

# The Sunnah:

## A Source of Civilization

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Translated by El-Falah

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## Preface

To tackle the issue of civilization, most of people - cultured and uncultured, Muslims and non-Muslims, imagine religion as something that has no relation to civilization in toto. Those people are one of two, either they do not know the truth although its light surpassed that of the sun, or they aim at concealing the truth out of envy and prejudice.

For Muslims, there is no excuse in admitting the above-mentioned attitude for they have the Glorious Qur'an and the purified Sunnah which laid down the principles of establishing a civilized moderate Nation, i.e., the Muslim Nation. The book in hand is an effort towards promoting a sound understanding of Islam through its basic sources, namely the Glorious Qur'an and the purified Sunnah.

The Sunnah, A Source of Civilization sheds light on the milestones of the Muslim Civilization and how the Sunnah cared about establishing the civilized Muslim Nation in a wonderful manner.

It should be noted that this book is a translated part of the priceless Arabic book "Al-Sunnah, Masdaran Lil -ma'rifati Wal-Hadarah" or "The Sunnah, A Source of Knowledge and Civilization" by the great scholar Dr. Yusuf Al-Qaradawi, which is all translated and edited by El-falah. By doing so, El-falah hoping that this book may open the door before researchers and students to delve into the depths of the Prophetic Sunnah to get out the precious treasures thereof.

El-Falah, keeping in mind the profound knowledge of Dr. Al-Qaradawi, asks its beloved readers to read this book with fresh and attentive mind to catch the hoped benefits thereof. El-Falah, on its part, appreciates the efforts made by Mrs. Raw'ah Nazar in translating this precious book. It also offers many thanks to its sincere team of editors and proofreaders: `Ali Muhammad El-Sawi, Wa'il `Abdul- Mut'al Najm, headed by `Ali El-Sayed El-Halawany. All praise is due to Allah, and blessing and peace be upon His Prophet and those who follow in his footsteps till the Day of Judgment.

## The Sunnah: A Source of Civilization

The Prophet's Sunnah is not only the second source, right after the Qur'an, of which Islamic Legislation (Shari'ah) flows, but also the second source, again right after the Glorious Qur'an, of which both knowledge and civilization flow.

Primarily, the Qur'an establishes the bases and principles of legislation, whereas, the Sunnah provides theoretical interpretation as well as example and practical application.

The Prophet's guidance as exemplified in the Sunnah guides Muslims to three basic inseparable aspects of civilization, namely:

1. Civilized Fiqh
2. Civilized Conduct.
3. Civilized Structure.

The Concept of Civilization:

Before attempting to discuss these three aspects of civilization, we should first define the meaning of civilization :To begin with, does the Islamic concept of civilization offer a distinctive and unique interpretation that differs from the ones offered by other civilizations that preceded or followed it? Or do all civilizations stem from the same source regardless of country, time, sex, religion and philosophy in life?

There is a general definition of civilization that is innate in the very word, namely, the overall manifestations of financial, scientific, artistic, literary, and social development in a society or in similar societies.

The word "Civilization" in Arabic is the opposite of the word "Bedouinism" or, respectively, savageness and barbarism. Thus, urban life stands against Bedouin life and vice versa. People who wo live in cities, towns and villages are urban dwellers, whereas, people who lead Bedouin life are those who live in the deserts sheltered by tents. The Bedouins are notorious for their stiffness, harshness, hardness of heart and prevalence of ignorance and illiteracy among them.

Consequently, Allah did not send down a prophet from among them. Instead, all the prophets He had sent were urban dwellers: of villages and towns. Allah said to His Prophet:

"And We have not sent before you, any but from among the people of the towns We revealed to them." (12:109)

Ibn Zaid and others said that the reason behind this preference for towns people, is that they are more knowledgeable and patient in comparison with the Bedouin people.

Interpreters supported this opinion and regarded it as a fact that has no controversy. Therefore, the Bedouin are referred to as the hard-hearted people. Also, the hadith said: "He who belongs to the Bedouins is most likely harsh and hard of heart."

Narrators said that it is disliked to imitate the Bedouin in his harshness and hardness of heart except in times of trial and affliction.

Qatadah said: "Hitherto, we have never heard that Allah had sent down a prophet from among Bedouin." Moreover, it was reported that Al-Hasan said: "Allah has never sent down a prophet from among the Bedouin, women, or Jinns [Note: Al-Alusi, Ruh Al-ma'ani, vol.13, p. 68] As for Allah's Words said by Yusuf, to his father and brothers: "He brought you from the desert" (12:100)

The scholar Al-Shihab Al-Khafaji comments, in his Hashiyya, [Note: Al-Shihab, Hashiyya. vol. 5, p.211] on Al-Baidawi's explanation saying:

"Yusuf's family were not Bedouin, yet they used to graze their sheep in the desert and that was whereof they came at that time." Assuredly, Islam dawned to bring people out of the depths of darkness, with all its kinds and levels, to light, with all its kinds and levels. This includes bringing people out of the darkness of Bedouinism and savageness into the light of civilization and urbanism. The Qur'an states:

"The Bedouin Arabs are the worst in unbelief and hypocrisy, and most fitted to be in ignorance of the command which Allah hath sent down to His Messenger: but Allah is All-Knowing, All-Wise." (9:97)

It is quite right that the Qur'an had excluded a group of them by saying:

"But some of the Bedouin Arabs believe in Allah and the Last Day, and look on their payments as pious gifts bringing them nearer to Allah and obtaining the prayers of the Messenger." (9:99)

But what is proved in the verse represents the general characteristic disposition. This factual generalization was cemented by the Prophet's (Peace be upon him) words: "He Who belongs to the Bedouin is most likely harsh and hard of heart" [Note: Reported by Abu Y'ala on the authority of Al-Bara'. Also by Ahmad on the authority of Abu Hurairah].

As we know Islam is represented by both the Glorious Qur'an and the Prophet's Sunnah and we can see in them a persistent determination to transfer those people from the savageness of the Bedouin into a systematized urban civilization. Islam aimed at elevating them financially, scientifically, artistically, and socially as well as spiritually and morally. This aim required Islam to educate and purify them according to a wise and gradual instructive discipline that was to be carried out by the Prophet (Peace be upon him) himself.

Among the targets of the Immigration (Hijrah) to Medina, which was prescribed upon the Arab tribes before the conquest of Mecca, was giving a chance for the Bedouin to learn and absorb the new Islamic culture which considers the congregational and their Prayers as essential rites. Moreover, it encourages them to attend instructive meetings, to embrace Islamic

discipline which covered all aspects of life: eating, drinking, wearing clothes, walking, sitting down and all other major as well as minor aspects of life.

If we make a comparison, we will see, on the one hand, the Bedouin man who was not in the least embarrassed to pass urine in one corner of the mosque regardless of the fact that the Prophet and his Companions were sitting in it. Yet when people shouted at him, the Prophet (Peace be upon him) stopped them and excused his ignorance and Bedouinism ordering his Companions: "Wait until he finishes his urinating then spill a bucket of water over the place, for you have been sent to make things easy and not to make them difficult." [Note: Reported by Al-Bukhari in the book of Ablution, Abu Dawud (No. 380), Al-Tirmidhi (No.147), Al-Nasa'i (vol.1, pp.48,99). All on the authority of Abu Hurairah]

On the other hand, we would see his fellow Muslim who was instructed, refined and purified by Islam as he approached Rustum, the leader of the Persian armies, and answered his inquiry about the identity of Muslims saying: "We were sent by Allah to bring out whom He wills from the worship of His slaves to His Worship alone, from the straitened world to the vast one, and from the injustice of religions to the justice of Islam "

No wonder that the Prophet (Peace be upon him) has cursed any man who turns back to adopting the ways and disposition of Bedouin after his immigration. In the hadith, narrated by Ibn Mas'ud, the Prophet said:

"All the following people are cursed by Muhammad (Peace be upon him) until the Day of Judgment, the man who lends money at interest (Riba), the man who accepts to pay it back at interest, the man who writes down this usurious agreement, the two witnesses of it at those times, the tattooer and the tattooed for the of beauty, the procrastinator of Zakah, whoever turns back to the Bedouin life after his immigration." [Note: Reported by Ibn Khuzaimah in his Sahih (No.2250), Al-Hakim (vol. 1, pp.387, 388), Al-Baihaqi (vol.9, p.19), and `Abd Al-Raziq in his Musanaf with difference in words (No.15350). It is also reported by Ahmad (No.3881), Al-Nasa'i (vol.8, p.147), and Ibn Hibban (No .3252) on the authority of Al-Harith Al-A'war]

The procrastinator of Zakah is the one who does not pay Zakah in its designated time. The apostate to Bedouin life, as Ibn Al-'Athir said, is the one who returns to desert and live with the Bedouins after his immigration. The man who returned to Bedouin life after immigration without excuse was considered an apostate.

Moreover, Al-Nasa'i reported that:

"Salamah Ibn Al-Akwa' (May Allah be pleased with him) approached Al-Hajaj who shouted at him, "You have turned on your heels! and mentioned words that signify, "And you went back to live in the desert." Salamah denied saying: "No, but Allah's Prophet (Peace be upon him) allowed me to stay with the Bedouin in the desert." [Note: Reported by Al-Nasa'i, vol. 8, pp. 151, 152]

Abu Hurairah reported in a hadith that:

"The great sins are disbelief in Allah, killing a fellow man without a just cause, devouring usury, eating up the property of orphans unjustly, turning one's back to the disbelievers in a battlefield at the time of fighting, accusing chaste women, and to go back to the Bedouin after one's immigration." [Note: Al-Haitharni said: It is reported by Al-Bazar, vol.1, p.103]

Sahl Ibn Abi Hathamah narrated after his father that he heard the Prophet (Peace be upon ) saying:

"Avoid the great seven sins. When the Prophet saw that the people kept silent, he went on: "Won't you ask me about them? They are: to associate partners in worship with Allah and to turn band live in the desert with Bedouin after the immigration etc." [Note: Al-Haithami said: It is reported by Al-Tabarani in Al-Kabir, vol.1, p.103]

Undoubtedly, Islam was a message of civilization. Its target was to elevate the life of man and set him free from the bonds of Bedouinism to the freedom of civilization. The reader will perceive this fact when we tackle the issue of Civilized Structure that Islam has brought along.

It is necessary to emphasize that the civilization that Islam wants to build is unlike any other civilizations which focus on the materialistic aspects of life as well as the bodily and sensuous side of man. Moreover, these civilizations concentrated on the readily and immediate pleasures of life, making worldly affairs their primary concern and the destination of their knowledge, and left no room for Allah or the Hereafter in their philosophy or in their cultural and educational system.

Contrary to them, the Civilization of Islam has united man to Allah and earth to heaven. It has dedicated life to preparation for Hereafter. It has mingled spirit with matter, has struck a balance between the mind and the heart, has wedded science to faith and has cherished ethical sublimity as much as materialistic development.

It is justifiable to describe it as a spiritual, materialistic civilization. It is both idealistic and real, holy and human, ethical and populational, and individualistic as well as general. Truly, it is the civilization of balance and moderation which was the basis on which a just and distinguished Nation. Almighty Allah described it saying: "And so We have appointed you as a just and distinguished Nation." (2:143)

## The Sunnah and Civilized Fiqh

"It is He Who has sent amongst the Unlettered a Messenger from among themselves, to rehearse to them His Signs, to purify them, and to instruct them in the Book and the wisdom - although they had been, before, in manifest error." (62:2)

This process of teaching the Qur'an and the Sunnah created what we might call a civilized consciousness, or in other words, the Islamic term Civilized Fiqh. [Note: Among those who spread this term is our beloved poet `Umar Baha' Al-Deen Al-Amiri (May Allah bestow mercy upon him) That is clear in his discourses and books. However, he has not explained its characteristics and that is my own task here]

By this Fiqh I mean the science that focuses on elevating man from the abyss of superficial and primitive perception to the apex of profound understanding of the universe in general, and life in particular. It revives his stagnant, imitative, enslaved, whimsical, superstitious, biased, pretentious, and presumptuous mind and turns it into an active, free, independent, realistic, empirical, tolerant, and modest one. As a result, it realizes the limits of what he knows and he does not feel ashamed to say: I do not know or does he feel embarrassed to admit his errors.

Imam Malik commented on this issue saying: Fiqh does not mean that acquiring much knowledge, rather it is a gift bestowed by Allah on whom He wills. He further explained: Knowledge is not acquired through learning by heart, for it is a light that Allah implanted into the hearts. [Note: See jami' Bayan Al-'ilm Wal Fadlih by Ibn `Abd Al-Barr, pp.20, 25] Therefore, perception and illumination is much more important than learning by heart.

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## Fiqh of Ayat and Sunnan

The first of these aspects is the Fiqh of Ayat and Sunnan, namely, the knowledge of the Ayat (Signs) of Allah in the horizons and in souls, and His Sunnah (Allah's Ordinance or Signs) in the universe and the society.

It is certain that these signs which are scattered all over the universe are neither perceived nor conceived except by people of knowledge, science and understanding as Al mighty Allah said:



"Behold! In the creation of the heavens and the earth, and the alternation of Night and Day, there are indeed Signs for men of understanding." (3:190)

"It is He Who maketh the stars (as beacons) for you, that ye may guide yourselves, with their help, through the dark spaces of land and sea, We detail Our Signs for people who know. It is He Who hath produced you from a single soul: then there is a resting place and a repository: We detail Our Signs for people who understand." (6:97-98)

The Fiqh of these Signs is always in a state of renewal, for Allah, every now and then, unravels a mystery of the universe, thus He said:

"And say, "Praise be to Allah, He will soon show you His Signs so that ye shall know them." (27:93)

He also said:

"Soon will We show them Our Signs in the (furthest) regions (of the earth), and in their own souls, until it becomes manifest to them that this is the truth." (41:53)

#### *A. The Fixity and Generality of the Sunnan of Allah*

It is of essential importance to know that this world is not run randomly or haphazardly. On the contrary, every thing that happens in the universe is a determined fate. Every single movement is governed by a certain law which the Qur'an refers to as "Sunnah" ordinance whether universal or social. These ordinances are fixed and unchangeable. They applied in the older times and still apply today and will continue to apply until the end of the time. Furthermore, they deal with the believers as well as the disbelievers. Allah says in the Qur'an: "But no change wilt thou find in Allah's Way (of dealing): no turning off wilt thou find in Allah's Way (of dealing)" (35:43) When the Prophet's (Peace be upon him) son (Ibrahim) died, he was broken-hearted and his eyes were full of tears yet he never uttered a word that expressed the least dissatisfaction with Allah's Will. Allah destined, on that day, that the sun would eclipse. Yet, people said that this solar eclipse was due to Ibrahim's death as they believed that it only eclipsed when a celebrity died. Now if the Prophet was a false or the kind of person who would take a passive attitude, he would have kept silent concerning this claim which would have added a tinge of greatness and sanctity to him and his family, yet he instantly ascended the pulpit and addressed the people saying:

"O people! The sun and the moon are nothing more than two of Allah's Signs in the universe. Consequently, they will eclipse neither for someone's birth nor death." [Note: Agreed upon on the authority of Al-Mughirah Ibn Su'bah and others. See Al-Lu`lu' Wa Al-Marjan (No.527,530)]

#### *B. Spread of Degeneration Destroys Nations*

Source: [www.prophetmuhammadforall.org](http://www.prophetmuhammadforall.org)

Among Allah's Ordinances is that the prevalence of degeneration and the spread of evil, sinful and corrupt deeds, as well as disorder in the nation, the time for its deterioration and destruction draws near by the minute as Almighty Allah says:

"Mischief has appeared on land and sea because of (the meed) that the hands of men have earned, that Allah may give them a taste of some of their deeds: in order that they may turn back (from evil)." (30:41)

It is Allah's Mercy that He does not punish people for all that they have earned, for if He were to punish them, He would not leave a moving creature on the surface of the earth, but He chooses to "let them taste some of that they have done." His Purpose is neither to revenge nor to rejoice at their misfortune but to teach them a lesson and remind them to adopt the right course so that "they may return". But if they did not see through His Mercy and choose not to return to the right course leaving themselves to be swayed by evil and ignorant people, then it would be only natural that they would inevitably be ruined.

Therefore, when the Prophet (Peace be upon him) was asked:

"When will the Hour be established? He answered, 'when the trust is lost then expect the Hour.' Then the man asked, "How will it be lost?" The Prophet answered: "The Hour is to be established when evil, and undeserving people rule over the Muslim Nation." [Note: Reported by Al-Bukhari in the book of Faith, on the authority of Abu Hurairah]

Thus, the time of the Hour of the whole universe is the same for every nation for its Hour is established when it falls into imbalance and disorder and when its ignorant and wicked people hold the spotlight whereas its scholars and good people are put into the shade.

There are many hadiths clarifying the effects of sin and corruption on the moral, social, economical, and political life in general.

It suffices to mention the hadith reported by Ibn `Umar saying, "The Prophet (Peace be upon him) approached us and said:

"O, Muhajirin! (immigrants to Medina) there are five calamities, that if you are tried with them, and I seek Allah's Refuge lest they should befall you. These calamities are: When obscenity and sin spread among people, Allah will punish them through plague and unknown of diseases that never appeared in the time of their forefathers who passed away. When they refuse to pay Zakah, they will be denied water from the sky and they will have rain only for the sake of their animals. When they break the Covenant of Allah and His Prophet, Allah will give power to their enemies over them and let them take some of their property and fortune. When their rulers do not adhere to Allah's Book and attempt to preach and choose of His Laws, Allah will make their rivalries great among themselves. [Note: Reported by Ibn Majah in Al-Fitan (No.4019)]

There is ellipsis in the hadith . This ellipsis would have meant that "if you are tried with them", no good is to be expected from you, or you will suffer the following predicament or punishment.

This warning has come true, particularly when obscenity has been spread and has also been happening in the West throughout history, even propagated as in the case of the West in our time. For Allah let loose upon them unknown diseases and illnesses. Among these diseases is Aids, which has become the death threat to tens of Millions of people, up to this moment they have found no cure for it.

### *C. Punishment Befalls All*

Among Almighty Allah's Ordinances is that, if evil spreads and no one attempts to stop it, Allah will send down His revenge on both, evil doers for their transgression as well as the passive people who did not try to stop evil due to their apathy and negligence of Almighty Allah's Right. This point has been stressed in the Qur'an when Allah says:

"And fear trial which afflicteth not in particular (only) those of you who do wrong." (8:25)

In the hadith reported by Abu Bakr (May Allah be pleased with him) he said that, the Prophet (Peace be upon him) said: "If people saw evil and did not try to stop it, they would be soon overtaken by Allah's punishment." [Note: Reported by Ahmad and Ashab Al-Sunnah and Al-Tahawi on the authority of Abu Bakr. Sahih Al- Jami' Al-Saghir (No.1974)]

In Another version the Prophet (Peace be upon him) said:"If people saw an unjust man and did not try to stop his injustice, they would be soon gripped by Allan's punishment." [Note: Reported by Abu Dawud, Al-Tirmidhi, and Ibn hibban, the previous reference (No.1973)]

In a hadith narrated by `Abdullah Ibn `Amr, the Prophet (Peace be upon him) said: "When you see my nation afraid of calling the unjust "unjust" in his face then be certain that they are living dead." [Note: Reported by Ahmad and Al-Bazar]

Living dead could also mean that they are lost, thwarted and deprived of Allah's Support.

### *D. Success Is for the Truth and Those who Uphold It*

Among these ordinances is that, the truth and those who uphold it ultimately and inevitably successful, regardless of how long the people's trial has lasted. On the other hand, falsehood is bound to vanish notwithstanding its temporary power and hegemony, for Almighty Allah says:

"And say, Truth has (now) arrived, and falsehood perished: For falsehood is (by its nature) bound to perish." (17:81)

Believers are severely tested and sometimes shaken so that they will gain strength and purity and Allah will distinguish the bad from the good. They will succeed if they strive in the Way of Allah and practice patience and perseverance. Almighty Allah stresses this meaning in the story of Moses after Pharaoh threatened him and his followers as He says:

He said their male children will we slay; (only) their females will we save alive; and we have over them (power) irresistible. Said Moses to his people: "Pray for help from Allah, and wait in patience and constancy. For the earth is Allah's, to give as a heritage to such of His servants as He pleaseth; and the end is (best) for the righteous." (7:127,128)

Hence, the Prophet's (Peace be upon him) glad tidings to his Companions were "Victory is inevitable, for Allah will make this religion prevail over all religions even though the unbelievers may detest it".

One day, Khabab Ibn Al-Arat, one of the oppressed people in Mecca who was severely abused and tortured, rushed to Allah's Prophet (Peace be upon him) asking his help. He found him lying on a garment in the shade of the Ka'bah. He asked him "O, Prophet of Allah (Peace be upon him) please ask Allah's Victory for us and call upon Him on our behalf. The Prophet (Peace be upon him) said:"Not long ago, a believer used to be dragged to the desert where he was buried up to his neck in the sand. Then the disbelievers used to saw his head into two halves and combed his body with iron combs until they split his flesh and bones. Yet, all this horrible torture did not force him to turn renegade. By Allah, He will ultimately bestow His Victory on us so much so that the traveler from San'aa on his way to Hadramaut will fear no one except Allah and the wolf lest he should devour his sheep, but you are impatient. " [Note: Reported by Al-Bukhari]

#### *E. The Nation (in Totality) Will Never Be in Manifest Error to the Core*

Among these ordinances is that the Muslim Nation will never be completely immersed into error for there will always be people who will stand up to any violation of Allah's Decrees, guided by the Qur'an and the Sunnah. They will call upon people to cling to the right, enjoin on them what is good, and forbid them from what is evil as Almighty Allah says:

"And of those We have created are people who direct (others) with truth; and dispense justice therewith." (7:181)

A great number of hadiths talked about the victorious group of Muslims that will embrace the truth until the Hour is established as follows:

"There will always be a group of my Nation who will cling steadfastly to the truth, until the Hour is established." [Note: Reported by Al-Tayalisi, Al-Darimi, and Al-Hakim on the authority of `Umar]

"There will still remain a group of my Nation who will establish Allah's Ordinance. They will never be harmed by their opponents until Allah's Ordinance prevails while they are victorious over people." [Note: Agreed upon on the authority of Mu'awiyah]

"There will always remain a group of my Nation who will defend the truth to their last breath and they will win victory until The Day of Judgment". [Note: Reported by Ahmad and Muslim on the authority of Jabir]

"There will still remain a group of my Nation who will strive and endure hardships for the sake of truth and they will be victorious over their enemies till the last of this group will be killed by Al-Massiah Al Dajjal (Anti-Christ)."  
[Note: Reported by Ahmad, Abu Dawud, and Al-Hakim on the authority of `Imran Ibn Hussain]

The hadiths reported by Al-Mughirah, Thawban, Abu Hurairah, Korah Ibn Iyas, `Uqbah Ibn `Amr, and Abi Omamah concerning this issue are all authentic. [Note: See: Sahih Al-Jami' Al-Saghir (hadiths No.7287-8296)] One of these hadiths is:

"Allah will always send people who will consecrate their lives for Islam and for His Obedience until the Day of Judgment". [Note: Reported by Ahmad and Ibn Majah on the authority of Abu `Utbbah Al-Khawlani, the previous reference (No.7692)]

## Fiqh of Knowledge

The Fiqh of Knowledge is one of the aspects of the Civilized Fiqh. It means the Fiqh that is based on the knowledge of noble values, and deep-rooted principles which Islam brought so as to stress the importance of Knowledge, or in other words, of Learning, for it is the popular Islamic term. In this concern Learning was often mentioned in the Glorious Qur'an and the Sunnah. Its importance was emphasized as the learned people were highly praised. Moreover, these texts urged people to learn as much as they could regardless of how long it took. The verses of the Glorious Qur'an and the Prophet's (Peace be upon him) Hadiths raised learning, education, instructors and discipline to a high Status.

Hence, a whole chapter is dedicated to Learning in all books of Hadith which are classified according to chapters and subjects. Moreover, the second chapter of Sahih Al Bukhari is devoted to Learning whereas the first one is devoted to Faith (Iman). Al-Bukhari gave precedence to Learning over the chapters on purification, Prayer, Zakah and the rest of the pillars of Islam. All in all, Learning comes first in importance before work. Both Imam Ibn Majah and Al-Darimi supported this view in their Sunan. Some Imams compiled a separated volume for Learning like Imam Al-Hafiz Al-Faqih Abu `Umar Ibn `Abd Al-Barr in his book "Jami' Bayan Al-'ilm wa Fadilah", "A Compilation of evidences on the Importance and Virtue of Knowledge".

I have already mentioned the Fiqh of Knowledge in the light of Prophetic Sunnah in my book "The Prophet and Knowledge" [Note: Published many times by Al-Risalah Institution (Beirut) and Dar Al Sahwah (Cairo)] which I had compiled so as to participate in the Third International Conference on the Prophetic Biography and Sunnah which held in Qatar at the ceremonial celebration of the advent of the 15th century of Immigration (Hijrah).

It will be useful to summarize this Fiqh in light of what has just been mentioned and new glimpses of Prophetic Sunnah.

## A. Seeking Useful Knowledge:

The First prerequisite of the Fiqh of Knowledge is the urge to pursue every useful branch of Knowledge whether related to religion or worldly life in general. It was narrated in the hadith that the Prophet (Peace be upon him) said: "The pursuit of knowledge is an enjoined obligation upon every Muslim." [Note: Reported by Ibn Majah, Ibn` Abd Al-Barr, and others on the authority of Anas] By Muslim he means every Muslim human being whether male or female. Hence, the famous version of this hadith runs as follows: "Upon every Muslim male and female." The word "female" was not mentioned in the authentic hadith, but its meaning is included in this hadith by consensus.

Scholars differed among themselves on the nature of the knowledge that man is ordered to pursue, particularly, as the branches of knowledge are innumerable, its fields are diverse and its scope is vast, indeed, it is limitless.

### *Individual and Communal Duties in Seeking Knowledge:*

Of seeking Knowledge, there are Individual and Communal Duties. Individual Duty means that a Muslim is obliged to perform it whether it is related to his religion or daily life. Consequently, since it is of the utmost importance nowadays that a man should have a minimum share of Knowledge, namely, to master reading and writing of his native language, or what is called "the elimination of illiteracy" ,then it is considered a religious Individual Duty. Ignoring this Duty is a sin on which he will be punished in the Hereafter and in this present life he is to undergo some penalty minor to the Legal Punishment (Hadd).

Moreover, the nation in which illiteracy prevails, nowadays, can not possibly compete with other nations in the race towards learning and urbanization. It will be doomed to backwardness, ruin and defeat by its own sons who will not be able to cope with the strong educated sons of other nations. Hence the necessity of eliminating illiteracy arises as an Individual Duty upon every Muslim male and female.

The first to attempt the elimination of illiteracy in his society, was the Prophet (peace be upon him) in the end year of Hijrah (Immigration) to Medina, notwithstanding scarce potentialities, he took the advantage of the presence of the educated Quraishi prisoners of Badr Battle and offered every one of them the chance to ransom himself by teaching ten Muslims how to write. It was as if he entrusted each one of them with the education of a ten-student class. They were expected to learn how to read, write and calculate. The Prophet (Peace be upon him) explained illiteracy in the hadith as the ignorance of how to write and calculate saying: "We are an illiterate nation in which people do not know how to write nor calculate."

The basic mundane necessities for a Muslim differ according to place and time. For instance, nowadays it is considered a necessity that a pupil, in the primary governmental schools, should learn the fundamentals of computer which has become a basic priority in life.

First and foremost, the Muslim should know the basics of his religion; in other words, he should, as it were, know the principles of his creed so as to set right the fundamentals of his worship, stand firm and straight in his conduct, and keep the limits ordained by Allah both in

what He ordered or forbade, in his Halal (lawful) and Haram (unlawful) and in his public or personal life.

For instance, if he is a merchant, he must know sufficiently the basic laws of trade in terms of profit, Zakah, sale on credit, exchange, and all laws that pertain to this issue. `Umar (May Allah be pleased with him) said concerning this matter: "No one should step into our market except he who knows the Fiqh of Transaction" or what we, today, might call "Fiqh of Trade."

By the same token, if he is a doctor, he is obliged to know what is Halal (lawful) and Haram (unlawful) for a Muslim doctor. This is known as "Medical Fiqh."

All in all, each and every Muslim must, as much as he can, have sufficient knowledge about faith, worship, the lawful and the unlawful.

As for the Communal Duty concerning knowledge, it represents the needs of the society in particular and the Nation in general of sciences and the different fields of knowledge necessary for its survival and development in religion and in life. Consequently it should have a sufficient number of highly-qualified experts and specialists in all areas of knowledge.

This means that the scholars of the Nation should attempt juristic reasoning (ijtihad) in religion and achieve creativity in secular sciences.

#### B. Rejection of Blind Imitation:

Another prerequisite of Fiqh of Knowledge is the rejection of blind imitation of others to the extent that a man thinks in the same way that his father, forefathers, leaders and influential people used to think.

The Qur'an reproached the blind imitators of their fathers and leaders saying:

"We found our fathers following a certain religion, and we will certainly follow in their footsteps" (43:23)

"And when it said to them: Follow what Allah has revealed. They say: Nay! we shall follow the ways of our fathers. What! even though their fathers were void of wisdom and guidance." (2:170)

Those blind imitators will say on the Day of Judgment. "Our Lord! We obeyed our chiefs and our great ones, and they misled us as to the (right) path. Our Lord! Give them double chastisement and curse them with a very great curse!" (33:67,68) The Sunnah also emphasized this meaning. For instance, in the hadith narrated by Al-Tirmizi, the Prophet (Peace be upon him) said: "Do not adopt the attitude of those who follow blindly in the footsteps of others who say, "we will do good only if people do, and do injustice only if they do! But discipline yourselves, if people do good, do the same, but if they do injustice, shun it." [Note: Reported by Al-Tirmidhi in the books of Birr and Silah on the authority of Huzaifah (No.2008)]

The yes-man is the one who follows blindly in the foot steps of every Tom, Dick, and Harry and has no personal opinion or independent character. He is satisfied with blindly imitating others even though he is not convinced with their views and even though his conscience is not at ease. Shawqi, the laureate poet, was the mouthpiece of one of those puppets saying: At heart, I love Al-Hussein, Notwithstanding, I speak against him, while my heart is for him,

If affliction swept the country, And there was no way out but to follow blindly in the footsteps of others, then you might as well do so.

### C. The Pursuit of a Matter Which One Has Knowledge of:

Another prerequisite of the Fiqh of Knowledge is that one should pursue a matter which he has knowledge of. He should not pretend to know what he is ignorant of, for the Almighty Allah ordered in the Qur'an:

"And pursue not that of which thou hast no knowledge; for surely the hearing, the sight, the heart, all of those shall be questioned of." (17:36)

He should not be embarrassed to answer: "I do not know". For even the favored angels, when they were asked by Allah about the Names, of which they have no knowledge, they said:

"Glory to Thee: of knowledge we have none, save what Thou Hast taught us." (2:32)

When the Prophet (Peace be upon him) was asked about the time the Hour is to be established in the famous hadith of Gabriel, he answered:

"The questioned has no better knowledge than the questioner" [Note: Reported by Muslim]

The Almighty Allah addressed him saying: "Men ask thee concerning the Hour: say, "The knowledge thereof is with Allah (alone)." (33:63)

When the Prophet was asked about the `spirit', his knowledge of it was to refer to Allah's Knowledge. Concerning this matter Allah says:

"They ask thee concerning the spirit say: "The spirit is of the Command of my Lord, and of knowledge it is only a little that is communicated to you, (O men!)" (17:85)

Quite often, the Prophet (Peace be upon him) would not answer a question until he asked Gabriel the Trustee of Revelation (Peace be upon both of them). Other times, he would simply say that he did not know. For instance, the Prophet (Peace be upon him) said:

"I do not know who was Tubba' and whether he was damned or not? I also do not know who Dhul-Qarnain was and whether he was a prophet or not? Finally, I do not know if executing legal punishments (Huduu) would be considered an



expiation of its people or not." [Note: Reported by Al-Hakim, Ibn `Abd Al-Barr, and Ibn `Aasakir. Sahih Al-Ja'zi' Al-Saghir (No.5524)]

#### D. Reference to Specialists and Experts in Every Branch of Knowledge:

Another prerequisite of the Fiqh of Knowledge is referring to the people and experts in every field of knowledge, whether science, art, or in any work one does.

