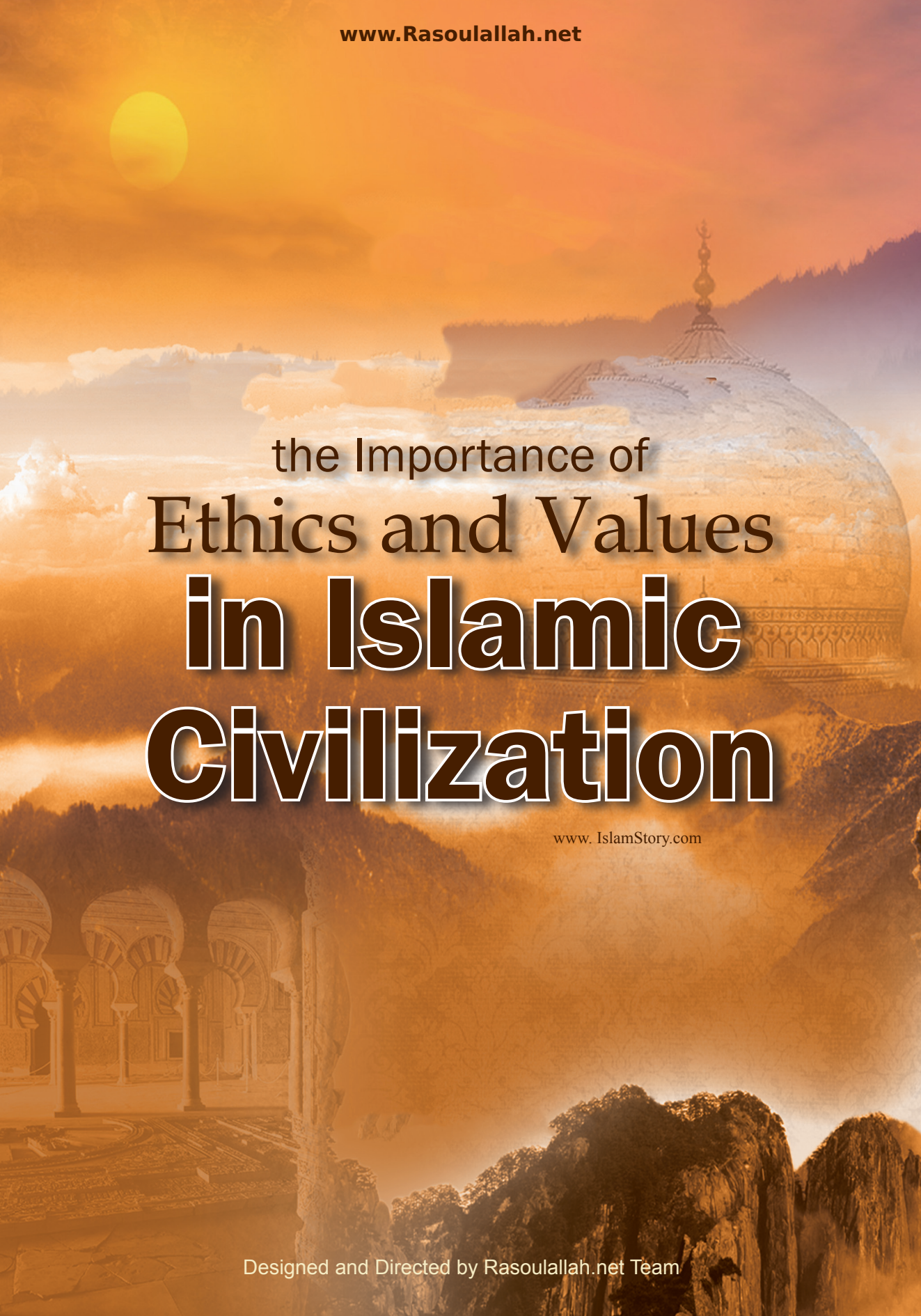


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## Human rights in Islamic civilization

### Introduction

Western philosopher Nietzsche says: «The weak and failures should perish: first principle of our love of humanity. And they should be helped to do this»[1]!

But the philosophy of Islam and its law have never deviated from the values and ethics, which were represented in a set of rights that included all human beings without distinction between colors, races or languages, and also included the human behavior in dealing with each other. These values and ethics were also represented in maintaining and applying these rights with the authority of Islamic law and imposing sanctions upon offenders.

### Islam's view for humans

Islam treats man with honor and esteem out of Allah's saying: {We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of our creation.}[Al-Isra: 70]. This view gives special characteristics and features for human rights in Islam. The most important feature is the comprehensiveness of these rights. These rights include political, economic, social and intellectual rights. They are also common for Muslims and non-Muslims without distinction between colors, races or languages. They are not subject to cancellation or change, as they are linked to the teachings of the Lord of the worlds.

The Messenger of Allah (peace be upon him) reported this in his farewell address, which was a comprehensive report on human rights, as he said: «... No doubt, your blood and your properties are sacred to one another like the sanctity of this day of yours, in this month of yours, in this town of yours, till the day you meet your Lord..[2]». This prophetic address asserted a set of rights, the most important of which is the sanctity of blood, money, honor, and others.

The Prophet (peace be upon him) also magnified the human psyche in general,

1 Quoting Al-Ghazali: Raka'iz Al-Iman bayn Al-Aql wa Al-Qalb (Pivots of faith between mind and heart), p 318.

2 Narrated by Al-Bukhari on the authority of Abu-Bakrah; Chapter of Hajj (1654) and Muslim, Chapter of the Oath, for Establishing the Responsibility of Murders, Fighting, Requit and Blood-Wit (1679).



preserving its greatest right, namely the right to life. Asked about great sins, he (peace be upon him) said: «Polytheism and killing a soul...<sup>[3]</sup>». The word soul was generalized to include any soul killed without right.

The Prophet (peace be upon him) went further as he ordered man to preserve his own life by prohibiting suicide. He (peace be upon him) said: «Whoever purposely throws himself from a mountain and kills himself, will be in the (Hell) Fire falling down into it and abiding therein perpetually forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the (Hell) Fire wherein he will abide eternally forever; and whoever kills himself with an iron weapon, will be carrying that weapon in his hand and stabbing his abdomen with it in the (Hell) Fire wherein he will abide eternally forever.»<sup>[4]</sup>

Islam prohibits any action that diminishes the right to life, whether through intimidation, insult, or beating. Hisham ibn Hakim said he heard the Messenger of Allah (peace be upon him) saying: «Allah would torment those who torment people in the world.»<sup>[5]</sup>

### Equality among people

After honoring man in general and stipulating the sanctity of blood, honor and money, and the right to life, the Prophet (peace be upon him) emphasized the right of equality among all people; between individuals and groups, between races and peoples, between rulers and the ruled, and between governors and the governed. So, there are no restrictions or exceptions; no difference in legislation between Arabs and non-Arabs, or between white and black, or between rulers and the ruled. Rather, people are differentiated according to piety. He (peace be upon him) said: «O people! Verily your Lord is one and your father is one. All of you belong to one ancestry of Adam, and Adam was created out of clay. Verily the noblest among you in Allah's view is he who is the most pious. There is no superiority for an Arab over a non-Arab except in piety.»<sup>[6]</sup> Let's look at how the Prophet handled the principle of

<sup>3</sup> Narrated by Al-Bukhari on the authority of Anas ibn Malik, chapter of testimonies (2510); Al-Nasa'i (4009); and Ahmad (6884).

<sup>4</sup> Narrated by Al-Bukhari on the authority of Abu Hurayrah, chapter of Medicine (5442); and Muslim, chapter of faith (109).

<sup>5</sup> Narrated by Muslim, chapter of Virtue, Good Manners and Joining of the Ties of Relationship (2613), Abu Dawud (3045), and Ahmad (15366).

<sup>6</sup> Narrated by Ahmad (23536). Shu'ayb Al-Arna'ut said its transmission is right; Al-Tabarani: Al-Mu'jam Al-Kabir (Big lexicon) (14444). Al-Albani said: correct; see: Al-Silsilah Al-Sahihah (2700).

equality in order to realize his greatness. Abu Umamah reported: Abu Dhar taunted Bilal about his mother and said: You son of a black woman. Bilal went to the Messenger of Allah (peace be upon him) and told him the story. The Prophet got angry. Abu Dhar came and did not know what happened. The Prophet turned his face away from Abu Dhar. Abu Dhar said: There should be something that made you turn your face away from me. The Prophet said: «Are you taunting Bilal about his mother?» and then said: «By the One Who revealed the book to Muhammad - or any other oath he wanted, God willing - one is not preferred to another except by work. You are all equal.»[7]

### Justice in Islam

Another right is linked to the right to equality, namely the right to justice. One of the masterpieces in this regard is the Prophet's saying to Usama ibn Zayd when the latter wanted to intercede for the Makhzumi woman who had committed theft: «By Allah, if Fatima, daughter of Muhammad, were to steal, I would have her hand cut off.»[8]

The Prophet (peace be upon him) also banned the confiscation of one's right to self-defense in order to observe justice. He says: «... no doubt, for he (the creditor) has the right to demand his debt (harshly)....»[9]. He says to those who take over governance and judiciary: «... When two litigants sit in front of you, do not decide till you hear what the other has to say as you heard what the first had to say; for it is best that you should have a clear idea of the best decision.»[10]

### Right to sufficiency in Islam

The right to sufficiency is a unique right stipulated in the Islamic law. It was not stipulated in any positive system or a human rights charter before. The right to sufficiency means that everyone shall live within the confines of the Islamic state on the adequate needs of life, on condition that he shall lead a decent

(Narrated by Al-Bayhaqi: *Shu'ab Al-Iman* (5135) 7  
 Narrated by Al-Bukhari on the authority of 'Aisha (May Allah be pleased with her), chapter of prophets 8  
 ((3288), and Muslim, chapter of Al-Hudud (punishments prescribed by Islam) (1688  
 Narrated by Al-Bukhari on the authority of Abu Hurayrah, chapter of Al-Wakalah (2183), and Muslim, 9  
 (chapter of Al-Musaqah (1601  
 Narrated by Abu Dawud on the authority of Ali ibn Abu Talib (May Allah be pleased with him), chapter 10  
 of judiciary (3582), Al-Tirmizi (1331), and Ahmad (882). *Shu'ayb Al-Arna'ut* said good on the authority of others.  
 (Al-Albani said correct; see: *Al-Silsilah Al-Sahihah* (1300

life, having appropriate standards of living. This right is different from the bare subsistence level stipulated in positive systems, which means the minimum limit that maintains life.<sup>[11]</sup>

The right to sufficiency is achieved through work. If one is unable to do this, Zakat (alms) can do it; and if Zakat is unable to pay to the poor, the state budget shall pay. The Prophet (peace be upon him) expressed this when he said: «... he who left behind property that is for his family, and he who dies under debt or leaves children (in helplessness), the responsibility (of paying his debt and bringing up his children) lies on me.»<sup>[12]</sup> He asserted this right when he said: «The one who sleeps with a full stomach knowing that his neighbor is hungry doesn't believe in me.»<sup>[13]</sup> Lauding Ashʿarites, he (peace be upon him) said: «When the Ashʿarites run short of provisions in the campaigns or run short of food for their children in Medina they collect whatever is with them in the cloth and then partake equally from one vessel. They are from me and I am from them.»<sup>[14]</sup>

### Rights of civilians and prisoners of war

Human rights reach the peak of their greatness when they relate to the rights of civilians and prisoners during wars. In war time, the spirit of revenge and punishment dominates rather than the spirit of humanity and compassion. But Islam has a humane approach governed by compassion, and in that the Prophet (peace be upon him) says: «Do not kill babies, women, and old people.»<sup>[15]</sup>

This is some of what Islam enacted and stated as rights for humans on the planet. They mostly reflect the view of humanity, which is the spirit of the civilization of Muslims

See: Khadijah Al-Nabarawi: Mawsuat Huquq Al-Insan fi Al-Islam (Encyclopedia of human rights in 11  
509-Islam) pp 505

12 Narrated by Al-Bukhari, chapter of Al-Tafsir (interpretation) Surat Al-Ahzab (4503), and Muslim on the authority of Jabir ibn Abdullah, chapter of Al-Jumʿah (Friday) (867), and the wording belongs to him.

13 Narrated by Al-Hakim, chapter of Al-Bir wa Al-Silah (virtue and joining of ties of relationship) (7307). He said the transmission of this hadith is correct. Al-Zahabi agreed with him. Narrated also by Al-Tabarani on the authority of Anas ibn Malik, Al-Muʿjam Al-Kabir (750) and the wording belongs to him. Narrated also by Al-Bayhaqi, Shuʿab Al-Iman (3238). Al-Albani said correct; see: Al-Silsilah Al-Sahihah (149).

14 Narrated by Al-Bukhari on the authority of Abu Musa Al-Ashʿari, chapter of Al-Sharikah (sharing) (2354), and by Muslim, chapter of Fadaʿil Al-Sahabah (merits of Prophet's companions) (2500).

15 Narrated by Muslim, chapter of Al-Jihad wa Al-Siyar (jihad and expedition) (1731), and Al-Tabarani on the authority of Abdullah ibn Abbas: Al-Muʿjam Al-Awsat (4313), and the wording belongs to him.

## Women's rights in Islamic civilization

### Introduction

Islam provided woman with care and attention, elevated her status, and provided her with honor and good treatment whether she is a daughter, wife, sister or mother. Islam stated that both women and men were created out of one origin. Therefore, women and men are equal in humanity. Allah (be He Exalted) says: {O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women.}[Al-Nisa': 1]. Many other verses show that Islam eradicated the principle of distinction between men and women in the common value of humanity.

### Status of woman in Islam

Recalling these principles and disapproving the habits of Jahiliyah and previous nations with regard to the status of woman, Islam came to defend woman and place her in a status which she could not reach in old or later nations. Fourteen centuries ago, Islam prescribed for woman – as a mother, sister, wife and daughter – rights which western woman is still struggling to get but in vain!

Islam stated that women and men are equal in status and prestige, and that nothing detracts women because they are women. In this regard, the Prophet (peace be upon him) established an important rule when he said: "Women are counterpart of men"<sup>[16]</sup>. He (peace be upon him) always urged Muslims to take care of women. He told his companions: "I urge you to take care of women."<sup>[17]</sup> He repeated this advice during his farewell pilgrimage when he addressed thousands of people of his nation.

### Status of woman in Jahiliyah

If we want to discern the rules and pillars that Islam brought to elevate and honor woman, we first should recognize the status of woman in ancient and contemporary<sup>[18]</sup> nations in order to see the real darkness she experienced

16 Related by Al-Tirmizi: Chapter of Al-Taharah (purification) (113), Abu-Dawud (236), Ahmad (26238), Abu Ya'la (4694), and Al-Albani said correct, see: Sahih Al-Jami' (1983).

17 Narrated by Al-Bukhari on the authority of Abu Hurayrah: Chapter of Al-Nikah (marriage), chapter of advice on taking care of women (4890), and Muslim: Chapter of lactation (1468).

18 We mentioned this in our talk about former civilizations in previous articles.

and still experiences. Then, we will find out the reality of woman's status in the light of the teachings of Islam and Islamic civilization.

Arabs – as mentioned in Chapter 1 – used to bury alive their daughters and deprive them of the right to life, but the Noble Qur'an criminalized and prohibited this act, as Allah (be He Exalted) said: {When the female (infant), buried alive, is questioned \* For what crime she was killed}[Al-Takwir: 8, 9]. Furthermore, the Prophet (peace be upon him) made it one of the greatest sins. Ibn Masu'd (May Allah be pleased with him) narrated: I asked Allah's Messenger (peace be upon him): Which sin is the greatest? He said: «To set up a rival unto Allah, though He Alone created you.» I said: What next? He said: «To kill your son lest he should share your food with you.» I further asked: What next? He said: «To commit illegal sexual intercourse with the wife of your neighbor.»<sup>[19]</sup>

### Women's rights in Islam

Islam did not stop at preserving woman's right to life only, but it also urged good treatment for her at early age. The Prophet (peace be upon him) said: "Whoever is in charge of (put to test by) these daughters and treats them generously, then they will act as a shield for him from the (Hell) Fire."<sup>[20]</sup> The Prophet (peace be upon him) also ordered her education. He said: "Any man who has a girl whom he educates properly, teaches good manners... will get a double reward."<sup>[21]</sup> The Prophet (peace be upon him) used to allocate a day for women to advise them, remind them and order them to obey Allah Almighty<sup>[22]</sup>.

As a girl grows up and becomes adult, Islam gives her the right to accept or reject a fiancé. She may not be forced to accept a man who she does not want. In this regard, the Prophet (peace be upon him) said: "A woman who has been previously married (Thayyib) has more right to her person than her guardian. And a virgin should also be consulted, and her silence implies her

(Narrated by Al-Bukhari, Chapter of Al-Adab (behaviour) (5655), Al-Tirmizi (3182), and Ahmad (4131) 19  
 Narrated by Al-Bukhari on the authority of 'Aisha (May Allah be pleased with her): Chapter of Al-Adab 20  
 ((behaviour) (5649), and Muslim, Chapter of Virtue, Good Manners and Joining of the Ties of Relationship (2629)  
 (Narrated by Al-Bukhari on the authority of Abu Musa Al-Ash'ari: Chapter of Al-Nikah (marriage) (4795) 21  
 22 Abu Sa'id Al-Khudri said: Some women requested the Prophet to fix a day for them as the men were taking all his time. On that he promised them one day for religious lessons and commandments. Narrated by Al-Bukhari, Chapter of Al-Ilm (knowledge) (101), and Muslim, Chapter of Virtue, Good Manners and Joining of the Ties of Relationship (2633).

consent.”<sup>[23]</sup>He also said: “A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission.»The people asked, «O Allah’s Messenger, how can we know her permission?» He said, «Her silence (indicates her permission).”<sup>[24]</sup>

When a woman becomes wife, Islam urges good treatment for her, as good treatment of woman implies nobleness and kindness of man. For instance, the Prophet (peace be upon him) temptingly says: “If a man gives water to his wife to drink, he will be rewarded.”<sup>[25]</sup>And he warningly says: “O Allah, I declare sinful the one who fails to safeguard the rights of the two weak ones, namely orphan and woman.”<sup>[26]</sup>

The Prophet (peace be upon him) was a practical example in this regard. He was so kind and gentle with his family. Al-Aswad ibn Yazid Al-Nakh’l narrated that he asked ‘Aisha (May Allah be pleased with her): «What did the Prophet use to do in his house?» She replied, «He used to keep himself busy serving his family and when it was the time for prayer he would go for it.”<sup>[27]</sup>

If a wife hates her husband and can not afford living with him, Islam gives her the right to leave her husband through Khul’ (divorce initiated by wife). Ibn Abbas (May Allah be pleased with him) narrated that the wife of Thabit ibn Qays came to the Prophet (peace be upon him) and said, «O Allah’s Messenger, I do not blame Thabit for defects in his character or his religion, but I, being a Muslim, dislike to behave in un-Islamic manner (if I remain with him).» On that Allah’s Messenger said (to her), «Will you give back the garden which your husband has given you (as dowry)?»She said, «Yes.» Then she gave back the garden to her husband, and the Prophet asked him to divorce her.<sup>[28]</sup>

In addition to the above, Islam provides for financial independence of women just as men. So, she can sell, buy, rent, lease, deputize and grant, and there will

(Narrated by Muslim on the authority of Abdullah ibn Abbas: Chapter of Al-Nikah (marriage) (1421) 23  
 24 Narrated by Al-Bukhari on the authority of Abu-Hurayrah: Chapter of Al-Nikah (marriage) (4843).  
 25 Narrated by Ahmad on the authority of Al-Irbad ibn Sariyah (17195). Shu’ayb Al-Arna’ut said correct. Al-Albani said: good. See: Sahih Al-Tarhib wa Al-Tarhib (Book of temptation and intimidation) (1963)  
 26 Narrated by Ibn Majah on the authority of Abu-Hurayrah (3678), and Ahmad (9664). Shu’ayb Al-Arna’ut said its transmission is strong; Al-Hakim (211), and said the hadith is correct on the condition of Muslim. Al-Zahabi said in Al-Talkhis: On the condition of Muslim. Al-Bayhaqi (20239). Al-Albani said: correct. See Al-Silsilah Al-Sahihah (1015).  
 Narrated by Al-Bukhari, Chapter of Al-Jama’ah wa Al-Imamah (644), Ahmad (24272), and Al-Tirmizi 27  
 ((2489  
 (Narrated by Al-Bukhari, Chapter of Al-Talaq (divorce) (4973), and Ahmad (16139) 28

be no ban on her as long as she is intelligent and rational. This comes out of Allah's saying: {If then ye find sound judgment in them, release their property to them.}[Al-Nisa: 6].

When Um Hani bint Abu Talib provided asylum for an infidel man, and her brother Ali (May Allah be pleased with him) insisted to kill him, the Prophet (peace be upon him) made his judgment and said: "O Um Hani! We will grant asylum to the one whom you have granted asylum."<sup>[29]</sup> So, he gave her the right to grant asylum for non-Muslims during war time or peace time.

Thus, Muslim women are decent, dear, proud and protected under the teachings of Islam and under the noble Islamic civilization.

29 Narrated by Al-Bukhari on the authority of Um Hani bint Abu Talib: Chapter of Al-Jizyah wa Al-Muwad'ah (3000), and Muslim: Chapter of Salat Al-Musafirin (prayers of travellers) (336).

## Rights of slaves and workers in Islamic civilization

### Examples of rights of slaves and workers in Islam

Islam honored and cared for slaves and workers and recognized their rights for the first time in history - after work in some old laws meant slavery and dependence, while in others meant humiliation and degradation - aiming to administer social justice and provide a decent life for them. The biography of the Prophet (peace be upon him) is the best evidence for the greatness of the Islamic civilization's look to slaves and workers, as he (peace be upon him) recognized their rights.

The Prophet (peace be upon him) urged employers to treat their slaves humanely and decently. He also urged them to have pity on them, be kind with them and not to assign them a work that they can not bear. The Prophet (peace be upon him) said: «Your slaves are your brothers and Allah has put them under your command. So, whoever has a brother under his command should feed him of what he eats and dress him of what he wears. Do not ask them (slaves) to do things beyond their capacity (power) and if you do so, then help them.»<sup>[30]</sup> So, the Prophet's declaration «Your slaves are your brothers» came to elevate the level of a slave to that of a brother, something which has never happened in any civilization.

The Prophet (peace be upon him) also obligated employers to pay their workers and slaves for their efforts without injustice or procrastination. He (peace be upon him) said: «Give a servant his fee before his sweat dries»<sup>[31]</sup>.

Islam warned against doing workers an injustice. The Prophet (peace be upon him) quoted Allah, the Lord of Glory (be He Exalted) as saying: «Allah says, «I will be against three persons on the Day of Resurrection... and one who employs a laborer and gets the full work done by him but does not pay him his wages.»»<sup>[32]</sup> So, anyone who treats a worker or a slave unjustly should know that Allah observes him and will be his litigant on the Day of Resurrection.

30 Narrated by Al-Bukhari, chapter of Al-Iman (faith) (30), and Muslim, chapter of Al-Iyman wa Al-Nuzur (oath) (1661).

31 Narrated by Ibn Majah on the authority of Abdullah ibn Umar (2443). Al-Albani said: correct; see: Mishkat Al-Masabih (2987).

32 Narrated by Al-Bukhari on the authority of Abu-Hurayrah, chapter of Al-Byu' (sales) (2114), Ibn Majah (2442), and Abu-Ya'la (6436).



An employer should not place on workers a burden that is detrimental to their health and that makes them unable to work. In this regard, the Prophet (peace be upon him) said: «If you reduce your slave's tasks, a reward will be added to your book of deeds in the Day of Resurrection.»<sup>[33]</sup> The slave's right to be treated with humility is a landmark in the Islamic law. In this regard, the Prophet (peace be upon him) urges his nation saying: «Someone who eats with his servant, rides a donkey in the markets, and ties up his sheep and milks it is not proud.»<sup>[34]</sup>

As the Prophet's life was application of all his sayings, «Aisha (May Allah be pleased with her) reported that «Allah's Messenger (peace be upon him) never beat anyone with his hand, neither a woman nor a servant...»<sup>[35]</sup>

Abu Mas'ud al-Ansari reported: When I was beating my servant, I heard a voice behind me (saying): «Abu Mas'ud, bear in mind Allah has more dominance over you than you have upon him». I turned and (found him) to be Allah's Messenger (peace be upon him). I said: Allah's Messenger, I set him free for the sake of Allah. Thereupon, he said: «Had you not done that, (the gates of) Hell would have opened for you, or the fire would have burnt you.»<sup>[36]</sup>

Beating, slapping or kicking is an affront to slaves that is rejected by Allah and His Messenger. So, the best punishment for a cruel master is to be deprived immediately of his ownership of slaves, and this is the greatness of Islam and Islamic civilization.

Giving a true testimony, the Prophet's slave Anas ibn Malik reported: Allah's Messenger (peace be upon him) had the best disposition amongst people. He sent me on an errand one day, and I said: By Allah, I would not go. I had, however, this idea in my mind that I would do as Allah's Messenger (peace be upon him) had commanded me to do. I went out until I happened to come across children who had been playing in the street. In the meanwhile, Allah's Messenger (peace be upon him) came there and he caught me by the back of my neck from behind me. As I looked towards him I found him smiling and

33 Narrated by Ibn Hibban on the authority of Amr ibn Hurayth (4314), and Abu-Ya'la (1472). Husayn Salim Asad said its transmitters are confident.

