

Fifty Common Misconceptions about Islam

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Fifty Common Misconceptions about Islam

In many ways, Islam is a misunderstood religion. Many of its directives have remained a subject of hot debate in the past.

In recent times, the works of Hamid al-Din Farahi, Amin Ahsan Islahi and Javed Ahmad Ghamidi have served to clarify some of these misconceptions. Although these misconceptions are numerous, presented in this issue are fifty common ones, five each from ten very important topics related to Islam. These ten include:

1. The Qur'an
2. The Sunnah and Hadith
3. Worship and Worship Rituals
4. Political Issues
5. Economics Issues
6. Women Issues
7. Family Issues
8. Punishments
9. Jihad
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I. The Qur'an

1. The Qur'an is an Incoherent Book¹

It is generally believed that the Qur'an is an incoherent book with haphazardly arranged verses.

The works of the Farahi school in the last century have served to remove this misconception. Farahi's *Majmu'ah-i Tafasir* ², Islahi's *Tadabbur-i Qur'an* ³ and Ghamidi's on-going exegesis *al-Bayan* have shown that each surah is a coherent collection of verses. These verses are not disjoined and haphazardly placed in a surah. In fact, each surah has a theme and all the verses are aptly placed with regard to this theme. When a surah is studied while keeping in consideration its theme and when its coherence becomes evident as a result of this study, it comes out as a well-knit unit.

Imam Amin Ahsan Islahi writes:

Every person knows that it is the strong rope of the Qur'an that holds together the fabric of this ummah, and all Muslims have been directed to hold steadfast to this rope and not divide themselves into factions. An obvious requirement of this directive is that we must turn to the Qur'an to resolve all differences which arise among us; however, it is very unfortunate that all of us have different opinions regarding the Qur'an. There are so many views in the interpretation of every verse, and most of these views are contradictory to one another and we do not have any reference point to decide which view is the correct one. If a difference of opinion arises in the interpretation of a discourse, the most satisfactory thing which can resolve this is the context and coherence of the discourse. Unfortunately, most people do not regard the Qur'an to be a coherent book having a definite context. The result is that differences of opinions have become permanent. A lot of differences of opinion which have arisen in fiqh are because of disregarding the context of a verse. If this context is kept in consideration, one will find that at most occasions only one interpretation is possible.⁴

It is evident from the foregoing discussion that what makes the Qur'an a document having one definite meaning and which resolves all differences of interpretation and thus verifies Imam

Farahi's words **الْقُرْآنُ لَا يَدْتَمِلُ إِلَّا تَأْوِيلًا وَاحِدًا** about it is the coherence it possesses.

The way the exponents of the Farahi school of thought have revealed the coherence in the Qur'an does not require any further discussion to prove that it does exist; however, what is the nature of this coherence? The following points will help in understanding it:

1. Each surah has a theme round which its contents revolve and make it into a unified whole. It is the most comprehensive statement of its contents and what the soul is to a body, the theme is to a surah.
2. Together with the main text of a surah, there is an introduction and a conclusion. Surahs have distinct sections to mark thematic shifts, and every section is paragraphed to mark smaller shifts. Some surahs may be without sections. The verses of the introduction and of the conclusion also may at times be divided into paragraphs.
3. These paragraphs and these sections relate to each other not through a verse to verse linear connection but through various literary devices like similes, comments, conditional statements, parenthetical statements, principle statements, warning statements, parallelism, conclusion of a theme, questions and their answers, and statements or passages which return to what is said in the beginning. This of course is not an exhaustive list.
4. The text of a surah progresses through these paragraphs and sections and gradually reaches its culmination. As a result, the surah assumes a distinct and unique form and shape, and becomes a complete and independent whole.

2. The Qur'an has Variant Readings

It alleged that the Qur'an has variant readings. Typically a verse may have more than variations. It is generally believed that these variations have been divinely revealed. The first person to record these readings in the form of a book was Abu 'Ubayd Qasim Ibn Salam (d. 224 AH). He recorded twenty five readings; Abu Ja'far Tabari (d. 310 AH) recorded over twenty readings, while it was Abu Bakr Ibn Mujahid (d. 324 AH) who selected the seven famous ones⁶. These seven readings became famous through their readers. They are:

Place	Reader
1. Madinah	Nafi' (169/785)
2. Makkah	Ibn Kathir (120/737)
3. Damascus	Ibn 'Amir (118/736)
4. Basrah	Abu 'Amr (148/770)
5. Kufah	'Asim (127/744)
6. Kufah	Hamzah (156/772)
7. Kufah	Kisa'i (189/804)

These readings cannot be accepted in any manner as having the same status as the Qur'an because of the following reasons.

(i) The whole of the Muslim ummah today, except for a few North African countries, is united in reading the Qur'an in just one way. It is historically known that the reading of Nafi' was officially promulgated in the third century hijrah in North Africa after the rise of Malikite fiqh in this area.⁷ The only complete reading of the Qur'an which is in vogue from the time of the Prophet (sww) is the qira'at al-'ammah (the universal reading) – the very reading read out to the Prophet (sww) once the revelation of the Qur'an had been completed. It was this very reading which existed among the companions of the Prophet (sww). Abu 'Abd al-Rahman Sulami (d. 105 AH) ⁸ narrates:

كَانَتْ قِرَاءَةُ أَبِي بَكْرٍ وَعَمْرٍو وَعُثْمَانُ وَزَيْدُ بْنُ ثَابِتٍ وَالْمُهَاجِرِينَ وَالْأَنْصَارَ وَاحِدَةً ،
وَهِيَ الْقِرَاءَةُ الَّتِي قَرَأَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى جِبْرِيلَ مَرَّتَيْنِ فِي الْعَامِ الَّذِي قَبِضَ فِيهِ ،
كَانَ زَيْدٌ قَدْ شَهِدَ الْعَرُوضَةَ الْأَخِيرَةَ ، وَكَانَ يَقْرَأُ النَّاسَ بِهَا حَتَّى مَاتَ .

The reading of Abu Bakr, 'Umar, 'Uthman and Zayd Ibn Thabit and that of all the muhajirun and the ansar was one. They would read the Qur'an according to the qira'at al-'ammah. This is the same reading which was read out to the Prophet (sww) in the year of his death by Gabriel. Zayd Ibn Thabit was also present in this reading [called] the 'ardah akhirah⁹. It was this very reading that he taught the Qur'an to people till his death.¹⁰

(ii) There exists a consensus of opinion among the scholars of our ummah on the fact that the Qur'an is mutawatir (ie such a large number of people have transmitted the Qur'an that the existence of any error in the transmitted text is impossible).

Now, if the chains of narrators of these variant readings are examined, none of them can be claimed as mutawatir. They may be mutawatir from their famous originators but they are certainly not mutawatir all the way from these originators up to the Prophet (sww). At best, they can be classified as ahad (isolate reports). Thus Zarkashi writes:

أَحَدُهَا أَنَّ الْقِرَاءَاتِ السَّبْعَ مُتَوَاتِرَةٌ عِنْدَ الْجُمْهُورِ ، وَقِيلَ مَشْهُورَةٌ . . . وَالتَّحْقِيقُ أَنَّهَا مُتَوَاتِرَةٌ عَنِ الْأُمَّةِ السَّبْعَةِ ، أَمَّا تَوَاتُرُهَا عَنِ
لِنَبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَفِيهِ نَظَرٌ فَإِنَّ إِسْنَادَ الْأُمَّةِ السَّبْعَةِ بِهَذِهِ الْقِرَاءَاتِ مُوجُودٌ فِي كُتُبِ الْقِرَاءَاتِ ، وَهِيَ نَقْلُ الْوَاحِدِ عَنِ
وَإِتْرَافِ فِي اسْتِوَاءِ الطَّرِيقَيْنِ وَالْوِاسِطَةِ : وَهَذَا شَيْءٌ مُوجُودٌ فِي كُتُبِهِمْ .

The opinion of the majority is that these readings are mutawatir. However, one opinion is that they are mashhur¹¹.... The truth in this regard is that they are mutawatir from these seven [qurr'a]. As far as their tawatur from the Prophet (sww) is concerned, this is debatable. For the chain of narrators of these seven are found in the books of qira'at. These chains are transmission from a single person to another and do not fulfill the condition of tawatur neither from the first narrator to the last nor in between.¹²

(iii) Not only are these readings isolate reports (ahad), but also many of the narrators of these readings are not regarded as trustworthy by the scholars of 'ilm al-rijal as far as accepting Ahadith from them is concerned. As an example, this is what is written about Hafs Ibn Sulayman, perhaps the most famous and most widely acclaimed of all the disciples of the major qurra':

'Abd al-Rahman Ibn Abi Hatim says that he is matruk al-hadith. Nasa'i says that he is not trustworthy. In the opinion of Yahya Ibn Mu'in as quoted by Abu Qudamah Sarakhsi and 'Uthman Ibn Sa'id he is not trustworthy. 'Ali Ibn Madini says: he is weak in matters of Hadith and I have forsaken him voluntarily. Abu Zur'ah also says that he is weak in matters of Hadith S~alih Muhammad al-Baghdadi says the Ahadith narrated by him are not worth writing and all of them mention unfamiliar things in religion. Zakariyyah Ibn Yahya al-Saji narrates from Sammak and 'Alqamah Ibn Marthad and Qays Ibn Muslim that his Ahadith are not reliable. 'Abd al-Rahman Ibn Abi Hatim says that he asked his father about Hafs. His father said that his Ahadith are not even worth writing. He is weak in matters of Hadith, cannot be attested to and his Ahadith are not acceptable. 'Abd al-Rahman Ibn Yusuf says that he is a great liar, worthy of being forsaken and forges Ahadith.[13](#)

It seems quite strange that a person so widely regarded as unreliable (even called a liar) in accepting Hadith from be regarded as a very dependable person as far the Qur'an is concerned.

It is clear from this analysis that these extant readings which are found in books of tafsir and read and taught in religious schools can in no way be accepted. Whether they originated from insistence by some to cling to the first recital of the Qur'an, or were mere explanations of the actual verses written down by the companions in their own codices or were concocted to disparage the Qur'an is a mystery which perhaps may never be solved. However, this much is certain that they have nothing to do with the text of the Qur'an.

3. The Qur'an was revealed on Seven Ahruf[14](#)

There are certain narratives which say that the Qur'an was revealed on seven ahruf. A typical narrative reads:

عَنْ مَالِكٍ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ قَالَ سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ

تُ هِشَامَ بْنَ حَكِيمِ بْنِ حَزَامٍ يَقْرَأُ سُورَةَ الْفُرْقَانِ مَا أَقْرَأُهَا وَكَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَقْرَأُهَا جَلَّ عَلَيْهِ ثُمَّ أَمَهَلْتُهُ حَتَّى انْصَرَفَ ثُمَّ لَبَّيْتُهُ بِرِدَائِهِ فَجِئْتُ بِهِ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقُلْتُ يَا رَسُولَ اللَّهِ إِنِّي يَقْرَأُ سُورَةَ الْفُرْقَانِ عَلَى غَيْرِ مَا أَقْرَأْتُهَا فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْسِلْتَهُ ثُمَّ قَالَ يَا هِشَامُ فَقْرَأْ مِيعْتَهُ يَقْرَأُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ هَكَذَا أَنْزَلْتُ ثُمَّ قَالَ لِي أَقْرَأْ فَفَقَرَأْتُ هَكَذَا أَنْزَلْتُ إِنَّ هَذَا الْقُرْآنَ عَلَى سَبْعَةِ أَحْرُفٍ فَأَقْرَأْهُوا مَا تَيَسَّرَ مِنْهُ

‘Abd al-Rahman Ibn ‘Abd al-Qari narrated: “ ‘Umar Ibn Khattab said before me: ‘I heard Hisham Ibn Hakim Ibn Hizam reading Surah Furqan in a different way from the one I used to read it, and the Prophet (sws) himself had read out this surah to me. Consequently, as soon as I heard him, I wanted to get hold of him. However, I gave him respite until he had finished the prayer. Then I got hold of his cloak and dragged him to the Prophet (sws). I said to him: “I have heard this person [Hisham Ibn Hakim Ibn Hizam] reading Surah Furqan in a different way from the one you had read it out to me.” The Prophet (sws) said: “Leave him alone [O ‘Umar].” Then he said to Hisham: “Read [it].” [‘Umar said:] “He read it out in the same way as he had done before me.” [At this,] the Prophet (sws) said: “It was revealed thus.” Then the Prophet (sws) asked me to read it out. So I read it out. [At this], he said: “It was revealed thus; this Qur’an has been revealed on Seven Ahruf. You can read it in any of them you find easy from among them.” ’ ’ [15](#)

If the following points about this narrative are kept in contemplation, it becomes evident that it is an absolutely meaningless narrative which should not be considered of any worth in this regard:

Firstly, even though this narrative has been recorded in the basic books of Hadith literature, no one in history has ever been able to offer a convincing explanation of it rendering it totally ambiguous. Suyuti [16](#) has recorded about forty interpretations of this narrative, and then while acknowledging the weakness of each of these has confessed that this narrative should be regarded among the mutashabihat, whose meaning is only known to God:

وأرجحها عندي قول من قال : إن هذا من المتشابه الذي لا يدري تأويله

And to me the best opinion in this regard is that of the people who say that this Hadith is from among matters of mutashabihat, the meaning of which cannot be understood. [17](#)

Secondly, the only plausible of interpretation of the word ahruf is that it connotes pronunciation of words the Arabs were used to. However, in this case, the text of the Hadith itself negates this meaning. It is known that both ‘Umar (rta) and Hisham (rta) belonged to the same tribe: the Quraysh. Obviously, people of the same tribe could not have had different pronunciations.

Thirdly, even if it is accepted that this difference was of pronunciation between various tribes and as a result they were allowed to read it variously, the verb unzila (was revealed) is very inappropriate. The Qur'an has specified that it was revealed in the language of the Prophet's tribe: the Quraysh (See for example: 19:97, 44:58). After this, it can be accepted that the various tribes were allowed to read it according to their own accents, but how can this be accepted that the Almighty Himself revealed the various dialects and pronunciations.

Fourthly, it is known that Hisham had accepted Islam on the day Makkah was conquered. If this Hadith is accepted, it would mean that even after the conquest of Makkah senior Companions and even a close associate like 'Umar (rta) was unaware of the fact that the Prophet (sws) secretly taught the Qur'an in some other form and reading from the one openly heard from the Prophet (sws) and preserved in writing and in memory. Every person can realize how grave this claim is and how far reaching are its effects.

4. Only God knows the Meanings of Certain Qur'anic Verses

It is generally thought that there are certain verses of the Qur'an whose meaning is only known to God and that no man is able to understand them. They are called the mutashabihat verses of the Qur'an.

It needs to be clarified that the mutashabihat of the Qur'an are verses in which things that are beyond human observation or comprehension are mentioned in the form of comparison (tashbih) to things which we know in our own language and through our own experience. The actual purport conveyed by these verses is clear. However, human intellect is not equipped to grasp the reality to which they refer. For example, it is said in Surah Haqqah that the Almighty's throne shall be lifted by eight angels on the Day of Judgement. Now we cannot know what the throne will be like, though we may have a slight idea since the word throne is also a common word in our language. Similarly, Surah Muddaththir says that there will be 19 sentinels guarding Hell. Again we cannot say why there will be 19 and what they will be like, though we know that the word 19 mentions a definite number. Consequently, verses which mention the blowing of spirit in Adam¹⁸, the birth of Jesus (sws) without a father¹⁹, nature of God's actions like His sitting on a throne²⁰, the blessings of Paradise like the nature of its milk and honey²¹, the torments of Hell like the tree of zaqqum growing in fire²² are examples of the mutashabihat. The real purpose of such verses is that they become a trial and test for people since they must profess faith in them, without going after their reality. The Qur'an says:

عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُّحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ أَقْلِيلٌ فِي قُلُوبِهِمْ زَيْعٌ فَيَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ
 نَاءِ الْفِتْنَةِ وَابْتِغَاءِ عِلْمٍ يَلُغُونَ إِلَّا اللَّهَ وَالرَّاسِخُونَ فِي الْعِلْمِ يَقُولُونَ آمَنَّا بِهِ كُلٌّ مِّنْ عِنْدِ رَبِّنَا وَمَا يَ

(٣ :)

He it is Who has sent down to you the Book; in it are verses fundamental; they are the foundation of the book: others are mutashabihat. But those in whose hearts is a twist follow

the mutashabihat seeking discord, and searching for its hidden meanings, but no one knows their true reality except Allah. And those who are firmly grounded in knowledge say: “We believe in the Book; the whole of it is from our Lord;” and none will grasp the Message except men of understanding. (3:7)

An important point worth noting in the above mentioned verses is that it has not been said that the meaning of the mutashabihat is only known to Allah. Rather it has been declared that their reality is only known to Him. The actual word used is ta’wil which is used in the same sense here as in the following verse:

أَبُوَيْهِ عَلَى الْعَرْشِ وَخَرَجُوا لَوْ قَالُوا يَا أَبَتِ هَذَا تَأْوِيلُ رُؤْيَايَ مِنْ قَبْلُ قَدْ جَعَلَهَا رَبِّي حَقًّا (١٢:١٠٠)

He [Joseph] said: This is the reality [in the interpretation] of my dream which I had seen before. (12:100)

Consequently, the meaning of the words in which the dream of Joseph has been mentioned in the Qur’an is clear to everyone who knows Arabic. However, the reality denoted by the various elements of the dream like the sun, the moon and the eleven stars (12:4) was only known once the dream was fulfilled.

It is evident from these details that the mutashabihat of the Qur’an are verses the true reality of which human intellect is not capable of knowing since there can be no words in a language which can describe things yet to come in human observation. Consequently, words which may be similar to the concepts conveyed by these things of the unknown world are used to portray these details. It is incorrect to regard them as verses whose meaning is unclear or doubtful.

5. The Qur’an is a Manual of Complete Knowledge

Some people are of the view that the Qur’an contains knowledge of everything and in it is found the answer to every question which comes to our mind. The following verse is generally presented to substantiate this view.

طَنَّا فِي الْكِتَابِ مِنْ شَيْءٍ عَمَّا نُمَّ إِلَى رَبِّهِمْ يُحَدِّثُونَ (٣٨:٦)

We did not leave anything out of this Book. Then all will be gathered before their Lord [for judgement]. (6:38)

A little deliberation on the context of the verse shows that the verse has a specific connotation and it is incorrect to draw this conclusion from it.

6:37 says that the disbelievers demand that they be shown some sign so that they may profess belief. It is evident from later verses that the word “sign” actually refers to the punishment the disbelievers were threatened with by the Prophet (sws) if they rejected him.

أَتَاكُمْ عَذَابُ اللَّهِ أَوْ أَتَتْكُمُ السَّاعَةُ أَغَيْرَ اللَّهِ تَدْعُونَ إِنْ كُنْتُمْ صَادِقِينَ أَتَدْعُونَ مَا تَدْعُونَ إِلَيْهِ إِنْ شَاءَ
(٤١ : ٤٠ : ٦)

Say: “What do you think, if there come upon you the punishment of God, or the Hour [that you dread]. Would you then call upon other than God? – [Answer] if you are truthful! Nay, – On Him would you call, and if it be His Will, He would remove [the distress] which occasioned your call upon Him, and you would forget [the false gods] which you join with Him!” (6:40-41)

Consequently, the disbelievers have been quoted by the Qur’an at many instances saying that they would like to see the punishment they are being threatened with in order to see whether Muhammad (sws) was a true messenger of God. At all such places, they are answered that if this sign is shown to them, then they would not be given any further respite – they would be destroyed. So it is better that instead of demanding this ultimate sign, they pay heed to the numerous other signs found in abundance around them and within their own being.

