Abu Musa Jaber invented Algebra; Al Kohi wrote on the movement of planets; Ibn-an-Nabdi on optics and Abdul Wafa on Trigonometry. In short, the Muslims founded a civilization on the basis of the Qur'an and Hadith which is the marvel of the modern world and left behind legacies of learning which are invaluable to us, established fountains of knowledge and wisdom from which we now drink with relish and gave us varied spiritual and intellectual food which now forms our daily menu of research and taste".<sup>6</sup>

### **III- Need for Worldly Education Along With Religious Education**

No doubt, revelation is the real source of all knowledge and, therefore, religious education comprising the teaching of the Qur'an and Sunnah should have priority in an Islamic state, but to deny the need of worldly education comprising natural sciences, social sciences, humanities, arts and literature is not at all justified. Islam aims at the welfare of its followers in this world as well as in the next world. Al-Qur'an, the revealed book of Islam, teaches its followers the famous prayer which reads "..... Our Lord! Give unto us in the world that which is good and in the Hereafter that which is good and guard us from the doom of Fire". (2:201). This prayer enables the believers to seek earnestly from Allah what is good in this world and what is good in the Hereafter. In other words it implies the acquisition of knowledge of this material world as well as the acquisition of knowledge of the

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<sup>6</sup> Fazlul Karim: Al-Hadis.

spiritual world for achieving success in both the worlds. In another verse (22:77), the Qur'an enjoins: "But seek the abode of the Hereafter in that which Allah hath given thee and neglect not thy portion of (this) world.....".

Since the man has been taught by Islam to seek (and also to make efforts to achieve) welfare and success in both the worlds, he obviously needs such an education which helps him in this objective. Hence is the need for Naqliya and Aqliya knowledge i.e. religious knowledge as well as knowledge of science and technology with other Aqliya disciplines. This need makes it imperative to formulate an integrated system of education comprising religious education and temporal education. It was perhaps this integrated system of education which enabled the Muslims of middle ages to acquire mastery over sciences along with a profound knowledge of the Qur'an and Hadith.

## CHAPTER 13

### SCIENCE

In the preceding chapter we have already studied how Islam emphasizes the importance of education and knowledge, how it highlights the merits and the excellence of the learned people, and how it enjoins upon its followers to leave no stone unturned to search for knowledge and acquire it from wherever and from whomsoever it is possible. Needless to say that the knowledge stressed by Islam is not only knowledge of religion and articles of faith but it also includes knowledge of history, social studies, sciences, arts, humanities, etc. The revealed book of Islam, the Holy Qur'an, teaches its followers, in one of its famous prayers, to pray for welfare in this world and also in the next world (2:201). Knowledge helps in achieving such welfare, and, therefore, Islam gives due importance to all sorts of knowledge, material as well as spiritual, temporal as well as religious. Here lies the importance of knowledge of sciences, arts, humanities along with knowledge of religion.

#### **Qur'an approves science and has no clash with it**

In this chapter we shall study how the revealed book of Islam agitates the human mind to think and how the information revealed by this book about universe, about the creation of heavens and the earth, about the sun and stars, about the moon and planets, about clouds and rain, about oceans and rivers, about man and other living beings displays certain scientific truths which modern science has approved some fourteen centuries after the revelation of the Qur'an. Dr. Maurice Bucaille of France, the author of renowned book "The Bible, The Qur'an And Science" says the Holy Qur'an's concept of the creation of the world, while

different from the ideas contained in the Bible, is in keeping with today's general theories on the formation of the universe. According to him, the Qur'anic descriptions also agree with the current scientific information concerning the evolution and movements of heavenly bodies. He also states that the Qur'an includes predictions about conquest of space and ideas about the water cycle in nature and the earth's relief, which were only proved scientifically many centuries later.

The Qur'an approves science and reason and it has no clash with them. That is why the Muslim thinkers and philosophers of Middle Ages were both religious scholars as well as scientists such as Razi, Ghazzali, Jabir-bin-Hayyan, Ibn-i-Sina, Ibn-i-Rushd, Ibn-i-Khaldun, Al-Beiruni and many others.

What happened in Europe during the age of Renaissance and afterwards is exactly opposite. The Renaissance in Europe during the fifteenth and sixteenth centuries brought in its wake the era of discoveries, inventions, science and technology. Christianity opposed, with its utmost strength, the rise of reason and science. The powerful church setup inquisition courts to try those intellectuals who differed with the church. Thus, scientists like Copernicus, Galileo, etc. were humiliated, persecuted, punished and oppressed. This made the religion and science as enemies of each other and, therefore, the enlightened and educated people began to dislike and hate religion which, in their opinion, was based on ignorance and superstitions. With the rise of the science and technology which started, in turn, the industrial revolution, the decline of religion began. So, religion lost its hold and was completely divorced from socio-economic and political life, thus, confining itself to individual's personal life only. Consequently, Europe turned secular. But this is not the case of Islam and Muslims, as Islam never opposed the rise

of reason, science and technology and the Muslims during the Middle Ages produced many scientists who were equally adept in religious scholarship.

I am not a scientist. I have never studied any science subject even during my career as a student. Therefore, I have no knowledge to comment on the verses of the Qur'an which provide very useful scientific data in every branch of science.

God is Creator and sustainer of everything including the universe, the heavens and the earth, and of all beings who are visible or invisible to human eye and who are known or unknown to man. God is All-knowing. His knowledge is unlimited. The Qur'an is His word and it provides guidance to man in every important discipline of his life. Man has been granted limited knowledge by his Creator. Despite tall claims of progress of the modern science what the science has discovered so far is only a drop in the ocean. Scientific knowledge constantly changes, it is not final. Today science proves a fact, tomorrow it disproves it. On the contrary the Qur'an, which is word of God, is absolute truth and also it is final truth. Therefore, we should test the veracity of scientific data with the criterion of the Qur'an instead of testing the truth of the Verses of the Qur'an by the standard of science.

### **Al-Qur'an's Scientific Approach**

The Qur'an adopts scientific approach. It does not claim blind following. It appeals to human reasoning. It urges man to shun his superstitions and make use of his thinking faculties. Man must visit the land, see the signs of God within himself and around him, think and meditate about the creations of God, keenly observe the natural phenomenon and understand the purpose of his life and then decide about his belief.



Let us have a glance on the following few verses of the Qur'an which invite us to apply our minds. There are many such verses in the Qur'an but only few have been selected because of space constraints.

- Lo! in the creation of the havens and the earth, and the difference of night and day, and the ships which run upon the sea with that which is of use to men, and the water which Allah sendeth down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein, and (in) the ordinance of the winds, and the clouds obedient between heaven and earth: are signs (of Allah's sovereignty) for people who have sense. (Al-Baqarah 2:164)
- Lo! In the creation of the heavens and the earth and (in) the difference of night and day are tokens (of His sovereignty) for men of understanding, Such as remember Allah, standing, sitting, and reclining, and consider the creation of the heavens and the earth, (and say): Our Lord! Thou createdst not this in vain, Glory be to Thee! Preserve us from the doom of Fire. (Al-Imran 3:190-191)
- He it is Who sendeth down water from the sky, whence ye have drink, and whence are trees on which ye send your beasts to pasture. Therewith He causeth crops to grow for you, and the olive and the date-palm and grapes and all kinds of fruit. Lo! here in is indeed a portent for people who reflect. And he hath constrained the night and the day and the sun and the moon to be of service unto you, and the stars are made subservient by His command. Lo! herein indeed are portents for people who have sense; (Al-Nahl 16:10-12)

- (This is) a Scripture that We have revealed unto thee, full of blessing, that they may ponder its revelations, and that men of understanding may reflect. (Sad 38:20)
- Will they then not meditate on the Qur'an, or are there locks on the hearts? (Muhammad 47:24)

### **Open invitation of the Qur'an to conquer the universe as everything created for service unto man**

The Qur'an states again and again that everything or most of the things in the universe like heavens, the earth, the sun, the moon, the stars, the rivers, the seas, the plants, the animals and many others have been made of use to man. Hence the Qur'an gives an open invitation to man to conquer the universe and make use of every thing to his direct or indirect benefit. It says:

- Allah is He Who created the heavens and the earth, and causeth water to descend from the sky, thereby producing fruits as food for you, and maketh the ships to be of service unto you, that they may run upon the sea at His command, and hath made of service unto you the rivers; And maketh the sun and the moon, constant in their courses, to be of service unto you, and hath made of service unto you the night and the day. (Ibrahim 14:32-33)
- Hast thou not seen how Allah hath made all that is in the earth subservient unto you? And the ship runneth upon the sea by His command, and He holdeth back the heaven from falling on the earth unless by His leave. Lo! Allah is, for mankind, Full of Pity, Merciful. (Al-Hajj 22:65)

- See ye not how Allah hath made serviceable unto you whatsoever is in the skies and whatsoever is in the earth and hath loaded you with His favours both without and within? Yet of mankind is he who disputeth concerning Allah, without knowledge or guidance or a Scripture giving light. (Luqman31:20)
- Allah it is Who hath made the sea of service unto you that the ships may run thereon by His command, and that ye may seek of His bounty, and that haply ye may be thankful; And hath made of service unto you whatsoever is in the heavens and whatsoever is in the earth; it is all from Him. Lo! herein verily are portents for people who reflect. (Al-Jathiyah 45:12-13)
- company of jinn and men, if ye have power to penetrate (all) regions of the heavens and the earth, then penetrate (them)! Ye will never penetrate them save with (Our) sanction. (Ar-Rahman 55:33)

## **Creation of the universe and of the heavens and the earth**

In the Qur'an there are hundreds of verses which throw light on the creation of the universe, on the creation of the heavens and the earth, and on creation of all which is in the heavens and the earth. These verses also throw light on how the universe, how the heavens and the earth, and how the things therein function and Who has created them and who keeps them in order. On the one hand these verses reject the Big-Bang Theory that universe came into existence spontaneously as a matter of an accident and as a result of a great explosion without any intended purpose, and on the other hand they tell us how God, the Almighty One Lord of the universe, created it consciously and created it not without purpose. The scientific truths revealed in these verses are a food for thought for the scientists,

cosmologists, astronomers and astrologers. Only a few of these verses are reproduced:

- Lo! in the creation of the heavens and the earth, and the difference of night and day, and the ships which run upon the sea with that which is of use to men, and the water which Allah sendeth down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beast therein, and (in) the ordinance of the winds, and the clouds obedient between heaven and earth: are signs (of Allah's sovereignty) for people who have sense. (2:Al-Baqarah:164)
- Lo! Your Lord is Allah Who created the heavens and the earth in six days, then mounted He the Throne. He covereth the night with the day, which is in haste to follow it, and hath made the sun and the moon and the stars subservient by His command. His verily is all creation and commandment. Blessed be Allah, the Lord of the Worlds! (7:Al-A'raf:54)
- Lo! your Lord is Allah Who created the heavens and the earth in six days, then He established Himself upon the Throne, directing all things. There is no intercessor (with Him) save after His permission. That is Allah, your Lord, so worship Him. Oh, will ye not remind? (10:Yunus:3)
- Allah it is Who raised up the heavens without visible supports, then mounted the Throne, and compelled the sun and the moon to be of service, each runneth unto an appointed term; he ordereth the course; He detaileth the revelations, that haply ye may be certain of the meeting with your Lord. And He it is who spread out the earth and placed therein firm hills and flowing streams, and all fruits He placed therein two spouses (male and female). He covereth the night with the day. Lo! herein

- verily are portents for people who take thought. (13:Ar-Ra'd:2-3)
- And verily in the heaven We have set mansions of the stars, and We have beautified it for beholders. (15:Al-Hijr:16)
  - And the earth have We spread out, and placed therein firm hills, and caused each seemly thing to grow therein. And We have given unto you livelihoods therein, and unto those for whom ye provide not. (15:Al-Hijr:19-20)
  - Have not those who disbelieve known that the heavens and the earth were of one piece, then We parted them, and We made every living thing of water? Will they not then believe? And We have placed in the earth firm hills lest it quake with them, and We have placed therein ravines as roads that haply they may find their way. And We have made the sky a roof withheld (from them). Yet they turn away from its portents. (21:Al-Anbiya:30:32)
  - Lo! Allah graspeth the heavens and the earth that they deviate not, and if they were to deviate there is not one that could grasp them after Him. Lo! He is ever Clement, Forgiving. (35:Al-Fatir:41)
  - Say (O Muhammad, unto the idolaters): Disbelieve ye verily in Him Who created the earth in two Days, and ascribe ye unto Him rivals? He (and none else) is the Lord of the Worlds. He placed therein firm hills rising above it, and blessed it and measured therein its sustenance in four Days, alike for (all) who ask: Then turned He to the heaven when it was smoke, and said unto it and unto the earth: Come both of you, willingly or loth. They said: We come, obedient. Then He ordained them seven heavens in two Days and inspired in each heaven its mandate; and We decked the nether heaven with lamps and rendered it inviolable. That is the

measuring of the Mighty, the Knower. (41:Ha MimAs-Sajdah:9-12)

- Who hath created seven heavens in harmony. Thou (Muhammad) canst see no fault in the Beneficent One's creation; then look again: Canst thou see any rifts? Then look again and yet again, thy sight will return unto thee weakened and made dim. And verily We have beautified the world's heaven with lamps, and We have made them missiles for the devils, and for them We have prepared the doom of flame. (67:Al-Mulk:3-5)

## **Sun, Moon, Stars and Planets**

Creation of sun, moon, stars and planets is highlighted by the following Verses of Al-Qur'an:

- He it is who appointed the sun a splendour and the moon a light, and measured for her stages, that ye might know the number of the years, and the reckoning. Allah created not (all) that save in truth. He detaileth the revelations for people who have knowledge. (10:Yunus:5)
- And verily in the heaven We have set mansions of the stars, and We have beautified it for beholders. And We have guarded it from every outcast devil, save him who stealeth the hearing, and them doth a clear flame pursue. (15:Al-Hijr:16-18)
- And He it is Who created the night and the day, and the sun and the moon. They float, each in an orbit. (21:Al-Anbiya:33)
- Hast thou not seen how Allah causeth the night to pass into the day and causeth the day to pass into the night, and hath subdued the sun and the moon (to do their

work), each running unto an appointed term; and that Allah is informed of what ye do? (31:Luqman:29)

- And the sun runneth on unto a resting-place for him. That is the measuring of the Mighty, the Wise. And for the moon We have appointed mansions till she return like an old shriveled palm-leaf. It is not for the sun to overtake the moon, nor doth the night outstrip the day. They float each in an orbit. (36:Ya Sin:38-40)
- Lo! We have adorned the lowest heaven with an ornament, the planets; (37:As-Saffat:6)

### **Day and Night, Months and Years**

- Lo! In the creation of the heavens and the earth and (in) the difference of night and day are tokens (of His sovereignty) for the men of understanding (3:Al-Imran:190)
- He is the Cleaver of the Daybreak, and He hath appointed the night for stillness, and the sun and the moon for reckoning, That is the measuring of the Mighty, the Wise. (6:Al-An'am:96)
- Lo! the number of the months with Allah is twelve months by Allah's ordinance in the day that He created the heavens and the earth. (9:At-Taubah:36)
- He it is Who appointed the sun a splendour and the moon a light, and measured for her stages, that ye might know the number of the years and the reckoning. Allah created not (all) that save in truth. He detaileth the revelations for people who have knowledge. (10:Yuus:5)

- He it is who hath appointed for you the night that ye should rest therein and the day giving sight. Lo! herein verily are portents for a folk that heed. (10:Yunus:67)
- And We appoint the night and the day two portents. Then We make dark the portent of the night, and We make the portent of the day sight giving, that ye may seek bounty from your Lord, and that ye may know the computation of the years, and the reckoning: and everything have We expounded with a clear expounding. (17:Bani Isra'il:12)
- And He it is Who created the night and the day, and the sun and the moon. They float, each in an orbit. (21:Al-Anbiya:33)
- Allah causeth the revolution of the day and the night. Lo! herein is indeed a lesson for those who see. (24:An-Nur:44)

## **Water, Clouds, Rain and Winds**

The Qur'an in its following Verses tells us how God sends winds and clouds, how rain falls on earth and how water revives the dead earth and causes all types of vegetation and plants to grow:

- Lo. In the creation of the heaven and the earth, and the difference of night and day, and ships which run upon the sea with that which is of use to men, and the water which Allah sendeth down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein and (in) the ordinance of the winds, and the clouds obedient between heaven and earth: are signs (of Allah's sovereignty) for people who have sense. (2:Al-Baqarah:164)



