

Islamic Studies for 'A' Level
Volume 3

FIQH AND TAWHIED



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Volume 3

FIQH AND TAWHEED

Islamic Education Panel

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PREFACE

The Book Islamic Studies for ‘A’ Level-Volume 3 which includes Fiqh and Tawheed intended for Advanced Level Students in Tanzania .

This Book covers the following topics; Broad Definition of Islam, Worship in Islam, The Five Fundamentals of Islam, Article of Faith, Islamic Political System, Islamic Economic System, Cultural aspects of Islam (ethical view points), Islamic Legal Science and Development of Islamic Legal System, Islamic Criminal Law, Family Law, and Qur’anic Laws on Inheritance, Contracts Business, Trade and International law.

This book contains Seven chapters. At the end of some chapters, there are review questions covering Important aspects of the text material.

Students are advised to answer all the questions in order to asses the mastery of the subject matter

Islamic Education Panel
May, 2006.

CHAPTER ONE

WORSHIP IN ISLAM: ITS MEANING AND IMPLICATIONS

Cardinal concepts of Islam:

Islam is a complete way of life that covers all affairs of man's life *physically, mentally and spiritually*. It is the only religion when followed men will realize the truth and meaning of life on earth and hereafter. The true peace and harmony, which are important goals esteemed by man can only be achieved when mankind is guided by Islamic norms.

The understanding of the concepts: *sovereignty of Allah* and *vicegerency of man* naturally pushes man to follow Islam. Let us pass through on these concepts.

Sovereignty of Allah

Sovereignty of Allah, requires one to agree that the universe is neither creation of many gods nor a chance creation. The laws of Allah on man are natural. Allah is omnipotent, omniscient. Allah encompasses whatever comes in mind of man. Allah should be realized through reasons and not dogmatically.

Vicegerency of man

Vicegerency of man implies that man should realize that he is a creation of Allah and his life purpose

is to be tested hence he is not a chance creation. Man should realize his life mission and struggle hard to attain it. He is to follow the injunction of his Creator thus not free to do what he likes. Man has to surrender account of his struggle to fulfill his life mission on the day of resurrection. There shall be compensation after surrendering on account, one shall be condemned to hell fire for bad deeds and the other shall be sent to paradise for their good deeds.

Misconceptions of worships

The prophet (s.a.w) has said; “*Buniyal Islam ‘ala khamsatin*” That is, Islam is founded or built of Five fundamentals”. This tradition has led to a serious misconceptions about the real meaning of Ibadat or worship in Islam at three levels.

First level, there are those who think that Islam is confined to five fundamentals only and nothing more than their observance alone is required to a perfect ideal Muslim. He, who has performed them correctly with all the Fiqh relating to their observance, has fulfilled the demands of Islam. Consequently, according to them, the knowledge about the Fiqh of the performance of Swalat, keeping of fast, payment of Zakat and performing Hajj (pilgrimage), is the sole knowledge about Islam. This misconception reduces Islam to five worships or Ibada and makes them rituals and ends in them.

The greatest harm which this interpretation

Ibadah (worships) has done is that; it gives a very inadequate picture of both Ibada and Islam. Even though a mind given to it might refrain itself from individual moral vices which is very doubtful if it will be able to refrain; it goes against saying that there is the necessity, the importance and the significance of establishing complete Islam with its entire system of life. It is thus amazing that such a clear tradition of the Prophet (s.a.w) as said that Islam is built of five pillars should have been misconstrued. No doubt, that there can be no Islam without five fundamentals, just as there can be no building without the erection of beams, but just as the beams of building can never be the whole building, so like-wise the five fundamentals can not be the whole Islam.

Second level of misconception is rooted on the notion that, worship is means to wash away sins. It is true that worships may wash out sins and Allah may forgive any amount of sins. This is true and there is no doubt about it. But this is possible only if the man repents his sins refrains himself from committing any more. Therefore, it is more absurd, to keep doing sins, thinking that they will be washed out by worships. For this reasons, not true religious person will ever have the courage to attribute such purpose and significance of worships as would grant him the license for doing evil. But this notion (the notion that worships are means of washing away sins) has another limitation. How can a person's worship compensate for the injustices done, rights violated, money exploited, the frauds played against men and action? In fact there is no way of

washing out sins, which are result of evil committed against a person either in his personality or his property, except by apologizing him. In order to get rid of repeated evils we must imbibe an individual the repentive attitude and cultivate in him a mind as should not only stop him from doing evil any more, but also prompt him to redress the wrong done, and practice for greater amount of virtue than the evil he did. It is in connection with this, the Holy Prophet (s.a.w) has made it clear to such people as that;

“Those who will be Khamsa Swalawat, yet live an immoral sinful life on the day of judgment they will be losers and their worships will do them no good”

Third level, there are those who contend that since these worships are means to certain end not end in them they can be changed and modified according to the temporal requirements. To rationalize their position further they make a distinction between the exoteric and esoteric (*Tariqa* and *Haqiqa*) and contend that the former is for the common man incapable of grasping the hidden secret of faith where as the later is meant for the selected ones. This thinking is no doubt unfounded since it is based on innovations about which the Prophet remarked.

“Any innovation goes astray leads to hell”

Added to this is the fact that, are the five fundamentals are the only revealed means realizing the Islam ideal? So if there are other means, apart from

the five fundamentals however hard and spiritual they might appear to practical, they only lead to the realization of the other ideals such as those of ascetics, mystics or the Sufis but not the Islam ideal individual and social perfection that can lead to establishment of the divine Kingdom on earth. Therefore, it will not be wrong to assert that, people who turned to the Islamic worships could only do so because they have lost site of the Islamic ideal.

So far, we have seen the misconception of Ibadah. Now let us examine the meaning of the word *Ibadah* by the roots of the word itself. The word appears in the Qur'an in this verse: -

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ ﴿٥٦﴾

*“ I have not created the Jinn and Humankind for any other purpose except that they should **worship** Me”.*
(51:56)

From this verse, it is clear that the word Ibadat is derived from ‘**abd**’ which means ‘slave’. Thus Ibadat is servitude or slavery. So Ibadah as our life purpose is to obey the law of Allah (s.w) in every step and condition and free ourselves from the shackles of every such law as is opposed to the law of Allah (s.w). Every action of ours should be in conformity with the method laid down by Allah (sw). As such the life that, we shall live in this manner will be an embodiment of *Ibadah* (worship). In such life our being asleep, being awake, taking food

and drinking water, moving about and talking are all *ibadat*. So much so that even the kissing of a child is *Ibada*. So the deeds which we normally call worldly are in fact religious acts and *Ibadah* provided in their performance, the limits of Allah are observed and are done so as to seek the pleasure of Allah. This is the broad concept of *Ibadah*. And the five fundamentals which we usually terms as worships in Islam, under the divine guidance, are so devised and arranged that their regular practice must make the performers, men and women of such strong faith and virtuous character as must never do anything against the will of God.

So that the twenty four hours of their daily life will be dedicated to the service of their One Sovereign Lord. This attitude combined with full awareness of the ideal must eventually lead to the establishment of man's vicegerency and God's Kingdom on earth.

In the light of the foregoing we can conclude that, *Ibadah* is servitude of Allah throughout our lives and the five fundamentals are mere means to enable us to realize this ideal.

This contention is well covered on the broad objective of the five fundamentals as follows: -

- (a) Pronouncement of *Shahada* (testification of Allah's Sovereignty and Prophethood of Prophet Muhammad (s.a.w) supplies nothing more than living in according with the word of testification (2:208)

- (b) As for the five daily prayers the broad or general objective is;

... وَأَقِمِ الصَّلَاةَ إِنَّ الصَّلَاةَ تَنْهَى عَنِ
 الْفَحْشَاءِ وَالْمُنْكَرِ ﴿٤٥﴾

“...Establish regular Swalah for Swalah restrains from Shameful and unjust deeds.....” (29:45)

- (c) When we come to Zakaat we are also given the general objectives as:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا... ﴿١٠٣﴾

“Take alms out of their property. You cleanse them and purify them hereby” (9:103)

- (d) Coming to fasting the general objective is prescribed as to become God concious servants.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا
 كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ ﴿١٨٣﴾

“O you who believe! Fasting is prescribed for you as it was prescribed to those before you that you may become Al-Muttaqun (The pious)”. (2:183)

(e) As for Pilgrimage we are told:

وَإِذْ بَوَّأْنَا لِإِبْرَاهِيمَ مَكَانَ الْبَيْتِ أَنْ لَا تُشْرِكْ بِي شَيْئًا وَطَهِّرْ بَيْتِيَ لِلطَّائِفِينَ وَالْقَائِمِينَ وَالرُّكَّعِ السُّجُودِ ﴿٢٦﴾ وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ يَأْتُوكَ رِجَالًا وَعَلَى كُلِّ ضَامِرٍ يَأْتِينَ مِنْ كُلِّ فَجٍّ عَمِيقٍ ﴿٢٧﴾ لِيَشْهَدُوا مَنَافِعَ لَهُمْ وَيَذْكُرُوا اسْمَ اللَّهِ فِي أَيَّامٍ مَعْلُومَاتٍ عَلَىٰ مَا رَزَقَهُمْ مِنْ بَهِيمَةِ الْأَنْعَامِ فَكُلُوا مِنْهَا وَأَطِيعُوا أَمْرَ الْفَقِيرِ ﴿٢٨﴾

“And remember when We pointed the site, to Ibrahim, of the (sacred) House, (saying); “Associate not any thing (in worship) with Me; And sanctify My house for those who compass it round, or stand up. And proclaim the Pilgrimage among men; they will come to thee on foot. and (mounted) on every camel, learn (onl account of journeys) though deep and distant Mountain highways; that they may witness the benefits (provided) for them...” (22:26 - 28)

From this survey, it goes without saying that the five fundamentals are training institutions intended to provide teachings which will help a believer to realize the objective of his life here on earth.

Let us now look at the teachings imparted by the five fundamentals.

Meaning and implications of shahada (kalimat shahaadat)

One becomes a Muslim by Reciting *Kalimat Shahaadat*.

“Laa Ilaha Il-lallah Muhammadar-Rasuulullah”

There is no god but Allah Muhammad is the Messenger of Allah.

On uttering these words called “*Kalimat*” one becomes a Muslim. The question is how does the Pronouncement of these very words make man become a God conscious person?

In the first place a man who utters these words undergoes a remarkable transformation as A. A. Maududi put it that: - “From a Kafir he turns into a Muslim; He was impure before, but now he is pure. From being liable to divine wrath, he becomes a beloved of Allah (s.w). He was destined to hell, but now the gates of heaven are open for him”. Those who recite this *Kalimat* become consolidated in one community of Muslim brotherhood. But uttering this *kalima* is just the key to open the door of living a virtuous life.

Is it enough that now you have embraced Islam by the lip service of LAA ILLAHA ILLA LLAH? What do you confess in this *Kalimat* that makes you a transformed person? Let us analyze the covenants of pledges one is undertaking with Allah (s.w) on uttering this *Kalima*.

In the first place, you acknowledge the Existence of Allah (s.w) you believe and accept His Existence. This entails knowing through the reasons, which prove His Existence. That is accepting Allah’s existence is not a blind faith(dogma) as to the others particularly the atheists think. It is with an-irrefutable reasons. In fact three quarters of the Qur’an authenticates the existence of Allah. The Existance of Allah (sw) can be proved in the following areas as pointed out in the Holy Qur’an:-

(i) In the universe – “*Ayat fis Samaawaat wal ardh*”

وَكَأَيِّن مِّنْ آيَةٍ فِي السَّمَوَاتِ وَالْأَرْضِ يَمُرُّونَ
عَلَيْهَا وَهُمْ عَنْهَا مُعْرِضُونَ ﴿١٠٥﴾

“*And how many are the signs in the heavens and the earth, yet they pass by and pay no heed to them?*”
(12:105)

(ii) In man himself – “*Ayat fii anfus*”

“*And in your own selves (are sign for existence of Allah)*”

أَوَلَمْ يَتَفَكَّرُوا فِي أَنفُسِهِمْ ۗ ﴿٨﴾

“*Have they never reflected in their own selves?...*”
(30:8)

(iii) In the lives of the Prophets – Ayat Fii hayaatil Anbiya:

وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا اللَّهَ
وَأَجْتَنِبُوا الطَّاغُوتَ... ﴿٣٦﴾

“For We assuredly sent amongst every people a Messenger with the (command) “serve Allah and eschew evil”... (16:36)

تِلْكَ الْقُرَىٰ نَقُصُّ عَلَيْكَ مِنْ أَنْبَاءِهَا وَلَقَدْ جَاءَتْهُمْ
رُسُلُهُمْ بِالْبَيِّنَاتِ

“Such were the towns whose story we (thus). Relate unto thee. There came indeed to them their apostles with clear (sign)...” (7:101)

(iv) In the teachings of Prophets Ayat Taalim Anbiya:

أَفَلَا يَتَدَبَّرُونَ الْقُرْآنَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ
لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا ﴿٨٢﴾

“Do they not consider the Qur-an (with care) had it been from other than Allah they would surely have found there in much discrepancy?” (4:82)

Thus, accepting Allah’s existence is not without reasons. Therefore one who confesses shahadah is actually saying that Oh! Lord: I have no doubt in your Existence and I intelligently accept all the reasons you have propounded proving your existence. In fact are the atheists of Marxists who use deceit and treachery on the question of believing in Allah as Lenin Said: -

“We must be ready to employ treachery, deceit, law breaking, withholding and concealing truth, as much as we can and must write in language which saw among the masses hate, confusion, scorn and the like towards those who do not agree with us” ²

After acknowledging the existence of Allah (sw) and that He is the Creator of the Universe, the second covenant or pledge you enter with Allah (sw) in utterance of “*Laillaha illallah*” is acceptance of His Sovereignty, which is due to Him alone not the individual, the ruler(s) or the State or Parties. Sovereignty implies four concepts. The first is envisaged in the following verses:

إِنَّكَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿٣٦﴾

“...Verily over all things You have power”. (3:26)

² Hery Harlist. “The foundation of Morality pg. 340

وَاللَّهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ

قَدِيرٌ ﴿١٨٩﴾

“To Allah belongs the dominion of the heavens and the earth, and Allah Has power over all things”. (3:189)

So, belief in Allah is not limited to Creator God but also extends to belief in a sovereign God whose authority or law must be held Supreme. So the first concept in the sovereignty of Allah is that His Law is Supreme over all Creation.

إِنَّ رَبَّكُمُ اللَّهُ الَّذِي خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ فِي سِتَّةِ
أَيَّامٍ ثُمَّ اسْتَوَىٰ عَلَى الْعَرْشِ يُغْشَى اللَّيْلَ النَّهَارَ يَطْلُبُهُ
وَحَثِيثًا وَالشَّمْسَ وَالْقَمَرَ وَالنُّجُومَ مُسَخَّرَاتٍ بِأَمْرِهِ
﴿٥٤﴾ أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ

“Your Guardian Lord is Allah Who created the heavens and the Earth in six days and is firmly established on the throne (of Authority). He draws the night as a veil over the day, each seeking the other in rapid succession: He created the sun, the moon, and the stars, all governed by laws under His command. Blessed by Allah the cherisher, and Sustainer of the worlds!” (7:54)

From the above, we can discern the second concept of sovereignty of Allah, which is that man, is the born subject of Allah’s Kingdom. We can thus rightly argue that sovereignty of Allah means servitude to Him or vicegerency of man on earth. Hence it is in His exclusive right that man should not only worship Him or bow down to Him but also he must serve Him. Obey His laws unconditionally, take for granted as Halal, (lawful and pure) what He recommends and as Haram, (unlawful and impure) what He forbids:

■ **إِنِ الْحُكْمُ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ﴿٤٠﴾**

*“...The command is for none but Allah He has commanded that you serve (worship) **NONE** but **Him**: that is the right religion, but most men understand not” (12:40)*

Thus pronouncement of Shahadat, which does not stir in man establishment of God’s Kingdom on earth, is a belief without meaning and implication.

Sovereignty of God also implies **unique** of the Creator as opposed to Shirk:

قُلْ هُوَ اللَّهُ أَحَدٌ ﴿١﴾ اللَّهُ الصَّمَدُ ﴿٢﴾ لَمْ يَلِدْ وَلَمْ يُولَدْ ﴿٣﴾ وَلَمْ يَكُنْ لَهُ كُفُوًا أَحَدٌ ﴿٤﴾

“He is Allah, the One and Only One (Ahad), the Eternal Absolute (Samad), He begets not, nor is He begotten and there is none like unto Him. (112: 1- 4)

هُوَ اللَّهُ الَّذِي لَا إِلَهَ إِلَّا هُوَ عَالِمُ الْغَيْبِ وَالشَّهَادَةِ هُوَ
الرَّحْمَنُ الرَّحِيمُ ﴿٢٢﴾ هُوَ اللَّهُ الَّذِي لَا إِلَهَ إِلَّا هُوَ
الْمَلِكُ الْقُدُّوسُ السَّلَامُ الْمُؤْمِنُ الْمُهَيَّمِنُ الْعَزِيزُ
الْجَبَّارُ الْمُتَكَبِّرُ سُبْحَانَ اللَّهِ عَمَّا يُشْرِكُونَ ﴿٢٣﴾
هُوَ اللَّهُ الْخَلِيقُ الْبَارِئُ الْمُصَوِّرُ لَهُ الْأَسْمَاءُ الْحُسْنَى
يُسَبِّحُ لَهُ مَا فِي السَّمَوَاتِ وَالْأَرْضِ وَهُوَ الْعَزِيزُ
الْحَكِيمُ ﴿٢٤﴾

“He is Allah, beside Whom None has the right to be worshipped but He the Allah Knower of the Unseen and the seen. He is the Most Gracious, the Most Merciful.

He is Allah beside Whom none has the right to be worshipped but He) the King, the Holy, the One Free from all defects, the Giver of security, He the Watcher over His creatures, the Almighty, the Compeller, the Supreme. Glory be to Allah! (He is the) above all that they associate as partners with Him.

He is Allah, the Creator, the Inventor of all things, the Best over forms. To Him belongs the Best Names. All that is the heavens and the earth glorify Him.

And He is the Almighty, the wise. (59:22 – 24)

هُوَ الْأَوَّلُ وَالْآخِرُ وَالظَّاهِرُ وَالْبَاطِنُ وَهُوَ بِكُلِّ شَيْءٍ
عَلِيمٌ

“He is the First (Al-Awwal), and the Last (Al-Akhir),
the Evident and the Immanent (Az-Zahir wal- Batin)
and He has full knowledge of all things” (57:3)

In this **unique**, Allah has His Attributes or excellent
Names as stated in:

وَلِلَّهِ الْأَسْمَاءُ الْحُسْنَىٰ فَادْعُوهُ بِهَا

“Allah is entitled to Most excellent Names so call Him
by excellent names only” (7:180)

These Beautiful Names of Allah have been stated to be
Ninety nine (99) in the following Tradition:

“Said the Messenger of Allah: Behold god the Exalted
hath ninety-nine names. Whosoever, reciteth them shall
enter heaven” (Abu Hurayrah, Tirmidh)

The Names include; **Arrahman** (the Beneficent,
the Gracious, the compassionate). **Arrahiym** (the
Merciful). **AL-Malik** (the King; the Sovereign Lord).
AL-Quddus (the Holy), **As-Salam**, **Al-Moomin**, **Al-
Muhaymin**, **Al-Aziz**, **Al-Jabbaar** etc.

As noted above, Sovereignty of Allah is opposed to shirk. It is imperative to know the dimensions of Shirk in the context of the Qur'an, which is of three fold. Firstly is to associate Allah with His creation, which is usually referred to as "**Shirk Fii Dhat**". Secondly is **Shirk Fii Sifaat** i.e. Associating Allah in His Attributes or qualities as already mentioned. For example they ascribe some of the exclusive qualities and powers of Allah to others and render all or some of His exclusive rights to false gods. For instance, though Allah alone has control over all the needs of His creatures and to hear their prayers and requests, and although He alone knows all that is open and hidden, yet they invoke others for help, or attribute all or some of these powers and qualities to others than Allah; and thus set up compares to rank with Him.

Again, it is the exclusive right of Allah that His subjects should acknowledge Him as the supreme authority, bow down their heads before Him and fear Him alone in open and secret. But as they render all or some rights to other than Allah, they set up comparers to Him. Then, Allah alone is entitled to prescribe what is lawful and what is unlawful, what is clean and what is unclean. He alone Has the authority to define the rights and duties of His subjects, lay down the commands and prohibitions for them etc. Therefore, those who abrogate to themselves any of these rights shall be guilty of shirk. Again, He alone deserves to be acknowledging as the sovereign and, as His subjects, people should consider His commandments to be final and turn to Him for guidance. Therefore, those who

ascribe any of these rights to other than Allah, set up comperes to Him likewise those institution or persons who claim to possess any of these qualities or rights, they set themselves as comperer to Allah, whether or not they put forward claims to go-head.

Thirdly is **Shirk fii Ikhtiyar** (i.e. setting comperes with Him) in matters of His injunction. That is it is the exclusive right of Allah to prescribe for His creatures what is Maaruf (ie. What is good for manking) and Munkar (ie. What is evil for mankind).

We can in short argue that, shahadah implies total submission to His injunctions; ie. Living in accord with His injunctions in every second of ones life.

The second part of Shahadah is “*Muhammad Rasullullah*” That “I confess Muhammad is the Prophet of Allah (s.w)”. After acknowledging Allah (s.w) as our Master and Sovereign. It was necessary to know what are His Commandments what deeds should we perform so as to please Him and which deeds should we refrain to avoid His displeasure. What should be the Law of life which we can merit His sovereignty and that by violating which law will He punish us?³ Allah (s.w) appointed Muhammad (s.a.w) as His messenger to explain and show the Right way of life practically. So when we say “*Muhammadur-Rasulullah*” you enter into covenant with Allah that you undertake, to follow the law and system shown by him which is stressed by the following:

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ
 وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٣١﴾ قُلْ
 أَطِيعُوا اللَّهَ وَالرَّسُولَ فَإِنْ تَوَلَّوْا فَإِنَّ اللَّهَ لَا يَحِبُّ
 الْكَافِرِينَ ﴿٣٢﴾

“(O Prophet), tell the people if you sincerely Love Allah follow me; then Allah will love you and forgive your sins, for He is forgiving and Merciful” Also say to them: “Obey Allah and His Messenger, and if in spite of this, they do not accept your invitation, (Warn them that) Allah does not love those who refuse to obey Him and His Messenger”. (3:31-32)

From these verses, it is evident that a believer who loves Allah (s.w) sincerely has to follow the footsteps of the Prophet (s. a. w) and that any deviation from the way of the Prophet (s.a.w) is Kufr (rebellion) and disbelief as stipulated in Suratul Maidah (5) verse 44;

﴿٤٤﴾ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

“....Those who do not judge by the law which Allah has sent down, are indeed disbelievers”. (5:44)

Judging here is not confined in court cases only but any judgment one makes contrary to the word of Allah (s.w) in our daily deeds is disbelief; It involves eating, dressing, talking, walking, sleeping, buying and

selling etc, are to be conducted in accordance to the guidance of Allah(s.w).

For this reason, the only correct way of confessing the Prophethood of Muhammad (s.a.w) is to follow his example fully as stressed in Suratul Ahzab verse 21.(33:21)

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ
يَرْجُوا اللَّهَ وَالْيَوْمَ الْآخِرَ وَذَكَرَ اللَّهَ كَثِيرًا ﴿٢١﴾

“You have indeed in the apostle of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and the Final Day who engages much in the praise of Allah”. (33:21)

It is out of this commandment why Allah (s.w) categorically declares in Suratul Hashir 59 verse 7 that;

وَمَا آتَاكُمْ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا
وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ﴿٧﴾

“Take what the apostle has assigns to you, and deny yourselves that which he withholds from you. And fear Allah for Allah is strict in Punishment. (59:7)

It is evident for a believer in the Prophet has to follow the teachings of the Prophet without reservation and exception and he has to eschew all that what the Prophet has forbidden.

We all know that in matters related to the practice of the five fundamentals we strictly follow the Prophet. For example, in all matters related to daily prayers, fasting, payment of Zakat and Performance of pilgrimage. But in marriage and funeral ceremonies, we doubtless follow the guidance of others!

This point will Insha-Allah be very clear when we cite practical example.

In politics the Muslim have ceased to follow the political system ordained by Allah (s.w) and instead they follow the East- West, the so-called non-aligned kingship, monarchies etc. So, even our ethics and morals, also its foundation may be of our tribes and nations but not of Islam.

In law, we follow the common law, state law, tribal law and the so-called International laws. where as the law and order from Allah (s.w) remain in Qur'an pages worth for reading only. The same applied to our economic, and cultural systems they are not Islamic but in other aspects is pursued with greatest zeal.

This is the major contradiction we are manifesting in practical life in day to day life; because in five fundamentals we follow the Prophet strictly but on practical life we neglect completely the teachings of the Prophet and follow infidels and mushriks.

Such outlook of neglecting the teaching of the Prophet (s.a.w) in practical life is not only hypocrisy

but also disbelief and rebellion as Suratin Nisaai verse 61 and 63 declares:

وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنزَلَ اللَّهُ وَإِلَى الرَّسُولِ
رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنكَ صُدُودًا ﴿٦١﴾

“ And when it is said to them come to that thing which Allah (s.w) has sent down to the Messenger you see that the Hypocrites show hesitation coming to you”. (4:61)

The question is, what does coming to the Messenger means. Is not following his teachings in day-to-day life? This is so because if the meaning of believing is the praised of the Prophet as *al Amin* and *As-Sadiq (Truthful and Truthworthy)* on the contrary they hated him and attacked him from all possible corners when he addressed them to believe in Allah (s.w), live in accord with His injunctions and warned them that all the evils that are Prevalent in the world is a result of wrong belief or disbelief.

Similarly, it remains a fact that for the Muslims today belief in the Prophet is reduced to singing of his praises and commemorating his birthday. But when it comes to follow his injunctions we follow other guidance contrary to what he taught. Again the question before us is that, how do we differ from the disbelievers and hypocrites of the time of the Prophet who kept praising him, but turned against him and fought him when he wanted them to follow his teachings.

It is therefore evident that Shahadat in the Prophet, implies following his teachings in day to day life. On the contrary, going against the teachings of the Prophet is disbelief.

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ
 فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي سِي
 أَنْفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا
 تَسْلِيمًا ﴿٦٥﴾

“Nay O Muhammad, by your Lord, they can never become Believers until they accept you as a judge for the decision with entire submission without feeling the least resentment in their hearts. “(4:65)

This verse necessitates every believer in the Prophet to adhere very strongly to the way of life taught by the Prophet and ignores in total any other way of life besides the way of the Prophet. Short of which our Shahada will remain useless utterances and lip services only.

SWALAT AND ITS IMPLICATION

The place of swalah (five daily prayers) in the practical life of muslims

We have repeatedly stressed that, the five

fundamentals are training institution intended to impart teachings to enhance a strong character that may transform a believer and drive him to live a virtuous life. or God conscious life. On the previous pages we have shown how Shahadat can promote that, it is therefore intended in this treatise to analyze the teachings acquired by performing Swalah, which if applied in daily life may enable an individual to become a God conscious person.

Starting with ablution the Qur-an runs thus:

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا
 وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا
 بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ
 كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ
 عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ
 أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا
 صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ
 مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَا يَكُن
 يُرِيدُ لِيُطَهِّرَكُمْ وَلِيُتِمَّ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ
 تَشْكُرُونَ ﴿١﴾

“O you who believe, when you rise up for prayer, wash your faces, and your hands to the elbows, rub your hands (with water) and (wash) your feet to the ankles. And if your feet to the ankles. And if you are in a state of ceremonial impurity , Bathe your whole body, But if you are ill or on a journey, or one of you come from the privacy or you have been in contact with women and you find no water then take for yourselves clean sand on earth and rub therewith your faces land hands....Allah desires not to place in you difficulty, but He wishes to purify you, so that you may show gratitude...”. (5:6)

وَتِيَابَكَ فَطَهِّرْ ﴿٤﴾ وَالرُّجُزَ فَاهْجُرْ ﴿٥﴾

*And thy garments do purify and uncleanness do shup.
(74:4-5).*

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَىٰ
حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ
حَتَّىٰ تَغْتَسِلُوا... ﴿٤٣﴾

*“O you who believe, approach not prayers in a state of
Intoxicaton until you can understand all that you
say...”. (4:43)*

All in all, three things are mentioned, purity of soul (*Nafs*) cleanliness of Garments, body and the place of worship. Swalah thus teaches purity of mind in that on hearing the Adhana Muslims respond by going to the mosque and leave everything else.

It implies that, the word of Allah (s.w) has to be followed fully not only in Swalah but in all works of life. A Muslim who therefore responds to five daily prayers is expected in between the prayers to adhere to the word of Allah as he responded to it on hearing the Adhana. Such a person no doubt has purity of mind and attitude.

As on the physical and static cleanliness and neatness as mentioned on the foregoing verses is part and parcel of Islamic teachings. A Muslim who therefore goes to pray is taught to remain clean in all types of dirtiness static and physical. This lesson is not only Islamic on hygiene grounds, but keeps the individual in Islamic ethics of cleanliness. Such a person will also dress Islamically and in doing so he develops and maintains the Islamic culture and norms of Dress.

Let us connect the point of purity of cleanliness with that of Allah's Sovereignty, which is taught by the Adhana. In the Adhana we are reminded of the sovereignty of Allah (s.w), which implies establishing His Kingdom on earth.

يَتَأْتِيهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ
الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ
خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ ﴿٩﴾

“O you who believe when the call is proclaimed to Prayer on Friday Hasten earnestly to the Remembrance of Allah, and leave off business”. (62:9).

Thus the Muslims have not only to respond to Adhana by going to Mosques but it is more than that. The Muslims are reminded of their life mission both inside and outside the Mosques of establishing the sovereignty of Allah. A community which establishes the Sovereignty of Allah (s.w) is a sanctified one, in this practice Swalah becomes a means of living a virtuous life. It is not out of place to quote here the life mission of the Muslims stipulated in the Our-an. Your talk is to enjoining righteousness on all and prevents them from misdeeds, and believes in Allah. (3: 110).

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا
 شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ
 شَهِيدًا... ﴿١٤٣﴾

“And thus we have made you the best community so that you be witness against mankind ...” (2: 143)

وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنكُمْ وَعَمِلُوا الصَّالِحَاتِ
 لِيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ... ﴿٥٥﴾

“Allah has promised such of you as believe and do good works that He will surely make them His caliph in the earth....” (24:55).

وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ
 كُلَّهُ لِلَّهِ... ﴿٣٩﴾

“And fight them till the mischief of servitude to other than Allah is annihilated and the worship is completely for Allah alone”. (8:39)

Like other institutions, Swalah creates a God conscious person or God consciousness. This is verified by a number of injunctions in the prayer. For example, Swalah is offered when one has ablution. But if one stands to pray without ablution, no body can know except himself and Allah (s.w) and many other similar examples. But no one does such things when praying because he is sure that Allah (s.w) hears him and sees him in what ever he undertakes. In this way, fear of God is inculcated. It is thus needed after Swalah that Allah in all works of life is to be adhered to. It is such remembrance of Allah (sw) which is stated as a means of eschewing evil.

وَاقِمِ الصَّلَاةَ
إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَلَذِكْرُ
اللَّهِ أَكْبَرُ وَاللَّهُ يَعْلَمُ مَا تَصْنَعُونَ ﴿٤٥﴾

“Establish the Salat surely Salaat restrains from indecent and evil acts, and the remembrance of Allah is a thing even greater than this”. (29:45)

In so doing Swalah becomes a tool for creating a God conscious person and community. Swalah inculcates a sense of time:

... فَأَقِيمُوا الصَّلَاةَ إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ
 كِتَابًا مَوْقُوتًا ﴿١٠٣﴾

“... Establish regular Swalah for swalah is enjoined on believers at stated time”. (4: 1 03)

One of the favours of Allah (s.w) on us is time. The Prophet said:

“No man will raise his foot on the day of judgement without being asked how he used his youthhood.”

In many verses of the Our-an Allah (s.w) implied sense of time;

By (the Token of) Time. (103: 1). وَالْعَصْرِ ﴿١﴾

وَالْفَجْرِ ﴿١﴾ وَلَيَالٍ عَشْرٍ ﴿٢﴾

“By the Break of the day, by the Nights twice five”. (89: 1-2)

The point aimed is that time is one of favours of Allah (s.w) and we shall be questioned for use of this favour scarce resource.

ثُمَّ لَتُسْأَلُنَّ يَوْمَئِذٍ عَنِ النَّعِيمِ ﴿٨﴾

“Then you shall be questioned that day about the favours (Bestowed on you)”. (102:8).

Hence, Swalah has been ordained at prescribed times to teach us a sense of time in our day to day activities and that we should not indulge in useless things. Doubtless a person of such behaviour has benefited from Swalah.

A sense of time is closely connected with a sense of duty and responsibility which is another teaching, Swalah developed in a Muslim. A believer who offers Swalah, regularly feels a sense of duty to Allah (s.w) in all of his actions. Such a person will doubtless be conscious of his obligations to other individuals and society. A man who is conscious of his obligation to Allah (s.w) and his society is a God conscious person.

Sense of time and duty goes together with practice of obedience or training in obedience. By responding to the call of Prayer, Muslims five times a day are taught to obey the injunctions of Allah (sw). Is thus inculcated in a believer and if he transfers this teaching outside the mosque he doubtless becomes a sanctified person and in this way Swalah becomes a means of becoming a God conscious person.

Swalah stands as a tool of imbibing patience and perseverance. In Islamization process, a believer meets unbearable obstacles, which he has to over come. Instead of being frustrated, dishearten, discouraged and loose hope, he is needed to stand firm and meet the

challenge. It is Swalah that imbibes patience and firmness.

يَتَأَيُّهَا الَّذِينَ ءَامَنُوا اسْتَعِينُوا بِالصَّبْرِ وَالصَّلَاةِ إِنَّ
اللَّهَ مَعَ الصَّابِرِينَ ﴿١٥٣﴾

“O you who believe: seek help with patient (Perseverance) and Prayer; for Allah is with those who patiently persevere”. (2: 153).

