



# ISLAM, ITS TREASURES AND BEAUTY

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## 1. Summary

Islam is a very huge religion and the most fast growing religion in the entire world since ever. Only Islam is accepted by Allah as religion, and anyone who follows another religion or belief will be with the losers at the end of time. Islam is the fundament of life as the Holy Prophet Muhammad (pbuh) has educated us. This wisdom we find since about 1,400 years ago in the Holy Qur'aan and the Sunnah. All kind of secular sciences are originated from these sources and even so the laws, regulations and jurisprudence science.

Justice is the supreme purpose and ruling spirit of the Shari'ah. It provides the framework for the entire corpus of Islam, shaping and moulding its beautiful configurations. The paramount purpose for which the Prophets were sent and struggle all their lives was to guide man to achieve justice.

### Objectives of this chapter

After studying this part, the reader has in essence:

- Understanding of the meaning of the Holy Prophet Muhammad (pbuh) for all creations;
- Understanding of the sources of Islam;
- Understanding of the Islam as world religion.

## 2. Introduction

In this part, an introduction of the *seerat* of the Holy Prophet (pbuh) is outlined. Further insight into Islam as a religion, the Treasures of Islam and the Islamic legal system. These tracts are supported by verses from the Holy Qur'aan and Ahadith.

### *The Last Messenger (pbuh)*

After a short break When the Prophet Isa (AS) Ascend to the Heavens live the entire world was covered with a dark veil. People began to gamble again publicly, to commit adultery, drink alcohol and to worship idols. At that time the world was enlightened by the birth of the last Prophet en Messenger (22 April 571/12 Rabi-ul-Awwal, 53 years before Hijrat) of Allah Almighty. He whom the world had waited for a long time came as last. It was a happy spring. Everywhere, both on earth and in heaven, joy was in sight. The good news about the birth was brought to Abdul Muttalib, the grandfather of the Prophet (pbuh). He hurried to the house of Abdullah and he was delighted when he saw the heavenly child. Never before had he seen such a beautiful and bright face. He took the child in his arms along to the Ka'aba (House of Allah) for *tawaaf* (circulate) and then brought him back to Bibi Amina, the mother of the Prophet (pbuh).



When the child was one week old, Abdul Muttalib gave a big party, where the entire Quraish tribe was invited. The Quraysh asked Abdul Muttalib what name he had given the child. Abdul Muttalib replied: "I named him Muhammad (the Praised)". On this occasion the Quraysh asked why such an unusual name? Nobody in your family has ever had this name. I know Abdul Muttalib said joyfully, but the grandson of mine is not like other children. I want the earth and the sky is filled with his tribute. Therefore, it was that the son of Bibi Amina (ra) got two names. She named her child Ahmad, as the angel Jibraeel (Gabriel) had said, and the grandfather called his grandson Mohammed. Both names are certainly prophetic. The child was identified as the greatest benefactor of humankind. It was he to whom the Glory of Allah was revealed for everyone as no one had done it sooner.

### **Allah reveals:**

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ ﴿١٠٧﴾

*And We sent not you, but a mercy for all worlds. .Surah al\_Anbya (21) verse 107*

**Al Qurtubi** (ra) states that with 'Alemeen' here is said not alone humankind, but even so Jinn and all that exists in the creation of Allah.

As a child, the Prophet (pbuh) was given to a nurse called Daai Halima Saadiya (ra). This was the tradition of the Arabians. Before being given to her, the Prophet (pbuh) was suckled by Bibi Amina, Hazrat Suwayba and Hazrat Umm-e-Aiman (ra). Daai Halima says that when she brought the Prophet (pbuh) to her home, she would never have to burn a lamp at night, since the *Noor* (Light) of the Prophet (pbuh) brightened her entire home. She also states that in his first stages, the first words he (pbuh) said were: "*Allahu Akbar Allahu Akbar Alhumdu lil laahi Rab'bil Aalameen*". Bibi Halima also says, at night I would often here him read: "*Laa ilaaha ilal laahu Qudoosun Qudoosun Naamatul Uyoonu wa Rahmaanu Laa Takhuzuhu sinatuw wala Naum.*"

Bibi Halima's sons spent their time with herding sheep and goats. Every morning they brought the flock to the desert. Since the animals eat grass all day, running from hill to hill.

The boys followed the sheep and kept them in the eye. When their foster brother was a little older, they took him along. With wide-open eyes, the young foster brother started to read the book of nature. He said many questions about everything he saw. He was excited to learn everything. Bibi Halima felt very happy. Her little boy grew up, both physically and mentally.

Soon strange events begin to take place. Bibi Halima's children noticed that their foster brother was not a normal child. There was something special about him on the hand. Stone greeted him as he walked along. "Peace be upon you, O Prophet of Allah", they heard voices say. In vain, they looked around to see if it was someone else. They saw to the surroundings nothing but rock and sand. Also, they saw that trees and bushes bowed down to the foster brother. These events kept the boys very busy. "Mother," they said one evening: "Trees and shrubs bow to Mohammed (pbuh) and as he walks along the stones, they greet him. We make this almost every day. What do these things means?"

**Bibi Halima** said, "Don't talk to anyone about these things; your foster brother is not like other children. Watch good over him, let nothing happen to him." One day something incomprehensible happened. Two angels, dressed in snow-white robe, came down from heaven. They came to Muhammad (pbuh). The Angels pulled off his clothes and tore it chest open. Ibn Khatir (RA) gives his *Tafsir* (comments) on the Qur'aan verse:

لَمْ نَشْرَحْ لَكَ صَدْرَكَ "Have We not opened your breast (for you) meaning, 'have We not opened your chest for you.' This means, 'We illuminated it, and We made it spacious, vast and wide'." *Tafsir Surah al Sharh (chapter 94, verse 1)*

In that Age, Arabia had no schools. Therefore, the Holy Prophet (pbuh) did not attend any school. Though he has a sharp eye and a clever memory. He learned from everything he saw and heard from the jungle in the desert or the bustle of the marketplace, his mind was fixed on the basics of life and nature. Of himself, he made a thorough study of the living world. Nothing slipped his mind. The frames were enough for him. He searched for the deepest meaning of things through the eye was not observed. His hours were often filled with deep thinking about things. "Why the day and night follow each one? How comes it that the cycle of the sun and the moon never ends? What does the wind, clouds and rain service to humans? How do they form? How come it that the heavenly bodies run their positions?" The thoughtful young man searching for answers for these questions and other similar topics.

There was also food for reflection for the Prophet Muhammad (pbuh) on those around him. People worshiped idols. They drank and gambled a lot. Furthermore, they buried their daughters alive. They were delinquent on their slaves. They were rude to their wives. Some of these issues went on from generation to generation. In Arabia, these things were normally. The neighbours looked no better.

The Holy Prophet (pbuh) did not like this lifestyle. He never took part in such lifestyle that took place around him. He never took part in idol worship. He also never participated in noisy wedding parties. He was calm and thoughtful. He stayed away from fairs and festivals. As the years passed, he grew more concerned about the evil he saw around him. He looked forward for a way to redeem the world of this evil.

For his livelihood, he was a businessperson. As time passed, the Holy Prophet (pbuh) has less interest in his trade. He spent more and more attention to the things he wanted to improve. Often he went to Mount Heera a few kilometres from the City of Mecca

Mukarramah. In a cave on Mount Heera, he sat for hours and sometimes for days to think deeply. Sunk in deep thought he was looking for answers about mystery life. He looked forward for opportunities for the people who were in deep degradation of life. Often he took at the end of the day some fruit and did not return that evening.