- And He it is who sendeth the winds as tidings heralding His mercy, till, when they bear a cloud heavy (with rain), We lead it to a dead land, and then cause water to descend thereon and thereby bring forth fruits of every kind. Thus bring We forth the dead. Haply ye may remember. (7:Al-A'raf:57)
- And We send the winds fertilizing, and cause water to descend from the sky, and give it you to drink. It is not ye who are the holders of the store thereof. (15:Al-Hijr:22)
- And We send down from the sky water in measure, and We give it lodging in the earth, and lo! We are able to withdraw it. Then We produce for you therewith gardens of date-palms and grapes, wherein is much fruit for you and whereof ye eat; (23:Al-Mu'minun:18-19)
- Hast thou not seen how Allah wafteth the clouds. Then gathereth them, then maketh them layers, and thou seest the rain come forth from between them; He sendeth down from the heaven mountains wherein is hail, and smiteth therewith whom He will, and averteth it from whom He will. The flashing of His lightning all but snatcheth away the sight. (24:An-Nur:43)
- And Allah it is who sendeth the winds and they raise a cloud; then We lead it unto a dead land and revive therewith the earth after its death. Such is the Resurrection. (35:Al-Fatir:9)
- And have sent down from the rainy clouds abundant water, Thereby to produce grain and plant, and gardens of thick foliage. (78:An-Naba':14-16)

## Oceans and Rivers

In the following verses, the revealed book of Islam, Al Qur'an brings in focus how the oceans and rivers were created and how they are useful for human beings:

- Allah is He Who created the heavens and the earth, and causeth water to descend from the sky, thereby producing fruits as food for you, and maketh the ships to be of service unto you, that they may run upon the sea at His command and hath made of service unto you the rivers; (14:Ibrahim:3)
- And He it is Who hath constrained the sea to be of service-that ye eat fresh meat from thence, and bring forth from thence ornaments which ye wear. And thou seest the ships ploughing it that ye (mankind) may seek of His bounty, and that haply ye may give thanks. And he hath cast into the earth firm hills that it quake not with you, and stream and roads that ye may find a way. (16:An-Nahl:14-15)
- And two seas are not alike: this, fresh, sweet, good to drink, this (other) bitter, salt. And from them both ye eat fresh meat and derive the ornament that ye wear. And thou seest the ship cleaving them with its prow that ye may seek of His bounty, and that haply ye may give thanks. (35:Al-Fatir:12)
- He hath loosed the two seas. They meet. There is a barrier between them. They encroach not (one upon the other) Which is it, of the favours of your Lord, that ye deny? There cometh forth from both of them the pearl and coralstone. Which is it, of the favours of your Lord, that ye deny? His are the ships displayed upon the sea, like banners. (55:Ar-Rahman:19-24)

## Creation of Man

God created mankind from a single soul and that single soul (Adam) was created of potter's clay of black mud altered. From that single soul was created its mate (Eve) and from them twain (Adam and Eve) was created a multitude of men and women. This fact is brought home by the Holy Qur'an, in its verses. The Qur'an in these verses also tells us how drop of fluid in mother's womb develops into a living baby and how a baby gets its birth into this world. How an infant attains full strength and enters into youth and how he grows into old age which is the most abject time of life. Thus speaks the Qur'an:

- mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women..... (4:An-Nisa:1)
- He it is Who did create you from a single soul, and therefrom did make his mate that he might take rest in her. And when he covered her she bore a light burden, and she passed (unnoticed) with it, but when it became heavy they cried unto Allah, their Lord, saying: If Thou givest unto us aright we shall be of the thankful. (7:Al-A'raf:189)
- mankind! If ye are in doubt concerning the Resurrection' then lo! We have created you from dust, then from a drop of seed, then from a clot, then from a little lump of flesh shapely and shapeless, that We may make (it) clear for you. And We cause what We will to remain in the wombs for an appointed time, and afterward We bring you forth as infants, then (give you growth) that ye attain your full strength. And among you there is he who dieth (young), and among you there is he who is

brought back to the most abject time of life, so that, after knowledge, he knoweth naught. (22:Al-Hajj:5)

- Verily We created man from a product of wet earth; Then placed him as a drop (of seed) in a safe lodging; Then fashioned We the drop a clot, then fashioned We the clot a little lump, then fashioned We the little lump bones, then clothed the bones with flesh, and then produced it as another creation. So blessed be Allah, the Best of creators! Then lo! After that ye surely die. (23:Al-Mu'minun:12-15)

## **Creation of Animals**

He is God who has created cattle and animals and provides them sustenance. God has made them subservient unto man who uses them as beasts of burden, rides over them and also eats their meat. The Qur'an in its following verses brings these facts into light:

- There is not an animal in the earth, nor a flying creature flying on two wings, but they are peoples like unto you. We have neglected nothing in the Book (of Our decrees). Then unto their Lord they will be gathered. (6:Al-An'am:38)
- And the cattle hath He created, whence ye have warm clothing and uses, and whereof ye eat; And wherein is beauty for you, when ye bring them home, and when ye take them out to pasture. And they bear your loads for you unto a land ye could not reach save with great trouble to yourselves, Lo! your lord is Full of Pity, Merciful. And horses and mules and asses (hath He created) that ye may ride them, and for ornament. And he createth that which ye know not. (16:An-Nahl:5-8)

- Allah hath created every animal of water. Of them is (a kind) that goeth upon its belly and (a kind) that goeth upon two legs and (a kind) that goeth upon four. Allah createth what He will. Lo! Allah is Able to do all things. (24:An-Nur:45)

## **Plants, Crops, Gardens, Fruits**

In the following Verses, the Qur'an tells us how God creates plants, vegetation, crops, gardens, fruits from the earth by irrigating it with rain water, springs and flowing streams:

- Who hath appointed the earth a resting-place for you, and the sky a canopy; and causeth water to pour down from the sky, thereby producing fruits as food for you. And do not set up rivals to Allah when ye know (better). (2:Al-Baqarah:22)
- He it is Who sendeth down water from the sky, and therewith We bring forth buds of every kind: We bring forth the green blade from which We bring forth the thick-clustered grain; and from the date-palm, from the pollen thereof, spring pendant bunches, and (We bring forth) gardens of grapes, and the olive and the pomegranate, alike and unlike. Look upon the fruit thereof, when they bear fruit, and upon its ripening. Lo! herein verily are portents for a people who believe. (6:Al-An'am:99)
- He it is Who produceth gardens trellised and untrellised, and the date-palm, and crops of divers flavour, and the olive and the pomegranate, like and unlike. Eat ye of the fruit thereof when it fruiteth, and pay the due thereof upon the harvest day, and be not prodigal. Lo! Allah loveth not the prodigals.' (6:Al-An'am:141)

- And He it is who spread out the earth and placed therein firm hills and flowing streams, and of all fruits he placed therein two spouses (male and female). He covereth the night with the day. Lo! herein verily are portents for people who take thought. And in the Earth are neighbouring tracts, vineyards and ploughed lands, and date-palms, like and unlike, which are watered with one water. And we have made some of them to excel others in fruit. Lo! Herein verily are portents for people who have sense. (13:Ar-Ra'd:3-4)
- Have they not seen how We lead the water to the barren land and therewith bring forth crops whereof their cattle eat, and they themselves? Will they not then see? (32:AsSajdah:27)

## **Everything Created in Pairs**

God has created every living being – humans, animals and plants – in pairs. This is a great scientific truth which the scientists have discovered only in recent age much after the revelation of the Holy Qur'an. The Qur'an in the following verses highlights the fact of creation in pairs of everything living.

- Glory be to Him Who created all the sexual pairs, of that which the earth groweth, and themselves, and of that which they know not! (36:Ya Sin:36)
- The Creator of the heavens and the earth. He hath made for you pairs of yourselves, and of the cattle also pairs, whereby He multiplieth you. Naught is as His likeness; and he is the Hearer, the Seer. (42:Ash-Shura:11)
- And all things We have created by pairs, that haply ye may reflect. (51Adh-Dhariyat:49)

- Where is every kind of fruit in pairs. (55:Ar-Rahman:52)

## **Everything Created of Water**

God has created life from water. Every living being—mankind, animals, plants – has been created of water. This is again a great scientific truth which modern science has discovered only recently. It was certainly not known when the Qur'an was revealed some fourteen centuries ago. And this establishes beyond doubt that the Holy Qur'an is a divine book.

The Qur'an in its following verses brings to light this fact that everything has been created by God out of water.

- Have not those who disbelieve known that the heavens and the earth were of one piece, then We parted them, and We made every living thing of water? Will they not then believe? (21:Al-Anbiyah:30)
- Allah hath created every animal of water..... (24:An-Nur:25)
- And He it is Who hath created man from water, and hath appointed for him kindred by blood and kindred by marriage; for thy Lord is ever Powerful. (25:Al-Furqan:54)

## **CHAPTER 14**

# **HUMAN RIGHTS**

## **I- Meaning of Human Rights**

Human rights are the rights and freedoms of all human beings. The expression "human rights" is relatively new, having come into everyday parlance only since World War II and the founding of the United Nations in 1945. It replaces the phrase "natural rights" which fell into disfavour in part because the concept of natural law (to which it was intimately linked) had become a part of great controversy, and the later phrase "the rights of men", which was not universally understood to include the rights of women.

Rights are those conditions of social life without which man cannot be at his best or give of his best what is needful to the adequate development and expression of his personality. Looked at from another angle, rights are those opportunities the absence of which deprives man of something essential. A man without rights, absolutely dependent on the caprice of a superior authority, is a slave. Political thought of every community has, therefore, assumed the existence of these rights. Laski in his book "A Grammar of Politics" holds that every state is known by the rights that it maintains. Our method of judging its character lies, above all, in the contribution that it makes to the substance of man.

Human rights are variously called. Sometimes they are called fundamental rights, sometimes they are called civil rights and in reference to freedom from state restrictions they are called civil liberties. However, all these terms have no fixed and uniform definition. Often they are used



interchangeably. By fundamental rights we generally understand those rights which are considered inalienable and in no circumstances they can be denied. Such rights are very few but generally they are embodied in constitutional provisions of modern states. They not only guide policy but in fact override any administrative act or legislative enactment contrary to them.

## **II- Basic human rights**

Before we discuss the human rights granted by Islam, we should keep in mind that the rights given by Islam have been bestowed upon human beings by Allah, the Almighty God of the universe in His Book 'Al-Qur'an' and by Muhammad (PBUH) the last Messenger of God and the Prophet of Islam in his Sunnah, and therefore, these rights cannot be violated or abrogated by the Islamic state. These rights even cannot be altered or modified. The Islamic state can only interpret these rights and if it wishes it can grant more rights in accordance with the spirit of Islam, but it cannot suspend them in any circumstance not even in war. On the contrary, the rights granted by the modern non-Muslim states to their citizens (after a long struggle made by the latter) in their constitutions, are altered, modified and even suspended or abrogated by their parliaments, and that is often done on pretext of national emergencies.

List of the fundamental rights and civil liberties granted by Islam to the citizens of the Islamic state is quite exhaustive. It includes among others:

1. Right to protection of life and person.
2. Property rights.
3. Right to personal freedom.

4. Right to equality.
5. Right to protection of honour.
6. Freedom of religion.
7. Freedom of thought and expression.
8. Right to basic needs.
9. Right to Justice.
10. Right of being heard.
11. Freedom from responsibility of others' actions.
12. Right to freedom of work and profession.
13. Right to education.
14. Right to privacy.
15. Family rights.
16. Political rights.

However, in this chapter we shall discuss, because of space constraints, only few most important of the above listed rights. It should be kept in view that all the rights granted by Islam are meant for all the male and female citizens of an Islamic state without any discrimination based on gender, race, colour, language, blood, place of birth, caste or creed.

## **Right to protection of Life and Person**

Of all the things of the world, life of man is no doubt the most valuable. Rights arise because of human life and without that there can be neither state nor rights. Life is, in

fact, a trust of Allah and it is our bounden duty to preserve it and to protect it in all circumstances. The right to protection and security of life is, therefore, the most fundamental human right and Islam as the religion of humanity has greatly stressed the sanctity of human life. Al-Qur'an, the revealed book of Islam says, after condemning the first human murder committed by a son of Adam (Cains) who murdered his brother (Abel): "For that cause we decreed for the children of Israel that whosoever killeth a human being for other than manslaughter or corruption in the land, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of the whole mankind ....." (5:32). This verse emphatically asserts that human life is very valuable. It is so valuable that murder of even one individual without justification will be treated as if the whole mankind were killed, and the preservation of the life of a single person will be taken as if the whole human race had been saved. A few other verses of the Qur'an are quoted to emphasise how strongly the murder of a human being has been forbidden by the holy book of Islam.

- ..... And that ye slay not the life which Allah has made sacred, save in the course of justice. This He hath commanded you, in order that ye may discern. — (6:151)
- Slay not your children, fearing a fall to poverty, We shall provide for them and for you. Lo! the slaying of them is a great sin. — (17:31)
- And slay not the life which Allah hath forbidden save with right. Whoso is slain wrongfully, We have given power unto his heir, but let him not commit excess in slaying. Lo! he will be helped. — (17:33)

### **Right to Equality**

Islam has conferred equal rights on all human beings and no distinction or discrimination is made between man

and man on the basis of race, caste, colour, nationality, sex, language, faith or place of birth. It has removed all artificial and man-made barriers and brings all human beings on the same level in social, economic and political areas of life. According to the teachings of Islam, all mankind has sprung from one man and one woman. Just as there is no reason for discrimination between the children of one parents, similarly, it would be absurd to discriminate between man and man or between man and woman on any basis whatsoever. The Qur'an says: O mankind! Lo! We have created you from a male and a female and have made you nations and tribes that you may know one another. Lo! the noblest of you, in the Sight of Allah, is the best in conduct.....(49:13). Thus all human beings are equal according to the revealed book of Islam and there is no reason why there should be made any distinction between them. However, superiority of one over the other in the Sight of Allah is due to one's virtues and merits. One who is more pious and righteous would be considered more honourable. The basis of superiority is thus moral excellence and good conduct instead of race, tribe, caste, nationality or colour.

This point was further clarified by the Prophet of Islam by his words and actions. In his famous sermon delivered on the occasion of farewell pilgrimage, he declared: "Verily all the rites and traditions of the period of ignorance are trampled under my feet." "O people! be aware: your God is One, No Arab has any superiority over a non-Arab, and no non-Arab any superiority over an Arab, and no white one has any superiority over a black one, and no black one any superiority over a white one, except on the basis of taqwa (piety). The most honourable among you in the Sight of Allah is he who is the most pious and righteous." Again, according to another tradition, the Prophet said: "You are all the children of Adam, and Adam was created from dust. Let the people give up boasting of their ancestors,

otherwise, they will stand more degraded than a mean insect in the Sight of Allah." Women were not treated well and so the Prophet (PBUH) declared: "Fear Allah in your treatment of women. You have certain rights over them and they have certain rights over you." About down-trodden people like slaves, Prophet Muhammad (PBUH) enjoined upon his followers: "Do justice to your slaves. See that you give them to eat of what you eat and clothe them with what you clothe yourselves."

## **Freedom of Religion**

The right to religion and conscience provides every citizen liberty of belief and worship. It means everyone is free to profess and practice any religion he has adopted. He is free to perform the rites connected with his religious beliefs and the state would neither interfere nor prevent him from doing so.

Islam guarantees religious freedom to every individual. In an Islamic state, every citizen is at liberty to profess and practice any religion which he has chosen. It is the fundamental right of an individual in an Islamic state to follow any religion and perform worship and rituals according to his religious beliefs. The state does not interfere in religious matters and shows complete tolerance to those who profess and practice religions other than Islam though the religion of majority is Islam. Even the Muslim citizens are not allowed to interfere in the religious matters of non-Muslims or obstruct them from following or practicing their religion. The Qur'an, the revealed book of Islam, says:

- There is no compulsion in religion..... (2:256)
- Say: O disbelievers! I worship not that which ye worship; Nor worship ye that which I worship. And I

shall not worship that which ye worship. Nor will ye worship that which I worship. Unto you your religion and unto me my religion. (109:1-6)

The above mentioned verses show that there is no compulsion in the matters of religion in an Islamic state. Everybody is free to follow and practice his religion on the basis of the Qur'anic principle: "Unto you your religion and unto me my religion." It is because everyone is responsible for his own actions before God and none is accountable for the actions of others. Hence nobody can be forced to embrace Islam.

### **Right to Protection of Property and Honour**

Property rights include right to earn and acquire property, right to own, possess and enjoy property, and finally the right to alienate it through sale, gift, exchange, will or through other lawful means. Islam recognized all these rights to property and granted the same to its followers some fourteen hundred years ago.