And in this way, Swalah becomes a means of being raised to Laudable position as stipulated in 17:79 thus:

وَمِنَ اللَّيْلِ فَتَهَجَّدْ بِهِ نَافِلَةً لَّكَ عَسَىٰ أَن يَبْعَثَكَ
رَبُّكَ مَقَامًا مَّحْمُودًا ﴿٧٩﴾

“And so far the night keep awake a part of it as an additional prayer for you. Soon will your Lord raise you to a station of praise and glory!”. (17:79).

One who is raised to such status is no doubt a God conscious person.

On reaching such a position Swalah becomes a means of contentment;

الَّذِينَ ءَامَنُوا وَتَطْمَئِنُّ قُلُوبُهُمْ بِذِكْرِ اللَّهِ أَلَا بِذِكْرِ
اللَّهِ تَطْمَئِنُّ الْقُلُوبُ ﴿٢٨﴾

“They are those who believe and whose hearts find satisfaction in the remembrance of Allah, for without doubt in the membrane of Allah hearts do find satisfaction.”(13:28)

It does not need to stress that, remembrance of Allah (s.w) can't be done by a man who is not God conscious. Hence Swalah is a mechanism of sanctify.

Swalah has practical value in practical life because it provides opportunity for knowing Allah's commandments. This is attained through the recitation of the Our-an in swalah. Out of this practice, man is reminded of Allah's Laws and injunctions, which he is to follow in his day-to-day life.

Swalah is the foundation of social organization of Muslim community. No community can live and survive without proper organization and social discipline. Man is a social being, his entire life is fired up with his relatives, friends, neighbours and other companions of life in multifarious ways. Individual efforts cannot fight against the united forces of evil. It is thus absolutely necessary for Muslims to organize themselves in a one solid Block - Ummah.

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ
بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ
بِاللَّهِ



“You are the best Ummah evolved for mankind, enjoining what is right, forbidding what is wrong and believing in Allah”. (3:110).

Swala thus assists in building the whole structure of community organization, and social discipline. It is for this reason why congregational prayers are a must for Muslims.

The Prophet (s.a.w) is reported to have said that, he fills to set fire houses of those who do not go out on hearing the Adhana. Not only that, but a slight weakness on this organization shatters the whole superstructure of its social system and gradually destroys the superiority of the Muslim community.

﴿فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ
وَاتَّبَعُوا الشَّهْوَاتِ فَسُوفَ يَلْقَوْنَ غِيًّا﴾
﴿٥٩﴾

“Then came after them an evil generation who neglected Swalah and followed after lusts soon then, they will face destruction”. (19:59)

Community organisation goes together with inculcating a sense of fraternity or Muslim Brotherhood, and equality. Irrespective of colour, status, race, nationality or wealth; believers stand in Swalah before their Lord in rows of equals. There is no distinction on ethnicity, nationality, races (blacks, whites), statesman or layman. This is a lesson which teaches real equality of man. Out of this gathering believers know the

problems of each other and try to solve them together. Unity, brotherhood and social security are thus realized.

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ

“Verily, the Believers are but a single brotherhood, so make peace and reconciliation between your two brothers...” (49:10).

Among with providing community organization and Muslim fraternity, Swalah teaches good leadership, procedures of selecting leaders and limit of obedience.

Believers have to select their *Imam* who is knowledgeable, aged and virtuous person. In the same way, the leaders outside the mosque have to possess similar qualities. It is such a leader the believers are to obey and help him in the administration of their affairs inside and outside the Mosque. When the Imam go wrong in leading the Prayers he is there and then corrected by uttering “*Subhanallah*”. The Muslims community is here taught practically to correct their leaders without hesitation or fear whenever they are wrong. And this is one way of helping the administration of our affairs. Secondly, the Muslims are taught practically not to obey any leader at any point in time when he acts contrary to the word of Allah (s.w).

Swalah is an institution of community Centre for the Muslim Brotherhood. The daily prayers, the Friday prayers and the Eid prayers bring the Muslims together, discuss their development programmes and

solve their multifarious problems.

During the time of the Prophet and his righteous caliphs, whenever any important thing happened political, social, National problem arose or any religious commandment was to be announced, a call for Swalah was given and all the Muslims would assemble in the Masjid Nabii without any delay. So, the Mosque which is the Centre of all Islamic activities and Swalah are Indispensable.

If this is what we have to achieve from Swalah, why then are our prayers not effective?

In your *Brain storm* consider the following:-

- (1) The objective of Swalah. (29:45).
- (2) The promise of punishing those who neglect Swalah. (107:4-5),(75:30-32),(74:40-44).
- (3) (2:45). Prayers is a hard thing. Discuss
- (4) Why objective of Swalaat is not realized among the Muslims?

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FASTING AND ITS PRACTICAL VALUES

The Significance of Fasting

As already noted, worships in Islam serve a manifold purpose. They are indications of salutation, prostration, humiliation and renunciation before the Lord and the Sovereign of the Universe, express our love and devotion for Him, make us anxious of Him, strengthen our belief in Him and His rewards and punishments and a training to live as His most obedient servants seeking his pleasure and avoiding His wrath. This being the task of worships, let us now see how our fast in the month of Ramadhan helps us to live in our daily life as his most obedient servants.

The first thing which can be easily discerned from looking institution of fasting is the creation or promotion of the idea of God Sovereignty in the consciousness of man.

In other words, fast promotes God consciousness in believer. The indicators of this teaching are two. One is that, True knowledge of a persons fast is either to a person himself or Allah (s.w). None else can truly know as to whether or not a man is really fasting. In worships other than fasting the knowledge of their performance can't be kept secret from others since they are either done in congregation with them or in their very sight. But no person would cheat others by saying he is fasting while he is not. The reason is obvious, he is sure that God sees him and in this way the notion of God consciousness in a person is promoted.

Related to this, is the observance of the regulations or limits of fasting. In the month of Ramadhan a man incessantly refrains himself from eating and drinking and connubial companionship from dawn to dusk, no matter how hungry or thirsty he may be and how attractive be the food or drink offered to him; no temptation will overcome him, and prefers to remain hungry and parch with thirst. The question is what prompts him to observe such vigorous self-restraint or self control or better still why should he practice, such a strict discipline over his animal needs? Obviously enough, he does so because he has a firm faith in Allah (s.w) in his commandments and in the day of judgement. But a man who fasts is confident of the hereafter for he is fasting with the hope of getting reward for obeying. Fasting for fear of Allah's wrath develops a sense of nearness to God and of his presence every where is inculcated in the believer throughout the month of Ramadhan.

In this month, man is made to realize his true self rather than the animal urges. And in this way, the moral urges of man are promoted. One great hindrance in our way to complete submission to the will of Allah (s.w) or His Law is our own animal Instincts. That is our bodily *urges, instinctive or animal needs* headed by *eating, drinking, sex, etc*

In months other than the month of Ramadhan, these things are *Halal* of course within the limits of Allah (s.w). But in the month of Ramadhan, they are made *Haram* through out the day. So as to suppress

our passions and desires proclaimed by our doing. So in this way, we are taught to adhere to the injunctions of Allah (s.w) .

Again, the exercise also promotes moral urges. In this way the spirit of patience, taking care the problems of others is promoted.

Apart from the promotion of man, the month of Ramadhan is also a training to obey the laws of Allah. For each day of the month of Ramadhan those who keep fast abide by the injunctions of Allah (sw) in respect of even the most primary needs of life. Duty towards Allah forestalls every other duty such as duty to parents, children and other fellow human beings. Through fasting, this lesson is forcefully brought to mind that he has to obey one Master and one law of his Master Allah (s.w). Though abstention from food and conjugal companionship has been singled out and all restrictions are place on these two appetites, yet actually speaking, the real spirit underlying these restrictions is to make one realizes that, he is not his own master to do whatever he likes, but he has a Master above him whose chests he has to obey, abstaining from whatever He forbids and performing whatever He commands. This is the ideals held out before a person in the performance of fasting. The prophet has said:

“He who does not give up uttering falsehood and acting according to it, Allah has no need of his giving up his food and his drink”.

This is in conformity with the object of fasting as given in the Qur-an in the verses which have already been quoted That you may be able to guard yourself against evil.

The Arabic word used in this verse (i.e. *Taqwa*) means the guarding of, self against that of which the evil consequences may be feared. The way of life be traversed by man is thrown on both sides with thorny shrubs of base desires, sensualities, and temptations of all sorts. To strive through these brambles without getting stuck in their thorns is the way of *Taqwa* or piety. It is a tonic, which provides one with the vitamin, of God fearing and righteous living. Every man benefits according to his capacity of assimilation. If a man keeps the fast with an understanding of its objects and strives in the direction of devotion to Allah and submission to His will, it will enable him to keep the straight path for the rest of the year. Without understanding the spirit of fasting by just following the outward regulations that govern fasting, one cannot obtain anything out of it except the distress of hunger and thirst. It is for this reason why the Qur-an says that you may be able to guard yourselves against evil and it does not say that “*by fasting you will automatically become God fearing..*”

The Prophet also stressed this object of fasting by saying:-

“He who does not give up uttering falsehood and acting according to it Allah has no need of his giving up his food and his drink”.

And in another tradition narrated by Abu Hurayrah while received by Abu Daud:-

“The Prophet is heared to have said that: “Many of those who fast get nothing out of their fasting except thirst and hunger which they stay with”.

The month of Ramadhan provides collective atmosphere of promoting piety. In the month of Ramadhan the Muslim community all over the world keep fast and in the process of so doing an atmosphere of spirit of piety flourishes. Every person not only tries to avoid sins but, if he has any difficulty, many other brothers who are fasting like him come out to help him. Every person fills ashamed to commit a sin while he is fasting, and the desire automatically arises in everybody’s heart to do some good work, to feed a destitute, to clothe a naked man, help one in distress, to take part in some good work being done anywhere and prevent evil if it is being indulged in openly at some place.

So in this way, the whole atmosphere gets changed with obscenity, nudeness and licentiousness and instead mass movement is enhanced towards equality fraternity, piety and purging of all impurities. This might be the meaning of the Prophet when he said;

“When Ramadhan makes its appearance, the doors of Heaven are opened and gates of all impurities are closed and the devils are put into chains”

And the Qur'an says;

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ
وَبَيِّنَاتٍ مِّنَ الْهُدَىٰ وَالْفُرْقَانِ . . . ﴿١٨٥﴾

“Ramadhan is the month in which the Qur-an was revealed, a perfect guidance for human kind, and which consists clear teachings as show the right way and are a criterion of Truth” (2: 185).

Thus, fasting has been prescribed in the month of Ramadhan, because the Qur-an was revealed in this month.

Keeping fast in the month of Ramadhan is therefore both obligatory worship and an expression of gratitude for the reception of the perfect and complete guidance, a training for the fulfillment of the message given through it, as well as celebration of the anniversary of the Book. Again the commemoration of the Qur-an is intended to evaluate our way of lives of the previous year as to what extent we have been in conformity with the teachings of the Qur-an. Should there have been any shortcoming serious repentance must be done and new promise to be undertaken of living in accord with the Qur-an. An annual assessment of oneself has also to be undertaken of living in accord with the Qur-an. It might be out of this spirit why the Prophet (s.a.w) is reported to have said:

‘Whoever, fasts during Ramadhan out of faith seeking for reward, will have all his past sins forgiven’.

So far we have been discussing the objectives or significance of Fasting in our practical life and noted that:

- (i) Fasting creates a God conscious person.
- (ii) It makes man realizes his true self.
- (iii) It promotes an atmosphere of piety.
- (iv) It promotes qualities like equality, fraternity, unity, unselfishness, peace, caring the problems of others etc.
- (v) It is a training to obey Allah's Laws.
- (vi) It is a commemoration of the advent of the Qur-an, which implies living in accord with the Book.

So, fasting is a training, is not a ritual or rite, but a training institution aimed at providing such teachings which a believer who fasted is expected to transfer them to the other months. The question before us is, do we observe these benefits in our practical life?

We do not observe the benefits of keeping fast because we have divided Islam into parts and think that each part of Islam works on its own accord fulfils the objective of Islamic ideal. To illustrate this point, let us use an example of a clock. We all know that, in order a clock to work efficiently it needs all its parts to be well fitted at their respective positions. In this way when the clock is winded (would) these entire parts move and the result of their movements start showing on the surface of the clock. So the purpose of making the clock is to indicate the correct time. With this aim in view all the parts, which are necessary to show the

correct time, have been fitted in, performs specific work which it must give the correct time.

We thus can judge Islam from this example that, just as the purpose of a clock is to indicate the correct time, Islam has an aim, which is to enable Mankind live in this world as vicegerents of Allah (s.w). This is stipulated in Suratil Baqara verse 30:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ
فِي الْأَرْضِ خَلِيفَةً... ﴿٣٠﴾

“Be hold, thy Lord said to the angels I will create a vicegerent on earth”. (2:30)

“We are also to live as witnesses of Allah (s.w) against manKind,

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ... ﴿٧٨﴾

“ And strive in His cause as you ought to strive...”.
(22:78).

In order to fulfil this objective, all or the parts of Islam considered necessary and appropriate need to be assembled and connected. These include the Islamic beliefs and Principles of morality; Rules for dealing with state matters, Rights of Allah (s.w) rights of the Slaves of Allah (s.w), Rights of oneself, Rights of everything in the world which they encounter. Rules of earnings and expenditure. Law of War, and Rules of peace making.

To support these the following arguments are to be considered:

The first argument is that, at present time Muslims have opted to implement some of the commands and neglect others. For instance, there are the majority whom holds only the five articles of Islam as the complete Islam and ignore the injunctions of Allah(s.w) in other aspects of life, such as economy, politics, culture and ethics.

The second argument is that, we do not fast, in this month there are Muslims who do not fast and there are those who fast. In this way, the Muslim Ummah is divided into nominal and practicing Muslims. Now, given to the nature of the split of the Muslim Ummah in nominal and practicing Muslims, no doubt then for those who fast they will never realize the benefits of keeping fast because the other group will not keep the norms, ideals and the ethics of Islam. In this way, our fast will remain rituals only.

The third argument is that, those who fast do not observe the limitations prescribed by Allah (s.w) in day-to-day life even in the month of Ramadhan. To illustrate this point let us examine the significance of fasting. It should be noted that fasting is not limited to eating, drinking, connubial companionship, but extends to all that which Allah (s.w) has forbidden us in our day-to-day life. This point is well emphasized by the tradition of the Prophet (s.a.w), which says:

“He who does not give up uttering falsehood and acting according to it, Allah has no need of giving up his food and his drink”.

In another tradition we are told;
“when fasting you shall not indulge in obscene speech of boisterous talks”.

The question is in the course of keeping fast is the Muslim community living within the limits of Allah (s.w). In majority Muslim countries in which leaders are Muslims, their states are not administered Islamically worse still in Muslim minority countries in which most of the leaders are non-muslims Islam not only hated but state efforts are at work to annihilate Islam. In all countries there is institutionalization of Islam. In such a situation, the keeping of fast is institutionalized and remains a ritual only.

Training nature is an additional argument. This argument is implied in the very verse which commanded fasting: ‘

يَتَأْتِيهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ
كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ
تَتَّقُونَ ﴿١٨٣﴾

“O you who believe fasting is prescribed to you as it was prescribed to those before you. It is expected that this will produce piety in you. (2: 183)”.

Following this verse fasting is a source of becoming pious and it is therefore ,made obligatory to us so that we may become pious and virtuous people. But the verse here doesn't say that automatically one becomes, pious and virtuous by refraining from food, drink and connubial companionship in the day. It shows two possibilities, that is one may become pious and virtuous or he may not become pious and virtuous and although apparently he may be claiming that he is fasting. This is what is called *Training nature of fasting*. This is what the Prophet has categorically stated when he said:

“Who ever fasts during Ramadhan may have all his past sins forgiven”.

A person who has all his past sins forgiven is pious one; to such a person fasting has overcome a means of being pious. This is one possibility for anyone who observes fasting.

The second possibility is that, one may fast but fasting may not become a means of sanctifying him. The basis of this line of argument is the tradition of the Prophet when he said:

“Many are there among you who fast and yet gain nothing from it except hunger and thirst”.

So, there is this possibility for those who apparently are seen fasting but reap nothing other than the thirst and hunger they purge with.

Given to the fact that fasting is a training which can make one acquire the necessary lessons which may make him pious and virtuous and at the same time one may also fail in his training, i.e. He may not acquire the necessary teachings to enable him become pious.

The existence of these two possibilities to individuals who keep fast make the fruits of fasting unattainable in our practical communal life.

The fifth argument is that, what one may call the inherent misconception in the conceptualization of worship (Ibadah). The misconception of Ibada contributes to our failure to realize the benefits of fasting. There are those who hold that worships wash away sins. To such a people fasting will not do anything against the will of Allah (s.w) so that the twenty four hours of daily life will be dedicated to the worship (service) of Allah (s.w)

Thus if fasting will be taken as a means of washing away sins, it will hardly produce such people of strong character dedicated to the service of Allah (s.w) and for this reason benefits of fasting in our practical life will remain paper work only.

The last but not the least argument is what one may call the attitude of opportunism, which is vivid in the month of Ramadhan. This point can be illustrated by few examples, as they are observed here in Tanzania, and probably they apply to many other Muslim countries. During Ramadhan, Muslim perform the daily

prayers in greater number particularly in Maghrib and Juma'a as compared to other months. Surprisingly the number of Muslim decreases in mosques and other praying places just when Ramadhan ends; why is this tendency? There are may be several answers to this question but suppose we maintain that it is due to opportunism, we may not be judged wrong. If it is not the attitude of opportunism what then explains the behaviour of praying in the month of Ramadhan and stop praying altogether in other months ?

Another example, which is also very common, is the habit of liquor. True it is some Muslims take liquor in months other than that of Ramadhan. What else explains this behaviour other than the attitude of opportunism? Another example is staying with concubines in their day to day life. It is a common practice in East Africa for some Muslims to stay with concubines. But on the eve of the month of Ramadhan they part with their concubines. Unfortunately they resume their relations just after the month of Ramadhan. What explains this behaviour if not opportunism?

So also we have Muslims who fast in the night or in the day and night all together. For example one may fast but may keep backbiting others, work in *Kharam* places, cheat in his commercial or other dealings, use un Islamic laws in passing judgements etc. This is the attitude of opportunism. Given to this attitude the benefits of keeping fast will be very difficulty to be realize.

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ZAKAT AND ITS PRACTICAL VALUES

The Role of the Institution of Zakat in Islamic Community

Zakat is manifestation of faith which a firm that God is the owner of everything in the universe. In fact what man hold is a trust in their hands over which God had made them trustee to discharge it.

عَامِنُوا بِاللَّهِ وَرَسُولِهِ وَأَنْفِقُوا مِمَّا جَعَلَكُمْ
مُسْتَخْلَفِينَ فِيهِ ۗ

“Believe in Allah and His Messenger and spend of that which He has made you trustee...” (57:7)

It is also an expression of gratitude to the best owner. In this case Zakat is an act of devotion which like prayer brings a believer nearer to God.

The broad objective of Zakat in an Islamic Community is envisaged in the verse which commands its payment:-

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا

“Take alms out of their property”. Thou cleanse them and purify them thereby...” (9:103)

Thus, the basic objective of Zakat is to Purify both the wealth and the person who gives in charity. Here under is an attempt to show how the giving of Zakat purifies the wealth the person who observes Zakat and who is given:

Let us start with the person who gives alms. In the first place the person who gives alms is purified in that, naturally.

“Man is ever niggardly (17: 1 00); but man is not only niggardly he loves wealth with all his heart (100:8) and in (89:20).

Man here is described as niggardly and loves riches with all his heart. So the injunction of payment of Zakat purifies him by removing from him the attitude of selfishness which if it is not removed distracts man as the following verses runs:

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تُلْهِكُمْ ءَمْوَالِكُمْ وَلَا ءَوْلَادُكُمْ
عَنْ ذِكْرِ ٱللّٰهِ وَمَنْ يَفْعَلْ ذٰلِكَ فَاُوْتِكْ هُمْ ٱلْخٰسِرُوْنَ ﴿٩﴾

“O ye who believe! Let not your wealth Or your children divert you from the remembrance of Allah. If any act thus, The loss is their own”. (63:9).

The giver of alms is beneficiary:

- (i) Removal of selfishness makes man realize his true economic position, which is that man owns nothing of his own. What he has been endowed with is just- a Trust from Allah (sw);

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا. . .

“It is He who created for your all that are on the earth...”
(2:29).

وَسَخَّرَ لَكُمْ مَّا فِي السَّمَاوَاتِ وَمَا فِي
الْأَرْضِ جَمِيعًا مِّنْهُ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ
يَتَفَكَّرُونَ ﴿١٣﴾

“And He has subjected to you as from Him all that is in the heaven and on earth; behold in that are signs indeed for those who reflect”. (45:13).

وَأَبْتَغِ فِي مَآءَاتِكِ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ
نَصِيْبَكَ مِنَ الدُّنْيَا وَأَحْسِنْ كَمَا أَحْسَنَ اللَّهُ
إِلَيْكَ وَلَا تَبْغِ الْفَسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا
يُحِبُّ الْمُفْسِدِينَ ﴿٧٧﴾

“And seek to attain by of what Allah has given you the abode of the hereafter; but neglect not your share in this world and do good to others as Allah has done good to you, and seek not to make mischief in the world. Surely Allah loves not the mischief-makers”. (28:77)

﴿ إِنَّ قَارُونَ كَانَ مِنْ قَوْمِ مُوسَى
فَبَغَى عَلَيْهِمْ ۖ وَعَاتَيْنَاهُ مِنَ الْكُنُوزِ مَا
إِنَّ مَفَاتِحَهُ لَتَنُوءُ بِالْعُصْبَةِ أُولَى الْقُوَّةِ إِذْ قَالَ
لَهُ قَوْمُهُ لَا تَفْرَحْ إِنَّ اللَّهَ لَا يُحِبُّ
الْفَرِحِينَ ﴾

“The fact is that, Qaroun was of people of Moses, but he rebelled against them. And we gave him so many treasures that their very key would have weighted down a body of strong men...” (28:76).

So man has nothing of his own, what he has is just a trust from Allah (s.w) and has to spend it in accordance with the instructions of the Trust. Hence man who gives Zakat realizes this fact wealth will not become a means of distracting him, nor spread mischief; instead he will be thankful to Allah (s.w) and in this way he is purified or sanctified.

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَبْطُلُوا صَدَقَاتِكُمْ بِالْمَنِّ

وَالَّذِي كَالَّذِي يُنْفِقُ مَالَهُ رِثَاءَ النَّاسِ وَلَا يُؤْمِنُ
بِاللَّهِ وَالْيَوْمِ الْآخِرِ . . .

“O you who believe Render not vain your alms giving by Reminders of your generosity or by injury, like him who spends his wealth only to be seen and earn name, and believes not in Allah and the last Day”. (2:264).

- (ii) Not only that but such a person will not be a victim of *Satan* as stipulated in suratil Baqara verse 268 thus:-

الشَّيْطَانُ يَعِدُكُمُ الْفَقْرَ وَيَأْمُرُكُمْ بِالْفَحْشَاءِ وَاللَّهُ
وَاللَّهُ يَعِدُكُمْ مَغْفِرَةً مِّنْهُ وَفَضْلًا . . . ﴿٢٦٨﴾

“Satan threatens you with poverty and bids You to conduct unseemly. Allah promises You his forgiveness and bounties.” (2:268).

A man who is not a victim of Satan will instigate fear of poverty in him if he gives in charity is in fact purified for two reasons. *Firstly*, he will always keep in his mind that Allah (s.w) is with him and he is his sustainer. *Secondly*, he will bank on the promise of Allah (s.w) of increasing the wealth of those who give in charity as stipulated in Suratil Baqara verse 276.

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ
 اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ سَنَابِلَ فِي كُلِّ
 سُنبُلَةٍ مِائَةٌ حَبَّةٌ وَاللَّهُ يُضْعِفُ لِمَنْ يَشَاءُ وَاللَّهُ
 وَاسِعٌ عَلِيمٌ ﴿٢٦١﴾

“The parable of those who spend their wealth in the way of Allah is that “of a grain of a corn: it grows seven ears and each ear has a hundred grains. Allah cares for all and He knows all things.” (2:261).

(iii) At another level the Qur'an enjoins:

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَحْرَمُوا طَيِّبَاتِ مَا أَحَلَّ
 اللَّهُ لَكُمْ وَلَا تَعْتَدُوا... ﴿٨٧﴾

“O You who believe! Forbid not the good things which Allah has made lawful for you and exceed not the limits...” (5:87).

يَتَأْتِيهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا
 وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ... ﴿١٦٨﴾

“O Mankind’ eat of what is lawful and good on earth and follow not the footsteps of the Satan (devil)...” (2: 168).

وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا
 حَلَالٌ وَهَذَا حَرَامٌ لِيَتَفَتَرُوا عَلَى اللَّهِ الْكَذِبَ
 إِنَّ الَّذِينَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ لَا يُفْلِحُونَ ﴿١١٦﴾

“Do not ascribe lies to Allah by describing with your tongues. This is lawful and that is unlawful for those people who ascribe lies to Allah and never come to any good”. (16: 116)

These verses speak on Halal earnings. Thus a person who pays Zakat will be conscious of his earnings and that he will earn his wealth by Halal (lawful) means and in doing so his wealth and himself are both purified.

Zakat is a portion set a part from one’s wealth for the needy and the poor. This portion is Haram to be used by the owner of the wealth. Failure to pay Zakat his wealth becomes impure because there is a portion which belongs to the needy and the poor. This is what the Qur-an warns by saying:-

وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ
 مُفْسِدِينَ ﴿١٨٣﴾

“And with hold not things justly due to men, Nor do evil in the land, working mischief” (26: 183).

In this way, man who gives in alms is purified because

he is not using (or holding) the rights of others.

- (v) Payment of Zakat removes in man hypocritic tendencies. This is so because a hypocrite refrains from spending for the cause of Allah (s.w). This is verified by the fact that in the lifetime of the Prophet in Medina are, as one of their mechanisms to annihilate Islam the Hypocrites prevented people from spending in the way of Allah (s.w).

هُمُ الَّذِينَ يَقُولُونَ لَا تُنْفِقُوا عَلٰى مَنْ
عِنْدَ رَسُولِ اللَّهِ حَتَّىٰ يَنْفَضُوا وَلِلَّهِ خَزَائِنُ
السَّمٰوٰتِ وَالْاَرْضِ وَلٰكِنَّ الْمُنٰفِقِيْنَ لَا يَفْقَهُوْنَ

“They are the ones who say, “Spend nothing on those Who are with Allah’s Messenger. To the end that they May disperse (and quit Madinah)”. But to Allah belong the treasures of the heavens and the earth; but The Hypocrites understand not”. (63:7),

The same fact is illustrated by the following: This is about Thaa’laba Ibn Hatib;who accosted the Apostle (s.a.w) saying:

Please pray for me so that God may give me wealth”.

The Apostle replied:

“The little money for which you give thanks is much better than much that you can’t manage”.

Thaa'laba came again asking the Apostle for the same, the Apostle (s.a.w) replied:

“Would you not wish to be transformed into mountains of gold they would become”.

To this reply Thaa'laba replied:

“By God if you pray for me to be given wealth I would give everybody his due”,

The Apostle prayed for him and he became rich in sheep which grew and matured and became so numerous that all Madina was crowded with them. When his fortune multiplied he used to pray at noon and the afternoon Leaving the other prayers. When it multiplied even more he neglected that too. Then the Apostle (s.a.w) said;

“Woe to Tha'laba and he repeated it three times” Then the folio living verses of the Qur-an were revealed.

Also Allah (sw) has said in the hereunder below verses;

“Amongst them are men Who made a Covenant with God, That if He bestowed on them of His bounty, they would give (largely) in charity, and he truly. Amongst those who are righteous.

But when He did bestow of His bounty, they became Covetous, and turned back (From their covenant), averse (From its fulfillment).

So He hath put as a consequence Hypocrisy into their hearts, (To last) till the day whereon They shall meet Him: because they lied (again and again).

Know they not that God Ooth know their secret (thoughts) And their secret counsels, And that God knoweth well All things unseen?

Those who slander such of the Believers as give themselves Freely to (deeds of) charity. As well as such as can find Nothing to give except the fruits of their labour, and throw ridicule on them, God will throw back.

When Thaa'labā heard of it he went to the Prophet with Zakat but the Prophet responded that: "Allah has forbidden accepting it. A man who is free of Hypocrisy is doubtless purified person.

- (vi) Zakat develops an Islamic character of caring for the problems of others, helping in cause of Allah and Islamic brotherhood. This is reflected in the following verses:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ . . . ﴿٩٢﴾

"By no means shall you attain to righteousness until you spend (in the way) out of that which you cherish most". (3:91).

وَيُطْعَمُونَ أَلْطَعَامَ عَلَىٰ حُبِّهِمْ مِسْكِينًا

وَيَتِيمًا وَأَسِيرًا ﴿٨﴾ إِنَّمَا نُطْعِمُكُمْ لِرِجَالِهِ اللَّهِ لَا
نُرِيدُ مِنْكُمْ جَزَاءً وَلَا شُكُورًا ﴿٩﴾

“And they give food out of love for him to the needy. The orphans and the captive. (Saying), we feed you for Allah’s sake. We wish neither recompense nor thanks from you”. (76:8 – 9)

﴿٩﴾ إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمَلِينَ
عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرَمِينَ
وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ
عَلِيمٌ حَكِيمٌ ﴿١٠﴾

Alms are for the poor And the needy, and those Employed to administer the (funds); For those whose hearts Have been (recently) reconciled “(To the Truth); for those in bondage And in debt; in the cause Of Allah; and for the (Thus is it) ordained by Allah, And Allah is full of knowledge And wisdom. (9:60).

Thus a man who develops these virtues is doubtless purified.

- (vii) The last but not the least argument is that, a person who pays Zakat is served from the chastisement of Allah in his life on earth and here after.

هَاتَآذْتُمْ هَآؤُلَآءِ تَدَّعَوْنَ لِتُنْفِقُوا فِى سَبِيلِ ٱللَّهِ
فَمِنْكُمْ مَّنْ يَبْخُلُ وَمَنْ يَبْخُلْ فَإِنَّمَا يَبْخُلُ عَن
نَفْسِهِ ۗ وَٱللَّهُ ٱلْغَنِىُّ وَأَنْتُمْ ٱلْفُقَرَآءُ ﴿٣٨﴾

“O you are those who are called to spend in the way of Allah yet among you the are some who are miserly. And for him is a miser, it is only at the expense of his own self. And Allah is the Rich and you are the poor.. (47:38).

“(Qaarun) was doubtless, Of the people of Moses; but He acted arrogantly towards them; such were the treasures We Had bestowed on him, that their very keys would Have been a burden to A body of strong men; Behold, his people said to him; “Exult not, for Allah loveth not Those who exult (in riches).

“But seek, with the (wealth) Which Allah has bestowed on thee. The horne of the Hereafter, Not forget thy portion in this world: but do thou good, As Allah has been good To thee, and seek not (Occasions for) mischief in the Land: For Allah loves not those Who do mischief”.

He said: “This has been given to me because of a certain knowledge which I have. Did he not know that Allah Had destroyed, before him (Whole) generations - which were Superior to him in strength And greater in amount

(Of riches) they had collected? But the wicked are not Called (immediately) to account For their sins.

So he went forth among His people in the (pride Of his worldly) glitter. Said those whose aim is the Life of this World: "Oh! That we had the like Of what Qarun has got! For he is truly a Lord Of mighty good fortune!" (28:77-80)

"But those who had been granted (True) knowledge said: "Woe to you! The reward of Allah (In the Hereafter) is best For those who believe And do righteousness; but this None shall attain, except those Who steadfastly persevere (in good)".

Then We caused the earth To swallow him up and His house; and he had no (The least little) party To help him against Allah, He could not defend himself.

And those who had envied His position the day before Began to say on the morrow; "Ah! It is indeed Allah who enlarges the provision Or restricts it; to any Of His servants He pleases! Had It not been that Was gracious to us, He Could have caused the earth to swallow us up Ah! Those who reject Allah Will assuredly never prosper!. (28:76-82).

This is the end of people who do not pay Zakat. On the contrary a person who pays Zakat puts himself in a position of winning the bounties of Allah (sw) on both, worlds, here on earth and in the hereafter.

The Societal Benefits:

Zakat gives strong incentive for investing wealth for the benefit of the society. Compulsory redistribution of wealth in society in a way that reduces differences between classes and groups prevent social disorder and directly establishing justice rectify means of exploitation in trading, industrial relation that have arisen.

Zakat facilitate proper direction of purchases power in society, it transfer part of power of consumption which may be used extragantly to fulfill the proper function in the lives of those who need it. It acts as social security fund. Yes Zakat is truely Social Security fund!

Socially zakat purge the society of rich of selfishness, the soul of the poor of envy and resentment against society, it therefore stops the channels leading to class hatred and make it possible the springs of brotherhood and solidarity to gush forth.

Zakat assist slaves in seeking freedom, to attain it, a portion of zakat allocated to solve the problem of indebttness which is in line with cooperation more silidently. The problem of security and defence against external threat as such matters as may be related to the struggle in the path of Allah (s.w) may be the function of zakat.

Zakat enable muslim community to meet the demand of those who away seeking knowledge and

lawful life. (19:60).

PILGRIMAGE (HIJA)

The Role of pilgrimage in practical life of a muslim

Pilgrimage is the highest institution in the hierarchy of the worships. It is intended to completely change the believer and become a Muttaq, a God conscious person. Like other pillars it has broad and specific teachings. So this chapter attempts to highlight on how pilgrimage can change the life of a believer and become a real God conscious person.