This is precisely what has been stated in 6:37 and at the beginning of 6:38:

نُزِّلَ عَلَيْهِ آيَةٌ مِّن رَّبِّهِ فَلَمَّا تَدْعُونَ إِلَىٰ آيَةٍ مِّن رَّبِّهِ قَالُوا لِمَ لَا يُنَزِّلُ آيَةً مِّن رَّبِّهِ إِنْ هُوَ إِلَّا جَدَلٌ بَيْنَهُمْ لِيَتَّخِذُوا الْآيَةَ كَالْحَدِيثِ أَوَلَمْ يُحِطُوا بِأَنَّ اللَّهَ يَكُونُ حَاكِمًا
(٣٨ : ٣٧ : ٦)

And they say: “Why is not a Sign sent down to him from his Lord?” Say: “God has certainly power to send down a Sign: but most of them understand not. There is not an animal [that lives] on the earth, nor a being that flies on its wings, but [forms part of] communities like you.” (6:37-8)

The disbelievers are told that God has all the power to send down such a sign, but most of them do not know its implications. For when such a sign is sent, it is a signal of destruction for the people. So instead of demanding such a sign, they should look around and they will find plenty of signs. If they contemplate even on the animals around them and on the birds above them they will find many lessons. They will find in the individual and collective lives of these

species the manifestations of the Almighty's mercy, power, providence and wisdom. These manifestations show that this world has been made for a specific purpose by the Almighty.

In other words the expression: "We did not leave anything out of this book" if taken in context means that as far as signs to profess belief are concerned, this Book has plenty and that nothing has been left out of it. The verse does not imply that the Qur'an contains guidance on everything.

Moreover, it needs to be appreciated that man has been blessed with innate guidance which in most cases is able to guide him in various affairs of life. It is only at certain cross roads where man has the data but is not equipped to decide the right line of action or in certain other spheres where he has no data at all to make decisions that divine revelation comes to his rescue.

II. Sunnah and Hadith

1. Sunnah and Hadith are Synonymous

The word Hadith is often understood to be a synonym for the word Sunnah. This is not correct. There is a great difference between the two not only regarding the extent of their authenticity, but also their content.

A narrative of the words, deeds or tacit approvals of the Prophet (sws) is called Hadith. It does not add anything to the content of Islam stated in the Qur'an and Sunnah, the two original sources of Islam. Ahadith (plural of Hadith) only explain and elucidate what is contained in these two sources and also describe the exemplary way in which the Prophet (sws) followed Islam. The scholars of Hadith employ the term, khabr for Hadith. A khabr bears the possibility of being either right or wrong. In other words, the scholars of Hadith believe that a khabr may be true or it may be false. For this very reason, Ahadith are also called dhanni (presumptive or indefinite).

On the other hand, the word Sunnah literally means "busy path", "trodden path", "beaten path". As a term, it means the practices of the Prophet Abraham (sws) to which the Prophet Muhammad (sws) gave religious sanction among his followers after reviving and reforming them and after making certain additions to them. The Qur'an has directed the Prophet (sws) to obey these Abrahamic practices in the following words:

لِيَكُ أَنْ تَتَّبِعَ مِرَّةً إِبْرَاهِيمَ حَنِيفًا وَمَا كَانَ مِنَ الْمُشْرِكِينَ (١٦:١٢٣)

Then We revealed to you to follow the ways of Abraham, who was true in faith and was not

among the polytheists. (16:123)

The following three aspects further bring out the difference between Hadith and Sunnah.

Firstly, while Ahadith can be inauthentic or spurious, the Sunnah cannot be so. The Sunnah is in fact as authentic as the Qur'an. This is because the difference in the nature of transmission. Ahadith have been transmitted by a few individuals and therefore become dependent on their character, memory and intellect – all of which can falter even if the person in question is very pious. On the other hand, the Sunnah has been transmitted by whole generations to the next. Such is the vast number of people who have adhered to certain practices that there is no possibility of any error. The memory, intellect and character of a few persons can falter but when thousands of people deliver the same thing, any faulty transmission is ruled out. Furthermore, not only have a large number of people transmitted these practices, but also there is a consensus in the ummah regarding the authenticity of these practices. In other words, people not adhering to these practices also vouch for their veracity.

Secondly, Sunnah is purely related to the practical aspects of Islam such as the prayer, hajj, nikah wudu tayammum. Issues that pertain to belief, history, occasion of revelation and explanation of Qur'anic verses lie outside its domain. On the other hand, Ahadith are not confined to a certain sphere of Islam. Their content ranges from the practical issues of religion to intellectual ones and from historical episodes to explanation of the Qur'an and of the Sunnah itself.

Thirdly, the Sunnah is not based on Ahadith. For instance, we have not adopted the prayer, pilgrimage, etc in all their details because a few narrators explained them to us; on the contrary, we have adopted them because every person in our surroundings is either adhering to it or vouching for its veracity. In other words, Sunnah is an entirely independent source of Islam. However some Ahadith may contain a record of the Sunnah just as they may contain the record and explanation of certain verses of the Qur'an. But just as having a record of the Qur'an does not make Ahadith the same as the Qur'an, having a record of the Sunnah does not make Ahadith equivalent to the Sunnah.

2. Every Act of the Prophet (sws) is a Sunnah²³

Some people are of the opinion every act and every deed done by the Prophet (sws) is a Sunnah. This view is not correct.

The Qur'an is absolutely clear that the prophets of Allah were sent to deliver His religion. In their prophetic capacity, the ambit of their thoughts and deeds was only that of religion. Everything besides this, was primarily of no concern to them. No doubt besides their prophetic capacity they were also Ibrahim Ibn Azar, Musa Ibn 'Imran. 'Isa Ibn Maryam and Muhammad Ibn 'Abdullah in their human capacity; however, in this human capacity, they never asked

obedience from their followers. All their demands were confined to their prophetic capacity, and what was given to them in this capacity was religion, and thus it was only religion whose propagation they were liable to:

الدِّينَ مَا وَصَّيَ بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَىٰ وَعِيسَىٰ أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ
(٤٢:١٣)

He has enjoined on you the same religion which He enjoined on Noah, and which We have now revealed to you, which We enjoined on Abraham, Moses, and Jesus, with the assertion: “Adhere to this religion [in your lives] and do not create any divisions in it.” (42:13)

Consequently, it is known history that the Prophet (sww) used weapons like swords and arrows in wars, travelled on camels, constructed a mosque whose roof was made of palm trees, ate some foods which were customary in the Arab society and showed his like or dislike for them, wore a certain dress which was in vogue in Arabia and whose selection also had much to do with his personal taste – however, none of these things can be termed Sunnah and neither can any man of learning regard them to be Sunnah. At one instance, the Prophet (sww) himself is reported to have said:

... أَمْرٌ تُكْمَلُونَ بِهِ مِنْ دِينِكُمْ فَخُذُوا بِهِ وَإِذَا أَمَرْتُكُمْ بِشَيْءٍ مِنْ رَأْيِ فَإِنِ
بُنِ إِذَا حَدَّثْتُكُمْ عَنِ اللَّهِ شَيْئًا فَخُذُوا بِهِ فَإِنِّي لَنْ أَكْذِبَ عَلَى اللَّهِ. أَبْنُمُ أَعْلَمُ بِأَمْرِ دُنْيَاكُمْ)
(٣٢٦٢ ٢٣٦١)

I am also a human being. When I direct you about something which relates to your religion, take it from me and when I express my own opinion [about something which is outside this sphere] then my status in this regard is nothing more than that of a human being ... I had conjectured about something.²⁴ Do not hold me accountable for such things which are based on opinion and conjecture. However, if I say something on behalf of God, take it because I will never forge a lie on God ... You very well know about your worldly affairs. (Muslim, Nos: 2263, 2361, 3262)

3. The Qur’an should be interpreted through Hadith²⁵

There is a group of scholars who believes that the Qur’an should be interpreted through the Hadith. However, the status occupied by the Qur’an as the mizan and the furqan entails that everything should be interpreted in light of the guidance it provides. The Qur’an says about itself:

يُنزِلَ الْكِتَابَ بِالْحَقِّ وَالْمِيزَانَ (٤٢:١٧)

It is God who has revealed with truth the Book which is this scale [of justice]. (42:17)

The verse means that the Almighty has revealed the Qur'an which is a scale of justice meant to distinguish good from evil. It is the only scale that weighs every thing else, and there is no scale in which it can be weighed:

يُنزِلَ الْفُرْقَانَ عَلَى عَبْدِهِ لِيَكُونَ لِلْعَالَمِينَ نَذِيرًا (٢٥:١)

Blessed be He who has revealed al-furqan to His servant that it may warn the whole world. (25:1)

The Qur'an is also a furqan in the same sense, ie a book which has the final and absolute verdict to distinguish truth from falsehood. This word also connotes the fact that this Book is the standard on which everything needs to be judged and is a decisive word on matters which relate to religion. Every one must turn to it only to resolve differences of opinion. Nothing can be a judge on it; it shall reign supreme in the dominion of religion and every person is bound not to make it subservient to any other thing.

The Qur'an is the most definite and authentic record of whatever Muhammad (sws) did in his status of a prophet and a messenger. Consequently, most topics covered in the Hadith are related to the Qur'an the way a branch is related to a stem or the way an explanation is related to the text it explains. Without a recourse to the original text, it is obvious that its corollaries and explanations cannot be understood. If all the mistakes in interpreting the Hadith are minutely analyzed, this situation becomes abundantly clear. The incidents of stoning to death in the times of the Prophet (sws), the assassination of Ka'b Ibn Ashraf, punishment meted out in the graves, narratives such as يُؤْتِي السَّلَاطَةَ لِمَنْ يَشَاءُ (Execute the person who changes his faith)²⁶ have become issues which have caused a lot of confusion and have been subjected to misinterpretation because they have not been understood by relating them to their basis in the Qur'an.

4. Hadith are as Authentic as the Qur'an²⁷

There are scholars who believe that the Hadith are as authentic as the Qur'an.

Here, it needs to be appreciated that besides investigating the chain of narration of a Hadith,

the second thing which requires investigation is the text of a Hadith. Although scholars of Hadith have left no stone unturned in investigating the characters and biographies of the narrators and have spent a greater part of their lives in this research, yet like every human endeavour, the natural flaws which still exist in the narration of a Hadith²⁸ requires that the following two things must always remain in consideration while investigating the text of a Hadith:

1. Nothing in it should be against the Qur'an and Sunnah
2. Nothing in it should be against established facts derived from knowledge and reason

The Qur'an, it has been alluded to earlier, is the mizan (the scale of truth) and the furqan (the distinguisher between truth and falsehood). It is like a guardian of every religious concept and it has been revealed as a barometer to judge between what is right and what is wrong. Thus no further explanation is required of the fact that if anything is against the Qur'an, then it must stand rejected.

Similar is the case of the Sunnah. Whatever religion has been received through it is as certain and authentic as the Qur'an, as has already been explained earlier. There is no difference between the level of authenticity of the two. Just as the Qur'an is validated through the consensus of the ummah, the Sunnah is also determined from its consensus. Since this fact is an absolute reality about the Sunnah, thus if a Hadith is against the Sunnah and if there is no way out to resolve a conflict between the two, the Hadith in consideration must necessarily be rejected.

Established facts derived from knowledge and reason also have the same status in this regard. The Qur'an is absolutely clear that its message is based on these established facts. Its arguments on such basic issues as tawhid and the Hereafter are primarily based on these facts. It is the requirements and demands of these facts which the Qur'an highlights through its teachings. Every student of the Qur'an is aware that it presents these facts as deciding factors for the message it puts forth. It presented them as the final word both before the Idolaters of Arabia and the People of the Book. Those who oppose these are regarded by it as people who follow their base desires. Thus intuitive realities, historical truths, results of experience and observation – all are discussed in the Qur'an in this very capacity. Hence how can a Hadith which is against these facts regarded by the Qur'an as ones which distinguish between the truth and untruth be accepted? It is obvious that it shall stand rejected. All leading scholars of Hadith also hold this view. Khatib writes:

ولا يقبل خبر الواحد في منافاة حكم العقل وحكم القرآن الثابت المحكم والسنة المعلومة والفعل الجاري مجرى السنة كل دليل مقطوع به

A khabr-i wahid cannot be accepted which is against sense and intellect, is against an established and explicit directive of the Qur'an, is against a known Sunnah or is against a

practice which is observed like the Sunnah or its conflict with some conclusive argument becomes absolutely evident.[29](#)

5. Ahadith can be interpreted Independently[30](#)

A general practice in interpreting Ahadith is that each narrative is interpreted independently even if its variant texts exist. As a result, the complete picture in which a directive was given is sacrificed and one often ends up deducing a directive from incomplete data.

It needs to be appreciated that all the variant texts of a Hadith must be studied in order to form an opinion about it. Many a time a person may form an opinion about a Hadith by not studying its variants; however, once he deliberates on all the variants his overall interpretation changes. One glaring example of this are the Ahadith which mention the prohibition of pictures and portraits. If some of the narratives are studied only, one can easily conclude that this prohibition is absolute and every picture and portrait is prohibited in Islam. However, if all the variants are collected and analyzed, it becomes evident that the prohibition is regarding only those pictures which have been made for worshipping. Many similar examples can be cited from the corpus of the Hadith literature. Thus it is essential that if one is not satisfied from the apparent words of a Hadith, one must gather and collate all its variants to form an opinion.

III. Worship and Worship Rituals

1. Making Vows of Worship is Recommended

Many people are of the opinion that Islam encourages a person to make a vow to offer some worship ritual if his wish is granted. Thus a person pledges before God that he would, for example, keep a certain number of fasts or pray a certain amount of optional prayers if a certain desire of his is fulfilled.

It needs to be appreciated that making vows of worship for the fulfillment of certain wishes was never the way of the Prophet (sws) and his Companions (rta). It means that a person is imposing a condition to carry out certain virtuous deeds and also burdening himself with something which may ultimately be very difficult to fulfill. Worship done in this manner may also adversely affect a person's relationship with his Creator. It becomes more of a mechanical act often done in disregard to the spirit of worship. Worship should be done from the willingness of the heart and from the eagerness of the soul, otherwise it will fail to reap the real benefit it carries: purification of the inner-self. In fact, worship done if one's wish is not granted may at many times be more beneficial in achieving this end.

The correct way in this regard is to pray to the Almighty that a certain wish be granted. If the wish is granted, a person should express his gratitude by letting his feelings take their own

course and manifest themselves in whatever form of worship at that particular time. Also, the quantity of worship does not matter in such cases: it is the quality that really counts.

2. Praying after the 'Asr Prayer is Forbidden

It is generally believed that Muslims have been forbidden to pray or prostrate after the 'asr prayer until maghrib.

It needs to be appreciated that according to the established Sunnah of the Prophet (sws), the only forbidden times for prayer are sunrise and sunset. This precautionary measure is meant to curb polytheism, since many nations of antiquity worshiped the sun at these times. At all other times, prayers can be offered. Consequently, one can pray between 'asr and maghrib.

It seems that the following Hadith has led to the belief that no prayer can be offered between 'asr and maghrib:

الصدُّوحُ دَتَّى تَرْتَفِعَ الشَّمْسُ وَلَا صَلَاةَ بَعْدَ الْعَصْرِ حَتَّى تَغِيبَ الشَّمْسُ (: ٥٦١)

The Prophet is reported to have said there is no prayer after dawn until the sun rises and there is no prayer after 'asr until the sun sets. (Bukhari, No: 561)

If all the texts of this Hadith are collected, it comes to light that a part of it has been left out in most of its texts. This can be observed from the underlined portion of the following two Ahadith:

(: ١٠٧٦)

Do not pray after 'asr except if the sun is high [in the sky]. (Musnad Ahmad, No: 1076)

(٩١٦) لَا تُصَلُّوا بَعْدَ الْعَصْرِ إِلَّا أَنْ تُصَلُّوا وَالشَّمْسُ نَقِيَّةً (بيهقي ، رقم

Do not pray after 'asr except if the sun is shining brightly high [in the sky]. (Bayhaqi, No: 4196)

In other words, what the Prophet (sws) actually forbade was praying very near the time of sunset since this might accidentally lead a person to pray in the forbidden period of sunset. Consequently, it is clear from these Ahadith that if one intends to pray after 'asr, one should

make sure that one does so before sunset. One has not been stopped from praying after 'asr, as has been inferred by some.

3. The Almighty asked for Ishmael's Sacrifice?

It is generally believed that God asked Abraham (sws) to sacrifice his son. True the sacrifice never took place but the question is: Why was it asked for?

It needs to be understood that the Almighty never commanded Abraham (sws) to sacrifice his son. It was Abraham (sws) who took this step thinking that the Almighty wanted this to happen. In this regard, the following points must remain in consideration:

1. Abraham (sws) thought that he was directed to sacrifice his son by the Almighty in a dream shown to him. For the Prophets of Allah, such dreams are a source of contact with the Almighty, and in them they are shown certain images by Him for the purpose of their education and instruction. However, as a principle, they are not to be interpreted literally; they contain realities which are depicted in symbolic form. Symbolic representation is a very subtle and powerful way of expression: facts seem veiled, yet for one who pauses to ponder, they are most evident. So what needs to be understood is that dreams of the Prophets of Allah are symbolic too. They portray a fact in figurative form in order to make it more effective to understand. As an example, consider the dream of the Prophet Joseph (sws) mentioned in the Qur'an. It says that he saw the sun, the moon and eleven stars bowing down to him. The interpretation of the dream offered by the Qur'an itself at the end of Surah Yusuf shows that this bowing down was a symbolism to show that his eleven brothers and father and mother would submit to his authority as the king (12:100). Similarly, more examples can be given from the Qur'an.

2. The next point which arises is about the symbolism found in "human sacrifice". In other words: "What does human sacrifice stand for?" A knowledge of the ancient scriptures reveals that human sacrifice offered to God symbolizes consecrating and dedicating a person to the service of Allah:

You are to bring the Levites before the Lord, and the Israelites are to lay their hand on them. Aaron is to present the Levites before the Lord as a wave offering from the Israelites, so that they may be ready to do the work of the Lord. 'After the Levites lay their hands on the heads of the bulls, use the one for a sin offering to the Lord and the other for a burnt offering, to make atonement for the Levites. Have the Levites stand in front of Aaron and his sons and then present them as a wave offering to the Lord. In this way you are to set the Levites apart from the other Israelites, and the Levites will be mine. After you have purified the Levites and presented them as a wave offering, they are to come to do their work at the Tent of Meeting. They are the Israelites who are to be given wholly to me. I have taken them as my own in place of the firstborn, the first male offspring from every Israelite woman. Every firstborn male in

Israel, whether man or animal, is mine. When I struck down all the firstborn in Egypt, I set them apart for myself. And I have taken the Levites in place of all the firstborn sons in Israel. (Numbers 8:10-18)

As is evident from the underlined portion, the symbolism found in “human sacrifice” is to set aside and dedicate a person to the service of Allah. In other words, the Almighty actually wanted Abraham (sws) to devote Ishmael (sws) for special tasks assigned by the Almighty.

3. Abraham (sws) in his spirit of submission to the will of God started to follow his dream in the literal sense instead of interpreting the dream; consequently, the Almighty told him that he had “made the dream a reality”, which of course was not required. However, this willingness to submit to a command of Allah as perceived by Abraham (sws) greatly pleased the Almighty since it was based on sincerity and a great readiness to do what he thought was Allah’s desire.

4. Charity can be given instead of Animal Sacrifice

Some people think that instead of sacrificing sheep on ‘id, one can donate an equivalent in money to charities. This notion is not true and requires a little elaboration:

For every human being who believes in Allah, there are two distinct spheres of interaction in which relationships come into existence. The first sphere covers a person’s relationship with Allah, while the second one constitutes a person’s relationship with his fellow human beings. Islam and all divinely revealed religions nothing but guide human intellect in these two spheres. A person’s relationship with Allah manifests itself in worship, which in Islam has some distinct forms. Similarly, a person’s relationship with his brethren takes the form of social interaction, which again has many areas. Total or partial negation of any one of these spheres results in an unbalanced life. Extremism in the first sphere breeds monasticism and ascetism while extremism in the second one breeds materialism. Islam wants every person to create a balance in his life by giving each sphere its due. Similarly, it wants a person to undertake the various prescribed forms of interaction in both spheres since each has a definite purpose.

In the first sphere, Islam has prescribed specific forms of worship of which one form cannot replace the other, since each has its own purpose and objective. Animal Sacrifice is one such form of worship. It has an underlying philosophy which must be well be appreciated in order to do it in letter and spirit. Just as salah cannot replace zakah and vice versa, animal sacrifice also cannot be replaced by zakah or charity. What animal sacrifice induces in a person, zakah or salah or hajj do not.