Throughout the month of Ramadan, he spent on Mount Heera. At a time, he had spent six months in the cave on the mountain when he saw the Light. One night in the month of Ramadan (610 after Isa) the archangel Jibraeel (AS) appeared to him. The archangel brought the first message (Surah Al-`Alaq – Chapter 96) from Allah to the Holy Prophet Muhammad (pbuh). The Holy Prophet was called the Messenger of Allah. He was Allah's Will reveal to the people. He was also appointed to guide the people to the Straight Path, progress and real happiness. It was a call to rid the world of all-evil.

The archangel request respectful the Prophet (pbuh) to read the message, but the Prophet refused. In many books, we read the translation of this refuse as 'I can't read', but this translation is wrong. The best translation, as **Sheikh Akhtar Raza Khan** al\_Azhari al\_Qadri said in a speech is, 'I don't want to read'. And this is in my opinion very well, because only those attend schools who need to learn and the Prophet did not attend any school in his entire life. This means he was already bestowed with all knowledge by the Lord Himself. Probably when his chest was torn open by angels when he was a child.

At that time, the Holy Prophet (pbuh) was forty years old. For fifteen years, he has the happy life as a husband and father that we cannot experience, but follow as a Sunnah.

In the beginning, the Prophet (pbuh) spread the Islam to his friends and closes relations. After a short time when he heard the Words<sup>1</sup> of Allah from archangel Jibraeel:

يَأْتِيهَا الْمُدْتَرُّ - فَمَ فَأَنْزِرُ he began to recite the Truth publicly, he and his small group of followers endure bitter times, that were so intense that in the year 622 (Allah gave him command) to moved. This experience led them from Mecca to the City of Medina, about 420 km from Mecca. This move called *Hijrat* (immigration) is also the Islamic calendar begin.

**Ibn Khatir (ra)** states in his Tafsir the meaning of above verses as: (74:1) O you enveloped in garments! (74:2) Arise and warn! He also gives the following Tafsir "While I was walking I heard a voice from the sky. So I lifted my gaze towards the sky and saw the same angel who had come to me at the cave of Heera'. He was sitting on a chair between the sky and the earth. So I fled from him (in fear) until I fell down to the ground. Then, I went to my family and I said, 'Wrap me up, wrap me up. So, they wrapped me up! So Allah revealed, (O you wrapped up! Arise and warn!) until (And keep away) [Here, Abu Salamah added, 'Ar-Rujz means idols.']( After this, the revelation started coming strongly and frequently in succession.) This is the wording of Al-Bukhari. The way this Hadith is narrated necessitates that revelation had descended before this. This is due to the Prophet's (pbuh) statement,

«فَإِذَا الْمَلِكُ الَّذِي جَاءَنِي بِحِرَاءِ»

From his companions the best one was Sayyiduna Abu Bakr Siddiqui, Sayyiduna Umar Al Farooq, Sayyiduna 'Uthman Ghani and Sayyiduna Ali (ra). These four are called the

<sup>1</sup> Surah Mudathir (chapter 74) verse 2 and 3

'**Khulafaa-e-Rashidun**' or the "**Rightly Guided Caliphs.**" Together, these four Khulafaa ruled the Islamic State for about 29 years. They are called "Rightly Guided" because they ruled the people of that time exactly according to the Holy Qur'aan and the commands of Sayyiduna Rasoolullah (pbuh).

At the age of 63 years old, the Prophet became ill. He had high fever and a terrible headache. Yet he went as usual fully with his mission. On the fifth day of his illness, he went to Uhud mountain and held a prayer for the martyrs who were buried there. Then he addressed the people and said: "I know you will not be returning to worship idols, after I am gone. But, I have a fear. I fear that you will be so caught up in this world together so you will not be spared. Then you will die like others before you die." The Holy Prophet (pbuh) continued to lead the prayers until he became weak from his illness to go to the mosque. So he asked Abu Bakr Siddiqui (ra) who was his friend and father in law to take his place on the *musallah* (prayer carpet) for leading the prayers.

The Holy Prophet (pbuh), The illustrious Habeeb of Allah, The Mercy unto the Worlds, The Soul of the Universe, The Beloved of Bibi Amina (ra), The Coolness of the eyes of Hazrat Abdullah, The Beloved Rasool (pbuh) passed from this world on Monday, the 12<sup>th</sup> of Rabi-ul-Awwal, 11 Hijrat, (June 632) at mid day, in the home of Bibi Aisha (ra).

Explaining the Janazah Salaah of Rasoolullah (pbuh) in detail, Imam **Ahmed Raza Khan** (ra) states as follows in the fourth volume of his world renowned encyclopaedia Fatawa-e-Razvia: "The Ulema have differences on the issue of the Janazah Salaah of the Prophet (pbuh). One Jamaat says that the Janazah Namaaz did not really occur. Small groups came in and sent Durood and Salaams and then left, followed by others. Certain Hadith also show this.

There are also various Ulema who accept this Namaaz Ma'roof. Imam Qazi Iyaaz rectified this. Hazrat Abu Bakr Siddiqui (ra) was engrossed in giving hope to the Muslims and taking care of the needs of the Ummah. At this time, the allegiance had not been taken on his hands. People came in huge and small groups and continued to pray the Janazah Salaah of Rasoolullah (pbuh). When the Allegiance was taken on the hands of Hazrat Abu Bakr Siddiqui (ra), then and his Guardianship was confirmed, He prayed the Janazah Salaah, and after him non other prayed, as mentioned by Imam Shamsul Ulema Sarkhasi. It is in Bazaaz, Haakim, Ibn Sa'ad, Ibn Mani', Baihiqi, Tabrani and Mu'jim Ausat on the authority of Hazrat Abdullah ibn Mas'ood (ra) that the Prophet (pbuh) said: "After giving me *ghusl* and *kaffan* leave me on the bier and go outside. Jibraeel (AS) will first read Namaaz over me, followed by Mikaeel (AS), followed by Israfeel (AS), and then The Angel of death will pray over me with his entire army. You should them come to me in groups and read Durood and Salaam'." *Fatawa Razvia vol.4. pg 54 - New Edition of Fatawa Razvia Vol.9 pg.286*

### **3. What is Islam?**

Islam is a very huge religion and the most fast growing religion in the entire world since ever. Islam means 'surrender to the will of Allah' and derived thereof 'peace and love for each other, for the animals, planets, plants and everything that exist, seen or unseen (like Angels and Jinnaat)'. A Muslim must love and respect all those who are the beloved of Allah and His Rasool (pbuh) even though that person may be his enemy.

### Allah reveals, as we read in the Holy Qur'aan:

إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ وَمَا اخْتَلَفَ الَّذِينَ أُوتُوا الْكِتَابَ إِلَّا مِنْ  
بَعْدِ مَا جَاءَهُمُ الْعِلْمُ بَعِيًّا بَيْنَهُمْ وَمَنْ يَكْفُرْ بِآيَاتِ اللَّهِ فَإِنَّ اللَّهَ

سَرِيعُ الْحِسَابِ ﴿١٩﴾

*Verily, only Islam is the Deen (Religion) before Allah, and the men of Book did not dissent but after the knowledge had come to them, because of their hearts burning. And whoso denies the signs of Allah; then no doubt Allah is to call to account very soon. Surah al\_Imran (3) verse 19*

Islam is not a new religion, but the same Truth that Allah Almighty has revealed through His Prophets<sup>2</sup> from Adam (AS) until Prophet Muhammad (pbuh) to all people. For one fifth of the world, Islam is both a religion as a civilization full of inspiration. Muslim follow a religion of peace, mercy and forgiveness and the Muslims has nothing to do with the very serious evil events in the world, but although they are associated with this evil through the page selling firms and image selling media.