Islam allows an individual to acquire property, movable or immovable, through lawful means. He can earn as much wealth as he can through his knowledge, skill, experience and effort. The Qur'an says: "..... unto men a fortune from that which they have earned, and unto women a fortune from that which they have earned ..." (4:32). At another place, it says: "..... And that man hath only that for which he maketh effort. And that his effort will be seen. And afterward he will be repaid for it with fullest payment....." (53:39-41). Thus there is no restriction or limit on acquiring of property provided it is acquired through permitted, fair, moral and legal means. In the Islamic state, no body is allowed to earn and acquire wealth and property or earn livelihood through unlawful and prohibited (Haram) means. The Qur'an says: "And eat not up your property among

yourselves in vanity, nor seek by it to gain the hearing of judges that ye may knowingly devour a portion of the property of others wrongfully." (2:188). At another place it exhorts the believers not to usurp each other's wealth by unlawful means by saying: "O ye who believe! Squander not your wealth among yourselves in vanity, except it be a trade by mutual consent, and kill not yourselves. Lo! Allah is ever Merciful unto you" (4:29).

The right to protection of honour means that each citizen of the state, irrespective of his race, colour, faith, property, sex or status, possesses honour, dignity and self-respect, and that it should not be violated by any individual or even by the state. In Islam right to honour and self-respect is inviolable. It is the duty of an Islamic state to protect the honour of its citizens. It cannot pass any law or do any act which ridicules or humiliates or brings any dishonour to any of its citizens. The state has also an obligation to protect the honour and dignity of its citizens from others. The duty is also obligatory on every member of the Muslim Ummah not to degrade or humiliate any other one who is his brother.

The Qur'an says: "O ye who believe! Let not a folk deride a folk who may be better than they (are), nor let women (deride) women who may be better than they are; neither defame one another, nor insult one another by nicknames. Bad is the name of lewdness after faith. And whoso turneth not in repentance, such are evil-doers. O ye who believe! Shun much suspicion for lo! some suspicion is a crime. And spy not, neither backbite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)! And keep your duty (to Allah). Lo! Allah is Relenting, Merciful." (49:11-12)

The Prophet of Islam in his famous farewell address which was delivered by him in his last pilgrimage, said: "O

people! Surely your blood, your property and your honour are as sacred and inviolable as the inviolability of this day of yours, this month of yours and this very town of yours. Surely you will soon meet your Lord and you will be held answerable for your actions.”

## **Right to Basic Needs**

Another right which has been greatly stressed in Islam is that of provision of basic necessities like food, clothing and shelter to every individual. It is an essential right of every person that he should be provided with these basic human needs for him and his family if he is unable to earn and arrange them due to any disability. The individual has a legal right to demand from the state that it should fulfil its obligations of providing him with a livelihood before it demands obedience from him. This is one of the fundamental rights of a citizen of an Islamic state that he should be provided with the basic necessities of life.

Islamic state has been vested with the right to collect Zakat from its well-to-do citizens, to collect Ushr, to collect Khums from spoils of war, to acquire Fai properties and, above all, to collect Jizyah and Kharaj so that adequate sources should be available at her disposal for meeting its expenditure and for providing basic needs to the poor and the distressed who are unable to provide for themselves. Following verses of the Qur'an throw light on the purpose of Zakat, alms (Sadaqat), spoils of war, etc, which are collected by the Islamic state:-

- And know that whatever ye take as spoils of war, lo! a fifth thereof is for Allah, and for the Messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer..... (8:41)



- The alms (Zakat) are only for the poor and the needy and those who collect them and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah, and for the wayfarers; (9:60)
- That which Allah giveth as spoils unto His messenger from the people of the townships, it is for Allah and His Messenger, and for the near of him and the orphans and the needy and the wayfarer that it become not a commodity between the rich among you..... (59:7)

The duties of the Islamic state towards the poor and the needy have been further elaborated by the Prophet of Islam in his following sayings:-

- Allah has made Zakat obligatory upon the Muslims. It is to be collected from the wealthy among you and distributed among the needy ones.
- The government is the guardian of anyone who has no other guardian.
- When anyone dies in debt or leaves behind dependants unprovided for, the latter should come to me because I am their guardian (as head of state)
- If anybody dies while he owes a debt and does not leave behind any property for its payment then the responsibility for its payment is mine (as head of the state). But if anyone leaves any property behind, it is for his heirs.

## **Political Rights**

Modern democratic states give to their citizens political rights like the right to vote, the right to be elected, the right to seek a public office, the right to criticize the government,

etc. All these rights have been granted by Islam to the citizens of the Islamic state. The same are discussed in the following paragraphs:-

One of the attributes of the believers, according to the Qur'an (42:38) is that their affairs are a matter of counsel. This verse is very important in the socio-political life of Islam. It is of great constitutional significance and has laid down the foundations of Islamic democracy. According to the Qur'an the believers are to decide their matters with mutual consultation and no autocrat or dictator or despot has the authority to decide for them or impose his decision on them. The believers, men as well as women, have equal rights to participate, to discuss and decide their matters regarding social, public and political issues. In the matters where the Prophet of Islam did not receive any guidance from Allah through revelation he used to consult his companions. Matters regarding Jihad, the social or political life of the community were decided with mutual consultations by the Prophet (PBUH). Men and women both were consulted and many such incidents have been reported in the compilations of Ahadith and books of Islamic history.

This idea of mutual consultation lead to the establishment of Shura or consultative body in the early days of Islam and can lead to the right of vote, election of representative, establishment of parliaments and election of the heads of Islamic republics in modern times. Women have equal rights with men to elect their representatives, contest elections and seek public offices.

Political rights also include the right to criticize the government. This right is implicit in the verses of the Qur'an which read: ".....obey Allah, and obey the messenger and those of you who are in authority; and if ye differ concerning any matter, refer it to Allah and the messenger ...."(4:59);

".... And enjoin good and forbid wrong ...." (22:41). Thus, the Qur'an hints at the possibility of differences between the ruler and the ruled and ordains that such differences should be resolved in the light of the teachings of Allah and His messenger. The duty of a Muslim to enjoin good and forbid wrong entitles him to criticize the government – the rulers as well as the government officials – if they are doing wrong, committing injustices, oppressing the people and are not working for the good and betterment of the citizens. Criticizing oppressive rulers has been encouraged by the Prophet of Islam. According to a tradition, he is stated to have said: Verily, the greatest jihad (holy war) is the expression of a word of truth before a tyrant."

### **III- Prophet's Farewell Address**

During his Farewell Pilgrimage Prophet Muhammad (peace be upon him) delivered his famous address on 9th of Zilhajj 10 A.H. at Mount Arafat to multitude of believers exceeding one lac according to some estimates. This address is known as Address from the mount or Farewell Address and is regarded not only by the Muslims but also by non-Muslim impartial scholars and historians as gist of Islamic teachings. This address which is fairly comprehensive contains in itself, apart from Islamic teachings on devotional acts, a charter of human rights which can be favourably compared with Universal Declaration of Human Rights issued by United Nations Organization some fourteen centuries later (1948). It would be most appropriate if we conclude this chapter with some of the extracts from the said historical address of the Prophet of Islam.

- ✓ Ye people! Listen to my words: I will deliver a message to you, for I know not whether, after this year, I shall ever be amongst you here again. O people! Verily your blood, your property and your honour are sacred and

inviolable until you appear before your Lord, as this day and this month is sacred for all. Verily you will meet your Lord and you will be held answerable for your actions. Have I not conveyed the message? O Allah! be my witness.

- ✓ He who has any trust with him he should restore it to the person who deposited it with him.
- ✓ Beware, no one committing a crime is responsible for it but he himself. Neither the son is responsible for the crime of his father nor the father is responsible for the crime of his son.
- ✓ people! Listen to my words and understand them. You must know that a Muslim is the brother of the Muslim and they form one brotherhood. Nothing of his brother is lawful for a Muslim except what he himself allows willingly. So you should not oppress one another. O Allah! have I not conveyed the message?
- ✓ Behold! All practices of paganism and ignorance are now under my feet. The blood revenges of the days of Ignorance are remitted. The first claim on blood I abolish is that of Ibn Rabi'ah Harith who was nursed in the tribe of Sa'd and whom the Hudhayl killed.
- ✓ Usury is forbidden, but you will be entitled to recover your principal. Wrong not and you would not be wronged. Allah has decreed that there should be no usury and I make a beginning by remitting the amount of interest which 'Abbas b. Abd al-Muttalib has to receive. Verily it is remitted entirely.
- ✓ people! fear Allah concerning women. Verily you have taken them on the security of Allah and have made their persons lawful unto you by words of Allah! Verily you have got certain rights over your women and your

women have certain rights over you. It is incumbent upon them to honour their conjugal rights and, not to commit acts of impropriety which, if they do, you have authority to chastise them, yet not severely. If your wives refrain from impropriety and are faithful to you, clothe and feed them suitably. Behold! Lay injunctions upon women but kindly.

- ✓ people! Listen and obey though a mangled Abyssinian slave is your amir if he executes (the ordinances of) the Book of Allah among you.
- ✓ people! Verily Allah has ordained to every man the share of his inheritance. The child belongs to the marriage-bed and the violator of wedlock shall be stoned. He who attributes his ancestry to other than his father or claims his clientship to other than his masters, the curse of Allah, that of the Angels, and of the people be upon him. Allah will accept from him neither repentance nor righteousness.
- ✓ And your slaves! See that you feed them with such food as you eat yourselves; and clothe them with the clothes that you yourselves wear. And if they commit a fault which you are not inclined to forgive, then part with them for they are the servants of Allah and are not to be chastised.
- ✓ people! Verily your Lord is one and your father is one. All of you belong to one ancestry of Adam and Adam was created out of clay. There is no superiority for an Arab over a non-Arab and for a non-Arab over an Arab; nor for white over the black nor for the black over the white except in piety. 'Verily the noblest among you is he who is the most pious.' (49:13)

## **CHAPTER 15**

### **RIGHTS OF WOMEN**

Women had practically no rights in the ancient and medieval civilizations like that of Greeks, Romans, Hebrews, early Christians, Hindus, Chinese and Pagan Arabs. Before the advent of Islam, the women were no better than animals or chattels. In many countries of the world they were generally regarded as slaves or at the best as domestic servants whose chief duty was to serve the men and please them by satisfying their sexual appetite. Like a piece of property, a woman was a marketable commodity and subject of testamentary disposition. The philosophers of antiquity for quite some time remained engaged in interesting debates over issues like: Whether a woman is a human being? Whether she possesses a human soul? etc. In the matters of marriage, divorce, ownership of property, inheritance, etc. the women were given hardly any rights. Polygamy was common in almost all societies with no restrictions as to the number of wives a man could have at a time. Birth of a daughter was considered a bad omen and a matter of shame in a family particularly among the pagan Arabs who preferred to dispose her by burying her alive. Such was the miserable plight of women at the time of the birth of Prophet Muhammad (PBUH).

Islam elevated the status of women from the level of a mere chattel to the level of a human being. Al-Qur'an, the revealed book of Islam, declares that man and woman proceed from the same stock, they are the members of the same species, and they are born of the same parents. The Qur'an invariably calls man and woman as spouses of each other, companions and helpmates. Besides restoring her human dignity, Islam bestowed on the woman many rights in almost every field of human life. In terms of rights and

status, what the modern western woman has achieved today by hectic struggle through agitations, demonstrations, processions, strikes and violent means, is nothing as compared to the rights Islam gave her fourteen centuries earlier without her asking or demanding for them.

Let us see as to what are the rights which the great religion, Al-Islam, has bestowed on woman in her various positions and in various fields.

### **Rights as a mother**

In the position of a mother, a woman enjoys unique status of honour and respect in the Islamic society. Mother is the focus of attention for all the members of the family in a Muslim home and her opinions carry a lot of weight in all family matters. Apart from respect and esteem, a mother enjoys many legal rights. She is entitled to receive share in inheritance from her children and in case she does not possess any adequate means of livelihood her children are obliged by Islamic Shariah to provide her maintenance according to means.

The Qur'an in its verse 36 of Chapter 4 and 23 and 24 of chapter 17 places duty to parents only next in priority after duty to God, the Almighty. Among parents, mother's place in respect of obedience has been elevated much above that of father because the mother shares the major portion of privation and suffering in the bringing up of children. The Qur'an points to this fact in verse 14 of Chapter 31 and verse 15 of Chapter 46. Prophet of Islam has assigned status to a mother at least three times higher than that of a father and is reported to have said that Paradise is at her feet.

Let us quote some verses of the Qur'an and some traditions of Prophet Muhammad (PBUH) in support of the above contentions:

- Thy Lord hath decreed that ye worship none save Him, and (that ye show) kindness to parents. If one of them or both of them attain to old age with thee, say not "Fie" unto them nor repulse them, but speak unto them a gracious word. And lower unto them the wing of submission through mercy, and say: My Lord! Have mercy on them both as they did care for me when I was little..... (Al-Qur'an 17:23-24)
- And We have enjoined upon man concerning his parents. His mother beareth him in weakness upon weakness, and his weaning is in two years- Give thanks unto Me and unto thy parents. Unto Me is the journeying. (Al-Qur'an 31:14)
- Muawiyah-b-Ja'hemah reported that Ja'hemah came to the Messenger of Allah and said: I intend to join a battle and have come to you for consultation. He enquired: have you got mother? 'Yes' replied he, He said: Then keep near her, because Paradise is at her feet. (Ahmad, Nisai, Baihaqi)
- Bahaj-b-Hakim reported from his father who from his grandfather who had reported: I asked: O Messenger of Allah! who is to be most obeyed? He said: Your mother. I asked: Who is next? He said: Your mother. I asked: Who is next? He said: Your mother. I asked: who is next? He said: Your father; and then your nearer relations and then your near relations (Tirmizi, Abu Daud)
- Mugirah reported that the Messenger of Allah said: Allah made unlawful to you disobedience to mothers, burying



alive of daughters, and refusing help. And he disliked for you frivolous gossips, frequent questions and squandering property. (Bukhari, Muslim)

## **Rights as a wife**

Islam for the first time in the history of humankind on earth, raised the status of a woman from a mere chattel owned and possessed and enjoyed like any other object of property to the status of a human being. Allah has created everything in pairs and man and woman form a pair. The Qur'an says: "And Allah has made for mates of your own nature, and made for you out of them, sons and daughters...." (16:72). God has created relationship of love and affection between these two members of a human pair and the Qur'an calls a wife as a tilth of her husband because husbands are blessed with children through them. At another place the Holy book of Islam emphasizes the close relationship between husband and wife by calling them garments of each other. It says: "Permitted to you on the night of fasts is the approach to your wives. They are your garments and ye are their garments...." (2:187)

The Qur'an therefore enjoins upon the believers to accord good and kind treatment to their women. The relevant injunction is: "Treat them kindly, if you hate them it may be that you dislike a thing while Allah has placed abundant good in it" (4:19). The Prophet of Islam is reported to have said: "Let no believing man hate a believing woman.; If he hates one trait of her character, he shall be pleased with another that is within her" – (Muslim). According to another tradition reported by Abu Hurairah, the Messenger of Allah said: "The most perfect of the believers in faith is he who is the best of them in conduct, and the best of you are those who are the best to their wives" (Tirmizi). A virtuous wife is a great blessing and a favour of God, and the Prophet of Islam has said: "Next to fear of

Allah the believer finds nothing good for him than virtuous wife. If he bids her, she obeys him; if he looks at her she gives him pleasure; if he gives her a promise, she fulfills it, and if he is absent from her, she guards herself and his property. (Ibn Majah).

The woman enjoys many rights in Islam. The Qur'an the revealed book of Islam says: "And woman shall have rights similar to the rights against them, according to what is equitable....."(2:228). Her rights as a wife regarding, marriage, dower, divorce, inheritance, maintenance, etc. have been guaranteed by Islam. These rights are briefly stated as follows:

- 1) Marriage, according to Islamic law, is a contract between husband and wife and wife is an equal partner in this contract. No marriage can be contracted without free will and consent of the bride. She can have her conditions and terms settled in the contract of marriage and the husband would be legally bound to honour and fulfil the stipulated terms of the agreement.
- 2) She has got absolute rights to get dower (Mahr) from her husband. Dower is a bridal gift which may be in cash or in kind. No maximum or minimum limit has been prescribed in respect of quantum of dower. However it is an essential part of marriage contract and is payable compulsorily by the husband to his wife.
- 3) A wife has got certain legal protections in respect of capricious and arbitrary use of her husband's power of divorce. In troublesome situations, she is entitled to get divorce through the court on some legal grounds. She can get khula (a kind of divorce) by surrendering a part or whole of her dower (Mahr) to her husband. She can exercise power of divorce herself if she has secured this

power at the time of entering into the contract of marriage.