The raison d’etre for animal sacrifice on ‘id is to commemorate a great event which depicts an extraordinary expression of submission to the command of Allah -- the essence of Islam. The Prophet Abraham (sws) while obeying the Almighty set a platinum example of this submission. When we offer an animal in sacrifice, we actually symbolize our intention that we are ready to

submit ourselves to Allah in any way that may be required by Him, just as His great Prophet Abraham (sws) had once done so with spirit and splendour, glory and grandeur.

5. Zakah cannot be given to Non-Muslims

Some people are of the view that zakah cannot be spent on Non-Muslims. This view is not correct.

The following Qur'anic verse spells out the heads under which zakah can be expended:

تُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّجَالِ وَاللِّمَّةِ وَالسَّبِيلِ وَالْأَسْرَى وَالسَّبِيلِ قَرِيبَةً
وَاللَّهُ عَلِيمٌ حَكِيمٌ (٩:٦٠)

Zakah is only for the poor and the needy, and for those who are 'amils over it, and for those whose hearts are to be reconciled [to the truth], and for the emancipation of the slaves and for those who have been inflicted with losses and for the way of Allah and for the wayfarers. (9:60)

It is evident from the verse quoted above that the Qur'an does not discriminate between the recipients of zakah on the basis of their beliefs or religion. In other words, zakah money can be given to any needy person whatever his religion is.

IV. Political Issues

1. A Muslim Ruler has the Right to Overrule the Majority

It is generally contended on the basis of the following verse that the ruler of a Muslim state has the power to veto his confidants if he deems so.

وَشَاوِرْهُمْ فِي أَمْرٍ فَإِنَّكَ عِنْدَ رَبِّكَ كَاتِبٌ
(٥٩:٣) الْهُنُوكَالِينَ يُحِبُّ

So ignore their faults and ask for God's forgiveness for them and consult them in the affairs [of state]. Then, when you have taken a decision, put your trust in Allah. (3:159)

This is an incorrect inference. It should be appreciated that the Qur'an is an internally coherent Book and each verse has a specific context, which, if disregarded, may lead to gross misinterpretation.

If we take a look at the context of 3:159, it becomes evident that the verse occurs in the group

of verses in which the behaviour of the Hypocrites and the events of the battle of Uhud and their aftermath are under discussion. The Hypocrites, we know from the Qur'an, were given a time of respite so that they might reform themselves. However, once the time was over, they were severely dealt with as is evident from many verses of the Qur'an. For example:

(٦:٩) أَيُّهَا النَّبِيُّ جَاهِدِ الْكَافِرِينَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَاهُمْ جَهَنَّمُ وَبئسَ الْمَصِيرُ

O Prophet! Strive hard against the Disbelievers and the Hypocrites, and be firm against them. Their abode is Hell, an evil refuge indeed. (66:9)

The battle of Uhud was the time when they were still in the period of respite. So, it was not appropriate to disregard them at that time. Consequently, the Prophet (sws) is told to keep consulting them in various affairs; however, he is not bound by what their majority says. If he decides contrarily, he should repose his trust in Allah and do what he has decided. This is a brief summary of the stress of the verse.

A more detailed look at the context of 3:159 and at the various historical facts shows that the Prophet (sws) had consulted the Muslims on whether they should fight the enemy from within the city or from the outside. The Hypocrites opined that they should fight from within the city while the true believers were of the opposite opinion. The Prophet (sws) it seems also held the latter opinion. So when he and the believers decided to go out and fight, the Hypocrites became angry and expressed their anger in various ways. 'Abdullah Ibn Ubay for example departed right before the battle with his three hundred men saying that his opinion was ignored. Another group of Hypocrites that stayed with the Muslims started spreading the propaganda once the battle was over that the defeat was due to the wrong strategy adopted. Consequently, verses 3:156-8, while addressing the Hypocrites, mention these details in the following manner:

وَالَّذِينَ كَفَرُوا وَقَالُوا لَئِنْ خَرْنَا فِي الْأَرْضِ أَوْ لَئِنْ أَخَذْنَا بِالْحَرْبِ لَمَا نَلْمَأَنَّكُمْ إِذَا جَاءَ الْكُفْرُ أَنَّا فَسَقْنَا فِي سَبِيلِ اللَّهِ أَوْ كُنَّا كَاذِبِينَ
(٥٦-٥٨) وَمَا يَجْمَعُونَ

O you who believe! be not like the disbelievers who say of their brethren when they are travelling through the land or fighting: "If they had stayed with us they would not have died or been slain" so that Allah may make a cause of regret in their hearts. It is Allah Who gives life and death. And Allah knows what you do. And if you are killed or die in the way of Allah, forgiveness and mercy from Allah are far better than all they amass [of worldly wealth]. And whether you die or are killed, verily, unto Allah you shall be gathered. (3:156-8)

Consequently, it is clear from these verses that the Prophet (sws) in his capacity of a Prophet (sws) was advised to deal with the Hypocrites of his times in a particular manner, as spelled out in the subsequent verse; in other words, this subsequent verse also like the previous ones

refers to the Hypocrites:

فَاعْفُ (عَلَيْهِمْ) وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُبَدِّلُ الْمُتَوَكِّلِينَ

So ignore their faults and ask for God's forgiveness for them and consult them in affairs. Then, when you have taken a decision, put your trust in Allah. (3:159)

These verses cannot be related to us in any way today. Technically speaking, the antecedents of the plural accusative pronoun in the imperative verb **شَاوِرْهُمْ** (consult them) are the Hypocrites of the Prophet's times. Owing to his position as Prophet, Muhammad (sww) was divinely guided in their affairs and was told to deal with them with latitude until the Almighty signaled to him that the period of respite was over.

Consequently, the verse cannot be extended to anyone beyond the Prophet (sww).

2. Muslims of a Non-Muslim Country should Unite Politically

Some people think that Islam directs all Muslims living in non-Muslim lands to unite under one leadership and present themselves as a single entity.

Nowhere has Islam directed Muslims living in a non-Muslim country to unite under one leadership. This may serve their interest and be very beneficial for them. However, they have not been bound by their religion in this regard. It is up to them if they want to adopt such a policy.

Some people do present the following verse to contend that Islam has directed Muslims to politically unite:

؛ أُمَّتُكُمْ أُمَّةٌ وَاحِدَةٌ وَأَنَا رَبُّكُمْ فَاعْبُدُونِي (٢١ : ٩٣)

Indeed, this ummah of yours is a single ummah, and I am your Lord and Cherisher. (21:93)

If the context of this verse is deliberated upon, it comes to light that the Qur'an is not directing the present Muslim ummah to remain united; on the contrary the word ummah here is used for all the Prophets which are mentioned in the preceding verses (78-91). After enlisting most Prophets, the Qur'an says that all these Prophets are one ummah in the sense that they brought the same religion and it is the people who introduced innovations in it:

انْ إِذْ يَحْكُمَانِ فِي الْحَرْثِ إِذْ نَفَسَتْ فِيهِ غَنَمُ الْقَوْمِ وَكُنَّا لِحُكْمِهِمْ شَاقِقِينَ يَا سُلَيْمَانَ وَكَلاَّ أَتَيْنَا حُكْمًا وَعِلْمًا
 مَعَ دَاوُودَ الْجَبَالَ يُسَبِّحُنَ ثَوَالِيقَ وَيُعَلِّمُونَ وَيُعَلِّمُنَاهُ صِدْقَةَ نُبُوسٍ لَكُمْ لِيُحْصِنَكُمْ مِنْ بَأْسِكُمْ فَهَلْ أَنْتُمْ شَاكِرُونَ
 يَحْ عَاصِفَةً تُجْرِي بِأَمْرِهِ إِلَى الْأَرْضِ الَّتِي بَارَكْنَا فِيهَا وَكُنَّا بِكُلِّ شَيْءٍ عَمِيلِينَ وَمِنَ الْيَلْتِزِينَ مَنْ يَغْوِصُونَ لَهُ
 دُونَ ذَلِكَ وَكُنَّا لَهُمْ حَافِظِينَ وَأَيُّوبَ إِذْ نَادَى رَبَّهُ أَنِّي مَسَّنِيَ الضُّرُّ وَأَنْتَ أَرْحَمُ الرَّاحِمِينَ فَاسْتَجَبْنَا لَهُ فَكَشَفْنَا مَا بِهِ
 صَبْلَهُمْ وَمَلَّاتِهِمْ أَهْلَ مَدْيَنَ مِنْ عُنْدِنَا وَذَكَرَى لِلْعَابِدِينَ وَإِسْمَاعِيلَ وَإِدْرِيْسَ وَذَا الْكُفْلِ كُلٌّ مِنْ صَالِحِينَ وَأَدْخَلْنَاهُمْ
 نُهُمُ مِنَ الصَّالِحِينَ وَذَا النُّونَ إِذْ ذَهَبَ مُغَاضِبًا فَظَنَّ أَنْ لَنْ نَعْتَدَ بِهَذَا الَّذِي فَعَلَّ إِنَّا لَإِلهٌ إِلَّا أَنْتَ سُبْحَانَكَ
 الظَّالِمِينَ فَاسْتَجَبْنَا لَهُ وَتَجَنَّبَاهُ مِنَ الْغَمِّ وَكَذَلِكَ نُجِئُ الْمُؤْمِنِينَ وَذَكَرْنَا لِيَدَى رَبِّهِ رَبًّا لَا تَذَرُنِي وَتَا وَأَنْتَ خَيْرُ
 اسْتَجَبْنَا لَهُ وَوَهَبْنَا لَهُ يَحْيَى وَأَصْلَحْنَا لَهُ وَزَوَّجْنَاهُ بِمَرْيَمَ فَاتَّبَعُوا أَمْرَنَا كَانُوا سَوَاءً مِمَّنْ وَكَانُوا لَنَا
 نَ وَالَّتِي أُحْصِنْتُ لِقَائِهِمْ فَخَزُّوا وَجَعَلْنَاهَا وَابْنَهَا آيَةً لِلْعَالَمِينَ إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ

وَأَمْرَهُمْ بَيْنَهُمْ كُلُّ إِلَيْنَا رَاغِبُونَ (٢١: ٧٨-٩٣)

And remember David and Solomon, when they gave judgement in the matter of the field into which the sheep of certain people had strayed by night: we did witness their judgement. To Solomon We inspired the [right] understanding of the matter: to each [of them] we gave judgement and knowledge; it was Our power that made the hills and the birds celebrate Our praises, with David: it was We who did [all these things]. It was We Who taught him the making of metal coats of mail for your benefit to guard you from each other's violence. Will you then be grateful? [It was our power that made] the violent wind flow [tamely] for Solomon to his order to the land which We had blessed: for We do know all things. And of the evil ones, were some who dived for him, and did other work besides; and it was We who guarded them. And [remember] Job, when he cried to his Lord: "Truly distress has seized me, but You are the Most Merciful of those that are Merciful." So We listened to him: We removed the distress that was on him, and We restored his people to him, and doubled their number, as a Grace from Ourselves, and a thing for commemoration for all who serve Us. And [remember] Isma'il, Idris, and Dhu al-Kifl, all [men] of constancy and patience. We admitted them to our mercy, for they were of the righteous ones. And remember Dhu al-Nun, when he departed in wrath. He imagined that We would not call him to account! But he cried through the depths of darkness: "There is no god but You; glory to You. I was indeed wrong!" So We listened to Him and delivered him from distress and thus do We deliver those who have faith. And [remember] Zakariyyah, when he cried to his Lord: "O my Lord! Leave me not without offspring, though You are the best of inheritors." So We listened to him and We granted him Yahya. We cured his wife's [barrenness] for him. These were ever quick in emulation in good works; they used to call on Us with love and reverence, and humble themselves before Us. And [remember] her who guarded her chastity: we breathed into her of Our Spirit, and We made her and her son a sign for all peoples. Indeed, this ummah of yours is a single ummah, and I am your Lord and Cherisher: therefore serve Me [and no other]. But [the later generations] cut off their matter [of unity], one from another: [yet] will they all return to Us. (21:78-93)

In other words, the words "Indeed, this ummah of yours is a single ummah" if interpreted keeping in view the context refers to the collectivity of the Prophets that came before Muhammad (sws). They have nothing to do with the Muslim ummah.

3. Defiance of anti-Islamic Laws of a Non-Muslim Country

Some people are of the opinion that Muslims should defy the directives of the non-Muslim country where they are living if they are asked by the government to do something which is against Islam.

It must be kept in consideration that Muslims who have settled in non-Muslim countries are bound in a contract of citizenship. They must always honour this contract while living in such areas. They should respect the laws and live peacefully. They are bound by Islam to abide by the terms and conditions of any contract they make and they must never violate them in the slightest way. Such violations according to Islam are totally forbidden and, in fact, amount to a grave transgression. The Qur'an says:

بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا (١٧:٣٤)

And keep [your] covenants; because indeed [on the Day of Judgement] you will be held accountable for them. (17:34)

Consequently, Muslims must never break the laws of the country they live in and if a situation comes when, owing to some law, they are not able to follow a directive of their religion that seems imperative to them, they should first of all bring the matter in the notice of the authorities. If it is not resolved, then instead of violating the law or creating nuisance they should migrate from that country.

This, of course, does not mean that this stance of a Non-Muslim country is being endorsed. It amounts to denying a minority its basic rights and, at times, is tantamount to persecution.

4. Muslims are Duty-Bound to establish an Islamic State

There are some Muslim scholars who think that each and every Muslim has been asked by Islam to strive to establish an Islamic state in case Islam does not reign supreme in the country he is living in.

It needs to be appreciated that Muslims are not required by their religion to fulfill any such obligation. Some religious scholars do present the example of the Prophet Muhammad (sww) and say that since he had established an Islamic state in Arabia, Muslims, wherever they are, should follow his example. In this regard, it is submitted that neither did the Prophet (sww) ever undertake the task of establishing an Islamic state nor was he ever directed by the Almighty to do so. The truth of the matter is that it is the Almighty Who according to His established practice regarding His Messengers took matters in His own hand in the time of the Prophet Muhammad (sww) and bestowed him and his nation the supremacy of Arabia.

Scholars who are of the opinion that Muhammad (sws) strove to establish an Islamic state in Arabia typically present the following verse in support of their view:

مَلَّ رَسُولُهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَىٰ الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ (٦١:٩)

It is He Who has sent his Messenger [–Muhammad–] with Guidance and the Religion of Truth that he may proclaim it over all religions, even though the Idolaters may detest [this]. (61:9)

On the basis of the phrase “all religions”, it is understood that the followers of Islam must struggle for its dominance in their respective countries and territories.

An analysis of the context of this verse shows that it belongs to the class of directives that relate to the established practice of the Almighty regarding His Messengers (rusul) according to which a Messenger (rasul) always triumphs over his nation:

يُحَادُّونَ اللَّهَ وَرَسُولَهُ أَوْ لِيُكْفَبُوا لَكَ بِالْحَقِّ لِأَنَّ غَلِبَنَّا أَنَا وَرُسُلِي إِنَّ اللَّهَ قَوِيٌّ عَزِيزٌ (٥٨: ٢٠-١)

Indeed those who are opposing Allah and His Messenger are bound to be humiliated. The Almighty has ordained: “I and My Messengers shall always prevail.” Indeed, Allah is Mighty and Powerful. (58:20-1)

Muhammad (sws) was also informed that he would triumph over his nation. He and his Companions (rta) were told that they would have to fight the Idolaters of Arabia until the supremacy of Islam was achieved therein and that these Idolaters should be informed that if they did not desist from their evil ways they too would meet a fate no different from those of the other nations who denied their Messengers:

إِن يَنْتَهُوا يُغْفَرْ لَهُمْ مَا قَدْ سَلَفَ وَإِنْ يَعُودُوا فَقَدْ مَضَتْ سُنَّتُهُ الْأُولَىٰ وَلَيُنْزِلُنَّهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كَلِمَةً لِلَّهِ (٤٠: ٣٨-٨)

Say to the Disbelievers that if they now desist [from disbelief] their past would be forgiven; but if they persist, the punishment of those before them is already [a warning for them]. And fight against them until there is no more persecution and prevails there the religion of God. (8:38-40)

Consequently, it is to be noted that the word al-mushrikun (the Idolaters) is used in 61:9 quoted above. The Qur'an uses this word specifically for the Idolaters of Arabia of the Prophet's times. As a result, "all the religions" in the conjugate clause can only mean all the religions of Arabia at that time. So, the verse has no bearing on Muslims after the times of the Prophet (sws).

Therefore, striving to achieve the political supremacy of Islam is not any religious obligation of a Muslim, let alone waging jihad to achieve this supremacy. The verses from which this obligation has been construed specifically relate to the Prophet Muhammad (sws).

5. Muslim Rulers shall always belong to the Quraysh

On the basis of the following narrative attributed to the Prophet (sws), it is generally believed that a Muslim ruler must belong to the Quraysh, which is the tribe of the Prophet (sws).

يَمَّةٌ مِنْ قُرَيْشٍ (:)

The rulers shall be from the Quraysh. (Nasa'i, No: 5942)

If this is correct, then it would mean that there is no difference between Islam and Brahmanism in which only a specific tribe has the prerogative to rule.

It needs to be appreciated that each narrative must be interpreted in the light of the Qur'an. According to the Qur'anic verse (الَّذِينَ هُمْ يُشِيرُونَ بَيْنَهُمْ (٤٢: ٣٨) their system is based on their consultation, (42:38)) in the absence of a consensus, the majority opinion should decide affairs of the Muslims. Thus in the light of this directive a tradition was established from the time of the Prophet (sws) that the tribe who held the confidence of the majority would be granted the reigns of power. Since in the time of the Prophet (sws), this status was occupied by the Quraysh, the Prophet (sws) merely following this Qur'anic injunction and fearing that leaders of the minority groups might stake a claim to power clarified that the rulers shall be from the Quraysh. While citing the reason for this, he is reported to have said:

لِقُرَيْشٍ فِي هَذَا الشَّأْنِ مُسْلِمُهُمْ لِمُسْلِمِهِمْ وَكَافِرُهُمْ لِكَافِرِهِمْ (: ١٨١٨)

People in this matter follow the Quraysh. The believers of Arabia are the followers of their believers and the disbelievers of Arabia are the followers of their disbelievers. (Muslim, No: 1818)

In other words, the Prophet (sws) made it very clear that since the majority of the Arabian Muslims professed confidence in the Quraysh, they were solely entitled to take charge as the rulers of Arabia in the light of the Qur'anic directive *أَمْ لَهُمْ شُورَىٰ بَيْنَهُمْ* (And their system is based on their consultation), and that they would be passed on the political authority not because of any racial precedence or superiority, but only by virtue of this position.

It follows from this that Quraysh were entitled to rule after the Prophet (sws) as long as they enjoyed the confidence of the majority and once they lost this confidence they were not entitled to rule.

V. Economic Issues

1. Islam has an Economic System

Most people think that Islam provides us with a complete economic system and the only thing needed is its implementation in favorable circumstances. This notion is not correct.

It needs to be appreciated that man has been blessed with the faculty of intellect and reason and has also been blessed with innate guidance regarding good and evil. In the affairs of life, his intellect and innate guidance are generally enough to guide him and show him the way. It is only at certain crossroads that he needs divine guidance to select the right way. Consequently, in all such affairs a detailed system of directives has not been divinely revealed to guide mankind: only a broad outline has been given in the form of a set of rules and regulations which must be adhered to. Bearing this in mind, intellect and reason must evolve a system suited to the requirements and needs of a society. Since these requirements vary with time and place, the resulting systems will also vary accordingly. However, these systems shall be based on the same set of rules and regulations. In other words, the shari'ah, which is a set of rules and regulations is divine and, therefore, eternal, but the system evolved upon this shari'ah is a human inference and, therefore, flexible. This flexibility, obviously, has been left to accommodate changing circumstances and evolutionary developments of human societies.