The general objectives of pilgrimage are stipulated in verses 26 – 29 of Suratul Hajj and verses 95 - 97 of Suratul Imran which runs as follows:

وَإِذْ بَوَّأْنَا لِإِبْرَاهِيمَ مَكَانَ الْبَيْتِ أَنْ لَا تُشْرِكْ بِي شَيْئًا وَطَهِّرْ بَيْتِيَ
لِلطَّائِفِينَ وَالْقَائِمِينَ وَالرُّكَّعِ السُّجُودِ ﴿٢٦﴾ وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ
يَأْتُواكَ رِجَالًا وَعَلَى كُلِّ ضَامِرٍ يَأْتِينَ مِنْ كُلِّ فَجٍّ عَمِيقٍ ﴿٢٧﴾ لِيَشْهَدُوا
مَنْفَعَةً لَهُمْ وَيَذْكُرُوا اسْمَ اللَّهِ فِي أَيَّامٍ مَعْلُومَاتٍ عَلَى مَا رَزَقَهُمْ
مِّنْ بَهِيمَةِ الْأَنْعَامِ فَكُلُوا مِنْهَا وَأَطْعِمُوا الْبَائِسَ الْفَقِيرَ ﴿٢٨﴾ ثُمَّ
لِيُقْضُوا تَقَاتُحَهُمْ وَلِيُؤْفُوا نُذُورَهُمْ وَلِيَطَّوَّفُوا بِالْبَيْتِ الْعَتِيقِ ﴿٢٩﴾

"Behold! We gave the site, to Abraham, of the (Sacred) House, (saying): "Associate not anything (in worship) with Me; and sanctify My House for those who compass it round, or stand up, or bow, or prostrate themselves (therein in prayer)." And proclaim the Pilgrimage among men; they will come to thee on foot and (mounted) on every kind of camel, lean on account of journeys through deep and distant mountain highways;" That they may witness the benefits (provided) for them, and celebrate the name of Allah, through the Days Appointed, over the cattle which He has provided for them (for sacrifice): then eat ye thereof and feed the distressed ones in want." Then let them complete the rites prescribed for them,

perform their vows, and (again) circumambulate the Ancient House."
(22:26- 29)

إِنَّ أَوَّلَ بَيْتٍ وُضِعَ لِلنَّاسِ لَلَّذِي بَكَّةَ مُبَارَكًا وَهُدًى
لِّلْعَالَمِينَ ﴿٩٦﴾ فِيهِ آيَاتٌ بَيِّنَاتٌ مَّقَامُ إِبْرَاهِيمَ
وَمَنْ دَخَلَهُ كَانَ آمِنًا ﴿٩٧﴾

“Undoubtedly the first house of worship ever to be built for mankind is the one which is of Makka. It was blessed and made the centre of Guidance for all people, in it are clear signs, there is spot where Abraham used to worship; then it is the sanctuary who enters it becomes safe and secure...” (3:96 –97).

There are four things mentioned which can be characterised in broad not to associate Allah (sw) with other deities, to witness things of benefit to them, to see the vivid signs of Allah (sw). Sanctity and centre of guidance for all people. Let us examine them in detail.

(i) Not to associate Allah (sw) with other deities

Hajj or pilgrimage has been instituted so that muslims should not associate Allah (s.w) with other deities (22:26).

The connection of Ka'abah and associating Allah with other dieties is that the black stone in the Kaabah should not be considered as deity. And Ka'abah

should not be filled with Idols. Although the verses quoted above have direct meaning of “*shirk fii dhat*” they also imply general meaning of shirk, it can thus be maintained that pilgrimage teaches to avoid shirk and a person who is free from setting rivals to Allah (sw) is a God conscious person.

Allah says:

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ
 لِمَنْ يَشَاءُ وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدِ افْتَرَىٰ إِثْمًا عَظِيمًا ﴿٤٨﴾

Verily Allah forgives not that rivals should be worship with Him, but he forgives (anything else) to whom he pleases and whoever sets up rivals in worship with Allah he has indeed invented a tremendous sin. (4:48)

(ii) To Witness things of benefit

One set of things of benefit the pilgrims will witness are the signs depicting the existence of Allah (sw), the Ka'abah and the blackstone (3:96-97) (22:26-29) the spot (*maqa'mu*) where Ibrahiim (a.s) used to pray and mountains As-swafa and Marwa (2:158) and the well of *ZamZam*. The Qur'an says they will come to witness things of benefit to them, apart from the clear signs depicting the existence of Allah (sw), pilgrimage has economic benefits as the Qur'an is eloquent that:-

الْحَجُّ أَشْهُرٌ مَّعْلُومَةٌ فَمَنْ فَرَضَ فِيهِنَّ الْحَجَّ

فَلَا رَفَثَ وَلَا فُسُوقَ وَلَا جِدَالَ فِي الْحَجِّ وَمَا تَفَعَّلُوا
 مِنْ خَيْرٍ يَعْلَمُهُ اللَّهُ وَتَزَوَّدُوا فَإِنَّ خَيْرَ الزَّادِ
 التَّقْوَىٰ وَاتَّقُونِ يَا أُولِيَ الْأَلْبَابِ ﴿١٩٧﴾

“For Hajj are the months well-known. If any one undertakes that duty therein, let there be no obscenity, nor wickedness, nor wrangling in the Hajj and whatever good ye do, (be sure) Allah knoweth it. And take a provision (with you) for the journey, but the best of provisions is right conduct. So fear Me, O ye that are wise!”(2:197)

So trade is allowed in eve of pilgrimage. This trade could be internationalised and Islamised to improve economies of Muslims. For example instead of impoting Ihram from China or America it could be imported from Egypt or Pakistan or Manufactured in Saudia itself and use muslim experts from muslim world. Instead of flooding the market with firms from Western countries they could be imported from African Countries with Muslim majority, let say Tanzania. What other economic opportunities do you think could be explored from pilgrimage which could benefit Muslim Ummah?

The prophet said poverty is near *Kufr*. So increasing economic strength of muslim is a worship and sacrifices a muslim.

Centre for Guidance for all people of the world:

Allah says in the Qur'an:

إِنَّ أَوَّلَ بَيْتٍ وُضِعَ لِلنَّاسِ لَلَّذِي بِنَاءَ مُبَارَكًا وَهُدًى
لِّلْعَالَمِينَ ﴿٩٦﴾

“Undoubtedly the first house of worship ever to be built for mankind is the one which is at Makka. It was blessed and made the centre of Guidance for all people” (3:96)

According to this verse Makka is mentioned as a centre of Guidance. This implies that it is He (Allah s.w) who is being mentioned in all mosques of the world but the Kaaba is a special sign of His existence and the house is the product of all mosques of the world and in this way it is the centre of guidance.

The other level is that Sayyidina Ibrahim who was commissioned with the work of erecting the house and to take people to Makka for pilgrimage as stipulated “a chosen leader” of all men as mention in (3:33) and (21:73). Not only that the people of the world, We are instructed to follow his way as stipulated in verse (16:23) and (22:78), not only that but the prophet Muhammad (saw) is consequence of the prayer of Sayyidina Ibrahim as in (2:129).

Added to the presence of foot steps and the emergence of the water of Zamzam all of these emphasize that Makka remains the centre of guidance. Going there is like the renewal of the bond with Sayyidina Ibrahim (a.s)

Centre of Guidance is also reflected in the change of *Kibla* stipulated in verse (3:96) This implying that the change of leadership of the world is changed from the Jews to the muslims who are declared as *Ummat-l-wust*. This was the result of the work of the prophet and His Companions.

This work was accomplished in Makka hence Makka takes a position of centre of Guidance. Note that any movement needs a centre.

Hijja Teaches muslim the spirit of sacrifice:

Hajj teaches and develops the spirit of sacrifice for the sake of Allah (sw) on the subject of sacrifice the Qur'an quote (61:10 -13)

The strive in the course of Allah (sw) needs the spirit of sacrifice a teaching which is developed in a believer by the performance of pilgrimage. This is observed by the nature of journey by which the believer sacrifices his wealth, time and leaves his family for the sake of Allah (sw).

True it is that people travel but their journeys are either on business or leisure or visiting friends and families are basically on personal benefits contrary to the journey of pilgrimage which is for the sake of Allah (s.w).

A believer who is required in daily life to strive for the sake of Allah (s.w) is enriched faith with the use of

his property for the sake of Allah (s.w) should muslims be conscious of this teaching in our development plans of education, health services, economic centres etc could not suffer short of fund.

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ ﴿٩٢﴾

“By no means shall you attain righteousness unless you give (tredly) of what you love; and whatever you give, of truth God knoweth it well”. (3:92)

The spirit of sacrifice in the performance of Hajj is also witnessed by the rite of sacrifice of animals which Allah warns:

لَنْ يَنَالَ اللَّهَ لُحُومُهَا وَلَا دِمَاؤُهَا وَلَكِنْ يَنَالُهُ التَّقْوَىٰ مِنْكُمْ... ﴿٣٧﴾

“It is not their meat nor their blood, that reaches Allah: it is your piety that reaches Him...” (22:37)

The sacrifice of animals is intended to teach the believer that, life is useless if it does not fulfil the cause for Allah. A believer is here taking a promise before his creator that for your sake I am ready to shade blood as the blood split of this animals. That I am ready to die and be killed for your sake. Precisely this is what is

brought to believer in reciting this verse:

﴿ إِنَّ اللَّهَ اشْتَرَىٰ مِنَ الْمُؤْمِنِينَ أَنفُسَهُمْ وَأَمْوَالَهُمْ
بِأَنَّ لَهُمُ الْجَنَّةَ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ
وَيُقْتَلُونَ... ﴾

“Loh! Allah has bought from the believers their lives and their wealth because the Garden will be theirs. They fight in his cause slay and slain...” (9:111)

Hajj incalcatates the idea of true unity and brotherhood:

Hajji breaks the bounderies of Ethnicity, territorial and nationalism. This is demonstrated by the gathering of different nations all over the world, putting on the reciting of the same *Talbiya*, performing the *Sai* together, standing at *Arafa*, camping at *Minna* and throwing the pebbles at *Jamarat*. Such a big collective gathering of more than one million people demonstrate that the rulers and the ruled, the master and slaves, the rich and the poor, all in this way become one. So when the Qur’an declares that:

﴿ إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ... ﴾

“The muslims are but brothers...” (49:10)

Hajj demonstrates this in practise. When the muslims become solidified body they can easily combat evils and establish virtuous deeds and in this way Hajj becomes a tool of savitivity.

This gathering of different people also is a kind of resource through which muslims can look into themselves, discover their faults and chalk out plans for their regeneration and for ridding themselves of the peoples and communities among which they live.

How does Pilgrimage creates God Conscious person?

When every intending Hajj makes up his mind to perform Hijja the viritues of fear of God, piety, pernance (Istighfar) and good morals begin to cast their influence on him, and he starts taking fare well to relatives, friends, professionals and associate and settles all his affairs as if he is no longer the same before. His mind is now pure, clean because of newly kindled spark of love of God.

You can imagine the effect of change on so many people around, infact in the season of Hijja which extends to one month before and one month after the entire muslim populations of the world is no doubt in enjoyment with Islamic flowers. It is in this context why we contend that the performance of Hajj creates God conscious person and enhances the grow of piety and virtuousness in muslim world and communities.

Pilgrimage enable the Hajj to see vivid signs which prove the existence of God:

These are historical evidence explaining the existence of Allah (s.w) which cannot be seen anywhere else except if one undertakes pilgrimage.

The clear signs depicting the existence of Allah (sw) are stipulated in the Qur'an (3:96 – 97) (22:26–29)(2:158) according to the verses above the signs of the *Ka'abah*, the *black stone*, the spot where Ibrahim (a.s) used to pray and mountains *As-safa* and *Marwa*, well of water of *Zam zam*.

As regarding the other signs in the House from what has been shown though it has been built in a barren place, Allah provided the people of neighborhood with the best provisions. Besides this there was chaos and disorder in the whole of Arabia for about 2500 years before the advent of the prophet Muhammad (s.a.w) yet there reigned peace and security in the *Ka'abah* and in its surroundings. Not only that, there was peace because of this for four months every year in the whole Arabia, the respect the *Quraish* enjoyed in their trade caravans as stated in Suratil Quraish is another succour:-

لَا يَلْفُ قُرَيْشٍ ۝١ إِذْ لَفِيهِمْ رِحْلَةَ الشِّتَاءِ وَالصَّيْفِ ۝٢
فَلْيَعْبُدُوا رَبَّ هَذَا الْبَيْتِ ۝٣ الَّذِي أَطْعَمَهُمْ مِنْ جُوعٍ

وَأَمَّنَّهُم مِّنْ خَوْفٍ ۖ

“For the familiarity of the Quraish their familiarity with the journeys by winter and summer. Let them worship the Lord of this house. Who provides them with food against hunger and with security against fear”.
(106:1-4)

Another sign was the miraculous destruction of Abraha and his army when he attacked Makka in order to destroy the Ka’abah. No doubt all these signs will increase in a believer his God consciousness.

There are not only signs to be witnessed, but a pilgrim witnesses the relies of those who sacrificed everything theirs in servitude and obedience to Allah (s.w) they fought against the Pagan Arabs, suffered fortunes, hardships, but ultimately did raise aloft the word of God and did not ret till they subdue every such false power which wanted man to become subserrient to other deities than Allah (s.w).

A lesson and detemination which a devotee of God can draw from these clear signs and sacred relies, can hardly be available from any other source.

The relies include to mention but few, caves of *Hira* and *Thaur*, the mosque of the prophet and the city of prophet. The mosque of *Quba*, the graves of *Matries* of Uhud, Hamza and the Prophet himself.

Jabal *Hud*, the Hill of *Arafa*, *Muzdalifa*, *Mina* and *Remi Jimar* all these stand as artifacts demonstration of the existence of Allah (s.w) these portents will no doubt increase the belief of pilgrim and become a God conscious person.

Talbiyya:

The Talbiyya which is to announce “*Labaika Allahumma Labaika, labaika La sharika laka labaika, innalhamda, wanni’mat’ lakal-Mulk, la sharika laka.* The meaning; *Here I am O, my Lord; Here I am, Here I am; There is no partner unto thee. Here I am . Verily all praise is due to thee. Every born is thine and thine is the entire sovereignty, no one is thine partner.* These words are recited by the Hajj after putting on *Ihram* (a special dress)

He repeated the voice after every *swalah*, at the time of ascending every height and descending there from and while meeting every caravan and every morning on rising from bed.

This recurrent cry in conjunction with the ascetic dress of *Ihram*, the condition of the journey and the feeling of getting near to *Kaabah*, produce such a psychic effect that the *Haji* gets lost in Divine love and his mental condition gets absolved of nothing except Allah’s remembrance.

The teaching of *Ihram* is to the obedience to Allah’s law. When one has put on the *Ihram* there are very

strict regulations which are intended to train Haji in observing the laws of Allah (s.w) in day to day life. Take off your colourful garments, put on simple and derrish like dress. Do not use scent, do not be in your hair, do not scratch any part of your body, abstain from every kind of adorment, cease the man and women relation so much so that do not even indulge in talk, sign and movement which may smack of any eagerness for and be a reminder of their relation. Do not hunt and refrain from giving a hint to the hunter about the whereabouts of the prey.

When you will adopt such a posture outwards it will influence your mind also. Inwards your heart will develop an ascetic attitude pride and vonity of mind will grow. The imprurities that have mirached your soul due to indulgence in worldly pleasures will be removed and feeling of godliness will dominate both internal and external selves.

Obedience to His law:

Pilgrimage is like swalah and fasting, is a training to obey the laws of Allah. There are things which are not haram in other days but have been declared haram in the cause of pilgrimage simply because of training the Hajj to obey the laws of Allah. This is examplified by the following commandments:

الْحَجُّ أَشْهُرٌ مَّعْلُومَةٌ فَمَنْ فَرَضَ فِيهِنَّ الْحَجَّ فَلَا رَفَثَ وَلَا فُسُوقَ وَلَا جِدَالَ فِي الْحَجِّ ﴿١٩٧﴾

“So who so over Intends to perform Hajj there in, then he should not have sexual relations (with his wife), nor commint sins, nor dispute Unjustly during the Hajj ...”(2:197)

Although wife and husband in daily life, it is halal to meet bodily but in Hajj are he is not allowed until he reaches a point of laws of Allah and in doing so the Hajj sacrificed if he transfers this teaching in day to day life.

The reasons mentioned in the daily prayers why it is a tool to refrain one from evil deeds is the remembrance of Allah. This is mentioned in connection with pilgrimage.

... فَادْكُرُوا اللَّهَ كَذِكْرِكُمْ آبَاءَكُمْ أَوْ أَشَدَّ
ذِكْرًا... ﴿٢٠٠﴾

*“...Remember Allah as you had been remembering your own forefathers or wikh far more remembrance...”
(2:200)*

وَاتَّقُوا اللَّهَ وَعَلِمُوا أَنَّكُمْ إِلَيْهِ تُحْشَرُونَ ﴿٢٠٣﴾

“...Then fear Allah, and know that you will surely be gathered unto him.”(2:203)

The remembrance of Allah (s.w) in pilgrimage is much more greater than that in daily prayers. If the remembrance of Allah in daily prayer is a tool to prevent one from bad deeds, so, also is pilgrimage in fact all over muslim world in 10 – 12 of Hajj celebrate the praises of Allah which is intended to the muslims to examine their ways of life if they are in conformity with His commandment or not, and if not corrective measures are to be taken.

Tawaf;

To get the lesson it is important to remember that prophet Ibrahim was ordered by Allah (s.w) to call people to the Ka’abah.

وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ يَأْتُوكَ رِجَالًا وَعَلَىٰ كُلِّ ضَامِرٍ
يَأْتِينَ مِنْ كُلِّ فَجٍّ عَمِيقٍ ﴿٢٧﴾

“And proclaim to mankind the pilgrimage they will come unto thee on foot and on every lean camel; they will come from every deep and distant(wide) mountain highway(to perform Hajj).” (22:27)

This call was made at the *Ka’abah*, so far those who respond to the call they have to reach the spot of the call, of course with the cry of *Talbiya*. The rite chosen by Allah (s.w) is circumbulation of the *Ka’abah* which involves kissing the black stone. The circumbulation of the *Ka’abah* starts from where the *black stone* is fixed and during the seven rounds either one kisses it or a sign is made towards it at the end of

every round. The Ka'abah is chosen by God;

إِنَّ أَوَّلَ بَيْتٍ وُضِعَ لِلنَّاسِ لَلَّذِي بِبَكَّةَ مُبَارَكًا
وَهُدًى لِّلْعَالَمِينَ ﴿٩٦﴾

“Lo the first sanctuary created for man kind was that at Mecca, a blessed place, a guidance to the people”.
(3:96)


So the house is external symbol in the visible world. This is the circling intruth is the circling of the heart in Remembrance of Allah (s.w). and kissing the black stone is as if taking a knew promise of following *Milat Ibrahim*.

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ هُوَ اجْتَبَاكُمْ وَمَا جَعَلَ
عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ مِّلَّةَ أَبِيكُمْ إِبْرَاهِيمَ
هُوَ سَمَّاكُمُ الْمُسْلِمِينَ مِنْ قَبْلُ وَفِي هَذَا ﴿٧٨﴾

“And strive in His cause as you ought to strive. He has chosen you and has imposed no difficulties on your religion. It is the religion of your father Ibrahim. It is who has named you muslims both before and in this (Revelation)....” (22:78)

The two Rakaat at Maqam Ibrahim (a place where prophet Ibrahim stood and foot marks are preserved to

date) remains an artifact of the existence of Allah (s.w) and ascertains the *Qaaba* to have been built by Sayyedina Ibrahim. But it is also thankfulness to Allah (s.w) to have been granted one the opportunity and means of performing the pilgrimage.

••• وَأَتَّخِذُوا مِن مَّقَامِ إِبْرَاهِيمَ مُصَلًّى ••• 

“.....and enjoined the people a dedicate to worship the place where Abraham used to stand for prayer.....”
(2:125)

After the two Rakaat Hajj has to *Sai* striding between *Swafaa* and *Marwa*. This is a demonstration of his belief that with the same arduorness he would always be enduring to serve his master and seek his pleasure.

After this,Hajj becomes a soldier of Allah (s.w) and now he has to live a camp like life for five or six days. He has to camp at *Arafat* for one day, use night at *Muzdalfa* and three days at *Mina*; the practice is on 8th *hajj (pilgrim)* from Makka and other stations move to *Arafa* and in the morning that is on 9th after Dhuhur prayer which is prayed together with Al-asr is standing for some two to three hours. This is intended to remind the muslim of the day of judgement.

The major Hajj ritual at Mina for three days after the ordinary daily prayers is to last for throwing pebbles at evening, the idea behind throwing these stones is “ “O,

God! Who so ever rises to destroy and humiliate your word, I will fight him like this to raise a loft your word”.

REVIEW QUESTIONS

1. Discuss the concepts of sovereignty and vicegerency of man as instrumental in understanding Islam.
2. Analyse the Islamic concept of Worship(Ibadah) and point out how the concept has been misconstrued.
3. Explain the role of the institution of *SHAHADA* in the Islamic Community.
4. Evaluate the practical value of Prayer.
5. Review broad and specific objectives of pilgrimage in Islam
6. Why the end results of the five fundamentals are not observed?
7. Explain how paying of Zakat purifies the wealth and a person who observe it.
8. *”I have not created the jinn and humankind for any other purpose except that they should worship me”(51:56)*
Basing your arguments on the Islamic concept of worship, show that Islam is not a Religion of dogmatic belief and rituals.
9. How does fasting month of Ramadhan make believers God Consciousness?

CHAPTER TWO

ISLAMIC LEGAL SCIENCES AND DEVELOPMENT OF ISLAMIC LAW

The meaning of Shariah

Shariah is an Arabic word meaning the path to be followed. Literally it means “*the way to a watering place*”. It is the path not only leading to Allah, the most High, but the path believed by all Muslims to be the path shown by Allah, the creator Himself through His Messenger, Prophet Muhammad (s.a.w.).

In Islam, Allah alone is the sovereign and He is the One Who Has the right to ordain a path for the guidance of mankind. Thus it is only shariah that liberates man from servitude to other than Allah (s.w.).

Source of Shariah

The principal sources of Islamic Law (shariah) are the *Holy Qur’an* and *Sunnah of the Prophet* (S.A.W.). Other supplementary sources are *Ijma* (consensus) of Ulamaa), *Ijtihad* (logical deduction) and *Rai* (independence of opinion).

Objectives of Islamic Law

The shariah aim to safe guard;

- (i) The religion (faith) of a Muslim

- (prohibition of shirk). [4:116] [22:31]
- (ii) Life and genealogy of citizens [17:32]
 - (iii) The brain of a Muslim (health) prohibition of alcohol etc
 - (iv) The chastity of a citizen – Prohibition of *theft, robbery, interest, gambling, conning* etc.

Steps taken by Islam as regards to shariah;

- (a) To prepare human soul to admit that theft and others are evils
- (b) To prepare and give man avenues to work for lawful sustenance.
- (c) The state has to provide shelter, food, clothing, and transport at affordable price by the common man.
- (d) Harsh punishment for anyone who goes contrary apart from above provisions.

There are number of verses of the Qur'an on legal injunctions (*Ahkam*). This number is approximately considered to be 500. They deal with:

- Marriage
- Polygamy
- Dowry
- Adultery
- Maintenance
- Rights and obligations of the spouses
- Divorce and various modes of dissolution of marriage
- The period of retreat after divorce

- (Iddah)
- Fosterage
- Contracts
- Loans
- Deposits
- Weight and measures
- Oaths and vows
- Punishments for crime
- Wills
- Inheritance
- Fraternity
- Liberty
- Justice to all
- Principles of an *ideal state, fundamental human rights, laws of war and peace, judicial administration* etc.

Law on Crimes and Punishment:

- (a) General principles
 - (i) Forbear crime self defence (42:40-41).
 - (ii) Criminal liability (42:42-44)
 - (iii) Place of criminals in the society (25:68).
 - (iv) Repentance (4:17-18).
 - (v) Punishment to be commensurate to wrong doing (28:84)
- (b) Offences against life
 - (i) Murder (6:151), (17:33), (2:178-179)
 - (ii) Homicide (4:92-93)

- (c) Offences against property
 - (i) Theft (5:38-40)
 - (ii) Misappropriation of property (8: 27), (6:52), (17:34)

- (d) Sexual offences:
 - (i) Chastity in sexual behaviour (17:32), (70:30-31)
 - (ii) False accusation of unchastity against spouse (24:6-24)
 - (iii) Sexual unchastity (24:2-3)
 - (iv) Accusation of unchastity against spouse (24:6-9 23)
 - (v) Whoredom (Lesbianism) (4:15)
 - (vi) Homosexuality (4:16)
 - (vii) General sexual offences
 - (viii) Public nuisance (4:33-34)
 - (ix) Bribery (2:188)
 - (x) Intoxication and gambling (2:219), (4:43), (5:90-91)
 - (xi) Violation of right to privacy (24:27-29)
 - (xii) Abusing defaming and spying (4:148) (49:11-12)

The Philosophy (*wisdom*) of Islamic Law (Shariah)

Islamic Law is differentiated with other law in that one section of it supports the other. For example, drunkard is unlawful, therefore anything which is used or in one-way or the other support alcohol is unlawful. The same applies to *fornication, gambling interest* etc.

However man made laws contradict, alcohol deteriorates health and respect (shame) but its production and sale can be authorized. As a result one problem produces the other. Another example, is fornication is lawful provided there is no coercion (duress). But *abortion* is unlawful while abortion is a product of fornication.

When a woman become pregnant, she loses the ability of sexual relationship and later on the child born will not have the proper father and hence she will incur the burden herself to look after the child. *How do you solve this problem?* This shows the weakness of man made laws.

The significance of Islamic Shariah

There are a number of Qur’anic injunctions commanding Muslims to do justice:

- (i) Right from the beginning, Allah gave His Apostles three gifts which aim at rendering justice and guiding the entire human society to the path of peace, the Qur’an says:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنزَلْنَا مَعَهُمُ
 ‘We sent of aforetime our Apostles with clear signs and
 sent down with them the book and the balance (of right
 and wrong) that men may stand forth in justice....’
 (57:25).

Three things mentioned as gifts by Allah are the Book, the Balance and Iron. Revelation which commands good and forbids evil, justice which gives to each person his due and the strong arm of law which maintain sanctions for evil doers.

- (ii) The Prophet of Allah is asked to tell to people to do justice as the creator the Nourisher and the cherisher of all has commanded it

“Say: my Lord has commanded justice. (7:29).



... قُلْ أَمَرَ رَبِّي بِالْقِسْطِ

The command is repeated in suratul al Nisai (4:105).

- (iii) Justice is a command of Allah, and whosoever violate it faces grievous punishment:

﴿ إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ

وَأَيُّ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ

“Allah command justice, the doing of good and charity to ~~Rich and Kin~~ and He forbids all shameful deeds and injustice and rebellion. He instructs you, that Ye

may receive admonition". [16:90]

- (iv) Justice is through its practice real justice may be established. To stand first for justice is to be a witness to Allah even if it is detrimental to our own interest or interests of those who are near and dear to us. Refer verse 42:42.
- (v) Allah is the law giver and the whole ummah is merely His trustee. "*We made for you a law, so follow it, and the fences and those who have no knowledge*"(45:18).

The importance of Islamic Law over other laws can be explained by the following points:

- (i) Islamic law is the law which is without doubt.

ذَٰلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ ﴿٢﴾

"This is the book. In it is guidance sure, without doubt".

(2:2)

- (ii) The Islamic law based on true knowledge not guesswork or conjecture. It is from Allah the knower, the creator of everything:

وَإِنْ تَطِيعَ أَكْثَرَ مَنْ فِي الْأَرْضِ يُضِلُّوكَ عَنْ سَبِيلِ
 اللَّهِ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ ﴿١١٦﴾

“Wert thou to follow the common run of those on earth, they will lead thee away from the way of Allah. They follow nothing but conjecture: They do nothing but lie”. (6:116)

- (iii) It is through the practice of shariah that the real justice may be established. The Qur’an says:

إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي
 الْأَرْضِ بِغَيْرِ الْحَقِّ أُوتِيكَ لَهُمْ عَذَابٌ أَلِيمٌ ﴿٤٢﴾

“The blame is only against those who oppress men with wrong-doing And insolently Transgress beyond bounds through the Lord. Defying right and justice. For such share will be a chastisement grievous”. [42:42]

- (iv) Through the implementation of Islamic law the purpose of life may be a realized.

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ ﴿٥٦﴾

“ I have only created Jinns and men, that they may serve me”. [51:56]

- (v) It is the law which is in accord with human nature:

فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ اللَّهِ الَّتِي
 فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَلِكَ
 الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ﴿٣٠﴾

“So set thou thy face truly to the religion being upright the nature in which Allah has made mankind. No change (there is) in the work (wrought) by Allah that is the true Religion. But most among mankind know not”. (30:30)

- (vi) It is the law of all times, all people irrespective of time, place or colour.

Evolution and Perfecting of Islamic Shariah

§ Schools of Islamic Legal Thought

Imam Abu Hanifah

His full names were Nu'man bin Thabit bin Zuta bin Mah an Ajami, a non- Arab scholar who is well known as “*Kunyah*” Imam Abu Hanifa (80AH – 150 AH).(703 - 767CE)

He attended school at *Kufa, Basra, Makka* and *Madina*. He was known as the great Imam and prominent among his teachers were Hammad and

Shu'bah from whom he learnt the Arabic language, the Qur'an and the tradition.

In his interpretation of the Law he relied first on

- (i) The *Qur'an*
- (ii) *Sunnah*
- (iii) *Ijmaa'* of the Sahaabah
- (iv) *Ijtihad*

He exercised and inculcated independence of judgement to such an extent that he and his followers come to be called the Upholders of private judgement (*Ahlul Rai*) by the followers of the other schools.

The basis of his analogy was the Qur'an and he accepted tradition only when he was fully satisfied as to its authenticity.

His teachings are largely followed in *Iraq, Turkey, Syria, China* and *Afghanistan*.

Abu Hanifa had two famous disciples, Muhammad Shaibany and Abu Yusuf – popularly known as the two Imams – and the two companions.

Imam Malik Bin Anas

The full names were Abdallah Malik bin Anas (93 –179 AH). He was born in Madinnah where he studied.

He was one of the early compilers of Hadith and

leading student and teachers of theology in the *Hijaz*.

His interpretation of the law was chiefly based on the Qur'an and Hadith. He limited himself entirely to the tradition he found in Madinah and his system of law is based entirely on the traditions and practices of the people of Madinah. He encouraged the use of Ijtihad but continued that its use should be in agreement with the Qur'an and Hadith.

He wrote a book on jurisprudence and named it Al Muwatta, which was comparatively small collection of Hadith, and limited only to traditions reported by the people of Madinah.

It is the first work of its kind and one of the most authoritative.

Imam Malik's influence was spread for and wide by his disciples, particularly *Abu al Hakam* of Egypt and *Ibn Yahya* of Spain.

His system spread to North East Africa, Central Africa and Central and Eastern parts of Europe.

Imam Shafii

His full names were Muhammad Ibn Idris Al-Shafii. He was the Quraysh by tribe who was born at Gaza Palestine in the year 150H (767 AD) and died in Egypt in the year 204 AH (819 AD). His father died

when Shafii was still young and thus grew up under poor conditions of his mother.

He travelled to many lands in search of knowledge, including the *Hijaz*, where he was a pupil of Imam Malik bin Anas, and Iraq where he studied with some disciples of Imam Abu Hanifa.

He was very intelligent and bright and from his childhood he displayed an excellent memory. He is said to have committed to memorise the Holy Qur'an and the *Muwatta* of Imam Malik at very early age, for the Quran said to memorise at the age of seven (7) years old.

Imam Shafii too, accepted consensus of opinion, analogy and public good but he rejected what the Hanaf called preference (*istihsan*) and what the Malik school called *Ististah* (Public interest).

His school is predominant among inhabitants of *East Africa, Palestine and Jordan, Syria, Lebanon, Iraq, Hijaz, Pakistan, India, Indonesia, Persia and Yemen.*

Imam Ahmad bin Hambal

His full name was Abu Abdallah Ahmad bin Hambal as- *Shaybananee*. He was born in Baghdad Iraq in the year 164 AH (780 AD) and died in the same City in the year 241 AD (855 AD).

He travelled extensively in quest of knowledge and

his journeys took him to *Syria, Hijaz, Yemen, Kufa* and *Basra*.

He wrote a major work of Hadith entitled *Musnad al Imam Ahmad* that comprises six volumes containing more than 30,000 traditions. His son Abdallah, based on the material collected by the Imam himself compiled the book.

He was a famous teacher and prominent, among his students were Imams *Bukhari* and *Muslim*.

Formerly a distinguished student and disciple of Imam *Shafii Ahmad* later founded an independent school based on the Qur'an and the tradition.

The Hambal school is today the official school of the Kingdom of Saudi Arabia and has followers numbering about five million in the *Arabia Penisulla, Palestine, Syria, Iraq* and other countries. It is the least wide spread of all the *Suni Schools*.

Why Various Schools of Law Emerged?

Imams, *Abu Hanifa, Malik, Shafii* and *Ahmad bin Hambal* have rendered a great service to the cause of Islamic jurisprudence. Their differences mainly centre around the *furnat* (tiny branches) of theology rather than the *usul* (the fundamental principles) it is about such differences that the messenger of Allah has said: “ *Difference of opinion in my ummah is a form of*

blessing” The questions ahead is why these difference? The reasons are:

(i) The different in geographical origins and places of work of the founders; each of these Imam jurists originated from and lived in a different area from that of the other, where different customs and practices were in vogue.

These different customs, coupled with their peculiar environment must have influenced the Imams in the interpretation to the law, hence holding opinions, which were divergent in many minor details.

(ii) The different attitude towards the acceptability of Hadith. For example Imam Abu Hanifa accepted Hadith only after a critical study of the authority and subject matter of a given Hadith consequently he accepted very few Hadith.

(iii) The value attached to the various sources of the law. Some Imam attached greater importance to particular sources while putting less reliance or even rejecting others.

For instance Abu Hanifa and Malik attached much importance to Ijtihad and considered it very necessary whereas Ibn Hambal totally rejected it. To him a weak Hadith was better than the opinion of a individual.

These Imams applied the reasoning, which could not come up with uniform deductions since their

reasoning faculties were not the same. This naturally led to divergence in drawing conclusions on the law.

The Islamic Principles Pertaining to Halal and Haram:

- (i) The basic (Asl) refers to the permissibility of things.
- (ii) To make lawful and to prohibit is the right of Allah alone.
- (iii) Prohibiting the Halal and permitting the Haram is similar to committing shirk.
- (iv) The prohibition of things is due to their impurity and Harmfulness.
- (v) What is Halal is sufficient while what is Haram is needless.
- (vi) Whatever is conducive to the Haram is itself Haram.
- (vii) Good intentions not to make the Haram acceptable.
- (viii) Doubtful things are to be avoided.
- (ix) The Haram is prohibited to every one alike.
- (x) Necessity dictate exceptions: Examples;The Muslim under the compulsion of necessity to eat prohibited food in quantity sufficient to resolve the necessity and save himself from death (2:173).