- 4) A wife is one of the legal heirs of her husband and after the death of the latter she is entitled to inheritance in the estate of the deceased. The Qur'an says: "..... And unto them belongeth the fourth of that which ye leave if you have no child, but if ye have a child then the eighth of that which ye leave..... (4:12)
- 5) A wife is entitled to get maintenance from her husband such as food, clothing and residential place, besides love and good treatment. Following Hadith (tradition) of the Prophet of Islam stresses the rights of women regarding food, clothing and human treatment:-

Hakim-b-Muawiyah from his father reported: I asked: O Messenger of Allah! what right has the wife of one among us got over him? He said it is that you shall give her food when you have taken your food, that you shall clothe her when you have clothed yourself, that you shall not slap her on the face, nor revile (her), nor leave (her) alone except within the house. (Ahmad, Abu Daud, Ibn Majah)

## **Rights as a daughter**

The Qur'an in the verses 58 and 59 of its chapter 16, draws a very vivid picture of the pagan Arabs on the birth of a daughter. It reads: "When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! What an evil (choice) they decide on!-" (16:58-59). As the practice of killing female children and burying them alive is evil and very much inhuman, the

Qur'an not only condemned it but also abolished it. The Qur'an says: "Kill not your children for fear of want: We shall provide sustenance for them as well as for you: Verily the killing of them is a great sin-"(17:31). Slaying of daughters is such a heinous crime that on the Day of Judgment, Almighty God will not like even to talk to a murderer of female children. Evidence of the girl-child who was buried alive would be sufficient for punishing the killer.

Prophet Muhammad (peace be upon him) raised the status of daughters by promising high reward for those in the Hereafter who accord kind treatment to them, and also by setting good example of his own good treatment with his daughters. Following Ahadith of the Prophet (PBUH) are quoted on the subject of treatment of daughters:

- Ibn Abbas reported that the Holy Prophet said: If one brings up three daughters or sisters, teaches them good manners and treats them kindly and lovingly till they no longer need his help, Allah will make Paradise obligatory for him. One man said: that if he has two? He replied: And he also. Ibn Abbas said that if the people had enquired about one, the Prophet would have said the same thing. (Sharai Sunnah)
- Ayesha reported: A woman came to me, while there were two of her daughters with her. She was begging of me, but found nothing from me except one date which I gave her. She divided it between her two daughters and she herself did take nothing out of it. Then she got up and went away. The Holy Prophet came and I informed him (of it). He said: Whoever suffers for any thing on account of these daughters and (still) treats them with kindness, they will be a shield for him from Hell. (Bukhari and Muslim)

- Ibn Abbas reported that the Messenger of Allah said: If anybody has got a female child, and he does neither bury her alive, nor treats her unjustly, nor prefers his children (meaning male children) to her, Allah will admit him in Paradise. (Abu Daud)
- Soraqa-b-Malik reported that the Holy Prophet said: Shall I not teach you the best form of charity? – (Maintaining) your daughter who has been returned to you, who has got no earning member except you. (Ibn Majah)
- Ayesha reported: I have seen none more resembling in manners, guidance and conduct (in another narration-in talk and speech) of the Holy Prophet than Fatimah. Whenever she came to him, he used to stand up for her and then take her by the hand, kissed her and would make her sit in his seat. (Abu Daud)

The daughters are entitled to share the estate left by their deceased father or mother alongwith other legal heirs. The Qur'an commands: "Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. (4:11)

## **Rights as a sister**

Islam assigns an honourable status to a woman in her position as a sister. She is entitled to as good a treatment from her parents as her brothers are. According to an authentic tradition reported in Abu Daud, the Prophet of Islam has exhorted his followers not to discriminate between their male and female children and give the children equal treatment in love and material things as far as possible. In case of death of parents or the disability or

old age of parents, the responsibility of bringing up sisters and providing for their living devolves upon their brothers. Prophet Muhammad (peace be upon him) has urged the Muslims to bring up their sisters, teach them good manners and accord them kind treatment. Following tradition throws light on this issue:

- Ibn Abbas reported that the Holy Prophet said: If one brings up three daughters or sisters, teaches them good manners and treats them kindly and lovingly till they no longer need his help, Allah will make Paradise obligatory for him. One man said: What if he has two?; He replied: And he also. Ibn Abbas said that if the people had enquired about one, the Prophet would have said the same thing. (Sharai Sunnah).

According to the Qur'an, the sister is entitled to receive share in inheritance if the deceased leaves no parents and no child.

## **Rights regarding marriage**

Rights conferred on a Muslim woman pertaining to marriage are discussed in the light of the Qur'an and the Sunnah of the Prophet (PBUH) as under:-

- 1) A woman has got as much right to marry as a man has. The Qur'an says. "Marry those among you who are single"-(24:32). The Arabic word Ayyama' means single or solitary. A single person, may be a man or a woman, should be married. He or she may be single on account of having not married or on account of dissolution of his or her marriage by divorce or by death of the other spouse. Whatever may be the reason for being single, he or she may be married.

- 2) The woman has been granted as much freedom in the choice of her husband as the man has been granted in choosing his wife. Nobody has any right to give her away in marriage without her consent. A tradition reported by Abu Hurairah in Bukhari and Muslim states that the Prophet (May Allah's peace be upon him) said: "A previously married woman (whose marriage is dissolved) shall not be married till she gives consent nor a virgin be married till her consent is sought..... and her silence is her consent." No compulsion or coercion can be exercised to force a woman into marriage.
- 3) A minor girl, when given in marriage by her guardian, has the option to repudiate the marriage when she attains puberty if such a marriage is to her disliking. The Prophet of Islam annulled the marriage of a girl who had been given in marriage by her father, since she disliked it (Bukhari). However, repudiation must be made immediately after she attains puberty and before cohabiting with the husband.
- 4) Islam, unlike some other religions such as Hinduism, permits a divorcee or a widow to remarry. Al-Qur'an says: "And when you have divorced women and they reach their term, place not difficulties in the way of their marrying their husbands" (2:232). About the widow's right of second marriage the Qur'an says, "When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and reasonable manner-" (2:234). According to a Tradition reported in Bukhari, Prophet Muhammad (May Allah's peace be upon him) permitted a widow Sobaiata-al-Aslamiyah to contract second marriage.
- 5) Some other reforms introduced by Islam regarding marriage (which redeem the position of women) are as under:-

- System of exchange marriages, bride purchase and bride capture was abolished by Islam.
- No Jahez or dowry is to be given by the family of the bride under compulsion. On the other hand the husband has to give Mahr or dower to the wife compulsorily.
- It is not obligatory on the family of the bride to provide luxurious feasts or meals to the groom and his party. On the other hand, it is obligatory on the bridegroom to host a feast for his friends and relations to celebrate his marriage.

## **Rights regarding dower**

Dower (Mahr) is gift in cash or in the form of property which is compulsorily given by a Muslim bridegroom to his bride in consideration of marriage. Dower is essential in marriage, so much so that in case it is not fixed, even then the wife is entitled to its payment according to the standard in the family. Wife has the right to remit the dower or to accept the reduced amount or to postpone her demand for its payment.

The object of dower is three-fold. Firstly, it would be a check on the arbitrary exercise of the power of divorce by the husband. Secondly, it would restrain the husband to indulge in polygamy. Thirdly, it would work as an obligation imposed upon the husband as a mark of respect to the wife.

The amount of dower which the bridegroom has to give to his bride has not been fixed by the Qur'an or the Sunnah. It depends entirely on the agreement of the contracting parties. The Qur'an says: "..... The wealthy according to his means and the poor according to his means; a gift of a reasonable amount is due from those who wish to do the right things"-(2:236). Neither there is any minimum nor any



maximum limit of dower which has been prescribed under Islamic law. Muslim women generally demand very heavy amounts of dower and the Islamic law does not circumscribe this right of a Muslim woman. Caliph Umar once thought of fixing the upper limit of dower when he received many complaints from men regarding huge amounts of dower demanded from them which had made marriage a very expensive affair. However, he dropped the idea when a lady stood up in the mosque and drew his attention to verse 20 of chapter 4 of the Holy Qur'an and addressed the great caliph thus: "when no restriction has been placed by Allah and Allah's messenger on this right of women then who are you to place restriction?" The said verse of the Qur'an reads: "But if ye decide to take one wife in place of another, even if ye had given the latter a whole treasure for dower, take not the least bit of it back" -(4:20). From this verse the jurists of Islam have deduced that the right of a woman to demand any amount of dower as a condition of her agreeing to marriage is not restricted by the Islamic Law.

## **Rights regarding divorce**

Marriage, according to Islam, is not sacerdotal. It is a civil contract and it can be broken at the option of either of the parties to contract i.e. the husband or the wife. Although the divorce, which according to a saying of Prophet Muhammad (PBUH), is the most detestable of lawful things near Allah, yet Islam permits divorce in extraordinary situations when it is not possible for the husband and the wife to live together. The procedure of divorce as laid down by the Qur'an and the Sunnah is, however, spread over a period of almost three months, during which the husband has a right to revoke the divorce. It has been done with a view to check hasty or rash or an arbitrary action on the part of the husband and also to leave the door open for the parties to patch up during the period. Fantastic amounts of dower fixed at the time of marriage contract are also aimed

at restricting the capricious exercise of power of divorce vested in a Muslim husband.

Al-Qur'an has given the right of obtaining divorce to a wife if she agrees to pay some consideration or compensation. This is called Khula. If the husband and wife are not able to keep the limits of Allah and they agree to dissolve the marriage on the condition that the wife gives some compensation, it would be permitted under the law (The Qur'an 2:229). The jurists are generally of the opinion that such compensation should not exceed the dower given by the husband to the wife. So it is a kind of facility provided to the woman to secure divorce from her husband by returning a part of or full amount of the bridal gift or Mahr.

Islamic law permits a woman to secure right of divorce for herself as a stipulation of marriage when marriage contract is made. In that case she can exercise her right of divorce if she is forced by the situation to do so.

## **Rights regarding maintenance**

The meaning of "Nafqah", which is the Arabic equivalent of "maintenance", is what a person spends on his family. Maintenance includes food, clothing and lodging.

The husband is bound to maintain his wife. Her right to receive maintenance is absolute even if she is very rich and owns a lot of property. If the husband is poor and the wife supports the family, she is entitled to recover the amount expended by her from the husband when he is in easy circumstances. Dr. Hamidullah writes: "The notion of the maintenance goes so far in Islam that, according to the law, a wife is not obliged even to give her breast to suckling; it is the duty of the father of the child to procure for it a foster mother at his own expense, if the mother does not want to suckle it."

No scale or standard has been fixed for maintenance by the Qur'an or by the Sunnah. However, lot of guidance has been provided to determine it in the given circumstance. The Qur'an says: "No one should be charged beyond one's capacity" (2:233). At another place, the Qur'an directs: "Provide for them, the rich according to his means and the straitened according to his means, a fair provision"—(2:236). The same principle has been further elaborated when the Qur'an says: "Let the man of means spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him"—(65:7) These are some of the verses which highlight the guiding principles regarding the determination of the quantum of maintenance. The rich according to his means and the poor according to his means and nobody to be charged beyond his capacity—this is the golden rule.

In addition to her entitlement as wife, a woman is also entitled to maintenance in her position as mother, daughter (after marriage) and sister in some compelling and exceptional situations.

## **Rights regarding inheritance**

No woman had the right to inherit in pre-Islamic Arabia and only the male adults who could take up arms in a war had the right to inherit the estate. Islam conferred the rights of inheritance upon the woman in Arabia for the first time. The Qur'an says: "Unto the men (of a family) belongeth a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave, whether it be little or much a legal share" (4:7). Verses No 11, 12 and 176 of chapter 4 of the Qur'an elaborate the Islamic law of inheritance in detail discussing the shares of the legal heirs. According to the Qur'anic law, a woman is entitled to share the inheritance in different capacities as a daughter, mother, wife and a sister, etc.

However, it is to be noted that her share is generally half that of a male in her own category. So an explanation of this inequality is necessary.

Islam has placed the responsibility of earning livelihood for the family on the shoulders of the male members while the females have been exempted from this burden. A woman when she is unmarried lives with her parents and her father is responsible for providing all her expenses and in case of the death of her father, her brothers become responsible for her maintenance and also for meeting her marriage expenses. After marriage she is entitled to maintenance from her husband. In addition to food, clothing and residence, all her expenses are met by her husband. If the husband is poor and she spends out of her personal property for her family, she is entitled to get it back from her husband when the latter is in easy circumstances. Besides maintenance, the woman is also entitled to receive dower and she can demand any amount of dower while entering into a marriage contract. Amounts of dower are normally fantastic in Muslim marriages and the contracted dower, how much it may be, has to be paid by the husband and in case of his death, from his estate as a debt. In old age also the entitlement of the woman for maintenance continues and if her husband dies and she is unable to live on her share of the estate of the deceased, she can claim maintenance from her children. Thus it is seen that a woman has practically very few material needs to satisfy on her own account as compared with a man who has been saddled with very heavy economic obligations and liabilities. In this situation there is ample justification for giving a man greater share in inheritance.

### **Rights regarding property**

Islam does not make distinction between man and woman so far as their rights of property are concerned. The

women enjoy equal rights in this field and their position is in no way inferior to that of men. Like a man, the woman can acquire property through inheritance, through will, through gift, or through purchase from her own earnings. She has an additional right to acquire property which is not available to man i.e. through Mahr or dower which she is entitled to receive from her husband.

She can own the property, possess it, manage it and enjoy its income. Over her property she has the exclusive and absolute rights. Her father, her husband or her brother or her children have no legal right over her property.

She has got full right regarding the alienation of her property. She can dispose it of by sale, transfer or settlement. She can gift it away to her husband, children or anybody. She can arrange for its disposal (upto one third of it) through will. Aftab Hussain J, the author of "The Status of Women in Islam", writes: "As summed up in the Age of Faith by Will Durant, Islam placed woman and man on the same footing in economic independence, property rights and legal process. She might follow any legitimate profession, keep her earnings,; inherit property and dispose of her belonging at will." At another place, he writes: "Marriage confers no right on either party over the property of the other. The legal capacity of the wife is not sunk in that of the husband; she retains the same powers of using and disposing of her property, or of entering into all contracts regarding it, of suing and being sued without his consent, as if she were still unmarried."

## **Rights to earn livelihood**

Earning of livelihood for the family is basically a duty of the man. Islamic law makes the man responsible for providing bread and butter for his wife and children and for meeting their expenses. However, there may arise

situations where the women have also to work for earning livelihood. So the Qur'an does not debar them from working. This right of earning income through lawful (Halal) means is granted to a woman by the Revealed Book when it says: "..... to men is allotted what they earn, and to women what they earn" – (4:32). Earning signifies the reward of good deeds in the next world as well as earning of provision for the family in this world.

According to some authentic Traditions of Prophet Muhammad (may Allah's peace be upon him), he permitted the women to earn for themselves and for their family if needed. A Hadith quoted in Sahih Muslim states that the Prophet permitted a woman who had been divorced, to visit her garden and take her fruit. According to another Hadith reported by Umme Atiyyah, the Prophet allowed the women to render services in Jihad like preparing of food, nursing the wounded etc. From this we can conclude that the women can adopt the profession of a nurse and of a doctor.

Hadrat Saudah, the wife of the Prophet (PBUH), was skilled in tanning the skins of the animals and used to make a considerable amount of earning from this vocation. Abdullah-bin-Mas'ud was mostly engaged in religious work and had no time to earn for the family. So his wife used to work as artisan to earn livelihood for the family. When the Prophet came to know about it, he assured her reward for this in the Hereafter. Khaulah-binet-Thalabah also used to meet the needs of her husband who was a poor man and earned nothing and she told this thing to the Prophet. A lady named Qailah was a trader and bought and sold goods. Once she met the Prophet and asked him some questions about trade. It is also narrated about Asma-b-Makhramah that she received perfumes from her son in Yemen and sold them.

There are many other examples reported in the books of history which establish that the women used to work in

the days of the Prophet to support their families and the Prophet never objected to their such engagements. Therefore, we can conclude that the Muslim women can engage themselves in lawful professions to earn income for supporting their families in case of need provided they observe the rules regarding their proper dress when they come out of their homes.

Dr. Hamidullah writes: "In every epoch of Islamic history, including the time of the Prophet, one sees Muslim women engaged in every profession that suited them. They worked as nurses, teachers, and even as combatants by the side of men when necessary, in addition to being singers, hair-dressers, etc. Caliph Umar employed a lady, Shifa-bint-Abdullah, as inspector in the market at the capital (Madinah), as Ibn Hajar (Isabah) records. The same lady had taught Hafsa, wife of the Prophet, how to write and read. The jurists admit the possibility of women being appointed as judges of tribunals and there are several examples of the kind. In brief, far from becoming a parasite, a woman could collaborate with men, in Muslim society, to earn her livelihood and to develop her talents."

### **Protection of her rights in case of husband's polygamy**

The Holy Qur'an, as it has been discussed earlier, gives right to a man, by its verse 3 of chapter 4, to marry up to maximum number of four women at a time. However, in this very verse some restrictions have also been placed on the exercise of this right by a man. The husband is obliged to do justice ('Adl') with all the wives and if he cannot do it then he is advised to marry only one.

'Adl' or justice used in this verse has not been defined. However all the commentators of the Qur'an unanimously hold that justice in this verse means equality of treatment

in food, clothing and lodgement. But some mu'tazilite doctors consider that in addition to food, clothing and lodging there must be equal treatment in love and affection also.