Therefore, instead of extracting an economic system from the Qur'an and Sunnah which, of course, does not exist, all out efforts should be made by Muslim scholars to derive the economic shari'ah of Islam. The task of formulating a system on its basis should be left to the economists and to those who understand the intricacies of this field.

2. Interest is analogous to Rent

There are people who justify the charging of interest by saying that it is money charged for the

amount lent and in this way is like the rent of a commodity. In other words, they contend that just as a person pays rent for using a house, he pays rent for using money borrowed and this rent for money borrowed is interest. Thus if charging rent is allowed, then interest should also be allowed.

An analysis of this argument shows that the analogy drawn is not correct. Rent is the money charged on commodities which are “used” and not “used up”. These commodities remain intact and do not have to be recreated when they are required back; they only need to be handed back to their owner. Thus while a house which is rented is used such that it remains intact, money which is borrowed is used up and it does not remain intact; it is consumed on whatever it was borrowed for. In order to return, the borrowed money it needs to be recreated or reproduced and some more money over and above the borrowed amount too needs to be produced to pay back as interest.

Technically, it can be said that interest is charged on circulating capital whereas rent on fixed capital.

3. Taking Interest for a Noble Cause

Some people are of the view that interest can be charged if it is to be spent on philanthropic ventures.

It needs to be appreciated that taking interest is forbidden in Islam even if it is taken for a noble cause. Islam requires that both the means and the objective of an enterprise be morally justified. It does not condone the “Robin Hood” concept of achieving noble objectives through ignoble means. Its objective is to purify a person’s concepts and his deeds from any semblance of evil. Its message is to strive in the right direction whether the objective is achieved or not – for achieving an objective depends not on a person’s efforts; it depends on the will of Allah. It is not our obligation by any means to spend money on philanthropic causes when we do not have it from the right means.

An example from the Qur’an may help in illustrating this point: gambling and drinking in pre-Islamic times were a means through which the rich showed their generosity and helped the poor and needy. In winters, when cold winds blew in and caused conditions akin to drought, the courageous would gather at various places, drink liquor and, in their state of inebriation, slaughter any camels they could get hold of. They would pay the owner of the camels whatever price he demanded. They would then gamble on the meat of the slaughtered camels. Whatever parts of meat a person won in this gambling, he would generously distribute them among the poor who would gather around on such occasions. In pre-Islamic Arabia, this was a matter of great honour and people who took part in this activity were considered very philanthropic and generous. The poets would narrate the accounts of their benevolence in their odes. On the other hand, people who stayed away from this activity would be called barm (stingy).

It was this very benefit of drinking and gambling which prompted people to make an inquiry when they were regarded as prohibited items. The Qur'an asserted in its reply that in spite of serving this noble cause, they were instrumental in producing moral misconduct in an individual, which in no case can be allowed:

كَعَنْ الخَمْرِ وَالمَيْسِرِ هُمُ الْاِثْمُ الْكَبِيرُ وَمَتَاعُ النَّاسِ وَانْمُهُمَا اَكْبَرُ مِنْ نَفْعِهِمَا (٢:٢١٩)

They ask you about liquor and gambling. Tell them: there is great sin in them and some profits as well for people. But their sin is greater than their profit. (2:219)

In other words, despite having utility, drinking and gambling were prohibited since they cause moral misconduct.

Therefore, one should not charge interest even for philanthropic ventures.

4. Commercial Interest is not Forbidden in Islam³¹

There are people who think that interest charged on ventures which are commercial in nature is not forbidden.

It should also remain clear that whether a loan is acquired for personal, business or welfare purposes, the real meaning of riba is not ascertained on these bases. It is an indisputable fact that in the Arabic language the word riba, irrespective of the aim of the lender and the condition of the borrower, just implies a pre-determined increase acquired on a loan. Consequently, the Qur'an itself has clarified this fact: during its own period of revelation, lending on interest for business purposes was quite rampant and these loans were given with the intention of prospering through the wealth of others. The Qur'an says:

رِبَا لِيَرْبُوَا فِي اَمْوَالِ النَّاسِ فَلَا يَرْبُوَا عِنْدَ اللّٰهِ وَمَا اَنْتُمْ مِنْ زَكٰوٰقِ تُرْوٰجِهٖ اللّٰهُ فَاُولٰٓئِكَ هُمُ الْمُضْمَعُونَ
(٣٠:٣٩)

That which you give as loan on interest that it may increase on [other] people's wealth, it has no increase with Allah; but that which you give as zakah seeking Allah's countenance, it is these people who shall get manifold [in the Hereafter] of what they gave. (30:39)

The expression "...that it may increase on [other] people's wealth" is not only inappropriate for application to interest-based loans given to the poor for their personal use, but is also clearly indicative of the fact that interest based loans were generally given for business purposes and

in this way they “increased on other people’s wealth” according to the Qur’an.

It is to this fact that the following verse also points:

تُوْءَسْرَۃٌ فَنظِرَۃٌ اِلَىٰ مَيْسَرَةٍ وَاَنْ تُصَدِّقُوْا خَيْرٌ لَّكُمْ اِ
(۲:۲۸۰)

And if the borrower is in difficulty grant him respite until it is easy for him to repay and if you write off [the debt], it is better for you, if you only knew. (2:280)

Amin Ahsan Islahi comments on this verse in the following words:

Today some naive people claim that the type of interest which prevailed in Arabia before the advent of Islam was usury. The poor and the destitute had no option but to borrow money from a few rich money-lenders to fulfill their personal needs. These money-lenders exploited the poor and would lend them money at high interest rates. It is only this type of interest which the Qur’an has termed as *riba* and forbidden. As far as commercial interest is concerned, it neither existed at that time nor did the Qur’an prohibit it.

The verse categorically refutes this view. When the Qur’an says that if the borrower is in difficulty, he should be given respite until he is able to pay back his debt, it clearly points out that in those times even the rich used to acquire loans. In fact, if the style and stress of the verse are correctly understood, it becomes clear that it was mostly the rich who used to procure loans. Indeed, there was a strong chance that the borrower would find himself in difficulty even to pay the original amount. The money-lender, therefore, is directed to give him more time and if he forgoes the original amount it would be better for him. The words of this verse strongly indicate this meaning. The actual words of the verse are:

تُوْءَسْرَۃٌ The particle of condition (if) is not used for general circumstances, but, in fact, is used for rare and unusual circumstances. For general circumstances the particle (if) is used. In the light of this, it is clear that the borrower in those times was generally affluent (تُوْءَسْرَۃٌ) but in some cases was poor or had become poor after acquiring the loan and in that case, the Qur’an has directed the money-lenders to give them a time rebate.[32](#)

He has concluded this discussion by saying:

Obviously, the affluent would have turned to the money-lenders not to fulfill their personal

needs, but, of course, their business needs. So what is the difference between these loans and the commercial loans of today.[33](#)

5. Interest can be taken from Non-Muslims

It is believed by some scholars that interest can be charged from Non-Muslims.

It needs to be appreciated that taking Interest is prohibited from a human being, whether he is a Muslim or a non-Muslim because of the fact that it is inherently an unethical contract. Things which are unethical are prohibited whether they relate to Muslims or to non-Muslims. In other words, just as one should be honest not only with Muslims but also with non-Muslims, similarly one should also not be selective on the basis of religion in taking interest.

Those who justify this practice refer to a Hadith.[34](#) It should be noted that it is not sound and is also not found in the six major books of Hadith. Its content also contradicts the Qur'an.

VI. Women Issues

1. Women are less Sensible than Men

The following Hadith is generally presented to support the view that women are less sensible than men:

... الخُدْرِيَّ قَالَ خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أُضْحَىٰ أَوْ فِطْرٍ إِلَىٰ نَاقِصَاتِ عَقْلِ وَدِينٍ أَذْهَبَ لِلْبَّ الرَّجُلِ الْإِحْرَاقُ مَرْفَلْنِ وَمَا نُفْصَانُ دِينِنَا وَعَقْلِنَا يَا رَسُولَ اللَّهِ قَالَ أَلَيْسَ شَهَادَةُ نَفْسِ شَهَادَةَ الرَّجُلِ فُلْنِ بَلَىٰ قَالَ فَذَلِكَ مِنْ نُفْصَانِ عَقْلِهَا أَلَيْسَ إِذَا حَاضَتْ لَمْ

(٢٩٨ نُفْصَانِ دِينِهَا)

Abu Sa'id Khudri narrates that the Prophet (sws) while once talking to a group of women on the occasion of 'id al-fitr or 'id al-adha said: "... and I have seen no one more than you rob even a resolute man of his senses in spite of being naqisat-i 'aql wa din." They said: "O Allah's Messenger, what is this naqs in religious and worldly affairs?" He said: "Is not the evidence of a woman equal to half of a man's." They said: "Yes". He said: "This is their naqs in worldly affairs." He said: "Is it not a fact that when they enter the period of menses they neither pray nor fast." They said: "Yes". Whereupon he said: "This is the naqs in religious affairs."[35](#)

This misconception has arisen because of a wrong translation of the Arabic phrase naqisat-i 'aql wa din. The word naqs has generally been translated as "defective" keeping in view the Urdu meaning of the word. However, in Arabic, the verb (naqasa) means "to reduce" and

the word (‘aql) here means “worldly affairs” since it is used in conjugation with the word دين (religion). Keeping in view, both these aspects, the correct translation of the above phrase, if the context is also taken into consideration, is that women have been given a relief and reduction in their worldly and religious affairs.

The relief in worldly responsibilities, as is mentioned in this Hadith, is that women have not been dragged in certain activities and spheres. For example, the Qur’an urges men to testify on legal documents so that women are relieved of appearing in courts and wasting their precious time on affairs which others can handle. Only if men are not available should a society involve women in such affairs.

The relief women have been given in religious affairs is that they are not required to pray or fast during their monthly periods as is mentioned in this Hadith.

So what must be kept in mind is the fact that the meaning of a word does not always remain the same in two different languages. For example, the word غَلِيظ in Arabic means “firm” while in Urdu it means “dirty”. Thus the Qur’an (4:21) has referred to marriage as بِرَبِّئَاتٍ غَلِيظًا (a firm agreement).

Moreover, people who think that women are less sensible than men on the basis of this Hadith do not realize that the Hadith is not merely saying that women are naqisat-i ‘aql, it is also saying they are naqisat-i din. If naqisat-i ‘aql means that there is some defect in their ‘aql (intellect), then by the same token, naqisat-i din should mean that there is also some shortcoming in the religion they follow! This of course is absurd and as referred to above is the result of keeping the Urdu meaning of the word in consideration.

2. Islam allows Men to keep Slave Women

Among many other misconceptions about Islam is the notion that it gives sanction to slavery and permits its followers to enslave prisoners of war, particularly women and establish extra-marital relations with them. The fact is that Islam has not the slightest link with slavery and concubinage. On the contrary, it completely forbids these practices. It is quite outrageous to associate such barbarities with a religion revealed to upgrade humanity.

The point which needs to be appreciated and which, perhaps, is the real cause of the misconception is that Islam had adopted a gradual process to abolish the institution of slavery because of the social conditions prevalent in Arabia at that time. It must be kept in mind that slavery was an integral part of the pre-Islamic Arab society. There were scores of slave men and women in almost every house. This was largely due to two reasons: First, during those times, the standard practice of dispensing with prisoners of war was to distribute them among the army which captured them. Second, there were extensive slave markets in Arabia in that period where free as well as men and women of all ages were sold like commodities.

In these circumstances, in which slavery had become an essential constituent of the Arab

society, Islam adopted a gradual way to eliminate it. An immediate order of prohibition would have created immense social and economic problems. It would have become impossible for the society to cater for the needs of a large army of slaves, who were, otherwise, dependent on various families. Also, the national treasury was in no position to provide them all on a permanent basis. A large number among them were old and incapable of supporting themselves. The only alternative left for them, if they were instantly freed, would have been to turn to beggary and become an economic burden on the society. The question of slave girls and women was even more critical, keeping in view their own low moral standards. Freeing them, all of a sudden, would have only resulted in a tremendous increase in brothels.

Perhaps, the reason behind this gradual eradication can be understood better if one considers the position which interest occupies in the economy of Pakistan today. No one can refute Pakistan's national economic structure is interest oriented. How the parasite of interest has crippled the national economy is apparent to every keen eye. However, there is no denying the fact that without it our present economic system cannot sustain itself. Every reasonable person will acknowledge that today if a government wishes to rid the economy of this menace then, in spite of its utter prohibition in Islam, it will have to adopt a gradual methodology. During this interim period interest-based deals will have to be tolerated and temporary laws will have to be enacted to handle them, just as the Qur'an had given certain provisional directives about slaves during the interim period of their gradual eradication. An alternative economic framework will have to be steadily incorporated in place of the existing one. A sudden abolition, without another parallel base, will only hasten the total collapse of the economic system, which, of course, will be disastrous for the country.

To avert a similar disaster and to ward off a similar catastrophe, Islam had adopted a progressive and a gradual scheme, fourteen hundred years ago, to do away with the inhuman institution of slavery.

Various directives were given at various stages because of which it gradually became possible for this evil to be eradicated from the society. These are summarized below:[36](#)

1. In the very beginning of its revelation, the Qur'an regarded emancipation of slaves as a great virtue, and urged people in a very effective way to do so. The tremendous appeal found in the words it adopted (release the necks) can be well imagined by a person who has flare for the language. It is evident from the context of such expressions – wherever they are found in the Qur'an – that it has regarded this virtue to be the first as well as the greatest step in pleasing God.[37](#)

In a similar manner, the Prophet (sws) also urged Muslims to liberate humanity from the yoke of slavery in the following words: "Whoever liberated a Muslim slave, the Almighty in return for every limb of that slave would shield every limb of that person from Hell."[38](#)

2. People were urged that until they free their slaves they should treat them with kindness. The way their masters had total and unchecked control on them in the age of ignorance was

put to end. They were told that slaves are human beings too, and no one should in any way violate the rights they possess as human beings.

Abu Hurayrah (rta) narrated from the Prophet (sws): “Slaves have a right to food and clothing and he shall not be asked to carry out an errand that is beyond him.”[39](#)

Abu Dharr Ghaffari (rta) narrates from the Prophet (sws): “They are your brothers. The Almighty has made them subservient to you. So whatever you eat, feed them with it, whatever you wear, clothe them with it and never ask them to do something which is beyond them and if there is such a task then help them out with it.”[40](#)

Ibn ‘Umar (rta) narrates from the Prophet (sws): “Whoever slapped a slave or beat him up should atone this sin by liberating him.”[41](#)

Abu Mas‘ud (rta) says: “Once when I was beating my slave I heard a voice from behind me: ‘O Abu Mas‘ud you should know that the Almighty has more power over you.’ When I turned back, I found that it was the Prophet. I immediately remarked: ‘O Messenger of God, I release him for the sake of God.’ The Prophet said: ‘Had you not done this you would have been given the punishment of the Fire.’”[42](#)

Ibn ‘Umar (rta) narrates that once a person came to the Prophet (sws) and asked: “How many times should we forgive our servant.” [At this], the Prophet kept quiet. He asked again and the Prophet again kept quiet. Upon being asked the third time, he answered: “Seventy times in a day.”[43](#)

3. In cases of un-intentional murder, zihar, and other similar offences, liberating a slave was regarded as their atonement and sadqah.[44](#)

4. It was directed to marry off slave-men and slave-women who were capable of marriage so that they could become equivalent in status – both morally and socially – to other members of the society.[45](#)

5. If a person were to marry a slave-woman of someone, great care was exercised since this could result in a clash between ownership and conjugal rights. However, such people were told that if they did not have the means to marry free-women, they could marry, with the permission of their masters, slave-women who were Muslims and were also kept chaste. In such marriages, they must pay their dowers so that this could bring them gradually equal in status to free-women. The Qur’an says:

نُكْمٌ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمَنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِنَ الْقُدْرَةِ مَرَاتٍ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ
ضُ فَانكِدُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَالْمَأْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ...

وَأَنْ تُصَدِّبُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ (٤: ٢٥)

And if any of you have not the means wherewith to wed free believing women, he may wed believing girls from among those whom you own: and Allah has full knowledge about your Faith. You are one from another: wed them with the permission of their owners, and give them their dowers, according to the norms; [the only condition is that] they should be kept chaste, neither being lustful, nor taking paramours ... This permission is for those among you who fear sin; but it is better for you that you practice self-restraint. And Allah is Ever-Forgiving, Most Merciful. (4:25)

6. In the heads of zakah, a specific head (for [freeing] necks) was instituted so that the campaign of slave emancipation could receive impetus from the public treasury.[46](#)

7. Fornication was regarded as an offence as a result of which prostitution centers that were operated by people on the basis of their slave-women were shut down automatically, and if someone tried to go on secretly running this business, he was given exemplary punishment.

8. People were told that they were all slaves of Allah and so instead of using the words (slave-man) and (slave-woman), the words used should be (boy/man) and (girl/woman) so that the psyche about them should change and a change is brought about in age old concepts.[47](#)

9. A big source of the institution of slavery at the advent of the last Prophet (sws) was the prisoners of war. The Qur'an rooted this out by legislating that prisoners of war should be freed at all costs – either by accepting ransom or as a favour by not taking any ransom money. No other option was available to the Muslims.

10. Finally the following directive was given:

الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُمْ م

(٣٣: ٢٤)

And if any of your slaves ask for mukatabat, give it to them if you know any good in them and [for this] give them out of the wealth which Allah has given to you. (24:33)

The above quoted verse of Surah Nur mentions the directive of mukatabat. It is a term which means that a slave make a contract with his master according to which he would be required to pay a certain sum of money in a specific time period or would carry out a specific service for his master; once he successfully fulfills either of these two options, he would stand liberated. In the above quoted verse, the Almighty has directed the Muslims to necessarily accept this contract made by a slave if he wants to make it and has the required ability to become financially independent. It is further stated that a Muslim government should spend money from the public treasury, which here is called the treasury of God, in helping such slaves. It is

evident from the words of the verse that just as this right of mukatabat was granted to slave-men, it was also granted to slave-women. This, in other words, was in fact a declaration that slaves could now be masters of their destiny and could obtain liberation whenever they wanted.

3. Women must travel with a Mahram

Most scholars are of the opinion that women cannot travel alone. They must be accompanied by a mahram (a relative with whom marriage is prohibited). Therefore, in journeys such as hajj they do not allow women to travel alone. The following Ahadith are the basis of their view:

It is narrated by Abu Hurayrah (rta):

لا يُحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تَسَافِرُ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ عَلَيْهَا) : ١٣٣٩

It is not permissible for a woman who believes in Allah and the Last Day to travel a distance for one day and one night without a mahram with her.[48](#)

Abu Sa'id narrates that the Prophet (sws) said:

سَافِرَ الْمَرْأَةُ مَسِيرَةَ يَوْمَيْنِ إِلَّا وَوَجْهَهَا أَوْ ذُو مَحْرَمٍ) : ٨٢٧

A woman has been stopped from travelling a distance for two days except with her husband or mahram with her.[49](#)

It needs to be appreciated that there are a number of Ahadith in which directives have been given by the Prophet (sws) for the well-being of the Muslims. However, if the circumstances in which such directives have been given change, then as is the case with all conditional directives such directives may no longer apply in the changed circumstances.

The directives given to Muslim women about travelling belong to the above mentioned category. To ensure a safe journey for a woman and to protect her moral character from any scandalous allegation in the strife-ridden society of Arabia, the Prophet (sws) bade them travel with a mahram relation.

Thus, all tours and journeys etc in which the above two bases still exist, the condition of a woman travelling with a mahram must be followed. However, with the changed circumstances

of modern times, travelling has become a lot different from what it used to be in previous days. There are some travels in which safety both physical as well as moral is ensured. So, in such cases, the mahram condition no longer applies. As far as the decision as to which journeys have become safe is concerned, the traveller must decide for herself.