### Allah reveals further more:

وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ

الْخَاسِرِينَ ﴿٨٥﴾

*And whoso will desire for a religion other than Islam that shall never be accepted from him and in the next world he shall be among the losers. Surah al\_Imran (3) verse 85*

**Ibn Khatir** states in his Tafsir, (Truly, the religion with Allah is Islam.) Allah states that there is no religion accepted with Him from any person, except Islam. Islam includes obeying all of the Messengers until Muhammad who finalized their commission, thus closing all paths to Allah except through Muhammad. Therefore, after Allah sent Muhammad, whoever meets Allah following a path other than Muhammad's, it will not be accepted of him.

Islam is based on five treasures, that are **Iman** (faith), **Salaah** (daily prayer), **Ramadan** (fasting), **Zakat** (alms) and **Hajj** (pilgrimage to Mecca and *Ziarat* of the Shrine of the Holy Prophet).

<sup>2</sup> In a lecture in the City of Alkmaar in The Netherlands the Indian Mufti Syed Shahid Ali Qadri Razvi said, that in a Hadith is mentioned about 124,000 Prophets and in another Hadith 224,000 Prophets (peace be upon them), but mostly the Islamic Scholars mentioned in their lecture approximately 124,000.

It is unanimously accepted, that to visit the *Rauza-e-Anwar* of the Prophet (pbuh) is a great blessing and honour. There are various Ahadith-e-Mubarakah relating to this topic, but only a few are being presented.

**The Prophet (pbuh) said:** "My intercession becomes *wajib* (obligation) upon him who visits my Grave." *Baihaqi*

*Why Islam often seems strange?*

Islam may seem exotic or even extreme in today's world. This is because most non-Muslim in the modern world do not practice their belief in daily life, while the Muslim put Islam religion above all always in mind and then found their lives beautiful. They believe and accept that the *Shari'ah* (Divine Law) should be taken very seriously, which is why issues in the light of religion look more important, because it is a lifestyle. Islam is the Way of Life.

All Muslims are brothers to one another, as Islam teaches us. This teaching was a great test placed in Medina. The refugees from Mecca had no home and no money. Most of them were rich from home before, but the Mecca leaders had not let them go. The first problem for the Prophet (pbuh) was to provide shelter to these people. The brotherhood of Islam has an easy solution. The Prophet called an Ansari (citizen from Medina Munawwarah) and a *muhajir* (refugee), and said "now you two are brothers of each other". Immediately, the relationship among them became stronger than blood relation. The Ansari gave his brother half of everything he had as his property such as his home, land and money. Never before had the world seen such a brotherhood.

#### 4. The faith

Muslims believe in the Unity, Unique, and Incomparable Allah, the angels that He created, in the Prophets through whom His *Wahi* (revelations) were brought to mankind, the Day of Judgement and individual accountability for human actions, in full command of Allah over human destiny and in life after death (translation of Iman-e-Mufassal = [Amanto beellaahi wa malaa-i-katihee wa kotobihee wa Rasoolihee wal-yauwmeel aagree wal-qadri-garihee wa shar\\_rihee meenallahi Ta'ala wal ba'si baadal maut](#)).

Muslims believe in a chain of Prophets beginning with Adam (AS), including Noah, Abraham, Ishmael, Isaac, Jacob, Joseph, Job, Moses, Aaron, David, Solomon, Jesus and Elias (AS). But Allah His final message to man, a reconfirmation of the eternal message and a summary of what had previously preached was revealed to the Holy Prophet Muhammad (pbuh) and brought by the archangel Jibraeel (AS).

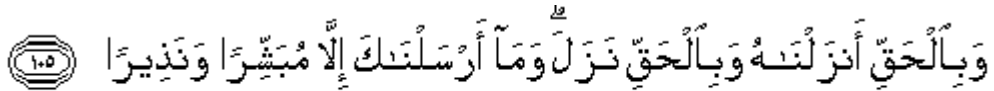
To convert to a Muslim it is just by saying, with heart and soul to be convinced: [Laa ielaaha iellallaahu Muhammaddar Rasoolullah](#) (pbuh); Translation: "There is no god but Allah, Muhammad (pbuh) is the (Last) Messenger of Allah." For a person to become a Muslim it is necessary for him or her to believe Islam as the true religion and not to reject any of its necessary aspects. A person should also not have beliefs contradictory or against the religion's *Zaroriyaat-e-Deen* (necessary aspects of Islam). If the person does not have the knowledge about all the religion's necessary aspect, i.e. even if he is a complete and utter illiterate, he must believe in Islam and in the Messenger of Islam.

#### 5. The Sources

The sources that the Muslim nation used to find the Straight Path and even so to resolved problems are found in the written sources, the Holy Qur'aan and Sunnah of the Holy Prophet Mohammed (pbuh).

### 5.1 The Holy Qur'aan

The Glorious Qur'aan is the Word of Almighty Allah that was revealed and sent down (Nuzul al-Qur'aan) on the heart of the Prophet Muhammad (pbuh). This is evident from Surah al Isra (17:105):



*And We sent down Qur'aan with truth and it has come down for truth and We sent you (O Prophet Muhammad) not but as the bearer of glad tidings and as Warner.*

The Holy Qur'aan is the most exalted of the previous Kitabs (Zaboor, Taurit and Injeel). The Prophet taught the Qur'aan to more than 100,000 Sahaba-e-Kiraam. More than 10,000 Sahaba memorized the Qur'aan by heart (huffaaz).

**Ahmed von Denver** (1981) states, "Muslims have from earliest times, applied themselves not only to the message from Allah the Qur'aan, but also to its setting and framework, and the preoccupation with these ultimately developed into the 'sciences' of or 'knowledge' about the Qur'aan, known as "*ulum al-Qur'aan*"."

This days not only some Muslims, but even so non-Muslims try to understand the Holy Qur'aan and give meaning to it from own opinion without have any understanding of the sciences of the Holy Qur'aan. They did not study the outlines of it like *tadwin*, *tafsirs* (tafsir-bi-'l-mathur , al-tafsir bi-'l-ra'y, al-tafsir al-ishari, al-tafsir al-fiqhi, al-tafsir al-'ijtima'i wa-'l-'adabi, al-tafsir al-'ilmi and al-tafsir al-lughawi) *al-nasikh wa al-mansukh*, *fazes of nuzul-al-Qur'aan*, *content*, *seven 'ala sab'at ahruf* (word forms) *and style of the Qur'aan revelation*.

**Sunny Razvi Society Int.** Magazine (1995) reports that the emergence of a modernist thinkers and ignorant scholars within the community continue to threaten the basis and foundation of knowledge in the Muslim community. these misled individuals are interpreting the book of Allah and hadith shareef through their defective and inverted understanding. Muslims must seek guidance from learned scholars in the community. and steer clear such modernists and materialistic atheists.

**Hujjatul Islam Allama Shah Haamid Raza Khan (ra)**, the eldest son of Ala Hazrat Imam Ahmed Raza Khan, has provided the Muslim community with a simple way of identifying falsehood and dealing with it. In one of his works/speeches, this great Scholar said: "The Qur'aan not only says the people of knowledge have the ability and capacity to understand the Qur'aan by themselves, but that they should also turn to the Beloved Prophet (pbuh) for the explanation.