This is Allah's Order in the Qur'an when says:

"If ye realize this not, ask of those who possess the message" (16:43)

"If they had only referred it to the Messenger and to those charged with authority among them, the proper investigators would have known it from them (direct)." (4:83)

"And none (O man!) can inform you like Him Who is All-Aware." (35:14)

In the hadith reported by Jabir on the authority of Abi Dawud and Al-Darqutni that:

"A Companion was injured in his head when he was hit by a stone, then he discharged a wit dream, therefore, he asked his Companions: "Do you believe that, in my case, I have Allah's Permission to perform Dry Ablution (Tayammum)?" They readily answered: "We do not think that Allah's Permission to (Tayamrnum) applies in your case as you are capable of using water . Soon after he performed the Body-Washing (Ghusl) he died. When they came back to where the Prophet (Peace be upon him) was, he was informed of what had happened. The Prophet (Peace be upon him) instantly exclaimed: "They have killed him. May Allah punish them for it! Should they have asked if they do not know. For the remedy for the ignorant is to ask about what he does not know. It would have sufficed to him to perform Dry Ablution (Tayammum) or to put a bandage on his wound and then wipe over it and wash the rest for his body." [Note: Reported by Abu Dawud in the book of Purification (No.336)]

Imam Al-Knatabi said that the wisdom of this hadith is that the Prophet reproached them for issuing Fatwa (legal opinions) without knowledge, called upon Allah against them and considered them as sinful for causing his death.

#### E. Argument With Opponents:

One of the aspects of the Fiqh of Knowledge or Civilized Fiqh is allowing different opinions, accepting dialogue with opponents, and even calling upon them to hold conversation and exchange opinions whether those opponents were in the fields of politics, thought, or religion.

The wisdom that lies behind this is that difference is one of the ordinances of the universe in which Allah created all things. For instance, Allah says: "Of various colors" (35:27)

If Allah had pleased, He would have created all people alike, yet Allah has bestowed on man the potential intellect and will, hence, people have diverse beliefs, thoughts, and tendencies.

Since this difference among people is a necessity, it follows that each human being owes his fellow-man the right of mutual argument and the right of listening to him as long as this argument is exchanged in an appropriate manner. This condition was emphasized when Allah says: "And argue with them in ways that are best"

It is noticeable that this verse states the outline of the fundamentals of calling mankind to the Way of Allah and holding argument with them, for Allah says: "Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best." (16:125)

It stipulates that this preaching should be "beautiful" and that argument should be "in ways that are best". For preaching is usually given to one who agrees with the speaker, whereas, argument is usually resorted to with one who differs with the speaker. It suffices that the speaker should use a "beautiful preaching" in his talk with someone who agrees with him. Whereas he must be more than patient and more than tolerant with someone who differs with him. Moreover, he must pick and choose the best ways to appeal to his mind and heart. So, it is highly recommended, if there are two available ways of argument, to adopt the best and more eloquent one as commanded by above mentioned verse.

The Glorious Qur'an provides us with many examples of arguments with opponents, in different times and places to quote and judge our own arguments in the light of them. Among these arguments is that of the prophet Noah with his people, as detailed in many Surahs of the Glorious Qur'an, particularly in that of Hud in which the Glorious Qur'an states:

"They said: "O Noah! thou hast disputed with us, and (much) hast thou prolonged the dispute with us: now bring upon us what thou threatenest us with, if thou speakest the truth!?" He said: "Truly, Allah will bring it on you if He wills, and then, ye will not be able to frustrate it! Of no profit will be my counsel to you, much as I desire to give you (good) counsel, if it be that Allah willeth to leave you astray: He is your Lord! and to Him will ye return!" (11:32, 34)

There are other instances of these arguments such as that of Ibrahim with his people as stated in Surat Al-An' am (The Cattle) verses number: 75-83 and with his father, Surat Maryam (Mary) verses number: 41-48. There is also Shu'aib's argument with his people (Madyan people) as narrated in many Surahs, particularly in Surat Hud where Allah says:

"And to the Madyan people (We sent) Shu'aib, one of their own brethren: he said: "O my people! worship Allah: you have no other god but Him..." (11:84-93)

In addition to this, there is Moses and Pharaoh's argument, particularly in Surat Al-Shu'ara' (The Poets) verses number 16-31.

One of the extraordinary arguments in the Qur'an, was the one held between Almighty Allah and His angels in Surat Al-Baqara (The Cow) verses number 30-33 concerning issues such as the creations of Adam, his vicegerency in the earth, telling His angels about it, their immediate disapproval of granting vicegerency to such a double-natured creature, and Allah's practical Answer which refuted their claims.

Yet the most extraordinary argument in the Glorious Qur'an is that which occurred between Allah and the Cursed Iblis in Surat Al-'Araf (The Heights), Al- Hijr, and Sadd.

I will mention the argument that occurred in Surat Sadd, where Almighty Allah says: "Behold, thy Lord said to the angels. I am about to create man from clay." (71:85) Among the marvels of the Qur'an which, those who reflect upon it would detect, is the wise Directions of Allah to His Prophet in his arguments with the disbelievers. This wise guidance is represented in dictating concise and eloquent words to His Prophet so as to refute their claims. The words used in the argument with his opponents were extremely gentle, well, polite and patient. The verses of Surat Saba' (Sheba) are significant here when Allah addressed His Prophet (Peace be upon him) saying:

"Say 'Who gives you sustenance, from the heavens and the earth?' Say: It is Allah; and certain it is that either we or ye are on right guidance or in manifest error!" (34:24)

It is quite impressive that the Prophet (Peace be upon him) did not accuse them of manifest error, notwithstanding his firm belief that he is the one who is on right guidance and that they are immersed in manifest error. The art of polite and well-mannered dialogue required this appropriate way of speech. Then Allah says: "You shall not be questioned as to our sins, nor shall we be questioned as to what ye do" (34:25)

By analogy, he could have said "We shall not be questioned as to your sins" yet he, giving the example of polite dialogue choose not to stigmatize them with sin, whereas, he attributed it to himself and his Companions when Allah says: "You shall not be questioned as to our sins".

This represents the apex of politeness and forbearance with opponents.

If Allah's Book is ripe with such dialogue between the prophets and their people, as well as between Almighty Allah and a number of His creations, both those who obey and disobey Him. So, it is not surprise that the Sunnah of the Prophet allows the expression of different opinions. It even goes so far as holding conversation with opponents.

After Almighty Allah had narrated the narratives of His prophets to His Prophet Muhammad and said: "Those were the (prophets) who received Allah's Guidance. Follow the guidance they received" (6:90)

The Prophet (Peace be upon him) seems to have encompassed the excelling qualities of all the prophets as the closest person to the Prophet, the Mother of Believers (Umm Al Mu'menin) `Aishah (may Allah be pleased with her) said: "The Prophet followed the Qur'an to the letter in his conduct. " [Note: Reported by Muslim in the Book of "Travelers Prayer", No.746]

## F. Doing Justice to Opponents

Doing justice to opponents is one of the values of knowledge in our civilized Fiqh. The meaning of "doing justice" is to give those who disagree with our opinion, a fair chance to express themselves and defend their viewpoint as long as it is the outcome of deep thinking and perseverance, and it represents a worth while viewpoint regardless of its stance against our viewpoint. Although others 's viewpoints might disagree with ours or with the majority, or might, seem incongruous with the familiar or inherited, or call for demolishing the old and celebrating the new, we must not suppress the expression of opposing viewpoints.

It is true that Islam disciplined us with its doctrine, values and laws, yet it gave us free reins for juristic reasoning in matters that are not dealt with either in the Quran or Sunna; namely, the "forgiveness zone, or in matters that are based on collective rules and general principles and finally in matters that are dealt with according to partial rules whether based on scientific or textual conjecture or both. Thus, there is considerable freedom for juristic reasoning and different concepts and interpretations. Moreover, new effects impose change of attitude, hence, different interpretation.

No one should claim infallibility or perfection. Each one of us can be right or wrong in his views except for the infallible Prophet (Peace be upon him). Any Mujtahid who practices juristic reasoning is liable to be right or wrong. A Mujtahid can not say about his juristic reasoning more than Imam Al-Shafi'i said:

"My `viewpoint is right that is liable to mistake, whereas, the viewpoint of others is wrong yet it can be right"

The encouragement of juristic reasoning, exerting one's utmost in pursuit of the truth, as well as rewarding the wrong mujtahid are among the unique privileges of Islam. For instance, the famous hadith says:

"the ruler will be rewarded twice, if he was right in his juristic reasoning, where as he will be rewarded once, if he was wrong in his juristic reasoning."

A group of the interpreters of Hadith believe in the improbability of rewarding a wrong Mujtahid and commented that he is excused rather than rewarded. This is a flagrant misinterpretation of the hadith for it states quite clearly that he is rewarded once whereas the correct Mujtahid is to be re warded twice. This reward is not granted for the mistaken person, but rather for the juristic reasoning and the exertion of the utmost effort in this process.

Since Allah is never unjust even by the weight of an atom for bodily effort, He is also never unjust even by the weight of an atom to mental effort.

Doing justice to opponents, also means that one should uphold this viewpoint if proved authentic without feeling ashamed or embarrassed. The Companions and the first Muslim generation believed that the truth must be followed and that no one has perfect knowledge. The Prophet (Peace be upon him) was never irritated or embarrassed to change his mind after he was convinced to his Companions' opinion.

Imam Muslim reported in his Sahih that: "The Prophet (Peace be upon him) once sent Abu Hurairah to give the glad tidings of Paradise to whomever he meets - who firmly bears witness that there is no god but Allah faithfully out of his heart. In order to make them be certain that he was sent by the Prophet, he gave Abu Hurairah his slippers. Yet, when `Umar met him he objected to what he was doing and beat him hardly that Abu Hurairah fell down. Abu Hurairah went back to the Prophet (Peace be upon him) and complained of what `Umar had done. `Umar went to the Prophet (Peace be upon him) and said:

"O Prophet of Allah! You are dearer to me than my own father and mother. Have you sent Abu Hurairah, giving him your slippers as a proof, to give the glad tidings of Paradise to whomever he meets - who firmly bears witness that there is no god but Allah faithfully out of his heart?! The Prophet (Peace be upon him) replied: "Yes, I have done". `Umar argued: "O Messenger of Allah! Urge him not to do so, for I fear that people may abandon worship depending solely on this - their witnessing that there is no god but Allah. -Therefore let them endeavor hard so as to win Paradise." Thereupon, Allah's Prophet (Peace be upon him) said: "You are right, let them endeavor hard." [Note: Reported by Muslim in the Book of Iman, No.52]

Thus, the Prophet (Peace be upon him) abrogated his first decision on realizing the wisdom of `Umar's opinion that people might depend solely on their witnessing that there is no god but Allah and neglect exerting effort to win Paradise. Therefore, he acted upon `Umar's advice saying: "let them endeavor hard."

Thus, the Prophet (Peace be upon him) set the example of appreciating the counter opinion as soon as it is proved applicable and useful.

In Jami' Ibn `Abdel-Barr, there is a useful chapter on (Doing Justice in Learning), in which he mentioned valuable information concerning the values of knowledge in our civilization. I shall quote apart of what he said to catch the benefit thereof.

Abu `Umar said: "one of the blessings and ethics of learning is doing justice to it, and whoever doesn't adhere to this prerequisite, neither understand nor try so."

Some scholars further insist: "The only knowledge we have, is our admission that we have no knowledge.

The poet, Mahmud Al-Waraq said: The most perfect man is one who perceives his shortcoming, And repress his lust and covetousness.

`Abdullah Ibn Mus'ab reported that `Umar Ibn Al Khattab said: "Do not exceed in dowry to more than 40 Oka of gold even the woman is the daughter of Dhul-' Usbbah i.e., Yazid Ibn Al Husain Al-Harithi - and if one exceeds that limit, I would put the increase in Bait Al-Mal (Treasury of the State). Simultaneously, a long snub-nosed woman stood arguing: "O `Umar you have no right to do so". `Umar questioned: `How?' She answered: "Because Almighty Allah says: "Even if ye had given the latter a whole treasure for dower, take not the least bit of it back." (4:20) Instantly, `Umar said: "O people, `Umar is wrong and the woman is right."

Muhammad ibn Ka'b Al-Qarzi reported that:

"A man questioned `Ali Ibn Abi Talib about an issue. Yet no sooner had Ali expressed his viewpoint, then the man exclaimed: "O Commander of Believers! This is not right but so and so!" `Ali (May Allah be pleased with him) commented: "You are right and I made a mistake, then he recited: "Over all endowed with knowledge is the One, the All-Knowing!" (12:76)

Sufyan Ibn `Uyainah reported that Ibn Abu Hussain narrated that:

Ibn `Abbas argued with Zaid concerning the time that a menstruating woman should leave Mecca, while performing Hajj. Zaid said: Circumambulation around the Ka'bah (Tawaf) must be the last thing she does before she returns home. Ibn `Abbas urged Zaid to ask his women - Umm Sulaiman and her female friends. Zaid went to ask them, then came back smiling and said: "You was right."

Ibn `Abd Al-Barr reported that: `Imam Malik Ibn Anas said:

When Abu Ja'far Al-Mansur was performing Hajj, he called for me. We made conversation and I answered his questions. Then he said: "I intend to make copies of your books namely, Al-Muwatta', and send a copy to every Muslim Country. I will further order them to stick themselves to their precepts and discard other books of modern knowledge for I believe that the source of this knowledge is the reports and knowledge of the people of Medina. I said: "O Commander of the Believers! Do not do so, for the people heard different sayings, hadiths, and reports from the Companions of the Prophet (Peace be upon him) and others, acted upon them and adapted their lives to them. It will be too difficult to change these deep-rooted precepts, so let them carry on with their lives and respect their choices". He said: "By Allah, if he had agreed to what I suggested, I would have ordered it."

Ibn `Abd Al-Barr commented: It is a highly justice for those who are perceptive.

Al-Hussain Ibn Abi Sa'id mentioned in his book "Al Mu'rib `An Al-Maghrib) that `Abdullah Ibn Sa'id Ibn Muhammd Al-Hadar reported that his father said:

"I heard Sahnun say that he heard `Abdel-Rahman Ibn Al-Qasim say to Malik: "I know no one knows the rules of sales better than the people of Egypt." Malik wondered "Through whom they have been instructed the knowledge of sales!". He replied: "Through you". Malik said: "What a wonder, I have no profound knowledge of sales, so how do they took their knowledge from me?"

He also said : "I have reported from Al-Shua'bi his saying that: `I have not seen anyone like me for when ever I wish to see someone who has more knowledge than me, I, simultaneously, behold some one." Another scholar, moreover, have said: "We have a knowledge of certain things, yet we are ignorant of others. We should not spoil the goodness of our knowledge by pretending to know what we are ignorant of."

Hammad Ibn Zaid said:

"Ayub was questioned about a certain matter but he said: `Actually, I have no knowledge thereof." When they requested him to give his opinion, he replied: "I am not qualified enough to give an opinion in such a matter."

Abdel Rahman Ibn Mahdi reported that:

"I disputed with the judge Ubaidullah Ibn Al-Hussain, who was a judge at that time, concerning a Prophetic hadith, yet he insisted on his viewpoint. I went, therefore, to him and found that he had visitors who were set in rows. As soon as he saw me, he said you are right and I was wrong about the hadith." [Note: He is Ubaidullah Ibn Al-Husain Al-'Anbari who renounced a statement given by him and said: "It is better for me to be a tail among the people of truth than being a leader among the people of falsehood!" See his biography in "Tahdhib Al-Kamal", No.3627, vol.19. p.2823] Al-Khalil Ibn Ahmad said: "There are four days which are worthwhile for me. The first day is the day in which I meet someone who is more knowledgeable than me, so I consider it the day of my profit, for I will learn from him. The second day is the day in which I meet some one whom I am more knowledgeable than him, so I consider it the day of my reward, for I will teach him. The third day is the day in which I meet someone who is equal to me in knowledge, I discuss with him concerning some matters of knowledge, so I consider this day the day of my lessons i.e., acquiring new lessons. The fourth day is the day in which I meet someone who is less knowledgeable than me yet he thinks that he knows better, so I will consider this day a holiday and I will not trouble myself with talking to him." [Note: Jami' Baiyan Al- ilm wafadlih by Ibn Abd Al-Barr vol.1, p. 131, Matba't Munir]

## Fiqh of Life

Among the aspects of the Civilized Fiqh is "The Fiqh of Life", in other words, the knowledge of the value of life. 'Knowledge' here refers to the firm deep-rooted knowledge which leads one to certainty.

Some people think that religion does not care about this life because they believe that there is no real life but that of the Hereafter as Allah, the Almighty, said: "But verily the Home of the Hereafter, that is life indeed, if they but knew." (29:64)

Among the characteristics of the believers, the pious, and the benevolent is that, as the Qur'an describes: "And (in their hearts) have the assurance of the Hereafter." (27:3, 2:4, 31:4)

The Prophet (Peace be upon him) emphasized the worthlessness of life compared to the Hereafter when he said: "The value of life to the Hereafter is nothing more than as if one of you plunges his finger into the sea and then gets it out, so let him realize what he has gained back". [Note: Reported by Muslim after Al-Mustawrad Ibn Shadad in the Book of "Paradise and Its Characteristics", No.2858]

This is quite true yet it does not mean that we should renounce or discard life.

On the contrary, Islam regards life as a blessing which man should be thankful for, a trust that he should look after, a message that he should fulfill and an opportunity that he should take advantage of.

Islam is incongruous with the pessimistic religions and philosophies that regard this world as wicked to the core, therefore, one should shorten its lapse. They consider life as a calamity

that we are afflicted with or is incurred upon us by our fathers and mothers. Abu Al-'Ala', a famous old poet, recited pessimistic lines of poetry saying:

My father brought me to this miserable life and I will not, Be the cause of anyone else's misery!

On the contrary, life is a blessing as Allah celebrates it when He says:

"And Allah has made for you mates of your own nature, and made for you, out of them, sons and daughters and grandchildren, and provided for you sustenance of the best." (16:72)

Hence, Allah's Prophet (Peace be upon him) has made it a Sunnah to celebrate the birth of a child by slaughtering an animal on behalf of him which termed as (Aqiqah) to show joy, thankfulness, and bounty to the family, neighbors, and the poor. [Note: See "Tuhfat Al-Mawdud Fi Ahiam Al-Mawlund" by Ibn Al-Qaym, chapter on "Rules of Celebrating Al- Aqiqah"]

Islam - both in the Qur'an and Sunnah - denounced what the Arabs of Jahiliyyah used to do of killing their own children out of their poverty or expected calamities of the future. Thus, Allah says: "Verily the killing of them is a great sin" (17:31) Also He says: "And when the female (infant), buried alive, is questioned; for what crime she was killed." (81:8-9)

Man's life, ever since he is born, must be respected and protected even from the father who was the cause of his existence yet, he is not his creator, for Allah is the one who created both. The Prophet (Peace be upon him) stressed that man's life is respected even before he is born. For instance, he refused to punish an adulteress who came to him to ask him to purge her of her sin by stoning her, yet as a result of her pregnancy, the Prophet refused to punish her while she is still pregnant to maintain the life of the child who is a living entity and he is not to be blamed for his mother's or father's sin. [Note: See the story of Al-Gharnidiyah in the Sahih]

The Qur'an states that killing a human being is tantamount to killing the whole humanity. Similarly, saving the life of a human being is tantamount to saving the whole humanity. Allah states this idea when He says:

"That if any one slew a person unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, It would be as if he saved the life of the whole people." (5:32)

Man is forbidden from taking his own life for it is Allah's Gift and Trust to him. He is forbidden from abusing it for it does not belong to him but belongs to the One Who gave it. Thus, committing suicide is a great sin in Islam. Almighty Allah states this idea when he says: "Nor kill (or destroy) yourselves, for verily Allah hath been to you Ever-Merciful!" (4:29)

Many authentic hadiths strongly warned against and forbade a man from taking his own life.

Jundub Ibn `Abdullah reported in a hadith that is traceable in ascending order of traditionaries to the Prophet that "There was amongst those before you a man who had a wound. He was in (such) anguish that he took a knife and made with it a cut in his hand, and



the blood did not cease to flow till he died. Allah the Almighty said: My servant has himself forestalled Me, I have forbidden him paradise." [Note: Agreed upon, Al-Lu `Lu' wal Marjan, 73]

The hadith of Thabit Ibn Al-Dahak says: "Whoever commits suicide with the help of a certain object, is going to be tortured with it in the Hereafter." [Note: Agreed upon, the previous reference, No.70]

Also, the hadith of Abu Hurairah stated that: "Whoever throws himself off a mountain and died, will go to Hell and will be thrown into it for eternity. Whoever drinks a poison and killed himself, will go to Hell holding this poison in his hand and will drink it over and over again for eternity, and whoever killed himself with a weapon, will go to Hell holding this weapon in his hand and will keep on striking at his belly for eternity." [Note: Agreed upon, the previous reference, No.69]

All in all, we seek refuge in Allah from all this.

The transience of life is a fact but the more important fact is that it is, as it were a plantation for the eternal life. For the believer is like a farmer who plants here to harvest in the Hereafter, he works here so as to enjoy the outcome of his effort there. Definitely, no good is expected from bad deeds, and each soul shall be recompensed in the Hereafter for what it has earned, for Allah says: "This Our Record speaks about you with truth: for We were wont to put in record all that ye did." (45:29)

Life is both too short and too valuable. It is the only chance that man is allowed to accomplish eternal happiness, for he does only live once and it is quite foolish to throw away this singular available chance. In fact, if one has intelligence and wisdom enough, he should take an advantage of every single moment on life to secure his future life.

Hence, the stress on invaluable time in the Glorious Qur'an and Sunnah as Allah says:

"And it is He Who made the night and day to follow each other: for such as desire to be mindful." (25:62)

Allah, the High Exalted says: "And the night and the day hath He (also) made subject to you." (14:33)

As one of the favors and blessings Allah has bestowed on us and we should be thankful for.

Many Hadiths urge one to take advantage of his time, and to remind every believer of his responsibility for how it is spent before Allah.

For instance, the hadith states:

"There are two blessings which many people lose: (They are) health and free time for doing good". [Note: Reported by Al-Bukhari Ibn `Abbas]

"Allah will not accept the excuse of any person whose death is delayed till he is sixty years of age". [Note: Reported by Al-Bukhari on the authority Abu Hurairah, Al-Muntaqa, No.1093]

"Take advantage of five things before the time comes for other five things: your youth before you get old, your health before you become ill, your riches before you become poor, your leisure time before you become busy, and finally your life before you die." [Note: Reported by Al-Hakim, approved by Al-Mundhiri, Al-Muntaqa, No. 2089. Al-Dhahabi agrees with him, vol.4, p. 306]

"No man shall witness the Day of Judgment without being asked about four: His life and how he spent his time, his youth and how he took advantage of it, his knowledge and how he disposed of, and his money, from where he had earned and for what he had spent it." [Note: Reported by Al-Tabarani and Al-Bazar, Majma' Al-Dhawa`d, vol. 10; p.346]

The Prophet (Peace be upon him) considered long life a blessings from Almighty Allah providing that it would devoted for good deeds. For instance, Abi Bakrah reported that a man said:

"O Allah's Prophet! Tell , who are the best people." He answered: "Those who have a long life and good accounts." [Note: Reported by Al-Tinnidhi and said it is a Good Sound hadith, No. 2331. It is also reported by Al-Hakim and Al-Dhahabi agrees with him,vol.1, p.359]

Abu Hurairah said: "There were two men of Bali - a neighborhood of Quda'h - who embraced Islam at the hands of Allah's Prophet and then one of them was martyred and the other lived for one more year. Talha Ibn `Ubaid Allah (one of those given the glad tidings of entering Paradise) saw in his dream that the man who lived for one more year entered Paradise before the martyr and he was surprised to see this. When Talha woke up, he told the Prophet (Peace be upon him) about his dream. The Prophet said "Why should you be surprised, didn't he fast for one more Ramadan, prayed more than 6.000 Rak'ahs in this year. [Note: Reported by Ahmad on a good authority, (Al-Muntaqa (2096), Al -Haisami (10-204), Ibn Majah (3925), and Ibn Hibban in his Sahih on the authority of Talhah. Sheikh Shakir also corrected its authority (1403) and it is also found in Al-Zuhd by Ibn Al-Mubark. (2,118) and Al-Baihaqi (625)]

The lunar year is 354 days x 17 Rak'ahs = 6018 Rak'ahs.

The Prophet stated that prolonged life is one of Allah's immediate Rewards for some of his believing servants for certain good and pious deeds which are highly rewarded by Allah such as preserving the ties of kinship and being good to one's parents.

In Sahih Muslim and Al-Bukhari, there is a hadith reported by Anas that the Prophet said: "Whoever pleases to be granted more wealth and his lease of life prolonged, then he should keep relations with his kith and kin." [Note: Argeed upon, Al-Lu`lu' Wa Al-Marjan (1657)]

Also it was narrated in other books that: "He who likes that Allah prolongs his life and extend his provision, must be good to his parents and keep the ties of kinship". [Note: Al-Mundhiri said, it is reported by Ahmad, Al-Muntaqa (1478), and the same said by Al-Baihaqi (8,136)]

Notwithstanding the fact that this prolongation of life was in quantity or quality or it was supenficial or deep, Allah holds life in high esteem.

Therefore, the Prophet (Peace be upon him) in many Hadiths, forbade Muslims to wish death, for life is not a burden that one should get rid of.

Abu Hurairah reported that the Prophet said: "None of you should wish or supplicate Allah for death. Also, if a Muslim dies his record of good and bad deeds is closed, and a true believer will add good deeds through prolonged life." [Note: Reported by Muslim on the authority of Abu Hurairah in the Book of Dhikr, Du'a' and Tawbah (2683)]

In addition, Anas reported that: "None of you should wish death because of a calamity befalling him; but if he has to wish for death, he should say: "O Allah! Keep me alive as long as life is better for me and let me die if death is better for me". [Note: Agreed upon on the authority of Anas, Al-Lu` Lu' Wal Marjan(1717)]

Among the privileges of Islam is that it urges people to work in life, advance in construction and enjoy its blessings.

Islam saw that the construction of life does not contradict with doing good deeds and preparing oneself for the Hereafter. In fact Islam encourages one to seek happiness in both: life and the Hereafter, as Allah says: "Our Lord! Give us good in this world and good in the Hereafter, and save us from the torment of the Fire." (2:201)

Anas reported that the Prophet (Peace be upon him) often used this invocation of Allah [Note: Reported by Ahmad, Muslim and Al-Bukhari and by Abu Dawud on the authority of Anas, Sahih Al- Jami' Al-Saghir (4802)] and used to repeat it in the Tawaf -circumambulation - between the Black Stone and the Yamani Comer.

Almighty Allah says: "O Children of Adam! Wear your beautiful apparel at every time and place of Prayer: eat and drink: But waste not by excess, for Allah loveth not the wasters. Say, "Who hath forbidden the beautiful (Gifts) of Allah, which He hath produced for His servants, and the things, clean and pure, (which He hath provided) for sustenance? Say: They are in the life of this world, for those who believe, (and) purely for them on the Day of Resurrection." (7:31-32)

In other words, Allah's ornament and the good things which He has provided were, originally, created for the believers in this life yet others, by necessity, share them with the believers. For Allah created life with all the good things to be used to strengthen the believers and as an available tool in their hands to achieve their godly goals. His Wisdom necessitated that others share these blessings and ornaments with them so that life goes on as well as humankind. Yet, in the Hereafter, these good things will be exclusive to the believers as a reward from Allah.

## A. The Best of Deeds:

Islam sets an important basis for Allah's Estimation and Evaluation of man's deeds in life and His Reward for them in the Hereafter. For the more deep-rooted, endlessly useful and remarkably effective these deeds were, the more rewards he added to his scales notwithstanding his prolonged lengthy time in life.

Naturally, Allah's Prophet mentioned some of the deeds that prolong man's life and add more good deeds to his scales even after he is buried. For instance, the Prophet (Peace be upon him) says: "Whoever constructs, without causing oppression or aggression, or plants, without causing oppression or aggression, will be rewarded as long as the creatures of Allah, The Ever-Merciful, blessed and High Exalted be He, benefit from what he did." [Note: Reported by Ahmad on the authority of Mu'adh Ibn Anas, Al-Majma' (3-134)]

Although this "benefit" might last until the Hour is established, man will still be rewarded for it. Jabir Ibn `Abdullah related that: "The Prophet (Peace be upon him) walked into the garden of Umm M'ibad and asked "Tell me Umm M'ibad! Who planted these palm trees? Was he a Muslim or a disbeliever?" She answered "He was a Muslim." He said: "A Muslim does not plant or sow anything from which a person, an animal, or a bird eats but it is considered as Sadaqah for him until the Day of Judgment". [Note: Reported by Muslim in the book of Al-Musaqah (1, 1552)]

In another hadith: "If a man plants or sows anything from which a bird, a human being, or an animal eats, he will be rewarded for it as long as it bears fruit. [Note: Reported by Ahmad on the authority of Abi Ayyub, Al-Majma', (4-67)]

In the Sahih of Al-Bukhari and Muslim it reads: "Whoever a Muslim plants or sows any thing from which a bird, a human being, or an animal eats, it will be considered a Sadaqah for him." [Note: Reported by Ahmad, Muslim, Al-Bukhari and Al-Tirmidhi on the authority of Anas, Sahih Al-Jami` Al-Saghir (5757)]

Abu Al-Darda' narrated that: "One day a man passed by him while he was planting in Damascus and said to him: "How do you plant although you are a Companion of the Prophet (Peace be upon him)? He said to him: "Do not pass hastily judgments for I heard the Prophet (Peace be upon him) said: "Whoever plants anything, will be granted a Sadaqah for every time a human being or any of Allah's creatures eats from it." [Note: Al-Haisami said, it is reported by Ahmad and Al-Tabarani in Al-Kabir (4, 67-68)]

Obviously, the man thought that "Planting" is incongruous with asceticism and that it denotes tenacious hope in life, which is totally unbecoming of one of the Companions. Yet Abu Al-Darda' taught him Islam's viewpoint according to what he heard from the Prophet (Peace be upon him). Moreover, Allah's Prophet said: "There are seven deeds of which man will continue to be rewarded for even after his death and burial. These are: Teaching people, digging a new way for the river to flow, digging a well, planting a tree, building a mosque, bequeathing Allah's Book to someone, and begetting a child who will beg Allah's Forgiveness for him after his death." [Note: Reported by Al-Bazar, Abu Nu'aim and Al-Baihaqi and also by Sinwaih on the authority of Anas, Sahih Al-Jami' Al-Saghir (3602)]

## B. Fiqh of Reality

The Fiqh of Reality complements the Fiqh of Life. In other words, our approach having a full grasp of reality must be an accurate and correct one. We should conceive reality the way it is, not the way it should be regardless the fact that it is on our side or not. Many people fall prey to self-deception and delude others in their conception of reality.

What I mean by reality is everything around us that has positive, negative, international, regional, local or personal impact on both our lives and the lives of our enemies.

It is basically vital to have full grasp of this reality so as to tone our relationships with others according to it, set an outline for the way we are going to deal with it, are we to accept or reject it altogether? Are we to show loyalty or complete animosity? Or are we to accept some of it and reject the rest? And what is the reason for adopting any of these attitudes?

It is quite impressive that the Prophet (Peace be upon him) ordered his oppressed Companions in Mecca to migrate to Ethiopia and no other country as it was ruled at that time by a just king whom the Prophet hoped to be just to his oppressed Companions.