Thus the concept of justice protects the rights of a wife in case of multiple marriages of her husband. Besides this a Muslim woman is also permitted by Islamic law to put a stipulation in marriage contract that her husband would not take another wife and if he does so then she would be entitled to get divorce or to get a stipulated sum or property from the husband.

## **Rights to participate in socio-political life**

Right of a Muslim woman to participate in socio-political life of the Muslim community in an Islamic State are briefly discussed in the light of the Qur'an and the Sunnah as under:

- 1) According to verse 71 of chapter 9 of the Qur'an, the Muslim men and women are friends and helpers of each other. They are severally and jointly responsible for enjoining the right and forbidding the wrong, and for establishing worship and paying Zakat. To cooperate with each other for the good of the community and to protect their common interests, is the duty of Muslim men and women. They can form political or social organizations for protection of their religious, social and political rights and for promotion and advancement of Islamic values regarding socio-economic and legal justice.
- 2) One of the attributes of the believers, according to the Qur'an (42:38), is that their affairs are a matter of counsel. The believers, men as well as women, have equal rights to participate, to discuss and decide their



matters regarding social, public and political issues. In the matters where the Prophet of Islam did not receive any guidance from Allah through revelation, he used to consult his companions. Matters regarding Jihad, social or political life of the community were decided with mutual consultations by the Prophet (may Allah's peace be upon him). Men and women both were consulted and many such incidents have been reported in the compilations of Ahadith and books of Islamic history. When the Treaty of Hudaibiyah was signed with the Quraish and the depressed and disappointed companions were reluctant to sacrifice their animals, the Prophet (PBUH) consulted his wife Umme Salamah. On her advice, he offered his own sacrifice which had a salutary effect and adduced the response of the companions who followed suit. Once Caliph Umar wanted to fix the maximum amount of dower, but he dropped the idea on the advice of a woman who drew the attention of the caliph to verse 20 of chapter 4 of the Qur'an. The righteous Caliphs used to consult the wives of the Prophet (peace be upon him) and other eminent female scholars on many important issues of public interest.

- 3) This idea of mutual consultation led to the establishment of Shura or consultative body in the early days of Islam and right of vote, election of representatives, establishment of parliaments and election of the heads of Islamic republics in modern times. The women have equal rights with the men to elect their representatives and contest elections and seek for public offices.

### **Women and scarf (purdah or veil)**

Islam requires the believers, both men and women, to lower their gaze and guard their modesty. However, for women the fulfillment of certain additional responsibilities in

the matter of dress, adornment, etc., is required. The Qur'an says:

Tell the believing men to lower their gaze and be modest. That is purer for them. Lo! Allah is Aware of what they do. And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal their adornment save to their own husbands or fathers or husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack vigour, or children who know naught of women's nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that ye may succeed. (24:An-Nur:30-31)

When the women come in the presence of men or they come out of their homes, they are required to act upon the following rules:

- 1) The believing women should lower their gaze and should not intentionally gaze at men or at the satar (private parts) of others or at the indecent scenes.
- 2) They should be modest, protect their chastity and guard their private parts. Guarding of private parts means to avoid exposing their private parts or satar. Satar of a woman is the entire body except her face and hands.
- 3) The women should not display their adornment except that which is displayed of itself. Adornment means ornamentation and decoration and, to use the modern terminology, make-up. The women have been prohibited to display their make-up except that which is

apparent and which is beyond their control to hide. It means that they cannot intentionally display their adornment except that which becomes exposed without any intention or purpose on their part.

- 4) The Women should draw their veils on their bosoms. It means the women should cover their bosom properly with a wrapper and should not keep exposed any part thereof.
- 5) The women should not reveal their adornment except before the following:
  - i. Men who are their husbands or close relations within prohibited degrees like fathers, brothers, sons, etc.
  - ii. Slaves or male servants who are not interested in sex matters.
  - iii. Children below age of puberty who have no knowledge of sex.
  - iv. Their female associates.
- 6) The women should not stamp their feet on the ground so as to reveal their hidden adornment. Therefore, the sound of ornaments should not be audible.

The most important requirement that the women are obligated to observe in their dress code, when they step out of their homes, is contained in verse 59 of Surah (chapter) 33 of the Qur'an which reads: "O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close round them (when they go abroad). That will be better, that so they may be recognised and not annoyed. Allah is ever Forgiving, Merciful." It commands the women to draw their cloaks close round them when they go

aboard. The purpose of this injunction has been disclosed in the latter part of this verse: "So that they may be recognized as decent and noble ladies and not annoyed being taken as women of ill repute." A lot of heat has been generated about the interpretation of this verse. The orthodox opinion is that the word 'Jalbab' means veil and it should cover the whole body including face and the hands. But the liberal commentators interpret it to mean that the women should wrap up their gowns or outer garments covering their heads, necks and bosoms but not faces and hands.

Verse 60 of chapter 24 of the Holy Qur'an relaxes the conditions regarding veil in respect of the old women who are past the prospect of marriage and are no longer capable of exciting the passions of men. According to the verse, it is no sin for them if they discard their outer clothing in such a way as not to display or exhibit their adornment or make-up. However this permission cannot be used by those women who still have sexual desires or who want to attract others by displaying their embellishments.

Let us reproduce a tradition of Prophet Muhammad which clarifies the Qur'anic injunctions regarding veil (purdah): Ayesha reported that Asma'a daughter of Abu Bakr came to the Messenger of Allah while there were thin clothes on her. He approached her and said: O Asma'a! when a girl reaches the menstrual time, it is not proper that anything on her should remain exposed except this and this. He hinted on her face and palms. (Abu Daud)

## CHAPTER 16

### RIGHTS OF MINORITIES

The non-Muslims living in the Islamic state are called Zimmis and understanding or contract governing relationship between the Islamic state and such non-Muslims is called Aqd-ul-Zimmah. The Zimmis mean protected people and they are so called because the Islamic state becomes duty-bound to protect their lives, honour and properties and also their religious freedom the very moment they submit to Islamic rule. Following rights have been granted by Islam to the Zimmis (the non-Muslim citizens) living in the Islamic state:-

#### Religious Freedom

Islam guarantees religious freedom to everyone. In an Islamic state, every citizen, may he or she be a Muslim or a non-Muslim, is at liberty to profess and practice his or her own religion. Thus the non-Muslim minorities enjoy complete religious freedom in an Islamic state as the state does not interfere in their religious matters and shows full tolerance to them. The Qur'an, the revealed book of Islam, says:

- There is no compulsion in religion..... (2:256)
- Say: O disbelievers! I worship not that which ye worship; Nor worship ye that which I worship. And I shall not worship that which ye worship. Nor will ye worship that which I worship. Unto you your religion and unto me my religion (109:1-6)

The above mentioned verses show that there is no compulsion in the matters of religion in an Islamic state. Everybody is free to follow and practice his religion on the basis of the Qur'anic principle: "Unto you your religion and unto me my religion." The Qur'an teaches tolerance and forbids its followers to ridicule the religion of non-Muslims and their deities. It says: "Don't abuse those whom they invoke besides Allah, lest they should, in their ignorance, abuse Allah...." (6:108) The Prophet of Islam enforced these principles and gave religious freedom to all of his non-Muslim subjects. In Charter of Madinah, Prophet granted full religious freedom and protection to the Jews; while in his letter addressed to the Christians of Najran, Prophet Muhammad (PBUH) gave protection to religion, life and property of the Christians. Extracts from these documents would be produced at proper place in this chapter.

Religious freedom not only means to profess one's religion but it also includes liberty to perform religious rites and practices. It also includes right to maintain one's places of worship. All these rights have been bestowed by Islam on the non-Muslims living within its lands.

The non-Muslims have been given full liberty to arrange for religious education of their children, to establish schools and to propagate their religion among themselves. They will be free to propagate the virtues of their religion, but would not be permitted to criticize or slander Islam. In purely Muslim habitations, places of worship of the non-Muslims built in the past are not demolished. If such places are damaged or destroyed, the non-Muslims are allowed to repair or rebuild them. But they are not permitted to build new places of worship in these areas. However, in the townships which are not purely Muslim habitations, there are no such restrictions. Similarly, in those cities and towns which have ceased to be purely Muslim areas, the Zimmis

can build new places of worship and are entitled to publicly perform their religious rites.

Syed Ameer Ali, a great Muslims scholar, writes: The non-Muslim subjects were not precluded from building new churches or temples. Only in places exclusively inhabited by Muslims a rule of this kind existed in theory. "No new Church or temple," said Abdullah bin Abbas, "can be erected in a town solely inhabited by Muslims; but in other places where there are already Zimmis inhabiting from before, we must abide by our contract with them." In practice, however, the prohibition was totally disregarded. In the reign of Mamun, we hear of eleven thousand Christian churches, besides hundreds of synagogues and fire-temples within the empire. This enlightened monarch, who has been represented as "a bitter enemy" of the Christians, included in his Council the representatives of all the communities under his sway – Muslims, Jews, Christians, Sabaeans and Zoroastrians; whilst the rights and privileges of the Christian hierarchy were carefully regulated and guaranteed."

The best testimony of the freedom of faith enjoyed by the Christians in the days of the earlier Muslims is furnished by the Christians themselves. In the reign of "Uthman (the third Caliph), the Christian patriarch of Merv addressed the Bishop of Fars, named Simeon, in the following terms: "The Arabs, who have been given by God the Kingdom (of the earth), do not attack the Christian faith: on the contrary, help us in our religion; they respect our God and our saints, and bestow gifts on our churches and monasteries".

## **Protection of Life**

Islam holds human life a trust of Allah and hence it attaches a great sanctity to its preservation. Al-Qur'an says"..... Whosoever killeth a human being for other than manslaughter or corruption in the land, it shall be as if he

had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind....." (5:32)

Islam grants, therefore, right to protection of life to all of its citizens without any discrimination.

The blood of a Zimmi is considered as much sacrosanct and sacred as that of a Muslim. In the days of Prophet Muhammad (PBUH), a Muslim killed a Zimmi. When the case was brought before the Prophet (PBUH), he ordered the execution of the murderer and remarked: "I am responsible for obtaining redress for the weak". During the reign of Caliph Ali, a Muslim was accused of murdering a Zimmi. When the charge was proved, Ali issued order for the execution of the accused. It was only when the brother of the deceased received blood money and pardoned the murderer that the caliph agreed to release him. Ali said at that time: "Whoever is our Zimmi, his blood is as sacred as our blood and his property is as inviolable as our own property". At another occasion, Caliph Ali declared: "They have accepted the position of Zimmis on the explicit understanding that their properties and their lives will remain sacred like those of ours (i.e. of the Muslims)". That is why the Muslim jurists hold that if a Muslim kills a non-Muslim, he will have to pay the same amount of compensation or blood money which is prescribed for the murder of a Muslim.

Prophet Muhammad (PBUH) is reported to have enjoined his followers on his death bed: "observe scrupulously the protection accorded by me to the Zimmis".

## **Protection of Property**

Islam grants protection not only to the life of the Zimmis but it also grants protection to the property and assets of such people. Prophet of Islam is reported to have declared:



"If you fight against a people and overpower them, and they agree to pay a fixed indemnity of annual revenue (Jizyah) to you in order to save their lives and those of their progenies, then do not take a penny more than the fixed amount, because that will not be valid". He also declared. "Beware! Whosoever is cruel and hard on such people i.e., ("Contractees") or curtails their rights, or burdens them with more than they can endure, or realizes anything from them against their free-will, I shall myself be a complainant against him on the Day of Judgment".

According to above mentioned Traditions of the Prophet, followers of Islam have been strictly prohibited to violate the protection granted to the property of non-Muslims. They cannot get more than the agreed sum or tax from the non-Muslims. Even the Islamic state cannot deprive a non-Muslim of his property and if it needs land or property of a non-Muslim in public interest it can acquire it only after providing the owner reasonable compensation.

A great Muslim writer Dr. Hamidullah says: "In the time of the caliph Umar, certain Muslims had usurped a piece of land belonging to a Jew, and had constructed a mosque on the site. Learning the news, the caliph ordered the demolition of the mosque and the restoration of the land to the Jew. Prof. Cardahi (a Christian of Lebanon, in his series of lectures on private International Law of Islam, delivered at the Hague, 1933) writes: "This house of the Jew Bait al-Yahudi, still exists and is well known". Another classical example, cited by Ibn Kathir and others, is that of the Grand Mosque of Damascus. An Umayyid caliph had occupied a church to enlarge the Mosque. Later, when the complaint was brought before caliph 'Umar ibn 'Abd al- 'Aziz, he ordered to demolish part of the mosque and restore the church. But the Christians themselves preferred a monetary compensation, and the matter was, thus, amicably settled".

## **Protection of Honour**

The honour and respect of a Zimmi is also held as sacred as that of a Muslim. The author of Durr al-Mukhtar writes: "It is imperative for Muslims to refrain from causing inconvenience to a Zimmi and to backbite him, for backbiting a Zimmi is as much prohibited as is to backbite a Muslim."

Regarding protection of honour of non-Muslim citizen in an Islamic state, Dr. Hamidullah writes: "The person, property and honour of every individual; whether indigenous or heterogeneous, are fully protected in the Islamic territory. The Sharh-al-Hidayah, which is a legal manual of current use, employs, for instance, the characteristic expression: "Defamation is prohibited, be it concerning a Muslim or a Protected (non-Muslim)". Another jurist of great authority, the author of al-Bahr-ar-Ra'iq says: "Even the bones of the dead among the Protected (non-Muslims) have the right to be respected, even as the bones of Muslims; it is not allowed to profane them, because if the ill treatment of a Protected (non-Muslim) is forbidden in his lifetime on account of the protection which he enjoys, the protection of his bones against every profanation is equally obligatory after his death." The jurists are unanimous in declaring that, if a Muslim violates a non-Muslim woman, he will receive the same punishment as is prescribed against the violation of Muslim woman."

## **Judicial Autonomy**

Non-Muslim minorities in the Islamic State enjoy judicial autonomy in respect of disputes among themselves on the authority of al-Qur'an.

While permitting the Jews to settle their disputes in accordance with Torah (their revealed book), the Qur'an

addresses the Prophet of Islam in these words: "How come they unto thee for judgment when they have the Torah, wherein Allah hath delivered judgement (for them)? ... (5:43). In another verse, the revealed book of Islam grants the Christians freedom of resolving their disputes in accordance with their own law as contained in Gospel. It states: 'Let the People of the Gospel judge by that which Allah hath revealed therein. Whoso judge not by that which Allah hath revealed; such are evil livers'" (5:47).

Thus, Islamic law is not applicable in case of purely personal matters of the non-Muslims. Such matters of the non-Muslims would be decided according to their personal law. It means that if anything is unlawful under Shariah for the Muslims but the same is not forbidden to the non-Muslims by their religion, the non-Muslims will be allowed to use it and the courts will decide their cases according to their personal law. For instance, marriage without witnesses or between the prohibited degrees, if allowed by their religion, will be allowed to stand.

However, the non-Muslim can also opt for settlement of their mutual disputes under Islamic law. The Qur'an says: "if then, they have recourse unto thee (Muhammad), judge between them or disclaim jurisdiction. If thou disclaimest jurisdiction, then they cannot harm thee at all. But if thou judgest, judge between them with equity, Lo! Allah loveth the equitable" (5:42).

Umar-bin-Abdul Aziz once asked for fatwa (verdict) in this respect from the famous saint Hassan al-Basri saying: "How it is that the Caliphs left the Zimmis free in the matters of marriages regardless of consanguinity and in the matters of drinking wine and eating pork?" Hassan replied: "The Zimmis accepted to pay Jizyah only because they wanted to be free to live in accordance with their own personal law.

You have only to follow what your predecessors did. You are not to deviate or to innovate”.

## **Social Autonomy**

In addition to the judicial autonomy, the non-Muslims also enjoy social autonomy in an Islamic state. The state protects their language, culture, religious practices, their places of worship, their mode of dress, etc. and permits them to follow their customs and social traditions. However, they were not allowed to imitate military uniform and dress of the Muslims in the Umayyid and Abbasid periods, as this imitation was discouraged not on any religious grounds but in order to protect their modes of dress, their social manners and their distinctive individualities. About social autonomy given by the Islamic state, Dr. Hamidullah writes, “In the time of the Prophet, the Jews of Madinah had their Bait al-Midras (both a synagogue and educational institute). In the treaty with the Christians of Najran (Yaman), the Prophet gave a guarantee not only for the security of the person and property of the inhabitants, but had also expressly left the nomination of bishops and priests to the Christian community itself”.

## **Political Rights and Entitlement to Government Jobs**

The non-Muslims living in an Islamic state generally enjoy all the socio-economic and political rights which are available to the Muslims. They enjoy right to vote and to elect their representatives and they can also contest elections for the offices of public representatives. They can form political parties and they can get the membership or offices in political parties. And so on. Similarly, they have right to participate in social activities, national festivals, social gatherings, etc. Their right of vote in the choice of the

head of Islamic state has been recognized by Dr. Hamidullah, a great Muslim scholar.