35 Narrated by Muslim, chapter of Al-Fada'il (good qualities) (2328), Abu-Dawud (4786), and Ibn Majah (1984).

36 Narrated by Muslim, chapter of Al-Iman (1659), Abu-Dawud (5159), Al-Tirmizi (1948), Ahmad (22404), Al-Bukhari: Al-Adab Al-Mufrad 1173) 264/, and Al-Tabarani: Al-Mu'jam Al-Kabir (683).

he said: «Unays, did you go where I commanded you to go?» I said: Allah's Messenger, yes, I am going. Anas further said: I served him for seven or nine years but I know not that he ever said to me about a thing which I had done why I did that, or about a thing I had left as to why I had not done that.<sup>[37]</sup>

Moreover, the Prophet (peace be upon him) was interested in caring for his servants to the extent that he urged them to get married, Rabi'ah ibn Ka'b Al-Aslami reported: when I was serving the Prophet (peace be upon him), he called me and asked: «Don't you want to get married, Rabi'ah?» I said: I do not want anything to distract me from your service. Moreover, I don't have anything to give as dowry to a wife nor any place where I can accommodate a wife. The Prophet remained silent. When he saw me again he asked: «Don't you want to get married, Rabi'ah?» I gave him the same reply as before. Left to myself again, I regretted what I had said and chided myself: «Woe to you, Rabi'ah. By Allah, the Prophet knows better than you what is good for you in this world and the next and he also knows better than you what you possess. By Allah, if the Prophet (peace be on him) should ask me again to marry, I would reply positively.» Before long, the Prophet asked me again: «Don't you want to get married (Rabi'ah?)» «Oh yes, Messenger of Allah,» I replied, «but who will marry me when I am in the state you know.» Then he said: «Go to the family of so-and-so from Al-Ansar...»<sup>[38]</sup>

The greatness of Islamic civilization in treating slaves and workers becomes so clear when we see that the Prophet's (peace be upon him) mercy included nonbelievers. A young Jewish boy used to serve the Prophet (peace be upon him) and he became sick. So the Prophet went to visit him. He sat near his head and asked him to embrace Islam. The boy looked at his father, who was sitting there; the latter told him: Obey Abu-al-Qasim and the boy embraced Islam. The Prophet (peace be upon him) came out saying: «Praises be to Allah Who saved the boy from the Hell-fire.»<sup>[39]</sup>

These are some of the rights of slaves and workers that were consolidated by Islam and were applied by the Prophet of Islam (peace be upon him) in word and deed at a time that knew nothing but injustice, oppression and tyranny. This reflects truly the highness

37 Narrated by Muslim, chapter of Al-Fada'il (2310), and Abu-Dawud (4773).

38 Narrated by Ahmad (16627); Al-Hakim (2718) who said: this is a correct hadith on the condition of Muslim; and Al-Tayalisi (1173).

39 Narrated by Al-Bukhari on the authority of Anas ibn Malik: Chapter of Al-Janaziz (funerals) (1290).

## Rights of patients and people with special needs

### Introduction

Islam and the Islamic civilization have a special approach towards the care for patients and people with special needs. This approach starts with reducing some legal obligations placed on them, as stated in the words of Almighty Allah (be He Exalted): {It is no fault in the blind nor in one born lame, nor in one afflicted with illness}[Al-Nur: 61, Al-Fath: 17]. The approach ends with bringing hope for them and preserving their physical and psychological rights.

### The Prophet's treatment of patients

The Prophet (peace be upon him) used to hasten to visit a patient if he heard about his illness, although the Prophet was busy and had many concerns. His visit was not stilted or forced, but he felt duty towards patients; why not, as he (peace be upon him) made the visit of a patient one of the latter's rights?! He (peace be upon him) said: «The rights of a Muslim on Muslims are five... to visit the sick.»<sup>[40]</sup>

The Prophet (peace be upon him) was a teacher and an example. He used to alleviate the patient's crisis and illness, expressing his sympathy, care and love inartificially, thus making the patient feel happy. In this regard, Abdullah ibn Umar narrated: Sa'd ibn Ubadah became sick and the Prophet (peace be upon him) along with Abd-al-Rahman ibn Awf, Sa'd ibn Abu-Waqqas and Abdullah ibn Mas'ud (May Allah be pleased with them) visited him to enquire about his health. When he came to him, he found him surrounded by his household and he asked, «Has he died?» They said, «No, O Allah's Messenger.» The Prophet wept and when the people saw the weeping of Allah's Messenger (peace be upon him) they all wept. He said, «Will you listen? Allah does not punish for shedding tears, nor for the grief of the heart but he punishes or bestows His Mercy because of this.» He pointed to his tongue.<sup>[41]</sup>

The Prophet (peace be upon him) used also to pray for patients and bring good news for them that they would be rewarded for the illness that afflicted them,

40 Narrated by Al-Bukhari on the authority of Abu-Hurayrah, Chapter of Al-Jana'iz (funerals) (1183), and Muslim, chapter of Al-Salam (salutation) (2162).

41 Narrated by Al-Bukhari, chapter of funerals (1242), and Muslim, chapter of funerals (924).

thus relieving them and making them satisfied. Umm Al-Ala<sup>[42]</sup> narrated: The Allah's Messenger (peace be upon him) visited me while I was sick. He said: «Be glad, Umm Al-Ala for Allah removes the sins of a Muslim for his illness as fire removes the dross of gold and silver.»<sup>[43]</sup>

The Prophet (peace be upon him) was keen to relieve the patients and not to make it difficult for them. In this regard, Jabir ibn Abdullah (May Allah be pleased with him) said, «We were on a journey and one of us got injured. Later, he had a wet dream. He asked his companions, «Can I perform tayammum (rubbing hands and feet with dust)?» They said, «No, not if you have water.» He performed ghusl (bathing) and died. When they came to the Messenger of Allah (peace be upon him), they informed him of what had transpired. He said, «They killed him, Allah will kill them. Do you not ask if you do not know? The rescue of the ignorant person is the question. He could have performed tayammum and dropped water on his wound or wrapped it with something and wipe over the wrapping, and wash the rest of his body.»<sup>[44]</sup>

Moreover, the Prophet (peace be upon him) used to meet the patients' needs and walk with them until he satisfies their demands. A woman, who had a partial derangement in her mind, came to him one day and said: «O Allah's Messenger, I want something from you.» He said: «O Mother of so and so, see on which side of the road you would like (to stand and talk) so that I may meet your need.» He stood aside with her on the roadside until she got what she needed.<sup>[45]</sup>

The Prophet (peace be upon him) also gave the patients and those with special needs the right to medication, as the safety of the body inward and outward is a purpose of Islam. When desert Arabs asked the Prophet (peace be upon him) about medication, he replied: «Make use of medical treatment, for Allah has not made a disease without appointing a remedy for it, with the exception of one disease, namely old age.»<sup>[46]</sup>

42 Um Al-Ala: Embraced Islam and paid allegiance to the Prophet (peace be upon him). Aunt of Hizam ibn Hakim. See: Ibn Al-Athir, *Asad Al-Ghabah* 7405/, and Ibn Hajar Al-Asqalani: *Al-Isabah Al-Tarjamah* 812176) 265/.

43 Narrated by Abu-Dawud, chapter of Al-Jana'iz (3092). Al-Albani said correct; see: *Sahih Al-Jami'* (7851).

44 Narrated by Abu-Dawud, chapter of Al-Taharah (purification) (336), Ibn Majah (572), Ahmad (3057), Al-Darmi (752), Al-Darqutni (3), and Al-Bayhaqi in *Al-Sunan Al-Kubra* (1016). Al-Albani said correct; see: *Sahih Al-Jami'* (4362).

45 Narrated by Muslim on the authority of Anas ibn Malik, chapter of Al-Fadail (2326), Ahmad (14078), Ibn Hibban (4527).

46 Abu-Dawud, chapter of Al-Tib (medicine) (3855), Al-Tirmizi (2038) and said a good and correct hadith,

The Prophet (peace be upon him) did not reject treatment by a Muslim woman of a Muslim man. He allowed Rufaydah - a woman from the tribe of Aslam - to medicate Saʿd ibn Muʿaz when he was injured in the battle of Al-Khandaq. She (May Allah be pleased with her) used to heal the wounded and put herself in the service of needy Muslims.<sup>[47]</sup>

In a practical way, the Prophet (peace be upon him) treated Amr ibn Al-Jamuh (May Allah be pleased with him) favorably. Amr was a man of special needs. He had a lame leg. He had four sons, who used to partake in battles with the Prophet (peace be upon him). On the day of Uhud, Amr expressed his desire to go to the battlefield, but his sons advised him to remain at home. He went to the Prophet (peace be upon him) and told him that his sons wanted to prevent him from taking part in the battle. «Yet, by Allah, I wish to be slain so that I may stroll lamely in the Paradise.» said Amr. The Prophet (peace be upon him) replied, «Allah has not made Jihad (holy fighting) incumbent on you;» and to his sons he said, «What is the problem if you allow him to go? Allah might bless him with martyrdom.» Amr went to the battle with the Prophet (peace be upon him) on the day of Uhud and he was killed in the battle. Then, the Prophet (peace be upon him) said: «By Allah, among you are some people who if swear by Allah, He will fulfill their prayer, among them is Amr ibn Al-Jamuh. I saw him strolling in the Paradise with his lame leg.»<sup>[48]</sup>

This is the case of patients and people with special needs in Islam and the Islamic civilization.

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Ibn Majah (3436), and Ahmad (18477). Shuʿayb Al-ʿArnaʿut said the transmission of the hadith is correct and its men are reliable. Al-Albani said correct; see: Ghayat Al-Maram (292).

47 Narrated by Al-Bukhari; Al-Adab Al-Mufrad 11129) 385/, Ibn Hisham: Al-Sirah Al-Nabawiyah 2239/, and Ibn Kathir: Al-Sirah Al-Nabawiyah 3233/. Al-Albani said the transmission of the hadith is correct and all its men are reliable. See: Al-Silsilah Al-Sahihah (1158).

48 Narrated by Ibn Hibban on the authority of Jabir ibn Abdullah, chapter of the Prophet's talk about the qualities of his companions (7024). Shuʿayb Al-ʿArnaʿut said its transmission is good. Narrated also by Ibn Sayyid-al-Nas: Uyun Al-Athar 1423/, and Al-Salihi Al-Shami: Subul Al-Huda wa Al-Rashad fi Sirat Khayr Al-Ibad 4214/.

## Rights of minorities in Islamic civilization

### Introduction

Under the Islamic law, non-Muslim minorities received rights and privileges that other minorities did not have under any other law in any other country. The relationship between the Muslim community and the non-Muslim minority is based on Allah's rule that says: {Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just.}[Al-Mumtahanah: 9].

This verse has identified the ethical and legal basis, with which Muslims must treat non-Muslims, namely kindness and justice with all those who do not have enmity against them. The humanity did not know these rules before Islam. It lived for centuries after Islam, but suffered the horrors of lacking them. It still looks forward to the day when it can apply these rules in modern societies but to no avail due to passion, fanaticism and racism.

### Minorities' right to freedom of belief

The Islamic law has ensured several rights and privileges for non-Muslim minorities. Perhaps the most important of which is the freedom of belief, which is stated in Allah's saying: {There is no coercion in religion}[Al-Baqarah: 256]. This was also reflected in the Prophet's (peace be upon him) letter to the People of the Scripture in Yemen where he invited them to Islam. He (peace be upon him) said: «...and a Jew or a Christian who embraces Islam becomes one of the believers, having their rights and duties; and the one who remains Jewish or Christian should not be forced to disband his religion..»<sup>[49]</sup> As the Islamic law allowed non-Muslims to enjoy the freedom of belief, it enacted rules to preserve their lives, on the ground that they are human beings who have the right to life and existence. In this regard, the Prophet (peace be upon him) says: «whoever kills a contracting man(a non-Muslim protected by the state or an agreement) he will not smell the Paradise».<sup>[50]</sup>

49 Abu-Ubayd: Al-Amwal, p 28; Ibn Zinjwih: Al-Amwal, 1109/; Ibn Hisham, Al-Sirah Al-Nabawiyah, 2588/; Ibn Kathir: Al-Sirah Al-Nabawiyah, 5146/. Ibn Hajar Al-Asqalani said: Ibn Zinjwih narrated it in Al-Amwal on the authority of Al-Nadr ibn Shumayl on the authority of Awf on the authority of Al-Hasan; see: Ibn Hajar Al-Asqalani's Al-Talkhis Al-Habir, 4315/.

50 Narrated by Al-Bukhari on the authority of Abdullah ibn Amr, chapter of Al-Jiziyah (tribute paid by non-Muslims) (2995), Abu-Dawud (2760), and Al-Nasa'i (4747).

## Warning against doing non-Muslims injustice

The Prophet (peace be upon him) warned against commitment of injustice against non-Muslims and diminishment of their rights. He vowed to be the opponent of their aggressors. He said: «Beware, if anyone wrongs a contracting man, or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgment.»<sup>[51]</sup>

One of the good stances of the Prophet (peace be upon him) in this regard is what happened with Al-Ansar in Khaybar, as Abdullah ibn Sahl Al-Ansari (May Allah be pleased with him) was killed in the lands of the Jews. It was mostly expected that one of the Jews killed him. However, there was no evidence. Therefore, the Prophet (peace be upon him) did not punish the Jews, but he asked them to take an oath. Sahl ibn Abu Hathma (May Allah be pleased with him) narrated that a number of people from his tribe went to Khaybar and dispersed, and then they found one of them murdered. They said to the people with whom the corpse had been found, «You have killed our companion!» Those people said, «Neither have we killed him, nor do we know his killer.» The bereaved group went to the Prophet and said, «O Allah's Messenger! We went to Khaybar and found one of us murdered.» The Prophet said, «Let the older among you come forward and speak.» Then the Prophet said, to them, «Bring your proof against the killer.» They said «We have no proof.» The Prophet said, «Then they (the defendants) will take an oath.» They said, «We do not accept the oaths of the Jews.» Allah's Messenger did not like that the blood-money of the killed one be lost without compensation, so he paid one-hundred camels out of the camels of Zakat (to the relatives of the deceased) as Diya (blood-money).<sup>[52]</sup>

Here, the Prophet (peace be upon him) did what no one even imagined, as he himself paid the blood-money from the funds of Muslims in order to calm down the anxiety of Al-Ansar without committing an injustice against the Jews. So, the Islamic state assumed the burden so that a suspicious rule would not be applied to a Jew!

51 Narrated by Abu-Dawud, chapter of Al-Kharaj (tribute) (3052), and Al-Bayhaqi (18511). Al-Albani said correct; see: Al-Silsilah Al-Sahihah (445).

52 Narrated by Al-Bukhari, chapter of Al-Diyat (blood-money) (6502), and Muslim, chapter of Al-Qasamah wa Al-Muharibin wa Al-Qisas wa Al-Diyat (1669).

## Protection of non-Muslims' funds

The Islamic law has guaranteed the right to protect the funds of non-Muslims. It prohibited taking or seizing these funds unjustly through theft, usurpation, damage or any form of injustice. This was practically applied the Prophet's (peace be upon him) promise to the people of Najran, as he said: «The people of Najran and their surrounding areas would be under the protection of Allah and His Prophet Muhammad; their funds, religion, trade and everything small or big would be also safe...»<sup>[53]</sup>

Moreover, a non-Muslim minority has the right to be guaranteed by the Islamic state from the state treasury – Bayt Al-Mal (House of funding) – in case of inability, old age or poverty, as the Prophet (peace be upon him) says: «Everyone of you is a guardian and is responsible for his charge»<sup>[54]</sup>, on the consideration that they are citizens just like Muslims, and the state is responsible for all of them before Allah (be He Exalted).

In this regard, Abu Ubayd<sup>[55]</sup> narrated in his book Al-Amwal (funds) on the authority of Sa'id ibn Al-Musayib<sup>[56]</sup> that he said: «The Allah's Messenger (peace be upon him) gave alms to a Jewish family, so alms could be given to them.»<sup>[57]</sup>

What expresses the greatness of Islam and the humanity of the Islamic civilization in this regard is the story mentioned in the Sunnah (Prophet's traditions) books. The story says a funeral procession passed in front of the Prophet (peace be upon him) and he stood up. When he was told that it was a funeral of a Jew, he said, «Is it not a living being (soul)?»<sup>[58]</sup>

These were the rights of non-Muslim minorities in Islam and the Islamic civilization. The rule is to respect every human being as long as he/she does not commit injustice or enmity.

Narrated by Al-Bayhaqi, Dalail Al-Nubuwwah (signs of prophecy), chapter of Wafd Najran (Najran 53  
.288/Abu-Yusuf, Al-Kharaj, p 72; and Ibn Sa'd, Al-Tabaqat Al-Kubra 1 ;485/delegation) 5

54 Narrated by Al-Bukhari on the authority of Abdullah ibn Umar, chapter of Al-Itq (manumission) (2416), and Muslim, book of Al-Imarah (1829).

55 Abu-Ubayd: Abu-Ubayd Al-Qasim ibn Salam Al-Harawi (157224- AH, 774838- AD), a senior scholar of hadith, literature and Islamic jurisprudence. He was a teacher. He was born in Harat and attended his education there. He traveled to Baghdad and Egypt. He died in Mecca. See: Al-Zahabi's Siyar A'lam Al-Nubala' 10492-490/.

56 Sa'id ibn Al-Musayyib: Abu Muhammad Sa'id ibn Al-Musayyib ibn Hazan Al-Qurashi (1394- AH, 634713- AD); the master of the generation succeeding the Prophet's companions, lived in Medina and was one of its seven authorities in hadith and jurisprudence. He was also famous for piety and asceticism. See Ibn Sa'd: Al-Tabaqat Al-Kubra 5143-119/.

Narrated by Abu-Ubayd in Al-Amwal, p613. Al-Albani said its transmission is good on the authority of 57  
Sa'id ibn Al-Musayyib. See: Tamam Al-Minnah, p389

58 Narrated by Muslim on the authority of Qays ibn Sa'd and Sahl ibn Hunayf, chapter of Al-Jana'iz (funerals) (961), and Ahmad (23893).



## Animal rights in Islamic civilization

### Introduction

Islam has a realistic perspective to animals that is based on their importance to us in life and their use for human beings and cooperation with us to build the universe in order for life to go. There is evidence to this in many surahs in the Holy Quran that Allah has named after animals such as the Cow, the Cattle, the Bee and others.

The Holy Quran has cited evidence to honouring animals, stating their standing and locating their positions beside man. Almighty God says: “And cattle He has created for you (men): from them ye derive warmth, and numerous benefits, and of their (meat) ye eat. And ye have a sense of pride and beauty in them as ye drive them home in the evening, and as ye lead them forth to pasture in the morning. And they carry your heavy loads to lands that ye could not (otherwise) reach except with souls distressed: for your Lord is indeed Most Kind, Most Merciful.”[The Bee: 57-]

### Some animal rights in Islamic legislation

One of the rights that Islam originated for animals in the Islamic legislation is not harming them. Jabir (may Allah be pleased with him) narrated that once the Prophet (PBUH) passed by an animal that was marked in his face, so he said: «May Almighty God curse the person who marked this animal.»<sup>[59]</sup> Abdullah Ibn Umar (may Allah be pleased with him) also narrated that “The Prophet peace be upon him (PBUH) cursed the one who did mutilation to an animal.”<sup>[60]</sup> (i.e., cut its limbs or some other part of its body while it is still alive), which means that hurting, tormenting animals or not being kind to them is considered a crime in the Islamic Sharia.

Islam has also legislated the rights of animals and made it haram (prohibited) to imprison them or make them starve. The Prophet (PBUH) says:»A lady was punished because of a cat which she had imprisoned till it died. She entered the (Hell) Fire because of it, for she neither gave it food nor water as she had imprisoned it, nor set it free to eat from the vermin of the earth.»<sup>[61]</sup> Sahl ibn

59 Muslim Chapter of Clothes. (2117)

60 Al Bukhary (5196), Al Nesaea (4442) and Al Darame (1973).

61 Al Bukhary (2236) and Muslim (2242).

Al-Hanzaliyya reported that the Prophet (PBUH) passed by a camel that was very hungry, so he said:»Fear Allah when you deal with these beasts of burden; ride them well or eat them well.»<sup>[62]</sup>

The Prophet (PBUH) also ordered that these animals are used for what they were created for. He set the main purpose of using animals when he said: “Never use backs of animals as pulpits. Allah has created them to carry you to lands that you could not (otherwise) reach except with souls distressed.” <sup>[63]</sup>

The Islamic legislation also set as part of animal rights not to use them as targets. Abdullah Ibn Umar (may Allah be pleased with him) happened to pass by a party of men who had tied a bird and were shooting arrows at it. He said:“Allah has invoked a curse upon one who does this kind of thing. The Prophet (PBUH) condemned those people who take up anything alive as a mere sport.»<sup>[64]</sup>

One of the things the Islamic legislation has set as part of animal rights is to be kind and merciful to them. This is clear in Prophet (PBUH) saying:»While a man was walking on a road. He became very thirsty. Then he came across a well, got down into it, drank (of its water) and then came out. Meanwhile he saw a dog panting and licking mud because of excessive thirst. The man said to himself «This dog is suffering from the same state of thirst as I did.» So he went down the well (again) and filled his shoe (with water) and held it in his mouth and watered the dog. Allah thanked him for that deed and forgave him.» The people asked, «O Allah’s Apostle! Is there a reward for us in serving the animals?» He said, «(Yes) there is a reward for serving any animate (living being).»<sup>[65]</sup>

Abdullah Ibn Umar once narrated:“We were with the Prophet (PBUH) when he went out to do something. We saw a bird with its two checks so we took the little checks. The bird started hovering out of distress for the loss of its two checks. The Prophet (PBUH) came and said: “Who distressed this bird by taking its little checks? Give it back its checks.”<sup>[66]</sup>

62 Abu Dawood (2548), Ahmed (17626), Ibn Habban (546), Al Albani: Al Selsela Al Saheha (23)

63 Abu Dawood (2567) Al Bayhaqi (10115) Al Albani said correct: see Al Selsela Al Saheha (22)

64 Al Bukhari (5196) and Muslim (1958)

65 Al bukhari (5663) and Muslim (2244)

66 Abu Dawood (5268) and Al Hakem (7599) Al Albani said: correct. see: Al Selsela Al Saheha (25)

The Islamic legislation has also ordered as part of its care of animal rights to choose fertile pasture for them. If this fertile pasture is not available, these animals should be taken to another area. The Prophet (PBUH) says in this regard:“Almighty God is kind and loves kindness and gets satisfied with kindness. He also gives for kindness what he does not give to anything else. If you ride these beasts of burden, take them to good pasture. If the land is infertile, ride them while they are healthy to another area.”<sup>[67]</sup>

However, there is another degree that is higher and more valuable than mercy in the Islamic legislation on how to treat animals; Ihsan to animals and respecting their feelings. The Prophet (PBUH) put this in application when he ordered us not to torture animals during slaughtering them for meat whether it is torturing them physically when they are taken to be slaughtered or by the dullness of the knife or by letting them see the knife that will be used. Otherwise, it will be as if giving the animal two deaths. Shaddad Ibn Aws said: “I memorized two hadiths from the Prophet (PBUH), he said:“Verily, Almighty Allah has prescribed excellence in all things ... if you slaughter, slaughter well. Let each one of you sharpen his blade and let him comfort the animal he slaughters.”<sup>[68]</sup>

Abdullah Ibn Abbas (may Allah be pleased with him) also narrated that a man had placed his foot on the side of a sheep and was sharpening his blade (knife) whilst the sheep was glancing towards him with its eyes. The Prophet (PBUH) remarked,“Why (did you) not (sharpen the blade) before this? Do you wish to give the (poor) animal two deaths?”<sup>[69]</sup>

This clearly shows animal rights in Islam. Animals enjoy safety, security and comfort as long as they are living in society that is living under the Islamic civilization.

67 Al Mowatee (1767) Al Albani said: correct. see Al Selsela Al Saheha (682)

68 Muslim (1955), Abu Dawood (2815) and Al Tiermedhe (1409)

69 Al Hakem (7563) and Al Albani said: correct. see: Al Selsela Al Saheha (24)

## Environment rights in Islamic civilization

### Introduction

God Almighty created environment clean, pure and useful and harnessed it to man and urged man to keep it. Allah has also called for thinking about the miracles He has put in the universe, which He put in the best shape. God Almighty says: “Do they not look at the sky above them?- How We have made it and adorned it, and there are no flaws in it? And the earth- We have spread it out, and set thereon mountains standing firm, and produced therein every kind of beautiful growth (in pairs).”[Qaf: 6, 7]

### Man and environment

On this basis, relationships of love and affection were founded between the Muslim and his surrounding environment, including inanimate things and living creatures. The Muslim then realized that preserving the environment would benefit him in this life because he would have a nice life and in his hereafter, as Allah would reward him graciously for this.

The Prophet’s perspective for environment came to stress this comprehensive Quranic outlook of the universe, which is based on correlation between man and the elements of nature and its springboard is faith that if man misuses or drains any of the elements of nature, the whole world would be damaged directly.