Obviously, the Prophet (Peace be upon him) had enough information concerning the facility of immigration from Mecca to Ethiopia. Moreover, he knew all that needs to be known about the sovereignty there and the sovereign's character. In consequence of his knowledge of reality, he issued that wise command.

Muslims laid emphasis on the role of the Fiqh of Reality. For instance even though Muslims were oppressed minority in Mecca they were well-informed about the international conflict between the two great powers, Persia and Rome. In fact, Muslims showed great sorrow when the Christian Byzantines of Rome were defeated by the Magus Persians who believed in two gods, the god of goodness and light, and the god of evil and darkness. Needless to say the disbelievers who worshiped idols rejoiced at the victory of Persians as they were closer to them than the Romans who were the people of earlier Scripture whereas, the Christians were closer to the Muslims for they, at first, were the followers of a Divine religion.

In consequence both parties were in dispute concerning who is to be victorious.

The Glorious Qur'an descended so as to determine this in clear and concise at the beginning of Surah Al-Rum saying: "Alif. Lam. Mim. The Romans have been defeated, in a land close by: but they, (even) after (this) defeat of theirs, will soon be victorious. Within a few years." (30:1-4)

Also, the Prophet (Peace be upon him) was careful to survey and know the potentialities of his striking force in comparison with that of their enemies who besieged them awaiting for a disaster to befall them. Therefore, after the Prophet (Peace be upon him) immigrated to Medina, he ordered his Companions to "Count the numbers of Muslims." Consequently they did and the Muslims were 1500 man. Thus the Prophet (Peace be upon him) used calculation and statistics for the first time in history. In another narration the Prophet (Peace be upon him) said, "Write down a list" This denotes a written statistics that will be registered and kept. This is considered an advanced attempt in the history of human development.

The history of the Prophet (Peace be upon him) taught Muslims many lessons. For instance, after deep meditation and scrutiny, we will realize that the Prophet's judgments that seem similar are really different in consequence of the different reality of each situation. Among these situations is the Prophet's firm and hard attitude with the Jews of Banu Quraizah in contrast with his merciful and forgiving attitude with the disbelievers of Mecca on the conquest of Mecca. The reason behind this is the great disparity between the disposition of

Jews and Arabs, the different circumstances of their respective crimes and finally the difference in the time of each incident.

Hence, the jurists are in consensus that the Fatwa, the legal ruling, is vulnerable to change according to the change of time, place, circumstance and convention. Accordingly, the successful and wise Mufti can unite what should be with what already exist, thus he lives in reality yet his eyes are cast beyond the horizon to what should be.

It is important to keep in mind that we must be careful lest we should be ensnared by: overestimation or underestimation in our pursuit of the knowledge of reality.

Needless to say, some people are fond of overestimation and exaggeration. They look through a microscope which makes very small things appear much larger than they already are, or through a telescope that makes distant things appear much nearer. This tendency of theirs is directed towards themselves as much as to their enemies. For you often hear some of them boast about their abilities and potentialities in such enthusiasm that you almost believe them and ruin yourself with conceit. While others, magnify the potentialities and power of your enemy to the extent that they almost convince you and you become stricken with despair.

Both conceit, which make one unable to see his enemy's real power, and despair, which makes one unable to see his own potentialities, are deadly.

Other people, minimize large things and underestimate the importance of things. Consequently, man loses touch with reality and goes astray in the darkness of the unreal. Therefore, he does not make suitable preparations and arrangements that are in proportion with the gravity of the incident. [Note: See my book (Islamic Arab Culture Between Originality and Contemporaneity, Al-Saqafah Al-Arabiah Al-Islamiyah Bayn Al-Asalah Wa Al-Mu`asarah), chapter of (Knowing Reality Is Prerequisite for Knowmg Modern Age)]

## Fiqh of the Targets of Shari`ah

The Fiqh of the Targets of Shari'ah is one of the cornerstones of Civilized Fiqh on the one hand, the Traditional Fiqh deals with the details and forms of subsidiary Islamic Laws. On the other hand, Civilized Fiqh deals with their goals, meanings and interpretations that is to say, the laws and the ultimate targets for which Allah ordained the laws, obligations, the lawful, the unlawful and the punishment. Undoubtedly, Allah did not ordain anything at random, in jest or in vain as those who possess minds say:

"Our Lord not for naught hast Thou created (all) this! Glory to Thee." (3:191)

Among the most magnificent Names of Allah is Al-Hakim, The Ever-Wise which means that there is wisdom in everything He has created or ordered regardless of our knowledge or ignorance of it. He is Ever-Wise in every thing that He ordained and destined.

The Qur'an goes so far so as to state the purpose and message of the worship rites, when Allah says that: "Prayer refrains from shameful and evil deeds" (29:45) Zakah is meant to: "Purify and sanctify them." (9:103)

Fasting: "That ye may learn self-restrain." (2:183)

And Pilgrimage: "That they may witness the benefits (provided) for them, and celebrate the Name of Allah." (22:28)

The Sunnah emphasized the importance of the purpose and message of these rites. If these goals are not achieved, these rites will turn into superficial and empty rites and the Muslim who performs worship rites without adhering to their purpose and message, will be denied the reward of his worship. Many Hadiths stress this meaning; Abu Hurairah narrated the Prophet (Peace be upon him) said: "Whoever does not give up false statements (i.e., telling lies), and evil deeds, and speaking bad words to others, Allah is not in need of his (Fasting) leaving his food and drink." [Note: Reported by Al-Bukhari on the authority of Abu Hurairah in the Book of Fasting (Sawm)]

"Perhaps, a man who fasts in this world may come out with nothing more than hunger from his Fasting whereas, perhaps a man who gets up for Tahajjud Prayer in this world may come out with nothing more than staying up all night from his Tahajjud." [Note: Reported by Ibn Majah on the authority of Abu Hurairah, Sahih Al-Jami' Al- Saghir (3488)]

Since worship rites have moral and social purposes and messages besides their spiritual aims, then it is only natural that all the Islamic Laws have their respective messages particularly the ones that deal with family, community and state affairs.

Some of these targets are stated quite clearly in the Qur'an and Sunnah preceded by the familiar conjunctions. One of these targets is the induction of subsidiary laws. Moreover, there are subsidiary as well as general collective targets for some of these laws. For instance justice is a general target, in fact, it is the target of all Divine messages as the Qur'an states: "We sent aforesaid Our messengers with Clear Signs and sent down with them the Book and Balance (of right and wrong), that men may stand forth in justice." (57:25)

Sufficiency and security are general targets. Allah bestowed on Quraish and ordered them to worship Him as a sign of their thankfulness when He says: "So let them worship the Lord of this House, Who provides them with food against hunger, and with security." (106:3-4)

The division of the spoils of war that Allah bestowed on Muslims, among people is a general target. Therefore the Qur'an explained the reason for the distribution of the spoils by the Prophet among the weak, orphans, needy and the wayfarers by saying: "In order that it may not (merely) make a circuit between the wealthy among you." (59:7)

Jurists maintained that the targets of Shari`ah are general and diverse.

These targets are spiritual or, in other words, religious. The first target of Shari`ah is the survival of religion whether in creed or worship because religion is the essence and spirit of life.

Moreover, they are moral targets, which are stated in the verse that order Muslim to perform major worship, and in the hadith of the Prophet: "I was sent to perfect the noblest of virtues." [Note: Reported by Ibn Sa'd and Al-Bukhari in Al-Adab Al-Mufard, and also by Al-Hakim and Al-Baihaqi after Abu Hurairah in Al-Shu'ab as mentioned in Sahih Al-Jami Al-Saghir]

For virtue is inseparable from religion.

They are human targets as it preserves the sanctity of man's blood, money, honor, mind, dignity, and freedom. They are economical targets for it places money among the necessary needs that must be protected in every possible way.

Finally, they are future targets for it does not only takes care of man in the present but also in the future time as it places reproductive health among its essential interacts.

## A. The Companions` Adherence to the Targets of Shari` ah:

Whoever ponders the Fiqh of the Companions, will soon realize that they preceded the nation in grasping the precepts of the Fiqh of the Targets of Shari` ah. They bore it in mind in their Fatwas - juristic judgments - jurisdiction and teaching.

For instance, `Umar refrained from distributing the spoils of a rural area of Iraq caring about the succeeding generations of the Muslim Nation arguing: "If it is not for my concern for the future generations of Muslims, I would have distributed the spoils of every village I conquer among those who participated in its conquest as the Prophet did in Khaibar." [Note: Reported by Al-Bukhari in the Book or Al-Maghazi Al-Mudhana`h and Al-Khums]

Similarly, `Uthman has allowed catching the astray camels, in contrary to the custom of the Prophet's (Peace be upon him) time due to change in people's mores and circumstances that imposed new attitude. Moreover, he ordered the Second Adhan of the Friday Prayer outside the Mosque so as to call Muslims to the Prayer time as the boundaries of Medina extended and the need necessitated this procedure.

`Ali, as another example, gave a guarantee to pay the debts of the manufacturers.

The Successors, in the same course, said that pricing of goods is allowed when necessity arises although the Prophet (Peace be upon him) abstained from it in his time saying, "Allah is the One Who determines the price and He is the Restrainer (Al-Qabid) and the Outspreader (Al-Basit)." [Note: Reported by Abu Dawud on the authority of Anas in the Book of Al-Buyu` (3451) and also reported by Ahmad. Al-Tirmidhi, Ibn Majah, Ibn Kibban and Al-Baihaqi, Sahih Al-Jami Al-Saghir.]

A group of jurists agreed that it is allowed. Sheikh of Islam Ibn Taymiyah in his book Al-Hisbah and Ibn Al-Qaiyim in his book (Al-Tunuq Al-Hukmiyah) said that its being allowed is most probable.

The research scholars of the Four Schools all agreed on this glorious golden rule namely, the Fatwa (Legal Ruling) changes in respect of time, place, circumstances, and custom. They



feared that a group of scholars may cling to certain statements said at a certain time under certain circumstances, notwithstanding the fact that they could no longer meet the targets of Shari'ah due to the change of time, place and people. I have proven the authenticity of this rule guided by proofs from the Qur'an, Sunnah and the history of the Companions in my book "The Factors of Collectiveness and flexibility in Islamic Shari`ah".

For instance, Ibn Al-Qajyim, the research scholar, wrote at the beginning of his useful chapter about (Change of Fatwa) in his book (I'lam Al-Mawaqi'n) and stressed the fact that the Shari'ah in its basis for judgment, concerns people and life. For the Shari`ah is just, merciful, useful and wise. Every judgment that deviates from justice to oppression, from mercy to ruthlessness, from usefulness to corruption, and from wisdom to folly, notwithstanding the different interpretations of it, is definitely not Shari`ah-oriented. [Note: See I`lam Al-Muwaq'in, vol.3, p.14, Al-Sa'dah]

One the great afflictions that appeared on the Islamic area is a group of people who do not have any idea concerning the Fiqh of Targets. They offer a golden opportunity for the secularists and prowesterners to attack Islam. Moreover, they stigmatize the straight Islamic thought and the constructive Islamic activity, they are captivated by the words and form. I called them "The New Group of Zahiriyyah", although they are not well-learned or cultured as the old group of Zahiriyyah were in fact, they did not take anything from Ibn Hazm, the most erudite of Al-Zahiriyyah, but his occasional inflexibility and rudeness.

They read some of the masterpieces of the two Imams: Ibn Taymiyyah and Ibn Al-Qayim, but unfortunately, they misinterpret them and failed to understand their message. Moreover they neither followed in the footsteps of the two Sheikhs, nor those who followed them. Instead, they indulged in imitating some of the contemporary thinkers and followed their to the letter. As a result, we heard about some people who call for abandoning the Zakah on (banknotes) and claim that the prohibition of usury does not apply on banknotes! They seemed to have overlooked the fact that banknotes are the coins of our time, the basis of transitions and exchange, and core of property. Other people called for abolishing the Zakah of merchandise imposed on traders, claiming that there are no authentic hadith concerning its being obligatory. They seemed to have, voluntarily or involuntarily forgotten that the evidences of its being obligatory in both the Qur'an and Sunnah. Moreover, there are the targets of Shari`ah, the narrations of the Companions which majority of jurists upheld as consensus. [Note: See my refutation of this statement with legal proofs in my book (The Primary Recourse is to the Qur'an and Sunnah) (Al-Marji'yah Al-`uliyah Lil Qur'an Wa Al-Sunnah), chapter of (Understanding Specific Texts in the Light of General Texts)

In addition to this, some people make a great commotion about dropping the paying of equivalent value as a Zakatul Fitr just although `Umar Ibn `Abdel-'Aziz, Abu Hanifah and his followers and a group of the late scholars of the Nation have upheld it. [Note: See the proofs of this opinion in our book (Fiqh Al-zakah) vol.2, p. 952, 956, published by Maktabat Wahbah, and my book (Kaifa Nat'amal Ma' Al-Sunnah) (How to Behave Towards the Sunnah ) p. 135, 137] Yet this equivalent value payment of Zakatul-Fitr, the best way to pay Zakatul-Fitr in the big cities such as Cairo.

Therefore, we can, safely presume that many of this group of people are sincere servants of Allah yet they, simply, do not have adequate knowledge concerning the Fiqh of Targets. Being sincere is not enough to survive and support the religion of the Nation.

The Kharijites were also sincere servants of Allah, as Imam Ahmad narrated in many authentic Hadiths which praise them. For instance "Their perfection of worship rites in Prayer (Tahajjud) and recitation of Qur'an is incomparable with anyone else. Yet their vulnerability lies in their mentality and superficial understanding of Fiqh. The Prophet (Peace be upon him) described them as the people who: "Do not go beyond sounds, syllables. and vowels in their understanding of Quran."

Consequently, they did not grasp the deep meaning of the Qur'an and were not able to reveal its mysteries, thus they were described as a group that: "Killing the people of Islam, and leaving those who worship idols unbothered." [Note: Agreed upon on the authority of Abu Sa'id Al-Khudri Al-Lu`Lu Marjan (639)]

## B. Protection of Interests:

The Shari'ah seeks to protect and maximize the interests on the one hand and to prevent and minimize corruption on the other hand. It also allows good and useful things, forbids evil and harmful things, eases the effort of Allah's slaves and lessen the difficulty that they might encounter. Allah says: "And has imposed no difficulty on you in religion." (22:78) "Allah intends every facility for you; He does not want to put you to difficulties." (2:185) Also, the Prophet states: "No harm is inflicted or reciprocated in Islam." [Note: Reported by Ibn Majah and it is a Sound hadith]

The Companions, the most well-learned in Shari'ah, exerted their utmost effort to meet its targets and message.

Therefore, they often acted according to what is best and what comes within the interest of Muslims.

*Firstly*, Abu Bakr had the interest of Muslims in mind, when he ordered together the scrolls, on which the Qur'an was written, so as to compile them into one book. This was a thing that the Prophet himself (Peace be upon him) did not do, yet Abu Bakr thought it over, then decided to act upon `Umar's advice because it aimed at doing what was in the best interest of Islam.

*Secondly*, he also had the best interest of Muslims in mind when he chose `Umar as his successor in the Caliphate after his death, notwithstanding the fact that the Prophet himself did not nominate a successor.

*Thirdly*, when `Umar took over the Caliphate, he had the best interest of Muslims in mind when he enacted the system of Khiraj (taxes paid on the newly conquered lands), registered the numbers of the armed forces and the needy people in accounts and books of the treasury, built cities, establish prisons, used various ways of punishing evil doers through Ta'zir (punishments lesser than Hadd) e.g. spilling mixed-with-water milk, and confiscated the money of the governors who trade while in post.

*Fourthly*, `Uthman too had the best interest of Muslims in mind when he compiled the Qur'an into one Book, spread copies of it everywhere and burnt unauthorized copies. moreover, he

gave an order to allow the divorced woman to inheriting deceased husband if he divorced her on his deathbed to deprive her of inheritance.

*Fifthly*, `Ali had the best interest of Muslims in mind when he gave an order to Abu Al-'Aswad Al-Du'ali to write down the basics of Arabic grammar, and issued a decree that manufacturers must guarantee to repay the amounts of lost money which people have given them in order to invest, if they did not prove that they were not, in any way, responsible for this loss. Later, `Uthman commented: "This decree will make people stand steady." [Note: See "Tanqih Al-Fusoul" and its explanation by Al-Qarafi, p.198, 199, and "Masader Al-Tashri Fima La Nassa Fihi", " Sources of Legislation in Matters About Which There Are No texts Available" by Knallaf p.85, 88]

*Sixthly*, Mu' adh Ibn Jabal had this interest in mind when he took Yemeni textiles instead of the Zakah on plants and fruit saying: "I will take Khamis and Labis - local textiles- instead of the actual plants and fruit for this will ease things for you and will be more useful to the poor in Medina." [Note: See our book "Fiqh Al-Zakah", vol.2, p.810. published by Maktabat Wahbah, No.16]

Abu Hanifah agreed to `Uthman's opinion. Ibn Taymiyah, the Sheik of Islam, and Al-Bukhari recommend these actions on condition that they are in the best interest of Muslims.

*Seventhly*, Mu'awiyah had this interest in mind when he took half of a Sa' (approximately 1.50 Kilogram) of wheat instead of one Sa' (approximately 3 Kilograms) of dates as Zakatul-Fitr. The Companions at that time, agreed to what he did except Abu Sa'id Al-Khudri (May Allah be pleased with both) [Note: "Fiqh Al- Zakah", vol.2, p.932 and pages following it]

This interest was always there. It made those who followed the Rightly Guided Caliphs establish mail service, use Arabic in the accounts of the treasury, establish the mint and attend to the rest of the state affairs without objection from the scholars of the Muslim Nation.

Also it made Imam Abu Hanifah adopt the opinion that the Mufti, ignorant doctors, and bankrupt building contractors must all be announced as legally incompetent, not withstanding the fact that his School (May Allah be pleased with him) does not approve of announcing the legal incompetence of the sane adults even if they were dissolute, out of respect to them as human beings.

He announced the legal incompetence of them lest they should harm people. [Note: See "Al-Ikhtiyar", vol. 4, p.92]

In addition, the Maliki School of thought and others issued a Fatwa allowing the imposition of taxes for those who could afford it, in case that there was insufficient money in the treasury (Bait Al-Mal) and there was the necessity of collecting money so as to keep the possession of certain properties. Al-Ghazali in "Al-Mustasfii" and Al-Shatibi in " All'tisam" and others supported his opinion. [Note: Fiqh Al-Zakah, vol.2, p.986, 987]

Also, the majority of scholars allowed the killing of a Muslim, if the disbelievers took him as a shield and there was no other choice but to fight there. [Note: See, Al-Ghazali, Al-Mustasfa,

vol. 1, p.294, 295, also, "Al- ikhtiyar Lita'lil Al-Mukhtar", vol.4, p. 119, published by Halab, and "Matalib `uli Al-Nuha", vol.2, p. 518, 519]

The Scholars of Hanafi, Shafi'i, a group of Maliki and Hanbali Juristic Schools allowed the performance of a Cesarean operation to save the life of the fetus if the mother had died and if the trustworthy physicians were of the opinion that he is alive notwithstanding the lawful inviolability of the dead. A group of scholars are of the opinion that it is obligatory because it means saving the life of someone by cutting a part of the body of a dead person. The author of "Al-Muhadhab" of the Shafi'i School likened this to eating dead meat at the time of famine. [Note: See "Al-Muhadhab" and its explanation (Al-Majmu'), vol.5, p.301, 302, and also "Hashiyat Al-Sawi", vol.1, p.205] For if it was a matter of choice then the interest of a living person is far more important than respecting the dead. Similarly, the interest of saving the life of a fetus is a first priority and violating the sanctity of his dead mother is of a secondary importance. Thus, the physicians' choice adhered to the rule of choosing the less harmful and more beneficial measure.

## Fiqh of Virtues of Shari'ah

There is another kind of Fiqh that is classified under the desired Civilized Fiqh which Imam Al-Raghib Al-Asfahani called in his superb book "The Means to the Virtus of the Shari `ah", (Al-Zari`ah Ila Makirm Al-Shari'ah). [Note: Revised and edited by Abu Al-Yazid Al-'Agmi and published by Dar Al-Wafa', Egypt.] This book deals with Civilized Fiqh. In it, he illustrated the difference between the rules of Shari `ah in which scholars are interested. "Virtue" means values and morals.

In his preface, he stated that absolute virtue means all or most of the adjectives that can be attributed to Allah, Exalted is He, such as: Wisdom, generosity, knowledge, patience, forgiveness, justice, mercy... etc., bearing in mind, that when these adjectives are attributed to Allah, they transcend their worldly meaning and soar to the apex of perfection. He said that if man was able to be virtuous then he would be worthy of Allah's description of him as His "Successor" when he says:

"I will create a vicegerent on earth" (2:30)

"And make you inheritors in the earth; that so He may see how ye act." (7:129)

And

"It is He Who hath made you the inheritors of the earth: He has raised you in ranks, some above others: that He may try you in the gifts He has given."  
(6:165)

Al-Raghib pointed out that the vicegerency in the earth that Allah, the Lord of Power and Majesty, has bestowed on man, assumes a higher position than slavery to Allah. As the Prayer will not be accepted without purification of the body, similarly the vicegerency of man on the

earth is not attainable without the purification of the soul. [Note: Introduction of "Al-zari`ah", p. 58-59]

However, I do not agree with Al-Raghib's (May Allah be pleased with him) opinion that the vicegerency of Allah is a higher position than slavery to Allah. Both vicegerency and slavery are of the same position, for the believer is the vicegerent of Allah and, at the same time, His slave. For instance, Allah says to David: "O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth (and justice)." (38:26)

And to His Prophet, "And remember Our servant David, the man of strength ! (in repentance) to Allah." (38:17)

Thus David (Peace be upon him) is both Allah's vicegerent and slave Allah says: "To David We bestowed Solomon (for son), how excellent is the servant! Ever did he return (to Us in repentance)" (38:30)

Allah calls him "Servant" notwithstanding his unique kind of dominion. Allah has described the master of His creatures and the last of the prophets as His slave saying:

"Praise be to Allah, Who has sent to His servant the Book." (18:1)

"Glory to (Allah), Who did take His servant for a journey by night," (17:1)

and,

"So did (Allah) convey the Revelation to His servant (conveyed) what He (meant) to convey!" (53:10)

I also disagree with Al-Raghib's opinion that virtue *per se* is voluntary and additional. Virtue is not absolute but rather than the unlawful (Haraiti), being dutiful and being good and obedient to one's parents are obligatory virtues whereas, avoiding the doubtful and prohibited, being overdutiful and preferring others above oneself are voluntary and additional virtues.

#### A. Why Was the Human Being Preferred Above Allah's Creatures?

Among the most interesting things that Imam Al-Raghib wrote about the Fiqh of Virtues or Civilized Fiqh, was his theory of Allah's Preference of man above all animals and the reasons behind this I will quote him:

"Although man, as a human being, is already the best of creatures yet his superiority depends on cherishing and developing what made him a human being in the first place namely, true and illuminating knowledge. This preference depends on his adherence and steadfastness to knowledge. Therefore, the saying goes that men are the product of what they can do best, namely, they are the outcome of what they know of the fields of knowledge and what they do of good deeds. They used to say; well done, if someone gained knowledge and did good deeds.

Al-Raghib continued:

"There are three sides of man. One that resembles plants, in that he needs nourishment and can produce offspring. The second resembles animals, in that he feels and moves. The third, resembles a picture hung on the wall when seen in silhouette. He added:

"The ability to speak and express himself: is his unique privilege for a human being without a tongue is like a neglected animal or dumb picture! For the human being is similar to an angel in mastering knowledge, pronunciation and understanding whereas, he is similar to an animal in his need for food and sex. On the one hand, if man consecrated his energy and life to developing his mental and spiritual abilities through knowledge and doing good, he would be raised to the ranks of angels and be called an angel and a scholar, as Allah said: "No mortal is he! This is none other than a noble angel!" (12:31)

On the other hand, if man concentrated all his time and energy on saturating his lust, eroticism, and gluttony, he will be lowered to the ranks of the beasts and become as malicious as a bull, as gluttonous as a swine, as weak as a dog, as spiteful as a camel, as haughty as a tiger, as a sly as a fox or a mixture of all these and turn into a rebellious Satan. Allah stresses this meaning when He says:

"Those of whom some He transformed into apes and swine, those who worshiped Evil (Tagut) " (5:60)

Many people look like human beings on the surface, yet on unveiling them, we will find out that in reality, they are no more than animals. Allah described the people who have no understanding as:

"They are only like cattle; nay, they are farther astray from the way." (25:44)

"For the worst of beasts in Allah's sight are the deaf and the dumb, those who understand not." (8:22)

Thus, Allah emphasized the fact that those who disbelieved and did not take advantage of the power Allah bestowed on them are the most vile of beasts. He also says:

"The parable of those who reject faith is as if one were to shout like a goat-herd, to things that listen to nothing but calls and cries: deaf, dumb, and blind. They are void of wisdom." (2:171)

Here, Allah likens the wise man of the disbelievers to the one who calls out to the sheep. Thus, the disbelievers are lowered to the ranks of animals because they are incapable of understanding anything that one tells them." [Note: "A `-Zari`ah Ila Makan'm Al-Shari `ah ", "Means to the Virtues of Shari `ah , revised and edited by Abu Al-Yazid Al-`Agmi, p.86, 87]

## Emphasis On the Sublime Ends of Life

The emphasis on the sublime ends of life is one of the basic aspects of Civilized Fiqh, which the Prophet's Sunnah stressed. Life does not mean food, drink, play and diversion. In fact, life is too short, too transient and at the same time too precious. It lasts for few days, or rather

few breaths. It is the plantation for the eternal life. It paves our way towards immortality. For what man plants here, is harvested there and what he does today, Allah will recompense him for tomorrow. Whatever we do today, Allah will charge us for it tomorrow, as Allah says: "On that Day will men proceed in groups sorted out, to be shown the deeds that they (had done). Then shall anyone who has done an atom's weight of good, see it! And anyone who has done an atom's weight of evil, see it." (99:6-8)

Therefore, man must know the ends of his life and the secrets of his existence. It is unbecoming of man, whom Allah has subjected to him whatever is in the heavens and the earth and has bestowed upon him his blessings, to think of nothing but saturating his gluttonous stomach as the cattle that Allah subjected to him do This is a characteristic of the disbeliever as Allah said:

"While those who reject Allah will enjoy (this world) and eat as cattle eat; and the Fire will be their abode." (47:12)

Also, the Prophetic hadith says:

"A believer eats in one intestine (is satisfied with a little amount of food), and a Kafir (disbeliever) or (a hypocrite) eats in seven intestines, i.e., eats too much" [Note: Agreed upon, on the authority of Ibn `Umar and Aba Harairah, Al La'lu' Wal Marjan, No.1334, 1335]

The Prophet (Peace be upon him) says that the disbeliever is only interested in saturating his gluttony therefore he eats yet he never feels satisfied. Man should not be deceived by the amount of money or luxury he has, for what is really important is the satisfaction and content of his heart and soul. Hence, the Prophet's hadith (Peace be upon him) says: "True riches is self-contentment." [Note: Agreed upon on the authority of Abu Hurairah, Al-Lu `lu' Wal Marjan, No.624]

The reader must not misunderstand my words for I do not mean to condemn wealth or money as in the case of some Sufis, for the Prophet (Peace be upon him) said to `Amr Ibn Al- As: "Excellent lawful money for an excellent pious slave" [Note: Reported by Ahmad after `Amr, Al-Haisami said: it is reported by Ahmad and Aba Ya' la, vol, 4, p.202. It is also reported by Al-Bukhari in Al-Adab Al-Mufrad, No.299, and Ibn Hibban said in Al-Ihsan, it is a Sound hadith, No. 3210, 3211]

Undoubtedly, he does not mean that life is a means to the end, which is money nor that man adores it. He wants to convey to us that money should be a means not an end. He wants money to help man show more obedience to Allah. It should not be sought for its own sake. When Abu `Ubaidah came back with a fortune from Bahrain and the Prophet saw how people were infatuated by him and rushed to receive him, he warned them saying: "O, People! Have the good news and hope for what will please you. By Allah, I am not afraid that you will become poor, but I am afraid that worldly wealth will be given to you in abundance as it was given to those nations before you, and you will start competing against each other for it as the previous nations did, and then it will divert you (from good as it diverted them)". This is what the Prophet has warned against. [Note: Agreed upon on the authority of Amr Ibn Awf Al-Ansary, Al-Lu `lu' Wal Marjan, No.1866]

In another hadith, the Prophet (Peace be upon him) said: "Life is full of beauty and greenery. Allah made you heirs on the earth that He may see how you would act, therefore, protect yourselves against the pleasures of worldly life and against women." [Note: Reported by Muslim on the authority of Abu Sa'id Al-Knudri in the book of Al-Riqaq, No.2742]

Allah, the Exalted permitted Muslims to enjoy the pleasures and ornaments of life. Moreover, the Qur'an criticized the religious creeds that forbade the good things and ornaments of life. Allah says: "Say: Who has forbidden the beautiful (gifts) of Allah which He has brought forth for His servants, and the things, clean and pure, (which He has provided)" (7:32)

Allah, the Exalted does not want the pursuit of the good things and ornaments of life to be the end of one's life, for they were created to serve man, whereas, man was created to worship Allah. Since man, the master of the universe is Allah's slave, then he must not become a slave of anyone or anything but Him. If he chooses slavery for anyone or any thing but Allah, he deserves misery and suffering. Imam Al Bukhari says, "Perish the slave of dinar, dirham, Qatifah (thick soft cloth), and Khamisah (a garment) for if he is given, he is pleased: Otherwise he is dissatisfied! Tuba - blessedness on a slave with disheveled hair and dirty feet who mounted his horse to strive in Allah's Way and did not care if he was at the front or the rear of the army."

He devoted himself to Allah's Service and the triumph of the truth. Thus, he doesn't care whether his position happens to be at the front, or at the rear of the army.

This hadith expresses both: the misery of the one who enslaves himself to money or appearances and an invocation of the Prophet against him. Allah always answers his Prophet's (Peace be upon him) invocations. The unfortunate one whom the Prophet has invoked Allah to make him suffer from misery and ruin.

Islam raises Muslims to a high position as it consecrates his life to a far greater and nobler end than the mere satisfaction of his lust. This end exceeds the limits of this worldly life. This made one of the poets satirize another poet saying,

Allah blames a vagabond whose utmost wish to wear clothes and eat food.

Also, Al-Zabraqan Ibn Badr (May Allah be pleased with him) was infuriated by Al-Hutai'ah's sharp satire of him saying:

Leave virtues alone and do not attempt a virtuous deed.

Stay foot, for you have everything that you crave namely, food and clothes.

The believer should not devote his whole life to nothing but food and clothes. Imam Al-Raghib Al-Asfahani in his "Means" expressed this idea most eloquently under the title "What Man Was Created For".



## *A. The Reason Behind the Creation of Man*

"People are the offspring of a man such as the earth is the product of sand."

Man's real honor is to be perfect in himself and in what he was created for. Similarly every being or species that Allah, the Exalted, has created in this world or guided some of his slaves to discover or made, is created to fulfill a certain mission without which it would not have been created in the first place for instance, camels were created to carry our heavy loads to lands we could not otherwise reach, except with great personal effort. Horses are like two wings on which we fly. The saw and the chisel were made so as to repair doors, beds and the like. Finally, the door was made to safeguard the house.

As for man, he was assigned:

1. The construction of the earth as Allah says: "And settled you therein." (11:61)

This undertaking made life possible for man.

2. The worship of Allah who says: "And I have only created Jinns and men, that they may worship Me." (51:56)

This expresses obedience to the Creator in His Orders and Prohibitions.

3. The vicegerency in the earth as Allah says:

"And make you inheritors in the earth; that so He may see how you act." (7:129) There are many verses to this effect which help us follow in the footsteps of the Prophet (Peace be upon him) as much as a human being can, by adhering to the virtues of the Shari'ah."