وَتِلْكَ الْأَمْثَلُ نَضْرِبُهَا لِلنَّاسِ وَمَا يَعْقِلُهَا إِلَّا الْعَالِمُونَ ﴿٤٣﴾

*And these examples We narrate to the people, and none understand them but the learned.  
Surah al\_Ankabut (29) verse 43*

بِالْبَيِّنَاتِ وَالزُّبُرِ وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ  
وَلَعَلَّهُمْ يَتَفَكَّرُونَ ﴿٤٤﴾

*With clear arguments and Books. And O' Beloved! We sent down to you the Remembrance  
that you may explain to people what was sent down to them and that haply they may ponder.  
Surah an\_Nahl (16) verse 44*

Thus, if the Holy Prophet (pbuh) had not through his codified law explained in detail the concise meaning of the Holy Qur'aan, it would have remained abstract. Similarly, if the learned Imams had not elucidated and expounded the A hadith they too would have remained abstract to us and the Ulema after them would have found it beyond their ability to make this meaningful to us. Thus, their link of guidance has been established by Allah Almighty. Whoever tries to break this link is certainly not in the path of guidance. In fact, such a person has clearly gone astray. It is for this reason that Hazrat Umar ibn Khattab said: "Soon there will come a time when you will be confronted by people who will entangle in controversies with the ambiguous verses of the Holy Qur'aan. Overpower them through Hadith, because those who possess the knowledge of Hadith will be in the position to understand the Qur'aan." *Darimi, Darqutni*

To understand the meaning of Qur'aan al-Karim, it is necessary to learn well branches of knowledge such as 'ilm-i lughat, 'ilm-i matn-i lughat 'ilm-i badi', 'ilm-i bayan, 'ilm-i ma'ani, 'ilm-i balaghat, 'ilm-i usul-i tafsir, to be profoundly learned in the complementary branches of knowledge such as *sarf* and *nahw* (Arabic grammar) and logic, to know well the clear meanings, the included meanings, the divinely aimed meanings of ayats, the meanings necessitated by them, when, why and for whom each ayat al-karima descended, and with which hadith ash-Shareefs and how ayat al-karimas are explained. Only such deeply learned savants can interpret Qur'aan al-Karim. That is, they can understand the divine meaning from the divine word. The attempt of a person with no such knowledge to interpret Qur'aan al-Karim is similar to an elementary student attempting to read university books or to perform chemical experiments. We have often read in newspapers that many such poor people fell victim to his own experiments. Those who do not possess all this knowledge should resort to tafsirs, from which they will try to understand the meanings that learned people understood and wrote.

## **5.2 The legal classification of Ahadith**

It does not need us to explain that the first and foremost primary source of the Sacred Law (Shari'ah) is the Holy Qur'aan – the Book of Allah. It is through the clear and explicit commands and teachings of the Holy Qur'aan that we are obliged to follow the Messenger of Allah. This is because, without the Messenger of Allah it is merely impossible for anyone

to understand the Qur'aan; its explanations and meanings, and it is also impossible to learn the detailed rulings of each and every obligation in Islam.

Therefore, the Ahadith of the Messenger of Allah certainly form the second source for the Sacred Islamic Law - the Shari'ah, as these are the one and only means of gaining information as regards the Messenger of Allah; his commands; his sayings; his actions; his explanations and commentaries on the verses of the Holy Qur'aan, all of which are necessary for us to know in order for us to understand the Holy Qur'aan.

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ ﴿٩﴾

*No doubt, We have sent down this Qur'aan, and We most surely are its Guardian. Surah al Hijr (15) verse 9*

The promise made by Allah Almighty in the above verse was precisely during the last fourteen centuries fulfilled in the undisputed purity of the Qur'aan text. What is often forgotten by many Muslims is that the divine promise also refers to the Sunnah of the Holy Prophet Muhammad (pbuh), because the Sunnah is the practical application and implementation of the Holy Qur'aan. The wise words of the Prophet: "The Holy Qur'aan needs the Sunnah (traditions = Ahadith of the Prophet) to be understood."

Allah Almighty saved the Sunnah for the Sahaba (Companions of the Prophet) to permit them (and after the Tabi, Tabi'un) learn the Ahadith by heart, to record it and to be in best practices with it for a blessed Sunnah.

Later, when the authenticity of the Sunnah scholarship began to weaken Allah Ta'ala prompted investigators in the Muslim Ummah, to search for strong memory and extraordinary talents with analytical skills. These talented analysts travelled tirelessly to remote areas to collect thousands of Ahadith and clean the prophetic words of wisdom to classify:

- Poor memory,
- Falsification by unscrupulous liars,
- Statements by a large number of Ulema (Islamic scholars), the companions and those who continued on their path.

All Ahadith that we know today were selected by the researchers in various Hadith narrators based on exact stories (literally) with details of the family including biographies.

**An\_Nawawi** states that Imam Bukhari travelled hundreds of kilometres to visit a man, who possibly knew a Hadith of the Prophet Muhammad (pbuh). After an arduous journey Bukhari came to the place of destination. He saw that a man stood outside of his house and was lure his horse, which was grazing, with an empty bag of oats. Bukhari concluded from this that the man was unreliable and left immediately, without even a word with him wanting to change. This anecdote clearly shows how sharp it was Selected by Bukhari in the collection of the Hadith.

The scientific methodology of the researchers of the Ahadith and their classification is briefly described in this article.

**Allama Imran Raza Khan Samnani Mia** states me in his email of January 2010, that Hadith-e-Sahih is that which contains these four qualities:

- (a) The authenticity of which is assured by the continuance of the chain of Reporters or Narrators (Ravis) is unbroken or uninterrupted from the Holy Prophet (Peace and Blessings be upon Him) to the Compiler or Last Reporter (Ravi). This means that there should be no gap in the chain of reporters, one connected with the following or next reporter till the last reporter.
- (b) Each reporter or narrator of the Hadith must be a person of righteous moral excellence in all his sayings and deeds in all walks of life. No transgressor (Fasiq) or one whose antecedents or past career is hidden and unknown cannot be accepted as an authentic or qualified Ravi or Reporter of the Hadith.
- (c) All the reporters must possess healthy retentive memory, without becoming weak on account of illness or senility.
- (d) The Hadith reported by him must not be rare or of an uncommon or peculiar nature. It must bear the mark of common or natural occurrence or in other words it must not be against well known Hadith called Hadith-e-Mash'hoorah.

In the nomenclature of the majority of the Hadith specialists, a Hadith means: *It is the reported speech of the Messenger of Allah, whether this is: (a) explicit (sarih) or (b) implicit (hukmi). It is also the action of the Messenger of Allah, also split into the two categories, and also what someone did or said in front of the Messenger of Allah, but the Messenger of Allah did not condemn that action or what was said, but, in fact remained silent and established it through his action. This is also split into two categories, as mentioned above.*

*Sarih* means that a companion of the Messenger (pbuh) of Allah clearly states that, "I heard the Messenger of Allah state that..." / "I saw the Messenger of Allah doing..." / "such and such a person or a person did such and such a thing or said such and such a thing, but the Messenger of Allah never disapproved of that" ; or a companion or their successor(s) or anyone reports, stating explicitly that: "the Messenger of Allah has said that..." or states that: "It has been transmitted from the Messenger of Allah that he said ..."