#### Examples of how Islamic legislation is keen on environment

The Islamic legislation set a general rule for all people on this earth, which is not to cause any damage to this universe. The Prophet (PBUH) says: “la darar wala dirar’ or ‘Let there be no harm or reciprocating harm.”<sup>[70]</sup>

Then, Islamic legislation followed this with other things that pollute and damage the environment. The Prophet (PBUH) says in this:» Avoid the three actions that bring people’s curses: defecating in water sources, on roads, and in the shade.»<sup>[71]</sup>

70 Ahmad from Ibn Abbas (2719), Shu’ aib al-Arnauti said: good. Al-Hakim (2345) and said: correct in terms of Isnad on Muslim’s conditions but they did not narrate it

71 See : Al-Azim Abadi: Aoun Al-Ma’bud 131/

The Prophet (PBUH) also urged for cleaning roads. Abu Sa'id Al-Khudri narrated that the Prophet (PBUH) said: «Beware! Avoid sitting on the roads.» They (the people) said, «O Allah's Apostle! We can't help sitting (on the roads) as these are (our places) where we have talks.» The Prophet said, «If you refuse but to sit, then pay the road its right.» They said, «What is the right of the road, O Allah's Apostle?» He said, «Lowering your gaze, refraining from harming others, returning greeting, and enjoining what is good, and forbidding what is evil.»<sup>[72]</sup> The last advice mentioned in this hadith is an umbrella for all the things that include harming the people who use roads and streets.

What is more than this is that the Prophet (PBUH) linked reward to keeping the environment clean. He says: "The deeds of my people, good and bad, were presented before me, and I found the removal of something objectionable from the road among their good deeds, and the sputum mucus left unburied in the mosque among their evil deeds."<sup>[73]</sup>

The Prophet (PBUH) furthermore asks Muslims to clean their houses. He says: "Allah is good and likes everything that is good. He is clean and loves cleanliness, You must clean your houses and do not follow in the footsteps of Jews."<sup>[74]</sup>

These wonderful teachings call for a decent life vacant of any pollutant to keep man's hygiene and psychological health intact.

In a more expressive way to urge for keeping the environment and its beauty, the Prophet (PBUH) says when asked by one of his companions: "What if a man likes his clothes to look good and his shoes to look good, is this pride?" He said, «Allah is beautiful and loves beauty. Pride means denying the truth and looking down on people.»<sup>[75]</sup> There is no doubt that beauty is to keep the environment as clean and beautiful as Allah has created.

72 Al-Bukhari from Abu Sa'id Al-Khudri: Al-Mazalim book, chapter about backyards of houses and sitting in them and sitting on roads (2333), Muslim: Al-Libas and Al-Zina book, chapter about ordering not to sit in streets and give way to others (2121)

73 Muslim from Abu Zar: Book about mosques and places of worship, chapter about ordering not to spit in mosques and others (553), Ahmad (21589), Ibn Majah (3683)

74 Al-Termizi from Sa'ad Ibn Abi Waqqas: Al-Adab book, chapter about what is said about cleanliness (2799), Abu Yali (790), Al-Albani said: correct, see: Mishkat Al-Masabih (4455)

75 Muslim from Abdullah Ibn Ma'sud: Al-Iman book, chapter ordering not to feel pride (91), Ahmad (3789), Ibn Hibban (5466)

Also in his recommendation of using perfumes and giving them as presents, we find evidence that he called for a clean environment. The Prophet (PBUH) says in this regard: “he who is presented with a flower should not reject it, for it is light to carry and pleasant in odow!”<sup>[76]</sup>

Regarding Islam’s glory in enacting laws that keep the environment clean, Prophet Muhammad (PBUH) says:»Whenever Muslims plant a tree, they will earn the reward of charity because of the food that comes from it; and likewise what is stolen from it, what the wild beasts eat out of it, what the birds eat out of it, and what people take from it is charity for them.»<sup>[77]</sup>In another narration: “It is charity for them till the Doomsday”.

Islam’s fabulousness is manifested in the fact that the reward for planting, which is environment-friendly, will continue as long as this plant is benefitted even if it moved to the possession of others or the one who planted it died.

The Islamic legislation has also mentioned the benefits of reclaiming a mawat (uncultivated) land. The Prophet (PBUH) says: “Whoever revives a dead land has right to it” meaning reward and “If beasts and birds feed from it, he who revived it will have it as a sadaqah”<sup>[78]</sup>.

And because water is one of the most important resources in environment, being economical in using water and keeping it pure are two important issues in Islam. The Prophet (PBUH) advises Muslims to be economical when using water even if this water is abundant. Abdullah Ibn Umar narrated that the Prophet (PBUH) passed near Saad Ibn Abi Waqqas<sup>[79]</sup>when he was performing his ablution and said: “What is this waste? And the latter replied: is performing ablutions an extravagance? He said: yes, even if you are (doing them) at a running river”<sup>[80]</sup>.

76 Muslim from Abu Hurira: Al-Alfaz men al-Adab book and others, chapter about using Musk ... (2253), Al-Termizi (2791)

77 Muslim from Jabir Ibn Abdullah: Musaqaq book, chapter about virtue of planting and growing (1552), Ahmad (27401)

78 Al-Nissa’I from Jabir Ibn Abdullah: Reviving the dead land book, chapter about urging to revive mawat land (5756), Ibn Hiban (5205), Ahmad (14310), And Shu’aib al-Arnaut said: Hadith Sahih

79 Sa’ad Ibn Abi Waqqas Ibn Wahib Al-Zuhari: One of the ten proven to enter paradise and the last of whom who died, look: Ibn Al-Athir: Usd al-Ghabah 2433/, Ibn Hajar al-Askalani: Al-Isabah 33196) 73/)

80 Ibn Majah: Taharah and its sunnan book, chapter about shortening prayers and hatred to transgress it (425), Ahmad (7065), improved by Al-Albani said good. see: Al-Silsilah al-Sahiha (3292)

He also called for not polluting water or urinating in stagnant water.<sup>[81]</sup> This is the perspective of Islam and the Islamic civilization of the environment. It is a view that believes that the different aspects of the environment react, integrate and cooperate with each other according to God's rules in the universe, which was created by Allah in the best shape. So, Every Muslim should keep this beauty.

81 Muslim from Jabir Ibn Abdullah: Taharah book, chapter about ordering not to urinate in stagnant water (281), Abu Dawoud (69), Al-Termizi (68)

## Importance of ethics and values in Islamic civilization

Ethics and values are the moral or spiritual aspect of the Islamic civilization. They are also the essence and basis for any civilization. In the meantime, they ensure the secret of their survival and resilience throughout the history and generations. If this aspect disappears one day, man will lose his moral warmth, which is the spirit of life and existence; mercy will quit his heart; his conscience will not be able to play its role; he will no longer know the truth of his existence and himself; and he will be bound with material restrictions, from which he can not escape.

### Ancient civilizations and ethics

Ancient and contemporary civilizations had no major contribution or prominent role in ethics and values, as proved by Western scholars and thinkers. English writer Jude says: The modern civilization has no balance between power and morality, as morality is more backward than science. Natural science has given us a formidable power, but we use it with the mind of children and monsters ... Backwardness is a human error in understanding the truth of his position in the universe, and in denying the world of values, which include goodness, right and beauty”<sup>[82]</sup>. Alexis Carrel says: In modern city we seldom see individuals adopting a moral ideal, although the beauty of ethics outweighs science and art, as it is the basis of civilization.»<sup>[83]</sup>

In fact, the aspect of ethics and values was given its full right only in the Islamic civilization, which was basically established on values and morals, and its prophet was sent especially to perfect morals after they were fragmented, dispersed and neglected by nations and civilizations.

These ethics and values did not result from intellectual development over centuries, but they were revealed by Allah (be He Exalted) and enacted by the Prophet of Islam, Muhammad (peace be upon him). So, they were enshrined by the Islamic law fifteen centuries ago.

82 Quoting Anwar Al-Jindi: Muqadimat Al-Ulum wa Al-Manahij (Introductions to science and curricula), 4770/.

83 Alexis Carrel: Man, the unknown, p 153.



## Freedom of belief in Islam

In a clear and basic rule about the religious freedom and the freedom of expression in Islam, God Almighty says: “Let there be no compulsion in religion: Truth stands out clear from Error.” [Al-Baqara: 256]. The Prophet (PBUH) and the Muslims after him did not order anyone to compulsorily embrace Islam. Neither did they force people to look like Muslims to escape death or torture. How can they do this and they well know that if someone accepts Islam under duress, his Islam becomes valueless in the Doomsday, which every Muslim seeks to realize.

It was mentioned in the reasons behind the revelation of the aforementioned verse: Ibn Abbas said: “The women of the Helpers whose boys always died in infancy used to vow to bring up their boys as Jews if they were to live. When the Banu'l-Nadir were driven out, they had among them children of the Helpers. The Helpers said: <We will not leave our children!> Upon which Allah, exalted is He, revealed: “Let there be no compulsion in religion: Truth stands out clear from Error.”<sup>[84]</sup>

## Issue of faith, will of man

Islam has made the issue of faith or non-faith one of the issues that are dependant on man's own will and his inner convictions. God Almighty says: “Let him who will believe, and let him who will, reject (it).” [Al-Kahf: 29] The Quran also has attracted the Prophet's attention to this truth and told him that he is only responsible for calling people to Allah and he has no authority to convert them to Islam. He says: “Wilt thou then compel mankind, against their will, to believe!” [Yunus: 99] and said: “Thou art not one to manage (men's) affairs” [Al-Ghashiyya: 22] and said: “If then they run away, we have not sent thee as a guard over them.” [Ash-Shura: 48]. Consequently, it becomes clear that the constitution of Muslims stipulates freedom of belief and categorically rejects compelling anybody to accept Islam.<sup>[85]</sup>

84 Abu Dawoud: Kitab Al-Jihad (Al-Jihad Book), Chapter about prisoner forced to embrace Islam (2682), and look: Al-Wahidi: Reasons behind revelation of Quran p. 52, and Al-Siyuti chapter about revelation p. 37 and Al-Albani said: correct, see: sahih and Da'if in Sunnan Abu Dawoud 6182/

85 Look: Mahmud Hamdi Zaquq: Islamic facts in face of campaigns to cast doubts (on Islam) p. 33

## Religious pluralism in Islam

Endorsement of religious freedom means admission of religious pluralism. This was a practical exercise when the Prophet (PBUH) admitted religious freedom in the first constitution of Medina, when he admitted that the Jews together Muslims form a one community. Also during the conquest of Mecca, the Prophet (PBUH) did not force Quraysh to accept Islam despite he was empowered and victorious. He told them: “Go you are free men”<sup>[86]</sup>. Following his footsteps, Caliph Umar Ibn Al-Khattab offered Christian residents of Jerusalem protection for their lives, churches and crucifixes and that none of them should be harmed or forced to change his religion.<sup>[87]</sup>

Islam even enshrined freedom of religious debating on objective bases away from altercations or mocking the other. In this regard, God Almighty says: “Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious.” [Al-Nahl: 125] On these gracious principles, dialogue should be built between Muslims and non-Muslims. Islam has also called for dialogue with the people of the book. The Quran says: “Say: «O People of the Book! Come to common terms as between us and you: That we worship none but Allah. That we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than Allah. If then they turn back, say ye: «Bear witness that we (at least) are Muslims (bowing to Allah’s Will).” [Al’Imran: 64] This means that if dialogue renders no result, everybody then has his own religion that he convinced of and that was also expressed in the last verse of Al-Kafirun, which concluded with the Prophet (PBUH) saying: “To you be your Way, and to me mine.”<sup>[88]</sup> [Al-Kafirun: 6]

86 Ibn Hisham: Al-Sirah al-Nabawiya 2411/, and Al-Tabari: History of nations and kings 255/, and Ibn Kathir: Al-Bidayah and Al-Nihayah 430/

87 Look: Al-Tabari: History of nations and kings 3105/

Mahmud Hamdi Zaqquq: Islamic facts in face of campaigns to cast doubts (on Islam) p. 85, 86

88

## Freedom of thinking in Islamic civilization

### Islamic civilization's care for freedom of thinking

Islam has enshrined the freedom of thought and cared for it. The Islamic civilization stands as witness for this. This was clear as Islam has called for thinking and making as functional the powers of reason in thinking about the whole universe with its skies and earth. Islam urged all the people to do this and God Almighty said: "Say: «I do admonish you on one point: that ye do stand up before Allah,- (It may be) in pairs, or (it may be) singly,- and reflect.»[Saba: 46] and also: "Do they not travel through the land, so that their hearts (and minds) may thus learn wisdom and their ears may thus learn to hear? Truly it is not their eyes that are blind, but their hearts which are in their breasts." [Pilgrimage: 46]

### Islam urges use of mental faculties, proofs

Islam has blamed those who block their sensual and mental faculties from functioning and put them in a rank lower than beasts. God Almighty says: "They have hearts wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not. They are like cattle,- nay more misguided: for they are heedless (of warning)."[The Heights: 179]

Islam has also launched a strong campaign against those who follow conjectures and illusions. God Almighty says: "They follow nothing but conjecture; and conjecture avails nothing against Truth." [The Star: 28]. Islam has also blamed those who imitate their ancestors or chiefs without looking out whether they are right or wrong. God Almighty says belittling their value: "And they would say: «Our Lord! We obeyed our chiefs and our great ones, and they misled us as to the (right) Path." [The Clans: 67]

Islam has also depended in proving the Islamic creed on mental evidence and that is why Muslim scholars said that Akl (reason) is basis of Naql. The cause of Allah's existence has proven reason and cause of Muhammad's prophecy was also proven through reason first and latter by miracles that proved the credibility of his prophecy. And that shows how Islam respects reason and thought.

## Value of thinking in Islam

Thinking in Islam is a religious duty that a Muslim should not abandon in all cases. Islam has left the door wide open for the practice of thinking in religious affairs to search for legitimate solutions for everything new in our life. And that what Muslim scholars call “ijtihād” i.e. the process of making a legal decision by independent interpretation of the legal sources, the Qurʾān and the Sunnah. [89]

The principle of ijtihād, which embodies the freedom of thought in Islam, had a great influence in enriching jurisprudential studies with quick solutions to affairs that had no peers during the first stage of Islam. The famous Mazahib (schools of thinking) of Islamic jurisprudence, which the Muslim world still follows their teachings until nowadays, were based on ijtihād. Ijtihād is the first pillar for well-established role of mind in Islam and this attitude was considered the foundation on which Muslims built their prosperous civilization throughout the history of Islam.[90]

89 Look: Mahmud Hamdi Zaquq: Islamic facts in face of campaigns to cast doubts (on Islam) p. 53

90 Mahmud Hamdi Zaquq: Man caliphate of Allah- Thinking is duty, article published in Al-Ahram newspaper, edition 1 Ramadan 1423 hijri, November 200

## Freedom of opinion in Islamic civilization

### Introduction

Freedom of opinion means the right of the individual to choose the viewpoint s/he sees in a certain public or private matter and expressing that viewpoint and making it heard for others. Freedom of expression is the person's right to express his ideas and feelings with his own choice and will as long as there is no aggression on the rights of others.

### Freedom of opinion is one of Muslim's rights

The freedom of opinion in the Islamic civilization is an unalienable right to a Muslim because the Islamic legislation approved it and what the Islamic legislation has approved to individuals, cannot be vetoed or cannot be removed away. The freedom of opinion is rather a duty on a Muslim that s/he should not abandon because God Almighty ordered Muslims to do *amr-bil-Ma'roof* (ordering for acknowledged virtues) and *nahi anil munkar* (forbidding from sin). And these rights cannot be procured unless a Muslim has the right to freely express his opinion. The freedom of opinion, thus, is considered a means through which he can assume these duties. And whatever helps us to do *wajib* (*wajib* is also something necessary, although of a slightly lesser degree than *Fardh*) is in itself *wajib*.

Islam has permitted the freedom of opinion in all religious affairs whether they are public or social. One example of this is shown when Sa'd Ibn Mu'az and Sa'd Ibn Ubada were consulted by the Prophet (PBUH) to clinch a truce with Ghatafan provided that he gives them one-third the fruits of Medina to get out of the coalition they had with the clans. Abu Hurira said: Al-Harith Al-Ghatafani came to the Prophet (PBUH) and said: Oh Muhammad, let's divide the fruits of Medina into two halves; one for you and one for us. The Prophet (PBUH) said: "Let me first consult the Sa'ds." He sent to Sa'd Ibn Mu'az, Sa'd Ibn Ubada, Sa'd Ibn al-Rabie, Sa'd Ibn Khaithama and Sa'd Ibn Mas'ud (my Allah be pleased with him), he said: "I knew that the Arabs have thrown you from one bow and Al-Harith asks for half the fruits of Medina. If you don't mind, would you give him this half this year until you see what you can do latter?" They replied: "Oh Allah's messenger, is it revelation from heaven so we obey or is

it your opinion so that we follow you? If you want us to survive, we swear to God that we used to be equals with them and they never dare to get any fruit unless they pay for it or we give it to them as a present.<sup>[91]</sup>

### **Giving advice, amr-bil-Ma'roof and nahi anil munkar**

One of the texts that were mentioned in giving advice, amr-bil-Ma'roof and nahi anil munkar God's saying: "Men and women, are protectors one of another: they enjoin what is just, and forbid what is evil." [Repentance: 71]. The Prophet (PBUH) also says: "Verily, the religion is advice." They (companions) said: "To whom is that advice? He said: "To Allah, his book, his messenger, imams of Muslims and their general folk."<sup>[92]</sup>

Imam Nawawi <sup>[93]</sup>said in his explanation of this hadith: "And as for the Naseehah (advice) to the leaders of the Muslims, then this involves helping them in the Truth, and obeying them, and ordering them with the Truth, and reminding them of it with kindness and gentle words, and notifying/advising them of that which they have neglected, and informing them of the rights of the Muslims."<sup>[94]</sup>

The Prophet (PBUH) also said: "A man should not be dissuaded by people's prestige to say a word of truth if he knows it"<sup>[95]</sup>and also said:"The best Jihad is to speak a word of truth to a tyrant ruler.»<sup>[96]</sup>

The duty of amr-bil-Ma'roof (ordering for acknowledged virtues) and nahi anil munkar (forbidding from sin) entails that they are free in choosing their opinion. And as God has ordered them to do this duty, this means giving them right to express their opinion in what they see as Ma'roof or munkar and in what they order other people to do or not do. The duty of consulting other people also

91 Narrated by Al-Tabarni: Al-Mu'gam Al-Kabir (5416), Al-Haithami said: Al-Bazzar and Al-Tabarni's men include Muhammad Ibn Umr and his hadith is good and the rest of his men are trustworthy, look Muga'mah Al-Zawa'id and Manba Al-Fawa'id 6119/, and look: Ibn Al-Qa'im: Zad Al-Ma'ad 3240/

92 Muslim from Tamim Al-Dari: Kitab Al-Iman (Faith book), Chapter about statement that religion is advice (82), Abu Dawoud (4944) and Nissai (4197) and Ahmad (16982)

93 Al-Nawawi: He is Abu Zakariya Yahia Ibn Sharaf Al-Nawawi, Muhie al-Din (631676- hijri/12331277-): He was a master in Fiqh and hadith, born and died in Nawa, Syria and named after it. His famous books include: Minhaj in explaining Sahih Muslim, Riyad Al-Salihin. Look; Al-Bidayah and Al-Nihayah 13278/, Al-Zirikli: Al-A'lam 8149/

94 Al-Nawawi: Al-Minhaj in explaining Sahih Muslim Ibn Al-Hajjaj 238/

95 Al-Termizi from Abi Sa'id Al-Khudri: Kitab Al-Fitan (Seditions book), Chapter about what the prophet has told his companions about the incidents of Doomsday (2191), Ibn Majah (3997), corrected by Al-Albani, look: Al-Silsilah Al-Sahihah (168)

96 Al-Termizi from Abi Sa'id Al-Khudri: Kitabl Al-Fitan (Seditions book), Chapter about the best forms of Jihad is to speak to a tyrant ruler (2174), Abu Dawoud (4344), Nissai (4209), Ibn Majah (4011), corrected by Al-Albani, look: Sahih Al-Jami (2209)

entails that the people he consults are free to express their opinions. The freedom of opinion has been in place all throughout the Islamic history. Great companion Al-Habab Ibn Al-Munzir expresses his opinion in Muslims' attitude in Badr invasion although his opinion was the opposite of the Prophet (PBUH). Other companions also expressed their opinions in Al-lfk (Slander) incident and some of them urged the Prophet (PBUH) to divorce his wife Ayisha (may Allah be pleased with him) However, the Quran declared her innocent. The companions and those who followed them used to express their opinions freely in many situations.

Hence, if expressing your views and the freedom of expression are unalienable rights in the Islamic Sharia, it is impermissible to hurt anyone simply because he expressed his view because the Sharia permitted him to do so. A woman objected to what Umar Ibn Al-Khattab said in the mosque about dowry and he did not prevent her from expressing her view. Moreover, he admitted she was right and said: «The Woman is correct and Umar is mistaken.»<sup>[97]</sup>

### **Honesty, truthfulness in giving opinion**

A Muslim should observe, when giving his opinion, honesty and truthfulness. S/he should say what s/he really sees even if the truth is bitter for him because the purpose from the freedom of opinion is to show what is true and right and benefits the hearer. The purpose of this is not to camouflage or hide the truth. The true purpose should be to tell the truth and not to intend from this riya (showing off in worship), reputation, gamming on those who are right, showing wrong deeds as right, depriving people from their rights, exaggerating the sins of rulers, downplaying their good deeds, belittling their importance, slandering them or inciting people against them to achieve certain goals.

According to this, the freedom of opinion as approved by the Islamic Sharia is an important means of civilization progress as well as a means for self-expression.

## Freedom, manumission of slaves in Islam

### Introduction

Islam came to regain dignity for humanity regardless of their race and colour. Islam made all human beings equal and made the principle of Taqwa (Piety) the only basis by which people are considered superior to others. The Prophet (PBUH) destroyed after the conquest of Mecca all colour and race differences and totally finished off racial discrimination when he asked Bilal Ibn Rabah to ascend to the top of Kaaba to chant the word of monotheism. Even before this incident, the Prophet (PBUH) made as brothers his uncle Hamza and his slave Zayd.

Hajjat al-Wadaa, principle of equality

In Hajjat al-Wadaa (the farewell pilgrimage), the Prophet (PBUH) declared the principle of equality when he said: "All mankind is from Adam and Adam is from dust. An Arab has no superiority over a non-Arab. A black person has no superiority over a red person nor does a red person have any superiority over a black person, except by piety."<sup>[98]</sup> And from here came the call for freedom and finishing off slavery.

The origin in Islam is that all people are born free and not slaves and that is because they all belong to one father and were all born as free. Islam came to recognize this right at a time when people were enslaved and shown all sorts of humiliation and slavery.

Islam and manumission of slaves

The pro-Islam humanity lived in communities and civilizations that were marked by tyrannical citizenship systems based on the tribe you come from and flagrant class differences, which divide human communities into several classes, topped by the free men who enjoy all rights of sovereignty and power while slaves are crushed. They have no right to freedom or descent life.

Islam came to recommend believers to manumit slaves and set them free. Islam called this favor or amnesty. Islam also considers this a praiseworthy act and urges believers to set free slaves, even if one had to purchase them first

98 Ahmad (23536), Shu'aib al-Arnaut said: Isnad correct, Al-Tabarni: Al-Mu'agam al-Kabir (14444), Al-Baihaqi: Shu'ab al-Iman (4921), Al-Albani said: Sahih, look: Al-Silsilah al-Sahiha (2700)



with his own money. Islam also made expiation for certain sins committed by the master, such as beating the slave or doing him injustice, is to set them free. It also recommended setting free slaves. It also made expiation for certain sins such as manslaughter, Zihar (divorcing your wife by declaring her your mother), perjury and breaking fasting in Ramadan by setting slaves free. Islam also ordered Muslims to help slaves when they want Mukataba (want to pay for their freedom). Islam also made manumission of slavery as one of the ways to dispense of zakat (alms). A female slave was set free upon her master's death, if she gave a birth to a boy, whose father was the master.

### Islam's plan to solve slavery problem

Islam's wise plan to solve the problem of slavery- this human problem- can be summed up in three points; first, it prevented all the situations in which enslaving occurs (except war), second, Islam suggested many ways to manumit slaves, and third, it protected slaves' rights after being freed.

The Islamic legislation urged the emerging Muslim community to manumit slaves and set them free, promising masters great reward in the hereafter. Abu Hurir narrated that the Prophet (PBUH) said: "If somebody manumits a slave, Allah will save from the Fire every part of his body for freeing the corresponding parts of the slave's body, even his private parts will be saved from the Fire) because of freeing the slave's private parts.»<sup>[99]</sup>

The Prophet (PBUH) also recommended setting free slave-girls and marrying them. Abu Musa Al-Asha'ri narrated that the Prophet said:»He who has a slave-girl and educates and treats her nicely and then manumits and marries her, will get a double reward.»<sup>[100]</sup>The Prophet (PBUH) also freed Safiyya bint Huyayy Ibn Akhtab and made her emancipation her dowry to marry her.<sup>[101]</sup>

The recommendations of the Prophet (PBUH) to deal well with slaves were keys to rehabilitate the society for accepting their emancipation and manumission. The Prophet (PBUH) called for dealing well with them even through expressions and words. He said: "One should not say, my slave (Abdi),

99 Al-Bukhari: Kafarat al-Iman book, Chapter of God Almighty's saying: "or give a slave his freedom" [The Table: 89], and which slaves are better freed (6337), Muslim: Itq book, chapter of grace of Itq (1509)

100 Al-Bukhari: Nikah book (marriage), chapter about taking sarari (concubines) (4795)

101 Al-Bukhari: Al-Magazi (conquests), chapter about Khaybar conquest (3965), Muslim: Nikah book (marriage), chapter about virtue who sets slave-girl and marries it (1365)

or my girl-slave (Amati), you are slaves of Allah and all your wives are slave-girls of Allah. But one should say, my lad (Fatai), my lass (Fatati), and my boy (Ghulami).»<sup>[102]</sup>

Islam also made it obligatory on masters to feed their slaves and clothe them the way they feed and clothe and not to burden them with unbearable load of work. Jabir Ibn Abdullh narrated that the Prophet (PBUH) used to recommend Muslims to treat slaves well and say: «Slaves are your brothers. Allah has put them to serve you. So, feed them with your food; clothe them as you clothe yourselves and burden them not with what they can not do...»<sup>[103]</sup> Islam has given slaves many other rights that made them a human being with dignity that no one can transgress.