"The virtues of Shari'ah are wisdom, justice, forbearance, benevolence and goodness. They aim at reaching everlasting Paradise and closeness to Allah. As long as this creation is fulfilling its mission on earth, honor is attached to it, yet when it fails in its mission, it is debased. For instance, the horse is ridden so as to fight the enemy and, the sword is for striking and clashing. When the of the creation is not fulfilled, it becomes faulty. It is either thrown aside or is lowered to an inferior level. For instance if a horse is not fit for galloping in attack and retreat, it will turn to carrying burdens or to a means for provision. Also, if the sword is not sharp enough for smiting, it is used as a saw. Similarly, if man is not qualified to be Allah's vicegerent in the earth, or to worship Him, or to construct the earth, animals are considered far better and more useful than him. Hence, Allah's sharp criticism of the men who have lost this virtue, saying: "They are like cattle, nay more misguided: for they are heedless (of warning)" (7:179)

## *B. The Discipline Through Which Man Deserves vicegerency of Allah on the Earth*

Al-Raghib said:

"I have mentioned before that vicegerency is won through discipline which, in its turn, is won through adhering to the virtues of Shari'ah. There are two types of discipline:

1. Discipline of one's self, body and everything that belongs to him.
2. Discipline of others, such as one's family and country men.

Definitely, whoever fails in disciplining himself, must fail in disciplining others. Therefore, Allah despises any man who devotes himself to discipline others through enjoining good and forbidding evil, even though he himself is unable to behave virtuously, saying:

"Do you enjoin right conduct on the people and forget (to practice it) yourselves, and yet you study the scriptures? Will you not understand?" (2:44)

"O you who believe! Why say ye that which ye do not? Grievously hateful is it in the sight of Allah that ye say that which ye do not." (61:2-3)

"O you who believe! Guard your own souls: if ye follow (right) guidance. No harm can come to you from those who stray." (5:105)

Here, Allah orders man to behave himself before qualifying himself to teach others how to behave.

In this respect, `Umar (may Allah be pleased with him) said: "Qualify yourselves before undertaking the affairs of others." [Note: Reported by Al-Baihaqi on the authority of Umar]

He stressed that it is of a fundamental importance that man understands that he must not attempt to teach or discipline others without having a reservoir of knowledge of Fiqh, and general discipline tactics. The disciplined one always follows in the footsteps of the one who disciplines him. Therefore, it is only logical that the disciplined is to be crooked if the one who disciplines him is crooked. Thus, it is impossible that the man who is astray should succeed to guide anyone to Allah's Way for Allah says:

"O ye who believe! follow not Satan's footsteps: if any will follow the footsteps of Satan, he will (but) command what is indecent and wrong" (24:21)

Thus Allah ordained that it is impossible for a truly disciplined believer to follow in the footsteps of Satan who bids to obscenity and abomination.

### *C. The Difference Between the Virtues of Shari'ah and Allah's Worship and the Construction of the Earth*

Al-Raghib said:

"The fundamentals of the virtues of Shari'ah are: The purification of one's soul through learning, the assimilation of chastity, patience and justice, and the adherence to wisdom, generosity, forbearance and benevolence. One reaches wisdom through learning, generosity through chastity, courage and forbearance through patience, and correction of one's conduct through justice.

If one is able to win these virtues he is raised to the apex of honor as Allah says: "Verily, the most honored of you in the sight of Allah (he who is) the most righteous of you." (49:13)

Moreover, he is the most qualified man for Allah's vicegerency on the earth and he is raised to the ranks of those who worship Allah, the martyrs and the most truthful.

As for the construction of the earth, it means exerting the utmost effort to make the lives and daily affairs of people run smoothly and successfully. The individual is ordered to live, eat, wear clothes that protect him from the heat and the cold in the suitable way that Allah allowed him. In this respect, Allah says:

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

As long as Allah's slave pursues his daily subsistence in the way that Allah ordered him to, his pursuit is considered as worship and striving in the Way of Allah, as the Prophet (Peace be upon him) stated in many hadiths. [Note: This is an indication to hadiths which considered seeking livelihood as worship and Jihad in the Way of Allah such as the hadith of Ka'b Ibn `Ujrah which states "If one went out (to earn livelihood) for the sake of his young children, he would be in the Way of Allah, and if one went out for the sake of his aged parents, he would be in the Way of Allah, and if one went out for the sake of his ownself, he would be in the Way of Allah." Reported by Al-Tabarani as Al-Mundhiri said, Al-Muntaqa, No, 944-and Al-Haisami, vol.4, No.61]

If one seeks provision and subsistence through lawful ways, he is in Jihad, but if he resorts to crooked and unlawful ways, his striving will go astray. Allah says in this respect:

"Say: "Shall We tell you of those who lose most in respect of their deeds? Those whose efforts have been wasted in this life, while they thought that they were acquiring good by their works?" (18:103-104)

Moreover, the crooked striver is seen as a servant to his fellow men who lead him by the nose to serve them. Thus, he lowers himself to the level of animals that Allah has created and bestowed on his slaves. In this respect Allah says:

"And (He has created) horses, mules and donkeys for you to ride and as an ornament." (16:8) [Note: Al-Zari'ah Ila Makarim Al-Shari`ah, p.90-95]

Following in Religious Matters and Innovation in Worldly affairs

The Civilized Figh considers following as an essence of religion, whereas, innovation is the essence of life. Allah has perfected for us His Religion, and completed His Grace on us through it. Thus this Religion is invulnerable for additions or subtractions. For Allah says:

"This day have I perfected your religion for you, completed My Grace upon you, and have chosen Islam for you as your religion." (5:3)

There Are Two Fundamental Bases For Allah's Worship:

*First*, one must worship Allah alone and anything that people worship besides Allah is falsehood, whether it was a star in the sky, an idol on earth, a plant, an animal or a human being. All Allah's prophets upheld this basis for Allah says:

"Not a messenger did We send before thee without this inspiration sent by Us to him: that there is no god but I: therefore worship Me." (21:25)

*Secondly*, one must worship Allah in the lawful way that is ordained by Allah in His Book, and spelt out by the Prophet in his Sunnah. Whoever dares to invent or insert anything that is not in accordance with Allah's Book or the Prophet's Sunnah is doomed to rejection. The Authentic hadiths states:

"Whoever introduces something to this affair of ours will have it rejected".  
[Note: Agreed upon on the authority of `Aishah]

"Whoever does something which does not belong to our affair will have it rejected." [Note: Reported by Muslim]

and,

"Beware of new things in matters of worship, for every new thing is an innovation and every innovation leads to falsehood." [Note: Reported by Abu Dawud, No.4607, Al-Tirmidhi, No.2678, and said it is a Good Sound hadith, Ibn Majah, No.42, Ibn Hibban, Al-Ihsan, No. 5. and Ahmad, vol.4, p.126, 127. All of them reported it on the authority of Al-' Rbad Ibn Sariyah]

Thus the Prophet (Peace be upon him) protected religion from the novelties and innovations that had been inserted and introduced into the former religions perverting words from their meaning through additions, making the easy difficult, turning the Haram into Halal and the Halal into Haram.

For instance, the Christians invented cruel monasticism and tried to forbid Allah's instinctive religion which He has created in mankind. Therefore, they declared that marriage, Allah's ornaments and the good things which He has provided for His slaves as forbidden. Some of them went so far to say that cleanliness itself is forbidden. They even believe that the filth and stench of their bodies bring them closer to their Lord and that the cleanliness of their bodies bring them closer to Satan. For instance, a monk of the Middle Ages in Europe, said bitterly there were times where one on the clergy spent his entire life without touching water but we alas live at the time when people become used to bathrooms. [Note: See, Abu Al-Hassan Al-Nadawi, Islam and the World, Madha Khasira Al-`A lam Binhtat Al-Muslimin]

It seems that the habit of "Frequenting bathrooms" was taken from Muslims in Andalusia!

The Sunnah warned Muslims against overburdening themselves. Anas reported that the Prophet (Peace be upon him) said:

"Do not be hard on yourselves in religious rites; otherwise, Allah will be hard on you for there were people who were so hard on themselves that Allah became hard on them. you can see what is left of them in hermitages and monasteries".  
[Note: Reported by Abu Dawud in the book or Al-A dab, No.4904]

In this respect, Allah says:

"But monasticism they themselves invented, We did not ordain it for them."  
(57: 27)

This overburdening of one's self and Strict adherence to religion was contrary to the easy and mild attitude through which they dealt with life so much so that they welcomed every attempt towards creativity and innovation in worldly matters.

Undoubtedly, the Prophet urged Muslims to create for the good of life in general and to invent new styles of architecture and construction. In addition, he directed them to wards continuous improvement, and innovation in science, work and art. The Authentic Hadith reported that the Prophet said:

"If a Muslim innovates a good innovation (in Islam), he shall be rewarded for innovating it and shall be rewarded each time another Muslim follows it. Moreover, the Muslim who will follow it will also be rewarded". [Note: Reported by Muslim, Ahmad, Al-Tirmidhi, Al-Nasa'i and Ibn Majah on the authority of Jurair, Sahih Al -Jami' Al- Saghir, No.6305]

This was the way the early Companions and Muslims conducted their lives. They did not hesitate to pass judgments concerning certain issues that were non-existent in the Prophet's time, or were not tackled or even dealt with before. They craved what was in the best interest of the Islamic Nation, for instance, they wrote the Qur'an and made copies of it, based Caliphate on mutual consultation (Shura), established the mint, built prisons besides other things upon which the scholars of Islamic Jurisprudence based their defense of the necessity of continuous observance of public interest. [Note: See, Al-Qarafi, SharhTanqih Al-Fusul, p.199]

Most of these innovations took place during the Caliphate of `Umar (May Allah be pleased with him) for he was the first to write down accounts of poor, army, etc., built cities and establish Islamic calendar. Those who followed him, followed his traces during the good and prosperous centuries of the Islamic Nation.

Naturally, they fought evil novelties concerning faith, rejected evil innovations in worship, kept the essence of religion intact and unblemished. Moreover, they created sciences that serve religion such as grammar, morphology and rhetoric, they compiled language dictionaries and developed the sciences of Fiqh, interpretation and Hadith; and satellite science so as to secure, clarify and set the bases for those who attempt to learn them. For instance, they established the science of Principles of Jurisprudence, Hadith Methodology, and Qura'nic studies.

They even went so far as to translate the sciences of other nations. Therefore, they borrowed, adapted and added to them. There were numerous instances of genius among

Muslims in all fields such as: medicine, astrology, physics, chemistry, optics, mathematics, geography and other fields of knowledge as well.

Alas, when Muslims fell into the abyss of backwardness, (i.e. lack of adherence to Islamic principles) this bright image was blurred by their evil innovations in religious studies and their stagnancy towards the development of life.

## Constructive Positivism

The spirit of constructive positivism is one of the bases of Civilized Fiqh which the Sunnah stressed. This spirit should control the Muslim's mind, senses, thought and conduct. It symbolizes interest in deeds rather than verbal eloquence and rhetoric. It lays great importance on construction rather than demolishing and in lighting candles rather than abusing darkness.

This positive orientation is quite evident in the hadiths that call for exerting one's utmost until the very last moment of one's life even though the Last Hour is established or is about to. The Hadith reported that the Prophet said: "If the Hour is about to be established and one of you was holding a palm shoot, let him take advantage of even one second before the Hour is established to plant it." [Note: Reported by Ahmad and Al-Bukhan on the authority of Anas in Al Adab Al-Mufrad, see also Sahih Al- Jami' Al-Saghir, No.1424]

Now, why should a Muslim use this precious moment in planting a palm shoot? Why should he busy himself with it, when the Last Hour is established or is about to be, not with standing the fact that neither he nor anyone else is going to benefit from it? How come he wastes that invaluable second of the establishment of the Hour in planting a palm shoot that will not yield before years to come?

This tiny shoot is a symbol of the value of activity per Se. A Muslim worships Allah through working so as to construct the land. He is to keep on working until his last breath.

This positive orientation is evident in elevating the mastery of one's work to the level of obligation and worship. A Muslim is not only ordered to do his work in the best possible way, but also to perfect and master it in every possible way.

The Prophet (Peace be upon him) said: "Allah ordered us to do good in everything one does. So, if you kill, do it in the best way, and if you slaughter, do it in the best way, and let one of you sharpen his blade and make his victim comfortable". [Note: Reported by Muslim. Abu Dawud, Al-Tirmidhi, Al-Nasa'i, Ibn Majah on the authority of Shaddad Ibn Aws, the previous reference, No. 1795]

And,

"Allah likes you to exert your utmost to master your work." [Note: Reported by Al-Baihaqi on the authority of `Ai'shah, Shu'ab Al- Iman. It is also mentioned as Good hadith in the previous reference, No.1880, 1891]

Many hadiths prohibit abuse for its negativity and futility. The Prophet (Peace be upon him) was neither a Fahish (one who speaks bad words) nor a Mutafahish (one who speaks obscene evil words to make people laugh). I will mention many hadiths in succession which prohibit the abuse of many things as mentioned in "Sahih Al- Jami' Al Saghir" and its apexes, that emphasize the importance the Sunnah laid on implanting this positive spirit into Muslim and giving impetus to build rather than to demolish. These Hadiths are: Abu Dawud reported on the authority of Jabir Ibn Salim that the Prophet said: "Do not abuse anyone and do not underestimate the value of doing what is right."

In agreed upon hadith, Abi Sa'd and Muslim reported on the authority of Abu Hurairah that the Prophet said: "Do not abuse my Companions. By Allah in Whose Hands my soul rests, if any of you spent money as high as Uhud mountain in Allah's Way, he will not be half as near to the piety, generosity and righteousness of one of them."

Al-Bukhari and others reported on the authority of `Aishah that the Prophet said: "Do not abuse the dead, for they have reached the rest of what they have done."

Ahmad, Al-Tirmidhi and Ibn Majah reported on the authority of Al-Mughirah that the Prophet said: "Do not abuse the dead and hurt the living."

Muslim reported on the authority of Abu Hurairah that the Prophet said: "Do not abuse the Dahr (Time) for Allah is the Dahr." Abu Dawud reported on the authority of Zaid Ibn Khalid that the Prophet said: "Do not abuse the cock for he wakes Muslims for Prayers."

Al-Nasa'i and Al-Hakim reported on the authority of `Ubai that the Prophet said: "Do not abuse the wind for it is from the Spirit of Allah. Ask Allah for its latent good and seek His Refuge from its latent evils."

Muslim reported on the authority of Jabir that Prophet said: "Do not abuse fever for it is blots out the sins of Adam's sons just like what the bellows does to iron."

Tammam, Al-Dailami and Al-Mukhlis reported on the authority of Abu Hurairah that the Prophet said: "Do not abuse Satan, it is enough to seek Allah's Refuge from his evil". [Note: All of these hadiths are quoted from Sahih Al- Jami al-Saghir, second edition, p 8309-8322]

These hadiths Stress that abuse might be unintentionally directed to those who do not deserve it such as: the Companions who propagated Islam all over the world, taught people the Qur'an and the Sunnah and paved the way for future generations to embrace Islam.

As for the one who abuses Dahr (Time) is actually abusing Allah, for Dahr does not do anything on its own, in fact, it is only a framework for events. Therefore, if someone abuses the Mastermind and Director of these events, he actually abuses Allah, the Exalted.

Also, the one who abuses the wind is actually abusing Allah who made it subservient to him and ordered it to blow wherever and whenever He wills. Thus, He sends the wind with mercy or torture.

Another abuses what does good for him as when he abuses the cock when it cries although it does him good as it wakes him up for Prayer.

Others curse fever notwithstanding the fact that it expiates sins. Cursing Satan is futile. Instead, one should remember Allah, the Exalted, seek His Refuge from the evils of Satan. One of the most famous Hadiths concerning this matter is as follows: Abu Taymimah Al-Hugaimi reported that:

"one day as I was riding behind the Prophet on a donkey, it stumbled and I shouted "let Satan perish!" The Prophet said "Do not say "let Satan perish" for if you say so he will feel important and haughty and he will say "I thwarted him with my power!" Instead say: "In the name of Allah", so that he will feel humiliated and be weaker than a fly". [Note: Al-Mundhiri said, in his book "Al-Targhib" that it is reported by Ahmad, Al-Baihaqi and Al-Hakim, but he said "If Allah's Name is mentioned, he will diminish until he becomes like a fly." Al-Dhahabi agrees with him, vol. 10, p.132. See also hadiths No.1915 and 1917 from our book "Al-Mantaqa Mm Al-Targhib Wa Al- Tarhib."]

In another version Abu Dawud reported: "He will feel as big and mighty as a house." [Note: Reported by Abu Dawud in Al-Adab, No.4982]

This means that the devil becomes puffed up with pride whenever one curses him or invokes Allah against him. However, when one remembers Allah and ignores Satan then Satan feels dwarfish and grovels. Certainly, pronouncing "in the Name of Allah" is a positive act because it means that one is remembering Allah and seeking His Refuge, whereas saying "let Satan perish" is a negative act as it does not offer solutions, nor achieve anything, thus Satan rejoices on hearing it.

## Man Is Essence Rather Than Appearance

The most fundamental aspects of this Fiqh is stressing the importance of essence, reality and heart rather than external manifestations.

Hence, the Glorious Quran rejected the Bedonin's pretentious faith which was uttered by the tongue but did not reach the heart and without any living evidence of it in action or striving in the Way of Allah. In this respect, Allah says:

"The desert Arab say: "We believe." Say "Ye have no faith; but ye (Only) say, `We have submitted our wills to Allah,' For not yet has faith entered Your hearts. But if ye obey Allah and His Messenger, He will not belittle aught of your deeds: for Allah is Oft- Forgiving, Most Merciful. Only those are believers who have believed in Allah and His Messenger, and have never since doubted, but have striven with their belongings and their persons in the Cause of Allah: such are the sincere ones!" (49:14-15)

The Prophet (Peace be upon him) said:

`Beware! There is a piece of flesh in the body if it becomes good (reformed) the whole body becomes good, but if it becomes spoiled, the whole body



becomes spoiled, that is the heart," [Note: Agreed upon on the authority of Al - Nu' man Ibn Basir]

And,

"Allah does not care about your looks or fortunes, He cares about your hearts and deeds." [Note: Reported by Muslim on the authority of Abu Hurairah]

Thus, the real value of man does not rest upon him having a huge body, from noble descent, an eminent appearance, fame and influence. True value, according to Allah, rests upon the level of faith in the heart and this faith is expressed in deeds rather than words which are carried out sincerely. In short, their real value lies in piety for Allah says: "Verily, the most honored of you in the sight of Allah is (he who is) the most righteous of you." (49:13)

Allah, the Exalted criticizes the hypocrites saying: "And when thou lookest at them, their bodies please thee." (63:4)

There is also a hadith emphasizing this, One day Abdullah Ibn Mas'ud climbed a tree and his thin legs were seen by some of the Companions who were standing under the tree. His legs were so thin that it made them burst into laughter and the Prophet (Peace be upon him) exclaimed:

"Do you dare to mock him because of his skinny legs: By Allah in Whose Hands my soul rests, these two thin legs are heavier in Allah's Scale than the mountain of Uhud!" [Note: See Majma' Al-zawa'id, narration of `All, Ibn Masu'd and Qurab Ibn Iyas, vol. 9, No.288, 289]

Abu Hurairah reported that the Prophet said:

"On the Day of Resurrection, a huge fat man will come who will not weigh the weight of the wing of a mosquito in Allah's sight". [Note: Reported by Al-Bukhari and Muslim, Al-Lu'lu' Wal Marjan, No. 1773]

Sahl Ibn Sa'd reported that:

"One day, a man passed by the Prophet (Peace be upon him), Allah's Prophet asked one of his Companions "what is your opinion of this man" He replied, "If he asks for a lady's hand in marriage, then he ought to be given her in marriage; and if he intercedes (for someone) then his intercession should be accepted". Allah's Prophet (Peace be upon him) kept silent and then a poor Muslim passed by, and Allah's Prophet (Peace be upon him) asked his Companion again "What is your opinion of this man?" He replied "If he asks for a lady's hand in marriage, then he does not deserve to be married to her, and if he intercedes (for someone), then his intercession should not be accepted, and if he speaks, he should not be listened to." Allah's Prophet (Peace be upon him) said "This poor man is better than so many of the first as filling the earth. [Note: Reported by Al-Bukhari]

Mus'ab Ibn Sa'd said:

Source: [www.prophetmuhammadforall.org](http://www.prophetmuhammadforall.org)

Once Sa'd Ibn Abi Waqqas (May Allah be pleased with him) thought that he was superior to those who were below him in rank. On that, the Prophet said: "You only gain victory and livelihood through the blessings and invocations of the poor amongst you." [Note: This hadith indicates a very important social issue that is the lower classes of farmers, laborers and craftsmen are the factors of victory in war and production in peaceful periods. This is what can be understood from the Prophet's saying "You only gain victory and livelihood ". This hadith is reported by Al-Bukhari, Al-Hafiz Abu Bakr Al-Barqani in his Sahih, and Al-Nasa'i.]

In the narration of Al-Nasa'i, the Prophet (Peace be upon him) said:

"This Nation gains victory through invocations, Prayers and devotion of the poor."

#### Sincere Devotion and Adhering to the Islamic Shari'ah as Prerequisites For the Acceptance of Deeds

Among the basic concepts of the aspired Civilized Fiqh is laying emphasis on two basic prerequisites that ensure that Allah will accept one's deeds as sincere.

*First*, the deed must be carried out sincerely and devoutly for Allah's Sake. It must not be tinged with hypocrisy and worldly interests.

*Second*, it must be correct and disciplined in that it follows Allah's Ordinance and Shari'ah.

To reach this sincere devotion, one must concentrate on the impetus and aim of this deed rather than its outward appearance. Every deed has a body and a soul. Its body has seen or heard characteristics. Its soul has the intention which motivates it and sincerity which flows inside it, without which Allah will not accept the deed. He says: "And they have been commanded no more than this: to worship Allah, offering Him sincere devotion, being true (in faith)." (98:5)

For these reasons, scholars gave great importance to the famous and agreed upon hadith which states: "The reward of deeds depends upon the intentions and every person will get the reward according to what he had intended. So whoever emigrated for worldly benefit or for a woman to marry, his emigration was for what he emigrated for."

All scholars agreed upon the authenticity and importance of this Hadith to the extent that Imam Al-Bukhari placed it in the first volume of his Sahih as the very first Hadith. Many followed suit to stress the fact that it is of crucial importance that the intention behind the deeds must be void of scruples, personal and worldly desires he directed to wards the reward of the Hereafter. They went so far to say that this hadith encompasses one quarter or one third of the meaning of Islam. On reading Invitation and Intimidation (Al-Tarhib Wa Al-Tarhib), by Imam Al-Mundhiri, we realize that he started by reciting a group of Hadiths which make one yearns for purification of one's intention and how to reach sincere devotion. He emphasizes their crucial importance in Allah's religion and His acceptance of one's deeds.

These Hadiths follow respectively. The first is by Ibn Umar, the Prophet said: "Three persons had to enter a cave to shelter from the rain. A large rock rolled over and blocked the mouth of the cave. They said to each other, invoke Allah with the best deed you have performed (so Allah might remove the rock). Each of them invoked Allah with the best and sincerely devoted deed he had done saying "O Allah! If you regard that I did it for Your Sake, then please remove the rock so that we may see the sky. Allah removed the rock completely from the mouth of the cave. They escaped death through their sincerity and blessed intentions." [Note: Agreed upon on the authority of Abu Hurairah.]

Abi Umamah reported that a man came to the Prophet (Peace be upon him) and asked him: "If a man went on an expedition to be endowed and become a celebrity, will he be rewarded by Allah." The Prophet (Peace be upon him) said: "He will not." The man repeated his question three times and the Prophet (Peace be upon him) said nothing more than "He will not." Then he added Allah, the Exalted does not accept a deed unless it is sincerely devoted for His Sake." [Note: Reported by Al-Nasa'i on a good authority.]

Abu Hurairah said that the Prophet (Peace be upon him) said: "Allah does not look at your bodies and looks, but at your hearts." [Note: Reported by Al-Nasa'i on a good authority]

Also, the Prophet (Peace be upon him) said: "A man said that he would give something in charity. He went out with his object of charity and unknowingly gave it to a thief. Next morning the people said that he had given his object of charity to a thief. On hearing that he said "O Allah! All praises are for You. I will give alms again. And so he went out again with his alms and unknowingly gave it to an adulteress. Then next morning the people said that "He had given his alms to an adulteress last night". The man said: "O Allah! All praises are for You, I gave my alms to an adulteress. I will give alms again." So he went out with his alms again and unknowingly gave it to a rich person. The People next morning said that "He had given his alms to a wealthy person. He said: "O Allah! All praises are for You, I have given alms to a thief, an adulteress and a wealthy man." Then someone came to him in vision and said "The alms which you gave to a thief might make him abstain from stealing, and that given to the adulteress might make her abstain from illegal sexual intercourse and that given to a wealthy man might make him take a lesson from it and spend his wealth which Allah has given him, in Allah's Cause." [Note: Agreed upon]

Thus his intention interceded for him and compensated for his error of judgement. Furthermore, Allah was certain of his sincerity as he did not want to give alms in public in day light. Contrary to this, Al-Mundhiri cited a number of Hadiths that warn against showing off: There is a hadith which reports that: "Three persons [Note: Reported by Muslim on the authority of Abu Hurairah.] were dragged on their faces to the Fire. Those three were; a warrior killed by disbelievers, a scholar who had learnt and taught people and read the Qur'an and a wealthy man who had spent his money and gave alms. However, their deeds were not done for Allah's Sake but were for the people's. They, as it were counter feited their intention before Almighty Allah. If deceiving a fellow man is a grave crime, then what about trying to deceive our Creator? Jundub Ibn Abdullah reported that the Prophet (Peace be upon him) said: "Whoever unveils the secrets of his fellow brother, Allah will unveil his secrets on the Day of Resurrection, and whoever shows off his deeds, Allah will show him off on the Day of Resurrection." [Note: Agreed upon, see also our book, AL-Muntaqa min Al-Targizib wa Al-Tarhib, hadiths No.1 to 23]

In other words, he will be rewarded according to the degree of his sincerity and intentions on the Day of Resurrection and he will be exposed in public to receive his recompense. In the Qudsi hadith, Allah, the Almighty says: "I am so self-sufficient that I am in no need of having an associate. Thus he who does an action for someone else's sake as well as Me, will have that action renounced by Me to him whom he associated with Me." [Note: Reported by Muslim on the authority of Abu Hurairah, No.2985]

In another version, "Whoever did a deed with the intention of pleasing someone else besides Me, must know that I will not accept his deed because it is directed at someone else and not Me." [Note: Reported by Ibn Majah, No.4202]

There are many other Hadiths that advocate following the Glorious Book and the Sunnah to the letter and warn against ignoring the Sunnah and committing evil innovations or surrendering to one's whims and desires. In the hadith it says:

"Follow my Sunnah and follow in the footsteps of the Rightly Guided Caliphs, stick firmly to it, and beware of evil innovation, for every evil innovation is falsehood." [Note: Reported by Abu Dawud, No.4607, Al-Tirmidhi, No.2678, Ibn Majah, No.42, and Iba Hibban, No.102]

"Allah holds the Qur'an in His Hand and you hold it in yours, so cling tenaciously to its teachings. If you do so, you will never go astray or be ruined." [Note: Al-Mundhiri said: it is reported by Al-Tabarani in Al-Kabir on a good authority and Al-Haisami said: its transmitters are of the Sahih, Al Magma', vol.2, p.169]

"I left you two things that if you hold fast to them yo will never go astray nor suffer hardships, namely, Allah's Book and His Prophet's Sunnah." [Note: Reported by Al-Hakim and he said it is a Sound hadith. Al-Mundbin and Al-Dhababi upheld the same, vol.1, p.93]

Ibn Mas'ud reported that the Prophet said that, "Moderation in Sunnah is better than ijthihad in evil innovation. [Note: Reported by Al-Hakim on a sound authoriy, Al-Mandhiri and Al-Dhanabi upheld the same, vol.1, p.103]

And `Aishah reported: "Whoever introduces something to this affair of ours will have it rejected" [Note: Agreed upon]

In another narration, "Whoever does something which does not belong to our affair will have it rejected." [Note: Reported by Muslim] "Rejected" means not accepted. These hadiths and others [Note: See our book, Al-Muntaqa Min Al-Targhib wa Al-Tarhib, No. 24 to 40] which talk on the same meaning, stress the second prerequisite for accepting one's deeds, namely, soundness and conformity with the Islamic Law that embodied in the Qur'an and Sunnah.

In consequence, scholars mentioned the hadith of, "The reward of deeds depends upon the intentions," as the internal scale (Al-Batin) [Note: The interanal motives behind one's intention in his deeds. As mentioned in the hadith they should be purely for Allah's Sake, otherwise one's deeds will be futile] for the acceptance of deeds. Further more, they mentioned the Hadith of, "Whoever introduces something into this affair of ours will have it rejected." as the external scale (Al-Zahir), [Note: What is meant by Al-Zahir is that one's

deeds should adhere to the Islamic precepts and rules guided by the Qur'an and Sunnah] for the acceptance of deeds. For the deed to be accepted by Allah, it must be motivated by sincere intention and adhere to Islamic Law.

Imam Al-Zahid Al-Fudail Ibn `lyad expressed this idea in his interpretation of the verse which states: "That He may try which of you is best in deed." (67:2)

Saying :

"The best deed is the most correct and sincere one. When asked about the meaning of "correct" and "sincere", He answered, "Allah does not accept the deed unless it is sincere and correct. If it is correct yet it is not sincere, Allah will not accept it and if it is sincere yet it is not correct, Allah will not accept it either. Adding to that, "sincere means that the deed must be done for Allah's Sake and "correct" means that it must follow the Sunnah."

Undoubtedly, what a true and clear explanation of the best deed which Allah wants from people. He does not want mere good deeds, rather He wants the very best deeds about which Al-Fudail said: "The most sincere and correct one."

I have nothing to add but that the absolute religious deeds must adhere to Allah's Ordinance in the. Shari `ah and that the worldly deeds must adhere to Allah's Ordinance in creation.

## The Sunnah and Civilized Manner

The Prophet's Sunnah - along with the Qur'an - clarified the characteristic traits of Civilized Fiqh. Moreover, it complements this Fiqh for us by elucidating those characteristic of Civilized Manner which befits a civilized person in a civilized nation. Civilized Fiqh is meaningless without Civilized Manner. If Fiqh or any field of knowledge did not bear fruit, then it would be worthless. Our ancestors used to say knowledge without benefits like a tree without fruit. The Qur'an states the worst example of the human being whom Allah has bestowed knowledge on yet he abandons it and does not act upon it, and even chooses to go astray and do the opposite of it. Allah says:

"And relate to them the story of the man to whom We sent Our Signs, but he passed them by: so Satan followed him up, and he went astray. If it had been Our Will, We would have elevated him with Our Signs: but he inclined to the earth, and followed his own vain desires. His similitude is that of a dog: if you attack him, he lolls out his tongue, or if you leave him alone, he (still) lolls out his tongue. (7:175-176)

The Prophet (Peace be upon him) sought refuge in Allah from the knowledge which is of no benefit, and the very fruit of knowledge is to elevate one's manners and refine his morals. The Prophet said:

"O Allah! I seek refuge in you from the knowledge which is of no benefit, from a heart that does not fear You, from a soul which is uncontended, and from supplication to which You do not respond to. [Note: Reported by Ahmad, `Abd Ibn Hamid, Muslim and Al-Nasa'i on the authority of Zaid Ibn Arqam. Sahih: Al-Jami' Al -saghir, No 1286. It is also reported in its meaning by Al-Tirmidhi and Al-Nasa'i on the authority of Ibn `Umar, also by Abu Dawud, Al-Nasa'i. Ibn Majah and Al-Hakim on the authority of Abu Hurairah and Al-Nasa'i on the authority of Anas, Sahih Al-Jami' Al-Saghir, 1297]

Civilized Manner represents all the things that elevate the individual as well as the society. It elevates the soul through worship, the intellect through knowledge, the financial status through work, manners through virtue, the body through exercise, social status through cooperation and abilities through the construction of the land.