Also refer (2:185), (5:7), (4:28)

Islamic Law on Crimes

The equivalent Islamic law terminology of Crime is *Sayyiah*, *Ma'siyyah* and *Jarimah* which has been

defined as being the violation of directive of shariah which is punishable either with Hadd or Qisas or punishable on the basis or Ta'azir (when the text is silent).

Criminal liability

The criminal liability in Islamic perspective means the capacity of a person to burden all the legal consequences of his acts.

The responsibility for the crime committed will be that of the criminal alone. His fathers, mothers, brothers or any other relative will not be made to undergo punishment for crimes committed by him as happened during Jahilliyah period before Islam. The Holy Qur'an says that no body will bear the burden of another.

Exceptions to Legal responsibility

Sayyidna Ali once said to Sayyidna Omari:

“Do you know that no deed good or evil are recorded (for the following) and are not responsible for what they do:

- (i) An insane person till he becomes sane.*
- (ii) A child till he grows to the age of puberty.*
- (iii) A sleeping person till he awakes*
- (iv) If any crime is committed under force or duress, there will be no legal liability if it is proved that*

he did.

look at the following tradition:

No punishment will be given for crimes committed under such condition of mind as negating responsibility for a criminal act.

Also refer Qur'an 2:286 For error of forgetfulness.

Classification of Crimes and Punishments

Crimes have been classified according to their punishment; Thus

- (i) Hudud (Hadd)
- (ii) Qisas
- (iii) Ta'azir

Hudud Punishment

Hudud (singular - *Hadd*) literally means prevention, hinderances, restraints; etc, technically Hudud are the restrictive Ordinance of Allah (s.w). The Qur'an says: (2:187)

... تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرَبُوهَا... ﴿١٨٧﴾

“...those are limits set by Allah, approach not thereto...”
(2:187)

Since *Hudud* are the textually meted out punishment, judges or *Qadhis* have to apply them as prescribed. No pardon or amicable settlement is allowed.

Generally there are seven (7) crimes which fall under Hudud category these are:

- (i) *Zinaa* (fornication/Adultery)
- (ii) *Al Qadf* (false accusation of Adultery)
- (iii) *Sharb al Khamr* – (Taking alcohol)
- (iv) *Al – Sariqah* – (Theft)
- (v) *Al – Hirabah* – (High way robbery)
- (vi) *Al-Riddah* – (Apostacy)
- (vii) *Al-Baghi* – (Rebellion against legitimate leader of the state)

Az- Zinaa

Zinaa means sexual intercourse between a man and a woman not married to each other.

It is immaterial when one or both have their own spouses alive or are un-married. It is with the consent of the parties.

The word *zinaa* applies to both adultery (where one or both parties are married to a person or persons other than the persons involved in the sexual intercourse and fornication where both parties are un married).

Punishment for Zinaa

Allah says in the Qur'an:

الرَّائِيَةُ وَالرَّائِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ

'The woman and the man guilty of fornication flog each of them with a hundred stripes...' (24:2)

The punishment should be open in order to be deterrent. But if he or she is married the punishment is stoning to death.

It is narrated by Jabir Abdallah al-ansar:

A man come to Allah's apostle and informed him that he had committed illegal sexual intercourse against himself. Allah's apostle ordered him stoned to death as he was married person.

The Prohibition of Approaching Zinaa

When Islam prohibits something, it closes all the avenues of approach to it. This is achieved by prohibiting every step and every means leading to the *haram*. Thus in the case of zinaa there a number of steps if taken for the evil of zinaa would be curbed.

- (i) **Khalwah** (privacy). It denotes a man and woman being alone together in a place in which there is as fear or intrusion by anyone else so that opportunity exists for

sexual intimacy such as touching, kissing, embracing or even for intercourse.

- (ii) Looking with desire at the opposite sex. For the *eye is the key* to the feelings and the look is a messenger of *desire*, carrying the message of fornication or adultery. A poet of ancient times has said “*All affairs begin with the sight*”. The raging fire a spark can ignite.
- (iii) The prohibition of looking at the awrah of others.
- (iv) The display of women’s adornment refer Qur’an 24:31. The prohibition of display of women’s attractions the Qur’an says:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَىٰ

“ *And be in your houses and do not make a display of yourselves in the manner of display of Jahilliyah...*”.
(33:33)

The ways in which women displayed themselves during the period of pre- Islamic Jahilliyah inheaded mingling freely with men, walking seductively and wearing a head covering in a manner exposed the ornaments and beats of the head and neck.

Al-Qadhf (False accusation of adultery)

When some one accuses the other for adultery without having proof he is to be stripped 80 lashes and from then his evidence or witness will never be accepted in the court forever. He is termed to be (transgressor) The Holy Qur'an states: [24:4]

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ
شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ
شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴿٤﴾

“And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations) flog them with eighty stripes and reject their evidence ever after for such men are wicked transgressors”. [24:4]

Taking alcohol

Wine drinking (taking of alcohol) or any intoxicating drug used is forbidden (*haram*) in Islam.

The word for an intoxicant used in the Qur'an is “*Khamr*” which is derived from *Khamara*: meaning the covered or veiled thing. Thus it will mean any fermented juice of grape, barley, honey or any other thing, which may make one intoxicated after drinking. It may also include anything, which has the same property.

Gradual prohibition of Khamr introduced in Islam

Drinking wine or taking of an intoxicant is a great sin in Islam although there may possibly be some benefit in drinking but the harm according to the Qur'anic guidance is greater than the benefit especially when one look it from a social as well as an individual point of view.

The Arabs even after they had accepted Islam used to ask the Prophet (s.a.w) many questions about it when the following verse was re-reached:

﴿يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ ۖ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ ۖ قُلِ الْعَفْوَ ۗ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَتَفَكَّرُونَ﴾

“They asked thee concerning wine and gambling. Say: In them is great sin, and some profit for men but the sin is greater than the profit. They ask thee how much they are to spend: Say: What is beyond your needs. Thus doth Allah make clear to you His signs: In order that ye consider. [2:219]

The above verse only pointed out the evils of wine drinking but did not prohibit it. So, this was the first stage.

The *second stage* forbade its use particularly as they were asked not to pray when they were drunk thus:

يَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنتُمْ
سُكْرَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا
عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ﴿٤٣﴾

“O ye who believe! Approach not prayers in a state of intoxication, until ye can understand all that ye say Nor in a state of ceremonial impurity...” [4:43]

The *last stage* was a total prohibition. Allah says:

يَأْتِيهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ
وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَأَجْتَنِبُوهُ لَعَلَّكُمْ
تُفْلِحُونَ ﴿٩٠﴾ إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ
الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَن
ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنتُمْ مُنْتَهُونَ ﴿٩١﴾

“O! Ye who believe! Intoxicants and gambling, sacrificing to stones, And (divination by) arrows, Are an abomination of satans handiwork: Eschew such (abomination), That Ye may prosper Satan’s plan is but to excitement and hatred between you, with intoxicants

and gamblimb, and hinder from the remembrance of Allah and from prayers, will ye not then abstain?"
(5:90-91)

So the above verses were the final prohibition of wine drinking.

According to Imam Qatadah, the verse prohibiting wine drinking was revealed after the battle of Ahzab, which took place in the fourth or fifth year of the Hijra; Ibn Ishaq the famous historian has also confirmed that it was revealed in the fourth year of *Hijra*.

A tradition:

The Prophet (s.a.w.) said an intoxicant is a mother of all vices. Whosoever drinks it, his prayers (Salat) will not be accepted (by Allah) for forty days. If he died and there is wine in the stomach, he has died the death of the Jahilliyah.

The Prophet said: "A drunkard who drinks wine is not a believer at the time he drinks.

Drugs

Such as *Marijuana, cocaine, Opium, Hashish, parik (Kuber)* and the like are definitely included in the prohibited category of *Khamr*. It is well known that the use of such drugs affects the sensory perceptions. The general rule is the consumption of Harmful things is *Haram*;

﴿٢٩﴾ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

“... And do not kill yourselves, indeed, Allah is ever merciful to you”. [4:29]

... وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا...

“... And do not be cost into ruin by your own hands”. [2:195]

Punishment of Drinking Wine

All the jurists of the four schools have a consensus that a drunkard must be punished through flogging. They differ in number of lashes. The Malik, the Hanafi and Hambal jurists say that the Hada punishment for wine drinking will be eighty (80) lashes. But Imam Shafi says that the punishment will be forty (40) stripes only.

Sayyidna Omar (r.a) used to give punishment of eighty lashes and instructed Khalid bin Walid and Abu Ubaidah to do the same in Syria in his letter written to them.

As Sariqah (the theft).

An act of theft is deemed complete by the Fuqaha

(Muslim scholar/Jurists) when the following elements are present:

- (i) The property is taken away secretly.
- (ii) The property is taken away with evil intention.
- (iii) The person from whom it is stolen should legally own the thing stolen.
- (iv) The stolen property should have been taken out of the possession of its real owner.
- (v) The stolen thing should have already come under the possession of the thief.
- (vi) The property should reach the value or Nisab of theft.
- (vii) There should be no *shubha* (doubtful condition)

Punishment of Theft

For the theft the Holy Qur'an ordained thus:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا
كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ ﴿٣٨﴾

“As to the theft male or female, cut off his or her hands a retribution for their deed. And exemplary punishment from Allah , And Allah is exalted in Powerful of Wisdom”. [5:38]

According to this verse the punishment for theft is cutting off of the right hand if all necessary conditions are fulfilled.

Al-Hurabah or Brigandage

Al-Hurabah or high way robbery is a serious crime according to the Holy Qur’an. It is an exercise of a group of armed people or a single person who attack travellers or ware farers on the high way or any other place depriving them their property through the use of force in the circumstance which the victims are away from receiving any immediate help. The Holy Qur’an calls it a war against Allah (s.w.) and His messenger”. And an attempt to spread mischief in the world.(5:33)

Hirabah or robbery is not merely an offence against human society but, according to the above verse of the Qur’an, it is as, one is waging war against Allah and His Messenger through the use of sheer force. To wage war against a community may result in chaos and confusion and loss of peace of mind and heart and of the society at large.

The jurists have explained the act of hirabah in the following categories:

- (i) The robbers who could only kill but could not get away with their loot, still it amount to robbery. If he kills and cannot get away with the loot, he should be killed but not crucified.
- (ii) If they killed and took away the property, it is robbery All the jurists agreed that whenever a robber kills with the intention to rob and take away the property he should be killed for his crime or crucified.
- (iii) If they took away property with the use of force without killing in the case when he takes away the property through the use of force but does not kill his hand and leg on opposite sides must be cut off.
- (iv) Even if they only frightened without intention to rob, it still amounts to robbery. But if he frighten only with the intention to rob and does not get away with the property nor does he kill in the attempt, he should be exiled.

All jurists agree that he should not be killed unless he kills the victim. This is in according to the Qur'an which say:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ

وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ
تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُم مِّنْ خِلَافٍ أَوْ يُنْفَوْا مِّنَ
الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الآخِرَةِ
عَذَابٌ عَظِيمٌ ﴿٣٣﴾

“The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is, execution or crucifixion or the cutting off of hands and feet from opposite sides or exile from the land that is their disgrace in this world and a heavy punishment is theirs in the hereafter”.
[5:33]

Apostasy (Riddah)

This is a religious retardation from Islamic faith and become non Muslim. It is reported by Abbas (r.a.) that the Messenger of Allah (s.a.w.) said:

“Who ever changes his religion (from Islam to anything else), bring end to his life (Al-Bukhari).”

Al-Baghi

Rebellion against a lawful leader consists in seeking his death or overthrowing the established order. The punishment is beheading.(49:9)

Qisas Punishment

The word Qisas is derived from the Arabic to cut it or followed its tracks. While Qassa in its technical significance means retaliation or slaying for slaying or wounding for wounding, mutilating for mutilating intentional acts against human life or body. It originates from the Holy Qur'an where it says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُتِبَ عَلَيْكُمُ
الْقِصَاصُ... ﴿١٧٨﴾

“O ye who believe, the law of equality is prescribed to you” [2:178]

In another place Allah says:

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ
بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ
بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَن تَصَدَّقَ بِهِ فَهُوَ
كَفَّارَةٌ لَهُ وَمَن لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ
هُمُ الظَّالِمُونَ ﴿٤٥﴾

*“We ordained therein for them life for life, eye for eye,
Nose for nose, ear for ear, tooth for tooth and wounds*

equal for equal”. But if any one remits the retaliation by way of charity, it is an act of atonement for himself and if any fail to judge by what Allah hath recalled, they are wrong doers”. [5:45]

It should be noted that Unintentional crime against life or body is punishable by Diah (payment of compensation). Diah is also Payable if the wronged person remits (forgoes) the accused person. This is in accordance with the provision of the Qur’an thus:

... فَمَنْ عَفَىٰ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعْ
 بِالْمَعْرُوفِ وَأَدَاءٍ إِلَيْهِ بِإِحْسَانٍ ۗ

“... But if any remission is made by the brother of the demand, and compensate him with handsome gratitude..”. [2:178]

Ta’zir Punishment

Ta’zir punishments are nowhere spoken off in the text. They apply to all crimes which are not punished by *Hadd* or *Qisas*. Ta’zir punishments are of the various types ranging from mild to severe, so much so that, an ample scope be given to judges to inflict the most appropriate punishments with due regard to the gravity of the crime committed. It should be noted that shariah is not against codification of Ta’azir crimes and their

punishments, what it requires is that for every crime more than one punishment be meted out (eg five flogging or imprisonment) so as to cope with the principles and sentencing policy underlining the Islamic Criminal Justice.

Accusations against shariah and their weaknesses

The noise and controversy being raised by westerners and other secularists against shariah focus mainly upon Hudud punishment particularly amputations of hands and stoning to death meted out for theft and adultery respectively.

In a bid to refute such accusation it could be said, in as much as Hudud punishment seem to be harsh and tough there is a strong tendency to restrict their application as much as possible, the most important means of resucting application of Hudud penalties is *Shubha* (doubt or uncertainty) pertaining to the commission of the accused person or competency and reliability of the witness or credibility of their statements in all these doubtful circumstances Hudud punishments should not be inflicted.

More proof of Hudud crimes is made difficult that high demands are made of witnesses regarding their *number, sex, qualifications (age, mentally sound, religion, moral upright)* and *contents* of their statements. These are particularly severe with regard to the evidence of unlawful intercourse which attracts stonning to death as well as in respect of the conditions required to be

fulfilled before an act amounts to theft which attracts amputation of the hand.

On the other hand as far as confession or admission as means of proof even if the guilty person confesses or admits, judges are recommended to suggest the accused to withdraw. Also if there is doubt in his confession; the punishment is withdrawn. At this juncture it may be recalled that man also confessed that he committed theft was brought before the Khalifa Umar (r.a) said to him “*did you commit theft?*” He said “*No*” and was accordingly acquitted by Umar.

However the following Hadith explicitly enunciates that the withdrawal of confession Islamically is allowed;

“Narrated Ibn Abbas when Ma’iz bin Malik came to the Prophet (s.a.w.) in order to confess that he had committed Zinaa and the Prophet said to him : “Probably you have only kissed the cads or winked at her. He said No Allahs’ apostle. The Prophet said “Did you had sexual intercourse with her?”Ma’iz replied positively.

At the point the Prophet (s.a.w.) ordered that he should be stoned to death because incident evidently shows that the Prophet (s.a.w.) tried to persuade Maiz to withdraw but on his resistance that he committed zinaa, the Prophet ordered his companions to inflict him and accordingly stoning to death.

Furthermore, another means of restricting infliction of Hudud penalties, that they are affected by Tawba of the of offender eg if a thief repented and returned the stolen property before the application for prosecution has been made the had lapses. Likewise the repentance of highway robbery before arrest also causes the Hadd to lapse. In this regard Qur'an says:

إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَاعْلَمُوا
 أَنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿٣٤﴾

“Except for those who repent before they fall into your power, in that case, know that Allah is after forgiving most merciful”. [5:34]

In another verse, Allah says:

فَمَنْ تَابَ مِنْ بَعْدِ ظُلْمِهِ وَأَصْلَحَ فَإِنَّ اللَّهَ يَتُوبُ
 عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿٣٩﴾

“But if the thief repent, after his crime, and amend his conduct, Allah turned to him in forgiveness, for Allah is oft-forgiving, most merciful”. [5:39]

Another argument to refute the accusation is that these laws are from the all knower, the Creator, so He would not lay down impossible practices to mankind. It should be noted that application of Shariah follows

after the society being prepared for it. Justice is a ruling spirit of Islamic Shariah and provides the entire frame work of Islam. Allah says in the Qur'an.

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ
 الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ ﴿٢٥﴾

“We sent a foretime our messengers with clean signs and sent down with them the book and Balance (of Right and wrong) that men may stand for the justice”. (57:25)

This call is repeated in 2:143, 4:135, 103:1 –3, etc.

Review Question:

1. What is the Qur’anic law on:
 - (i) Adultery
 - (ii) Intoxicant
 - (iii) High way robbery
1. Why various schools of law emerged? Outline the impacts to Muslim Ummah?
2. Discuss the exceptions to Islamic legal responsibility
3. What measures taken by Islamic law to curb fornications and adultery in the society?
4. Critically evaluate the allegations against Islamic Shariah ?
5. Discuss critically the primary and secondary sources of Islamic laws.

CHAPTER THREE

SOCIAL LAWS IN THE QUR'AN

1. Business and Trade

There are a number of Qur'anic and a Hadith injunctions which have encouraged Muslims to engage themselves in lawful and wide range of business and trade. Some of the injunctions specially mention business as “*Fadhlullah*”, the bounties and excellence of Allah (s.w). In order to do successful business, Muslims have been asked to undertake traveling and long journeys:

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِن فَضْلِ اللَّهِ وَاذْكُرُوا
اللَّهَ كَثِيرًا لَّعَلَّكُمْ تُفْلِحُونَ ﴿١٠﴾

“And when the Prayer is finished, then may ye disperse through the land, and seek of the Bounty of Allah: and celebrate the Praises of Allah often (and without stint): that ye may prosper.”(62:10).

A truthful, and trustworthy trader will rise up with prophets, the righteous and the martyrs”. (Tirmidhy and Ibn Majah)

In dealing with business transactions, Muslims should observe Qur'an and Hadith injunctions. In Islam, the following transactions are prohibited.

(i) **Selling of Haram (unlawful) goods**

In Islamic law, Haram goods are not allowed to be sold. Goods like the flesh of swine, intoxicants, idols, dead meat, blood, gambling and other prohibited food.

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ...

“He has only forbidden you dead meat, and blood, and the flesh of swine...” (Qur’an 2:173)

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنزِيرِ وَمَا
أَهْلَ لِغَيْرِ اللَّهِ بِهِ...

“Forbidden to you are dead meat, blood, the flesh of swine, and that has been invoked the name of other than Allah ...” (Qur’an 5:3)

يَتَأْتِيهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ
وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ
فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

“O ye who believe! Intoxicants and gambling, sacrificing to stones and (divination by) arrows, are an abomination of Satan’s handiwork. Eschew such

(abomination) that you may prosper". (Qur'an 5:90)

(ii) Selling unknown commodity or uncertainty

Selling commodity which is unknown is haram. The examples are selling fish in water, which is not yet caught, or of a bird in the air, or of a foetus in the womb. Similarly it is also prohibited sale of milk in the udder, the sale of dry dates for ripe dates. Where two or more distinct articles are the objects of a single sale, the price of each should be individually known and determined, otherwise the transaction is void for uncertainty (*Gharar*). The *Gharar* sale in other words, involves speculative risks in contract:

"The messenger of Allah forbade the sale through fraudulent means or the gharar sale" (Bukhar & Muslim).

(iii) Price manipulation

Price manipulation means to influence or manage (person) cleverly, especially by using unfair methods or by treating a person wrongly. In Islam the market price should be permitted to operate, that respond to the laws of supply and demand.

A tradition:

"The messenger of Allah has forbidden dishonesty and bad behaviour in transaction." (Al-Bukhari).

(iv) Hoarding

Hoarding means to store or to collect goods and keep them in reserve secretly.

The condemnation of hoarding is mentioned by the Hadith of the prophet (s.a.w):

“If anyone withholds goods until the price rises, he is a sinner” (Muslim).

A good way for a Muslim is to put the commodity on the market, sell it for a reasonable profit, buy more goods and sell them in good manner.

Hoarding any food item is unlawful. It is through this inhuman practice that the society suffers a lot.

(v) Income arising out of prostitution

The business in all forms must be clean. If the source of the business is dirty it will not be accepted. Consider an example of prostitution in the following Hadith:

“The messenger of Allah has forbidden the income of blood, dog and prostitution...” (Bukhari).

(vi) Interference in the free-Market

This sort of trade can lead to fraudulent practices

such as buying things at a very cheap rate in order to sell at an exorbitant price since the people of the town may deceive the caravan traders by offering them a low price as they are not aware of the actual situation of the market until they come to the town and discover that they were cheated. Similarly, during the famine period, the traders might go out to nearby villages to buy food-stuff from simple villagers at a nominal price without telling them the current market price in the town. It is for these reason this sort of trade forbidden in Islam.

A tradition:

“The messenger of Allah has for bidden to go out of the town and meet the caravan and to trade with them through tricking the people of the town.” (Bukhari).

The Permissibility of Brokerage

Ibn Sirin and some other famous Muslim Scholars saw nothing wrong with commissions charged by brokers:

Ibn Abbas (r.a) said;

“There is no harm if one person says to another sell this robe and if you sell for more than such a price you may keep the extra amount”.

(vii)

Exploitation and Fraud

Every Muslim must be honest in every matter, such as weighing out things which he is selling and in all other dealings with other people. He must not cheat by showing specimen of a good quality and then selling inferior stuff, or giving less weight than agreed upon. Allah (s.w) says in the Holy Qur-an:

وَأَقِيمُوا أَلْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا
أَلْمِيزَانَ ﴿٩﴾

“So establish weight with justice and fall not short in balance.” (Q: 55:9)

(viii)

Frequent swearing

This is done to deceive people which is contrary to Islamic ethics. It also reduce the respect for the name of Allah (s.w) which are required to respect. The sin of deceiving is greater when the seller supports his sale by swearing falsely. In the Hadith recorded by Muslim the messenger of Allah warns muslims on using swearing in selling their goods:

“On the day of resurrection Allah will not look at three (kinds of) people nor purify them. One of them is the

person who swears (to the truth) while lying about his merchandise” Reported by Muslim and others.

(ix) Buying stolen property

The messenger of Allah said:

“He who buys the stolen property, with the knowledge that it was stolen, shares in the sin and shame of stealing”. (Baihaqiy)

Every Muslim is asked to earn his livelihood in a lawful manner. If one buys property through unlawful means knowingly, it will not be acceptable to Allah. On the contrary, he will be deemed to have committed a sin. Additionally the property earned through haram means, will have no blessings from Allah (s.w) and whatever property left behind by the person becomes a source of greater problems in this world and in the hereafter.

(x) The prohibition of interests (Ar-Riba)

The philosophy of prohibiting interests can be categorized as follows:

- (a) The taking of interest implies appropriating another person; property without giving him anything in exchange, because one who lends one shilling for two shillings earn of an extra shilling through interest, either in advance or at a later date, without

working for it.

- (b) Dependence on interest prevents people from working to earn money, since the person with shillings can earn an extra shilling through interest, either in advance or at a later date, without working for it.
- (c) Permitting the taking of interest discourages people from doing good to one another as required by Islam.
- (d) The lender is very likely to be wealthy and the borrower to be the poor. If interest is allowed, the rich will exploit the poor.

For the reasons mentioned one can be able to discover the necessity of the prohibition of interest as it is mentioned in both the holy Qur'an and the Hadith:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي
يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ . . . ﴿٢٧٥﴾

“Those who devour interest will not stand except as stand one whom the devil by his touch has driven to madness. (Qur’an 2:275)”

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ

الرَّبَّوْا إِن كُنْتُمْ مُؤْمِنِينَ ﴿٢٧٨﴾ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا
بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ ۗ . . . ﴿٢٧٩﴾

“O you who believe! Fear Allah and give up what remains of your demand for interest, if you are indeed believer.” “If you do not, take notice of war from Allah and His Messenger...” (Qur’an 2:278)

The messenger of Allah cursed the one who accepted interest, the one who paid it, the one who recorded it, and two witnesses to it, saying that they were all alike.

(xi) **Sale for Differed Payment (*Hawalah*)**

Some contracts are assignable. As for example, if A lends some money to B, A may, by contracting with assign the claim to C. This is called *Hawalah* (ie. Assignment or transfer). Imam Malik approves of such assignment but other jurists of Shafii and Hambal schools appose it, while the Hanaf allow it in exceptional cases. But all the Jurists permit A to sell his claim against B to anyone A likes or to make a gift of it to any person other than the debtor; B. The following are the conditions requisite for a valid *hawalah*:

1. The debt which is the subject matter of contract must be a lawfully subsisting obligation.
2. The original creditor (A) and debtor (B)

must mutually agreed that the debt should paid by B to C, the assignee debt which constitutes the object of the transfer.

3. The debt must have fallen due, even though it consists in the price to be paid by a slave for his freedom, but it is not necessary that the debt owed to the transferor should have fallen due.
4. Both debts must consist in objects of the same kind, equal in varying fineness of coins.
5. The two debts must not consist of foodstuffs which have been purchased.

Things considered as unlawful in business:-

- (i) Swindle
- (ii) Cheat or lie in respect of price, or deceive.
- (iii) Hide defects.
- (iv) Mix a commodity of poor quality with one of good quality.
- (v) a seller to hide some of his commodity, mentioning of which can stop the buyer from buying it or hiding a defect the mention of which can lower the price.

The prophet of Allah had been reported saying;

“A truthful and trustworthy trader will rise up with the prophets, the righteous and the martyrs”. (Al-Trimidhy).

BUSSINESS ETHICS

The following are the business ethics from Islamic point of view:

1. To inculcate high sense of morality.
2. Business should be for the common benefits of trader and consumer.
3. Commodities should be in use not useless things.
4. Loans, drafts etc. are to be paid as promised.
5. Promises and other transactions are to be honoured.
6. All transactions should be in writing form.
7. Weights and measures should be maintained correctly.
8. Not selling a commodity at two prices.
9. Any fraud dealing is illegal.

Partnership

The word partnership or *shirkah* signifies the conjunction of two or more persons to carry on a business to share the profits obtained by joint investment. The partnership exists where profits by joint investment. The partnership exists where property is held in common between two or more co proprietors. A person

thus alienates an undivided share of his property, in return for an undivided share of the property of another each having a right to administer the whole.

Types of partnerships

(i) Shirkat Inan (limited partnership)

This is a limited partnership in which partner is not allowed to do anything without his co-partner.

(ii) Shirkah al-Abdan (Association of bodies or labour association)

This kind of partnership allows two or more persons to associate themselves for the exercise of a profession or handcraft. The profit will be practically equal for the partners with a view to lending mutual assistance even through the associates work separately. Imam Malik's view is that the stock of tools may be provided by each partner in such labour association, but the other Jurists views are that the tools will be owned by the association or hired by the association at common expense. In this kind of shirikah, any payment received or engagement entered upon by one of the associates for some work done or to be done binds the other, and the payments remains at their risk even after the dissolution of the sharikah. It will be illegal for one of the associates to hold a great predominant share in the stock of tools by one of the associates of the

shirkah.

(iii) Qirad (Dormant Partnership)

This is a contract by which a person entrusts funds to a trader in order that he shall trade with it, subject to the lender having a share in the profit. Thus, the capital is handed over to an agent to trade with, and the contract comes into force when the agent starts his trading journey. In the contract of dormant partnership, a certain fixed capital is handed over to agent on condition that the person entrusting it shall participate in the profits in certain proportion. The dormant partner remains the owner of the capital. The agent is only in possession by virtue of the trust reposed in him. He is only held responsible for negligence or the breaking of the rules of the contract.

Prohibition in Qirad Partnership

1. The capital should not consist of a debt owed by a debtor to his creditor nor should it consist of a pledge or of a security.
2. Capital should not consist of debased coins nor of goods which the agent has taken upon himself to realize because in these cases the value of the capital cannot be strictly determined.

3. The risk for the enterprise should not be thrown upon the agent, otherwise the contract will become invalid.
4. The shares should not remain ambiguous or fake, otherwise, it will create confusion later on.

The differences between ordinary partnership and the *Qirad* (Dormant) partnership are as follows:-

(a) Ordinary Partnership;

1. The ordinary partnership has its existence where the partners live.
2. All the partners place an active part in the concern and each contributes its share of the capital.

(b) *Qirad* (Dormant) Partnership;

1. A capitalist furnishes the funds but the active agent operates the concern almost without control.
2. The agent can be far from the place where the contract was entered into
3. The capital must consist as a general rule in cash.

(iv) Mudarabah (co-partnership).

This is a contract in which certain property of stock is offered by the owner or proprietor of the

capital to the other party to form a joint partnership in which both parties will participate in profit. The other party is entitled to a profit in due of his labour since he is giving to manage the property.

(v) **Wakalah (Agency):**

Wakalah (Agency) arises where a person authorizes another to replace him in the exercise of his civil rights. Thus, the person authorized is called *wakil*.

In Islam, *wakil* can be entrusted with all acts which can be done by a representative, such as concluding or rescinding a contract, collecting a sum due, assigning of debt or discharging a debtor, etc.

Limitation of Wakil (Agent)

The *wakil* can be delegated to deal with all matters except the followings:

1. To take an oath;
2. To commit an illegal act;
3. To divorce the wife of the principal.
4. To give consent to the marriage of the principal's virgin daughter.
5. To sell the principal's house.

Obligations of a wakil (Agent)

1. To sell or buy for the price, and should declare clearly to the third party: 'I am sent

by my principal Mr. A in order to that, you may sell to him this and this.”

2. He is responsible for any breach of warranty in the thing already sold, unless the buyer has been informed that the vendor was acting simply as an agent to Mr. A.
3. To accept only legal tender as the payment, or if the principal has authorized, he may accept as barter in a halal manner.
4. To conform to the current market price, otherwise the principal is not bound to satisfy his transactions.
5. To comply with the instructions given by his principal, otherwise the latter may refuse to accept the purchase or part with merchandise.
6. He cannot sell to himself the wares which are given to him for sale, nor can he sell them to one of his wards under his guardianship except his wife.

THE LAW OF INHERITANCE

There are about thirty five (35) verses of the Qur’an which refer to *Mirath* (inheritance) or its derivatives in one or other.

The principles of inheritance are mentioned in suratun Nisai as follows:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ فَإِن لَّمْ يَكُن لَّهُ وَلَدٌ وَوَرِثَهُ أَبُوَاهُ فَلِلْأُمِّهِ الثُّلُثُ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِلْأُمِّهِ السُّدُسُ مِّنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ؕ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

❖ وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لهنَّ وَلَدٌ فَلَكُمُ الرُّبْعُ مِمَّا تَرَكَنَّ مِّنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِّنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِن كَانَ رَجُلٌ يُورِثُ كَلِيلَةً أَوْ أُمْرَأَةً أَوْ أُمَّةً أَوْ أَخًا أَوْ أُخْتًا فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا أَكْثَرَ مِن ذَٰلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِّنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾

“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. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-Knowing, All-Wise.” “In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah; and Allah is All-Knowing, Most Forbearing.”(4: 11-12)

Summary:

- (a) The wife also gets her share after the death of her husband which is $\frac{1}{4}$ (one fourth) if he leaves a child, she gets $\frac{1}{8}$ (one eighth) after payment of legacies and debts.

- (b) Relatives who have no legal shares including orphans and indigent people are to be considered if they are present at the division.
- (c) The deceased is needed to leave a will which should not necessarily be in writings but attested by witnesses.

Legal Implications of Inheritance Revived from the Qur'an:

- (a) The inheritance is not meant for men only but women also have the right to inherit.
- (b) The property left behind by a deceased, however little it must be distributed justly among the heirs.
- (c) The law of inheritance will apply to all kinds of property, movable or immovable or any other kinds.
- (d) The question of inheritance only comes up when the deceased has left some property.
- (e) The nearer to relatives precludes the distant relative from the inheritance.

Rationale of Islamic Law of Inheritance:

The rationale of Islamic Law of Inheritance can be summarized as follows:

- (i) It prevents the growth of capitalism.
- (ii) It considers the family in its extended form.
- (iii) It respects the will
- (iv) It harmonies the family and strengthen its bond.
- (v) It reminds the family members to observe their responsibilities.
- (vi) It serves the parties involved

Rights to division of Shares:

There are two classes of heirs. Those who have specific shares mentioned in the Qur'an, the Asaba are those who are entitled to remainders of the shares.

The male heirs are as follows:

- (i) Son
- (ii) Son of son how low so ever
- (iii) Father of the deceased
- (iv) Grandfather of the deceased how high so ever.
- (v) Brother of the deceased
- (vi) Son of the brother of the deceased.
- (vii) Uncle (*i.e. brother of the father*) of the deceased.
- (viii) Son of uncle(*i.e. son of the brother of the father*) of the deceased.
- (ix) Husband
- (x) Master who free his slave.

Female heirs are:

- (i) Daughter of the deceased
- (ii) Daughter of the son of the deceased.
- (iii) Mother of the deceased.
- (iv) Grandmother of the deceased for both sides.
- (v) Sister whether full, consanguine or uterine.
- (vi) Wife of the deceased.
- (vii) Freed slave (mistress)

AS A'BA:

There are four males:

- (i) Husband of the deceased.
- (ii) Father of the deceased.
- (iii) Grandfather of the deceased.
- (iv) Uterine brothers.

Their shares are $\frac{1}{2}$, $\frac{1}{6}$, $\frac{1}{4}$ and $\frac{1}{3}$.

The females are:

- (i) Wife of the deceased.
- (ii) Daughter of the deceased.
- (iii) Daughter of the son of the deceased.
- (iv) Mother of the deceased.
- (v) Grandmother of the deceased.
- (vi) Sisters (full sister, uterine sister and consanguine sister).

Their shares are $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{2}$ and $\frac{2}{3}$.