In a later more important stage, Islam made atonement for beating and abusing slaves is to set them free so that the society can move to realistic emancipation stage. It was narrated that Abdullah Ibn Umar has once beaten a slave-boy of his. Then, he called him and asked him: “Does it hurt you? The boy replied: “No”. Ibn Umar said: “Go you are free” and then picked some sand from the earth and said: “I have no reward in what I have done. I heard Allah’s messenger (PBUH) says: “Whoever beats or slaps his slave-boy on the face should manumit him as an atonement.”<sup>[104]</sup>

Islam also made pronouncing the word of manumission one that should go effective. The Prophet (PBUH) said: “There are three matters that must always be taken seriously, whether they are said in earnest or jest. They are: marriage, divorce and manumission of slaves.”<sup>[105]</sup>

Islam has also made emancipation of slaves one of the ways to atone for sins and mistakes to make it possible to free the biggest possible number of slaves. Committing sins never ends and all human beings commit mistakes. The Prophet (PBUH) says in this regard: “If a Muslim man emancipates a Muslim man, Allah, the Exalted, will make every bone of his protection for every bone

102 Al-Bukhari from Abu Huraira: Itq book, Chapter about hatred to insult slaves and saying: my slave, my slave-girl (2414), Muslim: Book about Alfaz min al-Adab and others, chapter about hukm itlaq lafz Al-Abd and Al-Amah (2249)

103 Muslim: Al-Iman book, chapter about feeding slaves the way master feeds ... (1661), Ahmad (21521), Al-Bukhari: Al-Adab al-Mufrad 176/

104 Muslim: Al-Iman book, chapter about company of slaves, atonement for whoever slaps a slave (1657), Abu Dawoud (5168), Ahmad (5051)

105 Al-Harith musnad (503), narrated by Al-Baihaqi from Umar Ibn Al-Khattab 7341/

of his emancipator from Hell; and if a Muslim woman emancipates a Muslim woman, Allah will make every bone of hers protection for every bone of her emancipator from Hell on the Day of Resurrection.”<sup>[106]</sup>

Islam also enabled slaves to restore their freedom through Mukataba (the slave purchases his freedom for money) and urged masters to help slaves do this because freedom is the origin and slavery is an exception. The Prophet (PBUH) was an example in this regard. He paid the Mukataba for Juwairiyah bint Al-Harith and married her. When Muslims learnt that the Prophet (PBUH) married Juwairiyah, they set free all the slaves they had because of her. One-hundred families were set free from Bani al-Mustaliq.<sup>[107]</sup>

Moreover, Islam has legislated emancipation of slaves and considered this as one of the dispensations of Zakat. God Almighty says: “Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage... “[Repentance: 60]

It was also reported that the Prophet (PBUH) set free 63 people, while Aiysha (may Allah be pleased with her) set free 69, Abu Bakr set free many slaves, Al-Abbas 70 slaves, Uthman 20 slaves, Hakim Ibn Hizam 100 slaves, Abdullah Ibn Umar 1000 slaves and Abdul Rahman Ibn Auf 30,000 slaves. <sup>[108]</sup>

This Islamic policy has managed in downsizing the trade of slaves until it was abolished. In late Islamic periods, Islam elevated slaves and put them on top of political and military offices. One good example of this are the Memluks, who ruled a big section of the Islamic nation for about 300 years. This is undoubtedly unrivalled in the history of the world.

106 Muslim: Itq book, chapter about virtue of itq (1509), Al-Termizi from Abu Umamah (1547), Ibn Majah (2522)

107 Al-Salihi al-Shami: Subul al-Huda wal Irshad 11210/, Al-Suhaili: Al-Rawd al-Anf 418/, Ibn Kathir: Al-Sirah al-Nabawiyah 3303/

108 That was counted by Al-Kitani in his book: Al-Taratiib Al-Idariah, p. 94, 95

## Freedom of ownership in Islam

### Freedom of ownership between Communism and Capitalism

The ancient and modern world was bewildered in the issue of ownership or property<sup>[109]</sup>. Different schools of thought and ideas were made in this regard. Communism, for example, wasted individual's value and freedom as no one has the right to possess a land, factory or real estate or any other means of production. S/he should work as wage for the state, which owns and possesses the resources of production and makes it impossible for him or her to have capital even if this capital is halal (lawful).

Capitalism was also there. It is based on making as holy private ownership without putting any restrictions. It gives the individual the right to possess what he wants, develop it or spend it the way he wants without any slightest restrictions on means of his ownership, development or spending and without any rights to the society in this regard.

### Islam, freedom of ownership

And between the extremism of Capitalism in exaggerating the importance of private ownership and the extremism of Communism in scrapping this ownership, including the disadvantages of the two systems, Islam shows us the moderate way that combines both private and collective ownership. Islam has permitted private ownership with certain restrictions to protect others. It also prohibited right of ownership in certain cases to take care of people and encouraged collective ownership. This means that Islam has endorsed individual's right to ownership and right of collective ownership in a balanced and moderate way.

### Private ownership in Islam

Islam has given individuals right of possession and benefit of things as part of *ikhhtisas* (appropriation) not only because this is not only one of the necessities of freedom and common sense, but rather humanity. Private ownership also urges people to increase production and improve it. Islam has also made this right a basis Islamic economy and this right entailed natural results such as keeping that right for its owner, preserving it from theft, embezzlement, looting

Ownership means man's property of something or acquisition of it and his ability to dispense of and make use of it when there is no legitimate bars 109

and enacting deterring penalties for whoever transgresses on this right. All these measures are meant to guarantee that right and protect it from any threats. Islam has also entailed several results on this right including freedom of dispensing in it through selling or buying, renting, mortgage, hiba (gift), will or other forms of lawful dealings.

However, Islam did not leave private ownership as unrestricted, absolute form of ownership. Islam has put many restrictions so that that right does not clash with rights of others like preventing usury, cheating, bribery, monopolization, and others things that clash with it and waste the interests of the society. And there is no gender discrimination in this right. God Almighty says: "To men is allotted what they earn, and to women what they earn." [The Women: 32]

These restrictions also include continuous flow of capital investment because if this is not the case, owner of this money would be harmed and the fortune of the society would not prosper. They also include paying alms on this money if it reaches nisab (zakat-payable amount, which savings or capital or product must exceed in order for the Muslim owner to pay zakat) and a lunar year has passed on the money in your possession because zakat is right of money.

### **Collective ownership in Islam**

Then, there is the collective ownership in Islam, in which the massive human society or some of its groups possess. Individuals of the society benefit from this ownership simply because they are members in the group without having certain appropriation for part of it such as mosques, public hospitals, roads, rivers, seas and others. It becomes a public utility that is used for public interest and the ruler or his deputy cannot individually run it. However, they are responsible for running it and steering it in the right direction in a way that achieves the interests of the Muslim community.

### **Manifestations of private ownership**

Islam has set ways and means to acquire ownership and prohibited others. He made two manifestations for private ownership including: first, owned money ie money already in possession of someone and this money cannot be moved to anyone else except for legitimate reasons such as inheritance, will, or right of Shufaa (pre-emption), contract or heba or others. Secondly, allowed money,

which is not in the possession of someone and this money cannot be owned by individuals unless they do something that allows them to own it such as reclaiming a mawat (uncultivated land), hunting or extracting minerals from beneath the earth or ruler's dedication part of it to a certain person.

### **Manifestations of collective ownership**

As for the manifestations of collective ownership in Islam, they are many and include:

First: Resources that are provided by nature, which all people can get without any effort or labour such as water, grass, fire and others

Second: Protected resources, which the state protects for the benefit of Muslims or people in general such as cemeteries, government departments, endowments, alms and others.

Third: Resources that were not tapped before or used but neglected for a long period such as Mawat land (which is considered dead and in need of revival for cultivation of crops).<sup>[110]</sup>

In order to protect ownership, God Almighty has ordered us to guard money. The Islamic Shari'a has also preserved freedom of ownership as God has ordained through enacting the Hudoud (penal code) such as cutting the hand of a thief and others.

### **Illegitimate ownership**

Ownership should be from halal (lawful) sources and should not be at the expense of others, so that orphans are not cheated and their money taken from them. The poverty and need of the people should not be used to exploit their money through usury or gambling, which causes animosity in the society and helps disintegrate unity among its members. God Almighty says: "O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will." [Women: 29]

If ownership is a result of an illegal activity, Islam does not recognize or protect

110 Look freedom on Islamtoday website, link <http://www.islamtoday.net/toislam/1111.3/.cfm>

it. Moreover, it orders it to be taken away from its owner and returning it to its original owner such as stolen or usurped money. If there is no owner of this money, it should be put in the Bait Al-Mal (state treasury).

Islam has also decided on ways to collect money and develop it and put restrictions on it. Islam never recognizes increase of money through haram ways such as increase of money through selling usury, wine or drugs or opening gambling clubs. It also dedicated a right in ownership for the interest of the society represented in zakat and other expenses and not dedicating more than the third in the will in order to main inheritor's right to two-thirds of the will.

It also restricted ownership through moderate spending that is between spendthrift and niggardliness. God Almighty says: "Those who, when they spend, are not extravagant and not niggardly, but hold a just (balance) between those (extremes)." [The Criterion: 67] Islam also put restrictions on ownership through making as haram spending on what was forbidden by the Islamic Shari'a and allowed stripping one of this ownership when it conflicts with collective interest provided that the one damaged gets a fair compensation such as stripping one of his land rights to expand the public road.[<sup>111</sup>]

### **Ownership for non-Muslims**

Persons in the Islamic state enjoyed this unique system of ownership be they Muslims or non-Muslims. They managed to get a lot of money. The Christian doctor of Caliphate Al-Mutawwakil (tenth Abbasid caliphate), Bakhtishu Ibn Jabrail, who was very influential at the time, for example, used to dress like the caliphate. He was well-off[<sup>112</sup>], too. At the same time, those people used to enjoy the benefits of collective ownership. This is the freedom of ownership in Islam. It is an alienable right to all people, provided that this right does not harm public interests, individual interests or personal interests of others.

111 Al-Huqail: Human rights p. 57

112 Mustafa al-Sibai: From the jewels of our civilization p. 68

## Husband, wife in Islam... Rights and duties

### Introduction

The Muslim family is the basic pillar in the structure of the Muslim society. The Muslim family is the fortress of this society and its security and safety valve. Islam has paid great attention to the family system and enacted a tight system for it that entailed rights for and duties on its members. Islam has also regulated marriage dealings, nafaka (alimony), mirath (inheritance), children upbringing and parents' rights. Islam has also made love and affection between husbands and wives to make stronger bonds between them and the family and impose discipline among the members of the Muslim family because this strengthens the society. This love and affection also spread important human and social values between the sons of the society and that is how the Islam elevates the society in a civilized way that is unparalleled and steers it away from chaos, moral disintegration and loss of ansab.

### Pillars of family in Islamic civilization

The family in the Islamic civilization is built on two important components; man and woman or husband and wife. They are the basis for forming a family and bringing offspring from which the nation and the society are formed. God Almighty says: "O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women." [Women: 1] and says: "And Allah has made for you mates (and companions) of your own nature, and made for you, out of them, sons and daughters and grandchildren, and provided for you sustenance of the best." [The Bee: 72]

Islam has taken extreme care of these two pillars and thus put a water-tight legislation governing the marital relationship and put clear outlines for each of them including their rights and duties. Islam has also divided roles between spouses so that each of them can do his/her role in building the family and contributing to building the human society.

Islam has first ordered marriage and the aim behind this is to preserve the human kind and provide the society with good members to be Allah's caliphates on earth and take over building and inhabiting on it. Islam also aimed from marriage to immunize the individual and the society from vice and moral degradation. The Prophet (PBUH) said addressing the young men: «O young



people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty (i.e., his private parts from committing illegal sexual intercourse etc.), and whoever is not able to marry, should fast, as fasting diminishes his sexual desire.»<sup>[113]</sup>

When some young men thought of being dedicated to worship and staying away from women, they were blamed by the Prophet (PBUH), who ordered them not to do. This was told in a story narrated by Anas Ibn Malik, as he says: “A group of three men came to the houses of the wives of the Prophet (PBUH) enquiring how the Prophet (PBUH) worshipped (Allah). When they were informed about that, they considered their worship insufficient and said, ‘Where are we compared to the Prophet (PBUH) since his past and future sins have been forgiven.’ Then one of them said, ‘I will offer the prayer throughout the night forever.’ The other said, ‘I will fast throughout the year and will not break my fast.’ The third said, ‘I will keep away from women and will never marry.’ Allah’s Messenger (PBUH) (upon hearing the incidents, summoned them and) asked, ‘Are you the same people who said so-and so? By Allah! Indeed, I am the one who fears Allah the most amongst you, and the most pious of you; yet, I fast and break my fast, I pray and I sleep, and I marry women. So, he who opposes my Sunnah, is not from me.’” <sup>[114]</sup>

### Monasticism in modern age

Humanity has served itself wrong because of this short-sighted thinking of those who wanted to relinquish life and prohibited marriage on themselves. The wise men in Europe, even, in the modern history, when saw that monasticism only produces corruption in the dark, prohibited it after 15 centuries of chaos and deficiency. A number of priests and deacons had to rape children, male and female until this phenomenon became famous in Europe and the States and hundreds of them tendered their resignation or were fired and the church was distressed by these deviations and sexual assaults. Our gracious religion has helped us avoid all this and made us feel comfortable from these desperate experiences and bitter pains. <sup>[115]</sup>

### Purposes of marriage

Islam wanted marriage for couples to achieve spiritual tranquility for the

113 Al-Bukhari from Abdullah Ibn Ma’sud: Nikah book, chapter if you cannot get married, fast (4779), Muslim: Nikah book: (1400)

114 Al-Bukhari: Nikah book, (4776) Muslim: Nikah book: (1401)

Look: Muhammad Ibn Ahmad Ibn Salih: Human rights in Quran and Sunnah and their applications in Saudi Arabia, p. 134

individual so that they can find an outlet for their feelings and sentiments in a way that drives them to be creative and giving. Marriage is also a shelter for the two spouses through which each of them resort to the other as a partner in moments of isolation. God Almighty says: “And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.” [The Romans: 21] With these three qualities; tranquility, love and mercy, marital happiness is achieved in Islam.

### **Selection of marriage partner in Islam**

Islam has ordered the two spouses to be selective when choosing each other. God Almighty says: “Marry those among you who are single, or the virtuous ones among yourselves, male or female.” [The Light: 32]. The Prophet (PBUH) also orders would-be husbands to choose the right match of would-be wife. He says: “women may be sought in marriage for one of four considerations: her wealth, beauty, social status or her strong faith. Choose the one with faith so that you may prosper.”<sup>[16]</sup> He also orders the would-be wife to be selective when choosing her husband, using the same criteria: «Should a man whom you find satisfactory with regard to his honesty and strength of faith propose to you for marriage, then give him (your daughter) in marriage. Unless you do that, there is bound to be strife and much corruption in society.»<sup>[17]</sup>

There is no doubt that selection on this basis would benefit the human society, as it will bring a good generation as a result of this marriage between these two good people. The siblings of this lovely family would be rightly served in light of Islamic moral values and principles.

### **Marriage contract in Islamic legislation**

- As the marriage contract is very important, there should be things that precede it to maintain its durability and survival. The Islamic legislation even more did not pay that attention to any contract as it did to the contract of marriage. It put certain rules for it. Marriage starts with engagement and this period is meant to bring closer the two spouses in a way that permits the two partners to know each other better. In light of the success of this

116 [Al-Bukhari from Abu Huraira: Nikah book, chapter of equal matches in religion (4802), Muslim: Breast feeding book, chapter istihbab nikah zat al-Din (1466)

117 Al-Termizi: Nikah book from Allah’s messenger: chapter should you find a man with satisfactory faith, marry him (1004), Ibn Majah (1967), Al-Hakim (2695) Al-Albani said: good, look: Al-Silsilah al-Sahiha (1022)

engagement, it is to be decided whether to go ahead with this marriage or not.

- The Islamic legislation also provides Ishhar (announcement) for the nikah (marriage) contract to be valid. The wisdom behind this is that announcement is very important from an Islamic perspective because it achieves religious and worldly interests. So, announcement of a marriage contract should be publicized and announced to fend off apprehensions and doubts.

Islam has made certain guarantees for the marriage contract to procure happiness of the two spouses and bring goodness to the families of the two partners. Islam has given family leadership (Qawamah) to husbands, based on their capabilities and potential. God Almighty says: “Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means.” [The Women: 34]. This Qawamah also entails a would-be husband to pay a dowry for the would-be wife. God Almighty says: “give the women (on marriage) their dower as a free gift.” [The Women: 4] Islam has also made nafakah (spending on your wife’s clothing, food, treatment and housing) and ordered husbands to deal with them on footing of kindness and equity. God Almighty says: “live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.” [The Women: 19]

On the other hand, Islam has ordered wives to obey their husbands and this right is a very important right that wives should observe.

Thus Islam has made rights for both the husband and the wife towards each other as well as rights and asked both of them to deal with the other justly and cooperate in their common life and then has drawn a straightforward path on how to deal with any relevant differences and problems. Islam has also permitted divorce as a final solution when both the husband the wife feel it is quite difficult to establish God’s hodud (laws) and live with the other partner the way God Almighty wanted. [118]

118 Look: Muhammad Ibn Ahmad Ibn Salih: Human rights in Quran and Sunnah and their applications in Saudi Arabia, p. 135138-

## Children in Islam...Rights and Duties

### Children and Impact of the Environment on Raising Them

Children in Islam are the joy of life and sight of the sore eyes. Islam paid a special attention to children and the Islamic sharia stated that children have rights and duties toward the parents.

A child got the first images of life enshrined in its mind from the environment of the parents. The Prophet (PBUH) said: «No child is born but has the Islamic Faith, but its parents turn it into a Jew or a Christian»<sup>[119]</sup>. The parents have the greatest influence on children's religion and morals. Therefore, children's interests and the future of the nation depend on children's righteousness. Accordingly, children's rights begin as early as before their birth; choosing a good mother and good father, as we have illustrated.

### Children's Pre-Birth Rights

Protection from the Satan

If both parties succeeded in choosing each other, the child has a right: to be protected from the Satan and this happens when putting the father's sperm into the mother's womb. The Prophet (PBUH) told Muslims about a prayer they should perform during sexual intercourse, which protects the fetus from the Satan. Ibn Abbas, may Allah be pleased with him, reported that the Prophet said: «If anyone of you intends to go to his wife, says: in the name of Allah, O Allah protect us against Stan and keep away the Stan from that you have bestowed upon us, and if it is destined that they should have a child, then Satan will never be able to harm him.»<sup>[120]</sup>

### Child's Right to Life

The time it develops into a fetus inside its mother's womb, the child gets the right to life stated by Islam. Islam prohibits abortion. It is haram (forbidden by Islam) for a woman to drop her fetus before its delivery because it is a trust given to her by Allah. The fetus has a right to life and it is haram to harm or hurt it. The Islamic sharia sees the fetus as a human being that must not be killed

119 Al Bukhari from Abi Huraira: Kitab al Qadar (Divine Will Book), chapter Allah Knows What They Would Have Done (6226), and Muslim: Kitab al Qadar (Divine Will Book), chapter The Meaning That No Child Is Born But Has The Islamic Faith And Judgment On The Death Of Disbelievers' Children And Muslims' Children (22) 120

Al Bukhari: Kitab an-Nikah (Wedlock and Marriage Book), chapter What A Man Should Say When Having Sexual Intercourse With His Wife (4767), and Muslim: Kitab an-Nikah (Wedlock and Marriage Book), chapter What Is Recommended To Be Said During Sexual Intercourse (1434)

as soon as it becomes four months old and when the soul is breathed into it. There is diyah (an obligatory blood money) that must be paid by anyone who kills a fetus. Al-mughira Ibn Shuba said: Allah's Apostle gave his verdict about two ladies of the Hudhail tribe who had fought each other and one of them had hit the other with a stone. The stone hit her abdomen and as she was pregnant, the blow killed the child in her womb. They both filed their case with the Prophet (PBUH) and he judged that the blood money for what was in her womb. The guardian of the lady who was fined said, «O Allah's Apostle! Shall I be fined for a creature that has neither drunk nor eaten, neither spoke nor cried? A case like that should be nullified.» On that the Prophet (PBUH) said, «This is one of the brothers of soothsayers.[<sup>121</sup>]»[<sup>122</sup>So, the Prophet (PBUH) judged the blood money for what was in her womb[<sup>123</sup>]. The relatives of the killer must pay the blood money.

Additionally, the Islamic sharia permits pregnant women not to fast in the Muslims' holy fasting month of Ramadan for the sake of the fetus' health. Also, if a woman committed adultery and she became pregnant, the Islamic sharia permits those authorized to execute the punishment of adultery to put off the punishment execution until she delivers what is there in her womb and completes the newborn's suckling.

### Children's Post-Birth Rights

#### Portending Good When They Are Born

After delivery, Islam put provisions related to their delivery, such as portending good for their birth, like the case mentioned in the Quran about the delivery of Allah's Apostle Yahya Ibn Zakariya, may Allah be pleased with the two of them, Allah exalted He is says: {While he was standing in prayer in the chamber, the angels called unto him: «(Allah) doth give thee glad tidings of Yahya, witnessing the truth of a Word from Allah, and (be besides) noble, chaste, and a prophet,-

121 Scholars say: The Prophet has dispraised the man's rhymed prose for two reasons: Firstly because he opposed Allah's law and wanted to annul it, and secondly because he feigned his speech and both aspects are regarded dispraised rhymed prose. Look: An-Nawawi: Al Minhaj Fi Sharh Sahih Muslim (The Minhaj In The Interpretation Of The Authenticated Hadiths Of Muslim) 11178/

122 Al Bukhari: Kitab at-Tib (Medicine Book), chapter Soothsaying (5426), and Muslim: Kitab Al-Qasama Wa'l-Muharaba Wa'l-Qisas Wa'l-Diyat (The Book Pertaining To The Oath, For Establishing The Responsibility Of Murders Fighting, Requitul And Blood-Wit), chapter The Blood-Wit Of The Fetus, The Obligation Of Blood-Wit On Accidental Homicide And Manslaughter On The Sane Of The Felon (1682) and the text wording is his, and Abu Dawood: Kitab al-Diyat (Blood-Wit Book), chapter Blood-Wit On Killed Fetus (4568), and an-Nasai (4825), and Ibn Hibban (6016), and corrected by al Albani: look, Erwaa al Ghaleel (Quenching The Thirst) (2206)

Look: An-Nawawi: Al Minhaj Fi Sharh Sahih Muslim (The Minhaj In The Interpretation Of The 123  
175,176/Authenticated Hadiths Of Muslim) 11

of the (goodly) company of the righteous}[The Family Of (Imran: 39)]and people shall portend good and show happiness for the delivery of both male and female children, without any discrimination.