The non-Muslims can adopt any business or profession or employment to earn their livelihood provided such business, profession or employment is not unlawful or immoral or against the explicit injunctions of Islam such as sale of wine or pork to Muslims, business involving usury with a Muslim or prostitution, etc. They are entitled to government jobs except for few posts like head of state, head of government, head of judiciary, head of the armed forces, head of parliament and some other key offices. The Prophet of Islam himself appointed Amr bin Umaiyah-ad-Damri a non-Muslim as an ambassador to Abyssinia for interceding with the Negus in favour of the Muslim refugees. Umar, the second caliph, appointed a Greek Christian as the head of his accounts department to put in order the accounts of state revenues.

The Christians, the Jews and other non-Muslims had been enjoying prosperous positions and fabulous incomes in business and trade in the Islamic State. Most of the bankers and money changers in Syria during the reign of the Abbasid Caliphs were Jews. Most of the personal physicians of the Caliphs were the Nestorian Christians. The Jews are also reported to have maintained a colony of considerable size in Baghdad in the Abbasid period. In Muslim Spain, the non-Muslims, particularly the Jews, held positions of eminence in the government jobs, in the business and trade, etc.

## **Entitlement for Financial Assistance**

Disabled or poor Zimmis who have been forced to begging or the Zimmis who have been overtaken by a calamity are eligible for support from the Bait-ul-Mal of the Islamic state as are the poor and disabled among the

Muslims. This rule was established as early as the times of Abu Bakr, the first caliph of Islam. During his reign, when the famous Muslim general Khalid bin Walid conquered Hira, he specially wrote in the treaty of peace the following terms:-

"I have stipulated that if any one of them becomes unfit to work on account of old age or some other cause, or if anyone who was formerly rich becomes so poor that his coreligionists have to support him by giving him alms, such persons will be exempt from paying the Jizyah and they, together with their dependents, will be helped from the Islamic Treasury (Bait-ul-Mal)".

## **Kind Treatment**

Islam enjoins the Muslims to treat the non-Muslims kindly and justly. The Qur'an says, "God forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: For God loveth those who are just" (60:8). The Qur'an also permits the Muslims to marry chaste women from the people of the scripture (Christians and Jews). It says: "..... The food of those who have received the scripture is lawful for you, and your food is lawful for them. And so are the virtuous women of the believers and the virtuous women of those who received the scripture before you (lawful for you)....." (5:5). Thus, Islam promotes social bonds between Muslims and non Muslims by allowing them to eat each other's food and to handle inter-marriages, which is the custom of close friends and relatives.

Regarding the kind treatment accorded to the non-Muslims by the followers of Islam, Syed Ameer Ali writes:

"It must be added, however, that the bigoted views of the later canonists were never carried into practice; and

the toleration and generosity with which the non-Muslims were treated are evidenced by the fact that Zimmis could be nominated as executors to the wills of Muslims; that they often filled the office of rectors of Muslim universities and educational institutions, and of curators of Muslim endowments so long as they did not perform any religious functions. And when a non-Muslim of worth and merit died, the Muslims attended his funeral in a body”.

No better evidence can be produced in proof of kind treatment accorded to the conquered non-Muslims by the Muslim armies than the evidence of the non-Muslims themselves. When the Muslim army reached the valley of Jordan and Abu Ubaydah pitched his camp at Fihl, the Christian inhabitants of the country wrote to the Arabs, saying: “O Muslims, we prefer you to the Byzantines, though they are of our own faith because you keep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs, for they have robbed us of our goods and our homes”.

### **Forced Conversion of non-Muslims not Permitted**

Religious freedom also means that the minority community or the conquered people are not forced to accept faith of the conqueror. Islam provides security against forced conversion to the non-Muslims living in the Islamic territory. According to al-Qur’an, there is no compulsion in religion, and Muhammad (PBUH) was sent by God as messenger and mercy to mankind and his mission was to convey the message of God and not to force the people to accept his faith. In other words, he was a messenger and a warner and not a warder over men. Therefore, no non-Muslim living in Islamic state can be forced to embrace Islam. We have already observed in

chapter one that Islam spread through preaching and not through sword.

### **Jizyah: Is it a discriminatory tax?**

Mention may be made of Jizyah or Poll Tax which was levied by Prophet Muhammad on non-Muslims on the authority of verse 29 of chapter 9 of the Qur'an which reads: "Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger and follow not the religion of truth, until they pay the tribute readily, being brought low". It was collected at nominal rate of one dinar per person. Women, old persons, children, sick and disabled, slaves, priests, monks, poor persons were declared exempt from this tax. Practically the tax was collected only from able bodied young men, but if they joined Muslim armies the tax was dropped even in their case. This tax has been unfortunately subjected to bitter criticism by the Western scholars who call it a discriminatory and humiliating tax levied for sparing of non-Muslim's life. Nothing can be farther from truth than this allegation. Imposition of Jizyah is justified because Muslim citizens of Islamic state pay Zakat as well as serve in defence forces. So in all fairness the non-Muslim citizens are expected to pay at least a nominal contribution in the defence budget if they opt not to join defence forces. In the modern Muslim States, this tax has, however, been dropped as the socio-economic scenario has entirely changed and so has the system of taxation. Now the non-Muslim citizens pay modern taxes like Incometax and Wealth tax just as the Muslim citizens pay these taxes.

### **Historical Documents**

The following documents and treaties executed by the Prophet (PBUH) himself and his successors (the right-guided



caliphs) with the non-Muslims establish, beyond any shadow of doubt, that the most respectable status was granted to them by Islam:

- (i) Soon after his migration from Makkah to Madinah in the year 1 A.H. (622 A.D.), the Prophet of Islam issued a document which is known in history as the Charter of Madinah. The portion of this charter concerning the Jews of Madinah reads as under:

“Whoever among the Jews follows us shall have help and equality; they shall not be injured nor shall any enemy be aided against them. The Jews maintained their religion and the Muslims theirs’. Among the Jews (belonging to different tribes), so with their adherents: those who transgress and behave unjustly and sinfully hurt but themselves and their families. Loyalty is a protection against treachery. The close friends of Jews are as themselves. Each, if attacked, shall come to the help of the other. The valley of Yathrib (Madinah) shall be sacred and inviolable for all who join this Treaty. Strangers under protection shall be treated on the same grounds as heir protectors.”

- (ii) Relevant portion of Prophet’s letter to the Christians of Njran which spells their rights in detail is as under:

“To (the Christians of) Najran and the neighbouring territories, the Security of Allah and the Pledge of His Prophet are extended for their lives, their religion and their property .... To those present as well as the absent ones and others besides: there shall be no interference with (the practice of) their faith or their observances, nor any change in their rights or privileges; no bishop shall be removed from his bishopric, nor any monk from his priesthood, and

they shall continue to enjoy everything great and small as heretofore; no image or cross shall be destroyed; they shall not be oppressed or suppressed; they shall not practise the rights of blood – vengeance as in the Days of ignorance; no tithes shall be levied on them nor shall they be required to furnish provisions for the troops, nor shall troops be quartered on them."

- (iii) Following is the text of the treaty whereby Jerusalem surrendered to the Muslims during the caliphate of Omar (638 A.D.):

"This is the charter which the servant of God, the Commander of the faithful, grants to the people of Aelia. He gives them the assurance of the preservation of their lives and properties, their churches and crosses, of those who set up, who display and who honour those crosses. Your churches will not be transformed into dwellings nor destroyed nor will any one confiscate anything belonging to them, nor the crosses or belongings of the inhabitants. There will be no constraint in the matter of religion, nor the least annoyance. The Jews will inhabit Aelia conjointly with the Christians, and those who live there will be required to pay the poll-tax, like the inhabitants of other towns. Greeks and robbers are to leave the town, but will have a safe conduct until they reach a place of security. Still, those who prefer to remain may do on condition of paying the same poll-tax as the rest. If any of the people of Aelia desires to leave with the Greeks, talking their goods, but abandoning their chapels and crosses, they will be granted personal safety, until they arrive at a secure place. The strangers in the town may remain on the same condition of paying the tax, or, if they wish, they may also leave

with Greeks, and return to their land. .... All that this treaty contains is placed under the alliance and protection of God and of His Apostle." (Sir William Muir. The Caliphate, Its Rise, Decline and Fall.)

## CHAPTER 17

### DAILY LIFE OF A MUSLIM

**Birth and Early Life:** When a child is born in a Muslim family, the Azan (ritual call to prayer) is pronounced in the right ear of the child and the Iqamah (ritual call to initiate congregational prayer) in the left ear. Thus the first thing a Muslim child, after coming into this world, hears is the attestation of the belief and call to the worship of the Creator. Then the name to the child is given. The name to the male child is generally given after the attributes of God, after the names of the Prophet Muhammad (PBUH), after the names of other Prophets of God, or after the names of the companions of the Prophet and other heroes of Islamic history; while a female child is named after the names of the mother and wives and daughters of the Prophet of Islam, after the names of the pious Muslim women of the days of the Prophet, or after the names of the famous Muslim women of the history of Islam.

When the hairs of the child are cut for the first time some charity is given to the poor generally equal to the weight of the hairs in silver or in its equivalent in local currency. If the family can afford, a goat or a sheep is also slaughtered to entertain the poor, the kin and the friends. This celebration is called Aqeeqah. The male child is circumcised at an early age.

When a child attains the age of 4 or 5, his studies commence. As a first lesson, the child is made to repeat after the tutor first five verses of chapter 96 of the Holy Qur'an which consist of first revelation to Prophet Muhammad (PBUH). A feast is arranged to celebrate the occasion. When the child starts going to school, he is also supposed to start learning the Qur'an.

Normally at the age of seven, the child is taught how to pray and from the age of ten parents are supposed to apply sanctions so that the child gets accustomed to prayer. Fast is obligatory, even as prayer, from the age of puberty. However, the parents make the child familiar with fast gradually, starting with one or two in first year and increasing the number in each year till by the age of maturity the child gets accustomed to bear the strain of fast.

**Adult Life and Marriage:** As adult a Muslim is obliged to pay Zakat himself out of his wealth provided it reaches the level which attracts this levy. He is also obliged to perform Hajj once in his life but if earlier the better.

Marriage is the Sunnah (tradition) of the Prophet and it is obligatory to get married unless there is some valid excuse. So when a child reaches puberty (in case of girls the age is 15 while in case of boys the age is 16 or 18), the parents should arrange for his or her marriage. Marriage of son or daughter is considered a great function in which friends and relatives participate. Bridegroom comes to the house of the bride with party of his relatives and friends. Marriage contract is signed by the bridegroom and the bride in the presence of witnesses. A cleric or a priest recites formula of marriage (nikah) to which bridegroom and bride express their consent. Dower gift (Mahr) is generally prescribed as a part of marriage contract and the bridegroom undertakes to pay it to the bride immediately or on demand. When the groom takes his bride to his house, he hosts a feast (Waleema) and entertains relatives and friends in order to celebrate his marriage.

A Muslim can marry a Jew or a Christian woman even if she is not converted to Islam. But he cannot marry another non-Muslim woman if she does not embrace Islam.

However, a Muslim woman cannot marry a non-Muslim, not even a Jew or Christian, if he does not embrace Islam.

As an adult person, a Muslim man and a woman, is expected, rather is duty — bound to fulfill all his or her obligations towards God and towards fellow humans and lead life strictly in accordance with the teachings of Islam.

**Death:** At the time of death a Muslim is required to pronounce at least the first Kalima (formula of belief): "There is no God but Allah and Muhammad is messenger of Allah". If he fails to remember it, the Muslims sitting around the patient are required to help the patient by repeating it to him. The eyes of the deceased are closed, body is placed straight with face toward heaven and hands on the chest crossed on each other or on sides as if in the service of prayer.

The body of the dead person is washed and cleaned before burial, and if not possible then dry ablution (tayammum) is sufficient. After enshrouding the dead body in three simple sheets of white cloth, a funeral prayer or service is convened. The grave is dug parallel to Makkah, if possible, and after lowering the body in the grave, the head of the dead is turned slightly to the right side so that it faces the Kaabah. After burial, certain verses of the Holy Qur'an or certain prayers recommended for the occasion are recited. The graves should be simple as lavish spending on graves is forbidden.

**Life-routine:** Besides five daily prayers, annual fasting and other compulsory religious duties, one must make it his life routine to devote some time daily to learn the Holy Qur'an and recite it. He should also study Hadith and other Islamic literature to understand Islam or at least its basic teachings. If he does not know Arabic, he should try to learn it. If not possible, then he should try to understand the Qur'an with the help of a good translation and commentary.

Every act or activity in daily life should be commenced by reciting Bismillah (with the name of God) and should be ended with Alhamdulillah (Thank God). The conduct and manners of the Prophet should be followed in eating, drinking, dressing, sleeping, walking, sitting and other daily routines.

One must make it a life routine to remember and glorify Allah especially when going to sleep and when rising up. He should also invoke mercy of Allah on Prophet Muhammad and recite darood (peace and blessings) on him. Piety demands that in addition to five daily prayers one must offer more prayers particularly Tahajjud (mid-night) prayer. Besides paying Zakat which is compulsory tax, one must spend as much as one can for the sake of the poor and in the cause of God. In addition to compulsory fasting of Ramadan one must keep optional fasts if physically he can. A Muslim is expected to devote some of his time, energy and wealth for common causes of Muslim Ummah and contribute towards the happiness and progress of his Muslim brethren.

**Dress:** Islam does not prescribe any particular or specific code of dress. It has left the matter to be decided by the individuals and society according to weather conditions, customs, needs and environments. However, certain fundamental rules have been laid down for all times for the guidance of the Muslims. The dress should not be too short or too thin but it should be proper in order to cover private parts from nakedness. Let not the Satan seduce the believer as he seduced Adam and Eve and tore off from them their robe to make them see their shame. The dress should be decent and should not display nudity, obscenity or vulgarity. The dress should be modest and simple. It should not be very expensive so as to give impression of extravagance and pride. The men are discouraged to wear

silk or clothes of red colour. Lengthening of trousers beyond ankles was forbidden as it was a custom of the Arabs of the age of Ignorance to give an air of vanity. The dress should be very clean. The Prophet preferred clothes of white colour or of green colour. Perfume was liked by the Prophet and he recommended its use to the believers, men and women. Shoes must be used and if possible socks should also be used. The dress should be such that it should protect one from cold and heat. One should be decently and beautifully dressed when one goes to mosques or on religious and other public festivals.

Prophet Muhammad (PBUH) discouraged his followers to imitate other people in matter of dress. He also forbade the men to put on dress of women and the women to put on the dress of men. The Prophet grew a beard and recommended the men to have it. To keep moustaches is, however, discouraged as it was a custom of the pagans of pre-Islamic Arabia.

All religions prescribe that fornication and adultery are crimes but Islam goes a little further and takes measures to diminish the temptations. Therefore, women are required to fulfill certain additional responsibilities in matters of dress and adornment (make-up), particularly when they come in the presence of men or when they come out of their homes.

The Qur'an says:

"And tell the believing women to lower their gaze and be modest, and not to display their adornment except that which appears of itself, and to draw their veils over their bosoms.... And let them not stamp their feet so as to reveal what they hide of their adornment...." (24:31). The Qur'an further says: "O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close round them (when they go abroad). That will be better, so



that they may be recognized and not annoyed (or molested)....." (33:59). According to a tradition, when Asma'a (Prophet's sister in law) came with thin clothes on her, the Prophet said to her: "O Asma'a! when a girl attains puberty, it is not proper that any thing on her should remain exposed except her face and hands." Thus these are the instructions which have been issued by the Qur'an and the Prophet to Muslim women regarding their dress and make-up when they come in the public.

**Food:** We have already studied food or dietary laws of Islam. Distinction is made by Islam between halal (lawful and hence permitted) food items and haram (unlawful and hence forbidden) food items.

All pure and wholesome food lawfully earned such as sea food, fruits, vegetables, pulses, corn, meat of permitted (halal) animals slaughtered in the name of God, is permitted (Halal) to a Muslim except those items which have been specially declared as forbidden (Haram) by the Qur'an and the Sunnah such as dead animals, blood, pork, meat of animals which are not slaughtered in the name of Allah or which are slaughtered in name of other than Allah, wine and other intoxicants, etc. etc.

A true and practicing Muslim strictly follows food laws of Islam. He avoids forbidden items of food like pork and wine and takes only those items which are allowed by Islamic code of dietary laws.

**Social and moral Life:** A true follower of Muhammad (PBUH) acts upon all the injunctions of Islam and follows moral and social code of conduct prescribed by Islam in his private as well as public life. Islam does not make any difference between private life and public life of a Muslim and, therefore, life of a Muslim is transparent and clean in its all dimensions.