Impediments to Succession:

There are the following:

- (i) Homocide
- (ii) Difference of religion
- (iii) Slavery

Homocide:

According to the Prophetic Hadith:

“A murderer does not inherit”

However, in the following cases killing (*Qatl*) the right of inheritance will not be affected:

- (i) If it is lawful killing as a result of exercising judicial punishment resulting death, and on the battle of Muslims and non Muslims.
- (ii) If killing result in self-defence.
- (iii) In the case of any justifiable killing according to shariah.
- (iv) An Act of a mad person or a minor

Change of Religion

The Prophet (s.a.w.) said:

“A Muslim cannot inherit an unbelievers and an unbelievers will not inherit a believer”.

Supposing a Muslim husband dies having left behind his Jewish or a Christian wife, she will not inherit him but she will be entitled through

Wassiyah which will not be more than one third ($\frac{1}{3}$) of the estate.

Slavery

They will not inherit and they will not be inherited. If a slave died he will not be inherited by his relatives, because he, as a slave, owned nothing since all that slave owned belonged to his master and her or himself was treated as a property.

Shares of Each Heir

A. Shares Allotted to Parents

- (i) If the deceased has left behind a child, each parent will have one sixth ($\frac{1}{6}$) of which he has left and the rest goes to child.
- (ii) If the deceased has left no child and the parents are the only heirs then his mothers will get one-third ($\frac{1}{3}$) and the father will get the remaining two third ($\frac{2}{3}$).
- (iii) If the deceased has left no children but only sisters and brothers, his mother in that case will have one sixth ($\frac{1}{6}$) and the father gets the rest as the father excluded collaterals.

B. Shares allotted for Children

- (i) The children have the rights over the property left by their parents. According to law of inheritance the male child have as much as the portion of two females. This is not determined because of inferiority inherent in her but in view of her economic opportunities and the place she occupies in the social structure of which she is a part and parcel. According to Muslim law the daughter is held to be full owner of the property given to her both by the father and the husband at the time of her marriage. The responsibility of maintaining her throughout her life is wholly thrown on the husband. Besides, the Islamic Shariah has put greater economic responsibility on man while a woman's role is comparatively much higher.
- (ii) But if among the off-springs of the deceased, the daughters are the only heirs, and they are more than two they will have two third ($\frac{2}{3}$) of the share. If she is only one, she will have half.

C. Shares allotted to Husband and Wives

- (i) When the wife dies, the husband takes half ($\frac{1}{2}$) of his deceased wife's property. If she leaves no child. The residuary get the rest of the property.

- (ii) If the deceased wife leaves a child, the husband gets only one fourth ($\frac{1}{4}$).
- (iii) The Widow gets one fourth of her deceased husband's property, if he leaves no children.
- (iv) If he leaves children, the widow gets only one eighth ($\frac{1}{8}$).
- (v) If the widows are more than one, their collective share is one fourth if there is no children. But if there are children, their collective share is one eighth from which they divide equally.

D. Shares Allotted for Daughter or Daughters

If she is only one daughter in the absence of a son(brother) inheriting the father she will receive one half ($\frac{1}{2}$). But if there are two daughters they will receive $\frac{2}{3}$ in the absence of a son(brother). When a daughter is coming with son(child) or daughter the sons will inherit the double share of a daughter.

E. Shares Allotted to daughter of son.

Daughter of the son will inherit in the absence

of the proper son and daughter or, son of son who is in the same class with her or any son from upper class. But if the son is from lower classes, he will not affect her, she will inherit $1/2$ and $2/3$ if there are two or more daughters in the absence of the son or son of sons etc.

She will receive $1/6$ share if there are one or more daughters in the presence of one proper daughter, or any daughter in the upper class. Here the daughter of the son will take $1/6$ after the proper daughter has taken her $1/2$ share to complete the share of females, which is $2/3$.

F. Shares Allotted to uterine brother and sisters

Uterine brother or sister if he or she is only one, will receive $1/6$ in the absence of any child if there are any of the children they excluded him or her. If they are two or more mixed they will share equally from $1/3$.

G. Shares Allotted to full Brothers and full sisters

- (a) If full sister is only one, she will inherit $1/2$ in the absence of inheriting children, father or grandfather and full brother.
- (b) If there is one, two or more full sisters, they will share $2/3$ in the absence of inheriting

children, full brother, father and grandfather.

- (c) They will inherit as 'ASABA' in the presence of full brother and will divide according to the principle of "*for male equal to that of two females*".
- (d) In the case where a full sister is coming with daughter or daughters or the son, she will inherit as 'ASABA' after taking their shares.

H. Shares Allotted to Consanguine Sister

- (a) In the absence of children, father, full brother or sister and consanguine brother, the consanguine sister will receive $\frac{1}{2}$.
- (b) If they are two or more, they will receive $\frac{2}{3}$ provided they are not excluded and not agnatised.
- (c) If the presence of one full sister they will receive $\frac{1}{2}$
- (d) If she agnatised by consanguine brother, she will share as ASABA.

I. Shares Allotted to Grandfather

- (i) If the grandmother is the sole survivor he

will get the whole of the estate.

- (ii) If the grandfather comes with other male issue eg son, son of son, he will inherit $\frac{1}{6}$ of the net estate.
- (iii) If he comes with female issues eg daughter, daughter of son he will be entitled to $\frac{1}{6}$ + residue.
- (iv) If he comes with brothers whether full or consanguine and/or sister; He will left to his choice either to take $\frac{1}{3}$ of the estate or to be treated as brother.

J. The share Allotted to Grandmother

She will inherit $\frac{1}{6}$ of the total estate and their number must not exceed four. They may be grandmother either paternal or maternal.

K. Shares Allotted to Kala'lah

Kala'lah are those who inherit the deceased who dies leaving neither ascendants nor descendants. If the deceased has left no ascendants or descendants but he has only left a brother or a sister each one of them gets one-sixth of the property. If the deceased has left no ascendant or descendants but has only left a brother or a sister each one of them gets one-sixth of the property. But if there more than two, they divide

equally out of one third. 1/3

Rules of exclusion from inheritance

- (i) Nearer in degree is excluded one who is remoter eg father excluded grandfather.
- (ii) A person who is related to the deceased through another is excluded by the presence of latter e.g. a father excluded a brother.
- (iii) Full blood excludes half blood eg full sister excludes consanguine sister). The inception to this rule is that the uterine relations is one not excluded on this ground.

N.B: In number (ii) above there is exception: a mother does not exclude the brother or sister.

Example;

On her death, Ummu-Salama left back Tsh 4,000,000/=(four millions) Before she died she pledged to contribute four hundred thousand (Tsh 400,000/=) to the construction of a Muslim school in her locality. She survived a husband, two brothers, both parents, four daughters and one son. Distribute that estate among the heirs.

Answer:

The estate to be distributed is as follows:

- ¢ The pledge is to be fulfilled first
 $4,000,000 - 400,000 = 3600,000/=$

The heirs shall distribute a Tsh 3,600,000/= among them.

- ¢ The deceased had the ascendant and descendants:

The two brothers have no share.

- ¢ The husband has to get one fourth ($1/4$) of the inheritance.

The parents are to get one sixth ($1/6$) each.

- ¢ The remaining portion is to be divided among two children in which a daughter shall get a half ($1/2$) of what a son gets.

Allocations:

- (i) $\frac{3600,000}{4} \times 1/4 = 900,000$ will be a share for husband
- (ii) $\frac{3600,000}{6} \times 1/6 = 600,000$ will be a share for father also for mother

(N.B: in total both parents get $600,000 \times 2 = 1200,000/=$)

The remainder $3600,000 - (1200,000 + 900,000)$
 $= 1500,000/=$ to be divided among the
children

Now, considering a son to represent two daughters:

There will be shares;

- ◆ $1500,000/= \times \frac{1}{6} = 250,000/=$ a share of daughter
- ◆ $250,000/= \times 2 = 500,000/=$ will be a share of a son.

REVIEW QUESTIONS

1. What is the Qur'anic law on contract and treaties?
2. Mention the prohibitions in Qirad partnership.
3. Delineate the Islamic ethics of business and trading
4. Discuss forms of trade and transactions which are not allowed in Islam.

CHAPTER FOUR

THE FOUNDATION OF FAMILY INSTITUTION IN ISLAM

Marriage:

Allah (s.w) created men and women so that they can provide company to one another, love each other, and bear children and live in peace and tranquility to the commandments of Allah and the directives of His Messenger.

Definition of marriage:

Marriage is a voluntary Contract between believing man and woman who wish to live together under the guidance of Islamic Social laws (*Qur'an* and *Sunnah*).

Marriage is one of the most sacred practices of worship in which it is termed as shield against the allurements of sight and the protection of private parts.

Allah (s.w) says in Qur'an:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي
خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا
زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً

وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ
 اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾

“O mankind! Fear your Guardian Lord who created you from a single person, created out of it his mate, and from them twain scattered the seeds, countless men and women: Fear Allah through whom you demand your mutual (rights) and be heedful of the wombs (that bore you) For Allah ever watches over your”. (4:1)

The prophet (saw) said:

“O you young men who ever is able to marry should marry, for that will help him to lower his gaze and guard his modesty”.

And the prophet (s.a.w) has referred to modesty as part of Iman; he said, *“Modesty is part of the faith”*

The Rationale of Hijaab

Hijaab is an act of obedience:

The Qur’an says:

وَالْخَاشِعَاتِ وَالْمُتَصَدِّقَاتِ وَالْمُتَّصِلَاتِ وَالصَّامِيَاتِ
 وَالصَّائِمَاتِ وَالْحَافِظَاتِ فُرُوجَهُمْ وَالْحَافِظَاتِ . . .

“....and women who humble themselves, for men and women who give chastity, for men and women who fast, for men and women who guard their chestity(33:35)

In another occasion Allah says:-

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ
وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا
ظَهَرَ مِنْهَا... (31)

“And say to the believing women that they should lower their gaze and guard their modesty that they should not display their beauty and ornaments except what (ordinarily) appear thereof...”(24:31)

Allah considered the dazzling display of beauty an act of ignorance:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ
الْأُولَى... (33)

“And stay quiet in your houses, and make not a dazzling display, like that of the former times of ignorance....”
(33:33)

Hijaab is Iffah (modesty)

Modesty means paying attention to what is proper in behaviour, speech, dress or being shy. The Qur’an

says:

يَتَأْتِيهَا النَّبِيُّ قُلًّا لِأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ
الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ۚ ذَلِكَ
أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ ۗ وَكَانَ اللَّهُ غَفُورًا
رَحِيمًا ﴿٥٩﴾

“O prophet tell your wives and daughters and the believing women that they should cast their outer garments over their persons (when out of doors) that is most convenient, that they should be known (as such) and not molested and Allah is oft-forgiving most merciful” (33:59)

The Hijaab is Twahara (purity):

Allah says:

•• وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَسْأَلُوهُنَّ مِنْ وَرَاءِ حِجَابٍ
ذَلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ ۚ •• ﴿٥٣﴾

“.....Ask (his ladies) for anything you want, ask them from before a screen; that makes for greater purity for your heart and for theirs...”. (33.53)

Hijaab screen against the desire of the heart, without Hijab the heart may or may not desire that is

why their heart is more pure when the sight is blocked (by Hijaab) and thus the prevention of fitna (evil action) is very much manifested. The Hijaab cuts off the ill thoughts and the greed of the sick hearts, the Qur'an says:

.. . إِنِ اتَّقَيْتُنَّ فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي
 فِي قَلْبِهِ مَرَضٌ وَقُلْنَ قَوْلًا مَّعْرُوفًا ﴿٣٣﴾

“.....If you do fear (Allah) be not too complaisant of speech lest one in whose heart is a disease should be moved with desire but speak ye a speech (that) is just ...” (33:32)

Hijaab is shield:

Al – Hadith:

“Any woman who takes off her clothes in other than her husbands home (to show off for unlawful purposes) has broken Allah’s shield upon her” (Abu Dawood and Tirmidh)

Hijab is Imaan (believe and faith):

Aisha (r.a) the wife of the prophet (s.a.w) addressed some women from the tribe of Banu – Tameen who came visiting her and had light clothes on them.

“ If indeed you are believing women, then truly this is not the dress of the believing women ” “(then in another

tradition added then enjoy it”)(Abu Daud).

Also refer verses (24:31), (33:59)

Hijaab is Hayaa. (Bashfulness)

Al-Hadith:

“Each religion has a morality and the morality of Islam is Haya”. (Bashfulness)

Haya is the element of *Imaan* hence *Imaan* is an element of *Jannah* (Paradize)

Hijaab is Gheerah:

Gheerah is an Internal driving emotion that drives the straight man to safe guard women who are related to him from strangers. The straight muslim has *gheerah*, To all muslim women either in the gathering with opposite genders or in absence of Hijaab deteriorates the *gheerah* in men.

Hijaab is Taqwah (Righteousness);

The Qur’an says:

يٰۤاٰدَمُ قَدْ اَنْزَلْنَا عَلَيْكَ لِبَاسًا يُّوَارِي سَوْءَاتِكُمْ
وَرِيۡشًا وَّلِبَاسٌ اَلتَّقْوٰى ذٰلِكَ خَيْرٌ ۗ

“O ye children of Adam we have bestowed raiment upon you to cover your shame, as well as to be an adornment to you, but the raiment of righteousness that is the best. (7:26)

In the above verse the children of Adam are commanded to cover their bodies. To the believing women, however, the purpose is to safeguard their (bodies) private parts as a manifestation of the order of Allah.

And there are three forms of raiment is defined;

- (i) Those which covers our shames
- (ii) Those which are for adornment (husband and wife)
- (iii) Raiment of righteous which are the best

So in order to achieve modesty and complete one's Imaan, marriage is prescribed by the prophet (s.a.w) as follows herein below:

“The marriage is my tradition whoever keeps away there from, is not amongst me”

The Islamic rules on Hijaab can be summarized by the following strong points:-

- (i) Men and women to cover (lower down their gaze and guard their modesty (Qur'an 23:31)
- (ii) Women should strengthen their voice when talking to men in public (Qur'an 33:32)

- (iii) Principles of Islamic dress should be observed
- For women the outer garment worn in public must cover all the body except the face and hands.
 - The outer garment must not be a means of attracting men.
 - The dress should not be light and transparent.
 - Women not wear ornaments and apply strong perfume in public.

Motives and Role of Family:

The motives and role of family in Islam is explained as here under:

- (i) Psycho-emotional stability of love and kindness, this resulted from pleasure, delight and sexual gratification. The Qur'an says:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا
لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي
ذَٰلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

“And His signs is this that He created for you mates among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts) verily in that are signs for those who reflect”.

(30:21)

- (ii) Preservation and continuation of Human race. The marriage is a means to legitimate procreation and it is responding to the basic biological instinct of procreation.

يَتَأْتِيهَا النَّاسُ أَنْتُمْ وَأَرْبَابُكُمْ الَّذِينَ
خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا
زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً...

“O mankind! Fear your guardian Lord who created you from a single person created out of it, his mate and from them they scattered (like seeds) countless men and women...” (4:1)

- (iii) Widening family horizons and producing social cohesion.

It is He who created you a single person, and made his mate of the same nature in order that he might dwell with her (in love) when they are united. She bears a light burdens and carries it about (unnoticed) when grows heavy, they both pray to Allah their Lord (saying);

لَيْنُءَاتِيَتَنَا صَالِحًا لَنَكُونَنَّ مِنَ الشَّاكِرِينَ ﴿١٨٩﴾

“If thou gives us a goodly child, we vow we shall (ever) be grateful..” (7:189)

فَلَمَّا آتَتْهُمَا صَالِحًا جَعَلَا لَهُ شُرَكَاءَ فِيمَا
آتَتْهُمَا

“But when he gives them a goodly child, they ascribe to others a share in the gift they have received...” (7:190)

- (iv) Socialization and value orientation as in the tradition *“ verily everyone of you is a shepherd and every one of you is responsible for his flock”* This is general hierarchy of responsibility in society
- (v) Social and economical security as a result of socialization and value orientation we have a role of social and economic security through observing rights, duties and responsibilities of different people.
- (vi) Protection of morals

إِنَّ الَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ الْغَافِلَاتِ الْمُؤْمِنَاتِ
لُعِنُوا فِي الدُّنْيَا وَالْآخِرَةِ وَلَهُمْ عَذَابٌ عَظِيمٌ

“Those who slander Chaster, indiscreet and believing women are cursed in this life and in the hereafter for them is a grievous chastisement” (24:23)

also refer (60:12) (25:68)

(vii) Motivation of effort for sacrifice

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ
بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ
اللَّهُ... ﴿٣٤﴾

“Men are the protectors and maintaining of women, because Allah has given them more (strength) than the other and because they support them from their means. Therefore, the righteous women are devoutly obedient and guard in (the husbands) absence what Allah would have guard...” (4:34)

(viii) To do justice to orphans:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ... ﴿٣﴾

“...If you fear that you shall not be able to deal justly with the orphans...” (4:3)

(ix) Institution of Marriage establishes the evidence in the Existence of Allah(s.w)

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا...

“And among His signs in this that he created for you mates from among yourselves...” (30:21)

- (x) **Marriage Stabilizes Society:**
It is intended to be permanent (to continue in the life to come)so such marriage stabilizes society hence strong nation(refer Qur’an 52:21).

Who Should Marry?

- (i) One who get the ability both physical and financial. The later may be a weak qualification as many people get money with time but the former (sexual ability) is necessity as marriages is centred on it. Those who can not afford to marry are advised to *fast* in order to control sexual desire.
- (ii) One who is of age. That it when one attain the age of puberty
- (iii) One who is mentally conscious and fit

Choosing a Marriage Partner

Islam teaches that one should marry a person of his or her choice as indicated in the Holly Qur’an;

..فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ..

“...Marry women of your choice...” (4:3)

However, while one is making the choice, the following can be observed:- The marriage can be based on any of the following as from the Hadith of the prophet (s.a.w);

“A woman could be married for four things; her beauty, her wealth, her noble descent and for her religious piety”.

The prophet however emphasized that marriage should be based on religious piety for the rest may have undesirable effects.

“Do not marry only for the sake of beauty, may be the beauty becomes the cause of moral decline. Do not marry even for the sake of wealth, may be the wealth becomes the reasons of disobedience; marry rather on the ground of religious devotion” (Bukhari and Muslim)

Impediments to Marriage

The laws of marriage have been so framed by the Shariah that they may help to establish justice in the Ummah.

To this end the Qur’an and the Sunnah have prescribed the degrees in marriage. The prohibited degrees are contained in Suratun - Nisaa:

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ

إِنَّهُ كَانَ فَحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا ﴿٢٢﴾ حُرِّمَتْ
 عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ
 وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمْ
 اللَّاتِيَّ أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِّنَ الرَّضَاعَةِ
 وَأُمَّهُنَّ نِسَائِكُمْ وَرَبِّبَاتِكُمْ اللَّاتِي فِي
 حُجُورِكُمْ مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُمْ
 بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ
 عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِّنْ أَصْلَابِكُمْ
 وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ
 كَانَ غَفُورًا رَّحِيمًا ﴿٢٣﴾ * وَالْمُحْصَنَاتُ مِّنَ
 النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ عَلَيْكُمْ
 وَأُجَلِّ لَكُمْ مَا وَرَاءَ ذَلِكَمُ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ
 مُحْصِنِينَ غَيْرَ مُسْفِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ
 اسْتَمْتَعْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا
 حَكِيمًا ﴿٢٤﴾

“And marry not (those) women whom your fathers married, except what hath already happened (of that nature) in the past, o! it was even lewdness and abomination, and evil way. Forbidden to you are your mothers, and your daughters, and your sisters, and your father’s sisters, and your mother’s sisters and your brother’s daughters and your foster mother and your foster sisters and your mothers in-law and your step daughters who are under your protection (born) of your women unto whom you have gone in – but if you have not gone into them, then it is no sin for you (to marry their daughters), and wives of your son (spring) from your own coins. And (it is forbidden onto you) that you should have two sister together, except what hath already happened (of the nature) in the past O! Allah is ever forgiving (4:22 – 24)

From the above verses and prophetic traditions show that, there are categories of marriages which should not be taken as marriage due to the relationships that exists:

- (i) One related to you through blood relationships:
 - (a) The mothers and grandmother
 - (b) Sister either full or half sister paternal or maternal
 - (c) Daughters and their descendents
 - (d) The paternal or maternal aunts either half or full
 - (e) The nieces – the daughter of brother or sister

- (ii) Those with matrimonial relationships:
- The step-mother even if divorced or becomes a widow
 - The step daughters
 - The daughters in laws
 - It is forbidden to have two sister together as one's wives at the same time.
- (iii) Sucking mother (for at least 5 different times)
- (iv) An already married woman
- (v) Married of a muslim woman to non muslim man is prohibited as their freedom of worship will be affected as men are leaders in the houses. The Qur'an says:

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُؤْمِنَ وَلَا مَلَائِمَةٌ مُّؤْمِنَةٌ
 خَيْرٌ مِّنْ مُّشْرِكَةٍ . . . ﴿٢٢١﴾

“Do not marry unbelieving woman until they believe, a slave woman who believes is better than an unbelieving woman ...”. (2:221)

However a man can marry a woman from the people of the book. In this regard Allah says:-

... وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ
 مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ

“.... (Lawful onto you in marriage) Are (not only) chaster women who are believers, but chaster women among the people in the book..” (5:5)

- (vi) Fornicators and fornicatresses are not supposed to be married, they get married to each other

الرَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ
لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ

“The adulterer can not have sexual relations with any but on adulteress...or Idolatress.” (24:3)

- (vii) Marriage to more than four wives at a time (4:5)
- (viii) A lady who is already engaged to another man unless he give her up
- (ix) One should not marry or get married to a Mushirk (polytheist) Qur’an (24:3) (24:26)

Validity of Marriage:

There are five essentials of marriage in islam as follows:

- (i) Bride
 - (ii) Bridegroom
 - (iii) Guardian
 - (iv) At least two witnesses
- (v) *Ijab* and *Qabu’l* (proposal and acceptance);

It is a commendable act to give a sermon (*khutubah*) before the marriage rites are performed. This may provide a forum for informing or advising the bride and bridegroom of their marriage responsibilities in Islam.

Polygamy:

Polygamy or marrying more than one wife is not a new phenomenon. It has always been with mankind from time immemorial among different peoples in various parts of the world. Arabs were *polygamous* even before the advent of Islam.

When one goes through the Jewish and Christian religious scriptures, one finds that polygamy was an accepted way of life. The entire prophet mentioned in the *Talmud*, the *Old Testament* and the *Qur'an* were *polygamous* with the exception of prophet Jesus who if he had lived longer on this earth would have perhaps, accepted the same system as his fore fathers.

In the Pre-Islam Arabia there was the practice of limitless *polygamy*. The Qur'anic verse on *polygamy* runs as follows:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا
مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثَلَاثَ وَرُبْعَ
فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً... (٣)

“If you fear that you shall not be able to deal justly with orphans, marry the women of your choice, two or three or four. But if you fear that you shall not be able to deal justly with them then only one...” (4:3)

According to this verse we learn the following:-

- (i) Marrying wives up to four is a permission from Allah accompanied with a strict condition of justice.
- (ii) The highest number of wives one may marry at a time is four.
- (iii) If a man feels that he will not be able to treat them with equality and justice or he does not have the means to support them he should restrict himself to marrying one wife.

Justification for Polygamy:

The following situations will allow polygamy as the best solution: -

- (i) Strong desire for children. A situation where the wife is proven barren, chronically ill or some other problems. The husband should marry a second wife so that he may have children since a child is a joy of life.
- (ii) Women out number men, especially after wars. In such a situation it is the interest

of the society and of women themselves that they become co-wives instead of spending their entire lives without marriage.

- (iii) Strong desire for sex, you may have a situation where a man has strong desire for sex, while his wife has little desire for it. In such situation *polygamy* can provide an answer.

Marital roles

The marital relations of husband and wife and their respective duties as directed by the Holly Qur'an and Hadith may be summarized as here under:

(A): Duties of Husband toward his Wife

- (i) She is a trust in his hand. He shall treat her kindly.
- (ii) He shall not be too strict to her in order to make her conform to his views.
- (iii) He shall not hate her.
- (iv) A mild beating (with tooth stick etc not with whip or stick) admonition, or separation from bed is allowed only in some extreme cases.
- (v) He shall give enough time to keep company with his wife in amusing pursuits.
- (vi) He shall allow none to interfere in their conjugal matters and into secretes of their sexual life.

- (vii) Besides providing food and clothing, he should spend sometime for his wife and this is very important Indeed.
- (viii) In case of several wives, distribution of companionship with each wife shall be made equally.
- (ix) He shall provide food, clothing and abode to her.
- (x) In case of death, the wife gets a share in husband's property and the husband in wife's property
- (xi) He shall give her education (especially about the fundamental of Islam).

B: Duties of a Wife towards her Husband:

- (i) The wife is bound to live with her husband unless she is unfit for conjugal relations and shall not, deny him pleasure of flesh and blood.
- (ii) She shall be obedient in all respects and administer his comforts by shortening her religious duties
- (iii) She shall not spend out the property of her husband without his permission
- (iv) She shall guard her chastity
- (v) She shall look after his possessions in his absence and shall protect herself against sins.

The Children's Rights:-

The general approach to children in Islam may be summarized by the following principles:

First it is divine injunction that the child is not to be the cause of harm to its parents: Allah says:-

... لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ
لَهُ بِوَلَدِهِ... ﴿٢٣٣﴾

"...No mother shall be treated unfairly as account of her child, No father on account of his child ..."(2:233)

Secondly by implication the parents should reciprocate and cause the child no harm. Normal parents would usually need little admonition to attend to their off spring such as is expected as a natural drive, social obligation or an affective response

The Quranic and hadith however point out certain facts with regard to children:-

- (i) Prohibited infanticide.
- (ii) Recognizes children as a joy of life as well as sources of pride and strength, seeds of

vanity and false security, fountains of distress and temptation. So it warns the parents not to be deceived by the multiplicity of their children or to go astray on their account.

- (iii) The prophet recognizes the role of parents in forming child’s personality and far-reaching effects of socialization. The prophet said “every child is born into the true religion (Islam) its parent later making it into a Jew or Christian or Pagan.

The Right to Life:

Parents are unequivocally commanded by Allah not to take their children’s lives, preservation of the child’s life comes third in the hierarchy of muslim commandments, Allah says;

قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّيَ عَلَيْهِ مَا حَرَّمَ رَبُّكُمْ عَلَيْكُمْ ۗ
 أَلَّا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا
 وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ أَمْلَقِي نَحْنُ نَرْزُقُكُمْ
 وَإِيَّاهُمْ... (١٥٦)

Say; come, I will rehearse what Allah hath (really) prohibited you from; join not anything with him. Be good to your parents, kill not your children on a plea of want; we provided sustenance for you and for them

(6:151) also ref: (Q 17:31)

According to the verse, Allah declares :-

- (i) That it is forbidden to associate with God any object of worship
- (ii) That the muslim must be good to his parents
- (iii) That it is forbidden to kill one's children because of poverty. "*We will provide for you and for them*".

The Qur'an condemned the practice of infanticide and reaffirmed the infant's right to life and admonish parents to receive their infants, male or female joyfully as the gift of God. The prophet showed in words as well as in deeds that the birth of a child should be a festive occasion marked with joy, charity and thankfulness.

The Right to Legitimacy:

- (i) In Islam the principle of legitimacy states that "every child was to have a father and it was to be the real father, fatherhood once established would be irrevocable.
- (ii) To ensure the child's right of legitimacy Islam adopted sound highly unusual or extreme measures. Conception of birth span it set by various school of law at minimum of six months or maximum four

years. So a child born before six months from the beginning of legal cohabitation or after four years since the cessation of legal cohabitation will be legitimate if the husband recognize it and if there is any evidence or likelihood that it is his not the procreation of any other identifiable parent

- (iii) If the husband questions the legitimacy of his wife's child he is advised of the serious consequences of making any expression of his misgivings; but should he accuse his wife of infidelity and deny her child's relationship to him, this will lead to a course of mutual "*imprecation*" to end with the special type of irrevocable divorce known as Lian" after which he may never remarry her.
- (iv) When paternity is denied to the adulterous father and the child is related to the mother only the question may arise; why should the child be deprived of a legal father or denial a father's name? The child has committed no offence and it is unjust to penalize an innocent party. Adoption may remove the stigma of illegitimacy and assure the child of a normal childhood. But the basic question would seem hardly relevant to the Islamic environment or applying to the muslim mind. Muslim maintain that illicit relationship constitute

a grave offence against God as well as against society. Part of the penalty for this offence is to deny to the guilty the fruits of their liaison. Following this logic, parenthood should be denied to both the man and the woman, who are equally responsible for the conception of the child but the prophet's statement stipulates that the child relates to the mother and the father gains nothing. This differentiation legitimate parent of the child may be based on the fact that while paternity can be subject to doubt maternity is usually unmistakable:

As for the child, it may be in its interests to deny it to a father of such questionable integrity and character. The denial, however does not affect the child's basic rights to security and full community membership. In fact such a position may be a testimony to the child's own credit, to the society's openness, community and to the degree of social integration.

The Child's Right to Socialization and General Clause:

To take care of and show compassion toward children is one of the most commendable deeds in islam. The prophet in Jaffary's wards *"was found with children and he expressed his conviction that his muslim community would be noted among other communities for its kindness to children..."* it is a

charity of higher order to attend to their educational needs and teach them proper manners, interest and responsibility for the child's welfare are question of first priority.

According to the prophet's instruction, by seventh day the child should be given a good and pleasant name and its head should be shaved along with all the other hygienic measures required for healthy growing. This should be made a festive occasion (*Aqiqah*) marked with joy and charity. At least a ram or an awe should be sacrificed and distributed among the poor.

Apart from these festivities the parents are jointly responsible for the up bringing of the child, bodily needs, mental and spiritual socialization. For example the prophet urged parents to demand that the children begin practicing the regular daily prayers by the age of seven and is disciplined for failure at the age of ten.

The right of children can be summarized as follows: -

- (i) Suckling - the sucking period of baby is two years, however they can reduce or increase.
- (ii) The children need to be cared for even if the parents are dead, the heir(s) has to

take charge of guardianship and their properties in case of orphans not to be embezzled.

- (iii) To receive his due share of inheritance. The children are entitled a share in case of death of one of their parents or both.
- (iv) The children need to be educated and parents have to prepare them to live God conscious life.

Duties of the Child: The parent's Rights

The parents and the child relationship is structurally complementary, the parent and the child in Islam are bound together by mutual obligations and reciprocal arrangements. But the age differential is sometimes so wide that parents have grown physically weak and mentally feeble. Despite the fact that the parental rights come second only to the highest value in Islam, whenever loyalty or obedience to his someone's parents is likely alienate him from God, He must side as it were with God. The Qur'an is eloquent in this: (31:14) (46:15)

IHSAN:

The Qur'an use the concept of Ihsan, which denotes what, is right, good, and beautiful. In the Islamic context Ihsan means among other things,

kindness, compassion, charity reverence, conscientiousness and sound performance. It is the muslim religious duty as well as virtue to show *ihsan* to his parents, be the muslim like himself or otherwise. Concrete behaviour manifestations of this divine ordinance of *Ihsan* to the parents include active empathy or role taking, compassionate gratitude, patience, prayer for them even after their demise, honouring their commitments on their behalf if when they can no longer do so, sincere counsel and veneration.

Difference:

It is also implied in the concept of *Ihsan* that the parents have the right to expect obedience or difference from their children. But if they demand the wrong ask for improper disobedient becomes not only justified but imperative.

Support and Maintenance:

Parents are entitled to maintenance by their children when the former are in need and the latter capable of supporting them.

The parents' need level, children's capacity for support, and the constituents of comfort and other variables shall be determined in accordance with the standards of time but with view to equality, kindness and moderation – *Ihsan*. Support for poor parents shall be shared by the children

equally without regard to the children's sex or in proportion to their shares of inheritance. etc

Brother, Sister Relationships:

The Qur'an speech of the believers as constituting one brotherhood and refers to the muslim individual as the brother of every muslim. The brotherhood in faith transcended brotherhood in blood, although it did necessarily replace it completely. The principle of *Ihsan* was to be implemented in and applied to the brothers' relationship. But in spite of the enjoined compassion and mutual support every individual is independently responsible for his or her deeds and directly accountable to God.

Blood brothers and sisters share their "gains" and "losses" collectively when they inherit from a deceased relative eg a parent, they share the assets together likewise, when they are enjoined to support a needy deserving relative, the responsibility is shouldered by them together.

Miscellaneous: Kinship Roles

Muslim is commanded to be kind to his relatives whatever degree. Their relationship should be guided by the same general principle of *Ihsan*. The obligatory responsibility as a general concern for each others welfare.

Family Planning and Birth Control:

The important aspects of the family planning or birth control note worth are *abortion* and use of *contraceptives*. The primary concern with the issues of *abortion* and *contraceptives* is whether these practices are unlawful or lawful.

The classical religious doctrine is summarized in the following way:

- (i) Abortion after the quickening of the embryo is religiously forbidden and legally punishable. The act is displeasing to God and the offender will be subject to punishment in the life of hereafter. The quickening of the embryo is definitely established by the end of the fourth month after conception.
- (ii) It becomes certain that abortion is the only way to save the life of an endangered mother, then abortion is lawful according to the general rule of recourse to the "*lesser evil*"

Another question which needs attention is the making of the distinction between the policy of limiting reproduction or the policy of planning it.

Limiting reproduction by way of making compulsory indiscriminate legislations to limit procreation to

an absolute minimum or maximum is contrary to the law of God, nature and human reasoning.

But family planning by way of voluntary, individual measures to space or regulate the family size for economic or health reasons is lawful. The Quranic extends the lactation nursing period up to two full years. Also, the prophet warned against suckling the child by its pregnant mother.

The Jurists agree that it is lawful for married people to prevent conception, by mutual consent, temporarily or permanently.

The family planning should not however be a general public policy but rather an individual voluntary measures.

The Islamic Point of View on Birth Control:-

- (i) Islam denounces the theoretical framework which wants to control population because there will be scarcity of food. This is NOT allowed. For this reason killing of children by abortion or contraceptives is NOT accepted.
- (ii) The pills have bad side effects hence they are not allowed. Pills and other contraceptives encourage adultery hence it is *Kharam* to use them.