### Calling Azan and Iqama in Its Ears

Among children's post-delivery rights is calling the azan (Islamic call to prayer) in a newborn's right ear and the iqama (a second call to inform people that prayer starts) in its left ear. Calling azan in the right ear of a newborn is desirable for the hadith of Abu Rafie, who said: «I saw the Prophet (PBUH) calling azan in the ear of al-Hassan ibn Ali (may Allah forgive him) when Fatima (may Allah forgive her) gave birth to him.»<sup>[124]</sup>

### Tahneek (Putting Chewed Date in a Newborn's Mouth)

Another post-delivery right of children is putting well-chewed date in the mouth of a newborn<sup>[125]</sup>a practice was done by the Prophet. Abu Musa<sup>[126]</sup>, may Allah forgive him, said: «I had a son and I brought him to the Prophet, may Allah bless him and grant him peace, and he named him Ibrahim. He chewed up a date and gave it to him and made supplication for him to be blessed and then gave him back to me.»<sup>[127]</sup>

### Shaving Newborn's Head Hair and Its Weight in Silver is Given as a Charity

One of a newborn's rights is shaving his hair and giving the weight of that shaved hair as a charity in silver. This implies healthy and social benefits. Among the healthy benefits: Opening the pores of the newborn's head and protecting him from anything unhealthy. Perhaps this helps remove the weak hair in order

124 Abu Dawood: Kitab al Adab (Good Manners Book), chapter Calling Azan In A Newborn's Ear (5107), and al Albani said: This is a good hadith, look: Sahih wa Dha'eef Sunan Abi Dawood (Sound And Weak Hadiths Of Adu Dawood) (5105)

125 There is a great wisdom behind putting chewed date in the mouth of a newborn. Scientific medical studies proved the benefits of giving a newborn child sugar. Percentage of sugar is low in the blood of newborns. The date contains a very high percentage of sugar. This Islamic practice protects the child, God's willing, from the implications of low sugar in blood. This is a medical inimitability the humanity never knew before and we were not aware of the dangers of low glucose sugar in a newborn's blood. For more information on this inimitability, look: Dr. Mohamed Ali el Bar: Article One Aspect of Childhood Caretaking in Islam: Putting Chewed Date in the Mouth of a Newborn Child and its Scientific Inimitability, the International Holy Quran Inimitability Panel. Use this link: <http://www.nooran.org/O/44/O11.htm>

126 Abu Musa al Ashaari: Abdullah ibn Qais ibn Salim ibn Haddar ibn Harb ibn Amer was a companion of the Prophet Muhammad. The Prophet appointed him as governor of Zubaid and Aden. He was the governor of Kufa. Look: Ibn Saad: At-Tabaqat Al Kubra (The Book of the Major Classes) 4105/, and az-Zahabi: Siyar A'lam An-Nubalaa (The Lives of the Noble Figures) 2380/

127 Al Bukhari: Kitab al Aqiqah (Sacrifice On Occasion Of Birth Book), chapter Naming a Newborn and Putting Date in Its Mouth (5045), and Muslim: Kitab al Adab (Good Manners Book), chapter It is Desirable to Put Chewed Date in The Mouth of a Newborn Child When It Is Born and Bringing It To a Virtuous Pious Person To Put Date in Its Mouth (3997)

for stronger one to grow. The social benefit comes from giving the weight of the shaved hair as a charity. This is a practical application of the concept of social solidarity among members of the society and this makes the poor happy. Mohamed Ibn Ali Ibn al Hussein reported: «Fatimah, the daughter of Allah's Apostle, peace be upon him, weighed the shaved hairs of al Hassan and Hussein and paid silver equal to the weight of the hairs as charity»<sup>[128]</sup>

### Good Naming

It is from the teachings of the Messenger of Allah, that each member of the family be given a good name. This is one of the top rights of children. It is an obligation upon the parents that their children be given good names. Giving a child a beautiful and honorable name is very important. Allah's Apostle disliked the word harb (war) and hated hearing it. The Prophet says: «The names dearest to Allah are Abdulla and Abdur Rahman, the truest are Harith (ploughman) and Hammam (energetic) and the worst are Harb (war) and Murrah (bitter)»<sup>[129]</sup>

Ali, may Allah forgive him, said: «When al Hassan was born, I have named him Harb. Allah's Apostle, peace be upon him, came and said: «Let me see my son. What is the name you have given to him? He (Ali) said: Harb. He (the Prophet) replied: «No, he is Hassan». And when al Hussein was born, I have named him Harb. The Prophet came and said: «Let me see my son. What is the name you have given to him?». Ali answered: Harb. The Prophet said: «No, he is Hussein». When the third child was born, I have named him Harb. The Prophet came and said: «Let me see my son. What is the name you have given to him?». I said: Harb. The Prophet said: «No, he is Muhassin», and then he added: «You have named them after the sons of Harun: Shabbar, Shabbir and Mushabir».<sup>[130]</sup>

### Aqiqah

One of children's rights after they are born is the aqiqah (sacrifice on occasion of birth). It means the sacrifice of an animal (these were also characteristic features of Millat-u-Ibrahim, the religion of the Prophet Ibrahim) on the seventh day of the child's delivery. It is a confirmed Sunnah (prophetic tradition). It is a

128 Maliki: Al Muwata – an early collection of Muslim law- Kitab al Aqiqah (Sacrifice On Occasion Of Birth Book), chapter What's Reported On Aqiqah (1840)

129 Abu Dawood (4950), an-Nasai (3568), Ahmed (19054), al Bukhari in his book Al Adab Al Mufrad (The Book of Manners) (814). Al Albani said: This is a right hadith, As-Silsilah As-Sahihah, (1040)

130 Ahmed (769), and the text wording is his, Malik (660), Ibn Hibban (6958), al Hakim (4773), who said: Its attribution is right and az-Zahabi agreed with him, and al Bukhari in his al Adab al Mufrad (The Book of Manners) (823) and Shu'ayb al Arna'out said: Its attribution is good.

kind of showing happiness for that newborn. The Prophet, when asked about the aqiqah, said: «I do not like disobedience and to whomsoever a child is born and he wants to perform a sacrifice of aqiqah on behalf of it, he should sacrifice two goats for a boy and one goat for a girl»<sup>[131]</sup>

### Suckling (breastfeeding)

Suckling is a basic children's right after birth. Breastfeeding has a long-term effect on the physical, emotional and social structure in one's life. This was realized by the Islamic sharia, so every mother in Islam should breastfeed her child for two whole years. This was classified as one of the essential basic rights of each newborn child. Allah exalted He is says: {The mothers shall give such to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms} [The Cow: 233].

Recent health and psychological researches proved that the two-year breastfeeding is essential for the child's good development from the health and psychological perspectives<sup>[132]</sup>. But Allah's blessing for the Islamic ummah (nation) did not wait for researches and experiments to prove the benefits of two-year breastfeeding. It preceded all of them. And we notice to what extent the Islamic sharia is concerned with breastfeeding by making it one of each newborn's basic rights. Such a right, however, is not confined to the mother alone, but the father shares it, too. The father's responsibility is that he must provide the mother with food and clothes in order for her to be able to take care of the kid. Therefore, it is a shared responsibility, with each party doing the duty they have to do within the framework designed by this noble sharia. This protects the child's right to protection and caretaking and this is to be done according to the parents' capabilities. Allah exalted He is says: {No soul shall have a burden laid on it greater than it can bear} [The Cow: 233].

### Custody and Spending

One of children's basic rights to be fulfilled by the parents are custody and

131 Abu Dawood: Kitab Adhahaya (Sacrifices Book), chapter Aqiqah (Sacrifice On Occasion Of Birth) (2844), Ahmed (6822). Shu'ayb al Arnaut said: Its attribution is good, al Mustadrak (7592) who said this hadith's attribution is right. Az-Zahabi agreed with him. Al Albani said: This is a right hadith, look: As-Silsilah As-Sahihah (1655)

132 Natural breastfeeding for 12 months at least, but it is better to follow recommendations of the World Health Organization for breastfeeding for two whole years. Look: Hassan Shamsi Basha: Breastfeeding For Two Whole Years, an article at this link: <http://dvd4arab.maktoob.com/showthread.php?t/60832>



spending money on them. The Islamic sharia made it obligatory on the parents to take care of their children and protect their lives and health and to spend money to feed and father them. Allah's Apostle says: "Every one of you is a caretaker, and is responsible for his consignment. The ruler is a caretaker of people, and is responsible for his subjects. A man is a caretaker of his family, and is responsible for them. A woman is a caretaker of her husband's house and children, and is responsible for them. A slave is a caretaker of his master's property, and is responsible for it."<sup>[133]</sup>

### Good Education

Additionally, one of children's rights is the good education and teaching them the fundamental issues of the religion. As a practical method of educating children, the Prophet says: "Command your children to pray when they become seven years old, and beat them for it (prayer) when they become ten years old; and arrange their beds (to sleep) separately"<sup>[134]</sup> and Allah commanded us to protect ourselves and our children from the Hell on the Day of Judgment. Allah exalted He is says: {O ye who believe! save yourselves and your families from a Fire whose fuel is Men and Stones} [Banning: 6].

### Taking Care of Children Sentimentally and Emotionally

In addition to this, children should be taken care of sentimentally, by doing well to them, having mercy upon them, jesting and bantering with them. It was reported that the Prophet, peace be upon him, kissed al Hassan Ibn Ali in the presence of al Aqra Ibn Habis. Al Aqra said: I have ten children and I have never kissed any of them. Allah's Apostle cast a look at him and said, «Whoever is not merciful to others will not be treated mercifully.»<sup>[135]</sup>

Shadad Ibn al Had (may Allah be pleased with him) quoted his father as saying: Allah's Apostle came out in al-Isha'a prayer (evening prayer) carrying either Hassan or Hussein. The Prophet advanced and put him, then started praying. The Prophet prostrated and it was a long prostration. My father said: I have raised my head during the prayer only to find that the little child is climbing

133 Al Bukhari from Abdullah Ibn Umar: Kitab al Etq (Book of emancipating slaves), (2416) and Muslim: OnPrincedom, chapter The Virtue of a Fair Imam and The Punishment of The Unfair One (1829)

134 Abu Dawood: Kitab as-Salat (Book of Prayer), chapter Child's Commanded to Pray (495), Ahmed (6689), al Hakim (708) and al Albani said: A sound hadith, look: Sahih al Jami (The Sound Collections) (4026)

135 Al Bukhari: Kitab al Adab (Book of Good Manners and Form), chapter Having Mercy Upon The Child, Kissing Him and Cuddling Him (5651), and Muslim: Kitab al Fadha'il (Book of Virtues), chapter The Prophet's Mercy Upon Children (2318)

over the Prophet's back while he was prostrating. I returned to my prostration. And when Allah's Apostle finished the prayer, some people said: Oh! Allah's Apostle, you have made a long prostration during your prayer until we thought that something happened or that you receive a revelation. The Prophet said: "None of this happened, but my son climbed over me and I hated to prevent him before he finishes what he was doing."<sup>[136]</sup>

Anas Ibn Malik, may Allah forgive him, narrated that the Prophet said: "Whenever I stand for prayer, I want to prolong it but on hearing the cries of a child, I would shorten it as I dislike to put its mother in trouble."<sup>[137]</sup>

### Upbringing the Girls

Upbringing and educating the girls and taking care of them have a special importance. The Prophet, peace be upon him, exalted the reward of anyone who take a good care of and educate the girls properly. The Prophet says: "He, who brought up two girls properly till they grew up, he and I would come (together) (very closely) on the Day of Resurrection, and he interlaced his fingers (for explaining the point of nearness between him and that person)" and he interlaced his fingers.<sup>[138]</sup>

Therefore, there are highly important rights for children upon the parents. These rights were secured by Islam. The comprehensiveness and stages of these rights outdid all manmade systems and laws, either old or modern ones. Islam paid attention to children in all their life stages: Fetuses, suckling babies, children, adults and until they became mature men and women. Moreover, Islam was interested in them even before they become fetuses in their mothers' wombs, by calling for the good selection of mothers and fathers...all that targets the production of righteous men and women for a society dominated by noble ethics and values.

136 An-Nasai (1141), Ahmed (27688), al Hakim (4775) and was corrected by az-Zahabi, Ibn Khuzaima (936), Ibn Hibban (2805) and al Albani based his argument about prolonging the bowing in prayer on this story, look: The Prophet's Way of Prayer by al Albani, pp.148

Al Bukhari: Kitab Al Jamaa Wal Emama (Book Of Characteristics Of Prayer), chapter Shortening Prayer 137  
Due To The Cries Of A Baby (677), Ibn Maja (989), Ibn Khuzaima (1610), Ibn Hibban (2139), Abu Ya'la (3144) and (al Bayhaqi in his Shu'ab Al Iman (Branches Of Faith) (11054

138 Muslim: Kitab Al-Birr Was-Salat-I-Wa'l-Adab (The Book Of Virtue, Good Manners And Joining Of The Ties Of Relationship), chapter Doing A Favor For Girls (2631), and the text wording is his, at-Tirmizi (1914), al Hakim (7350), and al Bukhari in his Al Adab Al Mufrad (Book of Good Manners) (894)

## Parents' Rights in Islam

### Introduction

Parents are the couple after they had been endowed with children and became responsible for children and offspring for whose sake they sacrifice, spend long nights for their comfort and fulfill their rights as we have mentioned in previous articles.

### Parents' Rights on Children

In the form of reciprocation, showing gratitude to the good things parents have done and treating them as kindly and mercifully as they deserve, Islam put duties on children toward their parents, particularly when parents grow old and become weaker. Allah commands people to be compassionate toward their parents, treat them kindly and mercifully and obey them exactly the same way the parents used to treat their little kids.

On top of parents' rights is obeying the parents and being compassionate toward the parents. Behind Allah, nobody else except the parents seems to be more compassionate and kind. Due to its importance, Allah when enjoins the duty of being kind and compassionate to their parents in the Quran, this injunction always appears soon after the injunction to worship only one God. Allah exalted He is says in the Quran what means: {Thy Lord hath decreed that ye worship none but Him, and that ye be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honor. And, out of kindness, lower to them the wing of humility, and say: «My Lord! bestow on them thy Mercy even as they cherished me in childhood} [The Night Journey: 23,24]

Muslims are ordered to show kindness and compassion to their parents and banned from making even the smallest gesture or uttering even the smallest word of reproach to them. No impatience, disrespect, or contempt may be shown to parents. Allah praised humility only when it comes from children to their parents, but never praises humility among people one another. Allah exalted He is says in the Quran what means: { And, out of kindness, lower to them the wing of humility}.

However, filial obedience becomes greater when the parents grow old, either one of them, and when the parents become physically and mentally weaker, which may lead to disability. Allah commands Muslims to address their parents in terms of honor and use a highly respectful and soft language as a sign of showing mercy and compassion to the parents, in addition to praying for the parents when they grow old and become weaker and expressing thanksgiving to the parents again and again, which Allah exalted He is connects to His thanksgiving in several Quranic verses. Allah exalted He is says in the Quran what means: {And We have enjoined on man (to be good) to his parents: in travail upon travail did his mother bear him, and in years twain was his weaning: (hear the command), «Show gratitude to Me and to thy parents: to Me is (thy final) Goal} [Luqman: 14]

Filial obedience is one of the greatest gates for good. This came in a hadith said by the Prophet, peace be on him, when Abdullah Ibn Masud asked the Prophet: “Which deed is loved most by Allah?»?» The Prophet replied, «To offer prayers at their early (very first) stated times”. Abdullah asked, «What is the next (in goodness)?»The Prophet said:“To be good and dutiful to ones parents”. Abdullah asked, «What is the next (in goodness)?»The Prophet said: “To participate in Jihad for Allah’s Cause”.<sup>[139]</sup>

Abdullah Ibn Amr Ibn AlAas said: A man said to the Prophet, «Shall I participate in Jihad?» The Prophet said, «Are your parents living?»The man said, «Yes.» the Prophet said, «Go back to your parents and give them good company»<sup>[140]</sup>, and in another version, the Prophet said: “Do Jihad for their benefit”<sup>[141]</sup>

One of the greatest duties set by Islam in the context of its tackling of the parents’ rights that stated in a hadith narrated by Jabir Ibn Abdullah: A man said: O, Messenger of God, I have property and children and my father wants to take part of my property. The Prophet said: “You and your property belong to your father.”<sup>[142]</sup>

139 Al Bukhari: Kitab al Adab (Book of Good Manners and Form), chapter Compassion and Relations (5625), and Muslim: Kitab al Eman (Book of Faith), chapter Believing In God Is The Best Deed (137)

140 Muslim: Kitab Al-Birr Was-Salat-I-Wa’l-Adab (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter Birr al Walidayn (Filial Obedience) (6), Abu Dawood (2528), An-Nasai (4163), Ahmed (6490) and Ibn Hibban (419)

141 Al Bukhari: Kitab al Jihad (Book of Fighting For The Cause Of Allah), chapter Fighting for the Cause of Allah with Filial Consent (2842), and Muslim: Kitab Al-Birr Was-Salat-I-Wa’l-Adab (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter Filial Obedience (2549), Ibn Hibban (419)

142 Ibn Majah: Kitab at-Tijaraat (Book of Trade), chapter What A Man Owns From His Son’s Money (2291),

**Abu Hatim Ibn Hibban<sup>[143]</sup>says:**

“It means one should not treat his father the way he treats other people. One is commanded to show compassion to his father and be kind to him in what he is saying and what he is doing to the degree that the father becomes able to access his son’s money. The Prophet said: “You and your property belong to your father”, but this does not mean that fathers own their sons’ property without sons’ consent.”<sup>[144]</sup>.

Hadiths and prophetic traditions on the importance of filial obedience, showing kindness and compassion to parents and warning against disobeying the parents are too many to be counted, and they show the Islamic Sharia’s super-high level of preserving the pristine values of the society and protecting them from being violated or destroyed.

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Ahmed (6902), Ibn Hibban (410), and al-Albani said it is a (saheeh) right hadith, look: Erwa’a al Ghalil (1625) 143  
Abu Hatim Ibn Hibban al-Bosti: His full name is Abu Hatim Mohamed Ibn Hibban Ibn Ahmed (dies 354 AH/965 AD), a historian, scholar and geographer. He was born and died in Bost, Sijistan (sand country). Al Musnad As-Sahih is one of his books in hadith. Look: As-Subki: The Shafiya Classes 3131/  
144 Sahih Ibn Hibban (Ibn Hibban’s Sound Collection) 2142/

## Maintaining the Bonds of Kinship in Islam...Its Importance and Rights

### Introduction

One of the Islamic greatest rules is that the family concept is not confined to the parents and their children but it does also include the relatives and people one must keep in touch with like one's brothers and sisters, uncles and aunts and their children. All these people have a right to be visited and contacted regularly. This right was secured by the Islamic sharia and classified as one of the greatest virtues a Muslim can do. Islam promised the one who maintains the bonds with the kinship with a great reward and menaced the one who severs the kinship ties with the toughest punishment.

Islam has put the provisions and systems that ensure the sustainability of the strong relation within that extended family, including the relatives, so that they could help one another, support one another. Islam has also put the system of obligatory spending, inheritance and the "aqilah", which refers to the diya (blood money) paid to the family and relatives of a murdered person.[1<sup>145</sup>]

### Silatur Rahim in Islam

Silatur rahim (maintaining the bonds of kinship) means dealing properly with relatives, supporting them with whatever possible and warding off bad things. Silatur rahim means visiting the relatives, asking about them, checking on them, giving them gifts when possible, helping their poor members, visiting their sick members, accepting their invitations, having them as guests, feeling proud of them and elevating them. Silatur rahim also means joining the relatives in their happy moments, sharing their sadness in their sad moments, in addition to any other practice that may help strengthen and reinforce the relations between members of that small society.

Therefore, silatur rahim is a gate for large good. With silatur rahim, the unity of the Muslim community gets deeper and stronger and members feel assured and free from worry as isolation and loneliness become nobody's habit because everybody feels they are surrounded with their relatives with much love and care and that their relatives support and help them when necessary.

Look: Yusuf el Qaradawi: Islam, Tomorrow's Civilization, pp. 185 145

Allah exalted He is commanded Muslims to deal properly with their relatives whom must be visited and contacted. Allah exalted He is says: {Serve Allah, and join not any partners with Him; and do good- to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the companion by your side, the wayfarer (ye meet), and what your right hands possess: For Allah loveth not the arrogant, the vainglorious} [Women: 36]

Allah exalted He is made the maintaining of kinship a reason for Him being pleased with the one who maintains it and a reason for His blessings. In the sacred hadith, Abdul Rahman Ibn Ouwf, may Allah forgive him, said: I had heard Allah's Apostle, peace be upon him, saying: «Allah has said: «I am Compassionate, and this has been derived from mercy. I have derived its name from My name. If anyone joins it, I shall join him, and if anyone cuts it off, I shall cut him off»[<sup>146</sup>]

Allah's Apostle has brought good news to the one who maintains his kinship and the good news is that he shall win a wide sustenance and long healthy life. Anas Ibn Malik, may Allah forgive him, said: I have heard Allah's Apostle saying: «Whoever desires an expansion in his sustenance and age, should keep good relations with his Kith and kin.»[<sup>147</sup>]

Scholars interpreted that by saying the reward is an expansion in sustenance, success in performing worships and consumption of time in what is useful on the Day of Judgment.[<sup>148</sup>]

On the other hand, texts were direct and clear in warning against cutting off kinship relations and classified this as a massive bad deed because it severs the ties among people, spreads the spirit of hatred and hostility and destroys the family cohesion between relatives. Allah exalted He is warned He would curse whomever breaks his ties of kith and kin: {Then, is it to be expected of you, if ye were put in authority, that ye will do mischief in the land, and break your ties of kith and kin? Such are the men whom Allah has cursed for He has made them deaf and blinded their sight}[Muhammad: 22, 23]

<sup>146</sup> Abu Dawood: Kitab Az-Zakat (Book of Almsgiving), chapter Silatur Rahim (1694), Ahmed (1680), Ibn Hibban (443), al Hakim (7265) and said: This is a right hadith.

Al Bukhari: Kitab al Boyu (Book of Sales and Trade), chapter Whoever Desires an Expansion in his Sustenance (1961), and Kitab al Adab (Book of Good Manners and Form), chapter Those Who Get an Expansion in their Sustenance thanks to Silatur Rahim (5639) and Muslim: Book of Good Manner and Forms, chapter Silatur Rahim and Prohibition of Cutting It Off (21

<sup>148</sup> Look: An-Nawawi: Al Minhaj Fi Sharh Sahih Muslim Ibn al Hajjaj (The Approach in the Interpretation of Muslim Ibn Hajjaj's Sound Hadiths) 16114/

Jabir Ibn Muttam said Allah's Apostle, peace be upon him, has said: «The person who severs the bond of kinship will not enter Paradise»<sup>[149]</sup> Breaking the ties of kith and kin means severing the relation and stopping dealing properly with relatives. There are many harmonious texts asserting the massiveness of the fault of cutting off kith and kin relations. This, at the end of the day, should help create a cooperative, cohesive and brotherly community in which Allah's Apostle's hadith «You see the believers as regards their being merciful among themselves and showing love among themselves and being kind, resembling one body, so that, if any part of the body is not well then the whole body shares the sleeplessness (insomnia) and fever with it.»<sup>[150]</sup>, comes true.

149 Al Bukhari: Kitab al Adab (Book of Good Manners and Form), chapter The Fault of Kith and Kin Severer (5638), and Muslim: Kitab al Adab (Book of Good Manners and Form), chapter Silatur Rahim and Prohibition of Cutting It Off (19)

150 Al Bukhari: Kitab al Adab (Book of Good Manners and Form), chapter Being Merciful Toward People and Animals (5665), and Muslim: Kitab al Adab (Book of Good Manners and Form), chapter Believers' Mercy Toward One Another And Their Showing Love Among One Another (2586) and the text wording is his.



## Fraternization in the Muslim Community ...its Importance and Status

### Introduction

The Muslim community is the large family connected by ties of love, solidarity, cooperation and mercy. The Muslim community is a balanced, divine, human community, coexisting with the good manners and dealing with justice and consultation. The older members have mercy upon the younger ones. The rich pity the poor and the strong help the weak. The Muslim community is like one body. If the eye is in pain then the whole body is in pain and if the head is in pain then the whole body is in pain.

### Fraternization in Islam

Lee Atwater<sup>[151]</sup>, one of the keyset symbols in the Reagan's<sup>[152]</sup> administration, says in a Feb. issue (1991) in Life magazine: «My illness has taught me something about the nature of humanity, love, brotherhood and relationships that I never understood, and probably never would have. So, from that standpoint, there is some truth and good in everything.»<sup>[153]</sup>

Fraternization or brotherhood or fraternity is one of the most unique human values established by Islam in order to preserve the entity of the community. Fraternization achieves the community cohesiveness and it has never existed in any other community, either old or modern. Fraternization means “That people live in love, connection and support; connected by the feeling that connects the one family members who love one another and support one another and where each member feels that his brother's strength adds to his own strength and his brother's weakness means his own weakness and where each one feels weak when alone and strong when beside his brothers.”<sup>[154]</sup>

### Status of Fraternization in the Muslim Community

Texts emphasized the status of fraternization in the Islamic community and fraternization impact on building the Muslim community. They also prompted

151 Lee Atwater (19511991-) was an American political consultant and strategist to the Republican party. He was an advisor of U.S. Presidents Ronald Reagan and George H. W. Bush.

152 Ronald Reagan (19112004-) was the 40th President of the United States in the period (19811989-). He was an unsuccessful secondary actor before he starts his political career. He was a loved popular president. He was reelected for a second term in office with an absolute majority in 1984.

153 Quoting Abdel Hai Zalloum: The New Evil Empire, pp. 397

154 Yusuf el Qaradawi: Characteristics of the Muslim Community We Seek, pp. 138

everything that strengthens fraternization and forbade everything that may harm it. Allah exalted He is confirmed the relation between fraternity and belief by saying: {The Believers are but a single Brotherhood} [The Inner Apartments: 10] irrespective of the race, color and lineage. On that basis, Salman al Farisi, Bilal al Habashi and Suhayb ar-Roumi fraternized with their Arab brothers.

The Quran described such fraternity as a blessing from Allah. Allah exalted He says: {and remember with gratitude Allah's favour on you; for ye were enemies and He joined your hearts in love, so that by His Grace, ye became brethren} [The Family Of 'Iman 103].

The Prophet after his migration to Medina – at the beginning of building the Muslim community – started, just after he had built the mosque, establishing brotherly ties between the Muhajirun and the Ansar. The Quran registered that fraternization which gave a superb example for love and altruism. Allah exalted He says: {But those who before them, had homes (in Medina) and had adopted the Faith,- show their affection to such as came to them for refuge, and entertain no desire in their hearts for things given to the (latter), but give them preference over themselves, even though poverty was their (own lot)} [Exile:9].