4. Women will Outnumber Men in Hell

The following Hadith is often presented to support the view that women will outnumber men in Hell:

الْخُدْرِيُّ قَالَ خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أُضْحَىٰ أَوْ فِطْرِ الْيَهُودِ صَدَّقَ عَلَى النَّسَاءِ فَقَالَ يَا
النِّسَاءُ تَصَدَّقْنَ فَإِنِّي أُرِيكُمْ أَكْثَرَ لُأَهْلُوا لِلْجَهَنَّمَ قَالَتْ كَثِيرٌ مِنَ النَّعْنِ وَتَكْفُرُنَّ الْعَشِيرَةَ () :

(٢٩٨)

Abu Sa'ïd Khudri reported: Allah's Messenger (sws) went out to the place of worship on the day of 'id al-adha or fitr and he passed by the women and said to them: "O Women, give charity for I have been shown the majority amongst you as the inmates of Hell." They said: "Allah's Messenger, wherefore?" He said: "It is because you curse one another very much and show ungratefulness to your husbands." (Bukhari, No: 298)

This inference is incorrect and has arisen by not properly appreciating a particular style of communication used in certain Ahadith which depict dreams of the Prophet (sws). Such dreams are a source of revelation for the Prophets of Allah and in them they are shown certain images by the Almighty for the purpose of educating Muslim men and women. As a principle, all such dreams are not to be interpreted literally; they contain realities which are depicted in symbolic form.

Symbolic representation is a very subtle and powerful way of expression: Facts seem veiled yet for him who pauses to ponder they are the most evident. They move a person in the manner poetry does. They ignite in a person the spark to look behind the apparent. They urge him to reflect and to meditate and then to discover and to infer. They educate him without rousing his prejudices. The Prophets of Allah (sws) have effectively employed this technique of communication. The words and discourses of the Prophets Joseph (sws) and Jesus (sws) for example are full of powerful parables and subtle symbolism. The dream of the Prophet Joseph (sws) and the way he interpreted it is mentioned in the Qur'an also. If he saw in his dream that the sun and the moon and eleven stars were bowing before him in prostration, he knew that these heavenly bodies symbolized certain personalities.

The Ahadith which depict more women in Hell should also be interpreted keeping in view this basic principle. These Ahadith do not delineate the population of women in Hell since this would be a literal interpretation; on the contrary, they just caution them that there are certain deeds which they do a lot and which, therefore, would be more instrumental in taking them to Hell; so they should avoid them. In other words, the symbolism is causative in nature. Thus in

the above quoted Hadith, the cause has been symbolized to warn women of something which they often do.

5. Women are Inferior to Men

It is argued by some people that men are superior to women. They present the following verses in support of their view:

بِنَ عَلَى النَّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ (٤:٣٤)

Men are the guardians of women, because God has given the one more preference over the other, and because they support them. (4:34)

جَالٍ عَلَيْهِنَّ دَرَجَةٌ (٢:٢٢٨)

And the husbands hold a degree of superiority over them. (2:228)

As per the Qur'an (see, for example, 3:195 and 4:1), men and women as human beings are equal and deserve equal respect. However, they have been entrusted with different responsibilities in a family set-up which make them superior to one another in various respects. According to the Qur'an (4:34), as far as a husband is concerned one sphere of his superiority is his status as the head of the family alluded to in 2:228 with the words "husbands are one degree superior to their wives". There are certain spheres in which women by nature – physical, physiological as well as psychological – are superior to men and much more suitable to do certain tasks. Thus 4:34 speaks of the relative superiority of a husband to his wife – that too in responsibility and status – in just one sphere and cannot be generalized to men and women.

Two reasons have been given in 4:34 for granting the husband this status: Firstly, because they are physically and temperamentally more suited to this task and secondly, because they have been entrusted with the responsibility of earning for the family. It also needs to be appreciated in this regard that Islam does not forbid women to earn a living. It has only relieved them of the responsibility of earning, which lies upon their husbands. It also needs to be understood that the verse does not say that the one among the husband or wife who supports the family should become the head; husbands, whether their wives earn or not, are liable for this responsibility. A woman may earn if she likes or if some need arises, but since she has not been entrusted with this duty she has not been given the governing position in the family.

Here it would be appropriate to analyze another concept which has also contributed to the notion that men are superior to women. As per a Hadith, a woman is created from the rib of

man referring to the fact that Eve was created from Adam's rib and thus was a secondary being. The text of the Hadith is:

رَضِيَ اللهُ عَنْهُ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ اسْتَوْصُوا بِالذِّ
الضَّلْعِ أَعْلَاهُ فَإِنْ ذَهَبَتْ تُقِيمُهُ وَكَثِيرَتْ تَوَكَّأَتْ لَمْ يَزَلْ أَعْوَجَ فَاسْتَوْصُوا بِالنِّسَاءِ)
: ٣١٣٥

Abu Hurayrah reports that Allah's Prophet said: "Treat women nicely, for a woman is created from a rib, and the most curved portion of the rib is its upper portion; so, if you should try to straighten it, it will break, but if you leave it as it is, it will remain crooked. So treat women nicely."[50](#)

It needs to be appreciated that according to the Qur'an, Eve was not created from Adam's rib. The first verse of Surah Nisa explicitly states that the first man and woman (Adam and Eve) were created directly by the Almighty:

يَا أَيُّهَا النَّاسُ اتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ
أَنْفُسَكُمْ وَأَخْرَجَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ فِيهِمَا كَثِيرًا
مِنَ النَّسَاءِ وَالَّذِي تَتَسَاءَلُونَ بِهِ آيَاتِهِ لَأَنَّ اللَّهَ وَرَسُولَهُ يَكُونُ
بَيْنَ يَدَيْهِ تُقَاةً فَلَا تَكْفُرُ بِهِ أَنتُمْ بِآيَاتِهِ لَاحِقُونَ (٤: ١)

O mankind! Fear your Lord, Who created you from a single person, created, of like species his mate, and from these two scattered countless men and women [in this world], and fear Allah through whom you seek mutual help and fear breaking blood relationships. Indeed God is watching over you. (4:1)

Some people translate this verse as "It is he Who has created you from a single person (Adam) and then He created from him his wife (Eve)." They explain this verse by saying that Eve was created from the rib of Adam. This misleading translation has probably arisen because of a literal translation of the Arabic words *وَمِنْهَا زَوْجَهَا* "and created from him [–the initial soul–] his wife". Actually the word *مِنْهَا* (from the soul) does not imply that "Eve was made from Adam"; it rather implies that Eve was made from the same species as Adam. A similar verse points to this interpretation:

(١٦:٧٢)

It is God who has made from your species your mates. (16:72)

A literal translation of the words of the above quoted verse (which are similar to *وَالَّذِي خَلَقَ مِنْهَا زَوْجَهَا*) would mean “it is God Who has created your mates from you” implying that every wife is made from her husband as Eve was. This of course is incorrect; the word *anfus* (plural of *nafs*) in this verse means “genre”, “species” and not “physical being”.

As far as the actual Hadith quoted above is concerned, it needs to be appreciated that in Arabic the words “created from” do not necessarily refer to the substance of creation; they can also refer to the nature of something. For example the Qur’an says: “Man has been created from hastiness” (21:37). This does not of course mean that man’s substance is hastiness; it only refers to his nature.

Secondly, if all the textual variants of the Hadith are collected and analyzed, it becomes evident that the Prophet (sws) has compared the nature of a woman with a rib. The comparison subtly alludes to the fact that a woman’s nature is very delicate and tender as well as a bit adamant. The Prophet (sws) has advised men to treat them tactfully keeping in view this nature. Instead of forcing them to accept a particular point of view, men should try to convince and persuade them.

VII. Family Issues

1. A Wife cannot go out without the Husband’s Permission

It is believed in religious circles that a wife cannot go out of the house unless she seeks permission from her husband. In this regard, a Hadith is also quoted. It reads thus:

عُمَرَ عَنِ النَّبِيِّ أَنَّ امْرَأَةً أَتَتْهُ فَقَالَتْ مَا حَقُّ الزَّوْجِ عَلَى امْرَأَتِهِ فَقَالَ لَا تَخْرُجُ مِنْ بَيْتِهِ إِلَّا بِإِذْنِهِ (سنن البيهقي ١٤٤٩٠ :)

Ibn ‘Umar reports from the Prophet that once a lady came to the Prophet and asked him about the rights of a husband on his wife. He replied: “... She should not leave his house without his permission.” (Sunan Bayhaqi, No: 14490)

It needs to be appreciated that a family by analogy is similar to a state. All citizens of a state are expected to abide by the rules and regulations of the country they live in. They are expected to adopt an attitude of adjustment and harmony with the country. This, of course, does not mean that they cannot differ with its policies. They have the inalienable democratic right to differ and present their differences in a befitting manner. This submission is actually an essential requirement for discipline and order without which anarchy may result. Similarly, in the case of a family set up, it is essential that the person who is its head be shown obedience.

In other words, submission to authority is not specific to the gender of the authority. Whoever is the authority, must be submitted to. Gender does not dictate submissiveness – it is authority which does. It is common knowledge that in different spheres of activities people have different abilities and justice entails that a person be made responsible according to his or her abilities and given authority on that basis. We have been informed by divine revelation that it is the husband who is more suitable to be the head of the family. Owing to this relative superiority, women are directed to submit to men not because men are superior human beings, but because in this particular case it is the men who have been vested with authority in accordance with 4:34. If women had been more suitable for the task of heading a family, men would have been similarly directed to adopt this attitude of adjustment.

Thus Islam requires that the wife adopt an attitude of adjustment and harmony with the husband and the husband is required to be affectionate and accommodating as far as possible to the needs of his wife. He must not impose any undue restrictions on her for this will ignite the wrath of God upon him.

With regard to a wife seeking her husband's permission before leaving the house, the proper perspective must be understood. In general circumstances of mutual trust, there is no need for a wife to ask permission from her husband to go out. However, in certain circumstances in which the husband genuinely considers that going out might disrupt the family in any way, he has the authority to exercise his right of stopping her and in these circumstances, she should always ask permission to leave the house. In this regard, the husband must remember that if he imposes himself without any sound and justifiable reason, he would be crossing the bounds and invoking the displeasure of the Almighty. His wrong behavior may even lead the wife to abandon him for which he would be solely responsible.

2. A Wife cannot refuse Sex to the Husband

On the basis of the following Hadith, it is generally understood that if a wife refuses sex to her husband she will be cursed by the angels:

رَضِيَ اللهُ عَنْهُ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ إِذَا دَعَلَ الرَّمَّوَأْتَهُ إِلَى فِرَاشِهِ فَأَبَتْ فَبَاتَ غَضَبَانَ لِعَنْتِهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ (: ٣٠٦٥)

Abu Hurayrah reports from the Prophet (sww): “When a husband calls his wife to bed, and she refuses and [as a result] the husband spends the night in anger, then angels curse the wife all night till dawn.” (Bukhari, No: 3065)

In order to understand this Hadith, the following points need to be understood:

Firstly, a husband and wife safeguard the chastity of one another by providing one another a

legitimate means of satisfying the sexual urge. This protection of chastity is essential for the preservation of the family unit – the very institution on which the stability of a society hinges. Hence anything which puts chastity in jeopardy is disliked by the Almighty.

Secondly, a man is an addressee of the directive mentioned in this Hadith on an equal basis. This is evident from the directive of *ila* mentioned in the Qur'an (2:226-7) in which the Arabs of the pre-Islamic period would swear to sever sexual relationship with their wives because of anger. Although the husbands were prescribed a period of four months to decide the fate of their wives by either resuming these relations or divorcing her, it is evident from the directive that in normal circumstances a husband is not allowed to sever sexual relations from his wife without a valid reason. So much so, if a person swears such an oath, he must break it. Such relations are the right of a wife and if a husband does not fulfill them, then he can be regarded a criminal both in the eyes of the law and before the Almighty in the Hereafter.

Thirdly, the basis of refusal by the husband or wife must also be taken in consideration. If either of them is tired, sick or simply not in the proper mood and in the appropriate frame of mind then it does not entail any wrath of the Almighty. It is only when a spouse starts to deliberately evade such natural needs of the other that the attitude becomes questionable.

3. A Husband has an Absolute Right to beat his Wife

The right given by the Qur'an to the husbands to physically punish their wives in certain circumstances is a thorny issue in the modern mind. The issue needs to be understood in its true perspective. The Qur'an says:

نُشُوزَهُنَّ فَعُظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْذَرِبُوهُنَّ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا
بُيْرًا (٤:٣٤)

And as for those from whom you fear rebellion, admonish them [first] and [next] refuse to share their beds and [even then if they do not listen] punish them. Then if they obey you, take no further action against them. Indeed, Allah is Exalted and Mighty. (4:34)

The following implications of this verse need to be understood in their proper perspective:

a. Firstly, this measure can only be resorted to when a wife starts to challenge the authority of the husband and threatens to disrupt the family set-up. It is in fact a last resort to protect the institution of family from breaking up. It must not be resorted to in anything less in severity than a rebellious attitude from the wife. This rebellious attitude is termed as (nushuz) by the Qur'an. It has not used the word "disobedience". Any difference of opinion or altercation must not be resolved by this procedure. Disagreements and disputes must be settled mutually.

It is only when the wife stands up against the authority of her husband that this procedure be employed.

b. Before resorting to physical chastisement, the two previous stages mentioned by the Qur'an (4:34) must elapse. The husband should first of all admonish his wife and convince her to give up her defiant behavior. He should exercise all the patience he can muster to urge and beseech her to change her stance. If after repeated pleas and continuous admonition over a considerable span of time, the wife continues to persist in her rebellious attitude, he has the authority to go on to the second stage by avoiding marital contact with her. This detachment, it is clear, is a form of reproof, and a very strong appeal to the wife to correct herself. Again, this attitude should continue for a substantial period of time so that the point is driven home. It is highly unlikely that most wives would persist in their arrogance after these two initial stages. In all probability, patience, forbearance, and restraint would have conquered their hearts. However, even after this stage, if a wife refuses to accept the authority of her husband, the husband has the right to finally resort to gentle physical affliction.

c. If the husband is left with no alternative but to physically punish his wife, he must be very careful in this regard and must not wound or injure her. He should remember that this physical chastisement is similar to the one a mother gives to a rebellious son or the one a teacher gives to an unruly student. He must be aware that in case he misuses this authority in any way, he would be held responsible before the Almighty on the Day of Judgement. In this world also, his wife has the right to report his behavior to the authorities who can punish him for any misconduct in this regard.

d. It finally needs to be considered that all rights must be exercised with prudence keeping in view the circumstances. Exercising one's right is never obligatory. There can be circumstances in which a person chooses not to exercise this right.

4. Regarding Divorce and Divorce declarations⁵¹

Most people are ignorant of the proper way of divorcing wives. It is generally thought that a wife stands separated from her husband if the divorce is declared thrice. This notion is against the Qur'an which says that a lady must be divorced by just one declaration to the effect.

Moreover, there are many other misconceptions regarding divorce giving rise to the following questions:

- i. Do women have a right to divorce?
- ii. Should the wife pay money for seeking divorce?
- iii. What is the correct procedure of divorce?
- iv. How should wrongly given divorces be tackled?

v. In whose custody should the children be given?

i. The Right to Divorce

When a man and a woman marry each other, it is their utmost wish to remain in this relation of wedlock forever. They are desirous of the fact that the change in times not change their commitment to each other and only death separate them in this world. But then, sometimes there does arise a situation when part they must. Differences become so pronounced that it becomes necessary to sever this relationship. If such circumstances do arise that a husband and wife must separate permanently, Islam lays down a specific procedure for this separation. In Islamic terminology this dissolution of marriage is called divorce. It says that both a man and a woman have an equal right to it. The only difference is that a man divorces a woman while a woman demands a divorce from her husband. The Qur'an explicitly states that it is the husband who has the right to give divorce:

بِيَدِهِ عُقْدَةُ النِّكَاحِ (٢: ٢٣٧)

In his hands, is the tie of marriage. (2:237)

Women, however, can seek divorce if they want to. If the husband refuses, she has all the right to take the matter to the court. The matter will then be decided by the ruling of the court.

This prerogative, sense and reason demand, should go to the head of the family. Since, according to the Qur'an, it is the husband who is the head of a family, therefore, he has been given this right. In other words, this right is not "gender specific" it is "authority specific": whoever is entrusted with the authority of being the head should possess this right. Had women been more suitable to head a family, they would have been given this right.

ii. Should the Wife pay money for seeking Divorce?

A common misconception when a woman seeks divorce from her husband is that she must give some wealth to her husband on this occasion of separation. This has no basis in the Qur'an; on the contrary, the Qur'an says that it is not at all permissible for the husband to demand anything from his wife on this occasion. However, there are two exceptions to this:

Firstly, if a husband has gifted a lot of wealth and property to her wife and is afraid that in divorcing her he would lose all his riches, the Qur'an says that she can forgo some or all of her share and return it to her husband to end the whole affair. It is clear that this is only an exception and not a general principle as is generally held and practiced. It is allowed when only wealth is the husband's reason for not divorcing his wife. The Qur'an says:

أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا
 بِهِ تِلْكَ حُدُودَ اللَّهِ فَلَا أَسْعَفُوهَا يَعْتَدَ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ (٢٢٩ :)

And [if you decide to depart from them, then on this occasion] it is unlawful for you to take back from them anything you have given them unless both husband and wife fear that they may not be able to keep within the bounds set by Allah. Then if you also feel that they will not be able to remain within the bounds set by Allah, there shall be no offence for either of them [regarding the gifts given by the husband] if the wife seeks divorce [by returning them to him] in ransom. These are the bounds set by Allah; do not transgress them. [And you should know that] those who transgress the bounds of Allah are wrongdoers (2:229)

Secondly, if the wife is guilty of open sexual misconduct. Since such a behavior destroys the very foundation of marriage, a husband has been allowed to take back any gifts or wealth given to her. The Qur'an says:

وَهُنَّ لِيَتَّهَبُوا بَبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ إِنْ رَجَعْتُمْ بَعْدَ ذَلِكَ عَلَىٰ أَعْقَابِكُمْ فَاعْلَمُوا أَنَّكُمْ سَاءَ مَا يَحْكُمُونَ
 فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَ بِهَتَّائِهَا وَإِمْكِنِهَا تَأْخُذُونَ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا
 (٤ : ١٩ - ٢١)

And do not treat them with harshness that you may take away what you have given them – except where they have been guilty of open lewdness... And if you decide to take a wife in place of another, even if you had given the latter a whole treasure of wealth take not the least bit of it back: Would you take it by slander and usurping [her] rights? And how could you take it when you have lain with each other and [at the time of marriage] they have taken from you a solemn covenant? (4:19-21)

iii. The Procedure of Divorce

If a husband has decided to divorce his wife, he should first wait until she has completed her menstrual cycle and then desisting from any further carnal relationship, he should utter the divorce sentence just once. The wife, after she has been divorced in this way, must stay in her husband's house for a period of three menstrual cycles. This period is called 'iddat. If a woman does not have menstrual cycles owing to age, disease or any other reason, and still there is a chance of pregnancy, then she must wait for three months. For a pregnant woman this period is up to the birth of the child, while for a newly married couple who have had no contact, divorce does not entail any period of 'iddat for the wife. According to the Qur'an, there is one basic reason for this waiting period: to ascertain whether a wife is pregnant or not so that the lineage of the child does not remain a matter of doubt. Another thing which is achieved through it is that it affords the husband and other family members a chance to rectify the

situation, for matters in which emotions and feelings run high, sometimes only time is needed for recovery.

During this 'iddat period:

(a) The husband cannot turn his wife out from the house except if she is guilty of adultery, nor should she leave the house herself.

(b) The wife, if she is pregnant, must not hide her pregnancy.

(c) The husband should continue to provide for her.

(d) A husband, if he changes his mind, can revoke his decision. The only thing required, according to the Qur'an, is that he should call in two persons to testify to his decision⁵².

If after this period of 'iddat, a man is still firm in his stance, his wife shall be considered as separated permanently. She is now a free woman and if she wishes to marry some other person, she has all the right to do so and must not be inhibited in any way. If circumstances change, she can even remarry her former husband. Furthermore, the Qur'an stresses that on this occasion of parting it is not at all lawful for a husband to take back any property or asset gifted to her⁵³. This, it must be kept in consideration, does not pertain to mahr (dower) only, but to every type of gift given to the wife. Not only should a husband not take back these gifts, he should, in fact, give her something on this occasion of separation. Even if her mahr has not been fixed, it is better for him to give her something. If the mahr has been fixed but the divorce occurs before the husband and wife have had contact, he must return half the money, unless the wife even forgoes this. In this case also, though it is better that he should give her the whole money.