- (iii) Pills and other contraceptives encourage adultery hence it is Kharam to use them.
- (iv) Islam abhors the campaign of birth control as global movement and allows individual cases to use birth control.
- (v) Islam has already instructed spacing of children for fixing the suckling period between 2 years and 2 ½ years.
- (vi) Abortion is only allowed where the womb may harm the mother; it has to be done by the advice of a sincere doctor.
- (vii) Islam encourage self control
- (viii) It is prohibited to kill people for fear of poverty. It is Allah who plans for sustenance, fear of poverty is the instigation of *Iblis* (Satan)
- (ix) Allah promised us to test us with the scarcity of food.
- (x) It is the plan of Allah to make land cultivatable. He gives what is sufficient and gives in surplus.
- (xi) It is Allah (s.w) who control the whole global production.

Divorce

Divorce is a process of terminating the marriage contract voluntarily. Although marriage dissolution is permitted in Islam, it is strongly undesirable or nearly forbidden where there is no good reason for it. This is because divorce may cause harm to the family. Muslims are forbidden by their religion

to harm or inflict injury upon one another.

The Grounds of Divorce:

If the parties fear that they will not be able to observe Allah's limits or implement His law of marriage, then a divorce may be negotiated.

الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ
وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ
يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ



“A divorce is only permissible twice, after that, the parties should either hold together on equitable terms or separate in kindness. It is not lawful for you (men) to take back any of your gift (from your wives) Except when both parties fear that they would be unable to keep the limits ordered by Allah...” (2:229)

The general ground of divorce in the Qur'an is therefore the hopeless failure of one or both parties to discharge their marital duties and to consort with each other in kindness, peace and compassion.

Situations peculiar to the husband's position which justify the wife's request for a divorce:

- (i) Long absence without knowing the where about of the husbands

- (ii) Capture by war-enemies
- (iii) Refusal to provide for the wife
- (iv) Severe poverty and
- (v) Impotence

Circumstances, which may involve either party:

- (i) Desertion
- (ii) Serious chronic diseases
- (iii) Insanity (Madness)
- (iv) Deceptive -misinterpretation at conclusion of the marriage
- (v) Mis-treatment
- (vi) Debanchery or moral laxity
- (vii) Incongruity

Circumstances which necessitates the dissolution of marriage:

- (i) The wife's acceptance of islam while her husband remains a non-muslim
- (ii) Apostasy of a muslim party particularly the husband and
- (iii) Established invalidity of the initial marriage contract

Conditions available for Divorce:

Before a divorce takes place as a final legal action, several conditions must be observed

- (a) The husband who wishes to initiate a divorce must be of age and conscious discriminate state usually measured by reaching the age of puberty.
- (b) He must be sane, conscious, alert and free from excessive anger.
- (c) He must be free from external pressure. If he is forced to divorce his wife against his will and he was under pressure, His pronouncement is VOID.
- (d) There must be a clear INTENTION on his part to terminate the marriage.
- (e) Finally if a divorce is to take place according to the prophets' Sunnah; instructions, the wife must be of age and in a state of fresh purity. In addition, she must not have had an intercourse at any time during this period of fresh purity.

Why a state of fresh purity in divorce to the wife:

The reasons are various but among them are:-

- (i) Menstruation is called by the Qur'an "hurt" it causes some time a fatigue, depression, irritability tension etc.
- (ii) Much of this is due to the wife's physical condition, which makes her sexually both

undesirous and also to the husband's unfulfilled needs (intercourse is forbidden during all such times of impurity). All this factors may leave some parties to act hostilely or misjudge each other.

- (iii) When wife enters her period of purity, she is usually fresh and presently compessionable, and is more considerate and responsive

Phases Before Breaking of Marriage (divorce) is reached:

Before the breaking point is reached certain phases in marital cycle must have passed.

The Qur'an says:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ
وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا
حَفِظَ اللَّهُ وَاللَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي
الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنِ اطَّعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ
اللَّهَ كَانَ عَلِيمًا كَبِيرًا



وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا

مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا

إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنْ اللَّهُ كَانَ

عَلِيمًا خَبِيرًا ﴿٣٥﴾

“Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means, therefore the righteous women are devoutly obedient, and guard in (the husband’s) absence, what Allah would have them guard as to those women and whose part are few disloyalty and ill conduct admonish them (first), (next) refuse to share their beds (and last) beat them (lightly), but if they return to obedience, seek not against them means (of annoyance). For Allah is most High, Great (above you all)”. If Ye fear a breach between them twain, appoint (two) arbiters, one from his family and the other from hers, if they seek to set things aright Allah will cause their reconciliation for Allah hath full knowledge and is acquitted with things (4:34-35)

- (i) The marriage is enjoining (obliged) to do the utmost implementation of the teaching of Islam.
- (ii) If conflict arises, attention should be paid to the source of the conflict.
- (iii) In case of the conflict, overt or covert, originate with the wife, the husband is directed to consider the situation carefully to search his own soul, to judge his wife as a total person, to act patiently responsibly and charitably.
- (iv) If the conflict becomes chronic and the husband fears the wife's defiant, recalcitrance he is instructed to follow a phased disciplinary course of three steps: He should allow sufficient time intervals and move from one step to the next only after having tried in earnest the previous one and found it of no avail. This disciplinary course has three phases explained in the verse 35 of suratul Nisai thus:
 - (a) Kind exhortation.
 - (b) Temporary abandonment in bed or deliberate abstinence from the usual sexual intimacy and
 - (c) Symbolic beating without inflicting any physical harm or injury.
- (v) The two parties together must cooperate to solve

their internal problems between themselves.

- (vi) Should these private measures (alternatives) and remedies fail to bring about a viable harmony, one final detour must be taken before the break down of marriage.

A family concil of two arbitrators representing both sides shall be selected to look into the situation with a view of settling the dispute, two things may happens here one possibility of reconciliation or recommend a divorce.

- (vii) Finally, if a divorce is to be pronounced in accordance with the Sunnah, all other necessary conditions enumerated at the opening of this section must be fulfilled.

Types of Divorce:

- (i) The simple Revocable Divorce; this form of divorce does not terminate the marriage completely, he must take care for her adequately as if no divorce had taken place. These particular obligations continue through the probationary “*waiting period*” (Edah) which usually lasts for about three months except if the wife is pregnant. In this case the waiting period expires with the termination of the pregnancies. The Qur’an says:

يَتَأْتِيهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ

وَأَحْصُوا الْعِدَّةَ ۖ ۝ ۱ ۝

“O Prophet! When ye Do Divorce women, Divorce them at their prescribed periods. And count (accurately) their prescribed periods....” [65:1]

If the probationary period expires without Revocation the divorce becomes ultimate in the sense that she becomes free to marry a new or re-wife her former husband. But their re-union requires a new marriage contract with all the standard requisites.

- (ii) The Double Revocable Divorce; after first pronouncement of divorce the man may make another pronouncement after the woman has recovered from her very next monthly course and enter into a new state of fresh purity. This will be the second revocable divorce and all implications of residence, provisions will apply. The three alternative are:
- (a) Revocation
 - (b) Waiting for the probationary period to expire
 - (c) Making another pronouncement in the same way as the first.
- (iii) The triple irrevocable divorce then Allah says in the Qur’an:

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ ۗ

“So if a husband Divorces his wife (irrevocably) He can not, after that Remarry her until after she has married another husband and he has divorced her ...”. [2:230]

Like the double revocable divorce, after the second pronouncement, the man may make another pronouncement after the woman has entered into a new state of fresh purity. The thrice-divorced woman, whose final waiting period has expired is free to marry whoever she wishes. But she is absolutely forbidden to her first husband unless she has re-married and for some valid reasons become divorced or widowed.

Irrevocable Dissolution of Marriages

The irrevocable dissolution (Divorce) of marriages may take one of several forms with different consequence:

(i) 'Ila' (Vow of Continance)

To discipline such people Islam puts the maximum term the vow to be four months. If the term expires before reconciliation, the marriage becomes irrevocably dissolved;

لِّلَّذِينَ يُؤَلُّونَ مِن نِّسَائِهِمْ تَرَبُّصُ أَرْبَعَةِ أَشْهُرٍ فَإِن فَاءُوا فَإِنَ اللّهُ عَفُورٌ رَّحِيمٌ ﴿٢٣٦﴾

“For those who take an Oath for abstention from their wives a waiting period for four months is ordained if then they return, Allah is oft-forgiving, most merciful. [2:226]

(ii) Zihar (Injurious Dissimilation)

Allah warns in the Qur’an (58:3 – 4) to who call their wives mother. Islam condemned this practice and put some measures on it. That if a man makes such pronouncement, his wife becomes forbidden to him until he atones for his wrong deed:

- (a) He must free a slave.
- (b) Or observe fasting for two consecutive months before touching his wife or
- (c) If unable to fast he feed sixty needy persons.

If no atonement takes place within this period, the Zihar pronouncement amounts to one an irrevocable divorce.

(iii) Khul (Self Redumption)

This is a form of divorce which is initiated by the wife to the husband. If she is un-happy in her marriage for her own reasons, she may seek a divorce from him. But she shall return to him the dowry and other marriage gifts (2:229).

(iv) Divorce before marriage consummation.

A man may choose to divorce a woman after the conclusion of the contract but before he touches her. This divorce will be irrevocable and no waiting period is required (Qur'an 2:236 – 237).

The right of women to Divorce and marriage Dissolution

(i) Delegated Divorce; man agrees in the marriage contract to transfer, irrevocably his right of divorce to the woman.

(ii) Suspended or conditional divorce.

(iii) Divorce or marriage Dissolution by mutual consent either by;

(a) Khul (self redemption or divestiture) or

(b) Mubaraah – A mutual bilateral agreement to terminate the marriage can free each other from the marital bond.

(iv) Divorce or marriage Dissolution by judicial process.

This happens in the case of:

(a) Li'an – A double testimony or mutual imprecation (24:6-9)

(b) and annulment, on which a marriage contract is found void or defect and must be annulled.

Iddah or Waiting Period

An immediate consequence of divorce or dissolution of marriage is the commencement of a waiting period or probationary term. This usually lasts about three months to allow for three monthly courses or the equivalent thereon.

If there is pregnancy, the period lasts as long as the pregnancy dues. The typical explanation of this rule is that it is required to establish whether or not the woman has conceived. If there is no conception, she becomes eligible for re-marriage at the end of the period. But if there is a conception, she must wait until the childbirth, so that the child's legitimacy and identity will be secured.

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ
وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي
أَرْحَامِهِنَّ... (٢٢٨)

“Divorced women shall wait concerning themselves for three monthly periods and it is not lawful for them to hide what Allah Hath created in their wombs....”
[2:228]

Second reason as to why the shariah emphasizes iddah is on reconciliation as a better course than divorce

for the marriage partners, so Iddah gives the spouses time for re-thinking and reconsider their decision in the interests of family and children.

Different kinds of Iddah

- (i) Iddah for a woman who still menstruate is three menstruation.
- (ii) Iddah for woman who have passed the age of menstruation is three months (Qur'an 65:4).
- (iii) Iddah of a woman whose husband died is four months and ten days (Qur'an 2:234).
- (iv) Iddah of a pregnant woman until she delivers a child (whether divorced or her husband died) (Qur'an 65:4)
- (v) No Iddah for a woman whose marriage is not yet consummated (Qur'an 2:236-237).
- (vi) For women who have no menstruation (courses) i.e. They are still immature their Iddah (prescribed) is three months.

Conditions following the Divorce

The general directives and limitations are found in the Qur'an: (65:1,6-7), (2:228 – 232), 236-237, 241. Not only exist the right to married women but also during Iddah, a married women has a right to:

- (a) A house or apartment of her own.
- (b) The divorced woman should not be annoyed.
- (c) Stay in the same home (residence of her husband).
- (d) Let him (the husband) spend according to his means since Allah (s.w.) puts no burden or any person beyond what has given him.
- (e) Thus when they fulfill their term appointed, either take them back on equitable terms or part with them on equitable terms (Qur'an 65:2).

The Status of Woman in Islam

The attitude of the Holy Qur'an with regard to women is discussed hereunder.

- (i) Woman is recognized by Islam as a full and equal partner of man in the procreation of human kind. By partnership she has an equal share in every aspect; she is entitled to equal rights; she undertakes equal responsibilities and in her there are as many qualities as much as humanity is concerned Allah says:

يَتَأْتِيهَا النَّاسُ أَنْتُقُوا رَبَّكُمْ الَّذِي خَلَقَكُمْ
 مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا
 رِجَالًا كَثِيرًا وَنِسَاءً... ﴿١﴾

“O mankind!, fear Allah (your Guardian Lord) who created you from a single person, created out of it his mate, and from them twain scattered (like seeds) countless men and women...”(4:1)

- (ii) Her human nature is neither inferior to nor deviant from that of man. Both are members of one another. And their Lord has accepted (their prayer) and answered them saying:
“Never will I cause to be lost the work of any of you be male or female, you are members, of one another...”
(31:95, 9:71, 33:35-36, 66:19-21)
- (iii) She is equal to man in the pursuit of Education and knowledge. *“Muhammad (s.a.w) declared that: pursuit of knowledge is incumbent on every Muslim male and female”*. This declaration was very clear and was implemented by Muslims throughout the history.
- (iv) She is entitled to freedom of expression as much as man is. It is reported in the Qur’an and history that woman not only expressed her opinion freely but also argued and participated in serious discussion with the prophet himself as well as other Muslim leaders. (Qur’an 58:1-4,60:10-12)
- (v) Historical records show that women participated in public affairs with other Muslims, especially in times of emergencies. Women used to accompany Muslim armies engaged in battles to nurse the wounded, prepare supplies, serve the worriers and

so on. They were not shut behind iron bars or considered worthless creatures and deprived of souls.

- (vi) Islam grants woman equal rights to contract, to enterprise, to earn and possess independently, her property, her honour are as sacred as those of man. If she commits any offence her penalty is no less or more than a man's in a similar case. If she is wronged or harmed, she gets due compensations equal to what a man in her position would get (Qur'an 2:178, 4:45).
- (vii) Islam has taken measures to safeguard the rights of both woman and man, by putting them into practice as integral articles of faith. It never tolerates those who are inclined to prejudice against woman or discrimination between man and women. (Ref Qur'an 16:57-59, 42:47-50, 43:15-19) 53:21-23)
- (viii) Rights of woman in Islam can be summarized by the following seven main points.
 1. Islam gave woman human rights like that of men without discrimination, Islam gave those rights to women while the world was wondering as to whether a woman has soul or not and had no spelled rights.
 2. In Islam woman has all the natural human rights of economic, rights to political, social

rights and cultural rights.

3. In the house a woman has the following rights:
 - (a) Rights of consent to the husband she loves.
 - (b) Rights of dowry
 - (c) Right of divorcing the husband
 - (d) Right to demand payment for the works she does in the home as suckling baby, cooking, etc.
 - (e) Right to own property
 - (f) Right to be consulted in family matters.

4. If divorce has taken place she has the right
 - (a) To be given something to sustain her.
 - (b) She has the right to keep with her what she was given by her husband when they were in good terms.
 - (c) She has the right of staying in the same house in the Idda period.

5. Where death has taken place she has the following rights:
 - (a) Right to inheritance of her husband and her family.
 - (b) Right of a will pertaining property from the husband.
 - (c) As a mother she has the right of respect from her sons and daughters, and if she is old she has the right of

being taking care of.

REVIEW QUESTIONS:

1. Explain in detail the Islamic view point on population control.
2. Examine the motives and role of family in Islam.
3. Explain the Qur'anic law on hijab.
4. Educate mankind on the rights of women as enacted by the Creator.
5. What are the impediments of marriage in Islam?
6. What is the Qur'anic injunction on:-
 - (b) Rights of children
 - (c) Rights of parents

CHAPTER FIVE

ISLAMIC POINT OF VIEW ON ETHICAL AND SOCIAL LIFE

A look at the secular moral philosophers

The first basic question of Ethical philosophy is:

What is the supreme good to the attainment of which should be the life purpose of man, the goal of all his endeavors, the summum Bonum to which human conduct is to be directed and in the light of which human conduct is to be directed and in the light of which it may be judged as to what is good or evil, right or wrong, virtue or vice?

There is no agreed answer to this question on the part of moral philosophers. Some of them postulate that happiness is the highest good. In this case a number of questions can never be answered. What kind of happiness that is to be sought? Is it the happiness that follows the gratification of bodily and sensual desires, or that which a man feels when he is engaged in self-adornment from the view point of aesthetics or spiritualism? Whose happiness is to be sought? The happiness of the individual, or of the society of which the individual is a member, or of the entire mankind or simply the happiness of others?

Similarly, several questions arise if we take perfection as the supreme end as proposed by other Moral Philosophers. Which perfection and what is its criteria? Whose perfection should be sought? Is it of a class or group to which one belongs; or of the individual or society? Is it of the nation or of the whole humanity? It is obvious that these questions can never be answered in order to give man guidance to pursue the perfection.

For those who adhere to the view that duty for the sake of duty to constitute the moral standard cannot avoid certain searching questions; what in fact is this imperative? Who has laid it down? What is the rationale for its obedience? Different answers have been given to each one of these questions by different groups of thinkers and the answers are different, conflicting and even contradictory in theory as well as in practice. There is no uniform and accepted *summum bonum*.

The second important ethical moral problem is to discover the means where by we may distinguish the good from evil. What are the real means to obtain knowledge of good and evil, right and wrong? How to find out virtue and vice? What is the correct source of this knowledge? Mankind has no agreed answer to this question either. Some say that it is human experience is the only reliable source or our knowledge of good and evil others say that it is intuition and still others claim that it is our five sense organs.

The main weaknesses of human experience are:

One, human experience require full and complete information at one place and then some omniscient and perfectly balanced mind should deduce conclusions there from. This is not possible because of the following reasons:

Firstly, human experience has not yet attained perfection.(experience has no limit). Data are inadequate, knowledge of experience is imperfect.

Secondly, whatever fund of human experience has been accumulated so far, its different cross sections have their own specialists and experts, who deduce conclusions in their narrow and limited field according to their vision and peculiar mental make up, what to say of their prejudices and predilections.

The question now arises, is it possible to regard such conclusions based as they are on imperfect vision and partial experience as correct? If not, how prudent, and fair it would be to consider this source sufficient to yield a reliable knowledge of good and evil.

Reliance on reason and intuition presents similar difficulties. No doubt human reason is capable within certain limits of distinguishing good from evil similarly knowledge of good and evil to some extent, intuitive because human conscience

instinctively feels uneasy in presence of evil. But neither of them is sufficient by itself to be taken as an authoritative and reliable source of our knowledge of moral values.

Things which the world had always held to be morally reprehensible and those which for ages regarded as crimes and sins have now become either absolute or relative, virtues, at least with some groups of human beings.

In days gone by, if any one told a lie, he still believed that truth and no falsehood was the standard of morality. Lying have been turned to into a virtue and have been given the august name of propaganda. Broadcasting falsehood has been developed and many nations practice in the sacred name of diplomacy; Now days fighting against terror.

The third fundamental question of ethics is what is the sanction behind the moral law? In response to this problem the advocates of the theories of happiness and perfection states that the virtues leading happiness or perfection are self-enforcing and vices making for sorrow or imperfection are repugnant to human nature, and therefore, the ethical law does not stand in need of any external authority. Another group put emphasis on the rewards and punishments awarded by the society in the form of esteem or denunciation. In any case these answers are wholly inadequate as basis

for higher morality because they serve equally well as inducements to more effective to evil than good.

It is evident from the foregoing discussion that the world is faced with widespread moral confusion.

Having made himself independent of God, man has not been able to discover any alternative basis for building up his moral life with any degrees of satisfaction. Having rebelled against God, man tried arrogantly to solve these questions without His guidance and he thought he had solved them. But it is precisely a result of escape from Lord that he is faced with a crisis which is threatening the very existence of human civilization.

Has the time not yet come when we should search for the true basis on which moral life might be happily built? The critical times through which we are passing have added infinitely to its importance. It is in view of this consideration give some deep thought to the coming submissions that is Islamic view point on morality.

Islamic Viewpoint

There is only one correct basis for morality and that is presented by Islam. Here we get answer to all the basic ethical questions.

The fundamental weakness of both secular philosophers

and moral Philosophers is that they fail to build up simultaneously a firm and integrated moral personality of the individual and healthy organization of the body-social.

Islam gives us basic moral norms and values to guide and control the entire gamut of man's life. It gives a comprehensive code of behaviour for individual and shows him the way to the highest possible moral excellence. Let us make an effort to appreciate the Islamic view point.

(a) The First Thing to Know

The first grave mistake which secular philosophers have committed in connection with ethics and moral values lies in starting their enquiry from the wrong place. They have disturbed the sequence in which the question of the basis of morality should have been discussed. The question what is the criteria of right and wrong for purposes of human conduct and what is the ultimate good for the realization of which man should direct his efforts is in a reality a question which arises much later.

The first problem to be settled is that of man's place and status in the universe. The question about standard of conduct will defy all solutions unless the status and the position of man are correctly determined. For example if you have to determine your conduct in relation to a commodity and to decide how far and in what way it is rightful for

you to utilize it for your benefit, you must, in the first instance ascertain your legal status vis-à-vis, the said commodity. If it belongs to another person and your position is merely that of a trustee, your conduct must, of necessity, be different from what would be if you were the owner of it and had full proprietary rights over it. Not only the question of status is decisive in determining the nature of conduct 'vis-à-vis' the commodity in question but on this very point will rest another very fundamental question, who would be the proper authority to determine your conduct in relation to it. Whether yourself enjoy this authority or it would be enjoyed by the person whose agent you are.

Islam takes up this question before anything else and tells us clearly that the status of man in this world is that of an '*abd*' (*God's servant and slave*) who is also *Khalifat-ul-Allah* (Allah's deputy and vicegerent). All things in the world with which he comes in contact belong to God-the creator.

Even his own body and capacities with which he is endowed are not infact his own, but are a trust from the Lord.

God Has appointed him as His vicegerent, giving him the power to use these objects for his benefit. And in this lies his test and trial. The natural demand of man's status as God's vicegerent is that the

purpose of his life should be to fulfill the will of God on earth and that the goal of his moral endeavours should: enforce the divine law in the cross-section of world affairs, the management of which has been entrusted to him by God; to create and maintain conditions in which has been entrusted to him by God; to create and maintain conditions in which peace, justice and virtue may flourish; to suppress and eradicate evil, and disorder in their all forms; and to foster those virtues which are liked by God and which his desires would prevail over this world and its inhabitants.

Moral System of Islam

In Islam, sovereignty belongs to God alone; man is His vicegerent and the only moral course open to him is to fulfill the task which the sovereign has assigned to him. Man has no absolute right to determine the course of his own conduct, the course of conduct has been laid down by the Lord. The code of conduct is not to be formulated by man, he has to take it from God and follow it. The creator is the lawgiver, man has to act within that frame work which the sovereign has laid for him

Happiness has a place in Islam, but it is the happiness which follows the observance of the law laid down by God. All kinds of happiness are not conceived by Islam as antagonistic to one another but

mutually coherent and harmonious.

In Islam, there is a place for perfection also. It consists in emerging from the test prescribed by God in the trial of existence, and it relates to the individual, the nation and indeed to the whole of mankind. The correct ethical conduct for an individual, therefore, is to advance himself towards perfection and to assist, and help others in the same direction.

Source of Moral Values

Islam does not reject altogether those sources to which the philosophers turn but merely incorporates them at their proper place in its comprehensive system.

The knowledge of good and evil provided to us by Divine guidance constitutes the real knowledge, while empirical knowledge derived from the observation of laws of life and conditions of existence, rational knowledge and intuitive knowledge all are its Collaborator and aids is thus the Divine Guidance, and not these sources of knowledge, which forms the criterion of truth

Sanctions and Motives

None of the solutions suggested by the philosophers is rejected altogether. They are corrected, modified and assigned their due place. God's law, because

of its Divine origin is self-enforcing. Sanction for it exists in the mind of the believer who finds happiness in seeking God's pleasure and is desirous to obtain the standard of perfection which is to be attained by proximity to Him. The motive that leads the believer to obey the moral law is his sense of duty as well as his love of truth and hatred of falsehood, he is fully conscious of both of these. Fear of God's punishment and hope of this pleasure and reward also act an equally as powerful motive in inducing obedience to moral law.

Thus Islam sets at rest the anarchy of thought and conduct which results from the assumption that there is no power above man and from the attempt to build up a whole ethical system on the basis of this un real assumption. Islam exposes the fallacy of this approach and states, at the very outset that morality can have its basis only in God's will.

What is Islamic concept of God and its consequences for morality? God is the absolute Sovereign, Master and Creator of man and entire universe and there is no one who shares with Him in any of the prerogatives and attributes of divinity. The success or failure of every man depends upon his own conduct. All human beings are equal in God's eyes. There is one moral code for all and the only excellence that matters with Him is moral excellence.

He is merciful and likes mercy. He is generous and

likes generosity: He is for giving and likes forgiveness. He is just and likes justice. He is absolutely free from all injustice, narrow mindedness, cruelty, wickedness, callousness, bigotry and partiality and therefore likes only those who are free from these vices.

In summary the Islamic solution to basic ethical questions are as follows:

- (i) To know the position of man on earth which is vicegerent of Allah (sw)
- (ii) Seeking His pleasure is the unlimited good, objective of human life is to worship, the criterion of right or wrong lies in what helps him to realize the objective and what hinders.
- (iii) Real source of good or bad is from God and His prophets.
- (iv) The real sanction behind morality is desire to seek His pleasure and fear of His punishment.

The Islamic Social life

The social life of the true muslim is based upon supreme principles designed to secure happiness with prosperity for the individual as well as for the society.

Features of Social Structure of Islamic life:

- (i) Humanity representing one family aspiring to the same ultimate goals. The Qur'an is eloquent in

the following verses (4:1),(7:189),(49:10-13)

- (ii)The role of individual is complimentary to that of society. The individual is not only responsible for the common welfare and prosperity of his society but also to God. There is constructive interaction between the individual and society.
- (iii)The cooperation in goodness and piety. It is marked with full recognition of the individual and his sacred rights to life, property and honour. An individual who feels indifferent to his society is a selfish sinner; his morals and in trouble. his conscience is in disorder, and his faith is under nourished.
- (v) Sincere love for one's fellow human beings, mercy for the the young, respect for elders, comfort and consolidation for the distressed, visiting the sick ,relieving the grieved,genuine feelings of brotherhood and social solidarity; respect for rights of other people to life, property and honor, mutual responsibility between the individual and society. it is common thing to come across prophetic statements like these:

“Whoever relieves a human being from agrief of this world,God will relieve him on the Day of Judgement.

“Any one who has no mercy on juniors and respect for the seniors is not one of us” (Muslims).

No one of you is a true believer in Islam until and unless he loves for his fellow man what he loves for his ownself

“Whoever invites others to good is like the doer of good and will be rewarded accordingly, and whoever instigates evil is like the doer of evil and will be punished accordingly”.

In the Quran, on the other hand, one finds numerous divine instructions like these: (3:102-104), (5:1-3). In addition to what has already been said, the social pattern of Islam could be seen, once more in the last sermon of the prophet Muhammad during his course of pilgrimage. Addressing the tens of thousands of pilgrims, he said, among other things:

O people! Listen to my words, for I know not whether another year will be vouchsafe to me after this to myself amongst you at this place.

Your lives and properties are sacred and inviolable amongst one another until you appear before the Lord, as this day of this month is sacred for all. And remember that you shall have to appear before you Lord who shall demand from you an account of all your actions.....(Islam in focus page 125-126)

Islamic Political Theory

The Islamic political life is based on sound spiritual and moral foundations and is guided by Divine instructions. There are a number of features which

make the Islamic political system to be different from other political system. Among them are as follows:

[i]In the Islamic political system God is sovereign unlike in other systems where the presidents or leaders are supreme. Allah is the creator and man has to submit to Him(6:164) (7:54). None has the powers to rule and provide law but Allah, the major source of law is Qur'an and sunnah of prophet (s.a.w). Therefore the law is impartial. Qur'an(42:10), (12:40) Allah is to be obeyed because He is sovereign Qur'an(5:40) Only His injunctions are righteous because he is all-Knower Qur'an (2:228).

(ii)Position of leaders, the leader under Islamic political system must be having the quality of piety and a good knowledge of shariah. Although the leader is appointed or elected by the people, his first responsibility is to God and then the people. True in the light of the Qur'an (Islam) western democracy is a mockery democracy for a leader is identified by people, he can't campaign for himself –and the moment he says I deserve leadership he disqualifies himself. Leaders are to be God conscious, which the western democracy is not a condition. Bribes are used in getting leadership e.t.c.

There is Limit of obedience. Citizens will correct their leader and if he persist in misconduct should be removed from power. Everybody is equal before the

law in the Islamic political system irrespective of whether he is the leader or the follower. Qur'an (5:9),(4:135)

(iii)Its regulations of the war are unique as it forbid the innocent people and property not be destroyed.

(iv)It considers the survival for all but recognizes individual ability. if unlike capitalist system which consider survival for the fittest.

(v)Under the political system of Islam every citizen is entitled to enjoy freedom of belief and conscience as long as in line with law of God.

The governorship of the Islamic state is a public trust, to which administrators are entrusted by word of God as well as by the common consent of people.

The main objective of Islamic state is to establish justice Qur'an(57:25)

The International Relations:

The international life in Islam is a course of relationships between an Islamic state or nation and other states or nations. Like the other aspects of the Islamic life, this one stems from Divine guidance and follows the Godly pattern. It is laid down on the following foundations:

(i)An unshakable belief in the unity of mankind

in origin, in human status, and in aims (Qur'an 4:1; 7:189; 49:13);

(ii) Due respect for other peoples' interests and right to life, honour and right to property, as long as they do not encroach upon the rights of Muslims. This is because usurpation, transgression and wrong of all kinds are strictly forbidden (Qur'an 2:190-193; 4:-2:42);

(iii) Peace as the normal course of relations, with exchange of goodwill missions and mutually honest endeavours for the sake of humanity in which all people share equally. (Qur'an 98:61).

(iv) Intolerance of appeasement and encroachment in international relations. Should someone be tempted to violate the rights of the Islamic state, or disturb its peace, or endanger its security or exploit its peaceful policies, the state must hasten to defend itself and suppress all attempts of such a nature. Only have, under such circumstances, Islam justifies war. But even then there are moral principles to be followed to confine its scope to a minimum and curvy its course only as far as it is necessary. The law of war and peace in Islam is highly moral and unique,

comprehensive and sound Islam neither justifies an aggressive war, nor does it make destruction of crops, animals, homes, etc., an objective of war. It neither allows the killing of non-fighting women, children and aged people, nor does it tolerate the torture of war prisoners and the imposition of its teachings on the defected. It is only a defensive measure, justified by the practical principles of Islam, as long as wrong injustice and aggression exist in the world. (Qur'an 2:190-195; 22:39-41)

- (v) Fulfilling the obligations undertaken by the Islamic state and honouring the treaties conclude between the Islamic state and other states. This is only binding of the other parties remain faithful to their obligations and honour their treaties. Otherwise, these can be no validity of treaties or binding obligations Qur'an(5:1; 8:55-56; 9:3-4);
- (vi) Maintenance of internal peace and security and genuine contribution to human understanding and universal brotherhood at the international level.

These are the inspring sources in the making of the international relations of an Islamic state. The Islamic state does not live just for itself and its own

subjects. It has a wide scope and an important mission in the international field. By the order it should make valuable contributions to humanity at large. This provides for friendly relations, in the broadest sense of the world with friendly people and states. It enjoins the Islamic state to play a vital role in the interest of humanity or the international level in education, economics, industry, politics, and so on. This role was initiated by Muhammad himself and maintained by his followers throughout the succeeding generations.

Non-Muslims under the Jurisdiction of a Muslim state

The Muslim Jurists have classified the non-Muslim citizens under different categories. Which are:

(i) The Dhimmis:

These are the Ahl al-Dhimmi or those who accepted the hegemony of a Muslim state whose matters are to be decided with the terms of the appropriate treaty. Muslim state is duty bound to abide by all the terms of such a treaty.

(ii) The conquered people:

These non-Muslims are those who fought against Muslims until they were defeated and they were overpowered. They automatically become the Dhimmi or responsibility of a Muslim state. They will pay a fixed amount of Jizyah tax and their

lives, property, honour and places of worship will be protected in the state.

- (iii) Those non-Muslims who cleared happen to be residing in the Muslim state as its citizens.
- (iv) Non-Muslims residing temporarily in a Muslim country, e.g. tourists or temporary journers.
- (v) Resident aliens who have opted voluntarily to live in a Muslim state.

The basic foundation of this relationship is referred to in the Qur'an as follows:

لَا يَنْهَىٰكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُواكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُواكُمْ مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٨﴾ إِنَّمَا يَنْهَىٰكُمْ اللَّهُ عَنِ الَّذِينَ قَاتَلُواكُمْ فِي الدِّينِ وَأَخْرَجُواكُمْ مِّن دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَن تَوَلَّوهُمْ وَمَن يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴿٩﴾

“Allah 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 Allah loves those who are just. Allah only forbids you with regard to those who fight you for your faith and drive

you out of your homes and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.” (Qur’an 60:8-9)

Treaty Relations in Islam

In order to strength international relationship with non-Muslims. Islamic International laws did not forget to respect the treaties and pledges. Sometimes in observing the terms of treaties, he had to forego the advantage of his little commonwealth of Islam which functioned on the principles of shariah.

When Hudhaifah bin Yaman could not migrate to Madina with the Prophet, he entered into a contract with the Quraysh that he would not fight against them, and in consideration thereof he remains free from molestations at Mecca. Subsequently, at the battle of Badr, he joined the prophet to fight against the Quraysh. The prophet was informed of the solemn contract between Hudhaifah and the Quraysh. The prophet consequently ordered him to refrain from attacking the Quraysh in fulfillment of his contract.

The practice of dealing with non-Muslims continued during the period of Muslim rule in most countries and any case of injustice should be considered as a deviation and sign of weakness on the part of the individual ruler.

CHAPTER SIX

THE CARDINAL ARTICLES OF FAITH IN ISLAM

Introduction:

Islam is an Arabic word which means peace, obedience and total submission to the will of God. Technically in Islam as Muslim is the one who adopts Islam as a way of life, follows God's commands and does not disobey Him in word or action.