In an image of such marvelous examples of love and altruism thanks to fraternization is that one Ansari man offered his migrated brother half his money and one of his two wives to marry her after divorcing her! This was narrated by Anas Ibn Malek, who says: Abdul Rahman Ibn Awf came to Medina and the Prophet established a brotherly tie between him and Sa'ad Ibn al Rabi al Ansari, who offered Abdul Rahman to take half his money and one of his two wives, but Abdul Rahman said to him: May Allah bless your family and money, show me the way to the market...”<sup>[155]</sup>

For its great role in the cohesiveness of the community, Allah's warning was obvious to whatever act that may weaken the Islamic brotherhood. Allah exalted He is has forbidden transgression and derision. Allah exalted He is says: {O ye who believe! Let not some men among you laugh at others: It may be that the (latter) are better than the (former): Nor let some women laugh at others: It may be that the (latter) are better than the (former)}. [The Inner

155 Al-Bukhari: The Virtues of the Companions book, How the Prophet Fraternize between him Companions (3722), al Tirmizi (1933), al Nasai (3388) and Ahmed (12999)

Apartments: 11].

Allah has also forbidden defamation and lineage boastfulness. Allah exalted He is says: {Nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: And those who do not desist are (indeed) doing wrong} [The Inner Apartments: 11].

Allah has also forbidden backbiting, calumny and suspicion – all of them are devastating any community. Allah exalted He is says: {O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: And spy not on each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would abhor it...But fear Allah. For Allah is Oft-Returning, Most Merciful} [The Inner Apartments: 12].

If there is dispute or argument, Islam exalts everything that help bring hearts together and strengthen unity by calling for peacemaking. The Prophet says: “Shall I not inform you of something more excellent in degree than fasting, prayer and almsgiving (sadaqah)? The people replied: Yes, Prophet of Allah! He said: It is putting things right between people, spoiling them is the shaver (destructive)”<sup>[156]</sup>

Moreover, Islam permitted lying as a way to put things right between disputing people as this protects the entity of the Muslim community from cracking. The Prophet says: “He who makes peace between the people by inventing good information or saying good things, is not a liar.»<sup>[157]</sup>

### **Fraternization Rights and Duties**

Due to fraternization importance, Islam set a number of rights and duties to be fulfilled by every Muslim in light of such a relation, which Islam classifies as a debt to be judged among a person’s deeds on the Day of Resurrection and a trust that must be fulfilled. The Prophet illustrated that by saying: “Don’t nurse grudge and don’t bid him out for raising the price and don’t nurse aversion

156 Abu Dawood: Kitab al-Adab (General Behavior) book, chapter Peacemaking (4919), al Tirmizi (2509), Ahmed (27548). Shu’iab al Arna’out said: Its narration is correct. Ibn Hibban (5092), corrected by al Albani, look: Sahih al Jami’ (2595)

157 Al Bukhari, narrated by Um Kulthum bint Uqba: Kitab Asolh (Peacemaking Book), chapter Is not a Liar He Who Makes Peace between the People (2546), Muslim: Kitab al Bir wa Silah wa al Adab, chapter Forbidding Lying and Permitted Lying (2605)

or enmity and don't enter into a transaction when the others have entered into that transaction and be as fellow-brothers and servants of Allah. A Muslim is the brother of a Muslim. He neither oppresses him nor humiliates him nor looks down upon him. The piety is here, (and while saying so) he pointed towards his chest thrice. It is a serious evil for a Muslim that he should look down upon his brother Muslim. All things of a Muslim are inviolable for his brother in faith: his blood, his wealth and his honor"<sup>[158]</sup>

About the Prophet's saying "do not bid him out" the scholars said: Bidding one's out means stopping support and helping him and the meaning is: If a Muslim sought other Muslim's support to fend off a tyrant or so, he must support him if possible and there is no legal excuse for the latter not to support the former. <sup>[159]</sup>

Narrated by Anas, the Prophet says: "Help your brother whether he is an oppressor or an oppressed," A man said, «O Allah's Apostle! I will help him if he is oppressed, but if he is an oppressor, how shall I help him?» The Prophet said, «By preventing him from oppressing (others), for that is how to help him."<sup>[160]</sup>

Is there any human community able to oblige each single member to fulfill the needs of his brother, help his brother if he is oppressed and prevent him from oppressing others?!

Only the Islamic community is doing so thanks to such a high level of fraternity and unity of feeling. Each member is eager to remove his brother's troubles, solve his problems, support and assist him and not to hate or be enemy to him. Each member ought to be positive. In light of this, fraternization is the foundation and title of a cohesive and integrated Muslim community.

158 Muslim narrated by Abu Huraira: Kitab Al-Birr Was-Salat-I-Wa'l-Adab (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter It Is Forbidden To Perpetrate Atrocity Upon A Muslim, To Humiliate Him, To Insult Him, And Inviolable Is His Blood, Honor And Wealth(2564), (7713), al-Bayhaqai: al-Sunan al-Kubra (11830)

16/Al Nawawi: Minhaj fi Sharh Sahih Muslim bin Hajjaj 120 159

160 Al Bukhari: Kitab al-Ikraah (Book of Saying Something Under Compulsion), chapter Someone's Swearing To His Brother That He Is His Brother When Fearing Getting Killed Or So (6552), al Tirmizi (2255), Ahmed (11967) and al Darmi (2753)

## Solidarity in the Muslim Community

### Introduction

The Islamic Sharia enjoins its followers to maintain cooperation, solidarity and unity of feelings and emotions among them, in addition to their solidarity in the needs and materialistic matters. Therefore, they became like the solid cemented structure whose parts enforce each other. Narrated by Abu Musa al Ash'ari, the Prophet (PBUH) says: «A believer to another believer is like a building whose different parts enforce each other.»<sup>[161]</sup>, or like the one body in which if any part is not well then the whole body shares the sleeplessness and fever with it. The Prophet says: “You see the believers as regards their being merciful among themselves and showing love among themselves and being kind, resembling one body, so that, if any part of the body is not well then the whole body shares the sleeplessness (insomnia) and fever with it.”<sup>[162]</sup>

### Comprehensiveness of Solidarity in Islam

Social solidarity in Islam does not merely stop at the material benefit, which is one of solidarity's main aspects, but covers all the needs of the society; individuals and groups, whether these needs are material, moral or intellectual, and in the widest scope of these concepts. This means solidarity involves all the basic rights of individuals and groups in the nation.

All the teachings of Islam affirm the comprehensive nature of solidarity among Muslims. That is why the Muslim community is stranger to individualism, selfishness and negativism. The Muslim community, rather, lives on faithful brotherhood, generosity and helping one another in righteousness and piety all the time.<sup>[163]</sup>

161 Al Bukhari: Kitab al-Adab (Book of Good Manners and Form), chapter The Believers' Cooperation With One Another (5680), Muslim: Kitab Al-Birr Was-Salat-I-Wa'l-Adab (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter The Believers' Being Merciful Among Themselves, Showing Love Among Themselves and Supporting One Another (2585)

162 Al Bukhari: Kitab al-Adab (Book of Good Manners and Form), (5665), Muslim: Kitab Al-Birr Was-Salat-I-Wa'l-Adab (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter The Believers' Being Merciful Among Themselves, Showing Love Among Themselves and Supporting One Another (65)

163 See: Mohamed al Disuqi: The Religious Endowment and Its Role in the Development of the Muslim Community, Islamic Issues series, issue No. (46), released by the Supreme Council for Islamic Affairs, First Section, PP.5

## Generality of Solidarity in Islam

Social solidarity in Islam is not the concern of only the Muslims belonging to the Muslim nation, but also is the concern of all the humankind with all their religions and beliefs within that Islamic society. Allah exalted He is says: {Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just} [She That Is To Be Examined: 8] because the basis of solidarity is the dignity of mankind. Allah exalted He is says: {We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation} [Isra': 70].

One of the comprehensive verses in the context of solidarity and integration of members of the Muslim community is Allah's saying: {Help ye one another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah. for Allah is strict in punishment} [The Table: 2].

Al-Qurtubi<sup>[164]</sup>said: "It is a command for all the creation to help one another in righteousness and piety, which means they ought to help one another."<sup>[165]</sup>Al Mawardi<sup>[166]</sup>said "Allah exalted He is has called on people to help one another and connected it to righteousness and piety because with piety comes Allah's pleasure and with righteousness comes people's pleasure and he whoever got Allah's pleasure and people's pleasure is happy and completely blessed."<sup>[167]</sup>

## Importance of Zakat in Islam

The Holy Quran has explicitly stated that there is a portion of the property of the rich that should be given to the poor and needy. Allah exalted He is says: {And those in whose wealth is a recognised right. For the (needy) who asks and him who is prevented (for some reason from asking)} [The Ascending Stairways: 24,25]. The Divine Legislator had fixed that portion Himself and had

164 Al Qurtubi: Mohamed Ibn Ahmed el Ansari al Khazraji al Maliki al Qurtubi, is one of the greatest interpreters, author of the well-known: Al Jami' Le Ahkam Al Quran. He died in 1273. see: Al Zirikli: Al Alam, 5322/

165 See: Al Qurtubi: Al Jami' Le Ahkam Al Quran, 646,47/.

166 Al Mawardi (364450-AH/9741058-AC) is Abul Hassan Ali Mohamed ibn Habib, called the supreme qadi (judge in Sharia court). He was an authority in jurisprudence, fundamentals and interpretation. He served as judge in several towns. Among his production are Adab al Dunia wal-Din (Good Manners of The Present Life and Religion), al Ahkam As-Sultaniya (The Principles of Government), Look: Az-Zahabi: Siyar A'alam an-Nubala'a (Biographies of Noble Figures) 1865/, and az-Zarkali: The Noble Figures 4327/

167 Look: Al Mawardi: Adab al Dunia wal-Din (Good Manners of The Present Life and Religion), pp. 196, 197

not left the matter for the generosity of the rich or the openhandedness of the benevolent. He had not left the matter for the feeling of mercy that may exist in the hearts of the rich or their desire for piety and benevolence and their love of philanthropy.<sup>[168]</sup>

Those needy people have been defined by the Quranic verse: {Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah. and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom} [Repentance: 60].

Thus, zakat (almsgiving) is highly important as regards to its covering of almost all members of the society and on the basis that zakat is seen as the first source of exemplifying the concept of solidarity and cooperation. Zakat is the third of the five pillars of Islam. One's Islam is not accepted without zakat. Zakat purifies and sanctifies the almsgiver's self. Zakat benefits the one who performs it before Zakat recipient. Allah exalted He is says: {Of their goods, take alms, that so thou mightest purify and sanctify them} [Repentance: 103]. Undoubtedly, as almsgiving purifies its performer from stinginess and avarice, almsgiving does also remove grudge, rancor and hatred of the rich and the wealthy from the hearts of the needy, the poor and those who deserve almsgiving. Zakat creates an atmosphere of love, domesticity, cooperation and mutual compassion between members of the society where such a great merit is performed.

Islam permits those charged with authority among the Muslims to take from the money of the rich what they deem enough to cover the needs of the poor - each one according to his financial capability. It is not permitted in a Muslim community that some people sleep with full stomachs whereas their neighbors are hungry. The whole society is commanded to cooperatively share the minimum necessary to support life. The Prophet says: "The one who sleeps with a full stomach knowing that his neighbour is hungry doesn't believe in me"<sup>[169]</sup>. In this, Imam Ibn Hazm<sup>[170]</sup> said: "The rich people of every region are

168 Hussein Hamid Hassan: The Social Solidarity in the Islamic Sharia, pp. 8

169 Al Hakim (7307) and said: This hadith's attribution is right. Az-Zahabi and at-Tabarani agreed with him, reported by Anas Ibn Malek: The Massive Lexicon (750), the text wording is his, al-Bayhaqi: Shu'ab-ul Eman (The Branches of Faith) (3238), al Bukhari: al Adab al Mufrad (A Code For Everyday Living) (112), corrected by al Albani, look: as-Silsilah as-Sahihah (The Correct Chain) (149)

170 Ibn Hazm al-Andalusi: Abu Mohamed Ali Ibn Ahmed Ibn Saeed Adhahiri (384456-AH/9941064-AC) is

instructed to help their poor people and the sultan (ruler) forces them to do so. Therefore, the poor and needy should get food necessary for life, clothing for winter and summer and dwellings to protect them from rain, summer, sun and looks of passersby.<sup>[171]</sup>

In Islam, the material solidarity does not stop at providing the minimum necessary to support life for the needy, but it exceeds to achieving sufficiency. This was obvious in Omar Ibn al Khattab's saying: "Repeat the alms to them, even if some of them had got a hundred camels."<sup>[172]</sup>

### Hadiths in the Merit of Solidarity

One of the hadiths that call for the merit of solidarity in the Muslim community and illustrate its status in Islam was narrated by Abu Musa al Ash'ari, who said: The Prophet said: «When the people of Ash'ari tribe ran short of food during the holy battles, or the food of their families in Medina ran short, they would collect all their remaining food in one sheet and then distribute it among themselves equally by measuring it with a bowl. So, these people are from me, and I am from them.»<sup>[173]</sup> Ibn Hajar said in his book, *Victory of the Creator: It means they are connected to me (the Prophet)*<sup>[174]</sup>, and this is the highest honor for every Muslim.

Another hadith was reported by Abdullah Ibn Umar, may Allah be pleased with him and with his father, who said the Prophet said: "Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor. Whoever fulfilled the needs of his brother, Allah will fulfill his needs; whoever brought his (Muslim) brother out of a discomfort, Allah will bring him out of the discomforts of the Day of Resurrection, and whoever screened a Muslim, Allah will screen him on the Day of Resurrection."<sup>[175]</sup>

An-Nawawi, may Allah forgive him, said: "This illustrates the merit of helping

one of the greatest Islamic imams. He was an authority in jurisprudence. He was a follower of Dawood Adhahiri who believed in the superficial interpretation of the holy texts. Look: As-Safadi: *al-Wafi bi'l-Wafayat* (The Biographical Lexicon) 2093/

171 Ibn Hazm: *Al-Muhalla* (The Adorned Treatise) 6452/, issue (725)

172 Ibid

173 Al Bukhari: *Kitab ash-Sharika* (Partnership Book), chapter Partnership in Food and Offers (23540,

Muslim: *Kitab Fadha'il as-Sahaba* (Virtues of the Companions), chapter Among The Ash'ari Tribe's Virtues (2500)

174 Ibn Hajar: *Fath al Bari* 5130/

175 Al Bukhari: *Kitab al Mazalim* (Oppressions Book), chapter A Muslim Shall Not Oppress Another Muslim and Shall Not Hand Him Over To An Oppressor (2310), and Muslim: *Kitab Al-Birr Was-Salat-I-Wal-Adab* (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter Prohibition of Injustice (2580)



a Muslim, brining him out of his discomfort and screening him. A facet of removing a Muslim's troubles is by removing it with money and authority or assisting him. It is obvious that bringing a Muslim out of his discomfort can be achieved also by one's giving his opinion or advice"<sup>[176]</sup>, and this is the exact meaning of solidarity in the Muslim community.

The Prophet wanted to say that the whole society ought to share supporting one another and particularly the poor and needy and that each well-to-do individual and each individual who has an authority should support his society and always lend it a helping hand. He also wanted to say that all the human forces in the society should collectively target the preservation of each single individual's interests and warding off harms, as well as protecting the social structure and establishing it on sound bases.<sup>[177]</sup> The hadith also means that people should live with one another in a state of cooperation and unity between individuals and the groups and between everyone and their brother.<sup>[178]</sup>

The Prophet classified helping the needy and feeling the responsibility toward members of the society as one of the alms on one's self. Abu Zar narrated: "Every person ought to give an alms everyday- with the rise of the sun", I said: Oh, Prophet: Where can we give alms while we have no money? He replied: "Because one of the gates of alms is guiding a blind, helping a deaf and mute to understand, showing people the ways they should take when they ask for this, enthusiastically helping whomever is in bad need for help, enthusiastically helping the weak, all these are gates to charity giving..."<sup>[179]</sup>

Such values are outstanding civilizational landmarks with which Islam had preceded all systems and laws which paid a great concern to that issue. Who ever had heard about guiding the blind and helping the deaf-muted to understand what is said?!

The Prophet warned those who are able to fulfill the needs of people from lagging in doing this. Amr Ibn Murra told Mu'awiya: I have heard the Prophet

176 An-Nawawi: Al Minhaj Fi Sharh Sahih Muslim (The Minhaj in Interpreting The Authentic Hadiths of Muslim) 16135/

177 Mohamed Abu Zuhra: Social Solidarity in Islam, pp. 7

178 Abdul Aal Ahmed Abdul Aal: Social Solidarity in Islam, pp.13

179 Narrated by Ahmed (21522) and Shu'ayb al Arna'out said: Its attribution is right, and Ibn Hibban (3377), and al Bayhaqi in his book The Branches of Faith (7618), and an-Nasai: As-Sunan al-Kubra (Major Hadith Collections) (9027) and corrected by al Albani, look: Sahih al Jami (The Sound Collections) (4038)

saying: “Whoever imam closes his door at the face of the needy, the poor and the visibly in need people, Allah closes the gates of heaven without fulfilling his needs.”<sup>[180]</sup> Ibn Murra said: Mu’awiya assigned a man to fulfill the needs of the people.

Narrated by Jabir Ibn Abdullah and Abi Talha al Ansari, may Allah forgive them, the Prophet said: “Whoever disappoints a Muslim where his sanctity is profaned and his honor is assaulted will be disappointed by God when he would like to triumph and whoever stands by a Muslim where his sanctity is profaned and his honor is assaulted will be assisted by God when he need His assistance”<sup>]</sup>

Reported by at-Tabarani in his *Al Mu’jam Al Kabeer* (The Massive Lexicon) (4735) and his *Al Mu’jam Al Awsat* (The Medium Lexicon) (8642), and Abu Dawood (4884), and Ahmed (16415), and al Bayhaqi in his *The Branches of Faith* (7632), corrected by al Albani, look *Sahih Al Jami* (The Sound Collections) (5690) and *Al Jami as-Saghir* (The Small Collection) and its addition (10627)<sup>181</sup> the origin of this from the sayings of Muslim jurists is marvelous. They judged that every Muslim must try to fend off harms on others. Prayers have to be stopped in order to save the life of whoever needs urgent help such as a drowning person or a person in the center of a fire – he has to save them from anything that may cause his death. If the person is the only one capable to do so, this becomes an obligatory duty that he must do. But if there happen to be more than one who can do so, the duty becomes optional and there is no disagreement between jurists on this.<sup>[182]</sup>

Thus, solidarity is an essential mainstay in the Islamic society, which takes many forms of cooperation and partnership like offering help, protection, support and condolence until the need of the person in trouble is fulfilled and until pains and diseases come to an end.

180 At-Tirmizi (1332), Ahmed (18062), Abu Ya’la (1565), corrected by al-Albani, look: *The Sound Collections* (5685)

181 Reported by at-Tabarani in his *Al Mu’jam Al Kabeer* (The Massive Lexicon) (4735) and his *Al Mu’jam Al Awsat* (The Medium Lexicon) (8642), and Abu Dawood (4884), and Ahmed (16415), and al Bayhaqi in his *The Branches of Faith* (7632), corrected by al Albani, look *Sahih Al Jami* (The Sound Collections) (5690) and *Al Jami as-Saghir* (The Small Collection) and its addition (10627)

182 Ashirbini al Khatib: *Mughni al Muhtaj* 45/ and Ibn Qudama: *Al Mughni* 7202/8 ,515/

## Justice in Islam...Its Importance and Reality

### The Value of Justice in Islam

Justice is one of the basic human values established by Islam and made it one of the main pillars of individual, family and social lives. The Quran made the establishment of al qist – justice – among people the main objective of all the heavenly messages. Allah exalted He is says: {We sent aforesaid our apostles with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth in justice} [Iron: 25]. Nothing in the illustration of the high value of justice could be greater than making the establishment of justice the main and first objective of all Allah's apostles and books. Books were revealed with justice. Apostles were sent with justice. The heavens and the Earth were built with justice.<sup>[183]</sup>

In a stark and direct statement of the importance of establishing justice even if we hate whom we judge, Allah exalted He is says: {O ye who believe! stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin} [Women: 135] and says: {O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do} [The Table: 8], Ibn Kathir<sup>[184]</sup> said: "This means hatred of someone should not a motivation not to establish justice toward them. Rather, justice must be applied with all and anyone, be them friends or enemies.»<sup>[185]</sup>

Therefore, love and hatred do not mar the establishment of justice in Islam. Justice does not discriminate on the grounds of family and lineage, or authority and wealth. Justice also does not discriminate between Muslims and non-Muslims. Justice is the right of everyone living on an Islamic soil, be them Muslims or non-Muslims and whether or not those people like or dislike one another.

183 Yusuf al Qaradawi: Characteristics of The Muslim Community We Seek, pp. 133

184 Ibn Kathir: Abu al Fida Ismail Ibn Kathir ad-Dimashqi (701774- AH/ 13021373- AD) was a memorizer of Quran, historian and jurisprudent. He was born in a small village in Bosra, Syria, and died in Damascus. Al Bidaya wan-Nihaya (The Beginning and The End) is one of his books. Look: al Hussein, Zayl Tazkirat Al Hoffaz, pp. 57, 58

185 Ibn Kathir: The Interpretation Of The Holy Quran 243/

## Situations on Justice in Islam

A situation illustrating the meaning mentioned above was Usama Ibn Zayd's story with a lady from Makhzum tribe. When Usama tried to intercede for the lady, who belongs to a high-class family, in order to prevent the punishment of cutting off her hand after she had committed theft, Allah's Apostle got angry, got up and delivered a well-spoken sermon to indicate the line and justice of Islam and its establishment of justice and equality among members of the society, be them rulers or ruled people. In his sermon, the Prophet (PBUH) said: «What destroyed the nations preceding you, was that if a noble amongst them stole, they would forgive him, and if a poor person amongst them stole, they would inflict Allah's Legal punishment on him. By Allah, if Fatima, the daughter of Muhammad stole, I would cut off her hand.»<sup>[186]</sup>

Imam Ahmed quoted Jabir Ibn Abdullah, may Allah forgive the two of them, as saying: Allah has given Khaybar as booty to His Apostle so the Prophet divided that booty between people and himself. The Prophet assigned Abdullah Ibn Rawaha to calculate and estimate the size of the booty, and then Abdulla Ibn Rawaha said: «Oh Jews, out of all the creation I hate you the most; you have killed Allah's prophets, may peace be upon them, and lied about Allah, and my hatred of you shall not cause me to be unfair with you. I have calculated twenty thousand bunches of dates so if you want to take them all, then take it, and if you refused, I will take them.» They said: Thus the heavens and earth were built, we will take them.<sup>[187]</sup>

Despite Abdullah Ibn Rawaha's hatred of the Jewish, he was not unfair to them. But he announced that he does not do wrong to them and that they can take whatever they want to take from the distribution of dates.

## Reality of Justice in Islam

The reality about justice in the Islamic religion is that justice is Allah's balance on Earth, with which the weak get their rights and the wronged take their rights from the unfair. Justice enables people to get their rights the simplest

186 Al Bukhari: Kitab Al Anbiyaa (Book of the Prophets), chapter "Or dost thou reflect that the Companions of the Cave and of the Inscription" (The Cave: 9) (3288), and Muslim: Kitab Al Hudud (Book of Prescribed Punishments), chapter Cutting Off The Hand Of A Noble Man Who Commits Theft (1688)

187 Musnad Ahmed (Ahmed's Hadith Collection) (14996), Ibn Hibban (5199) and Shuayb al Arnaut said: Its attribution is right, al Bayhaqi: As-Sunan Al-Kubra (7230), at-Tahawi: Sharh Ma'ani al Aathar (Interpretation of the Meanings of Traditions) (2856), Abdel Raziq: Al Musannaf (The Classified) (7202), and it was corrected by al Albani, look: Ghayat al Murad (459)

and easiest way. Justice is a part of the creed of Islam and under the umbrella of justice in the Muslim community; no one would be wronged.

If Islam orders the establishment of justice with people – all people as we see in the abovementioned verses – that kind of justice which is not motivated or moved emotionally; Islam commands justice with one's self. Islam orders each Muslim to balance between his own rights, his God's rights and other people's rights.

This was clear in Allah's Apostle's approval of Salman al Farisi's comment on Abu Ad-Darda, who prejudiced his wife's right by departing her, performing fast everyday and praying every night. This is the complete story: The Prophet made a bond of brotherhood between Salman and Abu Ad-Darda. Salman paid a visit to Abu Ad-Darda and found Um Ad-Darda dressed in shabby clothes and asked her why she was in that state. She replied, «Your brother Abu Ad-Darda is not interested in (the luxuries of) this world.» In the meantime Abu Ad-Darda came and prepared a meal for Salman. Salman requested Abu Ad-Darda to eat (with him), but Abu Ad-Darda said, «I am fasting.» Salman said, «I am not going to eat unless you eat.» So, Abu Ad-Darda ate (with Salman). When it was night and (a part of the night passed), Abu Ad-Darda got up (to offer the night prayer), but Salman told him to sleep and Abu Ad-Darda slept. After sometime, Abu Ad-Darda again got up but Salman told him to sleep. When it was the last hours of the night, Salman told him to get up then, and both of them offered the prayer. Salman told Abu Ad-Darda, «Your Lord has a right on you, your soul has a right on you, and your family has a right on you; so you should give the rights of all those who has a right on you.»<sup>[188]</sup>

Abu Ad-Darda came to the Prophet and narrated the whole story. The Prophet said, «Salman has spoken the truth.» Islam has also ordered justice in speech. Allah exalted He is says: {Whenever ye speak, speak justly, even if a near relative is concerned} [Cattle: 152]. Islam also commands justice in judgment. Allah exalted He is says: {Allah doth command you to render back your Trusts to those to whom they are due; And when ye judge between man and man, that ye judge with justice} [Women: 58].