## **CHAPTER 18**

# **LIFE AFTER DEATH**

Islam, unlike many other faiths, believes in this world as well as in the Hereafter. It wishes well-being of its followers not only in this world but also in the next world. Therefore, Islam guides them to happy and useful life in this world and prepares them for success in a longer and eternal life which would commence after death. We have not been provided much knowledge about the life after death but we can make some idea from the hints given in the Qur'an and traditions of Prophet Muhammad as to what would happen. All living beings would die. Heavens and earth and everything would be destroyed on the Doomsday. Then every living being would be resurrected. God would judge the deeds of the human beings on the Day of Judgement. He would reward the good with Paradise and punish the wicked with Hell.

### **I- Death**

"Every soul will taste of death", thus says the Holy Qur'an, the revealed book of Islam (3:185). Therefore death is inevitable. There is no escape from it. You may be anywhere the death will overtake you when its fixed time comes. The Holy Qur'an brings home this fact in its following verses:

- ye who believe! Be not as those who disbelieved and said of their brethren who went abroad in the land or were fighting in the field: If they had been (here) with us they would not have died or been killed; that Allah may make it anguish in their hearts. Allah giveth life and causeth death; and Allah is Seer of what ye do. (3:Al-Imran:156)

- Those who, while they sat at home, said of their brethren (who were fighting for the cause of Allah): If they had been guided by us they would not have been slain. Say (unto them, O Muhammad): Then avert death from yourselves if ye are truthful. (3:Al-Imran:168)
- Wheresoever ye may be, death will overtake you, even though ye were in lofty towers ..... (4:An-Nisa:78)

Death does not spare anybody. It makes no distinction between high and low, between rich and poor, between old and young, between pious and sinner. Death laid its hands even on the Prophets who were the most favoured and the most blessed human beings. "Sceptre and crown", as a poet says, "must tumble down" before death. No doctor, no scientist, no wise man has been able to invent a method or medicine which could help one escape death. Death snatches a son from lap of his affectionate mother, a husband from the bosom of his loving wife, a wealthy man from his vast riches, and a powerful king from his big empire.

Death, in fact, is nothing but God's law that every living thing and every mortal being must taste it. Death affirms one's belief in God as He is God who gives life and death. The Holy Qur'an says:

- How disbelieve ye in Allah when ye were dead and He gave life to you! Then He will give you death, then life again, and then unto Him ye will return. (2:Al-Baqarah:28)
- Allah is He Who created you and then sustained you, then causeth you to die, then giveth life to you again. (30: Ar-Rum:40)

- Say (unto them, O Muhammad): Allah giveth life to you, then causeth you to die, then gathereth you unto the Day of Resurrection whereof there is no doubt. But most of mankind know not. (45:Al-Jathiyah:26)

## **II- Doomsday or the Day of Judgment**

The Doomsday or the Day of Judgment or the Day of Resurrection has been mentioned hundreds of times in the Qur'an and with various names. Besides these three names, it has been called the day of requital, the last day, the day of trial, the hour, the day of destruction, the day of grief, the day of repentance, the day of separation, the day of congregation, the day of manifestation of defects, the day of shaking, the great event, the striking calamity, the day of meeting, the promised day, etc. In a way the names denote the various aspects or attributes of the same day which would be equal to fifty thousand worldly years (Al-Qur'an 70:4).

Nobody knows about this day except God. When it would come? What would exactly happen on this day? No mortal being not even a Prophet can tell.

The Qur'an says:

- They ask thee of the (destined) Hour, when will it come to port. Say: Knowledge thereof is with my Lord only. He alone will manifest it at its proper time ..... (7:Al-Araf:187)
- Lo! Allah! With Him is the knowledge of the Hour .... (31: Luqman:34)

However, we have been told some signs of the Hour by Prophet Muhammad (PBUH) which the Prophet described before his companions during a discussion. The relevant tradition is:

- Huzaifah-b-Osaïd al Gefari reported: The Holy Prophet suddenly came to us while we were talking. He asked: What do you talk about? They replied: We are talking about the last Hour. He said: It will never come to pass till you see ten signs previous to it. He then mentioned the smoke (44:10) and Dajjal, and the beast (27:82) and the rising of the sun in its place of setting, and the descent of Jesus son of Mary, and Gog and Magog (8:94) and three earth-sinkings—one earth-sinking in the east, one earth-sinking in the west and one earth-sinking in the Peninsula of Arabia, and the last one will be a fire that will break out from Yemen and that will drive the people to their place of gathering. And in narration: A fire shall come out from the lowest part of Aden and drive away the people to the place of gathering. And in a narration: And in the tenth (sign), there will be a tempest which shall blow off the people to the sea. (Muslim)

Although we do not know what would happen on the Last Day (also called Doomsday or Day of Resurrection or Day of Judgment) as we have been given but little knowledge, yet we can make a plain picture of the course of events with the help of the Qur'an and the traditions of the Prophet of Islam. The Trumpet would be blown for the first time with the result that every living creature would die and every thing including heavens and the earth, the sun and the moon, the stars and the planets, the mountains and the hills would be destroyed. The Trumpet would be blown for the second time and all the dead will be brought back to life and the heavens and the earth would come into existence in a changed form. The whole of mankind would

be brought before God who will be the sole Judge and Sovereign on that day. He will judge between men and those who are righteous would be rewarded by Him and those who are wicked would be punished by Him.

Let us now discuss these concepts in a little detail as follows:

## **The Doom or the Destruction**

The Doomsday would come all of a sudden, just as a twinkling of eye even sooner than it. The day would be heavy in the heavens and the earth. The sky will become as molten copper, the hills would become as flakes of wool, mountains would be broken into scattered dust and earth would be left as an empty plain with no curve nor ruggedness. Every nursing mother will forget her nursling and every pregnant one will be delivered of her burden. Every living creature will die all of a sudden. Every thing will perish in no time. All this would happen on the first blowing of the Trumpet. The Qur'an says about Doomsday:

- 1) They ask thee of the (destined) Hour, when will it come to port. Say: knowledge thereof is with my Lord only. He alone will manifest it at its proper time. It is heavy in the heavens and the earth. It cometh not to you save unawares. They question thee as if thou couldst be well informed thereof. Say: knowledge thereof is with Allah only, but most of mankind know not. (7: Al-A'raf:187)
- 2) And unto Allah belongeth the Unseen of the heavens and the earth and the matter of the Hour (of Doom) is but as a twinkling of the eye, or it is nearer still. Lo! Allah is Able to do all things. (16: An-Nahl:77)
- 3) O mankind! Fear your Lord. Lo! the earthquake of the Hour (of Doom) is a tremendous thing. On the day when

ye behold it, every nursing mother will forget her nursling and every pregnant one will be delivered of her burden, and thou (Muhammad) wilt see mankind as drunken, yet they will not be drunken, but the Doom of Allah will be strong (upon them). (22:Al-Hajj:1-2)

## **The Resurrection of the dead**

The Holy Qur'an tells us that after our death, God would raise us and give us life again. This would be our resurrection (of body and soul) which would happen on the Day of Resurrection, also called Day of Judgment. Every living soul would taste death and on the Day of Resurrection it would be revived to be paid recompense for its deeds done in this world. The non-believers, in every age, have been ridiculing the idea of resurrection raising silly questions before the prophets. Such questions were also raised before Prophet Muhammad (PBUH). The idea of resurrection, when they would be dead and reduced to bones and dust, looks to such people very strange. The Qur'an tells them that Almighty God who gave them life when they were nothing would revive them after their death as their resurrection is not more difficult for the Creator of the Heavens and the Earth than their first creation. When God intends to do a thing He only says unto it: Be! and it is.

To make the non-believers understand the process of revival of the dead, the Qur'an gives example of rain again and again which revives the dead and barren land and makes it produce every kind of vegetation, plants, crops, fruits and grass to provide food to the humans and the animals. Besides, the Qur'an gives us some practical examples how the Prophets and pious persons were actually shown the process of revival of the dead. To Prophet Jesus Christ, God gave miracle that he could raise the dead with God's leave, while Prophet Abraham was shown the revival of the birds when he had killed them, and some other man

(reportedly Uzair, the Prophet of Jews) was himself given death and was revived thereafter. The Holy Qur'an in the following verses highlights how resurrection of the dead would take place:

- 1) And they swear by Allah their most binding oaths (that) Allah will not raise up him who dieth. Nay, but it is a promise (binding) upon Him in truth but most of mankind know not. That he may explain unto them that wherein they differ, and that those who disbelieved may know that they were liars. And our word unto a thing, when We intend it, is only that We say unto it: Be! and it is. (16: An-Nahl:38-40)
- 2) And they say: When we are bones and fragments, shall we, forsooth, be raised up as a new creation? Say: Be ye stones or iron. Or some created thing that is yet greater in your thoughts! Then they will say: Who shall bring us back (to life). Say: He Who created you at the first. Then will they shake their heads at thee, and say: When will it be? Say: it will perhaps be soon; A day when He will call you and ye will answer with His praise, and ye will think that ye have tarried but a little while. (17:Bani Isra'il:49-52)
- 3) And man saith: When I am dead, shall I forsooth be brought forth alive? Doth not man remember that We created him before, when he was naught? (19: Maryam:66-67)
- 4) O mankind! If ye are in doubt concerning the Resurrection, then Lo! We have created you from dust, then from a drop of seed, then from a clot, then from a little lump of flesh shapely and shapeless, that We may make (it) clear for you. And We cause what we will to remain in the wombs for an appointed time, and afterward We bring you forth as infants, then (give you



growth) that ye attain your full strength. And among you there is he who dieth (young), and among you there is he who is brought back to the most adject time of life, so that, after knowledge, he knoweth naught. And thou (Muhammad) seest the earth barren, but when We send down water thereon, it doth thrill and swell and put forth every lovely kind (of growth). That is because Allah, He is the Truth. Lo! He quickeneth the dead, and lo! He is Able to do all things; And because the Hour will come, there is no doubt thereof; and because Allah will raise those who are in the graves. (22: Al-Hajj:5-7)

- 5) And Allah it is who sendeth the winds and they raise a cloud; then We lead it unto a dead land and revive therewith the earth after its death. Such is the Resurrection. (35: Al-Fatir:9)
- 6) And the trumpet is blown and lo? from the graves they hie unto their Lord. Crying: Woe upon us! Who hath raised us from our place of sleep? This is that which the Beneficent did promise, and the messengers spoke truth. (36:Ya Sin:51-52)

## **The Judgement**

After the resurrection, the people would be brought before God, the Almighty Lord of the universe and the Master of the Day of Judgement, Who would judge between them. Every soul on that day will find itself confronted with all that it has done of good and all that it has done of evil. No intercession will be accepted for evil-doers nor any compensation or ransom will be accepted from such people though it is earthful of gold.

On the Day of Judgment, Book of Records would be set up, the Prophets and the witnesses would be called, mankind would look as drunken (although actually not), the

voices would be hushed and God would Judge between the men to reward the virtuous and punish the wicked.

The righteous will be given their statements of deeds in their right hand, while the sinners would be given their statements in their left hands. The former will be happy while the latter would be gloomy as the former would be successful and hopeful of reward while the latter would be fearful of the punishment. The sinners would desire to be sent back to the world so that they may do good deeds to earn their salvation but they would not be allowed.

The Prophets would be called upon as witnesses on their communities of followers. The records prepared by Kiram-al-Katibeen (the two angels deputed by God with each human being to prepare record of his life deeds) would be produced. Earth would also record her evidence. Even the tongues, hands and feet of a man would give evidence against him.

God would pass judgment and His judgment would be final. The virtuous would be rewarded and the wicked would be punished.

The Holy Qur'an presents a picture of the Day of Judgement in its following verses:

- 1) And (bethink you of) the Day when We remove the hills and ye see the earth emerging, and We gather them together so as to leave not one of them behind. And they are set before thy Lord in ranks (and it is said unto them): Now verily have ye come unto Us as We created you at the first. But ye thought that We had set no tryst for you. And the book is placed, and thou seest the guilty fearful of that which is therein, and they say: What kind of a book is this that leaveth not a small thing nor a great thing but hath counted it! And they find all that

they did confronting them, and thy Lord wrongeth no one. (18: Al-Kahf:47-49)

- 2) They will ask thee of the mountains (on that day). Say: My Lord will break them into scattered dust. And leave it as an empty plain. Wherein thou seest neither curve nor ruggedness. On that day they follow the summoner who deceiveth not, and voices are hushed for the Beneficent, and thou hearest but a faint murmur. On that Day no intercession availeth save (that of) him unto whom the Beneficent hath given leave and whose word He accepteth. He knoweth (all) that is before them and (all) that is behind them, while they cannot compass it in knowledge. And faces humble themselves before the Living, the Eternal. And he who beareth (a burden of) wrongdoing is indeed a failure (on that Day). And he who hath done some good works, being a believer, he feareth not injustice nor begrudging (of his wage). (20:Ta Ha:105-112)
- 3) And We set a just balance for the Day of Resurrection so that no soul is wronged in aught. Though it be of the weight of a grain of mustard seed, We bring it. And We suffice for reckoners. (21:Al-Anbiya:47)
- 4) On the day when their tongues and their hands and their feet testify against them as to what they used to do, (24:An-Nur:24)
- 5) And they esteem not Allah as He hath the right to be esteemed, when the whole earth is His handful on the Day of Resurrection, and the heavens are rolled in His right hand. Glorified is He and High Exalted from all that they ascribe as partner (unto Him). And the trumpet is blown, and all who are in the heavens, and the earth swoon away, save him whom Allah willeth. Then it is blown a second time, and behold them standing waiting!

And the earth shineth with the light of her Lord, and the Book is set up, and the Prophets and the witnesses are brought, and it is judged between them with truth, and they are not wronged. And each soul is paid in full for what it did. And He is best aware of what they do. (39:Az-Zumar:67-70)

- 6) The day when the sky will become as molten copper, And the hills become as flakes of wool, And no familiar friend will ask a question of his friend. Though they will be given sight of them. The guilty man will long to be able to ransom himself from the punishment of that day at the price of his children: And his spouse and his brother. And his kin that harboured him. And all that are in the earth, if then it might deliver him. (70:Al-Ma'arij:8-14)

### **III- Paradise and Hell**

On the Day of Judgement those who are adjudged righteous and hence successful would be rewarded with paradise, while those who are adjudged as sinners and hence guilty would be punished with hell.

#### **Paradise**

On the Day of Judgment the righteous people would be rewarded with Paradise wherein they will enter and abide for ever. They may live then in the company of their parents, wives and children provided they are also pious and are rewarded with Paradise. They would be welcomed by Angels and would be greeted and served by beautiful females and handsome young male servants. They will wear green robes of finest silver and gold embroidery and armlets of gold. They would sit on thrones and lie in beautiful couches. They would take pure wine causing no intoxication.

Paradise, according to the Qur'an, is a garden as wide as are the heavens and the earth. It has every conceivable blessing underneath which rivers flow. Foods of all types, fruits of all varieties, pure wine, water springs, canals with flowing honey and milk, beautiful virgins with modest gaze and lovely eyes as pure as if they were hidden eggs, handsome boys, finest robes, thrones and couches of gold, etc. would be there in the Paradise in plenty. Its rightful owners are only those who believe and do good works. Those who donot believe and do evil deeds would never enter in it.

In its following verses, the Qur'an paints a very beautiful and attractive picture of Paradise and the life of its inhabitants:

- 1) And give glad tidings (O Muhammad) unto those who believe and do good works; that theirs are Gardens underneath which rivers flow; as often as they are regaled with food of the fruits thereof they say: This is what was given us afore-time; and it is given to them in resemblance. There for them are pure companions; there for ever they abide. (2: Al-Baqarah:25)
- 2) And vie one with another for forgiveness from your Lord, and for a Paradise as wide as are the heavens and the earth, prepared for those who ward off (evil); (3: Al-Imran:133)
- 3) And as for those who will be glad (that day) they will be in the Garden, abiding there so long as the heavens and the earth endure save for that which thy Lord willeth: a gift unfailing. (11: Hud:108)
- 4) Gardens of Eden which they enter, along with all who do right of their fathers and their helpmates and their seed. The angels enter unto them from every gate.