*Hukmi* means that any companion who does not transmit anything from the earlier books (such as from the People of the Book) informs of anything in which there is no room for *ijtihad* (consensus) – exercising personal judgement. For example, the companion informs us about events about the Prophets; or informs about events that shall happen in the future such as battles, wars and the trials and tribulations that shall inflict the Ummah; informing about the fright of the Day of Judgement; or inform about a specific reward or punishment for an action, as a companion cannot inform about these things without having heard it from the Messenger of Allah. *Hukmi* also means that a companion does something in which there is no room for *ijtihad*; they must have seen the Messenger of Allah do it, thus, following the Messenger of Allah the companions have done it. Moreover, a companion states that, "In the blessed era of the Messenger of Allah, people used to do such and such.." this is also *Hukmi* as it is quite apparent that the Messenger of Allah must have known

about their action, as revelation still continued. If that action was impermissible, then the Messenger of Allah must certainly have been informed about it through revelation, and thence, prohibited the companion(s) from doing so.

Hadith can also be defined as to include the reported speech, *amal* (action) or *taqreer* (tacit approval - what was said or done in front of a companion, and the latter did not condemn it). A companion is such a noble personality, who was blessed with being in the company of the Messenger of Allah, while the companion is in the state of Iman, and also passed away in that state (of Iman).

Hadith also means the reported speech, action or *taqreer* of the successors to the companions of the Messenger of Allah – the Tabi'un. A successor (Tabi'i) is such a noble personality, who was blessed with being in the company of a companion of the Messenger of Allah, in the state of Iman, and also passed away in the state of Iman.

Imam Ahmad has written a huge amount on Inference of rulings from Hadith proof texts 'Fiqh al-Hadith', Legal Hanafi Methodology and authentic hadith, Principles of hadith 'Usul al-Hadith' and the biographies of men 'Asma al-Rijal'.

To name a few of his works, I shall first and foremost mention his excellent epistle on the science of takhreej entitled, 'al-Rawdh al-Baheej fi Adaab al-Takhreej' (1219 AH). No work of any hadith scholar before him covers this area of hadith to such an extent. The remarks of Mawlana Rahman Ali, a renowned researcher from Madhiyah Pardesh, India, whence reading the details of scrupulous takhreej and its etiquettes were, 'if there were no other book of its subject the author i.e. Imam Ahmad Rida would be acknowledged as the founder to this branch of hadith'.

From his works on Fiqh al-Hadith is the far-famed 'Haajiz al-Bahrayn al-Waqi an jama' al-Salatain' (1313 AH) which he wrote in defence of the Hanafi stance on the impermissibility of combining between prayers. When I studied this work (which is present in his Fatawa) I found it amongst the most amazing works in reconciling the ostensibly contradicting hadith proof texts on this issue which is the most sensitive and complex area of all Muslim Legal concepts.

'al-Fadhl al-Mawhab fi ma'na izha sahha al-Hadith-u-fa-huwa madhabi' (1313 AH), his concise guide on Hanafi Legal methodology and authentic hadith, is another masterpiece which stands unique in its detailed research, strategic presentation and in-depth study. This book is a 'must read' for all Hanafi students in specific, and other Madhab students in general, regardless of their religious backgrounds. It provides authoritative guidance for scholars and a great deal of information on fundamental maxims for students, summarized in just a few pages. The book encapsulates issues such as why many authentic hadith are unaccepted in the Hanafi School and its criterion of acceptance. It is a first-rate manual.

### ***School of Thought***

*The following is a brief summary of the essential features of the four main schools which are Sunni thought*

Imam Azam Abu Hanifa, Imam Malik, Imam Shafi'i and Imam Ahmed bin Hambal (radi Allahu anhum) are the leaders of the four schools of *Fiqh* (Islamic Law).

*Fiqh* is the Science of Islamic Law or Jurisprudence. It refers to the collection and compilation of Islamic laws based on the Holy Qur'aan and the Sunnah of Sayyiduna Rasoolullah (pbuh). These great Muslims devoted themselves to the task of developing the science of understanding Islamic Law and its practise. Although they differed from each other, all the four great Imams had great respect for each other. They were all teachers and pupils of each other for the common goal of enhancing their knowledge about Islam. All of them were unanimous on *Aqa'ids* (Islamic Beliefs). We, as Muslims, must respect the different Sunni schools of thought.

#### *Hanafi School*

Al-Nu'man ibn Thabit al-Taymi, al-Imam Abu Hanifa Abu Dawood is 'The Imam' by Ibn Hajar and 'The Imam, who has touched the sky' as called. He is in the Islamic world as the prominent Imam (al-Imam al-Azam). From the four Ahl al-Sunnah thought schools the highest number of followers is the Hanafi School. He is the first of the four *mujtahid* imams and has as his successors (Tabi'i) from the four Imams, the Companions of the Holy Prophet Muhammad (pbuh) Anas ibn Malik, `Abdallah ibn Abi Awfa, Sahl ibn Sa`d al-Sa`idi and Abu al-`Amir ibn Wathila Tufayl.

Hazrat Abu Hanifa was the first Muslim in Islam to record the *fiqh* that has organized the classification titles and subtitles that cover the entire jurisdiction. He started with *Tahara* (purity), followed by *salaah* (prayer), an injunction that was upheld by all successive scholars such as Malik, Shafi'i, Abu Dawud, Bukhari, Muslim and Tirmizi. All these scholars and their followers are grateful to him and give therefore him a portion of their credits, because he is the person who opened, in accordance with the Hadith of the Prophet, the way they lift: "He who do something righteous in Islam is rewarded and also get the reward of those who practice that until the Day of Judgement, without the reward for practicing become less. Whoever do anything improper in Islam will be punished and given also the punishment of those who are practicing that failure until the Day of Judgement, without the penalty for practicing become less." Al-Shafi'i referred to this Hadith and said: "People are all children of Abu Hanifa in *fiqh* or Ibn Ishaq in history or Malik in Hadith and Tafsir in Muqatil."

Abu Hanifa originated from Kufa, now in Southern Iraq, and had two great followers, Abu Yusuf and Mohammed, both of whom were remarkable jurists in their own right. The Hanafi school of thought is based on the verdicts, legal thought and analysis of all three of these scholars and is believed to be the most liberal of in its interpretation of the Qur'aan and Sunnah. So much so that the traditionist (those who gathered and compiled Hadith) called them 'The People of Opinion' as opposed to the 'People of Tradition'. This school is therefore said to be the most flexible and easiest to accept. Their use of *Qiyas* (analogous reasoning) is unparalleled but they nevertheless regarded the Hadith as important. Abu Hanifa would not give preference to his analogy over the opinion of any Companion. One of Abu Hanifa's verdicts regarding interest is that a Muslim in *Darul Harb* (a non-Muslim country) may engage in the un-Islamic transactions of the indigenous people, if he has a valid need and reason to do so, he has no intention of any deception and fraud and he has no other course of action open to him. The Hanafi School of thought does supply for diverse cultures, norms and circumstances. This is precisely why it has been adopted primarily by non-Arabs (the Iranians, Afghans, Turks, Muslims in Russia and the sub-continent, and also in Syria).

### *Hanbali School*

Named after the great traditionist Imam Ahmed ibn Hanbal (died 241 AH). Imam Hanbal was a student of Imam Shafi'i and a teacher of Imam Bukhari, the traditionist. He was a scholar of great repute. The Hanbali school of thought is said to be the most literal of all the schools, taking almost every text by its words only. Although there is a methodology that the Hanbali scholars claim and maintain, the emphasis is on not making any academic somersaults in order to interpret the text. The approach is often regarded as being most suitable to those who have little inclination towards philosophy and other humanities. Ibn Taymiyah and his students Ibn Qayyim and Ibn Khatir were the main advocates of the Hanbali school of thought. A substantial number of people in Saudi Arabia follow this school of thought in the present day.