188 Al Bukhari: Kitab As-Sawm (Book of Fasting), chapter He Whoever Vows On His Brother To Break His Volunteering Fasting (1832), at-Tirmizi (2413)

Islam commands justice in peacemaking among people. Allah exalted He is says: {If two parties among the Believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies then make peace between them with justice and be fair: for Allah loves those who are fair (and just)} [The Private Apartments: 9]

### **Banning of Injustice in Islam**

Islam commands justice and encourages its establishment. Identically, it prohibits injustice strictly and resists injustice strongly, either injustice toward oneself or toward others, particularly the strong people's injustice toward the weak, the rich people's injustice toward the poor and rulers' injustice toward the people they rule. The weaker the person wronged is, the guiltier the unfair<sup>[189]</sup>. The sacred hadith reads: "O My servants, indeed I have prohibited injustice for myself, and I have prohibited it amongst you, so do not do injustices to each other"<sup>[190]</sup> and the Prophet told Mu'az: "Be afraid of the curse of an oppressed person as there is no screen between his invocation and Allah"<sup>[191]</sup>. The prophet also said: "Three men whose supplications are never rejected (by Allah) are: The fasting person until he breaks his fast, the just ruler and the one who is oppressed, whose prayer is taken to heavens and heavens' doors are opened for it and Allah says to it: I swear with My honor I will uphold you (the supplication) even after a while"<sup>[192]</sup>. Thus, this is justice...the heavenly balance in the Islamic community.

189 Look: Yusuf Al Qaradawi: Characteristics Of The Muslim Community We Seek, pp. 135

190 Muslim from Abu Zar's hadith: Kitab Al-Birr Was-Salat-I-Wa'l-Adab (The Book of Virtue, Good Manners and Joining of the Ties of Relationship) chapter Prohibition of Injustice (2577), Ahmed (21458), al Bukhari in his Al Adab Al Mufrad (490), Ibn Hibban (619), al Bayhaqi in his Branches of Faith book (7088) and As-Sunan Al-Kubra (11283)

191 Al Bukhari: Kitab al Maghazee (Book of The Military Expeditions Led By The Prophet), chapter The Dispatch Of Abu Musa And Mu'az To Yemen Before The Farewell Pilgrimage (4000), and Muslim: Kitab al Eman (Book of Faith), chapter Calling People To Ashihadatayn And Laws Of Islam (27)

192 At-Tirmizi: Kitab ad-Da'wat (Book of Supplications), chapter On Forgiveness (3598) and said: This is a right hadith, Ibn Maja (1752), Ahmed (8030) and Shu'ayb al Arna'out said: Right.

## Mercy in Islam...Its Significance and Examples on Mercy

### Importance of Mercy in Islamic legislation

The first eye-catching feature in the Holy Quran, which is Muslims' constitution and their top and most importance source of legislation, is that all its chapters save At-Tawbah (Repentance) chapter, have been opened with basmala (the phrase: Bismillahi ar-Rahman ar-Rahim or in the name of Allah, Most Gracious, Most Merciful). It is clear for all that opening all Quranic chapters with these two attributes has its obvious denotation on the importance of mercy in the Islamic sharia. The close linguistic meaning of the two attributes is also unmistakable for everyone. Scholars gave long details and several opinions on the difference between the two words<sup>[193]</sup>. Allah could have been using another attribute with the attribute of being merciful, such as the Incomparably Great, the Wise, the All-Hearing, the All-Seeing. It was also possible for Allah to use another attribute with another meaning so as to strike a balance for readers in order to prevent the mercy attribute from prevailing, for example, the Compeller, the Lord of Retribution or the Subduer. But combining these two attributes with their close meanings at the start of each Quranic chapter gives the very obvious indication: The attribute of mercy precedes par excellence all other attributes and that mercy is the basis of treatment and which never collapses in front of other bases.

As a confirmation on this meaning, the first chapter in the order of the Holy Quranic chapters<sup>[194]</sup>, Al Fatiha or the Opening, starts with the basmala, which includes Allah's two attributes: Most Merciful and Most Gracious, like the rest of chapters. In the same chapter, the two attributes were repeated. This is the first chapter in the Holy Quran and starting the Quran with this chapter in particular has an obvious denotation, as well. Surat Al Fatiha must be recited in each single prostration in each prayer – Muslims pray five times each day. This means each single Muslim repeats the word Most Merciful at least twice and repeats the word Most Gracious at least twice, too. These are four times in which each worshipper remembers Allah's mercy in each single prostration. This means each worshipper repeats the attribute of mercy 68 times a day

193 Ibn Hajar: Fat-h el-Bari (Grant of the Creator) 13359 ,358/

194 The way Quran chapters was ordered is tawqifi or unchangeable; Allah revealed to His Apostle to order the Quran chapters the way they are although verses and chapters had been revealed in a different order, look: Abu Abdullah az-Zarkashi: Al-Burhan fi Oloum al-Quran (The Proof in the Sciences of the Quran) 1260/

during a total of 17 prostrations each worshiper makes in his five daily prayers. This gives a perfect image on the high value of that great attribute: Mercy.

This explains to us many of Allah's Apostles' hadiths, which describe the mercy of the Creator. A hadith was narrated by Abu Huraira in which the Prophet says: «When Allah created the Creation, He wrote in His Book--and He wrote (that) about Himself, and it is placed with Him on the Throne--» Verily My Mercy overcomes My Anger»<sup>[195]</sup>

This is a stark declaration that the attribute of mercy overcomes and precedes the attribute of anger and that kindness precedes harshness.

### **Allah's Apostles' Mission as a Mercy for all the Creation**

In addition, Allah exalted He is sent His Apostle, peace be upon him, only as a mercy for humankind and the entire creation. In the Quran, Allah exalted He is says what means: {We sent thee not, but as a Mercy for all creatures} [The Prophets: 107], and the Prophet's character embodied this clearly and mercy was his logic when dealing with his companions and enemies. The Prophet, peace be upon him, was encouraging people to be merciful. The Prophet says: «Allah will not give mercy to anyone, except those who give mercy to others»<sup>[196]</sup>. And the word «others» is general and does include everyone irrespective of race and religion. Scholars say: This is general and does include showing mercy toward children and others<sup>[197]</sup>. Ibn Battal<sup>[198]</sup> said: “This hadith encourages people to show mercy toward all the creation, including believers, disbeliever and beasts, be them owned or not. Animals should be supplied with food to eat and water to drink and should not be overloaded or beaten.”<sup>[199]</sup>

195 Al Bukhari: Kitab At-Tawhid (Book of Oneness and Uniqueness of God), chapter Allah's saying: {Nay, this is a Glorious Qur'an. (Inscribed) in a Tablet Preserved} (Constellations: 21,22) (7115), and the text words is his, and Muslim: Kitab At-Tawbah (Book of Repentance), chapter Allah's Far-Reaching Mercy (2751). In another version, the word «precedes» is substituted for «overcomes», al Bukhari: Kitab Bida al-Khalq (Book on Beginning of Creation) (3022)

196 Al Bukhari: Kitab At-Tawhid (Book of Oneness and Uniqueness of God), chapter The Prophet's Call on His Nation to Worship Only One God; Allah exalted He is (6941), and Muslim: Kitab al-Fadha'el (Book of Virtues) chapter His Mercy toward Young Boys and Lads and His Humbleness (2319)

197 An-Nawawi: Al Minhaj Fi Sharh Sahih Muslim Ibn Al-Hajjaj (The Approach in the Interpretation of Sound Collection of Muslim Ibn al-Hajjaj) 1577/

198 Ibn Battal: His full name is Ali Ibn Khalaf Ibn Abdel Malik Ibn Battal, also nicknamed Ibn al-Lajjam, one of the prominent scholars with wide knowledge, great discernment, good legibility. He interpreted al Bukhari's Sahih in several volumes. He died in 449AH, look: Al Zirikli: Al A'laam (Leading Figures) 485/ and Az-Zahabi: Siyar A'laam An-Nubala (Lives of Noble People) 1847/

199 Al Mubarakfuri: Tuhfat al Ahwazi Bisharh Jami at-Tirmizi 642/



In his hadith, the Prophet, peace be upon him, said: “Allah will not give mercy to anyone, except those who give mercy to others”. His companions said: Oh, Allah’s Apostle, all of us give mercy. The prophet replied: “Not through each of you giving mercy to his company, but through giving mercy to all people.”<sup>[200]</sup>, and this means each Muslim should give mercy to all people, including children, women and old people, be them Muslims or non-Muslims.

The Prophet, peace be upon him, also said: “Have mercy on those who are on Earth, and the One in Heaven will have mercy on you”<sup>[201]</sup> and the word «those» refers to everyone on the planet.

Thus, this is the concept of mercy in the Muslim community. These are the practical moral values that convey one’s sympathy and love toward others. Mercy in Islam exceeds humankind to include animals – those creatures which cannot speak, as well as birds and insects!

The Prophet said a woman entered the (Hell) Fire because she was cruel with a cat. The Prophet said: «A woman entered the (Hell) Fire because of a cat which she had tied, neither giving it food nor setting it free to eat from the vermin of the earth».<sup>[202]</sup>

The Prophet also said Allah exalted He is forgave a man because he watered a panting dog. Allah’s Apostle said: «While a man was walking he felt thirsty and went down a well and drank water from it. On coming out of it, he saw a dog panting and eating mud because of excessive thirst. The man said, «This (dog) is suffering from the same problem as that of mine. So he (went down the well), filled his shoe with water, caught hold of it with his teeth and climbed up and watered the dog. Allah thanked him for his (good) deed and forgave him.» The people asked, «O Allah’s Apostle! Is there a reward for us in serving (the) animals?» He replied, «Yes, there is a reward for serving any animate»<sup>[203]</sup>

200 Musnad Abi Yala (4258), al Bayhaqi: Branches of Faith (11060), al-Albani said it is a correct hadith, look: the Sound Chain (16)

201 At-Tirmizi from Abdullah Ibn Amr: Kitab al-Birr Was-Silah, chapter On Having Mercy on Muslims (1924), Ahmed (6494), al-Hakim (7274) and Abu Essa said: This is a good sound hadith and al-Albani said it is a sound hadith, look: Sahih al-Jami (The Sound Collection) (3522)

202 Al Bukhari: Book of Beginning of Creation, chapter Five Animals Must Be Killed When Found in al-Haram (3140), and Muslim: Book of Penitence, chapter Allah’s Far-Reaching Mercy and That It Preceded His Anger (2619)

203 Al Bukhari: Book of Distribution of Water, chapter The Virtue of Giving Water to Thirsty Creatures (2234), and Muslim: Book of Peace, chapter The Virtue of Watering and Feeding Beasts (2244)

The Prophet also told his companions that Paradise was wide-open for an adulteress who was merciful toward a dog! Allah's Apostle said: «A dog was going around the brink of a well in an extremity of thirst, when a loose woman of the Bani Israel espied it. She lowered her leather sock into the well, drew up some water and gave the dog to drink. She was forgiven on account of this.»<sup>[204]</sup>

It is astonishing: What's the value included in watering a panting dog next to something as hugely wrong as adultery! What's behind such a behavior matters most; it is mercy in the heart of everyone in light of which one acts, behaves and works and what is also more important is the impact of a behavior like this on the entire human society, in general.

#### Mercy toward Dumb Animals and Small Birds

Islam also commanded its followers to show mercy toward dumb animals and warned them to deprive them from food or overload them! The Prophet, peace be upon him, came upon an emaciated camel and said: «Fear Allah regarding these dumb animals. Ride them when they are in good condition and feed them when they are in good condition»<sup>[205]</sup>

A man said: «O, Messenger of Allah, I have mercy on the sheep before I slaughter it». The Prophet, peace be upon him, replied: «If you have mercy on it, Allah will have mercy on you»<sup>[206]</sup>

Moreover, Islam ordered its followers to have mercy, not only on beasts and animals, but also on small birds from which humans get so big benefit the way they do from beasts. 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.»<sup>[207]</sup>

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205 Abu Dawood: Book of al-Jihad, chapter Treatment of Animals and Beasts (2548), Ahmed (17662), and Shu'ayb al-Arna'out said: This hadith's attribution is right, narrated by reliable men, Ibn Hibban (546), and al-Albani said: It is a sound hadith, look: The Sound Chain (23)

206 Ahmed (15630), al-Hakim (7562), who said: This is a sound hadith with a sound attribution, at-Tabarani: The Large Lexicon (15716) and al-Albani said: It is a sound hadith, look: Sahih at-Targhib wat-Tarhib (2264)

207 An-Nasai from Asharid Ibn Suwaid (4446), Ahmed (19488), Ibn Hibban (5993), at-Tabarani: The Large Lexicon 6479/, and ash-Shawkani said: This hadith was reported with different versions and scholars had judged some of them as sound. Look: ash-Shawkani: As-Sayl Aj-jarrar 438/

Historians report that during Amr Ibn al-Aas' conquest of Egypt a pigeon rested on his tent and built a nest. He saw the nest when he is about to depart the place. But he did not like to disturb the pigeon by, for example, destroying its nest. So he left the nest only for several other pigeons to come and build their nests. The place later was called al-Fustat city. In Arabic, Fustat means tent.

Ibn Abdel Hakam<sup>[208]</sup> reported, in his biography of the Muslim caliph, Umar bin Abdel Aziz, that Umar ordered people not to jog horses except there is a due reason for that and that he sent to people a written book ordering them not to use heavy bridles and not to prod (animals) with a whip at its end a piece of iron is attached. He also wrote to his governor in Egypt, saying: I learnt that in Egypt there are camels being overloaded with up to one thousand pounds. When you receive this book, you should know that I know that each camel should not carry more than six-hundred pounds<sup>[209]</sup>.

This is the concept of mercy in the Muslim community. Mercy dominates the hearts of its members so that they have mercy on the weak, feel sorry for the sad, sympathize with the patient and feel for the needy even if it is a dumb animal. With such living and merciful hearts, the society becomes clear, turns away from crimes and it turns into a lighthouse of good and peace for everyone

208 Ibn Abdel Hakam: (187AH-257AH) is Mohamed Ibn Abdullah Ibn Abdel Hakam, nicknamed Abul-Qassim, historian and jurisprudent who follows the Malikiya school of jurisprudence, born and died in Egypt. Look: Al Zirikli: The Noble Figures 3282/

209 Look: Mohamed Ibn Abdullah Ibn Abdel Hakam: Biography of Umar Ibn Abdel Aziz 1141/

## Relationship between Muslims and non-Muslims

### Introduction

Systems in the Islamic civilization were not confined only to addressing Muslims and non-Muslims' affairs in the Islamic state, but were also concerned with organizing relations between Muslims and other peoples and countries. In this regard, it had bases and principles for such relations. This was the case in the state of peace and war. These are the cases in which the glory of Islamic civilization is manifested and its human nature becomes lofty.

### Islam is the religion of peace

Peace is really the origin of Islam. Allah, Exalted be He, commended His believing slaves who believed in His Messenger, saying: {O ye who believe! Enter into Islam [peace] whole-heartedly; and follow not the footsteps of the evil one; for he is to you an avowed enemy.} [Al-Baqara:208], peace here is Islam<sup>[210]</sup>. Islam was expressed in the word "peace" because it is peace for man, himself, his home, society and for those surrounding him; it is the religion of peace.

It is no wonder to find that the word Islam is derived from (peace) and that peace is one of the most prominent Islamic principles, if not the most prominent at all. Moreover, it can amount to a synonym of Islam itself, on the grounds of the origin of the language material<sup>[211]</sup>.

Peace in Islam is the original state that makes preparations for cooperation, acquaintance and promulgating good among people in general. If non-Muslims maintained the state of peace, Islam views them, together with Muslims, as brothers in humanity<sup>[212]</sup>. Safety is a constant between Muslims and others, not based on efforts or contract, but rather on the basis that peace is the origin and as long as no aggression on Muslims emerged and destroyed such a basis<sup>[213]</sup>.

### Relationship between Muslims and non-Muslim peoples

It is incumbent upon Muslims to establish a relationship based on cordiality

210 Miraculous Quran Tafsir, Ibn Kathir, 1565/.

211 Mohamed al-Sadeq al-Afify Al-Islam wal-Ilaqat al-Dawliyah [Islam and International Relations], Page 106- Zhafir al-Qasimy Al-Jihad wal-Huquq al-Dawliyah fil-Islam [Jihad and International Rights in Islam], Page 151

212 Mahmud Shaltut Al-Islam Aqida wa Sharia [Islam is Belief and Sharia], Page 453

213 Sobhi Al Saleh: Al Nozom Al Islamiya: Nashatha wa-Tatourha, (Islamic Systems), Page 520.

and love with followers of other religions and non-Muslim peoples in order to achieve such a human brotherly relation and in compliance with such a holy Quranic verse {O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other))}[Al-Hujurat:13]. Such multiplicity of peoples does not aim at hostility or destruction; but rather it is a reason for knowing, liking and sharing mutual love with each other<sup>[214]</sup>.

This trend is supported by many Quranic verses that ordered to make peace with non-Muslims if they showed readiness and inclination to peace and reconciliation; Almighty Allah says: {But if the enemy inclines towards peace, do thou (also) incline towards peace, and trust in Allah.}[Al-Anfal:61]. Such a noble verse categorically proves how Muslims love and prefer peace to war; whenever enemies inclines towards peace, Muslims accept it unless such peace encompasses loss of Muslims' rights or usurpation of their will.

Al-Suddy<sup>[215]</sup>and Ibn Zayd<sup>[216]</sup>said: such a verse means: If they invited you to make peace, answer their invitation<sup>[217]</sup>. The next verse emphasizes Islam is keen on achieving peace even if enemies showed peace and harbored treason. Almighty Allah says speaking to His Noble Messenger: {Should they intend to deceive thee,- verily Allah sufficeth thee: He it is That hath strengthened thee with His aid and with (the company of) the Believers.}[Al-Anfar:62]. This means that Allah is sufficient to protect you.<sup>[218]</sup>

The Messenger, peace be upon him (PBUH), regarded peace as a thing Muslim should be keen on and ask Allah to grant him. The Prophet, PBUH, said in his supplication: "Oh my God, I ask You to grant me soundness in this world and in the Hereafter..."<sup>[219]</sup>. The Prophet, moreover, delivered a sermon to his

214 Gadul-Haqq Al-Azhar Magazine, December 1993, Page 810.

215 Al-Suddy: is Ismail ibn Abdul-Rahman al-Suddy (died in 128 A.H./ 745 AD). He was a follower to the Prophet companions from the Arabian peninsula and lived in al-Kufa. Ibn Taghry Bardy said about him: "The owner of Quran explanation, Muslim conquests and biographies. He was an imam who knew facts and days of people. Al-Nugum al-Zahira, Ibn Taghry Bardy, 1390/.

216 Ibn Zayd is Abdul-Rahman Ibn Zayd Ibn Aslam (died in 170 AH/786 AD). He is a religious jurist who expounded Quran. He authored books "Al-Nasikh wal-Mansukh" and "Al-Tafsir". He died at the beginning of Harun al-Rashid's caliphate; Look at Al-Fihrist, ibn al-Nadim, 1315/.

217 see: Al Qurtobi: Al Jamea le Ahkam Al Quran, 4398,399/

218 Ibid, 4400/

219 Abu-Dawud, Book of Rules of Conduct, the section of what is said at morning (5074), Ibn Maja (3871), Ahmed (4785), Shu'aib al-Arana'ut said: good isnad (Chain of narrators of a hadeeth) and reliable narrators, Ibn Hibban (961), narrated by Al-Bukhary in Separate Rules of Conduct (1200), al-Tabarani in the Grand Lexicon (13296), al-Nasa'I in The Great Sunnahs (10401), authenticated by al-Albany, See: Sahih wa Da'if Sunnan Abu

companions, saying: “Do not wish to meet the enemy and ask Allah soundness, but when you meet (face) the enemy, be patient.»<sup>[220]</sup>. The Prophet, PBUH, used to hate the word of war; he said: “The most pleasant names to Allah: Abdullah and Abdul-Rahman, and the most faithful: Harith and Hammam, and the ugliest: Harb (war) and Murrah.”<sup>[221]</sup>

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Dawud (5074).

220 Al-Bukhary, Book of Jihad and Marching, the chapter of “If the Prophet (pbuh) did not fight at the beginning of the day...” (2804), Sahih Muslim: Book of Jihad and Marching, the chapter of “Dislike of wishing to meet the enemy and order to be patient at meeting” (1742)

221 Abu-Dawud: Book of Rules of Conduct, chapter of changing names (4950), al-Nasa’I (3568), Ahmed (19054), al-Bukhary in Separate Rules of Conduct (814), authenticated by al-Albany, See: Al-Silsila al-Sahihah (Authenticated Series) (1040).

## Treaties between Muslims and non-Muslims

### Introduction

Peace was the basis of Muslims' treaties with the other. Through such treaties the two sides – Muslims and the other – live in a state of peace, conclusion of truce or reconciliation.

“As long as relations are based on peace, any treaties are either aimed at ending an accidental war and returning to the state of lasting peace or meant to recognize peace and establish its pillars in order to rule out any possible assault; otherwise it is caused by a breach of such treaties.”<sup>[222]</sup>

Throughout long eras, Islamic countries signed treaties and made covenants with non-Muslim countries. Such agreements included several commitments, rules, conditions and principles, which constitutes a development in the Islamic international law.

### Definition of Treaties and Agreements

Treaties are the agreements, pledges or covenants signed by Islamic countries with other countries in both peace and war. The treaty in the latter case is called peaceableness, reconciliation or peacefulness and under which reconciliation is reached and war is over. Allah, Exalted be He, says: {But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in Allah.}[al-Anfal:61]

#### Samples of Islamic Treaties

##### The Prophet's Treaty with Jews of Medina

The treaties Muslim countries signed with others included a covenant made by the Prophet, pbuh, with Jews of Medina when he came to it. The covenant stipulated the following: “The Jews will contribute towards the war when fighting alongside the Believers. The Jews of Bani Awf will be treated as one community with the Believers. The Jews shall maintain their own religion and the Muslims theirs. This will also apply to their freedmen. The exception will be those who act unjustly and sinfully. By so doing they wrong themselves and their families. The same applies to Jews of Bani Al-Najjar, Bani Al Harith, Bani Saeda, Bani Jusham, Bani Al Aws, and Al Shutayba. Those in alliance with the

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Muhammad Abu-Zahrah, Al-'Ilalat al-Dawliyah fil-Islam(International Relations in Islam), p 79.

Jews will be given the same treatment as the Jews. The Jews must bear their own expenses (in War) and the Muslims bear theirs. If anyone attacks anyone who is a party to this Pact the other must come to his help. They (parties to this Pact) must seek mutual advice and consultation. Loyalty gives protection against treachery. Those who avoid mutual consultation do so because of lack of sincerity and loyalty. A man will not be made liable for misdeeds of his ally. Anyone (any individual or party) who is wronged must be helped. Anyone who acts loyally or otherwise does it for his own good (or loss). Allah approves the truth and goodwill of this covenant. The contracting parties are bound to help one another against any attack on Yathrib [Medina]. If they are called to cease hostilities and to enter into peace, they shall be bound to do so in the interest of peace; and if they make a similar demand on Muslims it must be carried out except when the war is against their religion. Everyone (individual) will have his share (of treatment) in accordance with what party he belongs to. This document will not (be employed to) protect one who is unjust or commits a crime (against other parties of the Pact). Allah is the protector of the good and God-fearing people.”<sup>[223]</sup>

Therefore, this covenant was meant to recognize the state of peace between Jews and Muslims and a source of safety among them to ensure there would be no war. It also showed that it aimed at “establishing good neighboring and pillars of justice. It is noticed that the covenant encompassed a frank statement of defending the wronged; it is a fair covenant meant to establish peace and shore it up with justice and backing the weak.”<sup>[224]</sup>

### **The Prophet’s Treaty with Christians of Najran**

The Prophet’s biography books mentioned rich samples of such treaties, which included, for example, a treaty the Prophet, pbuh, signed with the Christians of Najran, which stipulated: “Najran and its people enjoy protection from Allah and the Prophet Muhammad for themselves, their religion, land, funds and the people who were not present and others who were present and their clan and followers... and all that they have, either few or many...”<sup>[225]</sup>

223 Ibn Hisham, al-Sirah al-Nabawiyah [The Prophet’s Biography], 1/pp 503504-, and Ibn Kathir al-Sirah al-Nabawiyah [The Prophet’s Biography], 2/ pp322323-.

224 Muhammad Abu Zahra, , Al-‘Ilaqat al-Dawliyah fil-Islam(International Relations in Islam), p 81

225 Al-Baihaqiy: Dala’el al-Nubuawah, Chapter of Najran Delegation, 5485/, Abu Yusuf: al-Kharaj, P72, Ibn Sa’ad: al-Tabaqat al-Kurbra, 1288/



## The Prophet's Treaty with Bani Damurah

The Prophet's treaties also included one with Bani Damurah<sup>[226]</sup>, headed by Makhshiy ibn Amr al-Damuhriy. The Prophet also made a covenant with Bani Midlaj, who lived in Yanbu'area in Jumadah I in the second year of Hegira. He did the same with Juhaynah tribes, which were large tribes that lived in the northwestern part of Medina.<sup>[227]</sup>

## The Covenant of Umar

Among the Islamic treaties is also a covenant made by the Commander of the Faithful Umar Ibn al-Khattab, may Allah be pleased with him, with the people of Ilia' (Jerusalem)<sup>[228]</sup>, which was called the Covenant of Umar.

