

Concept of Justice in Islam with Special Reference to the *Shari'ah* Law – II

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Note: - The first part of this article has been published in the previous issue (Vol. 6, 2006) of this Journal

The interrelationship of the Creator and the creation and of the man and rest of the creation is governed by the Divine Will. The Divine Will is in turn expressed in the physical world through the Divine Law. The basic purpose of the creation is to fulfill the Divine Will. The creation has two realms: one, the physical world or as commonly called "nature" having no will and volition of its own and hence submits to the Divine Will involuntarily. "In nature, fulfillment of the Divine Will is built-in and necessary".¹ Nature's compliance with the Divine Will is precisely called the "natural or physical law" i.e., the scientifically admitted laws governing the universal phenomena. The holy *Qur'an* calls them *Ayatullah* (signs of Allah).² The other realm of the creation is man himself, the conscious being with two aspects: on the one hand he is as non-conscious as any other object in the nature while on the other he enjoys limited will to either violate or realise voluntarily the Will of the Creator. This aspect of the Divine Will governing man's social order is termed the *Shari'ah*. Thus, unlike the rest of the creation, man has been endowed with the capacity to act morally. The holy *Qur'an* testifies thus:

"Verily We offered Our Trust to heavens and earth and mountains but they shed away in fear and rejected it. Man alone carried it." (32:72)

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Nature of the *Shari'ah*

As mentioned above, the Islamic law gives primary importance to the *maslahah*³, its every rule bears witness to this generalization. Moreover, the fact that justice is the real spirit of the *Shari'ah*, is substantiated by its following three peculiar characteristics:

- I. it is principally based upon the benefit of human beings⁴
- II. it takes into consideration human nature and man's general weaknesses and his basic needs
- III. in order to materialise absolute justice, it holds that those who comply with the Divine commandment will be rewarded on the Day of Judgement while those who disregard this commandment will have to face severe punishment on that day.

Maqâsid al-Shari'ah

In support of the first characteristic, the *Shari'ah* puts forth its basic objectives which are called the *maqasid al-Shari'ah*. The *maqâsid al-Shari'ah* are six. They constitute the prime values whose actualization is desirable in order to materialize the purpose of creation⁵ and aim at preserving *dîn* (Religion), life, progeny, property, honour and reason or rational knowledge.

Preservation of *dîn*

The word "religion" is a loose rendering of the word *dîn*, which, unlike the western concept of religion, encompasses man's whole life, in this world and in the Hereafter. Here, it fittingly means belief in the Islamic Monotheism and all other fundamentals of faith that follow it. *Dîn*, as such, is the fundamental value towards which the holy *Qur'ân* and the *Sunnah* invite. Faith and its basic articles (*'ibadat*) like *salah*, *sawm*, *zakah*, *hajj* etc., all have been made obligatory for the preservation of *dîn*. *Jihad*, punishment against apostasy, prohibition of innovations etc. are legitimized only for the preservation of *dîn*. All the

commandments of *Shari'ah* are fundamentally faith-based and any such commandment which ever goes against faith is irreligious and hence rejected. This is clearly proved by the fact that while on one hand the *Shari'ah* commands that the faithful must obey their leaders⁶, on the other, it orders that any such kind of obedience of the ruler that leads to disobedience of Allâh is strictly prohibited. At one place Allâh says:

يا ايها الذين امنوا اطيعوا الله واطيعوا الرسول واولى الامر منكم

(Al-Qur'ân, Al-Nisâ' 4:59)

"O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you." (4:59)

Then the Rasûl صلى الله عليه وسلم explains thus:

السمع والطاعة على المرء المسلم فيما احب وكره

ما لم يؤمر بمعصية فاذا امر بمعصية فلا سمع ولا طاعة

"It is obligatory upon a Muslim to listen to obey (his *amîr*) whether he likes (his *amîr*'s order) or not unless he is not commanded to commit sin. So when an *amîr* orders for doing a sinful act, then (you should) neither listen (to his order) nor obey (his command)." ⁷

Thus even the state cannot compel its citizens to do such act which goes contradictory to their *dîn* (religion).