### *Maliki School*

Named after the great traditionist and jurist of Madinah Munawwarah, Malik ibn Anas (died 159 AH) was renowned for his narration of Hadith and is credited with being one of the very best and earliest. Imam Malik's approach to jurisprudence is to follow the practice of the people of Madinah, whom he thought were the closest to the original Sunnah of the Prophet. He argued that if the community of Madinah agreed or sanctioned a certain act, then their view should be given priority over any other since Madinah was the hub of Islamic knowledge and practice. In fact, Malik has given preference to the practice of the people of Madinah over some Hadith that did not conform to the known practice. Most of his verdicts originate from the collection of Hadith that he himself compiled in his book Muwatta. Most of Imam Malik's students travelled to North Africa and Spain and hence almost all of North Africa (excluding Egypt), Spain and Sudan follow the Maliki school of thought.

### *Shafi'i School*

Named after the traditionist and jurist Mohammed ibn Idris as-Shafi'i (died 204 AH). Imam Shafi'i is credited with being the first Muslim jurist to form a legal doctrine and systematic analysis. His work entitled Al-Risalah is unique in this regard. However, the Hanafi doctrine was established much earlier than that of Shafi'i even though the former was not codified in any book. Shafi'i is one of the first traditionists who sifted the chain of narrators and called for Muslim scholars to look at their chain of narrators with a critical eye. His jurisprudence falls into two phases of his life, the first before he moved to Egypt and second subsequent to this. After his move to Egypt, Shafi'i retracted a number of his earlier verdicts. His verdicts are usually based on giving priority to any sound Hadith over analogy. He does not accept the authority of the Companions, arguing that they had a right to their opinions as much as others have a right to their own. He was a student of Imam Malik and a contemporary of the two students of Abu Hanifa. His verdicts have been gathered in a book written by his famous student Muzni, entitled Al-Umm. Most of the rest of the Muslim world (Egypt, Malaysia, Indonesia Iraq and some of the African countries) follow his school of thought.

## **5.3 Usool-ul-Fiqh**

Fiqh is the Science of Islamic Law or Jurisprudence. It refers to the collection and compilation of Islamic Laws based on the Holy Qur'aan and the Sunnah of Sayyiduna Rasulullah (pbuh). These great Muslims devoted themselves to the task of developing the science of understanding Islamic Law and its practise.

Although they differed from each other, all the four great Imams, as described in 5.2, had great respect for each other. They were all teachers and pupils of each other for the common goal of enhancing their knowledge about Islam. All of them were unanimous on Aqa'id (Islamic Beliefs). We, as Muslims, must respect the different Sunni schools of thought.

**Definition of fiqh:** "Having a deep knowledge and understanding of the practical laws and regulations derived from detailed legal sources."

Usool-ul-fiqh is the science related to the extensive evidence of *fiqh* (jurisprudence). Fiqh consist of *masaa'il* (legal issues) and *dalaa'il* (evidence) and is based on the opinion of one of the five statements employed in the extraction and determination of this masaa'il. In short, fiqh is actually knowledge of the masaa'il and dalaa'il.

**Nedim Bahcekapili**, professor in fiqh at the Islamic University of Europe in Holland, states that *fiqh* without *ijtihad* is hardly conceivable. For this reason there is need of *ijtihad* to solve contemporary fiqh issues. It is well known that over time, even between Imam Abu Hanifa and two of his disciples' differences in *ijtihad* took place. This is why Imam Shafi'i in his short lifetime (150 H - 204 H) renewed his thought schools of law (mazhab).



Therefore, renewing without *ijtihad* can not be realized. The Holy Prophet (pbuh) would therefore have said that Allah send at the beginning of every century a person (Mujaddid) to the Muslims to bring them back on track.

**Sayyeduna Abu Huraira** narrates that Sayyeduna Rasulullah (pbuh) said: "*Verily Allah will send at the beginning of every century such a person for this Ummah who will rejuvenate and restore their religion (Deen).*" *Imam Abu-Dawood*

Commenting on the authenticity of the above Hadith Shareef, Allama Imam Isma'eel Haqqee records in his marginal notes of Siraj al-Muneer Sharh Jame'h al-Sagheer: "*My Shaykh said that there is a consensus of the Hadith Masters that this Hadith is Sahih.*"

**Imam Jalaludeen Suyuti** in his Mirqat al-Saood's marginal notes of Sunan Abu Dawood records: "*It is a consensus of the Muhadditheen (Hadith Masters) that this Hadith is Sahih.*"

In other the words, when there comes a period in which there is a shortage of knowledge and deterioration in following of the Sunnah; when there is an increase in false innovations and ignorance; then Almighty Allah will send a person at the beginning or end of every century who will show the difference between Sunnah and Bid'at. He will refute and destroy false innovations and will fear none but Almighty Allah. He will very bravely and sincerely hoist the flag of Deen-e-Muhammadi (pbuh).

**Shaykh al-Islam Imam Badr al-Deen Abdal** states in his book, Risalah Mardiyah fi al-Nusrat Madhab al-Ash'riyyah: "*A Mujaddid is recognized by the strong opinion of his contemporary noble Ulema who greatly benefit from his condition and prolific Knowledge. He will be an embodiment of both external and internal sciences of Knowledge supporting and defending the Sunnah and challenging and defeating Bid'ah.*"

There can be more than one Mujaddid in a century, and there has already been more than one Mujaddid to a Century. In the Hadith, the Arabic word that is used to explain the coming of the Mujaddid is in the singular tense, but according to the meaning, it is a plural as it has been explained in the Kitaabs of Usool-e-Fiqh. Allama Mulla Ali bin Sultan Qaari (Alaihir rahmah) who is also said to be the Mujaddid of the 11th Century says, "From the words, not only one single person is implied, but the implication is towards a group of people, from amongst whom each one is reforming a single type of knowledge or all types of knowledge in his city."

So, sometimes a single Mujaddid is born in a century and sometimes there are two or a group in one given century when a consensus cannot be reached on one person. There are times when an Aalim be in the middle of century who may be more knowledgeable and excellent than the Mujaddid, but he will not be classified as a Mujaddid because he did not get the early stages of the century. This is so because generally when the century ends many of the great Ulema also pass away and great dissension and Fitna engulfs the Ummah. Bid'ah and religious corruption creeps into the masses who tend to deviate from the pristine teachings of Islam. At this crucial period there is a great need for revival and renaissance in matters of Deen. At this critical time Allah sends such an Aalim who removes all evil and religious corruption from the Ummah by publicly announcing and refuting them. He will be the best of people and most awesome amongst the dignitaries of his time.

It has been said that the last Mujaddids are Allama **Shah Ahmad Noorani Siddiqui** and **Allama Abdul Wahab Siddiqi** (may Allah pleased with them).