Given such treaties and others, we find that Muslims try to live in a calm, peaceful atmosphere with their neighbors and that they had never sought fighting, but rather always preferred peace to war and concord to discord.

### Rules and Conditions of Treaties in Islam

Islam has set rules and conditions for treaties to ensure they comply with sharia and their own objectives.

Great Imam Mahmud Shaltut<sup>[229]</sup>, may Allah have mercy upon him, said: When Islam entitles Muslims to sign treaties for the objectives they deem necessary, it set three conditions to ensure the validity of the treaty:

Firstly: They should not do prejudice to the basic law and general sharia of Islam, which constitute the chief element of the Islamic personality. This was mentioned in a saying of the Prophet, pbuh, "Each condition not included in the Book of Allah is invalid"<sup>[230]</sup>. This means that the Book of Allah rejects such a condition.

226 Bani Damurah Tribe is an Arab subdivision of Adnan tribe, which lived in Widan, western Medina.

227 See Ibn Hisham: al-Sirah al-Nabawiyah (The Prophet's Biography), 3143/

228 See the text of the covenant: al-Tabary, Tarikh al-Ummam wal-Muluk (History of Nations and Kings), 2450-449/

229 Mahmud Shaltut (13101380- AH/ 18931963- AD) is an Egyptian exegete of Qura'n, born in Bihira governorate and graduated from al-Azhar University and was appointed as deputy dean of the Faculty of Sharia and then Grand Imam of al-Azhar (1958) till his death.

230 Al-Bukhary: Book of Conditions, Chapter of Writings and Impermissible Conditions that Run Counter to the Book of Allah (2584), Muslim: Book of Releasing, Chapter of Loyalty to He Who Gives Release (1504), Ibn Maja from 'A'esha (2521) and the phrasing is his.

Under such a condition, Islam does not recognize the legitimacy of any treaty, whereby the Islamic personality is harmed and which enables enemies to attack Islamic places or weakens Muslims through breaking their ranks and shattering their unity.

Secondly: The treaty should be based on mutual good-will from both its parties. Therefore, Islam deems valueless any treaty based on compulsion or roaring of (jets). This is a condition stipulated by the nature of contract. If it is a contract for exchanging a certain commodity – either buying or selling – it should include the element of satisfaction: { But let there be amongst you Traffic and trade by mutual good-will} [Al-Nisa':29]. So what about the treaty, which is a contract of life or death for the nation?

Thirdly: The treaty should encompass clear-cut objectives and features and define obligations and rights in a way that leaves no room for interpretation or playing on words. The reason for the failure of treaties by modern civilized countries – which claim they seek peace and human rights – and such failure led to successive world catastrophes was nothing but that way; the way of ambiguity and using puns in drafting treaties and determining their objectives. A relevant warning came in such a Quranic verse: {And take not your oaths, to practise deception between yourselves, with the result that someone's foot may slip after it was firmly planted, and ye may have to taste the evil (consequences) of having hindered (men) from the Path of Allah}[Al-Nahl:94]. Deception in the verse means the covert one that renders anything corrupt<sup>[231]</sup>.

#### The Necessity of Honoring Covenants

Quranic verses and the Prophet's hadeeth confirmed the necessity of fulfilling covenants. This includes the Quranic verse: {O ye who believe! fulfil (all) obligations}[Al-Ma'edah:1], and the Quranic verse: {and fulfil the covenant of Allah.}[Al-An'am:152]and the Quranic verse: {and fulfil (every) engagement, for (every) engagement will be enquired into (on the Day of Reckoning).}[Al-Isra':34], and there are many other verses stressing such a great meaning.

As for they sayings of the Prophet, pbuh, they include what narrated by Abdullah ibn Amr, may Allah be pleased with both of them, that the Prophet said: "Whoever has (the following) four characteristics will be a pure hypocrite: «lf

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Tawfiq Ali Wahabah: Al-Mu'ahadat Fil-Islam [Treaties in Islam], pp 100101-.

he speaks, he tells a lie; if he gives a promise, he breaks it, if he makes a covenant he proves treacherous; and if he quarrels, he behaves in a very imprudent evil insulting manner (unjust). And whoever has one of these characteristics, has one characteristic of a hypocrite, unless he gives it up.»<sup>[232]</sup> Anas, may Allah be pleased with him, said the Prophet said: “Every betrayer will have a flag on the Day of Resurrection”<sup>[233]</sup>. It was narrated that the Prophet said: “He who had a covenant with a group of people, it is impermissible for him to break it or expand it till this covenant expires or is thrown back to them, (so as to be) on equal terms.”<sup>[234]</sup>. In Sunan Abu-Dawud<sup>[235]</sup>, the Prophet said: “He who does injustice to a covenanter, aggrieves him, overburdens him or takes from him anything he is unwilling to give, I will oppose him in the Day of Resurrection.”<sup>[236]</sup>

Most of jurists – all see that jihad is with both pious and wicked emirs – opine that jihad is not with the emir who does not honor covenants. Unlike the international law in contemporary civilization, the change of circumstances is not a justification for breaching covenants. Furthermore, if Muslims fail, in certain circumstances, to meet their commitments, they should observe the commitments of the other party. A piece of evidence of that is the famous story in which Muslim commander Abu Ubaydah ibn al-Jarrah took control over Homs and took jizyah (poll tax required from non-Muslims living in an Islamic state) from its people and when he was compelled to pull out of it, he returned back jizyah to its people, and said: “We returned you your money because we were informed of the crowds gathered against us, and you stipulated that we protect you and we are not able to do that. So we returned you what we took from you. We will abide by the stipulation and what we agreed on with you if Allah granted us victory on them.”<sup>[237]</sup>

232 Al-Bukhary: Book of Jezyah and Reconciliation, Chapter of the Sin of Whoever breaches promises (3007), Muslim: Book of Faith, Chapter of Hypocrite Characteristics (58).

233 Al-Bukhary: Book of Jezyah and Reconciliation, Chapter of the Sin of the betrayer of the pious and the dissolute (3015), Muslim: Book of Jihad and Marching, Chapter of Prohibiting Betrayal (1735).

234 Abu-Dawud: Book of Jihad, Chapter “Covenant between Imam and Enemy” (2759), Al-Termidhiy from Amr Ibn Absah (1580), the phrasing is his, Al-Albany said it is correct, Sahih Al-Jamia (6480).

235 Abu-Dawud: is Sulayman ibn al-Ashaath ibn Ishaq ibn Bashir al-Azdy al-Sigistani best known as Abu-Dawud (202275- AH), Imam the people specialized in Hadith in his time. He is the author of his famous book (Sunan Abu-Dawud). He was born in Sigistan in Persia and died in Basra. See: Al-Dhahaby: Siyar Aalam al-Nubala’ [Biographies of Outstanding Nobles] 13203/.

236 Abu-Dawud: Book of Al-Kharaj, chapter of coexistence with People of Book if they had disagreement in trade (3052), Al-Albany: Sahih al-Jamia (2655).

237 Abu-Yusuf: al-Kharaj, p81.

There are many of such examples from Islamic history. The change of circumstances and national interests is not a justification in Islam for breaching covenants. Nor such a breach is justified by that Muslims see in themselves a center of power in comparison to the other party. This was frankly mentioned in the Quranic text; Allah, exalted be He, says: {Fulfill the Covenant of Allah when ye have entered into it, and break not your oaths after ye have confirmed them; indeed ye have made Allah your surety; for Allah knoweth all that ye do.} [Al-Nahl:91]. We should take into consideration the fact that such an emphasis on honoring covenants came at a time when honoring covenants was not a basic rule.<sup>[238]</sup>

This is the ruling of Islam in treaties signed by Islamic countries with other countries with the aim of preserving peace. And we are required to meet them, preserve them, not to break them unless the enemy does that. But if the enemy does not break the treaty, nor did it show enmity to Muslims, the Muslims should honor it. Allah, exalted be He, says: {(But the treaties are) not dissolved with those Pagans with whom ye have entered into alliance and who have not subsequently failed you in aught, nor aided any one against you. So fulfil your engagements with them to the end of their term}[Al-Tawbah:4].

Sheikh Mahmud Shaltut said: “Honoring covenants is a religious obligation, for which each Muslim will be asked by Allah and breaching them is betrayal.”<sup>[239]</sup>

Therefore, Islam has preceded all other nations with their legislation in the field of codifying international treaties. It rather surpassed them in terms of its justice and tolerance with its enemies. More importantly, such precedence was a practical, rather than theoretical, one. This is proven through the treaties Muslims signed with their enemies since the start of the era of the Prophet passing through the era of caliphates and other following Islamic eras.

### Securing Messengers in Islam

As for the issue of securing messengers, the Islamic sharia was fully clear in that point. Quranic texts and the Prophet's acts showed that it is impermissible at all to kill messengers. Islamic sharia jurists oblige Muslims' commander to provide protection to the person of the messenger and ensure he enjoys the

238 Salih ibn Abdul-Rahman Al-Hasin: al-Ilaqat al-Dawliyah bayn Manhaj al-Islam wal-Manhaj al-Hadary al-Moasir [International Relations between the Approach of Islam and the Contemporary Civilizational Approach] p51.

239 Mahmud Shaltut: Al-Islam Aqidah wa Shariah [Islam is a Doctrine and Sharia] p457.

freedom of belief and performs his duties in complete freedom.<sup>[240]</sup>

As part of securing the messenger, it is not permissible to take him as a captive, not it is permissible to hand him over to his own country if it demanded that and he rejected, even if the Muslim country is threatened with war; because handing him over is considered an act of betrayal against him. This is because a messenger enjoys protection in that Muslim country.<sup>[241]</sup>

The messenger's mission has a great role in striking reconciliation or forging an alliance or preventing war. Therefore, all needs should be met and basic requirements be provided, not for his person, but for the mission assigned to him. He represents the body that sent him even if he holds another opinion as long as he accepted the mission. The receiver should take that into account.

Abu Rafe narrated: Quraysh sent me to Prophet Muhammad. When I saw him, faith was thrown into my heart and I said: O the Prophet of Allah, I'll never return to them. The Prophet said: "I never breach the covenant, nor do I hold messengers. Return to them. If your heart contains what it has now, return to us."<sup>[242]</sup>

In his book *Mogamma al-Zawaed wa Manbaa al-Fawaed* [Collection of Additions and Source of Benefits], al-Haithamy<sup>[243]</sup> included a set of the Prophet's sayings under a chapter titled "Prohibiting the Killing of the Messengers". Among such sayings is what Abdullah ibn Masud said when ibn al-Nawwahah was killed: This and ibn Athal had come to the Prophet as messengers of Musaylima al-Kadhab [the liar]. The Prophet said to them: "Do you testify that I'm the Messenger of Allah?" They said: We testify that Musaylima is the messenger of Allah. He said: "If I were to kill messengers, I would have beheaded you."<sup>[244]</sup> Al-Haythamy said: The norm is that messengers are not killed<sup>[245]</sup>.

240 See Ibn Hazm: al-Mohalla 4307/.

241 Abdul-Karim Zidan, al-Sharia al-Islamiyah wal-Qanun al-Dawly al-Aam [Islamic Sharia and Public International Law], p169.

242 Abu Dawud, Book of Jihad, Chapter of 'Imam is sought in covenants' (2758), Ahmed (23908)- Shuayb al-Arna'ut said: Authentic Hadeeth.

243 Ibn Hajar al-Haythamy: is Abul-Hassan Ali ibn Abi Bakr ibn Sulayman al-Shafey al-Misry (735807- AH-13351405- AD), among the most famous of his books is: *Mogamma al-Zawaed wa Manbaa al-Fawaed* [Collection of Additions and Source of Benefits]. See: al-Zirikly: *Al-Aalam* [Outstanding Figures], 4/p266

244 Abu Dawud: Book of Jihad, Chapter of Messengers (2761), Ahmed (3708), the phrasing is his. Shuayb al-Arna'ut said: Authentic Hadeeth. Al-Darmy (2503), Hussein Salim Assad said: Good chain of narrators, but authentic hadeeth.

245 Al-Haithamy, *Mogamma al-Zawaed wa Manbaa al-Fawaed* [Collection of Additions and Source of

Accordingly, the Islamic civilization preceded Western ones by more than 1400 years in laying down the civilizational human foundations of messengers. Such [Western] communities did not recognize such foundations until quite recently<sup>[246]</sup>.

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Benefits], 5/p378.

246 Suyahl Hassan al-Qatlawy: Diplomasyet Muhammad [Muhammad's Diplomacy], a comparative study on the contemporary international law, p182.

## War in Islam... Causes and Objectives

### The Truth of Fighting in Islam

As we have known before, peace is the origin in Islam. The Prophet (PBUH) taught and guided his companions and said to them: “Do not wish to meet the enemy and ask Allah soundness (by avoiding war)”<sup>[247]</sup>.

According to his ethics-based education derived from the Holy Quran and the Prophet’s Sunnah, the Muslim hates killing and blood. Therefore, the Muslim does not initiate fighting with anybody. Rather, he seeks all means to avoid fighting and bloodshed. This is well-evidenced in several Quranic verses. The permission of fighting was only made after Muslims faced war staged by the others. At that time, it was imperative to defend self and religion. If Muslims did not fight in that case, this would have been a form of cowardice and weak determination. Allah, be exalted He, says: {To those against whom war is made, permission is given (to fight), because they are wronged;- and verily, Allah is most powerful for their aid;- (They are) those who have been expelled from their homes in defiance of right,- (for no cause) except that they say, «our Lord is Allah}[al-Hajj:3940-]. The justification of fighting is clear in the verse: Muslims were wronged and expelled from their homes for no cause.

Allah also says: {Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors.}[al-Baqarah:190]. Al-Qurtuby said: This verse is the first verse revealed in the order to fight. It is agreed that fighting was banned before emigration by the Quranic verse: {Repel (Evil) with what is better}[Fussilat:34]and the verse: {...but forgive them, and overlook (their misdeeds)}[al-Ma’eda:13]. In addition, there are other verses revealed in Mecca. When the Prophet immigrated to Medina, the permission of fighting was revealed<sup>[248]</sup>.

It is noticed that the order of fighting was meant to fight only who starts fighting, not peace-lover. This was clearly stressed in the verse: {do not transgress limits}and then warning believers: {for Allah loveth not transgressors.}. Allah, exalted be He, does not love transgression even if against non-Muslims. This

247 Al-Bukhary, Book of Jihad and Marching, the chapter of “If the Prophet (pbuh) did not fight at the beginning of the day...” (2804), Sahih Muslim: Book of Jihad and Marching, the chapter of “Dislike of wishing to meet the enemy and order to be patient at meeting”, (1742)

248 See al-Qurtuby: Al-Jamea li’ahkam al-Quran [The Collection of the Instructions of Quran], 1718/.

includes limitation of fighting, which implies mercy for the humanity.

Allah, to Whom be ascribed all perfection and majesty, says: {...and fight the Pagans all together as they fight you all together}[al-Tawbah:36]. Fighting in this verse is restricted. When they are all united, it is a must for us to be united<sup>[249]</sup>. The cause of fighting pagans all together is that they fight Muslims all together.

Therefore, it is impermissible for Muslim to fight whoever does not fight him except under clear cause, including stealing, plunder, usurpation of Muslims' rights, or injustice they did to anybody – and Muslims want to end such injustice – or because pagans prevent Muslims from promulgating their religion or informing the other of their faith.

Similar to the previous verse, Allah also says: {Will ye not fight people who violated their oaths, plotted to expel the Messenger, and took the aggressive by being the first (to assault) you? Do ye fear them? Nay, it is Allah Whom ye should more justly fear, if ye believe!}[al-Tawbah:13]. The people who violated their oaths were Mecca infidels. They caused the Prophet to leave. It was said: They caused the Prophet to get out of Medina to fight the people of Mecca for breaching oaths.

Al-Hassan said: {being the first}to start fighting and violate covenants. They helped Bani Bakr against Khuzaah. It was interpreted: they were the first to start fighting in the Day of Badr because the Prophet got prepared for taking Al-Ir (train of beasts of burden) and when they protected their Ir, they could have gone, but they insisted on reaching Badr (a place about 150 km to the south of Al Medina where the first great battle in Islamic history took place) and drink wine there.

It was also interpreted that they prevented the Prophet from performing Hajj and Umra [lesser pilgrimage]and Tawaf (circumambulation around the Ka`bah) <sup>[250]</sup>. Regardless the time of the start, the cause of Muslims is clear: their enemies started fighting.

These are the causes and motives behind Muslims' engagement in war. The reality of Muslims during the eras of "the well-directed" caliphs evidenced

249 See al-Qurtuby: Al-Jamea li'ahkam al-Quran [The Collection of the Instructions of Quran], 4474/

250 See al-Qurtuby: Al-Jamea li'ahkam al-Quran [The Collection of the Instructions of Quran], 4434/.



that; in their conquests, Muslims did not fight or kill all pagans who faced them. Rather, they fought only those who fought them from among the army of conquered country, leaving other pagans embracing their own religions.

As we see, such causes and motives are denied only by unjust and biased people. They include replying to aggression, defending self, people, homeland and religion, as well as securing religion and belief for believers, whom disbelievers try to make abandon their religion. They also include protecting the Islamic faith until it reaches all people and finally punishing those who breach covenants<sup>[251]</sup>. Who could deny such causes and objectives of war?

251 Anwar al-Gindy: With What Muslims Achieve Victory?, pp5762-.

## Ethics of Wars in Islam

### Islam' Uniqueness in the Ethics of Wars

“Good manners, flexibility, mercy with the weak, and tolerance with neighbors are all characteristics of any nation at times of peace no matter how savage such a nation may be. However, good treatment at time of war, flexibility with enemies, mercy with women, children and the aged, tolerance with the defeated are all characteristics that cannot be done by each nation and military commander. Seeing blood provokes bloodshed; animosity arouses the feelings of grudge and wrath; the ecstasy of victory makes conquerors intoxicated with that victory, so it pushes them into the most heinous kinds of revenge. This is both the old and modern history of countries. Rather, it is the history of man since Cain killed his brother Abel: {Behold! they each presented a sacrifice (to Allah.: It was accepted from one, but not from the other.

Said the latter: «Be sure I will slay thee.» «Surely,» said the former, «(Allah) doth accept of the sacrifice of those who are righteous.}[Al-Maeda:27].

Here, history honors the leaders of our civilization; military and civilians, conquerors and rulers, as from among great leaders of other civilizations, they were alone characterized by merciful, fair humanity in the fiercest battles and the darkest times that incite revenge and shedding blood.

I swear that if it had not been for the fact that history speaks about such a unique miracle in the history of war ethics in a truthful manner without any doubt, I would have said it is a myth like other myths that have no place on earth<sup>[252]</sup>.”

If peace is the origin in Islam and if war was legalized in Islam for the aforementioned causes and objectives, Islam put rules and laws for war in order to limit anything accompanying it. In this way, wars are controlled by ethics rather than personal desires. Islam allowed wars against tyrants and aggressors not innocent and peaceful people.

### Such ethical controls include the following:

I - Don't kill women, children and the aged: The Messenger of Allah advised the

.Mustafa al-Sibai: Min Rawa'i Hadaratena [From Among Feats of Our Civilization], P73

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commanders to be pious and fear Allah in order to push them to observe the ethics of wars. The Prophet ordered them to avoid killing children; Buraidah (may Allah be pleased with him) narrated that whenever the Prophet ordained anybody as a commander in an army or a brigade, he advised him exclusively to be pious and fear Allah. The Prophet also advised such a commander and other Muslims to have good manners, saying: "... and don't kill a newborn..."<sup>[253]</sup>. Abu Dawud narrated that the Prophet said: "Don't kill an elder or a child or a woman..."<sup>[254]</sup>.

2- Don't kill worshippers: Whenever the Prophet sent his armies, he said to them: "Don't kill people confined themselves to worship in hermitages"<sup>[255]</sup>. His advice to the army heading for "Muatah" battle was: "March in the name of Allah and in His Cause, fight the unbelievers. Attack, but you shall not be filled with hatred, nor act treacherously, mutilate or slay a newborn, a woman, an elder or a person confined himself in a hermitage."<sup>[256]</sup>

3- Don't act treacherously: The Prophet saw off companies, advising them: "... don't act treacherously..."<sup>[257]</sup>Such a piece of advice was not aimed at Muslims' dealings with their Muslim brothers, but rather with archenemies they are going to fight. The matter was so important that the Messenger of Allah distanced himself from the traitors even if they are Muslims and even if the victim is infidel.

The Prophet said: "If anybody provided a man with security and then killed him, I disavow the killer even if the killed person is an infidel."<sup>[258]</sup>The value of faithfulness was so well-established in the manners of the Prophet's Companions that Umar ibn al-Khattab was told during his rule that one of the mujahideen said to a Persian combatant: "Don't fear" then killed him. Al-Khattab wrote to the army commander, saying: "I was told that a man from among you call

253 Muslim: Book of Jihad, chapter of Imam ordaining emirs and his advice to them to observe ethics of invasion, (1731).

254 Abu Dawud: Book of Jihad, chapter of calling the enemy (2614), Ibn Abi Shaibah, 6483/. Al-Baihaqy: al-Sunnan al-Kubra, (17932)

255 (381)

256 Imam Muslim made the reference of the hadeeth without mentioning the story of the people of Mu'atah, Book of Jihad and Marching, chapter of installing emirs and advice of ethics of wars (1731), Abu Dawud (2613), Termidhi (1408), al-Baihaqy (17935),

257 Muslim: Book of Jihad, chapter of installing emirs on missions (1731), Abu Dawud (2613), Termidhi (1408), Ibn Majah (2857) .

258 Al-Bukhary: al-Tarikh al-Kabir [Great History], 3322/, the phrasing is his. Ibn Hibban (5982). Al-Bazzar (2308). Al-Tabarany in al-Muagam al-Kabir [Great Lexicon] (64) and in al-Muagam al-Saghir [Small Lexicon] (38).

the infidel and if that infidel sought protection in the mountain the man said to him: 'Don't fear.' And when the man caught the infidel, killed him. By the One Who controls my soul, if I was told that anybody did so I would behead him."<sup>[259]</sup>

4- Don't make mischief on earth: Muslims' wars were not aimed at sabotage like contemporary wars, in which non-Muslim combatants are keen on devastating all aspects of life of their opponents. Furthermore, Muslims were highly keen on preserving development in every place even if in their enemies' countries. This was clear in the first caliph's (Abu Bakr) words when he advised the armies heading for the Levant. He said: "... and don't make mischief on earth...". This includes every good act. The advice also said: "Don't inundate or burn palm trees, slaughter cattle, cut fruitful tree or pull down synagogues..."<sup>[260]</sup>.

Such details show the goal behind the advice of not making mischief on earth so that the army commander could not think that the animosity with any people does not allow some forms of mischief, which are all rejected in Islam.

5- Spending on prisoners of war: Muslim is rewarded for helping and spending on prisoners of war, because they are weak, their links with relatives and people were cut and in dire need of help. The Holy Quran mentioned benevolence with the prisoners of war together with benevolence with the orphans and the indigents. In the description of believers, Allah, exalted be He, says: "And they feed, for the love of Allah, the indigent, the orphan, and the captive."<sup>[Al-Insan:8]</sup>.

6- Don't mutilate the dead: The Messenger of Allah prohibited mutilation. Abdullah ibn Zayd narrated: "The Prophet prohibited plunder and mutilation."<sup>[261]</sup>

Emran ibn al-Husayn said: "The Prophet used to urge us to alms and prohibiting us from committing mutilation."<sup>[262]</sup> Although the pagans mutilated the

259 Al-Muwatta': narration of Yahya al-Leithi (967). Al-Baihaqy: Ma' refat al-Sunnan wal-Athar [Knowledge of Sunnah and Traditions]. (5652)

260 Al-Baihaqy: Al-Sunan al-Kubra (17904). Al-Tahawy: Sharh Mushakkal la-Athar, 3144/. Ibn Asaker: Tarikh Demeshq [History of Damascus], 275/.

261 Al-Bukhary: Book of Grievances, chapter of plunder (2342). Musnad al-Tialsy (1070). Al-Baihaqy: al-Sunan al-Kubra (14452).

262 bu Dawud: Book of Jihad, chapter of prohibiting mutilation (2667). Musnad Ahmad (20010). Ibn Habbab (5616). Abdul-Razzaq (15819). Al-Abany: authentic. See: Erwaa al-Ghalil (2230).

Prophet's uncle Hamza, the Prophet did not abandon that principle. Rather, he prohibited the Muslims from mutilating dead bodies of the enemy, saying: "The people who will face the severest punishment on the Day of Resurrection are: a man killed by prophet; a man who killed a prophet; a misleading imam; a mutilator."<sup>[263]</sup> There had never been even a single incident in the history of the Prophet that a Muslim mutilated any of the enemies.

These are the Muslims' ethics of wars. These ethics do not cancel honor in animosity, justice in treatment or humanity during fighting or after fighting.

263 Ahmed (3868), the phrasing is his. Shuayb al-Arna'ut said it is good. Al-Tabarani: Al-Kabir (10497). Al-Bazzar (1728). Al-Albany: authentic; see: Al-Silsila al-Sahiha (281).





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