Such refined manners built upon a number of strong holds or characteristics, the most important of which are:

1. Adherence to Virtues
2. Doing What is Good
3. Discipline and Public Conduct
4. Cleanliness and Beautification
5. Tolerance with Opponents
6. Mercy Towards Allah's Creatures

## Adherence to Virtues

The first aspect of "Civilized Manner" is that the Muslim should aspire to virtues and beware of inferior and useless matters. In this respect, the Prophet (Peace be upon him) said: "Allah loves refined manners and hates low ones. [Note: Reported by Al-Hakim on the authority of Sahi Ibn Sa'd, Sahih Al-Jami'Al-saghir, No.1889]

Also, "Allah, the Exalted, loves noble and honorable matters and hates inferior ones" [Note: Reported by Al-Tabarani on the authority of Al-Husain Ibn `Ali, Sahih Al-Jami' Al-Saghir, No.1890] "Allah is Beautiful and He loves beauty. He loves refined manners and hates low ones " [Note: Reported by Al-Tabarani in Al-Awsat on the authority of Jabir, Sahih Al-Jami Al-Saghir, No.1744]

And,

"I was sent so as to perfect the noble virtues" in another version, "The best manners". [Note: Reported by Ibn Sa'd, vol. I, p.192, also by Ahmad. Al-Raismi said: its transmitters are of the Sahih, vol. 8, p.18. It is also reported by Al Bukhari in Al-Adab Al-Mufrad, No.273, also by Al-Rakim, and Al Baihaqi upheld the same, vol. 2, p. 613, also by Al-Baihaqi in Shu'b Al Iman. All of them reported it on the authority of Abu Hurairah. It is also mentioned in Sahih Al-Jami Al-Saghir, No.2349]

Thus, the Prophet made exhorting people to virtues his mission and aim, and thus put the

value of manners in the spotlight. Scholars have said that virtues or the noblest manners ensure the righteousness of the Muslim's religion, life and Hereafter. The Prophet's (Peace be upon him) supplication to Allah includes all these meanings as he says: "O Allah! Make my religion righteous as it is my sole savior. Make my life righteous as long as I live. Make the Hereafter righteous for me as it is inevitable. Make life abundant with good things for me and make death my savior from all kinds of evil." [Note: Reported by Muslim on the authority of Abu Hurairah, Sahih Al Jami' Al-Saghir, No. 1263]

Fortunately, Allah gifted Muslims with a model to follow from which excellent virtues have transpired and which were bequeathed by all the messengers. But one model is greater and that is the Prophet whom Allah praises saying: "And surely thou hast sublime morals." (68:4) and,

"Ye have indeed in the Messenger of Allah an excellent exemplar for him who hopes in Allah and the Last Day, and who remember Allah much." (33:21)

^ Aishah, Mother of the Believers, (May Allah be pleased with her) was once asked about the Prophet's morality, she answered, "His manners were the Qur'an." [Note: Reported by Muslim, Ahmad and Abu Dawud on the authority of Aishah, Sahih Al- Jami' Al-Saghir, No.4811]

What she meant by this was that he was an embodiment of the teachings of the Qur'an. Not only had the Prophet explained the Qur'an in words but also in deeds. It is Allah's Will and Benevolence that his noble history is preserved and registered in detail from the time of his birth until his death, in particular the time of his Prophethood and most importantly after the migration to Yathrib.

Scholars have written and classified his invaluable history in different periods. Until now, for the pleasure of Allah, the Exalted, they continue to write about him, focusing and shedding more light on the greatness of his example and his noble life.

Everyone, young or old, single or married, rich or poor, ruler or subject, civilian or the warrior, will find the best example and perfect guidance in this comprehensive Sirah (life story of the Prophet Muhammad) No man in history reached the apex of perfection but Muhammad (Peace be upon him) as the universality of his Sirah ran parallel to that of his message. [Note: See Muhib Al-Din Al-Khatib's Muhammadan Risalah (Muhammad's Message) a collection of lectures by Sulaiman Al-Nadawi and rendered into Arabic by Muhib Al-Din Al-Khatib and published by Al Matba'h Al-Salafiyah]

Virtues include the best manners and conduct which the Sunnah upholds and advocates. There are many Hadiths to this effect. The Prophet (Peace he upon him) said:

"The most perfect in faith among you are those who have the best manners and character. [Note: Reported by Ahmad, Abu Dawud, Ibn Hibban and Al-Hakim on the authority of Abu Hurairah, Al-Haliz Al-Iraqi said: it is a Sound hadith, Al-fayd, vol.2, p.97, Al-Ihsan, No.479, Al-Mustndrdk, vol.1, p. 3. and Al-Dhahabi upheld the same]

"The most perfect in faith among you are those who have the best manners and the most virtuous among you are those who are good to their wives." [Note: Reported by Al-Tirmidhi on the authority of Abu Hurairah and he said: it is a Good Sound hadith, Ibn Hibban and Al-Hakim upheld the same]

"The most perfect in faith among the believers are those who have the best manners and who are moderate, and so friendly that the people befriend them in no time!" [Note: Reported by Al-Tabarani in Al-Auwsat and Abu Nu'aim on the authority at Abi Sa'id and he said, it is a Good Hadith, Sahih Al-Jami' Al-Saghir, No.1231]

"Through his good manners, man reaches the same level as the one who prays and worships Allah all night and fasts all day [Note: Reported by Abu Dawud, No.4798. Ibn Hibban, Al-Ihsan, No.4801. Al-Hakim, vol.1., p.60, all of them on the authority of Aishah]

"The heaviest deed in the believer's scale on the Day of Judgment is his good manners, for Allah loathes the one who is obscene in speech (Fahish) and the one who speaks shamelessly to make people laugh (Mutafahish). " [Note: Reported by Al-Bukhari in Al-Adab Al-Mufrad. also by Al-Tirmidhi, Ibn Hibban and Al-Baihaqi on the authority of Abi Al-Darda', Sahih Al jami' Al-Saghir, No.135]

And finally,

"Fear Allah wherever you were, blot out evil deeds by doing good deeds and treat people in the best way you can. [Note: Reported by Ahmad, Abu Dawud, Al-Tinnidhi, Al-Rakim and Al Baihaqi in Al-Shu'ab on the authority of Abi Dhar. Also by Ahmad, Al Tirmidhi and Al-Baihaqi on the authority of Mu'adh, Sahih Al-Jami' Al Saghir, No.97]

Thus, the Prophet set the foundations of Muslim's relationship with Allah, himself and the people.

#### *A. Kindness, Forbearance and Magnanimity:*

The Sunnah advocates treating people in a kind rather than an aggressive way. It advocates generosity and leniency rather than harshness and vulgarity. It urges the Muslim to control his anger and subdue his rebellious self. Further- more, it encourages him to forgive and forget as much as possible and to be patient at the time of extreme anger. Allah, the Exalted, states some of these virtues saying: "Hold to forgiveness; command what is right; but turn away from the ignorant." (7:199)

Allah also describes the servants of Allah saying:

"And the servants of (Allah) Most gracious are those who walk on the earth in humility, and when the ignorant address them, they say, "Peace." (25:63)

Allah, the Exalted and Almighty, describes the pious for whom He prepared a garden which spans the heavens and the earth saying: "Those who spend (freely), whether in prosperity, or in adversity; who restrain anger, and pardon (all) men; for Allah loves those who do good." (3:134)

Both the verbal Hadiths and practical life of the Prophet (Peace be upon him) portray for us a detailed way of life and they show an example which comes alive.



For instance, Jabir reported that the Prophet (Peace be upon him) said: "May Allah's Mercy be on him who shows tolerance in his buying, selling, and paying or demanding back his money." [Note: Reported by Al- Bukhari and Ibn Majah on the authority of Jabir, Sahih Al- Jami' Al- Saghir, No.3495, also by Muslim in the book of Al-Bir, No.2593]

`Aishah reported that the Prophet (Peace be upon him) said: "Allah, the Almighty is Merciful and loves mercifulness. He rewards mercifulness more than harshness or any other thing". [Note: Reported by Muslim, No.2594, and Abu Dawud, No.4808]  
This means that Allah rewards those who are gentle by making their course easy in this life and by rewarding them in the Hereafter.

In another hadith, `Aishah reported that the Prophet (Peace be upon him) said: "Mercifulness is recommended in everything, for anything that is void of mercifulness is faulty". [Note: Reported by Muslim in the book of Al-Bir, No.2594]

This hadith is narrated to an occasion when `Aishah mounted stubborn horse in which she spurred several times until the Prophet said "Be gentle ... etc.

Abi Al-Darda' reported that the Prophet (Peace be upon him) said: "Whoever is bestowed with the blessing of mercifulness has his share of goodness and whoever is deprived of it, is deprived of his share of goodness". [Note: Reported by Al-Tinmidhi, No.2014, and he said that it is a Good Sound hadith]

Jurair Ibn Abdullah reported that the Prophet (Peace be upon him) said:"Whoever is deprived of mecifulness is deprived of all goodness." [Note: Reported by Abu Dawud, No.4809, and Muslim, No.2592]

Is there, then, any sensible man who would jeopardize his chance to win all goodness. Abu Hurairah narrated that "A Bedouin once urinated in the mosque. The people caught him but the Prophet ordered them saying: "Leave him and pour a bucket of water over the area he had passed urine, for you have been sent to make things easy and not to make them difficult. " [Note: Reported by Al-Bukhari, Al-Tirmidhi and Al-Nasa'i]

The Prophet's point of view was that the treatment of this kind of vulgar behavior and vulgar man was easy, so why should one make things difficult?

Ibn `Abbas reported that the Prophet said to Al-'Ashaj, a man of `Abd Al-Qays' delegation, "You have two qualities which Allah loves and they are meekness and patience." [Note: Reported by Muslim and Al-Tinmidhi, Sahih Al-Jami' Al-Saghir, No. 2136]

Anas reported that:

"Once I was walking with the Messenger of Allah (Peace be upon him) whilst he was wearing a Najrani cloak with a thick margin and a Bedouin followed him and pulled his cloak so violently that I noticed the shoulder of Allah's Prophet affected by the margin of the cloak because he tugged so hard. Then, the Bedouin said: "O Muhammad! Give me some of Allah's wealth which is with you." Allah's Prophet (Peace be upon him) turned and looked at him, then he smiled and ordered that he be given something." [Note: Agreed upon, Al-lu' wal Marjan, No.629]

This privilege of discernment strikes a difference between the civilized and the uncivilized person. The civilized man should excuse vulgar actions which are stimulated and motivated by his Bedouinism, his environment and the way he was brought up. He must defuse his ignorance with meekness, his harshness with gentleness, his vulgarity with good-naturedness

and his ill-treatment with good treatment!

Abdullah Ibn Mas'ud reported that the Prophet (Peace be upon him) favored some people in the distribution of the booty and excluded others; he gave Al-'Aqra' Ibn Habis one hundred camels and gave `Uyainah Ibn Husain the same amount, and also gave to some of the eminent Arabs and gave preference to them. Then a person came and said: "By Allah in this distribution justice has not been observed, nor has Allah's Pleasure been the aim." I said to him "By Allah I will inform the Prophet of what you have said. And when I informed him he said: "If Allah and His Prophet did not act justly, who else would act justly, may Allah bestow mercy upon Moses, for he was harmed with more than this, yet he remained patient." [Note: Agreed upon, Al-lu'lu Wal Marjan, No.637]

Obviously, this rude man could not appreciate the higher interests considered by the Prophet (Peace be upon him) on distributing the war booty. The Prophet wanted to join the hearts of the people who had newly embraced Islam in case that Islam had not firmly entered their hearts yet. He, evidently, bought their loyalty to Islam, to its message and to its leader with transient worldly things. Allah gave him permission to give them a share of the alms when he said: "For those whose hearts have been (recently) reconciled (to Truth)" (9:60)

From that, they should be given a share of war booty. The Prophet's attitude towards those who are inclined to give hastily judgements and are prejudiced, was one of sincere forgiveness, meekness and patience. He followed in the footsteps of his brothers the Prophets and the Messengers of firm will (Ulu Al-'Azm). [Note: Those are the prophets, Noah, Ibrahim, Moses, Jesus, and Muhammad. Those prophets were faced by a great torture and persecution from their people in communicating Allah's Message to them. But they remained too forbearing and patient and proceeded further in preaching their people. Thus the Prophet Muhammad was instructed to be patient and follow in their footsteps] He ignored the unruly enthusiasm of some of his Companions to punish them severely to make an example of them.

In a similar case to that of Ibn Mas'ud in which the Prophet was distributing gold from Yemen amongst four persons of those whose hearts are newly inclined to Islam, a man stood up and said: "We are more deserving of this gold than these persons.!" When heard this the Prophet (Peace be upon him) said, "Don't you trust me even though I am the trustee of what is in the heaven, and I receive the news of heaven (i.e. Divine Inspiration) both in the morning and in the evening". Then a man rose with sunken eyes, raised cheek bones, a shaven head and a waist sheet that was tucked up, and he said: "O, Allah's Prophet! Be afraid of Allah." The Prophet said: "Woe to you! Am I not of all the people in the earth the most entitled to fear Allah." Then the man went away. Khalid Ibn Al-Walid said: "Let me cut his throat." The Prophet said: "No, for he may offer Prayers." Khalid Ibn Al-Walid said: "Numerous are those who offer Prayers and say by their tongues what is not in their hearts." Allah's Prophet said: "I have not been ordered to search the hearts of the people or cut open their bellies." [Note: Reported by Muslim in the book of Zakah, No.144, and Ahmad, vol. 3, p. 4]

This hadith highlights someone who was a pioneer in narrow-mindedness. He was not able to perceive the higher aims of the Messenger of Allah. He said what he said out of rudeness and superficial judgment. To him, religion was nothing more than a thick beard, shaved head, and a tucked up waist sheet! In spite of this, the Prophet refused Khalid's suggestion and refused `Umar's suggestion in many other similar situations. He decided to treat this man and others like him as Muslims not with standingly.

The Prophet's attitude towards those people was that of forgiveness and pardon and he did

not surrender to an emergent anger or deepened envy of any person. In conquest of Mecca, the Prophet (Peace be upon him) said to the Meccan polytheists, in spite of all such harm and persecution he had received at their hands, "O, people of Quraish! what do you expect me to do with you?" They replied: "Peace, a gracious brother and a son of a gracious brother! the Prophet said: "I will say to you what Joseph said to his brothers before: "This day let no reproach be upon you! Go you are free." [Note: See, Sirat Ibn Hisham, vol.2, p.274] Thus, he forgave them completely and open anew leaf with them. Furthermore, he taught his Companions how to vanquish hatred and resentment.

Abu Hurairah reported that a man said to the Prophet (Peace be upon him) "Advise me! The Prophet said: "Do not get angry." The man asked the same again and again, and the Prophet said in each case, "Do not get angry." [Note: Reported by Al-Bukhari in the book of Al-Adab, see Sahih Al Bukhari and Fath Al-Bari, No.6116]

In another version the Prophet said: "The strong is not the one who overcomes the people by his strength. The strong is the one who controls himself whilst in anger." [Note: Agreed upon on the authority of Abu Hurairah, Al-Lu`lu' Wal Marjan', No.1676]

Furthermore, "The strong man is not the one who knocks people down. The strong man is the one who overcomes himself ". [Note: Reported by Ibn Hibban in his Sahih, Al-Ihsan, No.717]

The strong man is the one who has a strong body and who can knock people down, but this hadith teaches Muslims that true strength lies in the strength of the soul rather than the strength of the body. However, this does not mean that one should not wish to have a strong body, on the contrary, the believer must prepare himself physically to achieve his message in life. Most importantly, but preparing himself spiritually take precedence. In other words, he must have inner strength to control his desires and whims before any attempt to control others.

### ***B. Refined manners:***

There are so many Hadiths in the Sunnah that urge Muslims to become good in character and form warm social relations.

It suffices here to remind the reader that all the books which included the Sunnah, devoted a separate chapter to manners. These books recited a great number of both Good and Sound Hadiths which dealt with refined manners or politeness, or what we may term as Civilized Manners (Suluk Al-Hadari).

In Sahih Al-Bukhari, the chapter of Manners (Adab) includes 256 Hadiths as Al-Hafiz Ibn Hajar mentioned in his explanation of Al-Bukhari in Fath Al-Bari (The Conquest of the Creator). Although, the book of Al-Jami Al-Sahih includes so many chapters which are relevant to the same subject such as: marriage, asking permission, medicine, the ailing and diseased, Al-Riqaq (Softening of hearts), food, drink, desires and others.

In Sahih Muslim the book on Good Manners (Adab) includes 45 Hadiths plus 155 Hadiths on greetings in Al Salam book, and 166 others in the Book of Righteousness (Al-Bir) including relations and manners, and 21 others in the book on Terms (Al-Alfaz) including manners and others along with many others found in different books.

As for Abu Dawud, the book on Good Manners, of his book Sunan, is classified into 180

chapters which includes 500 Hadiths.

Imam Al-Bukhari showed much interest in this issue so much so that he devoted a whole book in what he called "The Single Book on Good Manners" (Al-Adab Al-Mufrad) This was done to draw a distinction between it and that mentioned in the book of Al-Jami' Al-Sahih. The Imam did not stipulate the authenticity of his Hadiths precisely as in Sahih Al-Bukhair, therefore, his book included 1322 Hadiths which cover all or most aspects of good behavior. It included the Hadiths that are traceable in ascending order of traditionaries to the Prophet (Peace be upon him) as well as the Hadiths which were reported by the Companions (May Allah be pleased with them) and part of what they have endowed from the light of Prophethood.

I can not list here the headings of the chapters as there are 644 chapters, but I will mention some of them so that one is able to grasp what is meant by refined good manners which the Imams of Hadith called Al-Adab and which we call Civilized Manners (Suluk Al-Hadari).

These headings are as follows:

1. "We have enjoined on man kindness to parents" (29:8)
2. Being good and dutiful to the mother and the father.
3. Kind talk to one's parents.... Allah curses who curses his parents.
4. Being dutiful to a pagan father... The punishment of being undutiful to one's parents.
5. Being dutiful to dead parents.... Do not sever the relationship between you and your father's friends.
6. A man must not call his father by his first name, sit down before him, or walk in front of him.
7. The obligation of keeping the bond of kinship... The bond of kinship prolongs the lease of life.
8. Who keeps the bond of kinship wins Allah's Love... Being dutiful to the nearest kin.
9. Mercy does not descend on a man who sever the bond of kinship.
10. The one who keeps good relations with his kin is not the one who recompenses the good done to him by his relatives.
11. The reward of the one who keeps the bond of kinship who are unjust.
12. The one who takes care of three sisters.
13. The child is comfort of his parents' eyes... Carrying the child on one's back... Kissing the boys.
14. The mothers are merciful.
15. The good manners of fathers and his dutifulness to- wards his child.
16. Being kind to one's neighbor... The right of one's neighbor.
17. The superiority of the nearest neighbor...One does not feel satisfied with food unless his neighbor is.
18. The broth is divided among neighbors.
19. A neighbor should not degrade anything given to her by her neighbor.
20. The jewish neighbor.
21. Being good to the pious and the dissolute.
22. The reward of the one who takes care of an orphan.
23. The best of houses is one in which there is an orphan who is dealt kindly.
24. Be like a merciful father to an orphan.
25. The reward of the widow who takes care of her child and doesn't remarry.
26. The man is responsible for his family and the woman is responsible for her family.
27. Reward the one who does good to you .... If you can not manage, ask Allah to reward him.

28. If you did not thank the people, you did not thank Allah.
29. Man should help his fellow man... Every good deed is Sadaqah.
30. The Muslim is the mirror of his fellow man.
31. The one who leads others to do good is like the one who does it.
32. Forgiveness towards people.
33. Cheerfulness towards people... Smiling and laughing.
34. The one who is consulted is responsible for the advice he gives.
35. The punishment for unwise advice.
36. Familiarity between people.
37. Mutual amity between people... Joking... Joking with a child.
38. Reverence of the elderly. . . The elderly should start to speak and ask first.
39. If the elderly did not speak, should the younger one speak?
40. Mercy towards the young. . Hugging and kissing the child.
41. Kissing a little slave girl ... Saying to the little boy: O my son.
42. Have mercy on those who are on the earth so that Allah may have mercy on you.
43. Mercy on children... Mercy on animals.
44. Visiting the sick.. The reward of visiting the sick.
45. Visiting the sick boys...Bedouins... Disbelievers.
46. The supplication of the visitor for the patient ...What he should say to the patient...  
What the patient should say to him.
47. Sick men visited by women.
48. Keeping a secret... Accepting a present.
49. Being generous to one's guest and serving him one should not stay for too long to prevent embarrassment.
50. Do not call the hypocrite master.
51. Singing and fun.
52. The Prophet (Peace be upon him) liked good name.
53. The man is called by his most beloved name.
54. Changing a bad name into a good one.
55. Shaking hands ... Spreading greetings ... starts greeting.
56. The right of a Muslim towards his fellow man is to greet him.
57. The one who is walking should greet the one who is sitting and the small group should greet the large group.
58. Greeting children... Men greeting women and women greeting men.
59. Asking permission to enter not knocking more than three times...How the permission is granted?... The things that one should not take permission to do.
60. The best of assemblies is the most spacious one... Directing one's face towards the qiblah.
61. The man sits at the farthest end of a gathering... should not sit between two people without taking their permission.
62. If in a gathering there are two of you then they should not hold secret counsel excluding the third person.
63. Do not leave fire and go to sleep.. Lock the door before you sleep.
64. A believer is not stung twice by something out of the same den. ..The sin of the two-faced person.. The worst of all people is the one who the people leave to secure themselves from his mischief.
65. If you do not feel ashamed (of doing something) you can do what you like.
66. Love moderately and hate moderately.

These teachings encompass all aspects of life. Every chapter includes at least one hadith

which sets the basis for the perfect way of life uniting healthy taste, noble manners, enlightened thought, compassionate heart, and the righteous way.

## Doing What Is Good

Doing good is one of the aspects of civilized behavior. Islam urges Muslim to try to do good every day of his life. Furthermore, that he should serve his society voluntarily and enthusiastically by helping the weak, educating the ignorant, guiding the lost, aiding the disabled, and helping the needy who appeal for help. In this respect, Allah says: "And do good, that you may prosper." (22:77)

Islam makes the Muslim as if he is a flowing spring which overflows with goodness and benevolence from all around him. He is not miserly with, nor is he mean with his effort or time and dutifully thank Allah, the Exalted for His Blessings. He is steadfast regarding the brotherhood in Islam which united him with the society and which Allah describes as the essence of faith saying: "The believers are but a single brotherhood" (49:10)

This verse urges the Muslim to treat his fellow man as an inseparable part of him. He should be happy for his happiness and sad for his sadness as in the hadith where the Prophet said: "None of you will have faith till he wishes for his Muslim brother what he likes for himself". [Note: Agreed upon, on the authority of Anas, Al-Lu `Lu' Wal Marjan']

This good and benevolent tendency is seen in feeding the hungry, giving water to the thirsty, treating the wounded and the sick and clothing the naked.

Some of these good acts are seen as obligatory deeds and as basic elements of the religion. For instance, the Zakah is the third pillar of Islam, and some of these deeds are immediate duty next to Zakah, so Zakah is prior to other obligations and not the last of them. Yet some believers are motivated by excellent manners to vie with one another in good deeds and go beyond doing what is obligatory.

Allah describes the righteous (Al-Abrar) saying: "And they feed, for the the love of Allah, the indigent, the orphan, and the captive. Saying, "We feed you for the Sake of Allah alone: no reward do we desire from you, nor thanks." (76:8-9)

Allah, the Exalted stated the ascent that man must cross if one craves salvation and triumph in the Hereafter, saying: "But he hath made not haste on the path that is steep. And what will explain to thee the path that is steep? (It is) freeing the bondman; or the giving of food in a day of privation, to the orphan with claim of relationship, or to the indigent (down) in the dust. Then will he be of those who believe, and enjoin patience, (constancy, and self-restrain), and enjoin deeds of kindness and compassion. Such are the Companions of the Right hand (90:11-18)

The verses flowed, ever since the Qur'an descended on the Prophet (Peace be upon him) in Mecca, carrying terrible warning and bad tidings to the one who ignores feeding the needy and urging others to do so. Let us contemplate the meaning of these Glorious verses that were revealed in Mecca:

"Every soul will be (held) in pledge for its deeds. Except the Companions of the Right Hand. (They will be) in Garden (of Delight): they will question each other, and (ask) of the sinners: "What led you into Hell-fire?" They will say: "We were not of those who prayed; nor were we of those who fed the indigent." (74:38-44)

"Seest thou one who denies the Judgment (to come)? Then such is the one who repulses the orphan, and encourages not the feeding of the indigent." (107:1-3)  
(The stern command will say) "Seize ye him, and bind ye him, and burn ye him in the blazing Fire. Further, make him march in a chain, whereof the length is seventy cubits! This was he that would not believe in Allah Most High, and would not encourage the feeding of the indigent." (69:30-34)

Also, in the Sunnah, there are many hadiths ordering one to do good, particularly, in feeding and giving water.

ʿAbdullah Ibn ʿAmr reported that the Prophet (Peace be upon him) said: "Worship the Compassionate, offer food, spread As-Salam greeting and you will enter Paradise safely" [Note: Reported by Al-Tirmidhi who commented; it is a Sound Good Hadith (No.1856), Ahmad in his Musnad (No.6587), and Al-Bukhari in Al-Adab Al-Mufrad (No.981)]

Also ʿAbdullah Ibn ʿAmr narrated that a man asked the Prophet (Peace be upon him), "What Islamic traits are the best?" The Prophet (Peace be upon him) said: ʿFeed the people and greet those whom you know and those whom you do not know." [Note: Agreed upon, in Al-lu ʿwal Marjan]

Abu Hurairah reported that Allah's Prophet (Peace be upon him) said: "On the Day of Judgment, Allah, the Exalted, will say: "O son of Adam! I asked you for food but you did not feed Me!" The son of Adam will say: "O Allah! How come You ask me for food even though You are the Lord of the worlds?" Allah said: "Did not My salve ask you for food and you refused to give it to him? Don't you know that if you had given him food, I would have rewarded you?" "O son of Adam! I asked you to give water to Me, but you did not give it to Me!"The son of Adam will say: "O Allah, How come You ask me for water even though You are the Lord of the Worlds?" Allah will say: "My slave asked you for water and you refused to give him. Don't you know that if you had given him water, i would have rewarded you?" [Note: Reported by Muslim in Al-Birr Wal Silah, (No.2569)]

This hadith is a masterpiece which depicts the high station to which these charity works are raised before Allah, the Exalted, so much so, that the Lord of the worlds, the Sublime ascribed the needs of His slave to His Sacred Self saying: "I asked you for food but you refused to feed Me... and I asked you to give Me water but you refused to give Me water." This hadith touches the heart and soul so deeply that anyone who reads or hears it is, spontaneously, directed to doing good and helping others, except for the hard hearted or the one void of all the good traits.

Anas reported that Sa'd once came to the Prophet (Peace be upon him) and said: "O Allah's Prophet! My mother died with out leaving a will, is there any benefit for her if I gave Sadaqah (alms) on her behalf ? The Prophet answered yes, I advise you to give the Sadaqah through water." [Note: Reported by Al-Tabarani]

The Prophet meant here that his Sadaqah was to give water to those who needed it by digging a well or erecting a Sabil (a drinking place for passerby) or something similar. Doing good

does not stop at feeding or giving water to someone. But rather it comprises all which is useful to people, materialistically or morally, and preventing any harm which may befall them even if it was as small as a bone, a thorn or a branch in their path.

On the authority of Adi Ibn Hatim who reported that I heard the Prophet (Peace be upon him) said:

"There will be none among you but will be talked to by Allah on the Day of Resurrection, without there being an interpreter between him and Allah, the Almighty. He will look on his right and will see nothing ahead of him except what he had done in the worldly life, and then he will look again on his left, and he will see nothing ahead of him except what he had done in the worldly life, then he will look in front of him in the third time, and he will see nothing but the Hell-fire in front of him. So, whoever among you can save himself from the Fire, should do so even with one half of a date (to give in charity)."

In another version, "And whoever find not, let him do it with a good word." [Note: Agreed upon, Al-Bukhari mentioned it in the book of Al-Riqaq, and Muslim, mentioned it in the book of Zakah]

Ibn Mas'ud reported that the Prophet (Peace be upon him) said: "Every loan is considered a Sadaqah (charity)." [Note: Reported by Al-Tabarani and Al-Baihaqi]

Jabir Ibn Abdullah reported that the Prophet (Peace be upon him) said: "All good deeds is Sadaqah, smiling at your brother is a Sadaqah and to pour out from your bucket into your brother's container is a sadaqah." [Note: Reported by Ahmad and Al-Tirmidhi who said: it is a Good Sound hadith]

Abu Dharr reported that the Prophet (Peace be upon him) said: "Smiling at your brother is a Sadaqah, enjoining the good is a Sadaqah, forbidding the wrong is a Sadaqah, guiding someone to the right path is a Sadaqah, and removing harmful things, thorns, bones from road is regarded as a Sadaqah (charity). [Note: Reported by Al-Tirmidhi and Ibn Hibban in his Sahih (No.474, 529)]

Abu Hurairah reported that the Prophet (Peace be upon him) said: "A good word is a Sadaqah (charity)." [Note: Reported by Al-Bukhari and Muslim]

Thus the Prophetic Sunnah dealt with all kinds of good doings, benevolence and service that a Muslim can do to his society. Moreover, it encouraged and praised this good doings emphasizing its reward in the Hereafter even if it was as simple as a friendly smile on one's face or a sweet word. All good doings are Sadaqah for which Allah will reward Muslims, for Allah is never unjust and will not miss out an atom's weight of good.

The Sunnah made such social service an obligatory duty that is raised to zakah (alms) or a Sadaqah (charity) yet it is not restricted to money to the rich, nor restricted to the body to be exclusive to the powerful, nor restricted to knowledge to be confined to the cultured people, nor restricted to politics to be confined to the leaders and their retinue.

All in all, it is Zakah or social Sadaqah that every man is obliged to give according to his potentialities and capabilities and Allah does not impose on any soul a burden greater than it can bear.

Abu Musa reported that the Prophet (Peace be upon him) said: "Sadaqah is enjoined upon every Muslim. They (the people) said: "what if he has nothing?" He said: "Then he should work



with his hands so that he may benefit himself and give in charity". They said: "What if he is not able to work?" He said: "Then he should help the one who is in need and troubled (by word, action or both). They said: "And what if he is not able to do that?" He said: "Then he should enjoin what is good and right." They said: "What if he does not do that?" He said: "Then he should refrain from doing evil, for that will be considered as a Sadaqah". [Note: Agreed upon, Al-Lu`lu Wal Marjan, No.589]

It has been pointed out in the hadiths that, Sdaqah is of a daily nature. For instance, Abu Dharr reported that the Prophet (Peace be upon him) said: "Every son of Adam must perform an act of charity (Sadaqah) every day that sun rises in. The people said: "O Messenger of Allah, how can we obtain this Sadaqah that we give it to those who deserve it?" He said: "There are so many ways of doing good, such as praising Allah, glorifying Allah, claiming His Magnificence, declaring that there is no god except the One God, Allah, enjoining the right and forbidding the wrong, removing an obstacle from one's path, helping the deaf to hear, guiding the blind, directing the one seeking help and striving to one's utmost in helping the needy and the weak. All of these are acts of charity required from yourselves".

Al-Mundhiri said that Ibn Hibban reported the previous hadith in his Sahih and Al-Bukhari in brief, in another version hok sory sire added, "Smiling at your brother is a Sadaqah, removing stones, thorns and bones from the street is a Sadaqah and guiding those who are on the wrong path is a Sadaqah."