(Saying): Peace be unto you because ye persevered. Ah, passing sweet will be the sequel of the (heavenly) Home. (13: Ar-Ra'd:23-24)

- 5) Save single-minded slaves of Allah; For them there is a known provision, Fruits. And they will be honoured. In the Gardens of delight. On couches facing one another; A cup from a gushing spring is brought round for them. White, delicious to the drinkers, Wherein there is no headache nor are they made mad thereby. And with them are those of modest gaze, with lovely eyes, (Pure) as they were hidden eggs (of the ostrich). (37: As-Saffat:40-49)
- 6) O My slaves! For you there is no fear this day, nor is it ye who grieve; (ye) who believed Our revelations and were self-surrendered. Enter the Garden, ye and your wives, to be made glad. Therein are brought round for them trays of gold and goblets, and therein is all that souls desire and eyes find sweet. And ye are immortal therein. This is the Garden which ye are made to inherit because of what ye used to do. Therein for you is fruit in plenty whence to eat. (43: Az-Zukhruf:68-73)
- 7) Lo! Those who kept their duty will be in a place secure amid gardens and water-springs, Attired in silk and silk embroidery, facing one another. Even so (it will be). And We shall wed them unto fair ones with wide, lovely eyes. They call therein for every fruit in safety. They taste not death therein, save the first death. And He hath saved them from the doom of Hell, A bounty from thy Lord. That is the supreme triumph. (44: Ad-Dukhan:51-57)
- 8) A similitude of the Garden which those who keep their duty (to Allah) are promised: Therein are rivers of water unpolluted, and rivers of milk whereof the flavour changeth not, and rivers of wine delicious to the

drinkers, and rivers of clear-run honey; therein for them is every kind of fruit, with pardon from their Lord. (47: Muhammad:15)

- 9) Those are they who will be brought nigh. In gardens of delight; A multitude of those of old. And a few of those of later time. On lined couches. Reclining therein face to face. There wait on them immortal youths. With bowls and ewers and a cup 'from a pure spring. Wherefrom they get no aching of the head nor any madness. And fruit that they prefer. And flesh of fowls that they desire. And (there are) fair ones with wide, lovely eyes, Like unto hidden pearls. Reward for, what they used to do. There hear they no vain speaking nor recrimination, (Naught) but the saying: Peace, (and again) Peace. (56: Al-Waqi'ah:11-26)

## **Hell**

Those who disbelieve Allah, Allah's messengers and scorn Allah's revelations, those who do evil deeds and commit sins, those who transgress limits prescribed by Allah and violate Divine Laws, those who do not worship Allah alone and hold partners unto Him, those who follow the Satan and rebel against God, will be thrown into Hell after their deeds are judged on the Day of Judgment as they are the rightful owners of fire. They will dwell there for ever; their's will be a shameful doom.

Hell is full of fire and all horrible and terrible things – which human mind can imagine – to punish the wrong – doers. When their skins are consumed by fire, they will be provided fresh skins to taste the torment. Theirs will be bed of Hell, and over them coverings of Hell; sighing and wailing will be their portion and they will be abiding therein so long as the heavens and the earth endure or God wills. They will be made to drink a festering water which one can sip but

can hardly swallow. Death would come to them from every side while yet they cannot die. Garments of fire will be cut out for them; boiling fluid like molten lead will be thrown on their head. Wrong-doers from the humankind and the Jinn will enter Hell. It is so spacious that it would not be filled to its full and would cry for more.

Following verses of the Qur'an draw a horrible picture of Hell and of the life of those who would be thrown into it because of their sins and evil deeds:

- 1) And whoso disobeyeth Allah and His messenger and transgresseth His limits, He will make him enter Fire where such will dwell for ever; his will be a shameful doom. (4: An-Nisa:14)
- 2) Lo! Those who disbelieve Our revelations, We shall expose them to the Fire. As often as their skins are consumed We shall exchange them for fresh skins that they may taste the torment. Lo! Allah is ever Mighty, Wise. (4: An-Nisa:56)
- 3) Theirs will be bed of Hell, and over them coverings (of Hell). Thus do We requite wrong-doers. (7: Al-A'raf:41)
- 4) As for those who will be wretched (on that day) they will be in the Fire; sighing and wailing will be their portion therein. Abiding there so long as the heavens and the earth endure save for that which thy Lord willeth. Lo! thy Lord is Doer of what He will. (11:Hud:106-107)
- 5) Hell is before him, and he is made to drink festering water. Which he sippeth but can hardly swallow, and death cometh unto him from every side while yet he cannot die, and before him is a harsh doom. (14:Ibrahim:16-17)



- 6) These twain (the believers and the disbelievers) are two opponents who contend concerning their Lord. But as for those who disbelieve, garments of fire will be cut out for them; boiling fluid will be pored down on their heads. Whereby that which is in their bellies, and their skins too, will be melted; And for them are booked rods of iron. Whenever in their anguish, they would go forth from thence they are driven back therein and (it is said unto them): Taste the doom of burning. (22:Al-Hajj:19-22)
  
- 7) And those who disbelieve are driven unto Hell in troops till, when they reach it and the gates thereof are opened, and the warders thereof say unto them: Came there not unto you messengers of your own, reciting unto you the revelations of your Lord and warning you of the meeting of this your Day? they say: Yea verily. But the word of doom for disbelievers is fulfilled. It is said (unto them): Enter ye the gates of Hell to dwell therein. Thus hapless is the journey's end of the scorers. (39: Az-Zumar:71-72)

## CHAPTER 19

# SCHOOLS OR SECTS

Fiqh or Islamic Jurisprudence is the science of law which the early Muslims developed (in second and third century of Hijrah) in order to discover what the Shariah prescribes in detail. According to the Jurists, there are four roots or sources from which Islamic law is derived and those are: the Qur'an; the Sunnah or traditions of the Prophet Muhammad (PBUH); the Ijma or the consensus of the community; and Qiyas or analogical reasoning. First two sources are primary and the other two are secondary. If neither of the primary sources helps, then resort may be had to Ijma and if this too does not help, then the last one i.e. Qiyas can be exercised. The process of finding a rule of law by examining the roots is called Ijtihad which means personal intellectual exertion by a qualified legal expert called mujtahid. Principles known as Istehsan or Juristic Equity, Istislah or doctrine of public good, and Istidlal or reasoning guide in interpretation of law or in deducing rules by resorting to Qiyas.

**Sunni Sects:** There emerged four schools of thought or schools of Jurisprudence during eighth and ninth centuries among the Sunnis, namely: The Hanafi School founded by Abu Hanifa (699-767 A.D) a resident of Kufa, known as the greatest Imam, and promoted by his illustrious disciples Abu Yusuf and Muhammad Ash-Shaybani; the Maliki School, founded by Malik-ibn-Anas (713—795 A.D.) who was an inhabitant of Madinah and who wrote a book on traditions of the Prophet known as Kitab-al-Mawatta; the Shafii School, found by Muhammad bin Idris ash-Shafi (767-820 A.D.); and the Hanbali School, founded by Ahmad bin Hanbal (780-855 A.D.) resident of Baghdad who wrote a book on traditions called Musnad-e-Ahmad.

The principles of these four schools of jurisprudence are substantially the same and they differ slightly from each other merely in matters relating to minor details. Followers of Abu Hanifa in India, Pakistan, Turkey and Central Asia form the largest group; Maliki law is followed in North and West Africa; Shafi is followed in Indonesia, Egypt, East Africa and Syria, while Hanbali School is followed only in Arabia.

**Shia Sects:** The above mentioned four schools of law collectively form the Sunni sect of the Muslims which represent 70 to 80 percent of the total Muslim population in the world. The remaining 20 to 30% of the Muslims form another sect or division known as the Shia. According to the Shias, Imamate descended in the Prophet's line by Divine will. They consider that the first three caliphs – Abu Bakr, Umar and Usman—were usurpers and Ali was the rightful Imam as also the caliph. The central religious belief of the Shia is that God has chosen a series of Imams for the leadership of the community. The Imams are endowed with special knowledge or light and they are innocent. Imam cannot be elected by the people but is directly appointed by God and he nominates his successor. According to their belief, Islam cannot be practiced without the guidance of the Imam chosen by God. The major differences between the Sunni and the Shia are relating to the institution of Imam and caliph. However, there are some other differences also which relate to some details of law and theology where the Shias have a more rational tendency. There are some sub-sects or some sub-divisions among the Shia and mainly these are three: First is the group of Twelvers? They form the largest group and follow twelve Imams, the last of whom disappeared. The second group is that of the Seveners who disagreed with others on the question of successor to the sixth Imam. As they followed Ismael, son of Imam Jaafar Sadiq, they are also called Ismailies. Prince Karim Aga Khan is their present Imam who

is the 49th Imam of Ismailis. Another group is called Zaidis who are followers of Zaid, son of 4th Imam Zain-ul-Abidin. They are nearer to the Sunnis in the interpretations of law. The Shia Muslims are fairly widespread in the Muslim world. Mainly they live in Iran, Iraq, South Arabia and countries of Indian sub-continent.

**Mysticism:** This section would remain incomplete if we do not record our brief comments about Mysticism or Sufism. Sufism is neither a sect nor is it a school of Islamic Jurisprudence. A mystic or Sufi may follow any school of fiqh or sect, but as a Sufi he enjoys a different status.

The word "Sufi" is derived from 'suf', the Arabic word for wool, because the earliest Sufis wore rough garments of wool. The wool robes were a form of ascetic self-mortification (Zuhd) for the Sufis and a visible sign of their protest against the worldliness of Islamic society after the end of the pious caliphate. Hasan Basri (d. 728) and Rabia (d. 801) are known among the early Sufis. The Sufi theorists of the early movement produced an elaborate psychology describing the stations (maqamat) and states (ahwal) of the mystical process toward union with God. The stations are those levels which a Sufi can achieve through his own disciplined efforts, while the states are graces bestowed by God when the Sufi has reached the end of his own spiritual ability. These culminated in the experience of extinction in the reality of God, (fana) and, beyond that in the still more valuable experience of subsisting in the divine though living in the phenomenal world (baqa)!

From the twelfth century a new factor was added to Sufism with the formation of organized brother-hood or orders of Sufis. A Sufi order is known as a tariqa or way to attain union with God. Each order was headed by a sheikh or pir who was the inheritor of spiritual knowledge handed down through a series (silsila) of saints (awliya) before him.

The follower of the Sheikh was his disciple (murid), a seeker for initiation into the way of mystic knowledge. Many sufi orders maintained central headquarter, like a monastery, where members lived their regime of discipline and meditation. These places served important social functions for the common people where food, medical care and even financial assistance were often available.

In its later phases, Sufism developed a cult of saints, and this aspect of the movement appeals to ordinary Muslims. Great reverence is paid to Sufi masters who are believed to possess spiritual power (barakah) and the ability to do miracles (karamat). When a saint dies, his tomb becomes a place of pilgrimage for seekers and suppliants, often bringing gifts. For great saints there is an annual festival (Urs), such as that for Data Ganj Baksh in Lahore and many thousands of people visit the saints tomb to pay their respects and offer prayers.

Sufi orders are generally grouped into four, namely: Chishityah, Naqshbandiyah, Suhrwardiyah and Qaderiyah. Saints like Ali Hajveri (known as Data Gunj Baksh) of Lahore, Mueen-ud-Din Chishti of Ajmer, Qutb-ud-Din Bakhtiar Kaki of Delhi, Nizam-ud-Din Awliya of Delhi, Farid Shakar Gunj of Pakpattan and Bhah-ud-Din Zikria of Multan played a great role in conversion of millions of people to Islam in the 11th to 14th century in Indian sub-continent.

## CHAPTER 20

# MISCELLANEOUS

### I- Holy Days and Festivals

**Eid-ul-Fitr:** It is celebrated throughout the Muslim world on the first of Shawal after the end of Ramadhan which is the month of fasting. It is a festival of thanksgiving to Almighty God Who made the Muslims successfully complete fasting. A special prayer known as Prayer of Eid-ul-Fitr is offered two hours or so after the sunrise in a large mosque or in a public place meant for this purpose known as Eidgah. The prayer is a large congregation of the Muslims which is attended not only by almost all male Muslims living in the locality but also by some female Muslims. Before offering this prayer, every well-to-do Muslim pays a compulsory charity to the poor (known as Sadaqat-ul-Fitr) in order to enable the poor to participate in the celebrations. All the Muslims, particularly the children, wear new clothes. People visit each other, exchange gifts, prepare good dishes to eat and enjoy. The occasion is a public holiday for the Muslims.

**Eid-ul-Azha:** It is celebrated on 10th of Zil-Hijjah which is the last month of Muslim Lunar calendar. It is connected with annual pilgrimage but it is celebrated by the Muslims the world over wherever they live although the pilgrimage is performed only at Makkah. All the Muslims put on their best clothes and offer special prayer known as prayer of Eid-ul-Azha in large congregations in big mosques or at places called Eidgah soon after sunrise. After the prayer, they return home and offer animal sacrifice (of a sheep, goat, cow, camel) which is obligatory on every Muslim who can financially afford. Then meat is cooked and eaten while a portion of it is distributed among the poor and those friends

and relatives who have not offered sacrifice. The occasion is a public holiday for the Muslims.

**Eid-i-Milad-un-Nabi:** 12th of Rabi-ul-Awwal, the third month of Muslim calendar, is celebrated as birthday of the Prophet of Islam. Although the Prophet himself or his successors never celebrated this day and there is no religious sanction behind this celebration, somehow the custom has taken roots. Special meetings are held in which life of the Prophet and his achievements are remembered and highlighted. Children especially celebrate the birthday. Places of worship and public buildings are illuminated.

**Shab-i-Miraj:** 27th night of Rajab, seventh month of Islamic calendar, is the night of Prophet Muhammad's ascension to heaven. On this night, the Muslims celebrate with good food and offer prayers.

**Shab-i-Barat:** 15th night of Sha'ban, the month preceding Ramadhan, is known as the night when destiny of the mankind is written. The Muslims offer prayer and seek forgiveness of God especially in this night hoping for good fortune. Children play fireworks.

**Yaum-i-Ashurah:** 10th Day of Muharram, first month of Islamic Calendar, is the day of martyrdom of Hussain, son of Ali and grandson of the Prophet of Islam in 680 A.D. at Karbela, Iraq, by the forces of Ummayyid caliph Yazid. Muslims offer prayers as well as hold meetings wherein the martyrdom of Hussain and his deeds are remembered. The Shiite Muslims especially hold processions and express their grief by weeping and beating their breasts.

## II- Islamic Calendar

Islam follows lunar calendar especially for religious purposes like Fasting, Hajj and Zakah with the result that

the months relating to these rotate from season to season because Solar year comprises 365 or 366 days whereas Lunar year is generally of 354 days. The wisdom of the adoption of the Lunar calendar lies in the fact that it provides the believers opportunity to have experience of all seasons to fast or to perform pilgrimage — moderate season as well as extreme winter and summer. Had the fasting and pilgrimage been fixed in the given months of the Solar calendar — say month of May for fasting and month of July for pilgrimage the people living in the Northern hemisphere had suffered long days of heat and those living in the Southern hemisphere would have short days of winter. This discrimination among the faithful has been avoided by Islam, which is universal religion, by following lunar calendar because it ensures that everyone will taste all seasons turn by turn.

### **III- Language of Islam**

The Qur'an is the word of God and it was revealed in Arabic as language of Prophet Muhammad (PBUH) was Arabic. Thus Arabic is the language of the Qur'an, of the Prophet of Islam and the of wives of the Prophet, whom the Qur'an calls mothers of the believers. So Arabic is in a way mother tongue of the believers. The followers of Islam love Arabic as it is the language of their beloved Prophet and also of their spiritual mothers. They, therefore, recite the Holy Qur'an in Arabic and hold their prayer — services in Arabic. Those whose mother tongue is not Arabic, they learn it at least at elementary level to be able to read the Holy Qur'an and to offer their daily prayers.

Thus religious language or you can say official language of Islam is Arabic. According to a tradition of Prophet Muhammad (PBUH), Arabic would be the language of the inmates of the Paradise in the Hereafter.



Maintaining of the Holy Qur'an in the Arabic language in which it was revealed has helped in persevering the text of the Holy Book in its original form unlike Holy Scriptures of other religions which lost their original text due to their transformation in languages other than that in which they were revealed or written for the first time. Moreover, keeping of the Qur'an and the prayer-services in Arabic language lends uniformity and universality to beliefs and rituals of the Muslims.

## **IV- Conversion to Islam**

Conversion to Islam is very easy as Islam is a universal religion and is not reserved for a particular race or country. Islam, however, does not recognize forced conversion. The conversion should be voluntary, of absolutely free will, in full consciousness of the act. A non-Muslim who intends to embrace Islam is asked first to take a bath in order to purify the body symbolically of the dirt of ignorance and disbelief. Then he is directed to declare, ordinarily in the presence of two witnesses, the following attestation of faith, "I testify that there is no God but Allah and I testify that Muhammad is the messenger of Allah". If the name of the new convert has any un-Islamic trait, then it is changed to some Islamic name in Arabic. In the case of conversion of a married man to Islam, his marriage with a Jew or Christian woman continues undisturbed even if she does not accept Islam; but if it is with a woman belonging to some other faith, then the marriage would dissolve if the wife does not embrace Islam after having been given reasonable time to do so. In the case of conversion of a married woman, her marriage with non-Muslim belonging to any faith including Judaism and Christianity would dissolve if the husband does not embrace Islam despite reasonable time given to him for doing so.