However, in case the husband revokes his decision during the 'iddat period, there is no need for re-marriage. The two shall be considered as husband and wife once again. If after annulment of this divorce, due to some reason, the untoward situation arises a second time that the husband intends to divorce his wife, the Qur'an says that the husband can exercise his right of divorce for the second time as well. He should pronounce just one divorce sentence to repudiate his wife. Again, the post-divorce period shall be observed in the manner just described. Once again, if the husband wishes, he has the chance to revise his decision during this period, in which case the divorce shall be considered null and void and the two shall once again become husband and wife. If, unfortunately, for the third time, the situation arises that divorce becomes inevitable, the Qur'an says that a husband can exercise his right for the third time as well and pronounce the divorce sentence. After the expiry of 'iddat during which a husband will have to support and provide shelter to his wife (though the two are not required to live together), the wife shall be permanently separated from him. After divorcing his wife for the third time, he cannot re-marry her now, unless and until, the wife marries some other person and owing to some reason gets divorced from him – not under a planned strategy, but on account of naturally arisen circumstances. This last measure, actually, is meant to prevent

this affair from becoming mere child play.

In the words of the Qur'an:

رَّتَانِ فَمَا سَاكُ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ (٢: ٢٢٩)

This divorce [in which the husband can revoke his decision in the 'iddat period] is permitted twice only, and then a woman must be retained with kindness or allowed to go with kindness. (2:229)

It is evident from these details that the Qur'an only prescribes one divorce sentence and stresses that a husband has the right to divorce her wife three times in one marriage contract. It does not at all approve the utterance of three divorce sentences in one go. Consequently, it is clear from these details that the two prevailing procedures of divorce ie (1) pronouncing three consecutive divorces in one instance, and (2) pronouncing each of the three sentences in three months are not at all prescribed by the Qur'an. When the Prophet (sws) came to know that a certain person had divorced his wife by pronouncing three divorce sentences one after the other, he stood up in anger and said:

بُ يَكْتَابِ اللهُ وَأَنَا بَيْنَ أَظْهَرِكُمْ (: ٣٤٠١)

In my presence, such playful attitude has been adopted with the Book of Allah. (Nasai, No: 3401)

iv. Tackling wrongly given Divorces

Mentioned above is the shari'ah as far as the concept of divorce is concerned. However, as does happen with prescribed laws and procedures, situations arise in which a person is guilty of breaching the law and deviating from the right course. Human nature is prone to extreme emotional conditions in which it deviates from the path set forth by the Almighty. These deviations, it is extremely evident, are not part of the shari'ah; they fall into breach of law category and it is up to the legislature of a country to enact laws about such departures. At times, such cases are even left to the discretion of the judge and at other times the judge himself is bound by the legislation done in this regard by the parliament.

In case of divorce, keeping in view various precedents, this deviation is generally of two types:

i) A husband divorces his wife during her menstrual period, or divorces her after he has had contact with her in her period of purity.

ii) A husband divorces his wife by pronouncing the divorce sentence thrice.

As far as the first deviation is concerned, an Islamic government can ask the husband to revoke his decision and carry it out in the proper manner at the proper time. The Prophet (sws) in his own times dealt with the case of 'Abdullah Ibn 'Umar (rta) in a similar manner. When he was told that 'Abdullah Ibn 'Umar (rta) had divorced his wife during her menstrual cycle, he was really annoyed and remarked:

هَذَا ثُمَّ لِيُمْسِكْهَا حَتَّى تَطْهَرَ ثُمَّ تَحِيضَ ثُمَّ تَطْهَرَ ثُمَّ إِنَّ شَاءَ أَمْسَكَكَ رَجَعْتُ وَإِلَّا طَلَّقَ قَبْلَ أَنْ يَمَسَّ فِتْلِكَ الْعِدَّةُ الَّتِي أَمَرَ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ (: ٥٢٥١)

Ask him to take her back and keep her in wedlock until she is through with her menstrual cycle and then once again passes through this cycle and then is through with it. After this, he can either detain her [in wedlock] or divorce her before having sexual intercourse with her. Because it is this beginning of the 'iddat keeping regard of which the Almighty has directed [believers] to divorce their wives. (Bukhari, No: 5251)

In case of the second deviation, a deliberation on the injunctions of divorce, particularly on their linguistic aspects, reveals that there are three possible solutions:

(a) The husband can be called to court and asked to testify to the nature of these pronouncements: if he testifies that he had pronounced the three sentences in anger to only strongly assert his decision or that he had thought that pronouncing three sentences was the correct procedure of divorce, the court, if satisfied by his statement, can re-unite the husband and wife. In this case, it shall be clearly spelt out to the husband that he now has exercised one of his three chances to repudiate his wife. If on the other hand, a person testifies that he had consciously uttered the three sentences knowing that he was exercising his three rights in one time, the wife, of course, shall be divorced from him. The case of Rukana Ibn 'Abdi Yazid (rta) was decided in a similar manner by the Prophet (sws).

(b) A second possible solution in this regard is that a state, while observing that people have adopted a carefree attitude in following this procedure, legislates that three divorce sentences shall be considered as three whether pronounced in anger or in a normal emotional state. A precedent of this solution can be found in the times of the Caliph 'Umar (rta). He himself, in the capacity of a ruler in consultation with the members of the shura, upon seeing that people had adopted a very careless attitude in this regard, as a punishment, promulgated three divorce sentences as final.

(c) A third possible solution in this regard is that the state while observing the fact that people are mostly ignorant of the correct procedure and in their ignorance think that the correct way

of divorce is to pronounce the sentence three times, legislates that the three pronouncements shall be considered as one.

Any of these three ways can be adopted keeping in view the welfare of the Muslims. However, in adopting the second or third solutions, it is necessary that a legislation has been done in their favour, but as far as adopting the first solution is concerned, no prior legislation is needed and the matter can be left to the discretion of the judge.

iv. The Custody of Minors

In post-divorce scenarios, the matter of the custody of minor children has not been touched upon in the shari'ah. In other words, it has been left to the welfare of the children. In case of a dispute, a judge should make this ruling after analyzing the situation of a case in the light of this principle

Perhaps the reason for which nothing has been fixed in the Shari'ah in this regard is the varying circumstances which may be found in different cases.

5. Regarding Halalah⁵⁴

The concept of halalah is one of the ugliest and shameful of issues of Islamic jurisprudence. According to the shari'ah, if a man divorces his wife for a third time in his life, the two cannot re-marry unless the wife marries a second person and then that person due to some reason divorces her. In order to fulfill this legal requirement, subterfuges have been devised and marriages are planned with the understanding that a person will divorce the wife in order to make her legal to marry the first husband. In this regard, the jurists also impose the condition that before he divorces his wife he must have sexual intercourse with her. In religious parlance, this subterfuge in which a lady is made legally allowed for her first husband by marrying another person and then being divorced from her after having sexual intercourse with him is called halalah.

Needless to say, that all subterfuges amount to playing with the Islamic law and its spirit. Moreover, the condition of sexual intercourse imposed has arisen because of not understanding a very subtle comment of the Prophet (sws) in a Hadith. If its text reported by Bukhari is analyzed it is evident that a certain lady had married a person only to become legally permissible to marry her first husband. She demanded divorce from her second husband on the false grounds that her husband was sexually impotent. When the Prophet (sws) became certain of her scheme, he reprimanded her in very subtle words. He told her that she could only become permissible for the first husband after "tasting" her second husband. This of course was not a condition as has been generally construed: the implied meaning being that if according to her, her second husband does not have the ability to copulate with her then she can only be divorced from him after he copulates with her – which of course he will never since, according to her, he is not capable of it. Thus if anything can be deduced from this Hadith, it is prohibition of halalah and not vice versa. Hence it is absolutely prohibited and is

tantamount to making fun of the law.

The text of the Hadith is as follows:

نَ رَفَاعَةَ طَلَّقَ امْرَأَتَهُ فَتَزَوَّجَهَا عَبْدُ الرَّحْمَنِ بْنِ الزَّبَّيْرِ الْفُرْطِيُّ قَالَتْ لَيْسَتْ عَوَّلِيهَا خِمَارًا أَخْضَرَ فَسَدَّكَ إِلَيْهَا
خُضْرَةٌ بَجَلْدِهَا فَلَمَّا جَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالنِّسَاءُ يَنْصُرُ بَعْضُهُنَّ بَعْضًا قَالَتْ عَائِشَةُ مَا رَأَيْتُ مِثْلَ مَا يَلْقَى
هَا أَشَدُّ خُضْرَةً مِنْ ثَوْبِهَا قَالَ وَسَمِعَ أَنَّهَا قَدْ أَتَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَعَهُ ابْنَانِ لَهُ مِنْ غَيْرِهَا
يُؤْتِيهِ مِنْ ذَنْبِ الْإِنْسَانِ أَنْ مَا مَعَهُ لَيْسَ بِأَغْنَى عَنِّي مِنْ هَذِهِ وَأَخَذَتِ مِنْهُنَّ فَحَدَّثَتْ وَاللَّهِ يَا رَسُولَ اللَّهِ إِنِّي
الْأَدِيمُ وَلَكِنَّهَا نَاشِرَةٌ تُرِيدُ رَفَاعَةَ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَلِكَ لَمْ تَحْلِي لَهُ أَوْ لَمْ تُصَلِّحِي لَهُ
قَالَ مَنْ عَسَيْتُكَ قَالَ وَأَبْصَلُهُ فَقَالَ عِبْدُ اللَّهِ هُوَ لَا عَقْلَ قَالَ نَعَمْ قَالَ هَذَا الَّذِي تَزُ عُمَيْرِينَ مَا تَزُ عُمَيْرِينَ قَوْلَ اللَّهِ لَهُمْ أَشَدُّ بِهِ

(:)

‘Ikramah narrates that Rifa‘ah divorced his wife. Thereafter she married ‘Abd al-Rahman Ibn Zubayr Qurzi. ‘A’ishah says that she came to her wearing a green cloak and complained of her husband and showed ‘A’ishah her bruises – women do help one another – so when the Prophet (sww) came by, ‘A’ishah said: “I have only seen Muslim women being treated in such a way. Her skin is greener than her cloak.” ‘Ikramah says that when her husband came to know that she had complained to the Prophet (sww), he also came over to the Prophet (sww) along with his two sons from his other wife. Upon seeing her husband, she got hold of the end of her cloak letting it hang from her hand and remarked: My only complaint is that whatever he has is no more than this [soft cloth]. At this, ‘Abd al-Rahman said: “O Prophet (sww) of Allah she has told a lie! I am very strong and can satisfy her; the truth of the matter is that she is disobedient and wants to go back to Rifa‘ah.” When the Prophet (sww) heard this, he said: “If this is the case then you shall not be permissible for Rifa‘ah unless ‘Abd al-Rahman tastes you.” Then, upon seeing the sons of ‘Abd al-Rahman, the Prophet (sww) remarked: “Are these your sons?” When he replied in the affirmative, the Prophet said: “Do you tell such lies [O ‘Abd al-Rahman’s wife]. By God, these [young boys] resemble ‘Abd al-Rahman n more than a crow resembles another crow.” (Bukhari, No: 5377)

VIII. Punishments

1. Regarding Severity in Islamic Punishments

For many centuries now, Islamic punishments have remained one of the hottest subjects of debate both inside and outside the Muslim world. “Islamic punishments are barbaric”, “Death to the death punishment”, “Civilized societies do not flog, stone to death or amputate hands” are a few of the typical slogans and comments that echo and reverberate among the intellectual elite of this ummah.

Without refuting the fact that Islamic punishments are indeed very severe, two things may perhaps help the modern mind in understanding the nature and logic of this severity.

The first thing that needs to be kept in mind is that if one reflects on the style and linguistic constructions in which these punishments are mentioned in the Qur'an, it is clear that these punishments indicate the most extreme forms of reproof. They should be given only if the extent of the crime and the state of the perpetrator of the crime deserve no leniency. In other words, it is not simply a matter of a court determining the culpability of an individual in a particular crime or not; it is equally important that contextual information, for instance, factors which led up to the crime, is taken into account. If this information results in a judge deciding that the crime has been committed with extenuating circumstances, he has the authority to punish the criminal with lesser punishments like fining him or having him beaten up. Precisely, on such grounds, in a particular case, the Caliph 'Umar (rta) refused to amputate the hand of a person who was forced to steal because of hunger simply because he thought the circumstances were such that the person deserved leniency. It is known that there was a severe drought during his rule and it was in this drought that the incident had taken place. People think that 'Umar (rta) had abrogated the punishment, whereas, 'Umar (rta) thought that the criminal deserved leniency. In other words, one can easily conclude that in this particular aspect the Islamic penal code is no different than other penal codes.

The second thing that needs to be taken into consideration is that the purpose of most Islamic punishments is not merely to punish the criminal, but to make his punishment an act of deterrence for any further instance of the crime. Everyone would agree that peace and security of a society occupy fundamental importance if it is to develop and prosper. Societies which are crime ridden and in which people feel insecure obviously soon disintegrate and eventually have no role in the development of culture and civilization. As such, it is the primary responsibility of a government to make sure that the life, wealth and honour of its citizen are protected to the utmost. Besides educating and instructing people so that they have morally sound personalities, it is necessary to severely punish people who, in spite of being provided with the opportunities of life, exceed limits by abusing the life, wealth and honour of others. In order to cleanse a society from crime as much as possible, Islam wants to make an example of people who create nuisance in the society and disrupt its peace and tranquillity. Consequently, the punishments it prescribes are instrumental in bringing to the greatest degree peace and security to a society.

2. Apostasy is Punishable by Death⁵⁵

Our jurists believe that apostasy is punishable by death. This view is not correct. In this regard the correct view is delineated below.

The punishment of apostasy has arisen by misunderstanding a Hadith. This Hadith has been narrated by Ibn 'Abbas (rta) in the following way:

بَدَّلَ دِينَهُ فَأَقْتُلُوهُ (٣٠١٧)

Execute the person who changes his faith. (Bukhari, No: 3017)

Our jurists regard this verdict to have a general application for all times upon every Muslim who renounces his faith from the times of the Prophet (sws) to the Day of Judgement. In their opinion, this Hadith warrants the death penalty for every Muslim who, out of his own free will, becomes a disbeliever. In this matter, the only point in which there is a disagreement among the jurists is whether an apostate should be granted time for repentance before executing him, and if so what should be the extent of this period. The Hanafite jurists however, exempt women from this punishment. Apart from them, there is a general consensus among the jurists that every apostate, man or woman, should be punished by death.

It needs to be appreciated that this view of our jurists is not correct. The verdict pronounced in this Hadith has a specific application and not a general one: It is only confined to people towards whom the Prophet (sws) had been directly assigned. The Qur'an uses the words *mushrikin* and *ummiyyin* for these people.

An elaboration of this view follows.

In this world, we are well aware of the fact that life has been endowed to us not because it is our right but because it is a trial and a test for us. Death puts an end to it whenever the duration of this test is over, as deemed by the Almighty. Commonly, He fixes the length of this period on the basis of His knowledge and wisdom. However, in case of the direct and foremost addressees of a *rasul* (Messenger of Allah), once the truth is communicated to them in its ultimate form after which they have no excuse but stubbornness and enmity to deny it, they lose their right to live. The Almighty had blessed them with life to try and test them, and since after (itmam al-hujjah⁵⁶) this trial becomes totally complete, therefore the law of the Almighty in this regard is that generally such people are not given any further right to live and the death sentence is imposed upon them.

This punishment is enforced upon the direct addressees of a *rasul* in one of the two ways depending upon the situation which arises. In the first case, after accomplishing (itmam al-hujjah) upon his nation, a *rasul* and his companions (*rta*) not being able to achieve political ascendancy in their territory migrate from their people. In this case, Divine punishment descends upon their nation in the form of raging storms, cyclones and other calamities, which completely destroy them. The tribes of Ad and Thamud and the people of Noah (sws) and Lot (sws) besides many other nations met with this dreadful fate, as is mentioned in the Qur'an. In the second case, a *rasul* and his companions are able to acquire political ascendancy in a land where after accomplishing (itmam al-hujjah) upon their people they migrate. In this case, a *rasul* and his companions subdue their nation by force, and execute them if they do not accept faith. It was this situation which had arisen in the case of the *rasul* Muhammad (sws). On account of this, the Almighty bade him to declare that those people among the *ummiyyin* who had not accepted faith until the day of Hajj al-Akbar (9th

hijrah) should be given a final extension by a proclamation made in the field of 'Arafat on that day. According to the proclamation, this final extension would end with the last day of the month of Muharram, during which they had to accept faith, or face execution at the end of that period. The Qur'an says:

هُرُّ الْحُرْمِ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَأَحْصُرُوهُمْ وَوَالِقِهِمْ كُلَّ مَرْصَدٍ فَإِن تَابُوا وَأَقَامُوا
 آتُوا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ (٩:٥)

When the forbidden months are over, slay the Idolaters wherever you find them. Seize them, besiege them and every where lie in ambush for them. But if they repent from their ill beliefs and establish the prayer and pay zakah, then spare their lives. God is Most-Forgiving and Ever-Merciful. (9:5)

A Hadith illustrates this law in the following manner:

لَأَنسَ حَتَّى يَشْهَدُوا أَن لَّا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَيُقِيمُوا الصَّلَاةَ وَيُؤْتُوا
 مَوَالِهِمْ إِلَّا بِحَقِّ الْإِسْلَامِ وَحَسَابُهُمْ عَلَى اللَّهِ (٢٢ :)

I have been directed to wage war against these people until they testify to the oneness of God and to the prophethood of Muhammad, establish the prayer and pay zakah. If they accept these terms, their lives will be spared except if they commit some other violation that entails their execution by Islamic law and [in the Hereafter] their account rests with God. (Muslim, No: 22)

This law, as has been stated before, is specifically meant for the ummiyyin or the people towards whom Muhammad (sws) had been directly assigned. Apart from them, it has no bearing upon any other person or nation. So much so, even the people of the Book who were present in his times were exempted from this law by the Qur'an. Consequently, where the death penalty for the ummiyyin is mentioned in the Qur'an, adjacent to it has also been stated in unequivocal terms that the people of the Book shall be spared and granted citizenship if they pay jizyah. The Qur'an says:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَنَنَالِدِينَ الْحَقَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ
 طَوْأ الْجَزِيَّةَ عَن يَدِهِمْ وَصَاحِرُونَ (٩:٢٩)

Fight against those among the people of the Book who believe not in God nor in the Last Day, and who do not forbid what God and His Prophet have forbidden and do not accept the religion of truth as their own religion, until they pay jizyah out of subjugation and lead a life of submission. (9:29)

The foregoing discussion, outlines a law of the Almighty. There is a natural corollary to this Divine law as obvious as the law itself. As stated earlier, the death penalty had been imposed upon the ummiyyin if they did not accept faith after a certain period. Hence, it follows that if a person among the ummiyyin after accepting faith reverted to his original state of disbelief, he had to face the same penalty. Indeed, it is this reversion about which the Prophet (sws) is reported to have said: "Execute the person who changes his faith."

The relative pronoun "who" in the above quoted Hadith qualifies the ummiyyin just as the words "the people" (al-nas) in the Hadith quoted earlier are specifically meant for the ummiyyin. When the basis of this law as narrated in these Ahadith has been specified in the Qur'an, then quite naturally this specification should also be sustained in the corollary of the law. Our jurists have committed the cardinal mistake of not relating the relative pronoun "who" in the Hadith "Execute the person who changes his faith" with its basis in the Qur'an as they have done in the case of "the people" (al-nas) of the Hadith quoted above. Instead of interpreting the Hadith in the light of the relationship between the Qur'an and Hadith, they have interpreted it in the absolute sense, totally against the context of the Qur'an. Consequently, in their opinion the verdict pronounced in the Hadith has a general and an unconditional application. They have thereby incorporated in the Islamic Penal Code a punishment which has no basis in the shari'ah.