Adding to that, what is so firm in this hadith is that there is Sadaqah upon every organ, bone and joint of his body. This is the Zakah which the Muslim gives for his body and health.

Borayda reported that the Prophet (Peace be upon him) said: "There are 360 joints in the human body, for each one he must give Sadaqa." [Note: Reported by Ahmad and Ibn Hibban, Sahih Al- Jami Al-Saghir (No. 4239)]

Abu Hurairah reported that the Prophet (Peace be upon him) said:"Every part of man's body must give Sadqah in every day the sun rises. To deal justly between two people is a Sadaqah". To help man with his beast, loadig or lifting his good on it is a Sadaqah. A good word is a Sadqah. Every step one takes towards Prayer is a Sadqah. And removing anything injurious from the road is a Sadaqah." [Note: Agreed upon, Al-Lu`Lu' Wal Marjan (No.590)]

Thus, the Muslim turns into an active member of society who gives as much as he takes. He does not grudge his money, knowledge, effort and time willingly to his society. Undoubtedly, every human being is able to give or do something, no matter how limited or meager his capabilities are, for Allah created no human being void of any kind of ability or blessing. To illustrate this, Abu Dharr reported that," One day he asked the Prophet (Peace be upon him), `How can a slave rescue himself from Hell-fire?' The Prophet answered: "By having strong Faith." I said: "O Allah's Prophet! should this faith be manifested in action? The Prophet said: "You must give as much as you can from what Allah has bestowed on you." I said: "O Allah's Prophet, what if one was so poor that he is not able to give anything? The Prophet said: "Then he must enjoin the good and forbid the wrong." I said: "What if he cannot do that?" The Prophet said: "Then he must help his brother who is without any skills." I said: O Allah's Prophet: "What if he does not master any skill whatsoever?" The Prophet said: "Then he must help the oppressed." I said "O Allah's Prophet, what if he was so weak that he could not help the oppressed?" The Prophet said: "You are leaving your friend no chance to do good. Then he must abstain from his evil doing." I said: "O Allah's Prophet, "Is this enough for him to

enter Paradise? The Prophet answered: "If any one does any of the former things, then I will personally take him by his hand until he enters Paradise" [Note: Mentioned by Al-Haisami in Al-Majma', saying: It is reported by Al-Tabarani in Al-Kabir]

The least a Muslim can do so in fulfilling his social obligation of Sadaqah in the case that he can not serve the people in any other way, is to abstain from evil doing and avoiding evil words or actions against others. Although this may seem as a rather negative attitude towards society, it is at least a moral gain where they are safe from his evil.

In this respect a poet says:

If a man becomes safe in his morning and evening from people's harm - save what he gains surely, he will be a blessed one. The reward for this required social Sadaqah is doubled if the receiver is in need or troubled (the more one is in need of it, the greater the Sadaqah and more abundant the reward.) In this respect, the Qur'an states: "Or the feeding on a day of hunger, of an orphan near of kin or a needy one down in the dust." (90:14-16)

These two verses point out the reward for feeding the orphans or the needy during famine. This is in contrast with the greediness and opportunism of those who use times of famine to double their profit. Hence, the reward for feeding orphans, especially relatives, and the needy who are destitute is great.

There are many hadiths which urge the Muslim to relieve others from distress, hardship or crisis. Moreover it encourages him to allow time for the debtor who is in difficulty to repay him or write off the debt altogether or some of it as an act of charity.

"Whosoever removes a worldly grief from a believer, Allah will remove from him once of the griefs of the Day of Judgment. Whosoever alleviates (the lot of) a needy person, Allah will alleviate (his lot) in this world and the next. Allah will aid a servant (of His) so long as the servant aids his brother". [Note: Reported by Muslim, Abu Dawud, and Al-Tirmidhi on the authority of Abu Hurairah]

"The angels received the soul of a man who has passed before you, and questioned him, "Have you done any good deed?" "No!" he replied. "Try to remember." The angels commented. The man said: "I used to lend money to people, ask my servants to give time to the poor and be easy with the well-to-do person." He (the Prophet) said: "The Almighty then ordered: "Excuse him". [Note: Agreed upon on the authority of Rudhaifah. Al-Lu`lu' Wal Marjan, (No. 1006)]

In another narration, the man said: "Forgiveness was my chief character, I used to Grant time to the well-off and forgive the needy. Allah, the Exalted said: "I should be the One Who forgives, therefore I forgive him" [Note: Reported by Muslim on the authority of Hadhaifah]

"Abi Qatada reported that he asked a debt or to repay his debt yet he hid and when he found him he said, "I am in difficulty." Abu Qatada said: "Do you swear by Allah?" He said, "By Allah, I am." Thereupon said: "I certainly heard the Messenger of Allah says: "Whosoever pleases to be protected by Allah against the trouble of the Day of Judgment, let him alleviate (the lot of) a needy person or write off the debt thereof ". [Note: Reported by Muslim]

"By Allah" means that he swears by Allah that he is truly in difficulty.

Abu Al-Yasr reported that I saw with my own eyes (he pointed to his eyes with his two fingers) and I heard with my own ears (he placed his fingers in his ears) and I remembered by heart (he pointed to his heart) the Messenger of Allah (Peace be upon him) say:

"If one loves to be sheltered by Allah's Shadow, he must give time for the debtor in difficulty to repay his debt or write off part of the debt". [Note: Reported by Ibn Majah]

Ibn `umar reported that a man came to the Messenger of Allah (Peace be upon him) and said: "O Messenger of Allah, who are the people whom Allah loves most?" He answered: "The people whom Allah loves most are those who are always ready to help others in any way they can, and the deeds that Allah loves most are the deeds that make a Muslim happy by relieving him from distress, trouble or crisis, repaying his debt, or feeding him. The mere walking of a Muslim in order to do something to help his brother is better than `itikaf (seclusion) in this mosque (Al Madina Mosque) for a whole month." [Note: Reported by Al-Asbahani and Ibn Abi Al-Dunia]

Even though these hadiths may have mentioned the Muslim in particular, this does not mean that the non-Muslim should not be helped for the Prophet (Peace be upon him) said: "Those who are always ready to help others in any way they can."

Allah, moreover, has praised those who feed the captive irrespective of the fact that they may be disbelievers. Islam regards merciful treatment to animals as one of the greatest virtues

Furthermore, the greatest act of goodness which Islam prescribes in reverence is "Sadaqah Jariyah" or perpetual charity, where the reward continues after death.

The authentic hadith praised the perpetual Sadaqah, as Ahmad and Muslim related that the Prophet (Peace be upon him) said: "When a person dies, the opportunity of gaining more rewards ends except for these three: Sadaqa Jariyah, knowledge from which there is a benefit, or a pious child supplicating to Allah for him."

This perpetual charity includes the endowment on charitable projects which started at the time of the Companions of Prophet Muhammad (Peace be upon him). In it a Muslim would entrust his personal wealth and profits to charitable establishments and projects.

The Islamic Civilization, more than any other civilization, is famous for its huge charitable trusts which cover all areas of beneficial acts towards man and even animals, which is unparalleled in any other civilization.

## Discipline and Public Conduct

Discipline in life in general is one of the aspects of Civilized Conduct that the Sunnah advocates.

It is well-known that, the Arabs did not lay any importance to this concept as individualism was quite prominent at that time. They rejected laws, governments and discipline with each one of them conducting his life according to his own set of rules and laws except for the measures pertaining to the security, sanctity, ambitions, and greediness of his tribe. As for those measures concerned, each one was devoted heart and soul to his tribe whether he would be in defence of truth or falsehood. He was in fact immersed in excessive individualism and prejudiced fanaticism.

When Islam dawned upon the Arabs, it turned their lives around, turning them into civilized persons who adhered to discipline and who respected laws in their personal and public life. Hence, no Muslim would enter someone's house - even if he was his nearest of kin, without asking permission to enter first. Asking permission could be repeated thrice, when if denied, the person should leave at once.

It is reported that the Prophet (Peace be upon him) said: "If anyone of you asks the permission to enter thrice, and the permission isn't given, then he should return" [Note: Agreed upon on the authority of Abi Musa and Abi Sa'id, Al-Lu' `lu" Wal Marjan, (1391)]

Also, a Muslim must not sit between two people unless they give him permission. He should sit at the farthest point of the assembly and he should sit in his place even if he left to do something and then returned.

Islam sets the rules that govern greeting: The small number of people should greet the large number of people, the younger person should greet the older one, the one who is riding should greet the one who is walking and the one who is walking should greet the one who is sitting.

In addition, Islam sets the rules for eating and drinking. `Umar Ibn Abi Salmah narrated that the Prophet (Peace be upon him) said: "O boy! mention the Name of Allah and eat with your right hand, and eat from the dish that is nearer to you." [Note: Agreed upon on the authority of `Umar Ibn Abi Salmah, Al-Lu `lu' Wal Marjan, (1313)]

The Prophet (Peace be upon him) once said to one of the younger Muslims in the assembly who wanted to speak before one of his elders without his permission: "Let the oldest speak first unless he gives you his permission".

Every individual must respect the rights of others and adhere to the prevailing laws of buying and selling, marriage, and other transaction.

For instance, a man should not try to cancel a sale already agreed upon between some other persons (by offering a bigger price). And a man should not ask for the hand in marriage of a girl who is already engaged to his Muslim brother, unless the first suitor gives her up, or allows him to ask for her hand.

People must respect contracts and conditions agreed upon with others so that one's affairs and business will have stability.

The Prophet (Peace be upon him) said: "The rights are decided by the conditions." [Note: Reported by Abu Dawud and Al-Hakim on the authority of Abi hurairah, Sahih Al- Jami Al-Sayhir, (No. 6714)]

Muslims must cooperate in organizing their lives, helping one another to fulfill their obligations and take their rights.

The Prophet (Peace be upon him) said: "If three Muslims traveled, they must appoint a leader from among them." [Note: Reported by Abu Dawud on the authority of Abi Sa'id, (No.2608), and on the authority of Abu Hurairah, (No.2609). It is also reported by Al-Baihaqi in Al-Sunan, vol.5, p.257]

`Umar Ibn Al-Khattab said: " if there is a group of three people, they must appoint one of them as a leader. The Prophet (Peace be upon him) ordered us to do so" [Note: Reported by Al-Hakim]

In another hadith, the Prophet (Peace be upon him) said: "If three people are in the desert, they must appoint a leader amongst them". [Note: Reported by Ahmad on the authority of `Abd Allah Ibn `Amr]

Imam Al-Khattabi illustrated the wisdom of this Prophetic as: "The Prophet wished that the group should avoid disagreement and reach consensus. For if two men asked the judgment of a third man in a certain issue and he judged justly, then his verdict must be obeyed." [Note: Mentioned by Al-Khattabi in Ma`alim Al-Sunan, (No.2496)]

Whenever the Prophet (Peace be upon him) sent a group on an expedition, he elected one of them as a leader and ordered them to listen and obey him. He said "Whoever obeys the leader, obeys me, and who disobeys the leader, disobeys me". [Note: Agreed upon on the authority of Abi Hurairah, Sahih Al-Jami', (No. 6044)]

The Prophet also stated that obedience to leaders is obligatory even if he was an Ethiopian slave `Abdullah Ibn `Umar narrated that the Prophet (Peace be upon him) said: "A Muslim must listen and obey (the order of his leader) whether he likes it or not unless he orders him to be disobedient to Allah, and if an act of disobedience (to Allah) is imposed, one should not listen to it nor obey it. [Note: Agreed upon on the authority of Ibn `Umar, the previous source, (No. 3693)]

The Glorious Qur'an commands Muslims to obey those entrusted with authority over them, as it commands Muslims to obey Allah and His Prophet saying: "O you who believe! Obey God and obey the Messenger, and those entrusted with authority over you. But if there arises any dispute about anything refer it to God and the Messenger." (4:59)

Furthermore, the Qur'an commands them to practice self-control concerning the matters which affect the safety of the group, to hold their tongues concerning what they do not know, and to refer such matters to those who are responsible and capable of assessing them. In this respect Allah states: "When there comes to them some matter touching (public) safety or fear, they divulge it. If they had only referred it to the Messenger and to those charged with authority among them, the proper investigators would have tested it from them." (4:83)

The Mosque and the congregational Prayers were the day to day practical school, in which the Muslims were taught by their instructor, the Prophet. In it they received lessons on Tarbiyah [Note: Education and nurturing according to the guidelines of Islam] and the practical application of the principles of Islam transforming those concepts into some thing tangible and a living reality.

In the mosque, they learnt in a practical way the necessity of the group, the importance of leadership, the value of obedience, the obligation of law and order and the respect for the rules of public conduct.

For instance, the congregational Prayer must be led by an Imam who must be selected according to certain specifications and conditions set by the Prophet (Peace be upon him) who said: "The Imam of a people should be the one who is most versed in the Book of Allah".

If they are equal in their recital, then he should be the one who has the most knowledge of the Sunnah. If they are equal in their knowledge of the Sunnah, then he should be the one

who migrated first. If they are equal in that, then he should be the eldest. And no man should be led in Prayer among his family nor within his authority. [Note: Reported by Al-Jama'ah on the authority of Abi Mas'ud Al-Ansari, Sahih Al-Jami' Al-sayhir, (No.8011)]

The imam must straighten the lines by word and by action until they are as straight as an arrow. There must be no curves, no gaps and no awkwardness in the line. For the awkward appearance of the lines reflects the awkwardness of the hearts. And, the different positions of the bodies foreshadows the difference between the hearts.

The Prophet (Peace be upon him) was the model and the instructor of all these values. His noble hadiths set down the rules, clarified the particular ties of the manner of the congregational Prayer which Allah and His Prophet love. Ibn Umar reported that the Prophet (Peace be upon him) said: ` "Straighten your lines and put your shoulders close to each other. Be gentle with each other and fill in the gaps for Satan to pass through it and whosoever straightens a line, Allah will straighten him (his affairs). And whosoever disrupts a line, Allah will disrupt him (his affairs) in turn. " [Note: Reported by Abu Dawud in a good transmission]

On the authority of Al-Nu'man Ibn Bashir, who said that: "The Prophet would straighten us in our lines as one straightens an arrow, until he saw that we had understood him, then one day just as he was about to start the Prayer, he saw a person with his chest sticking out of the line, so he said: "O worshipers of Allah, straighten your lines otherwise Allah will cause us to be at variance with one another" [Note: Reported by Muslim in the book of Prayer, (No.436)]

Anas Ibn Malik narrated "Once the "Iqama" was pronounced and the Messenger of Allah (Peace be upon him) faced us and said: "Straighten your lines and stand together, for I see you behind my back." [Note: Reported by Al-Bukhari and Muslim on the book of Prayer]

Also Anas reported that, the Prophet (Peace be upon him) said: "Straighten your lines as straightening of lines is essential for a perfect and correct Prayer." [Note: Agreed upon]

Abu Mas'ud Al-Ansari reported that the Messenger of Allah (Peace be upon him) used to pass his hand over our shoulders saying: "Straighten your lines and do not cause differences amongst you lest it differentiates between your hearts (minds). Let those who possess insight and reason follow me, then the next and so on" [Note: Reported by Muslim in the book of Prayer, (No.423,122)]

`Abdullah Ibn Mas'ud reported that the Prophet (Peace be upon him) said:"Let those who possess insight and reason follow me and then the next - three times, I warn you against making noise, shouting or arguing as happens in markets." [Note: Reported by Muslim in the book of Prayer, (No.422, 123)]

Abu Sa'id Al-Khudri reported that the Prophet (Peace be upon him) noticed his Companions going to the back lines, and he said: "Come closer and follow me and let those behind follow you. People will continue going to the back until Allah will put them in the back." [Note: Reported by Muslim in the book of Prayer, (No. 438-1 30)]

Jabir Ibn Samrah reported that the Prophet (Peace be upon him) watched us as circles, so he came out to us saying: "Why I behold you in crowds?! Then he went further saying: "Why don't you make the lines like the angels make their lines in the presence of their Lord?" We asked:

"O Allah's Prophet how do the angels make their lines in the presence of their Lord?" He replied: "They complete the first line and stand closely together, side by side, in a line." [Note: Reported by Muslim in the book of Prayer, (No.430:119)]

When the Imam starts praying, the foremost behind him must follow him. It is forbidden to precede him in bowing (Ruku'), standing erect (Qiyam), or prostration (Sujud) or in any other act during the Prayer. For this disturbs the manner of the congregation which is disciplined and controlled when it stands behind the leader.

Anas also related: "The Imam is selected so that he is followed, therefore, do not differ with him. When he pronounces the Takbir, then pronounce, the Takbir. When he bows, then you should bow. When he stands erect then stand erect. When he says `Allah hears him who praises Him", Say "Our lord be praised". When he prostrates, you should prostrate." [Note: Agreed upon, Al-lu'lu' Wal Marjan, (No.232)]

The imam is to be followed and his Prayer is valid unless he leaves out an obligatory act or a prerequisite of the Prayer, then the eldest, the youngest and even the women in the back lines should draw to his attention his mistake with out making a fuss or noise. A women should clap her hands even if she in the farthest line in order to make him aware of his mistake.

The following instructive hadiths shed more light on this issue. Anas reported that the Prophet (Peace be upon him) said: "O people! I am your Imam so do not precede me in bowing, prostration, standing erect nor complete the Prayer before me. By Allah, I see you from behind and before me." [Note: Reported by Muslim, (426:112)]

Abu Hurairah also narrated that the Prophet (Peace be upon him) said: "Don't precede the Imam. Say the Takbir when he says it; bow if he bows; if he says " [Note: eported by Muslim, (No.417:8)]`Sami' allahu liman hamidah', say `Rabbana wa lakal hamd."

Al-Baraa' Ibn `Azib narrated that they were praying behind the Prophet (Peace be upon him) and when ever he said: "Sami' allahu liman hamidah, no one bowed until we saw him touching the ground by his forehead." [Note: Agreed upon, Al-Lu `Lu' Wal Marjan, (No.274)]

Abu Hurairah reported that the Prophet (Peace be upon him) said: "Do you not fear that if you raise your head before the Imam, Allah may change your head into that of a donkey." [Note: Agreed upon, see Al-Lu `Lu' Wal Marjan, (No.247)]

Abu Hurairah reported that the Prophet (Peace be upon him) said: "Whoever lifts or lowers his head before the Imam, has his forehead held by Satan". [Note: Reported by Imam Malik in Al-Muwatta', vol.1, p.92]

This is the practical instruction (Tarbiyyah) and continuous training which is held by obedience and discipline. Thus, congregational Prayer is a vivid image of what Islam craves for the group in actual life. It reflects being up right without curving, order without confusion, discipline without disturbance, unity without division and obedience where there is no sin. In addition, it gives priority to those who possess insight and reason, and to those who are knowledgeable giving every human being what he deserves.

## Cleanliness and Beautification

The attention to hygiene is another aspect of Civilized Manner (Suluk Al-Hadari) which is an unknown concern in any other religion or philosophy before Islam. Cleanliness became an essential part of the rites and worship to such extent that it is an inseparable part of the Muslim's life.

The five daily Prayers are obligatory upon every Muslim, man and women. This Prayer is actually pledge to meet Allah, the Exalted, from the rising of the dawn until the disappearance of the twilight at evening. It is, in fact a spiritual shower washing away sins five times a day. In this respect Allah says: "And establish regular Prayers at the two ends of the day and when the night approaches, surely the good deeds blot out the evil deeds." (11:114)

This Islamic Prayer has a uniqueness unlike the Prayer in other religions in that physical purification is a necessary condition. If Prayer is the key to Paradise then, likewise purification is the key to Prayer. The Prophet (Peace be upon him) said: "Allah does not accept Prayers without purification." [Note: Reported by Muslim and Ibn Majah on the authority of Ibn `Umar, also by Ibn Majah on the authority of Anas and Abi Bakrah and also Abu Dawud, Al-Nasa'i and Ibn Majah on the authority of the father of Abi Al Malih, Sahih Al-Jami' Al-Saghir, No.7746]

This purification and cleanliness are of two kinds: purification from impurities and purification from the excretions of the penis, vagina or anus.

Purification from impurities purifies the body, the clothes and the place in which one prays from any impurities such as the stains of the blood, dead animals and pigs, and the vomiting, urine or excrement of human beings and animals.

The other kind of purification does not mean cleanliness from something palpable. But rather purifying the inner of oneself because it is an order from Allah. A Muslim is obliged to make ablution if exposed to minor impurities. This means he must wash the areas of the body which are ordinarily exposed to dust and dirt and he should have a body-washing (Ghusl) after menstruation and sexual intercourse. Moreover, these acts of purification are connected to recurrent natural stimuli which one must blot out through purification. It is also preferable, in Islam, for the Muslim to be eager to clean his body regularly, particularly when he meets his fellow Muslims in the congregational Prayers.

Ghusl is also an act in which it is preferable to be performed before the Friday congregational Prayer as stated in the noble hadith. In other versions, the hadith goes to the extent of ordering one to perform (Ghusl) as part of the overall cleanliness and hygiene of the Muslim Society: "Ghusl on Friday is obligatory (Wajib) on every adult!" [Note: Reported by Malik, Ahmad, Abu Dawud, Al-Nasa'i, and Ibn Majah on the authority of Sa'id, Sahih Al-Jami' Al-Saghir, (3690)]



By adult, he means a sane human being who is of the age in which his deeds are held accountable before Allah. Another hadith obliges the Muslim to perform (Ghusl) at least once a week saying: "Every Muslim should bathe once every seven days where he should wash his head and all of his body." [Note: Agreed upon on the authority of Abu Hurairah, Al-Lu' Lu' Wal Marjan, (No.442)]

The Sunnah has directed attention in taking care of certain parts of the human body such as the mouth. The means of cleaning it was the Swak which is easily found and used in the Arab Peninsula. In this respect, the Prophet (Peace be upon him) said: "The Swak is a purifying agent for the mouth and it is a way of seeking Allah's Pleasure." [Note: Reported by Ahmad on the authority of Abi Bakr; also by Al-Shafi'i, Ahmad, Nasa'i, Ibn Khaizamah, Ibn Hibban, Al-hakim and Al-Baihaqi on the authority of `Aishah, and by Ibn Majah on the authority of Abi Umaman, Sahih Al-Jami Al-Saghir, (3695)]

Concerning the hair, Abu Hurairah reported that the Prophet (Peace be upon him) said: "Whoever has hair should care about it." [Note: Reported by Abu Dawud on the authority of Abu Rurairah, (No. 4163), Sahih Al-Jami' Al-Saghir, (No.6497)] `Ata' Ibn Yasser reported that: "A man came to the Prophet (Peace be upon him): When he was in the mosque with uncombed hair and an untidy beard. The Prophet pointed to him as if ordering him to fix his hair and beard. He did so and returned. Thereupon the Prophet (Peace be upon him): When he was in the mosque observed, "Isn't this better than one of you coming with his hair uncombed, as if he was a devil?" [Note: Reported by Malik, Al-Mawatta', vol.2, p.949] Thus the Prophet as the instructor taught the Muslims the importance of having a pleasant appearance which comes second in importance after the excellence of the inner self. Furthermore, he taught Muslims to wash their hands thrice on waking up before putting them in the water, saying, "For no one knows where his hands were during sleep." [Note: Reported by Al-Bukhari, Muslim, Ibn Majah, Al-Nasa'i, Abu Dawud, and Al-Tirmidhi on the authority of Abu Hurairah, Sahih Al-Jam'i Al Saghir, No.332]

For Arabs used to clean their private parts with stones due to scarcity of water and many of them weren't in the habit of wearing pants, so perhaps they might have touched their private parts (where the impurity was) while they were asleep.

He also taught them to wash their hands after eating and particularly after eating meat. He went so far as to warn them against neglecting to wash their hands before sleep saying: "Whoever goes to sleep without washing his hands from the traces of fatty foods, exposes himself to illness and should blame no one but himself." [Note: Reported by Abu Dawud (No.3852), Al-Tirmidhi (No.1861), Ibn Majah (No.3267), and Ibn Hibban as mentioned in Al-Mawarid (No. 1354), all of them reported it on the authority of Abu Hurairah except Ibn Majah who reported it after Fatimah, (May Allah be pleased with both of them), No.3296]

The Sunnah stressed the importance of cleanliness in the house saying: "You must clean your houses and do not follow in the footsteps of Jews". [Note: Reported by Al-Tirmidhi]

Moreover, the Sunnah instructed Muslims to maintain the cleanliness of the roads by lifting any harmful objects found on it. This is considered a Sadaqa and as a means to ridding the streets of impurities and filth.

Some Bedouin Arabs used to urinate on the roads or in the shade. The Prophet (Peace be upon him) strictly warned them against it and considered it one of the reasons to provoke Allah's curse and the people's curse saying:

"Beware of those acts which cause others to curse. They asked, "What are those acts?" The Prophet (Peace be upon him) said: "Relieving oneself in the people's walkways or in their shade". [Note: Reported by Ahmad, Muslim and Abu Dawud on the authority of Abu Hurairah, the previous reference (no. 110)]

"Beware of the three acts that cause others to curse you: relieving yourselves in a watering place, on foot paths or shaded places." [Note: Reported by Abu Dawud, Ibn Majah, Al-Hakim and Al-Baihaqi on the authority of Mu'adh, Sahij' Al- Jaini' Al-Saghir (no. 112)]

This instruction in conjunction with the others were the first attempts, known in the history of mankind, to link human beings with the protection of the environment from harm in the name of religion.

#### *A. Why Should Islam Stress the Importance of Cleanliness:*

This is due to several considerations in the Sunnah as well as the Qur'an. *First*, cleanliness is one of the qualities which Allah, the Exalted, loves. He says: "Surely God loves those who repent, and He loves those who are always pure." (2:222) He also praised the people of Qiba' and their love of cleanliness, saying, "A mosque which was founded upon piety from the very first day is more worthy be stood in. In it are men who love to purify themselves, and God loves those who purify themselves." (9:108)

Purification or cleanliness is considered an inseparable part of faith to the extent that some Muslims mistook the saying: "Cleanliness is a sign of faith" as a hadith. The actual authentic hadith in this respect says: "Purification is half of faith" [Note: Reported by Muslim, Ahmad and Al-Tirmidhi on the authority of Abi Malik Al-Ash'ari, Sahih Al- Jami' Al-Saghir (No.3957)]

Purification includes both moral purification where one is free from polytheism, hypocrisy and ill manners, and physical purification means private and public cleanliness.

*Second*, cleanliness is the pathway to health and strength. Islam aspires the health and strength of Muslims, preparing them to confront and overcome different circumstances and as ammunition for the Muslim group. The strong believer is better and Allah loves him more than the weak believer. The Muslim is entrusted with his body thus, he must not neglect it until it becomes plagued with disease for the Prophet (Peace be upon him) said:

"Your body has a right on you." [Note: Agreed upon on the authority of `Abdullah Ibn `Amr, Al-Lu `lu' Wal Marjan (No.715)]

*Third*, cleanliness is a prerequisite to beautification or appearing in the way most loved by Allah and His Prophet. It is reported that the Prophet (Peace be upon him) said: "Allah is Beautiful and He loves beauty."

After the Prophet (Peace be upon him) said: "If one has an atom's weight of arrogant pride in his he! he will not enter Paradise". On hearing the Prophet's words, a man said: 'I like to wear elegant clothes and shoes or he said one likes to wear elegant clothes and shoes.' The Prophet commented, "Allah is beautiful and he loves beauty, arrogant pride means the denial of the truth and despising people." [Note: Reported by Muslim on the authority of Ibn Mas'ud in the book of Iman, (No.147)]

Allah, the Exalted says: "O children of Adam, adorn yourselves fully at every time of prayer." And says: "Who had forbidden the ornament of God which He brought forth for His servants and who has forbidden the good things which he has provided?" (7:31-32)

Hence, the Prophet forbade men going to the mosque in the clothes worn at work. Al-Hasan used to adorn himself wearing musk and his best garments on going to the mosque. When asked about this, he explained:

"I beautify myself for Allah's Sake." Then he recited, "Adorn yourselves fully at every time of Prayer."

*Lastly*, cleanliness and pleasant appearance are of characteristics which allow relationships to strengthen amongst people. The sane human being will try to avoid people who are unkempt. Hence, the Prophet emphasized the importance of Ghusl or bathing on Friday. Similarly, there is a prohibition on eating garlic, onion, leek and food like it, before going to the mosque in order not to disturb others from the strong odor. If one insists on eating them, then he is not permitted to enter the mosque and is deprived of the congregational Prayer.

In both Sahih Al-Bukhari and Sahih Muslim, Ibn Umar reported that the Prophet (peace be upon him) said: "Whoever has eaten garlic, should not approach our mosque". [Note: Agreed upon, Al-lu'lu' Wal Marjan (No.331-333)]

Jabir Ibn Abdullah reported that the Prophet (Peace be upon him) said: "Whoever has eaten garlic or onion should keep away from our mosque and stay at home." [Note: Agreed upon, Al-Lu`lu' Wal Marjan (No 331-333)]

And Al-Mughirah Ibn Shu'bah reported; "Whoever has eaten from this malignant tree, should not approach our mosque until its smell completely vanishes." [Note: Reported by Ahmad, Abu Dawud and Ibn Hibban, Sahih Al- Jami' Al Saghir (No.6092)]

These Hadiths rebukes those who eat these raw legumes and threaten to exclude him from approaching the mosques. By analogy, smokers, nowadays, should be deprived of approaching the mosques for they expose people to passive smoking, consequently, to danger.

These legumes are lawful - halal per se, whereas , smoking is dangerous physically, spiritually, and economically and it is thereupon judged as forbidden. The Ayah in which Allah describes his Prophet in the books of old times apply to smoking as Allah says: "He enjoins on them what is good and forbids them from what is evil".

On the bases of instinct, intellect and scientific proofs, tobacco is definitely not one of the good things in life.

## *B. Among the Privileges of Islam:*

The regard to cleanliness in Islam is seen as one of Islam's great privileges. This fact is emphasized through two points: *Firstly*, the Arabs, like many people from the same environment and circumstances, were almost Bedouin thus, most of them held little importance to personal hygiene and the cleanliness of their houses. This could be attributed to the scarcity of water in the region as there were no rivers such as the Nile, the Tigris or the Euphrates. What existed were wells which were either deficient or abundant and relied upon rainfall which was sparse in number and quantity. They therefore had to exert perseverance and effort in order to progress from the stages of Bedouinism to the state of civilization thus growing to love cleanliness to the extent that it became an inseparable characteristic of their lives.

On reading the hadith, one becomes acquainted with the bad habits which prevailed amongst them, such as urinating in running and stagnant water as well as in walkways and shaded places.

In this respect, the Prophet (Peace be upon him) said: "None of you should urinate in still water and then perform Ghusl in it." [Note: Agreed upon on the authority of Abu Hurairah, Al-Lu'lu' Wal Mrajan (No.161)]

"None of you should urinate in stagnant water and then make ablution in it ". [Note: Reported by Ahmad, Al-Tirmidhi and Al-Nasa'i, Sahih Al-Jami' Al Saghir, (No.7594)]

and,

"None of you should urinate in a bathing place." [Note: Reported by Ahmad, Abu Dawud, Al-Tirmidhi, Ibn Majah, Al Nasa'i, Al-Hakim and Ibn Hibban on the authority of `Abdulah Ibn Mighfal, Sahih Al- Jami' Al-Saghir (No.7597)]

The *second* point is that, the prevailing religions in the Arabian Peninsula and the areas in its vicinity, did not lay great importance to cleanliness nor did they encourage their followers to partake in it. In fact, a number of hadiths reported that the Jews did not care about hygiene of their houses therefore, Allah's Prophet said: "Clean your houses and do not follow in the footsteps of the Jews."

As for the Christian monks, they renounced personal hygiene as part and parcel of the world which they had rid themselves of. This world included marriage, eating the best food and similar pleasures. All the other religions and philosophies are based upon the belief that the human body is an evil entity which should be deprived of all the good things in life including cleanliness and ornaments.