Islamic life is based on two solid foundations notably belief and action. Belief without action is of no use, nor is action without belief of any value. Hence both must go together and remain together. (Qur'an 49:14 – 15)

The word *Imaan* (faith) means to know, to believe and to be convinced to the least shadow of doubt. It is a firm arising out of knowledge and conviction.

There are six articles of faith which one has to believe in in-order to qualify to be a muslim. He has to follow them all, to deny any one of them is Kufr. The articles of faith in Islam are extracted from two Qur'anic verses.

❖ لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ
وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ ءَامَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ

وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ . . . ﴿١٧٧﴾

“Righteousness is not to turn your face to the east or west but righteousness is to believe in Allah and the last Day and the Angels and the Books and Prophet”
(Qur’an 2: 177)

إِنَّا كُلَّ شَيْءٍ خَلَقْنَاهُ بِقَدَرٍ ﴿٤٩﴾

“Indeed, anything we have created is according to Qadar (proportion and measure)” (Qur’an 54: 49)

From these two verses the six articles of faith are derived. These are.

- (1) Belief in Allah
- (2) Belief in Angels
- (3) Belief in Books
- (4) Belief in the messengers of Allah
- (5) Belief in the Day of Judgement
- (6) Belief in Qadar.

These articles of faith have also been elaborated from the authentic Hadith of the prophet (s.a.w). This tradition states that:

“Amantu Billah wa malaikatihi wa Kutubihi wa rusulih, walyaumil – akhir wa-qadari Khayrihi wa sharrih min Allah Ta’ala wal-ba’thi ba’dal-mauti”

i.e. "I believe in Allah, His Angels, His Books, His Messengers and the last Day and that the Divine Decree for good and bad proceeds from Allah, the sublime, and the Resurrection after death"

From those quotation it is therefore essential for a muslim to believe and acknowledge all the things brought by prophet from Allah. Any person who disbelieves in any of these pillars of eeman (articles of faith) is an apostate or one who has taken himself out of the fold of islam.

1. BELIEF IN ALLAH:

This is the most fundamental and the most important teachings of islam which emphasizes the faith in the Unique of God and His attributes.

This faith expresses the primary '*Kalima*' of Islam as "*La ilaha illallah*" (i.e. there is no deity but Allah). Belief in Allah as the basic concept of Islam and the foundation stone of the Islamic faith is of paramount important to muslims.

The concept of Oneness of God is called Tawheed, which means the consideration in one's mind of God as a single entity, unique, all powerful and self sufficient.

It is this expression of this belief which differentiates a true muslim from a '*kafir*' or '*mushrik*'. The acceptance or denial of this phrase produces a world

of difference between man. But the difference which occurs between the believers and unbelievers is not the result of mere altering of few words. The real force lies in the conscious acceptance of this doctrine and its stipulations and complete adherence to it and practical life. The revolution in thought and life can occur only if a person grasps the full meaning of the doctrine, realizes its significances responses true belief in it, and accept and follows it in theory and practice.

The word “*Allah*” is the essential personal name of God. ‘*La ilaha illallah*’ literally means there is no God other than the One Great Being known by the name of “*Allah*’. It means that in the whole Universe , there is absolutely no being worthy to be worshipped other than Allah. It is only to Him that heads should bow in submission and adoration, that He is the only being possessing all powers, that all are in need of His favour, and that all are obliged to solicit His help.

From the most ancient history of man, it appears that in every age man had recognized some deities and had worshipped them. Due to the most primitive stage of ignorance man thinks that the great objects of nature whose grandeur and glory are visible, and appears to be injurious or beneficent to him, hold in themselves the real power and authority and therefore they are divine. Those include big trees, animals rivers, mountains, fire, rain, heavenly bodies and numerous other objects. Later on man came to know that these great and powerful objects are in themselves quite helpless and dependent than man himself. Following

these weakness man gave rise to belief mysterious power of divine nature which controls the visible things. Some suggestive material forms or symbols were constructed to represent them during the worship. This too is a form of ignorance, and reality remains hidden from the human eyes even at this stage of intellectual and cultural period.

The more a man increases in knowledge, the greater become his dissatisfaction with the multiplicity of deities. More enlightened men bring each one of them under the searchlight of scrutiny and ultimately find that none of these man-made deities has any divine character; they themselves are creatures like man, rather more helpless. This knowledge leads man to come out with the idea of one God. But the concept of one God still contains some remnants of the element of the ignorance based on his physical structure, settlements and his limitation.

Therefore Tawheed is the highest conception of godhead, the knowledge of which God has sent to mankind in all ages through His Prophets from Adam to Muhammad (s.a.w). It was this very knowledge which Muhammad(s.a.w) brought to mankind. Tawheed is the knowledge, pure and absolute without the least shade of ignorance. Man became guilty of shirk, idol-worship and Kufr only because he turned away from the teachings of Prophets and depended upon his own faulty reasoning, false perceptions or biased interpretations.

The knowledge of Tawheed dispels all the clouds of ignorance and illumines the horizon with the light of reality. It is superior to all kind of knowledge and the greater you exert, the deeper will be your conviction that this is the starting point of all knowledge.

Practical Values of Belief in Allah.

Mere repeating of the word '*food*' can not dull the edge of hunger; mere chanting of a medical prescription can not heal the disease. In the same way of the Kalima is repeated without any understanding of its meaning and dictates, it can not work the revolution which it mean to bring about. Thus the knowledge of belief in Allah (tawheed) should have the following effects in the practical life.

1. It makes a believer to be never narrow minded or shriveled in outlook.

Practically a believer know that his simply, love and service do not remain confined to any particular sphere or group. He looks upon everything in the universe belong to the same Lord whom he himself belongs too and he does not regard anything in the world as stranger. Enlargement of vision, widening the intellectual horizon and outlook, makes man to liberate and as boundless as is the kingdom of God.

2. It makes a believer to possess the highest degree of self respect and self esteem.

A believer know that Allah alone is the

possessor of all power, and that none besides Him can benefit or harm a person or provide for his needs or give and take away. This conviction makes believer independent and fearless of all powers other than those of God.

3. It generates in a believer a sense of modesty and humbleness. A believer never come proud of, naughty or arrogant. The boisterous pride of power, wealth and worth can have no room in his or her heart because he knows that whatever he possess has been given by God and that God can take away just as He can give.

4. It makes a believer to be virtuous and upright.

Under this belief a believer has the conviction that there is no other means of success and salvation for him except purity of soul and rightenousness. A believer knows that no influence or under hand activity can save him from ruin. Hence this belief creates in man the consciousness that unless he lives rightly and acts justly he can not succeed.

5. It makes a believer not to be despondent or broken-hearted under any circumstances. His firm faith in God who is the Master of all the treasures of the earth and the heavens, whose grace and bounty have no limit and whose powers are infinite imports to his heart extra ordinary consolation, fills it with satisfaction and keeps it filled with hope.

6. It produces in man a very strong degree of determination, patient, perseverance and trust in God. Under this belief no amount of difficulties, impediments and hostile opposition can make him give up his resolution since he is assured that he has the support and backing of the Lord of Universe.
7. This declaration inspires bravery in man. The fear of death and love of safety makes a man cowardly. The believer knows that his life and his property and everything else really belongs to God, and he become ready to sacrifice his all for His pleasure. He knows that no weapon no man or animal has the power of taking away his life. God alone has the power to do so.
8. This belief creates in man is an attitude of peace and contentment, purges the mind of the subtle passions of jealousy, envy, and greed, and keeps away the ideas of restrain to base and unfair means for achieving success.
9. This belief makes a man to obey and observe God
One who has belief in it is sure that God knows everything hidden or open and is nearer to him than his own jugular vein. We can hide from everyone but we can not hide anything from God. The firmer a man's belief in this respect, the more observant will be God's command.

In the teachings of Muhammad (s.a.w) faith in one God is the most important and fundamental principle. It is the bedrock of Islam and the mainspring of its power. All other beliefs, commands and laws of Islam stand firm on this very foundation. All of them receive strength from this source. Take it away, and there is nothing left in Islam.

2. BELIEF IN ALLAH'S ANGELS

This is the second article of Islamic faith and is very important because it absorbs the concept of Tawheed from all probable impurities.

Angels are spiritual creatures created of light. They have no distinction of sexes, hence are neither males nor females. They have neither parents nor children. They have no material bodies, but can assume any form they like *biidhinillah*. The main qualities of angels are complete obedience to the will of God, purity, righteousness' and truthfulness.

Muhammad (s.a.w) has informed us that these imperceptible spiritual beings, whom people believe to be deities or gods or God's children, are really His angels. They have no share in God's divinity; they are under His command and are so obedient that they can not deviate from His commands even to the extent of the slightest fraction of an inch. God employs them to administer His Kingdom and they carry out His orders

exactly and accurately. They have no authority to do anything of their own accord; they cannot present to God any scheme conceived by themselves; they are not authorized even to intercede with God for any man.

These angels of God surround us formally sides, are attached us, and are always in our company. They observe and note all our actions good or bad. They preserve a complete record of everyman's life. After death when we shall be brought before God, they will present a full report of our life work on earth, where in we shall find everything correctly recorded.

They exact number, names and duties of angels are only known to Allah, but the most important angles and the highest in ranks are four in number. These are:

1. Jibreel (Gabriel)
2. Mika'eel (Michael)
3. Israfeel
4. Izra'eel

(i) Jibriel (Gabriel)

This is an Arch-Angel who was entrusted by Allah to communicate His revelations to all the Prophets. He is the Angel of revelations: (Qur'an 16:102)

He is also the Spirit of Inspiration on the Night of power (Qur'an 97:4).

(ii) Mika'eel.

This is among the most important Angel mentioned in the Quran. In the Quran (2:98) Allah (s.a.w) says;

مَنْ كَانَ عَدُوًّا لِلَّهِ وَمَلَائِكَتِهِ وَرُسُلِهِ
وَجِبْرِيلَ وَمِيكَالَ فَإِنَّ اللَّهَ عَدُوٌّ لِلْكَافِرِينَ

“Whoever is an enemy to Allah and His angels and prophets. To Jibreel and Mika'eel; Lo! Allah is an enemy to those who reject faith”(2:98)

According to the Prophetic tradition the Mika'eel was entrusted by Allah (s.w) the task of bringing down the rainfall.

(iii) Israfeel.

This angel is not mentioned in the Qur'an by name, but his function has been elaborated. In Quran (50:20) “Allah (s.w.) says:

وَنُفِخَ فِي الصُّورِ ذَلِكَ يَوْمُ الْوَعِيدِ

“And the Trumpet shall be blown: That will be the Day where of Warning had been given”(50:20)

Thus this angel is the one who will sound the trumpet on the Day of Doom and Resurrection where by

every soul will them come forth.

(iv) Izra'eel

This angel also is not mentioned in the Quran by name but its function has been elaborated. In the Quran (6:61) Allah (s.w) says:

... وَيُرْسِلُ عَلَيْكُمْ حَفَظَةً حَتَّىٰ
إِذَا جَاءَ أَحَدَكُمْ الْمَوْتُ تَوَفَّتْهُ رُسُلُنَا وَهُمْ لَا
يُفَرِّطُونَ ﴿٦١﴾

“...And He set Guardians over you at length, when death approaches, one of you. Our angels Take his soul, and they Never fail in their duty”.(6:61)

This angels who come to take our souls at death are accurate in the performance of their duty. They come neither before nor after the appointed time, nor do they do it in any manner other than that fixed any the command of Allah.

Other angels known for their duties are as follows.

(v) Hafadhan (Guardian Angels)

These are the angels which guard men from dangers and calamities as are not decreed by God. (Qur'an 6:61). The prophet has reported to have said that every person has ten guardian angels over him

right from his birth to his death.

(vi) Ka'tibun (Recording Angels)

These angels constantly observe and record man's action. God has appointed two such angels, one sitting on the right to write down his good actions while the other on the left to write down the bad actions. Allah (s.w) says:

إِذْ يَتَلَقَّى الْمُتَلَقِّيَانِ عَنِ الْيَمِينِ وَعَنِ الشِّمَالِ قَعِيدٌ
مَا يَلْفِظُ مِنْ قَوْلٍ إِلَّا لَدَيْهِ رَقِيبٌ عَتِيدٌ

“Behold, two (guardian angels) Appointed to learn (his doings) Learn (and note them) one sitting on the right and one on the left. Not a word does he utter but there is A vigilant Guardian”.(50:17 – 18)

(vii) Malik

This is an angel in charge of Hell. Allah (s.w) says:

وَنَادُوا يَدْمَلِكُ لِيَقْضِ عَلَيْنَا رَبُّكَ قَالَ
إِنَّكُمْ مَّا كُنْتُمْ

They will cry: “O Malik would that the Lord put an end to us!” He will say, “Nay, but Ye shall abide (Qur’an 43:77)

(viii) Ridhwa'n

This is an angel in charge of Paradise:

(ix) Munkar and Nakir

These are two fierce looking angels who visit a freshly buried corpse and question it on its beliefs on Islam and cause severe suffering if the answer is unsatisfactory.

The Practical Values of Belief in Allah's Angels.

1. This make the believers to know that Allah (s.w) has many creatures which obey him and therefore, man's disobedience is to cost him paradise. For God loses nothing by being disobeyed.
2. It makes a believer to be very conscious in whatever he or she does for being aware that everything is being recorded.
3. This belief in angels helps to explain to man how message has been coming down to man since time immemorial.
4. It makes the believer to understand the strength of divine punishments against the wicked on the day of judgment as assigned to the special angels by Allah (s.w). This knowledge created fear to Allah (s.w) and except himself from committing evils

as the way to avoid wrath of Allah (s.w).

5. It creates strength and boldness to the muslims against the enemies by expecting support from Allah's angels. For example at the battle of Badr Allah (s.w) strengthened the muslim army through His army of angels.
6. Angels will intercede on behalf of men through prayer on the day of judgment. They will have to request Allah (s.w) to forgive some of those faithful people who because of short-comings committed some crimes. A believer who is familiar with this notion will strive in observing the law of Allah with expectation of being among those whose angels will pray on their behalf.
7. A believer will be aware of the angels who will act as intermediaries in carrying out the divine punishments against the wicked on the day of judgment. The reflection of the divine punishment will make the believer to avoid all sins which will put him in danger.

3. BELIEF IN ALLAH'S BOOKS:

This is the third article of Faith which Prophet Muhammad (s.a.w) has commanded us to believe. It is revealed to the Prophets through the angel Jibreel.

The number of Divine Books which have been

revealed to the Prophets has been estimated to be over one hundred. Most of these books were in the form of pamphlets or scrolls. Qur'an (87:16- 19). But the main and the most important of the Divine Books which have been named are five. These are:

- (i) Taurati (Torah) of Prophet Moses. (Mussa)
- (ii) Zabur (Psalms) given to prophet David (Daud)
- (iii) Suhuf (Scrolls) of Prophet Ibrahim
- (iv) Injil (Gospel) given to Prophet Jesus (Isa)
- (v) Qur'an the last testament given to Prophet Muhammad(saw).

(a) Taurati

This sacred Book was granted to Prophet Musa (on him be peace) It is mentioned in several chapters in the Qur'an.

وَلَقَدْ آتَيْنَا مُوسَى الْكِتَابَ فَلَا تَكُن فِي مِرْيَةٍ مِّنْ لِّقَائِهِ^ط وَجَعَلْنَاهُ هُدًى لِّبَنِي إِسْرَائِيلَ ﴿٢٣﴾

“We verily gave Moses the Scripture (Taurat), so be not ye in doubt of his receiving it; and we appointed it a guidance for the children of Israel” (Qur'an 32:23).

ثُمَّ آتَيْنَا مُوسَى الْكِتَابَ تَمَامًا عَلَى الَّذِي أَحْسَنَ وَتَفْصِيلًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً

لَعَلَّهُمْ يَلْقَاءَ رَبَّهُمْ يُؤْمِنُونَ ﴿١٥٤﴾

“Moreover, We gave Moses the Book, completing (Our favour) to those who would do right, and explaining all things in detail, and a guide and a mercy, that they might believe in the meeting with their Lord.” (Qur’an 6: 154).

Originally the Taurat was written in Old Hebrew. But there had been so many turn oils in Palestine, the Promised land for Israelites in the centuries before Christ that both the text of the Scripture and its language disappeared. The original Taurat contained articles of faith and commandments which the Prophet Moses preached to his people. According to the Holy Torah it also gave the good news of the future arrival of the Prophet Muhammad (s.a.w). This claim is substantiated by a passage contained in the Old Testament.

“..... I will raise them up a Prophet from among their brethren, like into thee, and I will put my words in his mouth; and he shall speak unto them all that I shall command him “ (Deut. Xviii: 15-18).

The Prophethood of the Prophet Muhammad (p.b.u.h) is clear, for the rise among the *Ishmaelite* (or the Arab) who are the “*breathen*” of the Israelites.

(b) Psalms

This sacred book was sent down to the Prophet Daud (a.s) who arose among the Israelites. Qur’an

mentions the Zabur in the following manner:

... وَعَاتَيْنَا دَاوُدَ زَبُورًا ﴿٥٥﴾

“Unto David we gave the Zabur” (Qur’an 17:55)

وَلَقَدْ كَتَبْنَا فِي الزَّبُورِ مِنْ بَعْدِ الذِّكْرِ أَنَّ
الْأَرْضَ يَرِثُهَا عِبَادِيَ الصَّالِحُونَ ﴿١٠٥﴾

“And verily We have written in the Zabur; after the Reminder: My righteous slaves will inherit the earth” (Qur’an 21:105)

The Zabur contained wise sayings, promises and warnings from Allah, but no further commandment since the commandments set out in the taurat were still applicable to the Israelites. The Zabur (Psalms) containing poems of one hundred .Other poets were written 500 years after the death of Prophet Daud in such that the source of these poets are not known.

(c) The Injeel

This sacred Book was sent down to the Prophet Isa (Jesus) (on whom be peace): The muslims believe that Injeel was revealed to the Messiah Jesus in order to clarify some of the religious points which were contained in the earlier scriptures, to stress the Unity of Allah, and to reiterate the prophecy of the coming of

the prophet Muhammad (s.a.w). Qur'an (57:27).

The mission of Jesus Christ lasted nearly for three years in such that, he was not able to compile or dictate what was preached.

His disciples and successors put into writing a mixture of biographical accounts of Jesus and the words revealed to him. These writings were called Gospels of Evangel. However all the Gospels were not written in the language of Jesus Christ, which was Aramaic. The Old Testament and the New Testament together form the Christian Bible as it exists today.

The New Testament Comprises of the following;

- i. The Four Gospels
- ii. The Actions of the apostles
- iii. Twenty one Letters of Epistles
- iv. The Book of Revelation

The muslims do not regard the New Testament as being a purely Divine Book for to them it does not correspond wholly to what was revealed to Jesus. All the four Gospels do not portray the true history of Jesus and his teachings. Large number of authors of the Bible are not among the Twelve Disciples of Jesus Christ except Mathew and John, Some them are not even known so far. Moreover the Christian bibles differ from sect to sect, foristance the Catholic Church Bible has 73 books while the Lutheran Church ahs only 66, ignoring the other as not been revealed books.

(d) Qur'an

This is the Word of Allah, revealed to Muhammad (p.b.u.h). It was revealed in Arabic and the Arabic text

being obligatory is constant in use. The Qur'an is given to muslims as the standard or criterion by which other books are judged. It is addressed to the whole of mankind for it contains a complete guidance for temporal and religious life of person without distinction of color, race, region or time.

Whatever agrees with the Qur'an is accepted as divine truth and whatever differ from the Qur'an is either rejected or suspended. Qur'an is fully preserved and no a jot or title has been changed or left out of it.

Pertinent Differences between Qur'an and the previous Books.

1. The Qur'an exists exactly as it had been revealed to the prophet, not a dot of it has been changed, on the other hand most of the former divine Books were lost altogether, and only their translations exist today.yet not exactly but transliteration.
2. In the Qur'an we find only the words of God and in their pristine purity, while in the former divine Books man mixed his words with God's words.
3. The evidence that Qur'an was revealed to Muhammad (p.b.h.u) is so voluminous, so convincing , so strong, and so compelling that even the worst critic of Islam cannot cast doubt over it. This evidence is so vast and detailed in the Qur'an, even the occasion and place of their revelation can be known with certainty. In the

case of other sacred Books on the basis of authentic historical evidence some of them are not known in what age and to which prophets they had been revealed.

4. The language of Qur'an is a living language; millions of people speak it, and millions more know and understand it. On the other hand the former divine Books had been sent down in languages which have been dead long ago in the present era no nation or community speaks those languages and there are only a few people who claim to understand them.
5. The Qur'an has been addressed to all mankind; not a single injunction of it can be suspected as having been addressed to a particular people. This fact proves that the Qur'an is meant for the whole world, is an eternal code of human life. But each one of the former existing sacred Books found among different nations of the world has been addressed to a particular people. Every one of them contains a number of commands which seemed to have been meant for a particular period of history and which catered to the needs of that age only.
6. It is the Qur'an alone which enshrines not only all that was good in the former Books but also perfects the way of Allah and presents in its entirety and outline that code of life which comprehends all that is necessary for man on

this earth. In the previous divine Books none of them was comprehensive enough to embrace all that is necessary for a virtuous human life, nothing superfluous, nothing lacking. Some of them excelled in one respect and others in another.

7. The Qur'an is free from man's interference and interpolation. It contains nothing against reason and nothing can be proved wrong or misleading. From the beginning to the end the whole Book is full of Wisdom and truth in such that it points the right path and guides man to success and salvation. On the other hand the previous divine books many things have been inserted and are against reality, revolting to reason and affronting to every instant of justice. There are things which are cruel and unjust and vitiate man's belief and actions.

CONCLUSION:

The study of difference between the Qur'an and other divine Books makes one easily understand that the nature of faith in the Qur'an and that of belief in the former Books is not similar. The former Books were all from God, were true and had been sent down to fulfill, in their time, the same purpose for which the Qur'an had been sent. Qur'an is purely and absolutely God's own words, that it is perfectly true, that every word of it is preserved, that everything mentioned there

in is right, that it is daily bound duty of man to carry out in his life each and every command of it and that whatever be against it must be rejected.

Thus the practical value of belief in Allah's Books is to live according to the principles laid down from them.

4.THE BELIEF IN ALLAH'S MESSENGERS

This is the fourth cardinal article of faith in which every muslim is obliged to admit it. Based on all messengers of Allah without discrimination.

These messengers of prophets were sent by Allah (s.w) to teach His religion and laws to mankind. They were sent to various people and it is believed that not a single nation was left out in the process before the appearance of the last prophet.

وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا
اللَّهَ وَاجْتَنِبُوا الطَّاغُوتَ ۗ فَمِنْهُمْ مَّنْ هَدَى اللَّهُ وَمِنْهُمْ مَّنْ حَقَّتْ
عَلَيْهِ الضَّلَالَةُ فَسِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ

الْمُكَذِّبِينَ ﴿٣٦﴾

"For We assuredly sent amongst every People a messenger, (with the Command), "Serve Allah, and

eschew Evil": of the people were some whom Allah guided, and some on whom Error became inevitably (established). So travel through the earth, and see what was the end of those who denied (the Truth).”(16:36)

Some of the Prophets did not declare themselves to the people openly but they always emphasize good moral in the society. Some messengers were sent with verbal messages while others were gifted with revelation in form of scriptures or books. According to the traditions of Prophet (s.a.w) the total number of all the Prophets sent to different people at different times is 124,000.

There have been two kinds of divine messengers. The first kind were the *Rusul* (the messengers or apostles) who brought a new sacred Book of Revelation from God such as Musa, Isa and Muhammad (may peace and blessing be upon them).

The second kind were the *Anbiyaa'* (the prophets) who follow the shariah or law brought by a previous or contemporary messengers and taught the same general message of Islam such as Haroon, Lut, Shuaib, Sulayman etc.

The general consensus agreed is that, all Apostles are at the same time *Anbiyaa'* (prophets) but not all prophets are apostles. Among all prophets only 313 are apostles.

However the names and stories of twenty five

prophets have been mentioned in the Qur'an and they belong to a special chain from Adam down to Muhammad (p.b.u.h)

Chronologically the names of those Prophets mentioned in the Glorious Qur'an are:

1. Adam(a.s)
2. Idrees (Enock)(a.s)
3. Nuh (Noah)(a.s)
4. Hud (Heber)(a.s)
5. Salih (Metheusaleh)(a.s)
6. Ibrahim (Abraham)(a.s)
7. Lut (Lot)(a.s)
8. Ismail (Ismael)(a.s)
9. Ishaq (Isaac)(a.s)
10. Ya'qub (Jacob)(a.s)
11. Yusuph (Joseph)(a.s)
12. Shu'ib (Jethro)(a.s)
13. Ayub (Job)(a.s)
14. Musa (Moses)(a.s)
15. Haroon (Aaron)(a.s)
16. Dhul kifl (Ezekiel)(a.s)
17. Da'ud (David)(a.s)
18. Sulayman (Solomon)(a.s)
19. Ilyas (Elias)(a.s)
20. Al – Yasa' (Elisha)(a.s)
21. Yunus (Johah)(a.s)
22. Zakariyya (Zechariah)(a.s)
23. Yahya (John the Baptist)(a.s)
24. Isa (Jesus)(a.s)
25. Muhammad(s.a.w)

For among these namely Ibrahim, Musa, Isa and Muhammad are given the title Ulul –Azm (Possessors of constancy, steadfast in Faith. All the prophets were sent to the people in their own language in order that they would make the message clear.

وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا بِلِسَانِ قَوْمِهِ لِيُبَيِّنَ لَهُمْ
فَيُضِلُّ اللَّهُ مَنْ يَشَاءُ وَيَهْدِي مَنْ يَشَاءُ وَهُوَ الْعَزِيزُ
الْحَكِيمُ ﴿٤﴾

“And We never sent a messenger except with the language of his folk, that he might make (the message) clear for them. Then All sendeth whom He will astray, and guides whom He will. He is the Mighty, the Wise. (Qur’an 14:4)

It should be noted that all the messengers sent by God were always resisted by the people which they were sent. Some were beaten others mocked Qur’an (15:10 – 11)

The Prophets are known not to have been sneers for God always guided them right from their childhood. They were more intelligent than the people they led this was due to God’s guidance. They were trustworthy, trustful, just and they performed miracles with the help of Allah.

All prophets received communication from Allah

through angel Jibril. Some like Adam, Musa and Muhammad communicated with Allah directly through the veil but did not see Him. As for the fact of being Prophet of God and having been deputed by Him for teaching the same straight path of *Islam* there is no difference between Muhammad and other Prophets (God's blessings be upon them all), we have been ordered to believe in all of them alike.

Pertinent Differences between Muhammad (s.a.w) and other Prophets (a.s).

1. The prophets of the past had come to certain people for certain periods of time, while Muhammad (p,b.u.h) has been sent for the whole world and for all times to come.
2. The teachings of those Prophets have either disappeared altogether from the world or whatever of them remains is not pure, and it found intermingled with many erroneous and factious statements. In contrast to this, the teachings of Muhammad (p.b.u.h) his biography, his discourses, his ways of living, his morals, habits and virtues, in short, all the details of his life and work, are preserved.
3. The guidance imparted through the Prophets of the past was not complete and all embracing. Every Prophet was followed by another who

effected alterations and additions in the teachings and injunctions of his predecessors and in this way, the chain of reforms and progress continued. Obviously there was no need of preserving for mere teachings when amended and improved guidance had taken their place. The most perfect code of guidance was imparted to mankind through Muhammad (p.b.u.h) and all previous codes were automatically abrogated, for its futile and imprudent to follow an incomplete codes while the complete code exists. Thus it is now incumbent upon each and every human being to have faith in Muhammad (p.b.u.h) and follow him alone.

Why Muhammad is Considered to be the Last Prophet?

1. The absence of the three fundamental conditions which necessitate the raising of a new prophet. The teaching of the last Prophet, Muhammad (p.b.u.h) are alive, have been fully preserved and made immortal. The guidance he has shown unto mankind is complete and flawless, and is enshrined in the Holy Qur'an. All source of Islam are fully intact and each and every action or instruction of the Prophet (p.b.u.h) can be ascertained without the least shadow of doubt, henceforth there is no need of any new Prophet on this count.

2. God has completed His revealed guidance through Prophet Muhammad (p.b.u.h) and Islam is the complete religion for mankind as stipulated in the Holy Qur'an.

— الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي
 وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا... ﴿٣﴾

“... This day have I perfected your religion for you completed my favour upon you, and have chosen for you Islam as your religion...” (Qur'an 5:3).

Islam gives guidance for life in this world and in the hereafter and nothing essential for human guidance has been left out, hence there is no ground for new prophethood on the plea of imperfection.

3. Muhammad (p.b.u.h) was the only Prophet who fulfilled his mission and completed his work in his life time. When he died, the religion of Islam was completed and the community of Muslim believers was well-established. The Qur'an was recorded in his life time and preserved in its total and original version. The actual fulfillment of Muhammad's mission on earth and the authentic recording of the entire Qur'an in his life time should leave no trace of doubt in any mind as to the belief that he was the last Prophet.

4. The message of Muhammad (p.b.u.h) was not meant for any particular people, place or period. He was raised as the world Prophet – the messenger of truth for the entire mankind. In the Qur'an Muhammad(p.b.u.h) has been described as Khatam – un – Nabiyyin (the last of the chain of the true prophets)but he is The messenger of Allah, And the Seal of the Prophets; And Allah has full knowledge of all thing. Qur'an (33:40).

Now the world does not need any new prophet; it needs only men with full faith in Muhammad (p.b.u.h) and can translate his teachings into practice and establish a society which is governed by Divine law.

5. God decreed that Muhammad would be the last Prophet and so he was. No prophet before Muhammad had done or accomplished or bequeathed so he did. No one after him of those who have claimed prophethood, has done anything comparable to what he did.

The historical stage of Prophethood has ended with Muhammad to give man the evidence that he can mature on his own initiative, to give the mind a chance to reflect and penetrate. The nature of islam is such that it has a great deal of flexibility and practicability and can cope with any arising situation. Muhammad (p.b.u.h) was not merely a racial leader or a national liberator. He was and

still is, a man of history and the best model of him who seeks God. In him every man can find something to learn and excellent examples of goodness and piety to follow.

Practical Values of Belief in Allah's Messengers and Books:

1. Believe in all prophets as being from God and having brought the same message makes a muslim to stay peacefully among other people and invite them into islam easily.
2. Believing in God's messengers makes muslims devoted and serious with all what the messengers brought for they will be knowing that they got the message from God and thus should not be disobeyed.
3. Belief in prophets makes muslims to understand God's laws well for it was the prophets who explained the laws with God's guidance. The practice of laws makes a muslim to be good example.
4. Belief in Allah's prophets makes a muslim to love Allah's prophets and to call our fellow brothers in the straight paths.
5. Belief in Allah's prophets inculcate in man the sense of responsibilities and strengths in fighting against evils and other malbehaviour as the

continuation of the Prophets' mission.

6. Belief in Allah's Prophets create the sense of humanity equality and real brotherhood among the people. This is because the main theme of all Prophets is the proclamation of the sovereignty of Allah so as peace and harmony can be prevail at global level.

5. BELIEF IN THE DAY OF JUDGEMENT

The belief in life after death the day of judgment is the fifth article of Islamic Faith in which every muslim is incumbent to admit it.

The day of judgement will soon come and nobody knows when it is to come except Allah alone.

Belief in the life after death has always been part and parcel of the teachings of the Prophets. The last day in which everything will be annihilated is called *Qiyamah*. The day in which all the human beings who had lived in the world since its creation will then be restored to life and will be presented before God who will sit in court is called Hashr (i.e. Resurrection).

In that day Allah (s.w) shall weigh everyone's good and bad deeds. One who excels in goodness will be rewarded a goodly reward and one whose evils and wrong overweigh his good deeds will be punished to Hell fire.

After the judgement is pronounced, all believers and unbelievers will have to pass over sirat (bridge) which is spread over the midst of Hell. But those who enter paradise will cross the bridge swiftly and take the right turn, while those who condemned to Hell fire, will miss their footing into the Hell fire on their left. Qur'an(19:67-72)

There are three stages that follow when a person dies.

(a) Al – Barzakh.

This is the first stage which is regarded as the intervening period between death and the last Day. In this stage the spirit of the dead person is immediately taken up to Allah and then returned to the grave where it re – enters the body to be questioned by angels about its beliefs in Allah and the divine mission of the Prophet Muhammad (p.b.u.h). According to the tradition of the Prophet (p.b.u.h) the examining angels will ask the dead person about his Lord, his religion, his prophets his iman and his relatives. Those who will answer the questions satisfactorily will live in peace and happiness in the grave till the Last Day and those whose answers are otherwise their bodies will be given a dreadful punishment.

Hadith:

“Gravel is a garden among the gardens of paradise, also is a pit among the pits of the Hell fire”

(b) The Ba'ath (Ressurrection)

This is the interval between Qiyamah (the last Day) and Barzakh. In this stage the life of this world and all of living things in it will come to an end. The whole universe will be destroyed beyond recognition. In this day all mountains and buildings shall be leveled and every person will try to save himself regardless of his parents, children or relatives. Nothing will survive except Allah Himself. Then after a long wait Allah will cause all creatures to rise up again. The souls of the dead will be restored to the respective bodies whether they are angels, men, jins or animals.

Qur'an(73:14) (99:1 – 8)

(c) Judgment

This is the stage where by all mankind have to gather at the place of assembling for judgement. Allah will appear to the reborn mankind and will be on a majestic Throne guarded by angels. The judgment will consist of several sub – stages notably; the presentation before Allah; the taking of the books of account; the questioning; the account; the weighing in the balance (mizan) and final judgement.

Qur'an(36:64), (5: 109), (21 : 47).

After the day of judgement, the last stage of death will commence either to paradise or to hell depend on the judgement.

To sum up, the Barzakh, the Resurrection, the judgement and Heaven and Hell are things Islam has taught its followers and the world at large. No one should have any doubts about these at all for as Allah, the Almighty, stresses. Life on this earth is only temporary, for real life will be tested thereafter. Hence it is therefore necessary for a muslim to believe in life after death with clear conscience for he knows that he is answerable only to the Almighty Allah.