### Almighty Allah revealed in the Holy Qur'aan:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَلَا تُبْطِلُوا  
أَعْمَالَكُمْ﴾

*O believers! Obey Allah, and obey the Messenger and let not your works (good deeds) go vain.  
Surah Mohammed (47) verse 33*

﴿وَأَقِيمُوا الصَّلَاةَ وَءَاتُوا الزَّكَاةَ وَأَطِيعُوا الرَّسُولَ لَعَلَّكُمْ تُرْحَمُونَ﴾

*And establish prayer and give the poor-due (Zakat) and obey the Messenger haply; you may  
be shown mercy. Surah al-Noor (24) verse 56*

The Sunnah is an inspiration of Almighty Allah, but passed to us through the words and deeds of the Prophet (pbuh) and with his consent by the actions of others such as Sahaba (companions of the Prophet). Sunnah confirmed the statements of the Holy Qur'aan, itemizes some of the concepts. Laws and practical issues are mentioned briefly in the Holy Qur'aan (such as the definition of Islam, Iman and Ihsan, salaah, types of usury) and gave a number of statements regarding matters not explicitly mentioned in the Holy Qur'aan (such as the wearing of silk clothing for men) are.

The Arabic word *fiqh* means knowledge, insight and understanding. It refers to the legal rulings of Islamic scholars, based on their knowledge of Shari'ah and as such the third source of rulings. The science of *fiqh* began in the second century after Hijrat (migration of the Prophet from Mecca to Medina), when the Islamic state expand and was confronted with several issues that were not explicitly addressed in the Holy Qur'aan and the Sunnah of the Prophet. Statements based on the unanimity of Muslim scholars and direct analogy is binding.

The four Sunni Schools of Law, treated as above, which is approximately 75% of their legal conclusions are identical to each other. Variations in the other questions are traceable to methodological differences in understanding or authenticity of the primary law textual evidence. Divergent views exist even within a law school.

<b><i>Fiqh (Islamic jurisprudence)</i></b>	
<b>Principles for statements:</b>	<b>Imams of the schools of law:</b>
<ul style="list-style-type: none"><li>o unanimity of Muslim scholars</li><li>o Direct and indirect analogy</li><li>o Benefits to the community</li><li>o Application</li><li>o Associated Rules</li><li>o Original scheme</li><li>o Advice from a companion of the Prophet</li></ul>	Imam Abu Hanifa 80-150 AH (After <i>Hijrat</i> ) Imam Malik 93-179 (AH) Imam Shafi'i 150-204(AH) Imam Ahmad Ibn Hanbal 164-241 (AH)

#### *Information and the quality of modern science in the Light of the Shari'ah*

Information is the message that is issued by a sender and collected by another (receiver). This transfer of information can occur in various forms. Thus, not only verbally (words written or oral) transmission, but also non-verbal transfer (images, sounds, body language, eye language, tastes, smells, facial expressions, etc.) is information. In addition, this information process is also important in formal and informal communication. Formal communication is a structured way of transfer along the way and quality of appointments to be made. Informal communication is especially gossip.

#### *Quality of information*

Actually be able to speak of valuable information is required to obtain information against standards. Modern science communication is also reflected in information management of the ICT environment is directly derived from the Islamic methods.

Imam Bukhari Abu Abdullah Muhammad bin Ismail bin Ibrahim bin al-Mughira al-Ja'fai (194 AH - 256 AH) applied a perfect method to the Hadith collection and in writing (Sahih Bukhari) position. Other prominent Ulema-e-Haqq as Mujaddid Imam `Abd al-Rahman ibn Kamal al-Din Abi Bakr ibn Muhammad ibn Sabiq al-Din, Jalal al-Din al-Misri al-Suyuti al-Shafi'i al-Ash`ari, (849 AH - 911 AH) and Mujaddid Imam-e-Ahle Sunnat Ahmad Raza Khan Qadri, better known as Ala Hazrat (1272 AH - 1340 AH) radi Allahu anhum also the perfect methods.

A number of qualities (standards) that information must meet to be recognized as valuable are: availability, accuracy, reliability, authenticity, verifiability and completeness

repudiation. If any of these qualities lacking in the coverage, then the message is imperfect and void in the jurisdiction. The reason is that one perfect decision (legal or business) can be based only on the basis of the initial review, which is to meet with these standards.

*The dala' il exist of two types*

Extensive evidence that any decision include (from the beginning to the end of the fiqh) of a single species, as we say: "*al-amr-Liel wujoob* (a contract is indicative of an obligation)." Or, "*an-nahie tahriem-lit* (a ban is indicative of a ban)" and other similar securities and are also part of Usool-ul-fiqh. Detailed evidence should be in light of the detailed arguments to be seen. When this is completed, only then the *Ahkaam* (legislation) can apply. Thus, the Ahkaam needs of their detailed evidence, and detailed proofs need of extensive evidence. So herewith, we recognize the need and necessity of knowing Usool-ul-fiqh and helps in the understanding of fiqh itself, and that it is the basis for deriving and creating *ijtihad* (consensus) in Ahkaam.

*The Ahkaam on which fiqh is based*

The Ahkaam on which fiqh is based is divided into five categories, namely:

1. **Wajib** (requirement) for which the person who performs is rewarded, while those who violate will be punished.
2. **Haraam** (prohibition): this is the opposite of a liability.
3. **Masnoon** (recommended): that which the person who performs is rewarded, while those who fail will receive no punishment.
4. **Makrooh** (detested): this is the opposite of a recommendation.
5. **Mubaah** (allowed): this is where the acts and omissions are equivalent.

The statements, which are Wajib, are divided into two categories:

- **Farz 'ayn** (individual obligation), which should be fulfilled by each *mukallaf* (morally responsible), *baligh* (adult) and *'aqil* (sense) person. The majority of the Shari'ah rulings enter into this category.
- The second category is **farz kifaayah** (collective obligation), whose performance is sought from the collective moral responsibility but not every individual separately, such as learning the various sciences of useful knowledge and useful industries, Azan, encouraging the good and forbidding evil, and other similar matters.

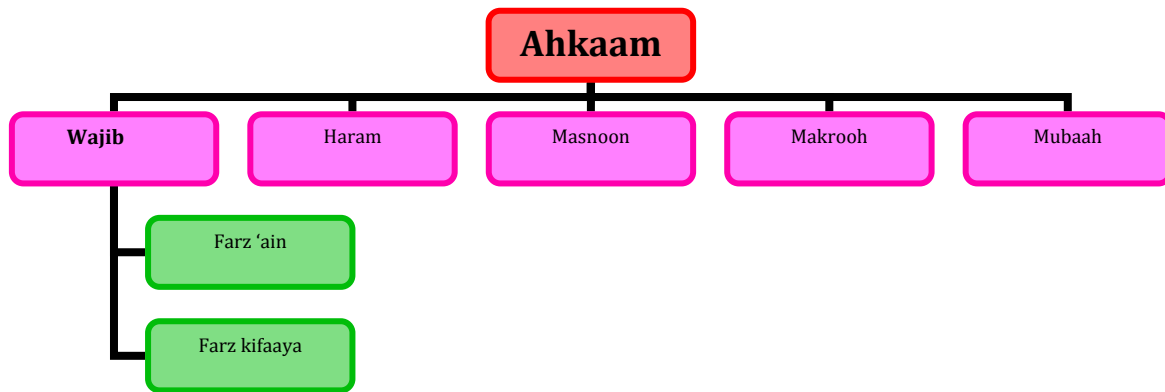


Figure 1 Categorization Ahkaam

These five categories have significant differences are analogous to the status, levels and their effects. Therefore, the *Shaari'* (Lawgiver) ordered in the case of a pure or of overwhelming *maslah* (benefit of the doubt) or an obligation to give a recommendation. In the case of a pure or of overwhelming *mafsadah* (loss), the legislature expressed with an absolute prohibition or dislike. This *asl* (fundamental principle) encompasses all matters commanded of prohibited by the state Shaari'.