## Innovative Research and Renovation

In the midst of legislative orders and modern necessities

On the subject of interpretation and renovation the Qatari magazine 'Al Ummah' had the following interview with the author of this book:

**Q:** Interpretation (ijtihad) is part of religion and it is one of its foundations which proves the liveliness of Islam and its capacity to find the adequate solutions to the changing problem of life. What are the historical periods of the movement of 'ijtihad? Has its activity stopped as has been alleged by some at particular periods? Who is responsible for this situation? Is it correct that it is the Ottoman Empire as it has been said?

**A:** Ijtihad started since the time of the Prophet (PBUH), as it was stated in "the story of the 'Asr prayer in Bani Quraydhah " and in the Hadith of Mu'ad when the Prophet (PBUH) appointed him in Yemen, and asked him: "How do you judge amongst people when you are called upon to do so?". He said "I use the Book of Allah". "What if you cannot?", "Then, I use the Prophet's Tradition". The Prophet said : " What if you cannot?", he responded "Then I use my mind and I do not fail". Then he congratulated him and maintained him in his post. This is a famous Hadith whose authenticity has been recited by many religious leaders, among these are Ibn Taymiyyah, Ibn Al Qayyim, Al Dhahbi, and Ibnu Kathir. Many of the Prophet's companions have made independent judgement concerning different issues while they were not in the vicinity of the Prophet (PBUH), and when the Prophet learned about that, he either approved of their judgement or he corrected their errors.

After the Prophet's (PBUH) time, his companions (God Bless them) had to rely on interpretation and faced the changing problems of life in the communities of deep-rooted civilisations which they inherited. They reached Islamic solutions, which they adopted from Islamic texts or from Islam's general guidance. They found in Islam, a solution to every problem, and to each ill a cure.

The independent judgement of the Prophet's (PBUH) companions concerning the events of life and their knowledge of the solutions recommended by the religion of Allah to these events, represents the real and authentic knowledge of Islam, which is characterised by realism, leniency, the consideration of people's interests by Islamic law, without exaggeration in the interpretation of the texts.

When one looks at the knowledge of the guiding Caliphs, or that of Ibn Mas'ud, ibn 'Abbas, or 'Aishah and others (God Bless them all), one will confirm that it is crystal clear that the Prophet's Companions (PBUH) constitute the generation that is the most knowledgeable of the essence of Islam. One example that will best illustrate this is the attitude of Omar and his contemporary scholarly companions, such as Ali and Mu'ad, when he refused to divide Iraq upon the conquerors, considering its four fifths as their booty, as it is clearly stated in the holy verse: "And know that whatever ye take as spoils of war, Lo! A fifth thereof is for Allah," (Surah 8, Verse 41) and decided that the land should remain to serve the interest of the following generations of Islam. He told those who opposed him: "Do you want the last of the people to come to find nothing left for them?" Then Ali and Mu' ad said to him: "Find a solution to suit both the first and the last to come". Upon this, he decided that solidarity

between the different generations of the Islamic nation, as well as that of the different countries, is obligatory.

The same attitude is that of Othman (GBH) towards stray camels. In the Hadith it is commanded that any stray camels will be left alone, and he said to whoever asked him about them: "Leave them alone, they have their shoes and their water, they go to the water and feed on the trees, until their owner comes." Thus, during the reign of Abu Bakr and Omar, stray camels were left to themselves moving freely and reproducing, without anybody disturbing them, until their owner finds them. During the time of Othman, he found that people changed and started to catch stray camels, and it became difficult for some of them to return to their owners. Then he decided that for the interest of the people it was time to start to collect these stray animals. So he appointed a shepherd to collect them and identify them. When he does not find their owner, he sells them and keeps the money until the owner comes back.

During the era of Ali (GBH), he established a system that insures people's property when they leave it to a workman for repairs, holding the latter responsible in case the property is lost, in spite of the fact that workmen were generally trustworthy. He said: "That is the only way to correct people ", as he had noticed the change in people's behaviour.

Thus it is clear that the knowledge of the companions resided in the width of its horizons, its realism and leniency while it certainly never lost sight of the foundations.

The disciples and followers of the companions toed the same direction and attitude, especially those who established jurisprudence schools throughout the land, by teaching and advising in the case of novel situations and issues. They faced each event with a Hadith. Within these schools and universities which were established inside some of the important mosques, emerged the most famous Imams, leaders of the rites, each of whom had its followers, such as: Abu Hanifah, Malik, Al Shaafi'ii, Ahmed, Al Thawrii, Al Awza'ii, Al Tabarii, and Dawuud Al Dhaahiri ...

In the first centuries of Islam, the number of interpreters was larger than could be counted. They had various ways and means of understanding and interpreting the laws, while they agreed that the basic source of Islamic law are the Book and the Tradition. The Book is the foundation and the Tradition is the explanation and the clarification. After that come the secondary sources, which follow suit, such as Al Istihsaan, Al Istislaah Wa Saddu Al Dharaa'i', Ri'aayatu Al'Urf, Shar'u Man Qablanaa, and others about which the scholars have disagreed. Some of them authenticated these sources, others denied them, while others expanded or restricted them.

The important fact is that jurisprudence grew and expanded. The number of real, expected and hypothetical issues became bigger; books were written and its rules were established. The ways of extracting these rules from the foundations of jurisprudence were established. Such a science was invented by Muslims, and nothing like it is found in any other nation. It is considered as one of the prides of the Islamic heritage.

Islamic jurisprudence remains the basis of justice and legal opinion in all the Islamic societies. This remained as such until colonisers invaded Islamic countries, and separated Islamic Law from justice and legislation, except in the narrow domain which they named 'Personal Statute'.

It is important to note that what is usually said, concerning the idea that Islam was impaired directly after the period of the guiding Caliphs, is not true. It is undoubtful that during twelve centuries, Muslims did not have any constitution or law which they followed except from Islamic law, in spite of what might have happened in terms of misunderstanding, or misapplication of its lenient rules.

### The closing of the practice of innovative research

As to the notion of the closing of the chapter of interpretation, we think that the Ottoman Empire has become a rack, upon which all errors and slips in all areas are hung by many. In reality, the domination of tradition, and religious chauvinism, and the waning of expert interpretation, are issues which arose before the era of the Ottoman Empire. They have also spread to the different countries of the Arab World to different degrees, in spite of the fact that there was no period which had no interpreters. Then we find Imam Al Suyutii (d. 911 H) announcing that he reached the level of unbounded interpretation, hoping to be the renovator of the ninth century. He is well -known for his understanding of the Hadith stated in Al Tajdiid. He also wrote his book Al Raddu'ala man 'akhlada ila L'ard wa Jahala 'anna l'ijtthauda fii kulli'ishriin fard.

In the twelfth century, there was the great innovator, the wise man of Islam, Ahmed Ben Abdul Rahiim, alias, Shah Wali Allah Al Dahlawi (d. 1176 H). He is the author of **Hujjat Allah Al Baaligha**, and other original books. In the thirteenth century, we find in Yemen the expert interpreter, Imam Muhammad Ben Ali Al Shuukaanii (d. 1250 H), and whose interpretation resides in the sections and chapters of his books **Naylu L'awtaar**, **Al Saylu Ljarraar**, and **Al Daraarii Al Mudiitah**, as well as his book of interpretation **Al Durar Al Bahiyyah** and **Irshaad Al Fuhuul ilaa Tahqiq Al Haqq min 'Ilm Al 'Usuul**.

In order for us to be fair to reality and history, we have to state the following: The Ottoman Empire has given much importance to the Holy fighting, more than it did interpretation. Islamic leadership requires both: interpretation, in order to know the true path and the true religion which Allah sent through His Prophet (PBUH), and holy fighting in order to protect and preserve such religion. The scholar of Islam, Ibn Taymiyyah, said: "Religion requires both a guiding book, and winning iron", thus referring to Allah Almighty's holy words: "We verily sent Our messengers with clear proofs, and revealed with them the Scripture and the Balance, that mankind may observe right measure; and He revealed iron, wherein is mighty power and many uses for mankind ..." (Surah 57, Verse 25).

**Q:** During the Ottoman Empire, more importance was given to iron, i.e. they gave more importance to the military aspects of life than to the intellectual ones, until the overwhelming shock of confronting the rebirth of the west. Some scholars consider that renovation in the contemporary era was started by Jamal El Diin Al Afghaanii, except that his followers gradually started to rely simply on the text, and became closer to tradition, especially Muhammad Rashiid Redaa. So, "is it possible to put these efforts in the right perspective from the point of view of the renovation movement? "

**A:** This quote shows that its author did not have full awareness of the full meaning of renovation, its extent and its rules. Had he had such knowledge, he would have realised that the process was gradual, and did not relapse as it is claimed. It started with generalities, then continued with improvements, until it reached specialisation. It was not steady at the start, and then began to take control. Sheikh Muhammed Abduh was closer to control in the courts

of justice, than his master Al Afghaanii, thanks to the profound culture he acquired in Al Azhar. Sir Muhammad Rashiid Redaa was close to control in the courts of justice, than his master Professor Al Imam, thanks to his wide knowledge of

The books of tradition and heritage. He was also well acquainted with the publications of the Salafi school which was represented by Imam Ibn Taymiyyah and his disciple Ibn Al Qayyim. It is he who started the strong campaigns against inertia and imitation in his valuable magazine Al Manar. He also wrote reformative articles and innovative scientific opinions, during a third of a century or more. The interpretations of Sheikh Rashiid and his innovative opinions spread throughout the Muslim World, and were met with greater acceptance than the innovations of his master, in spite of the fact that they were few. As to the interpretations of Sir Jamal El Diin, we hardly know any precise ones. His personality was that of the revolutionary leader, who awakened the minds, aroused the feelings and triggered ambition and commitment. He did not have the personality of the scholar who is consistently led by sources and rules. So each one follows the path that he was born for.

Some of the views of Sheikh Muhammed Abduh in the interpretation of Qur'an were adopted by others. Some of them are those concerning the story of Adam, his statements about the birds of Babel, and the like. His excuse was that the Western civilisation was in its heyday, and admiration thereof was at its highest. Thus, the rational bias was preponderant; and so were the attempts to bend the text until it fit the new concepts, and the adaptation of the commands of religion to the intellectuals who had a western culture. And all this was done even when it required affectation.

As to those who want to evaluate any person, and to qualify his thought and works, it seems only fair to put the latter in their special historical context, and not to compare his time and space to our own time and space. Some of the views that seem to us today to be clear and obvious, were not so in his time. God bless a man who is fairer to others, and who gives every worker what he deserves and is a fair witness for the sake of God.

Legal interpretation is a collective duty at times and an individual duty at other times. It has its meaning, its extent and its rules. Can these issues be clarified so that confusion does not set in and so that those who are not fit for interpretation, do not undertake it. Innovation should be construed as making one's utmost effort and pouring one's widest knowledge in the extraction of the legal rules from its proofs through observation and thinking. It is a collective duty that applies to the whole nation. The nation becomes like an orphan if a number of its members do not satisfy its need in innovation. Thus it becomes an individual duty of anybody who feels that he is qualified and has the capability to undertake it, if he does not find anybody to undertake such responsibility in his place.

### **Innovation is needed in two situations:**

**First:** The situation in which there is no legal text available, and where the legislator has deliberately left a gap, out of compassion and not out of forgetfulness. This allows the innovator to fill the gap in a way that satisfies the expectations of the people, according to the paths which are followed by such innovators as analogy, preference or adaptation to the situation, as well as other reasons.



It is to be noticed that in some areas of jurisprudence there is a proliferation of texts dealing with points of detail sometimes, for example: worship and family issues, which hardly change throughout the ages and places, while there is dire need for texts that forbid disputes, as long as it is possible. Besides, there are areas where the texts are to a large extent scarce, or too general and summarised, thus leaving to people the freedom to innovate by themselves - in light of the overall sources - according to the interests of their society, and the conditions of their era, instead of finding detailed texts that would tie them or restrict their movement. This is exactly the case in the issues of consultation, the ruling system, the proceedings at law, the legal steps, and the like.

**Second:** The area of hypothetical texts, whether they are hypothetical in their occurrence, and that is the case of most of the Prophet's Hadiths, or hypothetical in their meaning, and that is the case of most of the texts of Qur'an and the Tradition. The fact that a text exists does not prevent people from interpreting it, as it might be imagined by some. Nine tenths of texts or more are amenable to interpretation and the extension of the number of views. The Holy Qur'an itself may allow different ways of interpreting. Even if we take a verse such as the one dealing with cleanliness, in the Surah of the Table Spread, and read all the interpretations of its rules, we will confirm what is being stated here.

Along these two areas which are open for innovation, there is an area in Islamic Law which is firmly closed to interpretation, and is not concerned by it: it is the area of absolute certainties in the Law. This is the case of the obligatoriness of the ordinances of Allah, such as the prayers' almsgiving, fasting and the forbidding of impermissible acts such as adultery, consumption of alcohol, lending interests. On the other hand, there are the principal absolute certainties, such as the rules of inheritance, which are clearly defined in the Qur'an. There are also the bounds and punishments, and the period of waiting for the divorced or widowed women, and the like of what has been stated in the texts that are factual in their occurrence and in their meaning.

These kinds of rules which are not available for interpretation are what constitute the intellectual and behavioural unity of the nation. So, there is no need to enter the battlefield of interpretation, and address questions such as the following:

Can we allow the drinking of alcohol for the sake of tourists?  
Can we disallow fasting in order to increase production?  
Can we suspend pilgrimage in order to save hard currency?  
Can we suspend almsgiving and rely simply on state taxes?  
Can we abandon the bounds and punishments in compassion with criminals, as if we were more compassionate than Allah towards his subjects! "Say, do ye know best, or cloth Allah ?"  
(Surah 2, Verse 140).

And that is what one should be watchful of: to innovate in areas where we should not, or to let one who is not well qualified or who does not satisfy the conditions to undertake innovation. This is what led some scholars in the ancient times to call for the closing of the area of innovation and interpretation, in order to stop the impostors and pretenders. But the area of innovation will remain open, and no one can close it after it was opened by the Prophet (PBUH). No one or group of people, when faced with an event that they are presented with, can say: 'we don't have the right to innovate and interpret, because the scholars of the past said nothing about it'. It is obvious, though, that the law has to govern all

the deeds of the officials and has to have a say concerning every event, and nobody disagrees with this.

**Q:** It is imperative that anyone who undertakes innovation in the field of Islamic law should satisfy the required conditions. What are these conditions? Do they apply to all innovators, in general? Or, is there a difference between the ones who undertake total innovation and the ones who undertake partial innovation?

**A:** There is no special group in Islam that monopolises or inherits innovation. There is no priesthood or clergy in it. There are, though, scholars who are specialists in their fields, and who have the tools and instruments of innovation to satisfy the requirements thereof. It is the one who interprets all events and situations that are presented to him, and whereof he states his view in accordance with the results of his interpretation, be he right or wrong.

The conditions required for an innovator are stated and detailed in the books of the foundations of jurisprudence. Some of these conditions are scientific and others are cultural, such as knowledge of the Arabic language, knowledge of the Holy Book and the Tradition, knowledge of the issues of absolute consensus, knowledge of the foundations of jurisprudence, the ways of analogy and derivation, knowledge of the complete aims of Islamic Law and its rules. The last point is what Imam Al-Shaafi'i concentrated upon and made the reason why we have to innovate. Besides all of this, he has to have the gift of derivation, which improves with the exercise of jurisprudence and awareness of the differences between the scholars' interpretations. That is why they said: "He who does not know the difference between the scholars, has not had a whiff of jurisprudence".

Another condition which was pointed out by Imam Ahmed, and was mentioned by Ibn Al-Qayyim in *I'laam al-Muwaqqi'in* is: 'knowing people'. This is an important issue. The innovator, who advises people, should not live in an ivory tower or an isolated minaret and pronounce advice that is unrelated to the reality of the people. The same scholar should not issue judgements which are related to bygone times and ancient people and apply them to other peoples and times. This would mean that this scholar will have ignored the most important rule which says that counsel changes with the change of time, place, situation and usage, as was stated by the scholars.

This requires that the innovator be aware of the realities of his society, and master the general foundations of the culture of his era. This requirement avoids the situation whereby the scholar will be living in a world of his own, while his contemporaries are living in another. He is the man whom the people may ask about something whose background, original, philosophical, psychological or social bases he may not know about, with the result that he might stray in its contextualisation and its judgement. Because judging something is part of understanding it, as the scholars of logic confirm.

The real innovator is the one who looks at the texts and the evidence with one eye, and at the reality of his era with another, so that he may harmonise between obligation and reality, and give to each event the judgement that is appropriate to its place, time and situation.

Ibn Al-Qayyim, the authenticator, said that his master, Sheikh Al-Islam Ibn Taymiyyah, passed during his time by a group of Tatarian soldiers who had been drinking too much. Some of his companions rebuked them, but he said: let them to their drinking and their playing. Allah forbid the drinking of wine because it prevents people from invoking Him and from practising their prayers, but in this case it prevents them from the killing of people and the pouring of

blood.

This goes hand in hand with an established rule, the gist of which is that it is better not to rebuke for a sin lest a bigger sin may be committed, so that it is the lighter damage that is caused and the lesser of two evils that is committed.

There is another requirement that the innovator must fill, it is a behavioural and religious requirement. He must be just and must have an acceptable morality. He must fear Allah in all what he does or says, and he should know that his advice must coincide with that of the Prophet (PBUH). He should not follow his whims, and should not give priority to worldly goods over religious matters, especially if those goods belong to somebody else.

If Allah has commanded that the prerequisite for people's witness to be accepted is that they themselves be just, then how should that not be the case for somebody who is a witness in the religion of Allah, and who discusses what Allah has allowed and what He has Forbidden, what He has Made compulsory and what He has Authorised.

The scientific conditions that we have mentioned are required of the total innovator, i.e. the one who interprets all the facets and aspects of jurisprudence. As to the partial innovator, it is enough that he be knowledgeable of the matters that relate to his area of specialisation, along with a general scientific qualification. All this assumes that the field of interpretation lends itself to compartmentalisation, and this is what many of the scholars assume.

The professor of Economics can undertake research in a specific matter in the domain of his speciality, if he is knowledgeable of all what has been written about it, and the kinds of innovations it might have undergone. He also has to master the foundations of the evidence, the rules of argumentation and preponderance, another matters.

**Q:** Many discussions have taken place over the last few years concerning innovative research, which led to some deviant interpretations in this field. Since the situation is what it is, it has become imperative to establish some rules that must be respected in the field of contemporary legal research, so that Muslims may be aware of these flaws and may reject them. In your opinion, what should these rules be?

The rules that should be followed in modern research may be summarised in the following points:

**A:** One should not deal with certainties. Research should concern issues whose evidence is hypothetical in judgement, and we should not heed impostors who attempt to turn what is factual into what is hypothetical, and what is certain into what is doubtful. In this situation we will no longer have certainties that we can rely upon, or sources that we may refer to. In the same vein as we did not allow turning what is factual into what is hypothetical, we should not allow the opposite, either, as we should not pretend consensus where there is difference. Thus, we should not raise the sword of consensus in the face of every researcher, as did the contemporaries of Ibn Taymiyyah in his choices and his innovations. Al Imam Ahmed said: "Whoever pretends that there is consensus is a liar. Who knows? People may have differed in their views and he is not aware of that".

What I fear most is psychological failure before the coming civilisation, and giving in to the present reality in our societies. This is a reality that has been produced neither by Islam, nor by the Muslims. It has been produced for them by the impudent colonialist who imposed it on

them by force and tyranny. This intruding injustice took the place of the authentic justice during a spell of absent-mindedness of the Muslims.

This is why we should refuse that kind of innovation - if we may call it thus - which is that of making up motivation for the reality, especially if that aims at a satisfaction for the governing authorities. It may also be an imitation of the other, as in the innovation of those who try to forbid divorce and polygamy, and who fight private property, and allow lending at usurious interests, and so forth.

The innovator should free himself from fear in its different forms, fear from the authority of the governing tyrants, who request ready-made Fatwa for their acts to make them lawful. They should free themselves also from the fear of the rigid imitators among the scholars, who lead campaigns on any new idea. It is the likes of these who were the cause of the imprisonment of Ibn Taymiyyah, and the successive miseries that he underwent. His misery was caused by them not by the sultans. The scholar should also free himself from the fear of the power of the crowds and the populace who could be aroused by the imitators against any view that differed from anything that they are used to.

We have to open our hearts to scholarship, even if it opposes the views that we have been raised with, we should also expect errors from the innovator, and should not be disturbed by him. He is a fallible human being. It may also be that what we have considered an error the exactly correct view. There are views which one day are refused by the majority of the people, then afterwards they become the right and accepted ones. In Islam there is no papal authority, which dictates: "this view is the correct one for everybody and deserves to remain so, while that view is the wrong one and is thus erased from existence and receives capital judgement"( See the section entitled "The characteristics and rules of a modern and sound scholarship" in our book *Scholarship in Islamic Law*, published by Dar Al Qalam, Kuwait.).

**Q:** There are contemporary issues which require Muslims to come up with an innovated jurisprudence in order to find solutions to their problems. What are these issues, and how do you view them within the framework of this innovative research activity?

**A:** In view of the changes that life has undergone in comparison to what they used to be, and the great evolution of today's societies in terms of ideas, morality and relations, our present time is in the direst need of innovation. All this after the 'biological revolution' and the 'technological revolution' which the world is witnessing. This revolution raised the most novel issues: tube babies, artificial insemination, banks of frozen genes, the control of the sex of the foetus, the implant of organs, blood transfusion, as well as the novel issues in international relations, financial and economic systems, which our predecessors have not witnessed, or knew about even partially and on a much smaller scale.

These issues and their like require new research, and that is what we may call innovative scholarship, i.e. in which scholars issue new judgements, even when they have not been advanced by earlier scholars or stated by anybody else. As an example of this, we may mention the almsgiving on blocks of flats, industrial plants, stocks, bonds, salaries, considering gold as the only basis for currency rates, the making of almsgiving on rented lands obligatory for both the landlord and the tenant: the tenant gives almsgiving on the crop or fruit after he subtracts the expenses of labour and the like, because that is something he owes, and the landlord gives almsgiving on the rent.

There is also what I call selective innovative research, that is to choose the most plausible views from our great scholarly heritage, ( . See our book *The Law of Islam, how do we select from our Islamic heritage?*, p. 110,, published by the Islamic Bureau, Beirut) which seem to come close to coinciding with the aims of the law, the interests of the people, and the context of our era. The choice may come from within the four Islamic rites, as in the weighting of the Hanifi rite's view that almsgiving should be paid on all the crops of the land, and the weighting of the Shafi'i rite's in providing, the poor with enough to live on for life, and the weighting of the Maliki rite's in the maintaining of the bonds of those whose hearts have been reconciled.

The choice may come from outside the four Islamic rites. In spite of their majesty and favour, the four Islamic rite leaders are not the only scholars. There are those of their contemporaries who may have surpassed them, and there are those of their masters who preceded them, and the masters of their masters including the scholars who were companions of the Prophet (PBUH), and their followers, who have certainly undertaken greater actions. There is no objection to adopting one of their rites if it seems the most reasonable in legal terms, and to follow, for example, the view of Omar (GBH) restricting marriage with the women of the Scripture, if there is fear of harm to the Muslim women and children, or if there is fear that the condition of virtue may not be observed with precision. This condition is mentioned in the following holy verse: *"...and the virtuous women of those who received the Scripture"*(. Surah 5, Verse 5) , i.e. those who behave virtuously. Other examples include the adoption of the idea of the obligation of mut'a for every divorced woman, or the idea of some of the predecessors who suggested that divorce should not take place when it is the result of great anger. That is how they explained the Hadith: "No divorce in the cases of anger or madness or drunkenness". Or the view of some of them who suggest that final divorce, uttered in one setting, should be taken as a cancelled divorce only once. That is what Ibn Taymiyyah and Ibn Al Qayyim and their like advised. Not to accept contrived divorce, i.e. divorce when the woman has her period. The same goes for divorce which is motivated by the forcing of someone to do something or not to do it. This kind of divorce is treated as swearing and is atoned for in the same way as swearing.

The same goes for the adoption of the view of some of the predecessors that legacy is obligatory for those of the relatives who cannot inherit. It is on the basis of this that arose in Egypt the law of the "obligatoriness of legacy" for the children if their fathers or mothers die while their grandparents are still alive. In this case they inherit the share of both their parents, with the condition that it is not more than the third of the legacy, not that of the inheritance.

It is on the basis of that that the scholar Sheikh Abdullah Ibn Zaid Aal Mahmuud, the President of Legal Courts and Islamic Affairs in the state of Qatar, favoured the view of Ataa' and Taawuus, in allowing the pelting of Satan during pilgrimage before the afternoon starts, in order to make it easier for people, and to remove the embarrassment and hardships which people have to incur in terms of crowding around the aim to the point of being walked over to death.

The innovative research which we need today is one undertaken by a group which could take the form of a world learned circle, which would include qualified world scholars, who would issue their judgement after study and examination, with courage and freedom, far from the pressure of governments and populace.

In spite of all this I would like to insist that there is no way around individual innovative research which lights the path for group innovative research, thanks to the careful and thorough studies it brings.

**Q:** Some advocates of Islam are sometimes considered as proponents of inertia and rigidity, and enmity towards any innovation. Does this coincide with any real situation or is it linked to some hidden cause?

**A:** Regarding innovation, people can be classified into three groups:  
1) The enemies of innovation, who want every old idea to remain as it was; their famous wise adage is: "the first left nothing for the last, and their heralded motto is: it is impossible to be more creative than the past. "

Because of their inertia, they stand in the way of any innovation in science, thought, literature and life matters, let alone religion. The term innovation itself is considered heresy for these people.

In the area of religion, I found out that there are two groups whose attitude aims at making Islam rigid. I wrote about them in some of the articles I published in the magazine Al Ummah on the occasion of the celebration of the beginning of the Hegira fifteenth century. First: the fanatic imitators of the rites, who refuse to make any small deviation. They also deny any contemporary individual or group the right to search and innovate, except within the framework of what their rites alone dictate and what was written and advised by the scholars of that rite. So, it is unacceptable to them to deviate from the opinion that was pronounced within the rite, even to other sayings or opinions from within the rite itself.

The other group is what I named ' the new superficial scholars', I mean by these those who take texts strictly at their literal level and face value, and do not consider their deeper meanings. They do not understand the details in light of the general issues. It is no surprise to find that they start heated fights over marginal issues in the religion. While these and those are people who are faithful to Islam, they still are like the mother who caused the death of her infant because she locked him up in his room from fear of the heat of the sun, or the passing of the hot wind.

2) In opposition to these, we find those who overdo innovation. They want to annihilate all old ideas, even if these constitute the foundation of the essence of their society, its *raison d'être*, the secret of its permanence; as if they wanted to delete yesterday from time, and the past tense from the language, and the science of history from human sciences.

The innovation undertaken by these is westernisation itself. What is old in the western world is new to them. They advocate imitating it in its bitter and sweet aspects. These are the ones that were laughed at by Raafi'i (God Save his soul) when he was in a dispute with them under the banner of the Qur'an and said: "They want to renovate religion, language, the Sun and the Moon".

The poet of Islam, Mohammad Iqbaal, replied to them by saying that "the Kaaba is not renovated by bringing to it a stone from Europe". Ahmed Shawqii, the king of poets, referred to them in his poem about Al Azhar:

Had they had their will, they would deny in public  
Their parents whether they died or lived for a long period

Whoever is keen on the destruction of all past things,  
When he has to build, fails

This group, and the one mentioned before it are the two that Prince Chakiib Arsalaan complained about, when he said in his book "why the Muslims lagged behind" that religion was lost between the rigid and the infidel. One alienates people by his inaction and the other by his unbelief.

3) Between these two groups emerges a mid-way group. It refuses the inaction of the first and the unbelief of the others. It looks for wisdom from any source. It also accepts innovation, even advocates it and calls for it, as long as it is an innovation which comes within the authenticity of Islam, and distinguishes between what is acceptable and what is not, and between what is adequate and what is not.

It advocates the adoption of material and technical science as much as it is necessary for the nation, under the condition that we understand technology and create it, not just buy it and remain foreign to it!

This is the point of view of the true preachers of Islam. Their motto is: the association of the useful old and the sound new. We have to be open to the world without melting in it, firm about our aims, and lenient about our means, firm about the foundations and lenient about the secondary issues.

**Q:** There is a link between research and innovation as a contemporary issue. If Islam considers innovative research as an instrument of the understanding of the commands of the Qur'an and the Tradition, does it accept innovation as it accepts scholarship? Or, does it contradict the nature of the religion which came to control life with its beliefs, values, concepts and wisdom. Or does each one of them have a domain within which it acts?

**A:** I was surprised by the denial of a good scholar of the relationship between innovation and religion, in an interview with one of the journalists. This scholar assumes that religion is stable and does not evolve nor does it innovate. His reason for this, I believe, is his fear that people might understand that by pronouncing the expression 'the innovation of religion' people might understand the intervention of the hand of change to delete or add things. So, he firmly closed the door by absolutely denying innovation.

In reality, the noble Hadith of the Prophe(PBUH), has discussed this issue in detail, as it has been mentioned by Abu Daawuud, Al Haakim, Al Bayhaqii and others, on the basis of a sound authentication: "Once every hundred years Allah sends to this nation a man who innovates its religion." ( Authentic, see the Sahiih Al Jaami' Al Saghiiir, no. 1873, second edition. )

And there is no saying after that of the Prophet, or no judgement after his.

Many loyal scholars deny established notions, because of misuse by some people. Thus, the former want to straighten a wrong deed by another wrong deed. The sound method is to confirm the established notions by providing the correct interpretation and refuting every wrong understanding, explanation, or unsound application.

The innovation of religion is confirmed by the texts, but it is not innovative research in itself. In spite of the fact that scholarship is part of it, and one of its aspects, scholarship is an innovation in the intellectual and scientific aspect, innovation concerns the intellectual, spiritual and scientific aspects. These are the aspects which are included in Islam: science, faith and action.

Our nation is today in the direst need of someone to innovate its religion, its qualities, the characteristics of its personality. Someone who will work towards the emergence of a Muslim

generation which will achieve in today's world what the companions of the Prophet (PBUH) achieved in their time. That is what we called the 'Generation of the pursued victory'. This innovation was started by the people who undertook what they promised Allah to do. There are those of them who died, there are those who are waiting like Hassan A1 Bannaa, Abdelhamiid Ben Baadis and Abu 'All Al Mawduudii (God Bless them all). It is the duty of those who follow them to continue on the same path, and straighten it until Allah Completes His light.

The noble Hadith: "Once every hundred years, Allah sends to this nation a man who innovates its religion" gives significant importance to this issue. Does the word 'who' as it figured in the Hadith mean that the Muslims remain in a state of expectancy waiting for an innovator at the beginning and end of each century. In light of the Islamic understanding of the role of the community, it seems that the meaning of the Hadith makes every Muslim responsible for the duties and follow up on the activity of innovation of religion.

This Hadith, which was quoted by Abu Dawuud in his Al Sunan, by Al Haakim in Al Mustadrak, by Al Baihaqii in Ma'rifat Al Sunan wal 'Aathaar, by Al Tabaraanii in Al 'Awsat, gives the Muslim nation a strong ray of hope, and dissipates the obscurity of despair. It instils in it the spirit and hope that Allah is not leaving it to the fangs of weakness until it is devoured by them, or to the smoke of quietness until it suffocates in it, or to the claws of fragmentation until it is killed by them. In fact, He sends between one century and the next one who will gather it, resuscitate it, and awaken it. These are some of the meanings of innovation, so he innovates it by religion and innovates the religion by it.