Practical Values of Belief in The Day of Judgement and Life after Death:

1. This is the essential condition of being a muslim in a practical life. The denial of the life after death makes all other beliefs meaningless and also destroys the very sanction for good life and man is driven to a life of ignorance and disbelief.
2. The belief in life after death is the greatest deciding factor in the life of a man. Its acceptance or rejection determines the very course of him and his behaviour. A man who has in a view the success or failure of this world alone will be concerned with the benefit and harm that accrue to him in this life only. But a man who believes in the next world as well and has firm conviction of the final consequences of his acts would look up on all worldly gains and losses as temporary and transitory.

3. The belief in the day of judgement makes believers to live harmoniously and powerfully among other people by observing the right of each individual since they know that they will have to be answerable for all what they during their life time.
4. The belief in the day of judgement makes the believers to love God, respect and do all what have been commanded with the expectation of getting rewards and avoid the wrath of Allah in that day.
5. The belief in the day of judgement makes the worldly life to have a meaning to a believer due to the recompense to be given for whatever one will have done. Otherwise there would be no need for doing good. For one who does not believe in the day of judgement is absolutely impossible to fashion his life as suggested by islam.
6. The belief in the day of judgement produces in man the highest degree of self respect and self-esteem. This is because of the conviction that there is no other means of salvation in the day of judgement except purity of soul

6. BELIEF IN ALLAH'S QUDRA AND QADAR (PREDESTINATION AND PREDETERMINATION)

This is the sixth article of faith in Islam. The words qadar (predestination) means the actual carrying

out of a thing.

Technically these terms means that all what happens to man bad or good have their origin from God. All muslims are required to believe in Allah's predestination and predetermination in everything which exists and that which has not existed.

قُلْ لَنْ يُصِيبَنَا إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا
وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ ﴿٥١﴾

“Say: Nothing will happen to us except what God has decreed for us: He is our Protector: And on God let the believers put their trust” (Qur’an 9:51).

إِنَّا كُلَّ شَيْءٍ خَلَقْنَاهُ بِقَدَرٍ ﴿٤٩﴾

“Lo! We have created everything by measures” (Qur’an 54:49).

Through Qadar God makes something either good or bad to happen to an individual. Man's capacity, capability and other attributes notably degree of wisdom, genius and vision are dependant on Qadar. (predetermination)

... أَنَّ اللَّهَ لَهُ مَلِكُ السَّمَوَاتِ وَالْأَرْضِ ...

“Unto Allah belongeth the sovereignty of heavens and the earth”. (Qur’an 5:40).

Several verses in the Glorious Qur’an which states and reiterate His attributes testify the limitless tremendous power, command, self-sufficient, presence and truth of Allah. In fact, we are all at His mercy and we should obey Him sincerely if we are to earn His pleasure. It is in our interest to seek His guidance and forgiveness. The Holy Qur’an states:

... يُعَذِّبُ مَنْ يَشَاءُ وَيَغْفِرُ لِمَنْ يَشَاءُ وَاللَّهُ
عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿٤٠﴾

“He punisheth who He will, and forgiveth whom He will. Allah is able to do all things?” (Qur’an 5:40)

The true teachings of Islam about the predetermination and premeasurement that Allah and His Prophet (p.b.u.h) have told us everything that is required to be known to the degree of knowledge within the capacity of human understanding and all that is necessary in our best interest in this world and the next world. Certainly, if such mysteries were not told there would be limited intellectual and perceptual powers.

The real purpose of mentioning the Metaphysical Realities is to explain about other imperceptible

realization and promote the aims and object which are connected with the moral and practical interests of man.

Practical Values of Belief in Allah's Qadar:

1. It makes man a real believer in only God.
2. It produces in man contentment, deviation to and trust in Allah, patience, endurance and fearlessness of worldly things to generate in him a moral strength. Hopelessness, worry, grief, fear, envy and greedy will not come near him. This is because of the firm belief that nothing will happen to man except what God has decreed for him Qur'an (9:51), (3:45).
3. Belief in Qadar makes man not to waste time. It will keep him steadfast on the path of truth, righteousness and piety, to guide him to invite others to this straight path of Islam. This belief will condition him not to fear anyone but God.
4. Belief in Qadar makes a believer to work hard to receive a good end. This belief emphasizes that the ultimate choosing for chasing the right path for going astray essentially rests with man. The wish to change himself for the better and the will for concerted action to attain this objective, has first to come from man himself before Allah may confer any success, as is made quite clear in the following verse of Qur'an;

إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّىٰ يُغَيِّرُوا مَا بِأَنفُسِهِمْ

“Lo! Allah changeth not the condition of a falk until they (first) change that which is in their hearts” (13:11).

5. Belief in Qadar makes society peaceful, for the members of society will be knowing that whatever happens to them is as a result of God’s plan, therefore none can think of incriminating another for either being the cause for his misfortune or a relative’s death.
6. Belief in Qadar inspires bravery in man. The believer knows that his life and his property and everything in use really belong to God and he becomes ready to sacrifice his all for His pleasure. No weapon, no man or animal has the power of taking away his life.

Conclusively regardless of the great controversy among the muslims theologians, all muslims are commanded not to argue on his belief, because as true believers, we should have faith in Allah, His attributes and His guidance received through the Holy Prophet (s.a.w). It is useless to discuss a thing which we do not understand fully and whose secrets are only known to Allah.

CHAPTER SEVEN

ISLAMIC ECONOMIC SYSTEM

This Chapter highlight and focus on some fundamental features and distinctive peculiarities of Islamic economics. It also tries to draw a line of demarcation between Islamic economics and western economic systems.

Definition, Nature and Scope of Islamic Economics

Islamic economics is defined as being a Systematic effort to study the economic problem, and man's behaviour in relation to it from an Islamic perspective. It is also an effort to develop a Scientific framework for theoretical understanding as well as to design appropriate institutions and policies pertaining to the processes of production, distribution and consumption that will enable optimal satisfaction of human needs enabling man to serve higher ideals in life.

In another definitions, Islamic economics is defined as Social Science which studies the economic problems of people imbedded with values of Islam.

Or, it is the study of man not of an isolated individual, but of a social individual having faith in the Islamic values of life.

Islamic economics, as its definition reveals, is an integral part of shariah and gets its genesis deeply rooted in the primary sources of Shariah, namely the Holy Qur'an and the authentic Hadith reports of the sanctioned and governed by the concept of *Mushru'iyah* (i.e Legality), which is the fundamental basis which legitimatizes and determines the nature of a thing religious wise, whether it is *wajib* (i.e Obligatory), *Haram* (i.e disliked) or *Mubah* (i.e permissible).

The Holy Qur'an in various occasions makes reference to *al-mal* i.e property or wealth, which is the bedrock of Islamic economics, as being belonging to none but Almighty Allah alone.

It provides in the following passages that:

... وَعَاثُوهُمْ مِّن مَّالِ اللَّهِ الَّذِي ءَاتَاكُمْ... .

“...Give them something yourselves out of the means which Allah has given to you...” (Qur'an 24:33)

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَنْفِقُوا مِمَّا رَزَقْنَاكُمْ... .

“O you who believe; spend out of the bounties we have provided for you...” (Qur'an 2:254)

وَإِذَا قِيلَ لَهُمْ أَنْفِقُوا مِمَّا رَزَقَكُمُ اللَّهُ قَالَ الَّذِينَ

كَفَرُوا لِلَّذِينَ آمَنُوا أَنْطَعِمُ مَنْ لَوْ يَشَاءُ اللَّهُ
 أَطَعَمَهُ ۖ . . . ﴿٤٧﴾

“And when they are told spend your (of the bounties) with which Allah has provided you, the unbelievers say to those who believe: shall we then feed those whom if Allah had so willed, He would have fed...” (Qur’an 36:47)

آمِنُوا بِاللَّهِ وَرَسُولِهِ وَأَنْفِقُوا مِمَّا جَعَلَكُمْ
 مُسْتَخْلِفِينَ فِيهِ ۖ . . . ﴿٧﴾

Believe in Allah and His apostle, and spend in charity, out of the substance where of he has made you heirs, (Qur’an 57:7)

From the verses above, Qur’an establishes two cardinal principles which distinguish the Islamic concept of economy from other western ideologies that:

One, Almighty Allah Is the One Who sustains, nourishes, develops and leads mankind towards perfection. Accordingly, whatsoever wealth, human beings may earn and acquire in their course of life is in reality reendowed to them by Allah out of His sufficient and unlimited bounties.

Two, The real status of man in relation to his

wealth, is that of a vicegerent not of an absolute owner. He has been created to accomplish a certain mission, within specified capacity, and definite position, and his position is that of Allah's deputy on earth.

In other words, man is not the master as far as his wealth is concerned, he is only a trustee. He has been entrusted with whatever he has, and required, accordingly to operate as a trustee, without misbehaving nor misusing the economic resources made available to him. Any failure on his part, amounting to break of trust, brings about the idea of accountability.

In a nutshell, the relationship between man and wealth, in the Islamic conception, similitudes agency relationship which suits between the principal and his agent when a person designates an agent to undertake some assignment, or run his business, or develop and invest in his wealth on his behalf, the agent must confirm to the dictates, of his principal and do the act delegated to him within the jurisdiction and limits specified by the principal, and in accordance with the conditions stipulated therein.

If the agent acts otherwise he shall be held legally responsible for whatsoever he might have done beyond the authority empowered to him.

Likewise, man's virtue of being Allah's vicegerent on earth, entrusted with whatever means bestowed upon him by his creator religiously bound to dispose

of or develop and invest in these means, with due regard to the ethical norms, moral values and other directives, textually enshrined in the Qur'an and Hadith reports: if he acts in contravention of the Divine injunctions, he shall be deemed in the view sight of Shariah as transgressor, and such violation attracts upon him punishment; both in this worldly life and the hereafter.

In this regard, the Holy Qur'an proclaims that:

وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا
خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ ﴿١٤﴾

*“But those who disobey Allah and His apostle and transgress His, limits will be admitted to the fire to abide there and they shall have a humiliating punishment”
(Qur'an 4:14).*

Also refer Qur'an (2:187), (2:229).

Values and Objectives of Islamic Economics

One of the distinctive traits of Islam as religion and order of life is its comprehensive nature it has vividly laid down a complete system, containing minute relations for man's conduct in all circumstances of man's existences, with due remarks and penalties. In the field of economics, these regulations deals with financial principles and provides an explicit value framework,

based on human needs and ideals.

The Holy Qur'an, in several occasions speaks of moral values and principles of trading and commerce. It vehemently abhors all sorts of deceit, exploitation, squandermonial and unjustifiable eating of other peoples properties.

The Qur'an says:

يَتَّيْهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم
بِالْبَطْلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ...

“O you who believe! Eat not your up property among yourselves in vunities but let there be amongst you traffic and trade by mutual good will...”(Qur'an 4:29)

The exuadite Muslim jurists and other renowned Scholars have constructed this Qur'anic passage to have established a cardinal basis monitoring every economic and investment activity. That, means of acquisition of wealth, and trading in that wealth, should always be based on free and mutual consent of the parties concerned. Devoid of any act of injustices cheating, duress, extortion and other dubious means.

In the prophetic Hadith reports, which rank next to the Qur'an as source of ethical norms relating to Islamic economics we are taught that;The Holy prophet (SAW) is reported to have said:

“None of you is allowed to take a property which belongs to his brother, whether jokingly or seriously whoever takes it should return it to its owner.”

Many other Hadith reports, have unequivocally forbidden business deals and transactions being conducted through fraudulent means which involve any element of jahala i.e ambiguity and uncertainty or culminate into exploitation and deceptions.

Many other immoral and unhealthy practices, which some unscrupulous elements in business communities indulge themselves in, such as dishonesty in dealings, hoarding and adulteration of commodities have been forbidden by the Holy prophet (saw). On fraudulent dealings the prophet (saw) is reported to have said;

“Abu Huraira, may Allah be pleased with him, reported that the prophet (saw) forbade the sale,” through fraudulent means and the gharar sale.

As fraud has been made forbidden in business transactions, equally forbidden is the element of gharar or Jahala i.e ambiguity and uncertainty in business, tantamount to vitiating factors which negate the mutual consent of the transacting parties, which is Islamically deemed as the cornerstone of every contractual relationship.

On exploitation, the prophet (saw) is reported to have

said:

Narrated Tawus, Ibn Abbas, may Allah be pleased with them, reported that the prophet (saw) said: "Do not go to meet the caravans on the way, for buying their goods without letting them know the market price".

A town dweller should not sell the goods of a desert dweller on behalf of the latter..... I asked Ibn Abbas, what does he mean by not selling the goods of a desert dweller by a town dweller? He should not become his broker.

This Hadith condemns what brokers, rampantly used to do by receiving villagers on town skirts before they reach market centres, purposely to buy their commodities without letting them know the actual market price.

This kind of behaviour in business has been made forbidden because it involves a great deal of exploitation being done to villagers and desert dwellers by their town counterparts. It also contributes to high rocket and escalate the rate of inflation, due to the intervention of brokers as parasitical class between the producers and the consumers. Moreover, it leads to scarcity of commodities which will be in the hands of few brokers, who may tend to hoard them and have control on their price, as that would meet their greed and selfishness.

On deceit in commercial transactions, the Holy Qur'an

provides in the following verses that:

... وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ ۗ ﴿١٥٢﴾

“Give measure and weight with full justice.”
(Qur’an 6:152).

﴿١٥٢﴾ وَأَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ ﴿١٨١﴾ وَزِنُوا بِالْقِسْطِ
الْمُسْتَقِيمِ ﴿١٨٢﴾ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْثَوْا
فِي الْأَرْضِ مُفْسِدِينَ ﴿١٨٣﴾

“Give just measure and cause no loss to others by fraud.
And weigh with scales true and upright. And withhold
not nothings justly due to men, nor do evil in the land,
working mischief (Qur’an 26:181 – 183).

وَيْلٌ لِّلْمُطَفِّفِينَ ﴿١﴾ الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ ﴿٢﴾ وَإِذَا
كَالَوْهُمْ أَوْ وَّزَنُوهُمْ يُخْسِرُونَ ﴿٣﴾ أَلَا يَظُنُّ أُولَٰئِكَ أَنَّهُمْ مَبْعُوثُونَ
﴿٤﴾ لِيَوْمٍ عَظِيمٍ ﴿٥﴾

Woe to those that deal in fraud. Those who when they
have to receive by measure from men exact full measure.
But when they have to give by measure or weight to
men, give less than due. Do they not think that they will
be called to account? On a Mighty Day” (Qur 83:1 – 5)

In the Sunah; the Holy prophet (s.a.w) is reported to have said:

“Whoever deceives us, no longer belongs to us” (i.e. muslim Ummah).

In another report, the Holy prophet is reported to have said:

“Deception would lead to Hell (Fire) and whoever does a deed which is not in accord with our tradition, then that deed will not be accepted”.

The prophet (s.a.w) is also reported to have said:

“No one should sell anything until he tells of all its defects”.

On hoarding of essential commodities, the prophet (s.a.w) is reported to have said:

“He who hoards is a sinner”

In the light of the Qur’an and prophet authorities, it could be seen obviously that :

(i) Islamic economics operates within the value of framework, known in the terminology of Islamic jurisprudence as Halal (i.e what is made permissible).

(ii) Islamic economics does not deal only with how

man behaves, but also it is very much concerned with how he should behave. This means that, his behaviour while embarking on any economic project or business dealing, should be indriving towards the direction of value realization and value fulfillment, rather than being leaning towards dubious and mischievous practices.

Thus, as Islamic economics seeks to achieve its targeted objectives and motives, it equally seeks to see that man's behaviour conform to the designed direction it wants it to move to.

However, as far as goals and objectives of Islamic economics are concerned, they could be summed up in the following:

First, Decentralization of wealth;Islamic economics calls for equalization of opportunities and circulation of wealth amongst the Ummah i.e members of the public.

In this regard, the Qur'an says:-

مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ
وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ
وَأَبْنِ السَّبِيلِ كَىٰ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ
مِنْكُمْ... ﴿٥٧﴾

“What Allah Has bestowed on His apostle (and taken away) from the people of the worship belongs to Allah, to His apostle and to kindred and orphans, the needy and the wayfarer; in order that it may not (merely) make a circuit between the wealthy among you ...” (59:7)

The rationale sought behind decentralization of wealth in Islamic economics is to safeguard the poor against serious impacts ensuring from its centralization.

Because the immediate consequences of monopolization of wealth and complete possession of the financial resources in the hands of few business man are tyranny, servitude and total deprivation of the community at large.

Second, transfer of resources and achievement of social and economic justice. This objective of transfer of resources and means from the affluent and rich members of the society to the other less fortunate and indigent ones is to ensure that all miseries emanating from want and poverty are eliminated. And all needy members of the community are catered for and, at least, provided with the basic amenities and necessities of life, namely feeding, clothing and housing.

The Holy Qur’an Ordains in the following passages that.

وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَّعْلُومٌ ﴿٢٤﴾ لِّلسَّائِلِ وَالْمَحْرُومِ ﴿٢٥﴾

“And those in Whose Wealth is a recognized right. For the (needy) who asks And him Who is prevented (For some reason from asking)” (70:24-25)

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ ۗ

“Of their goods take alms, that so you might purify and sanctify them...” (9:103)

In fact, in addition to transfer of resources, the above quoted texts enunciate that, it is an esteemed objective of Islamic economics to achieve social and economic justice within the Muslim Ummah. This is aimed at fostering solid social relation, and genuine brotherhood between the Muslims as Allah says in the Qur’an (26:183)

This is because the social, economic and other religious parts of Islam are so inseparably bound up. That, to say, it is impossible to cut off one from the other without destroying both. And Islam as a way of life is not a relation of man to God, but it is a complete way which regulate and distinctly define the proper relation between man and his fellow creatures.

Therefore, it is one of the Ultimate objectives of Islamic economy is to see that inequality in its various ramifications, is reduced, And human relations are built on concrete foundation of social justice.

Thus, with due regard to this very objective of Islamic economy and to rescue mankind from hunger and want, as well as the resultant exploitation, then Islam has wisely prescribed to the needy ones, a share in the wealth of the rich ones.

It could be said that the whole idea sought behind the institution and other meritorious and charitable deeds is to provide for the needy the economic balance and the social interest to be harmonized with the individual interest.

Secondly, the needy human beings are not left alone to suffer the misery on account of hunger and want. Hence universal brotherhood and justice is required as Allah says in the Qur'an (49:13)

Thirdly, Economic well being within the frame work of moral norms of Islam Qur'an (2:60) (5:87-88).

Islamic economy calls for self reliance and self employment. The following Hadith reports, manifestly attest to this fact.

Narrated Abu Huraira may Allah be pleased with him, that the Holy prophet (s.a.w) said it is better that one of you should go to the forest (bush) with a rope bring a bundle of wood on his back, sell it and satisfy himself with its proceeds, than begging people who may or may not give him.

Narrated al-Miqdam, may Allah be pleased with him that the Holy prophet (SAW) said: Nobody has ever eaten a better meal than that which he has earned by working with his own hands.

The prophet of Allah Dawud (Daud), may peace be upon him, used to eat from the earning of his manual labour.

In another report, Riferah bin Rafi may Allah be pleased with him, reported that the Holy prophet (s.a.w) was asked of the most preferable earnings He said “what one has earned from his manual labour and the proceeds of a sale transaction devoid of any deceit and dishonesty.

These reports, no doubt mean that every muslim man who is physically sound is required to be some how productive, and engage himself in whatever job as would enable him to secure his livelihood. Because according to the directives of Sunnah of the prophet (s.a.w) that every muslim man is bound to maintain himself, responsible for the sustenance of his dependants and should have saving as would enable him to overcome and accommodate and unpredicted calamity.

However, it should be noted that although production in the Islamic point of view has to be pursued and developed, it has to be useful production.

Fourth, private ownership.

Islamic economy accommodate and concedes private enterprise as basic institutions of muslim Ummah. But it is not private in the wide context of the word, it is private property within the concept of representation and trusteeship, which has been highlighted earlier in this chapter.

All the Divine injunctions and other moral rules relating to *maal* (wealth) and its investment are to strictly be taken into account as far as private ownership is concerned.

It should not in one way or the other degenerate into an instrument of exploitation as servitude at any stage.

It is, however, worthy to mention here that, as well as private enterprises is given allowance in Islamic economics, Islam equally gives recognition to the public sector, where a number of communal services and needs are catered for, on a non-commercial and non profit generating basis.

These social needs are basically provided for thorough mobilization of funds and resources by voluntary means. The principal voluntary fund generating means waqf institution, i.e endowment. The funds accruing from waqf properties, be expended in financing public projects which render services for the public as general, such as mosques, schools, hospitals,

vocational training centers, provision for travelers etc.

It also worth mentioning that, in recognition of private ownership under Islamic economy, and as prescribes amputation of the hand of whoever steals and tampers with other people's property and right to private ownership, is one of the fundamental human right under Islamic constitutional law.

Fifthly, Elimination of Riba
(i.e usury)or interest.

Prohibition of Riba (i.e. usury) has been spoken in numerous occasions both in the Qur'an and prophetic Sunah. The Qur'an proclaims that:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي
يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا
الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

“Those who devour usury will not stand except as stands one whom the Evil by his touch has driven to madness. That is because they say trade is like usury” but Allah has permitted trade and for bidden usury (Qur'an 2:275).

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا أَنْتَفُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنْ

الرَّبَّوْا إِن كُنْتُمْ مُؤْمِنِينَ ﴿٢٧٨﴾ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا
بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ ^ط وَإِن تُبْتُمْ فَلَكُمْ زُؤُوسٌ أَمْوَالِكُمْ
لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ ﴿٢٧٩﴾

‘O’ you who believe, fear Allah and give up what remains of your demand for usury, if you are indeed believers, if you do it , take notice of war from Allah and His apostle but if you turn back you shall have your capital sums: Deal not unjustly and, you shall not be dealt with unjustly (2:278 – 279)

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا الرِّبَا
أَضْعَافًا مُّضَاعَفَةً وَأَنْتُمْ ^ط وَاللَّهُ لَعَلَّكُمْ تَفْلِحُونَ

“O you who believe devours not usury doubled and multiplied but fear Allah that you may really prosper” (3:130).

The Holy prophet (s.a.w) narrated Samuraa bin Junduls may Allah be pleased with him;The prophet (s.a.w) said,

“This night I dreamt that two men come and took me to a Holy land, whence we proceeded on till we reached a river of blood, where a man was standing, and at its bank was standing another man with stones in his hands. The man in the middle of the river tried to come out,

but the other threw a stone in his mouth and forced him to go back. So whenever he tried to come out, the other man would throw a stone in his mouth and force him to go back to his former place. I asked, who is this? I was told the person in the river was a Riba eater”.

The prohibition of Riba mentioned in the quoted Qur’anic and prophetic texts, extends to its famous two types, namely Riba Nasiiah, that is, on credit which was well known in the Pagan times before advent of prophet (s.a.w). As such, it is known among the jurists as Riba at Jahilliyyah.

The Pagan Arabs used to advance loans, for a fixed time. If that time lapsed, the creditor demands his dues from the debtor, if the debtor complied, the principal advanced would be received and the debt discharged.

But if the debtor was unable to Pay, easing time is to be granted to him on consideration of an additional sum i.e the amount of loan would then be doubled.

For instance, if a one year old camel was due, the creditor demands a two year old one. Or, if one measure of corn was due, it will be increased to two and so on.

The other type of Riba is Riba al-fadh1, that is on cash.

Why Interest is Banned in Islam?

(Scholars' view):

Some scholars like Khan, Ahmed, Mannan Su'ud, Ariff and others have the following arguments:

The first argument is that, interest being a pre-determined cost of production, tends to prevent full employment and that international monetary crises are largely due to the institution of interest.

The second argument is that, trade cycles are in small measure attributable to the phenomenon of interest.

The third argument is that, interest is not effective as a monetary policy instrument even in capitalist economies and have questioned the efficacy of the rate of interest as a determinant of saving and investment.

The fourth argument is that, such a transaction necessitates the exacting of another man's wealth without legal consideration or return one who exhorts this, does so without consideration.

Accordingly this amounts to exploitation, and reduces the debtor to poverty which is a colossal inequity.

The fifth argument is that, the fact that income by way of interest, prevents its receiver i.e creditor from

indulging in any occupation or profession, for the creditor would certainly, find it easy to acquire his livelihood from interest on cash or deferred loans. The creditor would “Thus refrain from engaging himself in some business or occupation which entails labour or hardship. This would, certainly, give a set back to public Utility, in so far as it is an accepted fact, worldly affairs can not progress satisfactorily without trade, arts and crafts.

The sixth argument is that, debtor cuts at the very root of one’s honour, dignity and respect in the society.

Thus, if interest declared illegal, people would naturally abstain from borrowing and squandering money.

On the other hand, if interest is made lawful, people with a view to gratifying their growing needs would not hesitate in borrowing at any rate. As such mutual sympathy, human goodness and obligation.

The seventh argument is that, in all probability, the debtor might become poor while the creditor rich, if therefore Riba transactions declared lawful, the rich will seek poor people’s money more and more.

The eighth argument behind the prohibition of Riba is that, the Holy Qur’an which is the highest authority on Islamic law, lays down clear and unambiguous orders against all Riba transactions. It is not, therefore necessary that all reasons must

be advanced for orders enjoined in it.

And since Riba transactions, have been declared illegal by Almighty Allah in His very speech, the Qur'an, it is quite probable that, we may not be able to know the reasons which necessitated those orders enshrined in the Qur'an.

The ninth argument underlying the illegality of Riba is that, interest is forbidden because the incentive for it has always been the desire to accumulate money and make more and more of it, and secure its rates at the expense of those who urgently need the money, and at the expense of the interests of the society.

Islamic Banking

The essential feature of Islamic banking is that it is free from interest.

Islam prohibits muslims from taking or giving interest (riba) regardless of the purpose for which such loans are made and regardless of the rates at which interest is charged.

The prohibition of riba is mentioned in four different verses in the Qur'an.

The first emphasizes that interest deprives wealth of God's blessings as the following verses refer:

يَمْحَقُ اللَّهُ الرِّبَا وَيُرْبِي الصَّدَقَاتِ وَاللَّهُ لَا
 يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ ﴿٢٧٦﴾

Allah will deprive usury of all blessing, but will give increase for deeds of charity For He Loveth not Any Ungrateful Sinner. (Qur'an 2:276)

The second condemn it, placing interest in juxtaposition with wrongful appropriation of property belonging to others.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ
 مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ ﴿٢٧٨﴾

O Ye who believe! Fear Allah, and give up what remains of your demand for usury, of your demand if you are indeed believers. (Qur'an 2:278)

The third enjoins Muslims to stay clear of interest for the sake of their own welfare. The Qur'an Warns:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا
 أَضْعَافًا مُّضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

O Ye who believe! Devour not usury, Doubled and Multiplied; But fear Allah, that ye may (really) prosper. (Qur'an 3:130)

The fourth establishes a clear distinction between interest and trade urging muslims to take only the principal sum and to forgo even this sum if the borrower is unable to pay. It is further declared in the Qur'an that those who disregard the prohibition of interest are at war with God and His prophet. The verses of the Qur'an clarify as follows:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ
 مِنَ الْمَسِّ ذَٰلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ
 وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ
 إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ﴿٢٧٥﴾

Those who devour usury (interest) will not stand except as stands one whom the Satan by his touch Hath driven to madness. That is because they say: Trade is like usury but Allah hath permitted trade and forbidden usury. Those who after receiving admonition from their Lord, Desist, shall be pardoned for the past; their case is for Allah (to judge); But those who repeat (The offence) are companions of the fire they will abide therein (forever)” (Qur’an 2:275).

يَأْتِيهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا

إِنْ كُنْتُمْ مُؤْمِنِينَ ﴿٢٧٨﴾

O Ye who believe! Fear Allah, and give up what remains of your demand for usury, if ye are indeed believers. If Ye do it not, take notice of war from Allah and His messenger. But if ye repent Ye shall have your capital sums.” (Qur’an 2:278)

فَإِنْ لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ ۗ وَإِنْ
تُبْتِغُوا فَلََكُمْ رِءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

Deal not unjustly, and ye shall not Be dealt with Unjustly, if the debtor is in a difficulty, Grant him time till it is easy for him to repay. But if ye remit it By way of charity, that is best for you if ye only knew. (Qur’an 2:279)

The prohibition of interest is also cited in the Hadith (sayings of the prophet) The prophet condemned not only those who take interest but also those who give interest and those who record or witness the transaction, saying that they are all alike in guilt.

It may be mentioned in passing that similar prohibitions are to be found in the pre Qur’anic Scriptures, although the people of the Books’, as the Qur’an refers to them, had chosen to rationalize them.

A common tread running through all these discussions

is the exploitative character of the institution of interest.

There is no analogy between rent on property and interest on loans since the benefit to the tenant is certain while the productivity of the borrowed capital is Uncertain so the former is Halal (lawful).

The question of change in the value of money and hence need for indexation is an interesting one. But the Islamic jurists have ruled out compensation for erosion in the value of money or according to Hadith a fungible good must be returned by its like (mithl) Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, equal for equal and hand to hand. The bottom line is that Muslims need no 'argument' before they reject the institution of interest. No human explanation for a divine injunction is necessary for them to accept a dictum as they recognize the limits to human reasoning.

However, in conclusion to these reasons and grounds, it could be said that the prohibition of interest (Riba) is clearly associated in the aforementioned Qur'an passages with charity. That, in as much as charity is the broad basis of human sympathy, usury i.e Riba on the other hand, destroys all sympathetic situations. As a result of this, the rich gets richer, while the poor gets poorer.

The Islamic View on Capital

Islam recognizes capital as a factor of production but it does not allow the factor to make a prior or pre-determined claim on the productive surplus in the form of interest. What will then replace the interest rate mechanism in an Islamic framework? Profit sharing can be a viable alternative. In Islam, the owner of capital can legitimately share the profits made by the entrepreneur. What makes profit sharing permissible in Islam, while interest is not, is that in the case of the former it is only the profit sharing ratio, not the rate of return itself that is predetermined .

It has been argued that profit sharing can help to allocate resources efficiently, as the profit sharing ratio can be influenced by market forces so that capital will flow into those factors which offer the highest profit sharing ratio to the investor, other things being equal.

Modes of Financing.

(i) Mudaraba (Profit sharing)

This mode was practiced even in the pre-Qur'anic days and it was approved by the prophet under this mode, the owner of capital (rabbul-mal) may invest by allowing an entrepreneur with ideas and expertise to use the capital for productive purposes and he may share the profits, if any, with the

entrepreneur borrower (Mudarib), losses, if any however, will be appropriated wholly by the rabbul mal.

(ii) Musharakah (equity participation)

Under this mode the partners use their capital jointly to generate a surplus profits and losses will be shared between the partners according to some agreed formula. It is similar to modern concept of partnership and joint stock ownership.

Mudarabah and Musharaka constitute, at least in principle if not in practice the twin pillars of Islamic Banking, in so far as the depositors are acts as a mudarib which manages the funds of depositors to generate a profits subject to the values of mudaraba as outlined above.

The bank may in turn use the depositors' fund on a Mudaraba basis in addition to other lawful modes of financing. In other words, the bank operates a two-tier Mudaraba system in which it acts both as the Mudarib on the saving side of the equation and as the rabbul-mal on the investment fort folio side. The bank may also enter into musharaka contracts with the users of the funds, sharing profits and losses, as mentioned above.

At the deposit end of the scale, Islamic banks normally operates three broad categories of account, mainly current, savings and investment accounts.

The current account, as in the case of conventional banks, give nor returns to the depositors. It is essentially a safe-keeping (al-wadiah), arrangement between the depositors and bank, which allows the depositors to with draw their money at anytime and permits the bank to use the depositors' money. More often than not, no service charges are made by the banks in this regard.

The saving account is also operated on al – wadiah basis but the bank may at its absolute discretion pay the depositors a positive return periodically depending on its own profitability. Such payment is considered lawful in Islam since it is not a condition for lending by the depositors to the bank, nor is it pre-determined. The savings account holders are issued with savings books and are allowed to withdraw their money as and when they please.

The investment account is based on the Mudaraba principle, and the deposits are term deposits which cannot be withdrawn before maturity. The profit-sharing ratio varies from bank to bank and from time to time depend on supply and demand conditions.

In theory, the rate of return could be positive or negative but in practice the returns have always been positive and quite comparable to rates of conventional banks offer on their term deposits.

At the investment portfolio end of the scale, Islamic banks employ a variety of instruments. The *Mudarabah* and *Musharaka* modes, referred to earlier are supported by main conduits for the outflow of funds from the banks.

In practice, however, Islamic banks have shown a strong preference for other modes which are less risky. The most commonly used Mode of financing seems to be the 'Markup' device which is termed *Murabaha*.

In a *Murabaha* transaction, the bank finances the purchase of a good or asset by buying it on behalf of its client and adding a 'markup' before re-selling it to the client on a 'cost – plus' basis. What makes the *Murabaha* transaction Islamically legitimate is that the bank first acquires the asset and in the process it assumes certain risks between purchase and resale.

The bank takes responsibility for the goods before it is safely delivered to the client. The services rendered by the Islamic bank are therefore regarded as quite different from those of a conventional bank which simply lends money to the client to buy the good.

Islamic banks have also been resorting to purchase and resale of properties on a deferred payments basis, which is termed as *Bai Muajjal*. It is considered lawful in *Fiqh* (jurisprudence) to charge a higher price for a good if payments are to be made at a

later date.

According to Fiqh, this does not amount to charging interest, since it is not a lending transaction but a trading one.

Leasing or *ijara* is also frequently practiced by Islamic banks. Under this mode, the banks would buy the equipment or machinery and lease it out to their client who may opt to buy the items eventually, in which case the monthly payments will consist of two components, i.e rental for the use of the equipment and installment towards the purchase price.

Reference must also be made to prepaid purchase of goods which is termed '*baisalam*,' as a means used by Islamic banks to finance production. Here the price is paid at the time of the contract but the delivery would take place at a future date. This mode enables an entrepreneur to sell his output to the bank at a price determined in advance. Islamic banks in keeping with modern times, have extended this facility to manufactures as well.

It is clear from the above sketch that Islamic banking system goes beyond the pure financing activities of conventional banks. Islamic banks engage in equity financing and trade financing. By its very nature, Islamic banking system is a risky business compared with conventional banking, for risk-sharing forms the very basis of all Islamic financial

transactions.

To minimize risks, however, Islamic banks have taken pains to distribute the eggs over many baskets and have established reserve out of past profits which they can fall back on the event of any major loss.

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