With respect to matters which the legislature has authorized and approved lead them at times to what is good and support integrated into those permitted, but other times they lead to what is evil and so are joined to things that are prohibited. So this is a great *asl* that: "**al-wasaa'ilu lahaa ahkaam-ul-maqaasid** (resources to take on the same pronunciation as their objectives)."

From the above we learn: "**maa yatimm-ul-Wajib illaa bihi fa-huwa Wajib** (what is needed to fulfil an obligation is itself an obligation)." Similarly, what is needed to *masnoon* (recommendations) to do is in itself a recommendation. What leads to make *haraam* (forbidden) is itself prohibited. And what leads to make a *makrooh* (loathed act) is self detested.

### The Adillah

The *adillah* (certificates) for fiqh was obtained from four sources, namely:

1. De Holy Qur'aan en Sunnah, these two are the foundation on which the *mukallafoon* (the morally responsible) are addressed and that the religion is built.
2. Ijma' (consensus) and al-Qiyas-us-Sahih (perfect and correct analogy), these two are derived from the Holy Qur'aan and Sunnah.

So fiqh does not skip these four *usool* (foundations), but is strongly based thereon.

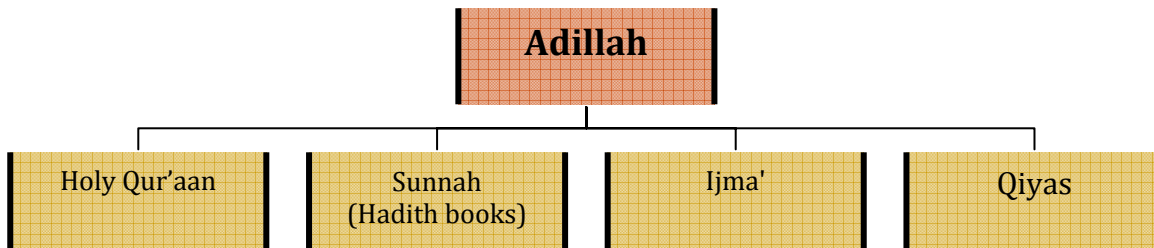


Figure 2 categorization Adillah

The majority of the important *Ahkaam* (legislation) are indicated by the above four adillah (evidence). They are appointed by the *nusoos* (texts) from the Holy Qur'aan and the Sunnah, and the scribes have *ijma'* (consensus) about them and they are indicated by *qiyas-us-sahih* (correct and perfect analogy), because what they bring to the advantage, if a contract is, or what they contain the damage, if it is a ban. Of the various scribes have very little of the *Ahkaam* departed. Waived in such cases, the closest to the truth based application with reference to these four usool. *Ijma'* is related to any matter of Shari'ah or any matter of interest to Muslims.

#### *Ijma'* exist of two types

*Plain Ijma'* is where Islamic Scholars (mufti, Aalim) render their opinions openly until a consensus is reached. Even so these scholars can be asked, separately, to give their personally opinion on legal case. These scholars can give their personally opinion to one or more scholars for second opinion on their own opinion.

The other type is the *silent ijma'* that a scholar renders and communicates it with other scholars who neither openly support nor oppose it. In both types it is necessary that the legal scholars have excellent understanding of the case under judgment. Once the *ijma'* is established, the judgment comes binding.<sup>3</sup>

The *ahkaam-ush-Shari'ah* (Shari'ah rulings) are sometimes derived from a specific text of the Holy Qur'aan and Sunnah, which is defined as the text features of a clear meaning, which is not likely to have a different meaning than that single meaning. Sometimes it is derived from the *zaheer* (apparent) meaning, defined as that generally gives an indication of the significance, both through text and through meaning. Sometimes it comes from the *mantooq* (explicit meaning) is defined as an indication of what the ruling because of the wording of the text. Sometimes the *ahkaam-ush-Shari'ah* from the *mafhoom* (implied meaning) which is defined as that which characterizes the decision in accordance with the text, in cases where the *mafhoom* equal to or greater than the *mantooq*. Or by divergent meaning if the *mafhoom mantooq* different from the ruling, while the *mantooq* linked to a *wasf* (attribute) or a *Shar* (condition) in the absence of which the ruling differs.

<sup>3</sup> Shaykh Muhammad Abu Zahra, a conservative Egyptian public intellectual, traditional scholar of Islamic law and author, *Usul al Fiqh*

## 6. Shari'ah and English & Dutch Courts

**Shaykh Faizul Aqtab Siddiqi**, a very high educated Islamic Scholar, Barrister at Law and Chairman of the governing Council of the Muslim Arbitration Tribunal<sup>4</sup> found gaps in the British Law and use this opportunity for the favour of the Muslims. The Muslim Arbitration Tribunal, founded in 2007, is a form of alternative dispute resolution, which operates under the Arbitration Act 1996, which is available in the United Kingdom to Muslims who wish to resolve disputes without recourse to the courts system. The tribunals were set up and operate in London, Bradford, Manchester, Birmingham and Nuneaton. Rulings can be enforced in both the County Courts and the High Court. The media have described a system of Islamic Shari'ah Courts that have the power to rule in civil cases. As of 2008 the Courts had dealt with around 100 cases dealing with issues such as inheritance and nuisance neighbours.

**Lord Phillips**, Chief Justice of England and Wales, states in his speech of 3<sup>rd</sup> July 2008 in East London Muslim Centre, *"I propose to explain to you the ways in which the law has changed, with the result that Muslim men and Muslim women are entitled to be treated in exactly the same way as all other men and women in this country. And there is, of course, another side to this coin. Rights carry with them obligations, and those who come to live in this country and to benefit from the rights enjoyed by all who live here, also necessarily come under the same obligations that the law imposes on all who live here. The title of my talk is 'equality before the law', and it may be helpful to consider at the outset what 'the law' is. The law that I am to talk about is the set of rules that govern how we live in society. They are rules made by those with authority to make them and rules that are enforced by those with authority to enforce them."*

Furthermore he states, *"Sir John Donaldson, one of my distinguished judicial predecessors, put it in this way: 'The starting point of our domestic law is that every citizen has a right to do what he likes, unless restrained by the common law or by statute'."*<sup>5</sup>

**Piet Hein Donner**, Dutch Justice Minister, says in 2006 that it should be possible for Muslim groups by democratic means to come in power. Every citizen may argue why the law should be changed. He said also, "if two-thirds of all Dutch people would like to introduce the Shari'ah tomorrow, then the possibility should exist? Something you can legally does not stop? It would be a shame to say: That can not be! The majority counts. That is exactly the essence of democracy."<sup>6</sup>

The Minister emphasized those aspects of Shari'ah conflict with the Dutch Constitution. But in the theoretical situation that a majority of the Dutch public wanted Shari'ah, the Constitution would have to be altered.

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<sup>4</sup> <http://www.matribunal.com>

<sup>5</sup> A-G v Observer td [1960] 1 AC 109.

<sup>6</sup> [www.wijblijvenhier.nl](http://www.wijblijvenhier.nl)

## **7. Conclusion**

Islam is The Way of Life. It teaches us systematic lives with love, confidence, honesty, sincerity, surrender to the Will of Allah and obedience to Him and His Holy Prophet (pbuh). Quality of life is the quality as referred unconditionally above. These are quality tools such as fiqh for an obedient life itself are designed in Islam.

Shari'ah as Law in Europe is possible, because there are a lot of comparable aspects in de Shari'ah and Western Law.