3. A Woman has Half a Man' Testimony [57](#)

According to our jurists, the testimony of women is half in financial transactions. However; in cases of h^udu^d, the majority say that in these affairs the testimony of women is in no way acceptable whether they testify alongside a male witness or do so alone.

The jurists have based their view upon the following verse of the Qur'an:

مِنْ رَجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّنْ تَرْضَوْنَ لِلشُّهُدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ هُمَا الْآخَرَىٰ (٢:٢٨٢)

And call in two male witnesses from among your men [over the document of loan]. And if two men cannot be found then one man and two women from among those whom you deem appropriate as witnesses so that if either of them gets confused the other reminds her. (2:282)

This view of our jurists concerning the testimony of a woman is not correct owing to the following two reasons:

Firstly, the verse has nothing to do with the bearing of witness to an incident. It explicitly relates to testifying over a document. It is very evident that in the second case witnesses are selected by an external agency, while in the first case the presence of a witness at the site of an incident is an accidental affair. If we have written a document or signed an agreement, then the selection of witnesses rests upon our discretion, while in the case of adultery, theft, robbery and other similar crimes whoever is present at the site must be regarded as a witness. The difference between the two cases is so pronounced that no law about one can be deduced on the basis of the other.

Secondly, the context and style of the verse is such that it cannot relate to law or the judicial forums of a state. It is not that after addressing a court of law that it has been said that if such a law suit is presented before them by a claimant, then they should call in witnesses in this prescribed manner. On the contrary, this verse directly addresses people who borrow and lend money over a fixed period. It urges them that if they are involved in such dealings, then an agreement between the two parties must be written down, and to avoid disputes and financial losses only witnesses who are honest, reliable and morally sound should be appointed. At the same time their personal involvement and occupations should be suited to fulfill this responsibility in a befitting manner. The verse should not be taken to mean that a law-suit will only stand proven in court if at least two men or one man and two women bear witness to it. It is reiterated that the verse is merely a guidance for the general masses in their social affairs and counsels them to abide by it so that any dispute can be avoided. It is for their own benefit and welfare that this procedure should be undertaken.

Consequently, about all such directives the Qur'an says:

وَأَقْرَبُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا (٢:٢٨٢)

This is more just in the sight of God; it ensures accuracy in testifying and is the most appropriate way for you to safeguard against all doubts. (2:282)

Ibn Qayyim comments on this verse in the following manner:

فهذا في التحمل والوثيقة التي يحفظ بها صاحب المال حقه لأفي طريق الحكم وما يحكم به الحاكم فان هذا شيء وهذا شيء

It relates to the heavy responsibility of testifying by which an owner of wealth protects his rights. It has no concern with the decision of a court. The two are absolutely different from each other.[58](#)

4. A Woman has Half a Man's Diyat

Diyat means a fine a murderer has to pay the family of the murdered person in case he or she is granted pardon. It is believed that if a lady is murdered the fine that would be given to her relatives would be half the amount of what would have been given in case a man had been murdered.

Consider now the verse of the Qur'an which mentions this issue:

لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعُ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ (٢:١٧٨)

Then for whom there has been some pardon from his brother, [the remission] should be followed according to the ma'ruf and diyat should be paid with goodness. (2:178)

It is evident from this verse that the diyat should be paid according to the ma'ruf of a society. Ma'ruf means the customs and conventions of a society.

In the times of the Prophet (sws), the ma'ruf of the Arab society was that the diyat of a woman was half that of a man. So while following the directive of the Qur'an regarding diyat, the Prophet (sws) enforced the ma'ruf of his society.

The ma'ruf of different societies may be different and therefore the ma'ruf of each society should be followed. In other words, Islam has not obligated us to discriminate in this matter between a man or a woman, a slave or a free man and a Muslim or a non-Muslim. It wants us to follow the ma'ruf of our society. Scholars have erroneously enforced the ma'ruf of the Arab society of the times of the Prophet (sws). Since then, the wheel of fortune has revolved through fourteen more centuries and the tide of time has sped past innumerable crests and falls. Social conditions and cultural traditions have undergone a drastic change.

As per this Qur'anic directive, every society is to obey its custom, and since in our own society no law about diyat exists, those at the helm of affairs of our state can re-legislate in this regard.

5. Punishment even if a Crime is not Fully Proven[59](#)

It is alleged by some jurists that if a crime is not fully proven then in accordance with the following words attributed to the Prophet (sws) whereas a hadd punishment cannot be given,

a ta'zir punishment can be given in such cases:

بُالْحُدُودِ بِالشُّبُهَاتِ

Do not enforce a hadd punishment if there is a doubt.[60](#)

A little deliberation shows that this argument is baseless.

The Hadith in no way means that if there is some doubt, a hadd punishment shall not be given; it only means that in case of doubt no punishment at all can be given. The word hadd has not been used as a term here; it is used in its literal sense for the term came into existence much later after the Prophet (sws). What he has reported to have said is based on the universal principle of the ethics of law that since in case of doubt a crime does not stand proven, the criminal cannot be punished. Consequently, if these people say that a ta'zir punishment can be given on the basis of a woman's testimony, then this only means that the crime stands proven in their eyes. But then the question arises: If the crime stands proven, then why can't a hadd punishment be given? And if they contend that if a woman's testimony always leaves room for doubt then a crime cannot be considered to be proven; so on what basis should the ta'zir punishment be administered?

A crime, obviously, cannot be regarded to be proven ten, twenty, ninety or ninety nine percent. It is either proven one hundred percent or not proven at all. Consequently, it is absolutely baseless to accept a state between proof and lack of proof in a crime and in no way can it be accepted that a hadd punishment will be administered on certain grounds and ta'zir punishment on certain other grounds. No doubt that the nature of the crime and the circumstances of the criminal do have a bearing on the extent of punishment that is to be given. However, to imply that the "extent" of proof forms a basis for punishment is something common sense totally rejects and human nature completely discards.

IX. Jihad

1. Jihad can be waged without State Authority

Some people are of the view that groups and organizations can wage jihad and state authority is not a must for it.

This misconceived view has only arisen in recent time. There is a consensus among all authorities of Islam that only a Muslim State has the authority to wage jihad. This condition is

so explicit and categorical that all the scholars of this ummah unanimously uphold it. Sayyid Sabiq, while referring to this consensus, writes:

كفائية ما يشترط فيه الحاكم مثل: الجهاد وإقامة الحدود

Among collective obligations, there is a category for which the existence of a ruler is necessary e.g., jihad and administering punishments.[61](#)

‘Uthmani, a Hanafite jurist, writes:

ولا يخفى أن الأمير الذي يجب الجهاد معه كما صرح به حديث مكحول إنما هو من كان مسلماً ثبتت له الإمارة بالتقليد إما باستخلاف الخليفة إياه كما نقل أبو بكر رضي الله عنه ، وإما ببيعة من العلماء أو جماعة من أهل الرأي والتدبير ... :
بإيعاد العلماء أو جماعة من المسلمين رجلاً لا يقدر على حماية البيضة وجر العساكر و تنفيذ الأحكام بشوكته و بأسه ولا على إنصاف المظلوم من الظالم بقدرته وسطوته لا يكون ذلك أميراً ولا إماماً ، وإنما هو بمنزلة الحكم ومبايعة الناس له بمنزلة التحكيم ولا يجدي تسميته إماماً أو أميراً في القراطيس وأفواه الناس فإن مدار الإمارة والإمامة على القوة والقدرة دون التسمية والشهرة فقط ، فلا يجب على عامة المسلمين مبايعته ولا إطاعة أحكامه ، ولا الجهاد معه

It is obvious from the Hadith narrated by Makhul[62](#) that jihad becomes obligatory only in the presence of a ruler who is a Muslim and whose political authority has been established either through nomination by the previous ruler similar to how Abu Bakr transferred the reins [of his khilafah to ‘Umar] or through pledging of allegiance by the ulema or a group of the elite ...in my opinion, if the oath of allegiance is pledged by ulema or by a group of the elite to a person who is not able to guard the frontiers or defend the honour [of the people] or organize armies or implement his directives by political force nor is he able to provide justice to the oppressed by exercising force and power, then such a person cannot be called “amir” (leader) or “imam” (ruler). He, at best, is an arbitrator and the oath of allegiance is at best of the nature of arbitration and it is not at all proper to call him “amir” (leader) or a “imam” (ruler) in any [official] documents nor should the people address him by these designations. The reason for this is that the basis of leadership and rulership is power and authority and it does not hinge only on the fact that he gets famous by this name. It is not imperative for the citizens to pledge allegiance to him or obey his directives, and no Jihad can be waged alongside him.[63](#)

Ibn Qudamah, a Hambalite jurist, writes:

وأمر الجهاد موكول إلى الإمام واجتهاده ويلزم الرعية طاعته فيما يراه من ذلك

And the matter of jihad rests with the ruler [of a state] and his ijtehad. The opinion he forms in this regard must be obeyed by the citizens of his country.[64](#)

Mawardi, a Shafi'ite authority, while enumerating the obligations of a Muslim ruler says:

: جهاد من عاند الإسلام

And his sixth obligation is to conduct jihad against those who show hostility against Islam.[65](#)

In the words of Farahi:

In one's own country, without migrating to an independent piece of land, jihad is not allowed. The tale of Abraham (sws) and other verses pertaining to migration testify to this. The Prophet's life (sws) also supports this view. The reason for this is that if jihad is not waged by a person who holds political authority, it amounts to anarchy and disorder.[66](#)

While commenting on the underlying reasons that form the basis of state authority for jihad, Amin Ahsan Islahi, writes:

The first reason [for this condition] is that God Almighty does not like the dissolution and disintegration of even an evil system until a strong probability exists that those who are out to disintegrate the system will provide people with an alternative and a righteous system. Anarchy and disorder are unnatural conditions. In fact, they are so contrary to human nature that even an unjust system is preferable to them....this confidence [that a group will be able to harmonize a disintegrated system and integrate it into a united whole] can be reposed in such a group only as has actually formed a political government and has such control and discipline within the confines of its authority that the group can be termed as al-jama'ah [the state]. Until a group attains this position, it may strive [by religiously allowable means] to become al-jama'ah – and that endeavour would be its jihad for that time – but it does not have the right to wage an “armed” jihad.

The second reason is that the import of power that a group engaged in war acquires over the life and property of human beings is so great that the sanction to wield this power cannot be given to a group the control of whose leader over his followers is based merely on his spiritual and religious influence on them [rather than being based on legal authority]. When the control of a leader is based merely on his spiritual and religious influence, there is not sufficient guarantee that the leader will be able to stop his followers from fasad fi al-ard [creating disorder in the society]. Therefore, a religious leader does not have the right to allow his followers to take out their swords [that is to wage an armed struggle] merely on the basis of his spiritual influence over them, for once the sword is unsheathed there is great danger

that it will not care for right and wrong and that those who drew it will end up doing all [the wrong which] they had sought to end. Such radical groups as desire revolution and the object of whom is nothing more than disruption of the existing system and deposition of the ruling party to seize power for themselves play such games – and they can, for in their eyes disruption of a system is no calamity, nor is cruelty of any kind an evil. Everything is right to them [as long as it serves their purpose]. However, the leaders of a just and righteous party must see whether they are in a position to provide people with a system better than the one they seek to change and whether they will be able to stop their followers from doing such wrong as they themselves had sought to root out. If they are not in that position, they do not have the right to play games with the life and property of people on the basis of their confidence in mere chances and to create greater disorder than the one they had sought to end.[67](#)

Here some people justify that in some cases Islam allows jihad without state authority by citing the skirmishes carried out by Abu Basir against the Quraysh. This is a misinterpretation of facts: It is known historically[68](#) that after the treaty of Hudaibiyyah, Abu Basir defected to Madinah. However, according to the terms of the treaty, he was duly returned back to the Quraysh by the Prophet (sws). He was sent back in the custody of two people of the Quraysh. On the way back, he killed one of his two custodians and again defected to Madinah. When he arrived in Madinah, the Prophet (sws) was angry with what he had done. Sensing that the Prophet (sws) would once again send him back to the Quraysh, he left Madinah and settled at a place near Dhu al-Marwah, where later on other people joined him. From this place, they would attack the caravans of the Quraysh.

If these guerrilla attacks are analyzed in the light of the Qur'an, the basic thing which comes to light is that whatever Abu Basir and his Companions (rta) did was not sanctioned at all by Islam. The Qur'an says that the actions and deeds of a person who had not migrated to Madinah were not the responsibility of the Islamic state:

لَمْ يُهَاجِرُوا مَا لَكُم مِّنْ وَلَا يَتَّبِعُهُمْ مِّنْ شَيْءٍ حَتَّىٰ يُهَاجِرُوا (٨: ٧٢)

And as to those who believed but did not migrate [to Madinah], you owe no duty of protection until they migrate. (8:72)

Not only did the Qur'an acquit the newly founded Islamic state of Madinah from the actions of these people, we even find the following harsh remarks of the Prophet (sws) about Abu Basir when he returned to Madinah after killing one of his two custodians:

أُمَّهُ مَسْعُورٌ بَلَوْ كَانَ لَهُ (: ٢٧٣٤)

His mother be cursed, if he is able to find some supporters he is bound to ignite the flames of war. (Bukhari, No: 2734)

So, one can safely conclude that jihad without state authority is terrorism and is totally prohibited in Islam. Moreover, clandestine attacks on a country even with state authority are not allowed. jihad must be openly declared against the enemy country. If a peace treaty has been made with it, then it should first be openly declared null and void. Similarly, non-combatants of the enemy country should never be targeted. No one has the right to take the life of innocent civilians.

2. Jihad is only for Self-Defence

There are some scholars who believe that all wars fought by the Prophet of Islam were defensive. Muhammad (sww) never carried out unprovoked attacks. Sir Thomas Arnold is one prominent authority who holds this view. He writes:

There are no passages to be found in the Qur'an that in any way enjoin forcible conversion, and many that on the contrary limit propagandist efforts to preaching and persuasion. It has further been maintained that no passage in the Qur'an authorizes unprovoked attacks on unbelievers, and that, in accordance with such teaching, all the wars of Muhammad were defensive.[69](#)

It seems that this view point has emerged because of a misunderstanding of certain verses of the Qur'an. Following is a typical verse[70](#) that is quoted in support of this stance:[71](#)

ي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا (٢:١٩٠)

Fight in the way of Allah with those who fight against you and do not transgress bounds. (2:190)

The verse apparently says that Muslims should only fight their enemy when the enemy initiates the attack. However, if the context of the verse is kept in consideration, this seems to be an erroneous interpretation. The verse is not talking about war in general. It is talking about war in the vicinity of the Baytullah and that too in the forbidden months. The succeeding verses read:

هُمُ عِنْدَ الْمَسْجِدِ الْحَرَامِ حَتَّى يُقَاتِلُوكُمْ فِيهِ فَإِنْ قَاتَلُوكُمْ فَاقْتُلُوهُمْ (٢:١٩٢)

But do not initiate war with them near the Baytullah unless they attack you there. But if they attack you, put them to the sword [without any hesitation]. (2:192)

بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتِ قِصَاصٌ فَمَنْ أَعَدَّى عَلَيْكُمْ فَأَعِدُّوا عَلَيْهِ بِمَا لَعَنَ عَلَى عَدُوِّكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ
مَعَ الْمُتَّقِينَ (٢:١٩٤)

A sacred month for a sacred month; [similarly] other sacred things too are subject to retaliation. So if any one transgresses against you, you should also pay back in equal coins. Have fear of Allah and [keep in mind that] Allah is with those who remain within the bounds [stipulated by religion]. (2:194)

So, in other words, verses like 2:190 have a specific context and do not relate to jihad waged in general.

Moreover, the propounders of the view that jihad is only for self-defence must reflect on other verses of the Qur'an which explicitly ask the Muslims to wage offensive war. Perhaps the most explicit of these verses are 4:75 and 9:29.

3. Qital is a lesser Jihad

There is a persistent notion among many Muslims that fighting in the battlefield is something very inferior to fighting against one's desires. While the former is termed as jihad-i asghar (the lesser jihad), the latter is called the jihad-i akbar (the greater jihad).

This notion is not true. It is generally understood that the terms jihad-i asghar and jihad-i asghar are supposedly attributed to the Prophet (sws). However, this attribution does not have a sound basis. The chain of narrators of this narrative is very weak. Authorities of Hadith like Ibn Hajar, Ibn Taymiyyah and al-Bani have convincingly challenged the authenticity of this narrative⁷². So, one can safely conclude that there is no such thing as a greater jihad or a lesser one.

It needs to be appreciated that the word jihad is used in the Qur'an to connote striving in the way of Allah. One particular form of such a struggle is that in which one might have to take up arms for Allah's cause. This is also termed as qital. In other words, striving in the way of Allah in whatever form one is able to in accordance with the needs that arise is what is required from a believer. Whether striving in His way in a particular form is more superior than some other one has not been indicated in any authentic source.

4. Islam was spread by the Sword

In the early period of Islam, we find that the Islamic rule was extended by the Companions

(rta) of the Prophet (sws) to a large part of the world. In an astounding series of conquests, country after country fell to the sword of Islam. It was not long before the Muslim empire stretched from the shores of the Mediterranean in the west to as far as Indonesia in the east.⁷³ Some people ask the question: “Why did they impose Islam on these countries? Is this not Arab Imperialism?”

The fact that all these conquests took place is established history and hence cannot be denied in any way. However, the thesis that it was “Arab Imperialism” that accounted for these conquests is something which cannot be condoned. While looking at the spread of Islam in the early period, one must resort to the basis which the Qur’an itself offers for these conquests:

It needs to be appreciated that those who are Divinely invested with the status of shuhada ‘ala al-nas (witnesses to the truth before people) are “employed” by the Almighty to punish people who deny the truth in spite of being convinced about it. According to the Qur’an, Muhammad (sws) and his nation: the Ishmaelites, were invested with this status.

Consequently, the conquest of the followers of the Prophet (sws) at that time were not basically aimed at spreading Islam as such. Their basic objective was to subjugate and punish people who had deliberately denied the truth. Moreover, Muhammad (sws) himself initiated their task by writing letters to eight heads of state and thereby demarcated the areas where the Companions (rta) could go.

Summing up, it can be said that it is erroneous to conclude that Islam was spread by the sword. The whole exercise of the Companions (rta) was a continuation of the mission of Muhammad (sws) and no independent endeavour. This mission is governed by a specific practice of the Almighty according to which He punishes people who deny the truth even though they are fully convinced about it.

5. Regarding the Basis for Jihad

In this regard, it needs to be understood that, after the departure of the Prophet (sws) and his Companions (rta), apart from self-defence, the only legitimate reason for an Islamic state to undertake jihad is to curb oppression and persecution in some other country, whether Muslim or Non-Muslim. The Qur’an says:

رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ
اجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَلْ لَنَا لَدُنْكَ نَصِيرًا (٤: ٧٥)

And why is it that you not fight in the cause of God and of those who, being weak, are ill-treated and oppressed -- men, women, and children, whose cry is: “Our Lord! rescue us from this town, whose people are oppressors; and raise for us from Yourself one who will protect and raise for us from Yourself one who will help!” (4:75)

Again, this should be resorted to when all diplomatic means fail. Moreover, Muslims should be in a position to successfully combat the enemy, otherwise the whole venture would be no more than a suicide. Again whether or not a country is in a position to wage war is a decision that should be taken by the elected representatives of the state and of course as human beings the possibility of error is always there.

The guideline to give due consideration to one's military might is found in the life of the Prophet (sws) also. According to the Qur'an, it was necessary in those times that the believers should be in a certain number before they launch an attack. Initially, the believer to enemy ratio was 1:10 (The Qur'an, 8:66). However, later, after large scale conversions to Islam in later years of the Prophet (sws), this was reduced to 1:2 (The Qur'an, 8:66). It seems that in both these situations, the Almighty would be providing the remaining support Himself for this noble cause of curbing oppression. The above ratios were meant for the time of the Prophet (sws) and his Companions (rta). Today, of course, the overall extent of faith Muslims have cannot be compared to that found in the days of the Prophet (sws). Therefore, an Islamic State should realize that if it wants to wage jihad, its military might should never be less than half of the enemy's military might if it wants to even expect Divine help.