Most of the interpreters of the Hadith, as it has been made clear by the discussion above, understood that the sense of 'who innovates its religion' includes one individual, upon whom God bestows scientific, moral and practical qualities that allow him to rejuvenate the religion, and brings back to it liveliness and strength, through a knowledge that is useful to all, an action that is sound, a struggle for the cause of a religion that is great. This is what made them endeavour to identify this innovator at the beginning of each century, so they sometimes agreed and did not at others. So they agreed that the innovator of the first century is the fifth Rightly Guided Caliph Omar Ben Abdulaziz, the innovator of the second century is Imam Muhammad Ben Idriss Ashshaafi'ii, the innovator of the fifth century is Abu Haamid Al Ghazali, the innovator of the sixth century is Ibn Daqiiq Al 'iid, and widely disagreed as regards the rest of the innovators.

I think the 'who' in the Hadith, and in the Arabic language in general refers to the plural as well as the singular. In this particular case, it refers to the plural as well. So innovating the religion in a particular century is not necessarily the responsibility of a single individual, but a group of people. These may be scholars, the rulers, or the senior officers, or the educators. They may be in one country or they may be in a number of countries. Each one of them may work in his own field, or they may collaborate with each other within the framework of a league or an association. The innovation of some of them may be in the field of preaching and culture, another or others in the field of jurisprudence, another group in the field of education and training, others in the field of social reform, another group in the field of economics and another in the field of politics. There is nothing wrong with the diversity of fields and the diversification of the forms of action and innovation. These differences have to reflect diversity and specialty, not a difference reflecting contradiction and enmity. What is meant here is that there should be complementarily, coordination and cooperation between these different kinds of action, so that they complete each other, and they support each



other. They should not deny each other, or obstruct each other's work, which would lead to weakening all of them and strengthening their common enemy.

The linking of innovation with the name of a single uncommon individual, makes people live in the hope of his emergence, and all they do is wait until the ground opens for him to appear and innovate what they were incapable of doing. This is the secret of letting people expect the idea of the Messiah. I think that innovation should be linked with a group or a school or movement, within which each individual Muslim would do his share in the innovation process and would contribute in accordance with his capabilities in its effort. In this case, the question is no longer 'When is the innovator of religion going to appear?', but 'What can I do to innovate religion?'

**Q:** In the Muslim world innovation and innovators were linked with various trends and untrue allegations of secularity, or of latent atheism, in order to deprive Muslims from the reality of their religion. Is this true innovation? Are these true innovators?

**A:** Calling these innovators is an erroneous appellation. These are squanderers not innovators, because they have no real relationship with actual innovation. The innovation of something means taking it back to the way it was at its beginning and when it first appeared, and mending all the disorders it may, have undergone over time, while keeping its authentic character and its distinctive features. This is exactly what we do in a palace or an old monument which we want to renovate or restore. We do not allow anybody to change its nature, or change its essence, its form or its traits. In fact we endeavour to take it back to its original state. But, if we do destroy it and build in its place a skyscraper of the modern kind, this is not innovation at all.

Those you have mentioned in your question are the kind of people who want to destroy the old mosque to build in its place a new church, with all its components and characteristics, except that they put the name of a mosque on top of it.

Whoever called these people innovators is not other than colonialism, its disciples and its agents amongst orientalist. Their real name is 'the slaves of western thought'. They do not even rise to become the disciples of the western thought, because a real student argues with his teacher, and may even oppose him and reply to him. But the attitude of the ones you have mentioned towards western thought is an attitude of alignment and slavery, which leads them to think that whatever the west believes in is the right thing, and whatever it says is the truth, and whatever it does is beautiful. The same thing applies to the slaves of the right and the slaves of the left. They both come from the same source and they all constitute a part of the tree that is damned in the Q'an, the Old Testament and the Bible: that is the tree of wicked materialism, which deprives man of his soul, life of its faith and society of the guidance of Allah. The falsity of these impostors of innovation was uncovered by Dr. Mohammad Al Baahii, God Bless his Soul, in his valuable book Modern Islamic Thought and its Relation with Western Colonialism (In order to read more about this topic refer to the chapter entitled 'Authenticity not regression, and innovation not westernisation' in our book entitled Certainties of the Islamic solutions and the uncertainties of the secular and the westernised Mu'assasat Arrisaala, Beirut.)

The real innovator is the one who innovates religion by religion and for religion. But he who wants to innovate religion from outside, i.e. with imported ideas and intrusive thoughts, and innovates to the advantages of the west or the east, is farthest from true innovation.

## Tolerance with Opponents

Tolerance with opponents is one of the characteristics of civilized manners which is recorded in the Qur'an and illustrated in the Sunnah. This applies especially to those of different religions and faiths. The Glorious Qur'an sets a firm basis for these manners as Allah, the Exalted; says:

"God forbids you not with regard to those who have not fought you in the cause of religion, nor expelled you from your homes, that you should be considerate and deal justly with them, surely God loves the just. Indeed, God forbids you only with regard to those who have fought you in the cause of religion and expelled you from your homes and have helped in expelling you, that you should take them for friends. And whoever takes them for friends, they are the evil-doers." (60:8-9)

Allah uses the negation when he says: "God forbids you not" so as to refute the already established notion which is in the minds and hearts of people that the one who has a different religion should not be treated kindly, friendly or justly. Allah clarifies that He loves them to be treated justly, with piety and with tolerance.

The Glorious Qur'an fixed firmly the foundation for these refined manners by its stating two basic important facts concerning the way these proponents look at one another:

*Firstly*, Allah, in His Infinite Wisdom, has ordained people to be of different religions. If He wanted, glory be to Him, he would have formed them as other creatures who would be obliged to have one choice and one kind of conduct. Allah says:

"And if your Lord had so willed, He would have made mankind one nation, but they continue in their differences except those on whom your Lord has mercy, and for this did He create." (12:118-119)

The scholars explaining these verses -have said that people were created to be different as a result of the choice He has given them. If Allah had willed, He would have created them angels who have no choice nor disagree.

*Secondly*, judging and rewarding or punishing those who believe in truth or falsehood are not determined by the people but by Allah on the Day of Judgment, for Allah says:

"And the Jews say, "The Christians follow nothing of the truth". And the Christians say, The Jews follow nothing of the truth". While they both read the same Book, like unto their word is what these say who know not, but God will judge between them on the Day of Resurrection in their dispute" (2:113)

Allah said to His Prophet concerning his proponents:

"And if they argue with you, say, God knows best what you are doing. God will judge between you on the Day of Resurrection, concerning the matters in which you differ." (22:67-68)

He addressed His Prophet concerning dealing with the People of the Book saying: ` therefore invite, and be steadfast as you have been commanded and don't follow their vain desires. And say:

"I believe in the Book which God has revealed, I have been commanded to do justice between you. God is our Lord and your Lord. To us our deeds and to you your deeds, the matter is not for either of us to argue over, God shall gather us all, and to Him is the final return." (42:15)

The Sunnah gave assurance from the verses in the Qur'an, in detail as well as in application.

Despite the miserliness of the Jews of Medina, and their ill-manners and conspiracy against the Prophet (Peace be upon him) to the extent that they joined forces with the pagans in order to eradicate Islam, he treated them most generously and spoke to them in gentle words. Thus he give an extraordinary example of kindness and gentleness to them whether alive or in their death.

`Aishah, the Mother of believers, reported that a group of Jews entered upon the Prophet (Peace be upon him) and said: `As-Samu Alaikum" (i.e. death be upon you). `Aishah said: I understood it and said "Wa Alaikum as-Samu wal Al-L'ana" (death and the curse of Allah be upon you). The Messenger of Allah said: "Be calm O, `Aishah! Allah loves that one should be kind and gentle in all matters." I said: "O, Allah's Prophet, haven't you heard what the Jews have said?" Allah's Prophet said: "I have already said to them, And upon you" [Note: Agreed upon, Al-Lu `lu" Wal Marjan (No.1400)]

The Prophet made things easy when he said: "And upon you" which means, death be upon you too, as we all are going to die and that is inevitable for both of us!

Ibn `Umar reported that Allah's Prophet (Peace be upon him) said: "If the Jews greet you saying: As-Samu Al aikum (death be upon you) say: "And upon you." [Note: Agreed upon, Al-Lu "lu' Wal Marjan': (No.1399)]

Al-Bukhari narrated that:"Once, a funeral procession was passing by, and the Prophet (Peace he upon him) stood up for it. When he was told that it was the funeral procession of a Jew, he exclaimed: "Does he not possess a soul?"

This means that the human soul, regardless of religion, should be respected and honored.

The Companions of the Prophet learned from this how to be tolerant and righteous. `Aishah narrated that: the Messenger of Allah (Peace be upon him) said:"Gabriel continued to advise me on the treatment of neighbors until I thought he would inherit him!" [Note: Reported by Abu Dawud in the book of Al-Adab (No.5152), and Al Tirimidhi in the book of Al-Birr (No.1944)]

Ibn `Abbas said that a Muslim should return the greetings to Jews, Christians or Magians for Allah says: "And when you are greeted with a greeting, greet with one better than it." [Note: Reported by Al-Bukban in Al-Adab Al-Mufrad (No.1107)] (4:86)

One day, a Magian greeted him and Ibn `Abbas greeted him saying: "Peace and Mercy of Allah be upon you . His companions asked surprisingly: "Did you say Allah's Mercy?" He answered, "Don not he live in the Mercy of Allah?"

Abu Musa Al-Ash'ari wrote to a monk and greeted him and when othey objected they said: "How come you greet him although he is a disbeliever?" He answered, "When he wrote to me, he greeted me therefore I now greet him".

The Prophet (Peace be upon him) was tolerant with the disbelievers of his people despite their abuse towards him and his Companions. He did not invoke Allah against them, instead he supplicated to Allah to bestow His Guidance on them.

`Aishah, (May Allah be pleased with her) reported that she asked the Prophet (Peace be upon him): "Have you encountered a day harder than the day of the battle of Uhud?" The Prophet replied: "Your tribes have troubled me a lot and the worst trouble was on the day of `Aqaba when I presented myself to Ibn Abdu Yalail Ibn `Abd Kulal and he did not respond to my demand. So I left overwhelmed with sorrow, and proceeded unable to relax till I found myself at Qarn Al-Tha'alib. I lifted my head towards the sky to see a cloud shading me unexpectedly. I looked up and saw Gabriel in it (Peace be upon him). He called me saying:

"Allah has heard what your people have said to you, and He has heard their reply to you. Allah has sent you the Angel of the mountains so that you may order him to do whatever you wish to these people".

The Angel of the mountains called and greeted me, and then said: "O, Muhammad, order whatever you wish. If you like,I will let Al-Akhshabain (two mountains) fall on them". The Prophet said: "No, but I hope that Allah will allow them to beget children who will worship Allah alone and who will worship none besides Him." [Note: Agreed upon, Al-Lu'lu' Wal Marjan (No.1173)]

Ibn Mas'ud, (May Allah be pleased with him) narrated that the Prophet (Peace be upon him) was speaking about one of the prophets whose people had beaten and wounded him, and this was whilst he was wiping the blood off his face saying: "O Lord! forgive my people as they do not know." [Note: Agreed upon, Al-Lu `lu" Wal Marjan, 1170]

## Mercy Towards Allah's Creatures

Mercy towards Allah's creatures regardless of them being near or at a distance, Muslim or non-Muslim; human or animal, is another characteristic of civilized manners. Allah, the Exalted, ordained that mercy is to be the crux and the end of Mohammed's message for He says: "And We did not send you but as a mercy to all beings." (21:107) The Prophet described himself

quite eloquently and concisely, when he said, "I am a mercy bestowed by Allah " [Note: Reported by Ibn Sa'd, Al-Hakim Al-Tirmidhi and Al-Hakim on the authority of Abu Hurairah, also by Al-Darimi and Al-Baihaqi in Alshu'ab, Sahih Al- Jami' Al-Saghir (No.2345)]

In Allah's Eternal Book, He begins it and all of its Surahs, except one by saying: "In the Name of Allah, the Merciful, the Compassionate".

And, Allah described His Prophet as a blessing bestowed on us saying: "Certainly there has come to you a Messenger from amongst yourselves, grievous to him is your suffering, ardently anxious is he over you, to the believers he is compassionate and merciful." (9:129)

His mercy is reflected in his Surah and in his interaction with his Nation. Islam urges Muslims to be merciful to the extent that they yearn for mercy and warn them harshness and cruelty to the extent that they feel awe against it.

Jurair Ibn `Abdullah reported that the Prophet (Peace be upon him) said: "Whoever is not merciful towards people, will not be treated mercifully by Allah." [Note: Reported by Ahmed on a good authority, Al-Muntaqa (No.69), and Al-Haisami, vol.1, p.27]

Abu Musa reported that the Prophet (Peace be upon him) said: "You will not be true believers until you are merciful with one another." They said: "O, Messenger of Allah, we are all merciful!" He said: "It is not that you should be merciful to each other, but you should also be merciful in general." [Note: Agreed upon, Al-Bukhari in Al-Adab and Muslim in Al-Fada`l]

`Abdullah Ibn `Amr reported that the Prophet (Peace be upon him) said: "The merciful are treated mercifully by the Merciful. Be merciful to those on earth so that Allah will be Merciful to you in the heavens." [Note: Reported by Al-Tabarani, Al-Muntaqa, No. 1322, and Al-Haisami. vol.8, p.78]

Whoever has not been merciful to Allah's creatures, does not deserve His Mercy. `Ubada Ibn Assamit reported that Allah's Prophet said:"He who does not respect our elder, or is not merciful to the young, or does not feel indebted to the scholars, is not of my Nation." [Note: Reported by Abu Dawud, No.4921, and Al-Tirmidhi, No.1925]

Whoever is void of mercy is not worthy to be part of the nation of mercy. Abu Hurairah (May Allah be pleased with him) said: "I heard the truthful Prophet, the owner of this room, Abul Qasim (Peace be upon him) says "Mercy is only plucked out from a wretched person." [Note: Reported by Abu Sawud (No.2942, Al-Tirmidhi, No.1924, Ibn Ribban in his Sahih, Al-Ihsam, (No.466). Al-Tirmidhi said: It a good hadith and in other narration, Good Sound hadith.]

Abu Rurairah narrated that Allah's Prophet (Peace be upon him) kissed Al-Hasan of Al-Husain Ibn `Ali whilst Al-Aqra' Ibn Habis Al-Tamimi was sitting beside him Al-Aqra said: "I have ten children and I have never kissed one of them." The Messenger of Allah looked at him and said: "'Whoever is not merciful to others, will not be treated mercifully," [Note: Reported by Al-Bukhari, Muslim, Abu Dawud and Al-Tirmidh, Al Muntaqa Min Al-Tar'ghib, No. 1326, also Al-Lu'lu' Wal Marjan, No. 1997]

`Aishah (May Allah be pleased with her) reported that a Bedouin came to the Prophet (Peace be upon him) and said: "You people kiss the boys! We don't kiss them. The Prophet said "I can

not put mercy in your hearts after Allah has taken it away from you." [Note: Agreed upon, Al-Lu' Lu' Wal Marjan, No.1496]

All kinds of Mercy are good, but the greatest mercy is the one directed to the weak and the helpless such as the orphans, the widows, the needy, the homeless and the slaves. Many hadiths dealt with this issue by commanding, warning, instructing and guiding Muslims to desire this. Such as, "I and the person who looks after an orphan and provides for him, will be in Paradise like this". And the Prophet put his index and middle fingers making a space between them". [Note: Reported by Al-Bukhari, Abu Dawud, and Al-Tirmidhi, on the authority of Sahl Ibn Sa'd]

"Whoever takes care of an orphan from a Muslim background, providing him with food and drink, until he grows up and no longer needs him will undoubtedly enter Paradise." [Note: Reported by Abu Ya'la and Ahmad in brief. Also reported by Al Tabarani with good transmission.]

"The one who looks after a widow or a poor person is like a Mujahid (warrior) who fights for Allah's Cause." Anas said:"I think he said: "He is like the one who performs Prayers the night and fasts the day." [Note: Agreed upon on the authority of Anas.]

"They are your brothers (he means the servants whom Allah has ordained that they be at your service). So whoever Allah or dained that his brother would be at his service, he must feed him of what he eats, clothe him as he is clothed and assign him to do only what he is capable of and when charges him with a heavy task, he should help him." [Note: Agreed upon, on the authority of Abu Hurairah.]

A man came to the Prophet (Peace be upon him) and said: "O, Messenger of Allah, how many times should we excuse and forgive the servant?" Re kept silent then the man repeated the question and the Prophet kept silent, then he asked for the third time and the Prophet answered, "Excuse and forgive him seventy times every day". [Note: Reported by Abu Dawud on the authority of Ibn`umar (No.5164), and also by Al-Tirmidhi]

When servants were slaves, the Prophet (Peace be upon him) rebuked the ones who abused or beat them and made the freeing of slaves as an expiation for beating them even if they were actually slaves. By analogy, they should be treated in a kinder manner and as if they were free servants. The Prophet (Peace be upon him) saw Abu Mas'ud Al-Badri beating his servant and he exclaimed: "You must know that Allah has more power over you than you have over this servant!" He said: "O, Messenger of Allah! I set him free for Allah's Sake." Re (the Prophet) said: "If you had not behaved so, the blazing Fire would have scorched or touched you". [Note: Reported by Muslim (No.6659), Abu Dawud (No.5159), and Al Tirmidhi (No.1949) on the authority of Abi Mus'ud]

The Prophet said: "Whoever hits or beats a servant must expiate for his sin by freeing him". [Note: Reported by Abu Dawud (No.5168) and Muslim (No.1657)]

Furthermore, Islam urges everyone to be merciful to animals whether they are used for ridding, carrying loads, or eating their meat, along with other animals such as dogs, cats and the like. The directives in Islam in this respect, have been and until now steps a head of other civilizations in the advocacy of animal welfare. In Islamic Fiqh there are jurisdictions and

various branches which deal with this. And in the Islamic Civilization itself one witnesses the peak of our history, when it raised above all other nations on earth. [Note: See my book, "Madkhal li-Drast Al-shari`ah Al-Islamiah, (Introduction to the Study of Islamic Law), the chapter on Morals.]

Mu'awiyah Ibn Qura reported on his father's authority that a man said: "O Messenger of Allah, I have mercy on the sheep before I slaughter it". The Prophet (Peace be upon him) said: "If you have mercy on it, Allah will have mercy on you." [Note: Reported by Al-Hakim]

Ibn Abbas reported that the Prophet (Peace be upon him) passed by a man who lay an ewe on the ground while he was sharpening his blade, and exclaimed: "Do you want it to experience death twice? You should sharpen your blade before you lay it on the ground". [Note: Reported by Al-Tabarani in Al-Kabir and Al-Awsat.]

`Abdullah Ibn `Amr reported that the Prophet (Peace be upon him) said: "Whoever kills a sparrow or anything that is greater than this without its due reason, then Allah will ask him about it on the Day of Judgment." He said: "What is its due reason, O, Messenger of Allah?" He said: "To slaughter it for the sake of eating, and avoid cutting its throat off to be thrown." [Note: Reported by Al-Nasa'i and Al-Hakim]

Ibn Sirin reported that `Umar (May Allah be pleased with him) saw a man dragging an ewe by its leg in order to slaughter it so he exclaimed: "Woe to you! Lead it to death in a merciful way." [Note: Reported by `Abd Al-Raziq]

Ibn `Umar narrated that he passed by a group of Quraishi youths who used a bird (or a chicken) as a target for their arrows and they settled in favor with the owner of the bird for every missed shot. But as soon as they saw Ibn `Umar they dispersed and he exclaimed: "Who did this? May Allah curse who did this! The Prophet (Peace be upon him) cursed those who used a soul as a target for their arrows." [Note: Agreed upon. Al-Lu'lu' Wal Marjan (No 1279)]

Ibn Mas'ud narrated that: "Once we were traveling with the Prophet (Peace be upon him) and he went to do something, meanwhile (we found a bird-Hamra- with its young ones) so we took them. The bird came and flapped its wings continuously. Then the Prophet (Peace be upon him) asked: "Who has distressed this bird by taking its young? Return them to it at once."

When he saw that some dwellings of ants had been burnt he asked: "Who burnt this?" We answered, "We did." He said: "No one should torture with fire but its Creator. [Note: Reported by Abu Dawud in the book of Jihad (No.2675).]

Ibn `Umar reported that the Prophet (Peace be upon him) said: "A woman entered Hell because she had tied up a cat, without giving it food or setting it free to eat the vermin of the earth." In another version, "A woman is punished because she had tied up a cat till it died, she neither feed it, nor give it water in its confinement. Yet she further set it not free it to eat the vermin of the earth." [Note: Reported by Al-Bukhari and others on the authority of Ibn `Umar.]

(Vermin meaning insects, sparrows and similar creatures.) Thus the one who imprisons a cat is severely punished. What then will be the punishment of those who, unjustly imprison thousands of innocent believers who have committed no crime but saying: Allah is our Lord?!!

Sahl Ibn Al-Hanzaliya reported that the Prophet (Peace be upon him) saw a camel which was carrying a huge load to the extent that one could neither see its back nor its belly, so he said: "Fear Allah when you deal with these beasts of burden. They must be healthy for riding and eating". [Note: Reported by Abu Dawud (no. 2548), Ahmad, and Ibn Hibban.]

Ibn Hibban' s version of this hadith reports: "Ride them when they are healthy and slaughter the fat thereof."

Imam Ibn Hibban commented that the Prophet (Peace be upon him) said: "Ride them when they are healthy." as a proof that one should avoid riding the weak and boney camel until it becomes healthy enough. And he said: "Slaughter the fat thereof," to clarify that it is preferred to avoid slaughtering the boney camel until it becomes healthy enough.

Ibn `Abbas [Note: It is reported of Ibn `Abbas by Abu Dawud in the book of Jihad and Al-Tirmidhi] reported that the Prophet (Peace be upon him) prohibited inciting animals against each other as people do with rams and cocks.

Ibn Jabir reported that the Prophet (Peace be upon him) prohibited slapping and branding the face. [Note: Reported by Muslim (No. 2117), Abu Dawud (No.2564), and Al Tirmidhi (No.1710)] Thus the Caliphs and leaders used to rebuke anyone who was cruel to animals.

Malik narrated that once `Umar Ibn Al-Khattab passed by a donkey which was carrying unburned bricks, and he removed two bricks to relieve him from his weight. The owner of the donkey rushed towards `Umar and exclaimed, "O `Umar! Why did you do that? Do you have the authority to do so?" `Umar answered: "For what reason am I the Caliph of Muslims then?"

Ibn Rushd commented on `Umar's words here, saying that the meaning was clear to the Chosen Prophet - Al Mustafa, (Peace be upon him) who said: "All of you are guardians and responsible for your charges. The ruler (i.e., Imam) is a guardian and responsible for his subjects...etc". [Note: Agreed upon on the authority of Ibn `Umar.]

On another occasion, `Umar said: "If a camel died at the coast of the Euphrates out of negligence, I would be afraid that Allah would ask me for it. [Note: Al-Kittani, Al- Taratib Al-Idariah (vol.2, p.152)]

Abdu Al-Razaq reported on the authority of Ibn Sirin, that once `Umar saw a man dragging an ewe by its leg for slaughter so he exclaimed: "Woe to you! Lead her to death in a merciful way. [Note: Al-Mundhiri, Al-Targhib]

In Tabaqat by Ibn Sa'ad, Al-Masaib Ibn Darirn reported that he saw `Umar Ibn Al-Khattab beating a porter who had over-burdened his camel saying: "O! Why do you burden your camel beyond its capacity ?" [Note: Al-Taratib Al-Idariah]

`Umar Ibn "Abdul `Aziz followed in the footsteps of `Umar, the first.

With regards to the excellent characters of `Umar Ibn `Abdul `Aziz, Ibn `Abdul Hakam narrated that `Umar wrote to the one in charge of transportation ordering him to prohibit over-loading the animals and guiding them with a whip which has an iron end. He also wrote to Hayyan in Egypt saying: "I was told that there are animals used for carrying loads which



weigh more than one thousand "Ratl". On receiving my letter I will not accept that any animal in Egypt carries more than six hundred "Ratl" [Note: Ibn `Abdul Hakam, Sirat `Umar Ibn `Abdul `Aziz (the Biography of `Umar Ibn `Abdul `Aziz), p.13. Also Al-Taratib Al- Idariah, vol.2, p.152]

Scholars have determined the necessary criteria with regards to taking care of animals which is incumbent upon the owner. This is explained in the books of jurisprudence under the title "The Book of Maintenance". They also determined how man should treat dogs, birds and other similar creatures in full unprecedented detail. These details were not only motivated by financial or social benefits, as in conventional laws. Rather, the impetus was of a higher nature, i.e., by sheer moral motivation. In other words, it aimed at putting an end to injustice and harm towards every living entity which feels pain irrespective of the fact that it is unable to speak or complain.

With such expositions, they were able to deduce when one is allowed to whip an animal? Where to hit it and in what manner? Thus, they said that the animal should be whipped only if it rebels and it should not be whipped when stumbling as it is accidental unlike rebellion. They further declared that no one should hit it on its face nor hit with a piece of iron or with a whip which has an iron end or any metal as `Umar Ibn `Abdul `Aziz warned against.

I will here quote extracts from a book of Fiqh that highly esteemed by the Hanbali school of thought entitled "Sharh Ghait-ul-Muntaha." "The Explanation of the Carved End".

"The owner of an animal is obliged to feed and give water to it even if it became useless, until it is satisfied from both as Ibn `Umar narrated that a woman entered Hell because she had tied up a cat, neither giving it food, nor setting it free to eat from the vermin of the earth."

"If one is unable to withstand its expenses, he will be forced to sell, rent or slaughter it, for doing so he will put an end to its suffering but leaving it without food and water, will cause it to die and wasting money is prohibited."

"If one refused these options, then the ruler should order that one of these options is implemented or he may lend him money if he was in difficulty."

"It is forbidden to curse animals as Ahmad and Muslim narrated on the authority of `Umar that the Prophet (Peace be upon him) was traveling and heard a woman curse a camel, so he said: "Take what is on its back and let it free for it is cursed." It seems to me that I can imagine it walking before people and no one attempts to hold its rein.

Ahmad and Muslim narrated on the authority of Abi Bazra that the Prophet said:"We will not have an accursed camel in our company."

Also, Muslim narrated on the authority of Abu Adarda' that the Prophet said: "Those who are in the habit of cursing will not bear intercession nor witness on the Day of Judgment." "It is forbidden to overburden the animal for it is a kind of torture. It is also forbidden to milk it in a way that might endanger the health of its young one as its milk is created for its young just as the case with the son of the woman. The Sunnah prescribes that the one who is in charge of milking should cut his/her nails so that its udder is not scratched."

"It is forbidden to slap or brand the face for the Prophet (Peace be upon him) cursed whoever slaps or brands a face. It is disliked to clip the forelock or the tail. It is also disliked to put a bell around it or to over feed it as people do in the habit of doing so it gains weight."

"The owner of the dog must feed, and give water to it. If not, he should set it free for not doing so will expose it to starvation and hence, torture. It is forbidden to tie the animal until it dies of thirst or hunger as the hadith says, "If you are to slaughter an animal, you should be merciful in doing so." [Note: Matalib`Uli Al-Nuha, vol. 5 p. 262-264. The hadith. "If you are to slaughter an animal,..." reported by Muslim on the authority of Shadad Ibn Aws.]

Some people have understood the hadith: "O Abu `Umayr! What did the Nughair (a kind of bird) do? [Note: Reported by Al-Bukhari and others on the authority of Anas.] To prove that it is acceptable for children to play with birds or to keep them in cages so they enjoy looking at them."

The scholar Al-Maghrabi Al-Malki, sheikh Abu `Ali Ibn Rahal dealt with this issue saying: "The claim that it is acceptable to put a bird in a cage is true providing that it will not be exposed to any kind of of torture ,starvation or thirst even if one may neglect it through forgetfulness or by putting another bird that might stick its bill into its head as cocks in cages do to one another until they kill one another. By consensus, torturing animals is forbidden. It is to one's advantage to put the bird in a cage alone to prevent harm that may touch it, or if need be, by putting a partition between them. Moreover one should care about the bird by feeding it just as one feeds one's children! place perch (like a wooden perch) in the cage so it is not exposed to the cold ground. These instructions do not need verses from the Qur'an or hadiths to uphold as they are obvious. We have seen people that torture chickens in cages in different ways. We have also seen the ramor the mule tied up until it starved to death. The merciless only care about keeping the animal alive or if it loses weight. The merciless have no consideration for its spiritual torture. All this is forbidden and one will be punished for it in this life and in the Hereafter unless Allah forgives him,"

He continues,

"Many people believe that it is acceptable to keep a bird in a cage and to play with small birds like sparrows. They draw their conclusions from the hadith, "O, Abu Umayr! what did the Nughair do?" However, they seem to have overlooked the condition that the bird should not undergo any tormenting or torture. This is a serious matter of recompense and punishment. It is just like the overloading of beasts of burden with weights beyond their capacity under the pretext of its being customary. All of this reflects the fact that mercy has been plucked from their hearts even though, "Allah bestows His Mercy on His merciful slaves." [Note: See: Al-Taratib Al-idariah, vol. 2, pp.151, 152]

Adhering to the regulations concerning taking care of animals does not only stem from the conscientiousness of individuals but also from the jurisdictions of governments which do not allow negligence or disobedience.

In fact, we saw that both `Umar Ibn Al-Khattab and `Umar Ibn `Abdul `Aziz were committed to animal welfare and obliged it upon others. The Prophet (Peace be upon him) did not do so, because during his epoch, an exhortation from him was enough to modify people's manners having no need to issue judicial commands nor governmental interference. Moreover, the ruler, the judge and the Muhtasib (a Muhtasib was an expectant who checked and supervised

the markets and streets for fair trading standards, hygiene and moral dealings in public. This was based on the principal "to enjoin the good and forbid the wrong". He has the right to intervene in eliminating injustice against these oppressed creatures. It is also the duty upon any Muslim who witnesses this injustice and cruelty to warn the oppressor against it and at the same time he has the right to refer the matter to those in power so they put an end to it.

The Scholar Al-Mawardi said in Al-Ahkam Al-Sultania: "If the owner of cattle abuse and overburden them, then the Muhtasib should prevent and condemn him." [Note: Al-Mawardi, Al-Ahkam Al-Sultania]

When Ibn Rushd stated: "The master is obliged to feed and clothe his slave/servant as much as he can afford".

In contrast he is ordered to fear Allah and not to expose his animals to starvation yet he is not obliged to feed them."

Sheikh Abu `Ali Ibn Rahal objected to his grave mistake in the "Book of Maintenance" in the interpretation of the summary in the words of Ibn `Abd Al-Barr in Al-Kafi saying: "The Sunnah obliges one to be merciful to animals whether one is using them for riding or carrying goods for they can not speak or complain. In this respect, the Messenger of Allah (Peace be upon him) said: "There is a reward for serving any animate being".

Since serving and taking care of it is rewarded, then abusing it is definitely a sin to the extent that one is to be charged and punished for it. One should not overburden animals, slap them, sit on them for long hours as if they were chairs, nor put bells around their necks. One should allow them time to rest. For instance, if they were overworked in the morning, they should rest at night and vice versa. It is forbidden to tie up an animal without feeding it."

Ibn Rahal added, "Ibn Rushd's opinion concerning the owner not obliged to feed the animal means that even if the owner of the animal over burdens it and tortures it severely without a good excuse whatsoever he is not obliged to refrain from so doing but ordered merely to fear Allah. This is definitely forbidden. Moreover, it is against common sense and contradicts the hadith: "There is a reward for serving any animal."

Abu `Umar said: "Abuse in any way is sinful. Sin is evil and evil must be reverted."

Ibn `Arafa also pointed out, "If it was sufficient to say "Fair Allah" to prevent people of doing evil things, Allah would not have prescribed laws, restrictions, capital punishments, and castigation." [Note: Al-Taratib Al-Idariah, vol. 2, pp. 154]

These extracts which shed light on the jurisdictions concerned with the prevention of cruelty to animals are extraordinary and are certainly centuries ahead of their time.