Consequently, Muslim countries of today should keep consolidating and developing their military might to check any aggression from its enemies. The Qur'an says:

مَا اسْتَنْطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ وَالرَّاهِبِينَ عِبَاؤِعَكُمْ وَأَخْرَيْنَ مِنْ دُونِهِمْ لَأَعْلَمُوهُمْ اللَّهُ يَعْلَمُهُمْ وَمَا يَأْتِي فِي سَبِيلِ اللَّهِ يُؤَفَّ إِلَيْكُمْ وَأَنْتُمْ لَا تُظْلَمُونَ (٨ : ٦٠)

And muster against them all the men and cavalry at your disposal so that you can strike terror into the enemies of Allah and of the believers and others beside them who may be unknown to you, though Allah knows them. And remember whatever you spend for the cause of Allah shall be repaid to you. You shall not be wronged. (8:60)

X. Non-Muslims

1. All Non-Muslims are Kafirs (Disbelievers)

It is generally thought that all non-Muslims are kafirs. This view is not correct. A person becomes a kafir when he denies the truth in spite of being convinced that it is the truth. Since it is humanly impossible for a person to determine whether some person is denying the truth or not, it is only on the basis of information provided by the Almighty that a person can be

called a kafir. In the times of when He sent His Messengers (rusul), He chose to impart this information to his Messengers through wahi; however, after the departure of the last rasul Muhammad (sws), people who have deliberately denied the truth cannot be pinpointed since the institution of wahi has been terminated. No Muslim preacher is in a position to reveal the truth in a manner a rasul is able to, nor can he ascertain who among his addressees is guilty of deliberately denying the truth. After the departure of Mushammad (sws), the last of the Messengers of God, only on the Day of Judgement will it now be known whether a particular person is a kafir or not.

It is evident from this explanation that the Christians and Jews and followers of other religions in times after the Prophet (sws) are not kafirs; the right name for them is non-Muslims. As far as Christians are concerned, it must be noted that they are basically followers of monotheism. They never admit to polytheism, though they are involved in it. A person becomes a polytheist when he openly admits that he is a polytheist, even though he may be practicing polytheism in some form; the reason is that a person might be doing something wrong without realizing what he is doing; Christians, whether of today or from the period of Jesus (sws), have never admitted to polytheism. Trinity to them is in accordance with monotheism. Of course, we, Muslims do not agree with them, but unless they realize it, we can only say that in spite of claiming to be monotheists they are involved in polytheism. Their case is the case of a Muslim who goes to the grave of a saint to ask him to grant a wish; we shall not call such a Muslim a polytheist; we shall tell him that what he is doing is something against monotheism to which he himself strongly claims adherence. Similarly, we shall not call Christians polytheists, but we will keep telling them that what they are doing is not in accordance with monotheism.

It is precisely for this reason that the Qur'an never referred to the People of the Book as polytheists though they subscribed to certain blatant forms of polytheism. The Qur'an only called the Ishmaelites as polytheists because they admittedly subscribed and testified to the creed of polytheism. They strongly advocated that polytheism was the very religion the Almighty had revealed and claimed that they were the strong adherents to this religion.

2. Friendship is prohibited with Non-Muslims

On the basis of the following verses of the Qur'an, some Muslim scholars⁷⁴ are of the view that Muslims should never make friends with non-Muslims; in fact, they should show hostility and venom towards them:

لَا يَتَّخِذُ الْكٰفِرِيْنَ اَوْلِيَاءَ مِنْ دُوْنِ الْمُؤْمِنِيْنَ

Believers should not make friends with the kuffar against the interest of the believers. (3:28)

(۴۴ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْكٰفِرِيْنَ اَوْلِيَاءَ مِنْ دُوْنِ الْمُؤْمِنِيْنَ اَتْرِيْدُوْنَ اَنْ تَجْعَلُوْا لِلّٰهِ عَلَيْكُمْ سُلْطٰنًا مُّبِيْنًا

O believers do not make friends with the kuffar against the interest of the believers. Do you wish to offer God an open argument against yourselves? (4:144)

(٥١: ٥) مِنْكُمْ فَإِنَّهُ مِنْهُمْ يُغْلَبُونَ أُولِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَمِنَ الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ

Believers take not these Jews and the Christians for your friends. They are but friends to each other. And he amongst you who turns to them [for friendship] is of them. (5:51)

If the third verse is understood in the light of the first two, it is evident from the first two verses that the actual word used for the Jews and Christians is kuffar. After the departure of the last Prophet Muhammad (sws) and his Companions (rta), kuffar the among the non-Muslims cannot be ascertained owing to reasons discussed earlier. Thus, these verses cannot be related in any sense to the non-Muslims of today.

3. Non-Muslims should be greeted in an Inferior Way

Some Muslim scholars hold that non-Muslims should not be greeted in the ceremonial way by saying al-salam-u 'alaykum (peace be to you)⁷⁵. It is argued that non-Muslims do not deserve this prayer. The following Hadith is presented in support of this view:

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا سَلَّمَ إِذَا سَلَّمَ أَهْلَ الْكِتَابِ فَقُولُوا وَعَلَيْكُمْ (: ٦٢٨٨

The Prophet (sws) said: “When the People of the Book greet you, reply them by saying wa ‘alaykum.”⁷⁶

If all the texts of this Hadith are collected and analyzed, what comes to light is the fact that some among the People of the Book of the Prophet’s times used to mischievously twist their tongue in a swift manner and instead of saying the proper words of the salutation would say al-salam-u 'alaykum (death be to you), which when quickly pronounced sounded very near to the original words of al-salam-u 'alaykum. It was to counter this devilish prank that the Muslims were directed to say: wa ‘alaykum (to you too). It must be borne in mind that the Muslims were asked to give this particular reply only after the basic truths had been revealed in their ultimate form by Muhammad (sws) to the People of the Book after many years of propagation, and in spite of that they were not willing to submit to them. Had this ultimate stage not come, one can safely conclude that Muslims would never have been asked to reply with equally harsh words and would have continued to say the words: al-salamu 'alaykum, the best of prayers and the best of wishes.

Today no Muslim preacher can ever be in a position to say that non-Muslims have deliberately denied the message of Muhammad (sws). Therefore, he must continue his efforts of

propagation all his life, and remain a well-wisher of all the non-Muslims of the world, and continue to greet them with al-salamu 'alaykum.

Consequently, the following Hadith (which contains a similar directive) also relates specifically to the People of the Book of the Prophet's times. It has no bearing with the People of the Book of later times:

(١٦٠٢) لَا تَبْدَأُوا الْيَهُودَ وَلَا النَّصَارَى بِالسَّلَامِ فَإِذَا لَقِيتُمْ أَحَدَهُمْ فِي طَرِيقٍ فَاضْطَرُّوهُ إِلَىٰ أُضْيَقِهِ

Don't initiate salutations to the Jews or the Christians, and force them to the narrowest of paths when one of them meets you on your way.[77](#)

Even in the time of the Prophet (sws), before the non-Muslims of his times had become kuffar by deliberately rejecting his message, they too were greeted as Muslims were. In this period, the Prophet (sws) himself said al-salamu 'alaykum to the non-Muslims of his times. Uthamah Ibn Zayd reports:

أَنَّ النَّبِيَّ ﷺ، كَلَّمَني اللهُ عَلَيْهِ وَسَلَّمَ مَرَّةً بِمَجْلِسٍ وَفِيهِ أَخْلَا طُورَ الْمُسْلِمِينَ وَالْيَهُودِ فَسَمِعْتُ عَلَيْهِمْ)

The Prophet (sws) once passed by a mixed gathering of Muslims and Jews and said al-salamu 'alaykum to them.[78](#)

4. Non-Muslims shall necessarily be Doomed in the Hereafter

It is generally held that all non-Muslims will necessarily go to Hell. Verses like the following usually form the basis of this view:

وَأَمَّا مَنْ أَهْلَ الْكِتَابِ وَالْمُشْرِكِينَ فِي نَارِ جَهَنَّمَ خَالِدِينَ فِيهَا أُولَئِكَ هُمْ شَرُّ الْبَرِيَّةِ (٩٨: ٦)

The disbelievers among the People of the Book [Jews and Christians] and the Idolaters shall burn for ever in the fire of Hell. They are the vilest of all creatures. (98:6)[79](#)

Once again, it must be appreciated that these verses speak of the Jews and Christians and the Idolaters of the Prophet Muhammad's (sws) times, who had deliberately denied the message of Muhammad (sws). As far as the non-Muslims of later times are concerned, they will meet this fate only if they also deny Messengerhood of Muhammad (sws) in spite of being

convinced about its veracity.

5. Muslims should Curse Non-Muslims in the Prayer

The common Muslim thinks that he must curse non-Muslims and have an ill-intent for them. In this regard, a supplication called the qunut-i nazilah in which the Almighty's help is invoked to destroy and crush non-Muslims is at times read in the prayer.

Again it needs to be pointed out that cursing non-Muslims or expressing ill-intention towards them is only related to the kuffar who no longer can be pin pointed. For this very reason, today, a Muslim preacher must continue his efforts of propagation all his life, and remain a well-wisher of all the non-Muslims of the world. So, as far as reading the qunut-i nazilah is concerned, it was only Muhammad (sws) and his Companions (rta) who had the prerogative to read it. Later Muslims do not have this right.

In this regard, there is also a common perception among Muslims is that the following verse of the Qur'an has stopped them from asking the Almighty for forgiveness of non-Muslims

الَّذِينَ آمَنُوا أَنْ يَسْتَغْفِرُوا لِلْمُشْرِكِينَ وَلَوْ كَانُوا أُولِي قُرْبَىٰ مِنْ بَعْضِ مَالِهِمْ إِنَّهُمْ أَصْحَابُ الْجَحِيمِ (٩: ١١٣)

It is not proper for the Prophet and those who believe to ask Allah's Forgiveness for the mushrikun, even though they be of kin, after it has become clear to them that they are the dwellers of the Fire. (9:113)

Again, it needs to be appreciated, as the verse itself clarifies that the Idolaters of Arabia of the Prophet's times were condemned to Hell because of their persistence in denying the truth in spite of being convinced about it. Today, since no one is in a position to ascertain this denial, this verse does not relate to non-Muslims of times after the Prophet (sws) and his Companions (rta).

- [1.](#) Translated and adapted from Ghamidi's *Mizan*
- [2.](#) Hamid al-Din, *Majmu'ah Tafasir*, 2nd ed. Lahore: Faran Foundation, 1986.
- [3.](#) Amin Ahsan Islahi, *Tadabbur-i Qur'an*, 2nd ed., 8 vols. Lahore: Faran Foundation, 1986.
- [4.](#) Ibid.
- [5.](#) "There is no possibility of more than one interpretation in the Qur'an." (Farahi, *Rasa'il fi 'Ulum al-Qur'an*, 2nd ed. (Azamgarh: Da'irah Hamidiyyah, 1991), 230)
- [6.](#) For further details see Ibn al-Jazari, *al-Nashr fi al-Qira'at al-'Ahsr*, vol. 1 (Egypt: Maktabah al-Tujjariyyah, n.d.), 33-35.
- [7.](#) For details see: Hind Shalbi, *al-Qira'at bi Afriqiyyah*, 1st ed. (Tunisia: al-Dar al-'Arabiyyah li al-Kitab, 1983), 223-35.
- [8.](#) See Mizzi, *Tahdhib al-Kamal*, 2nd ed., vol. 14 (Beirut: Mu'assasah al-Risalah, 1413 AH), 410.
- [9.](#) ie the final presentation
- [10.](#) Zarkashi, *Burhan*, 2nd ed., vol. 1 (Beirut: Dar al-Fikr, 1980), 237.
- [11.](#) ie widely attested
- [12.](#) Zarkashi, *Burhan*, 2nd ed., vol. 1 (Beirut: Dar al-Fikr, 1980), 319.
- [13.](#) See: Mizzi, *Tahdhib al-Kamal*, 2nd ed., vol. 7 (Beirut: Mu'assasah al-Risalah, 1413 AH), 13-15.
- [14.](#) Translated and adapted from Ghamidi's *Mizan*
- [15.](#) Malik Ibn Anas, *Mu'atta*, vol. 1 (Egypt: Dar Ahya al-Turath, n.d.), 201, (no. 473).
- [16.](#) Suyuti, Jalal al-Din, *al-Itqan fi 'Ulum al-Qur'an*, 2nd ed., vol. 1 (Baydar: Manshurat al-Radi, 1343 AH), 165-172.
- [17.](#) Suyuti, *Tanwir al-Hawalik*, 2nd ed. (Beirut: Dar al-Jayl, 1993), 199.
- [18.](#) See for example 15:29, 38:72
- [19.](#) See for example 21:91, 66:12
- [20.](#) See for example 2:29, 7:54, 20:53
- [21.](#) See for example 47:15
- [22.](#) See for example 37:62, 44:43, 56:52
- [23.](#) Translated and adapted from Ghamidi's *Mizan*.
- [24.](#) Reference is to pollination of palm trees.
- [25.](#) Translated and adapted from Ghamidi's *Mizan*.
- [26.](#) *Bukhari*, No: 2854. For an explanation of this narrative in the light of the Qur'an, see "Apostasy is punishable by Death" in this issue under "Punishments".
- [27.](#) Translated and adapted from Ghamidi's *Mizan*.
- [28.](#) For details see: Amin Ahsan Islahi, *Mabadi Tadabbur-i Hadith*, 1st ed., Lahore: Faran

Foundation, 1991.

[29.](#) Khatib al-Baghdadi, *al-Kifayah fi 'Ilm al-Riwayah* (Madinah: al-Maktabah al-'Ilmiyyah, n.d.), 432.

[30.](#) Translated and adapted from Ghamidi's *Mizan*.

[31.](#) Translated and summarized from Ghamidi's *Mizan*.

[32.](#) Amin Ahsan Islahi, *Tadabbur-i Qur'an*, 2nd ed., vol. 1 (Lahore: Faran Foundation, 1986), 638-639.

[33.](#) *Ibid.*, 639.

[34.](#) The Hadith is weak because it is *mursal* and reads thus:

There is no interest between a Muslim and his enemy with whom he is at war. (*Bayhaqi*)

[35.](#) *Bukhari*, No: 298.

[36.](#) Translated and adapted from Ghamidi's *Mizan*.

[37.](#) The Qur'an, 90:30.

[38.](#) *Muslim*, No: 1509.

[39.](#) *Muslim*, No: 1662.

[40.](#) *Muslim*, No: 1661.

[41.](#) *Muslim*, No: 1657.

[42.](#) *Muslim*, No: 1659.

[43.](#) *Abu Da'ud*, No: 5164.

[44.](#) The Qur'an, 4:92, 58:85, 5:89.

[45.](#) The Qur'an, 24:32-33.

[46.](#) The Qur'an, 9:60

[47.](#) *Muslim*, No: 2249

[48.](#) *Muslim*, No: 1339.

[49.](#) *Muslim*, No: 827.

[50.](#) *Bukhari*, No: 3135.

[51.](#) Adapted from Ghamidi's *Mizan*.

[52.](#) This testimony, as is evident from the Qur'an, is not a legal requirement. It is only a sound piece of advice for the welfare of the spouses.

[53.](#) The only exceptions to this rule are when the wife is guilty of committing adultery, in which case a husband can take back all the wealth and property gifted to her.

[54.](#) Translated and adapted from Ghamidi's *Mizan*

[55.](#) Translated and summarized from Ghamidi's *Burhan*.

[56.](#) Communicating the truth to the extent that the addressees have no excuse but stubbornness and enmity to deny it. (Translator)

[57.](#) Translated and adapted from Ghamidi's *Burhan*.

[58.](#) Ibn Qayyim, *I'lam al-Muwwaqi'in*, 1st ed., vol. 1 (Beirut: Dar al-Jayl, 1973), 91.

[59.](#) Translated and summarized from Ghamidi's *Burhan*.

[60.](#) Ibn Hajr, *Talkhis al-Hubayr*, vol. 4 (Lahore: al-Matba'ah al-'Arabiyyah, n.d.), 56.

[61.](#) Sayyid Sabiq, *Fiqh al-Sunnah*, 2nd ed., vol. 3 (Beirut: Dar al-Fikr, 1980), 30.

[62.](#) The complete text of the Hadith is:

عَنْ أَبِي هُرَيْرَةَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْجِهَادُ وَاجِبٌ عَلَى كُلِّ أَمِيرٍ بَرًّا كَانَ أَوْ فَاجِرًا

لَيْكُم خَلْفَ كُلِّ مُسْلِمٍ بَرًّا كَانَ أَوْ فَاجِرًا وَإِنْ عَمِلَ الْكَبَائِرَ وَالصَّلَاةَ هُوَ
(2533 :)

Makhul narrates from Abu Hurayrah who narrates from the Prophet: jihad is obligatory on you only in the presence of a Muslim ruler whether he is pious or impious, and the prayer is obligatory upon you behind every Muslim whether he is pious or impious even if he is guilty of the major sins and the prayer is obligatory on every Muslim whether he is pious or impious even if he is guilty of the major sins. (*Abu Da'ud*, No: 2533)

[63.](#) Zafar Ahmad 'Uthmani, *A'la al-Sunan*, 3rd ed., vol. 12 (Karachi: Idarat al-Qur'an wa 'Ulum al-Islamiyyah, 1415 AH), 15-16.

[64.](#) Ibn Qudamah, *al-Mughni*, vol. 8 (Riyad: Maktabah al-Riyad al-Hadithah, 1981), 352.

[65.](#) Abu al-Hasan 'Ali Mawardi, *al-Ahkam al-Sultaniyyah*, 1st ed. (Beirut: Dar al-Kitab al-'Arabi, 1990), 52.

[66.](#) Farahi, *Majmu'ah Tafasir-i-Farahi*, 1st ed. (Lahore: Faran Foundation, 1991), 56.

[67.](#) Amin Ahsan Islahi, *Da'wat-i Din awr us ka Tariqah Kar*, trans. Asif Iftikhar, 1st ed. (Lahore: Faran Foundation, 1989), 241-242.

[68.](#) For details see: *Bukhari*, No: 2734

[69.](#) Thomas Arnold, *The Preaching of Islam*, 4th ed. (Lahore: Ashraf Publications, 1979), 451.

[70.](#) Maulvi Chiragh Ali, *Jihad*, 1st ed. (Karachi: Karimsons, n.d.), 17.

[71.](#) For a complete list of verses that are used by the advocates of this stance, see Maulvi Chiragh Ali, *Jihad*, 1st ed. (Karachi: Karimsons, n.d.), 225-227.

[72.](#) For details see Ibn Hajar's *Takhrij al-Kashshaf* as annotation on Zamakhashri's *Kashshaf*, 1st ed., vol. 3 (Beirut: Dar al-Turath al-'Arabi, 1997), 174-5; Ibn Taymiyyah, *Fatawa*, 2nd ed., vol. 11 (Riyad: 1399 AH), 197; al-Bani, *Silsilah al-Ahadith al-Da'ifah wa al-Mawdu'ah*, 1st ed., vol. 5 (Riyad: Maktabah Al-Ma'arif, 1992), 478-480

[73.](#) For a detailed account of these conquests see: Baladhuri, *Futuh al-Buldan*, Qum, Manshurat al-Arummiyyah, 1404 AH.

[74.](#) Jassas, *Ahkam al-Qur'an* 1st ed., vol. 2 (n.p.: *Dar al-Kitab al-'Arabi*, n.d.), 228; Ibn Kathir, *Tafsir al-Qur'an al-'Azim*, 1st ed, vol. 2 (Lahore: Amjad Academy, 1982), 68.

[75.](#) 'Abd al-Rahman Muhaddith Mubarakpuri, *Tuhfat al-Ahwadhi*, 1st ed., vol. 2 (Faisalabad: Diya al-Sunnah, n.d.), 397.

[76.](#) *Bukhari*, No: 6288.

[77.](#) *Muslim*, No: 1602.

[78.](#) *Tirmadhi*, No: 2702.

[79.](#) For verses of similar meaning, see 3:10, 63, 131; 4:56, 115; 7:41; 8:50; 9:63, etc.

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