Preservation of life

After mentioning the first ever murder on the earth committed by Âdam's ^{عليه السلام} son *Qâbil* (Cain) when he killed his own innocent brother *Hâbil* (Abel), the holy *Qur'ân* declares in clear terms thus:

من قتل نفسا بغير نفس او فسادا في الارض فكانما

قتل الناس جميعا ومن احياها فكانما احيا الناس جميعا

(Al-Qur'ân, al-Mâ'idah 5:32)

"Whoso kills a person, except for a person, or for corruption in the land, it shall be as if he had killed all mankind, and who so brings life to one it shall be as if he had brought life to all mankind." (5:32)

Thus in the Islâmic *Sharî'ah* "the murder of an individual is a crime against the whole community, rather humanity."⁸ On the other hand saving a life is a service to the humanity as if the whole humanity has been saved from injustice. Moreover, in this *Âyah* the Arabic word **أحياء** is here synonymous with **إبقاء**, and signifies letting a person live and then safeguarding his life.⁹

Also, for saving life, the *Sharî'ah* has made eating that much of food obligatory which is necessary for sustenance. And it is for this reason that fasting unto death is *haram* (prohibited) in Islam. *Qisas* (law of equality, *Al-Qur'ân*, *Al-Baqarah* 2:178) is legitimized and *diyyah* (blood money, *Al-Qur'ân*, *Al-Nisa'* 4:92) is legalised and preferred over the former. Foeticide has been strictly prohibited especially for fear of poverty and the Muslims have been reminded about the fundamental belief of *Tawhid* that Allah provides sustenance to all He brings in this world.¹⁰

Preservation of Progeny

The Pagan Arabs used to bury their female children alive. The holy *Qur'ân* puts an end to this heinous crime, thereby, paving way for the preservation of coming generations:

وإذا الموءودة سئلت بأي ذنب قتلت

(*Al-Qur'ân*, *Al-Takwîr* 81:8-9)

"When the female (infant), buried alive, is questioned – for what crime she was killed." (81:8-9)

Not only this but even killing of the yet unborn foetus is prohibited: Once a woman killed another woman with a stone. She was pregnant and her foetus also died with the blow. This case was brought to Rasulullah ﷺ. He decided that the killer woman should pay the *diyyah* (blood money) against the foetus by setting free a slave (male or female) and the *diyyah* of the

slain woman should be paid by the killer's family members, her heirs and her son.¹¹

Allâh says:

ولا تقتلوا اولادكم خشية املاق نحن نرزقهم واياكم

ان قتلهم كان خطئا كبيرا

(Al-Qur'ân, Al-Isrâ' 17:31)

"Kill not your children for fear of want: We shall provide, sustenance for them as well as for you. Verily the killing of them is a great sin."
(17:31)

Thus infanticide for economic reasons, as was the practice of the Pagan Arabs especially, has been strictly prohibited by Islâm as *Harâm*. It is in Bukhârî and Muslim that Allâh's Messenger صلى الله عليه وسلم, when asked by 'Abdullâh b. Mas'ûd about the grave sin named killing of children for fear of poverty as one of them (grave sins).¹²

Preservation of Property

Rasulullah صلى الله عليه وسلم has made one's property *harâm* for another (except through lawful means). He said:

فان دماءكم واموالكم واعراضكم عليكم حرام

"So your blood, your property and your honour are sacred to each other."¹³

Again, it is narrated by Bukhârî and Muslim that Allâh's Messenger صلى الله عليه وسلم said:

من ظلم قيد شبر من الارض طوقه من سبع ارضين

"One who usurped the smallest piece of land, be punished by Allah by having seven earths suspended around his neck."¹⁴

Every human being has right to keep his or her personal property. Whatever one earns belongs to him:

للرجال نصيب مما اكتسبوا وللنساء نصيب مما اكتسبن

(Al-Qur'ân, Al-Nisâ' 4:32)

"To men is allotted what they earn and to women what they earn."
(4:32)

Stealing others property is a grave sin. That is why a thief is punished by cutting off his hand.

Allâh says:

والسارق والسارقة فاقطعوا ايديهما جزاء بما كسبا نكالا من الله

(Al-Qur'ân, Al-Mâ'idah 5:38)

"As to the thief, male or female, cut off his or her hands a retribution for their deed and exemplary punishment from Allah." (5:38)

Since the *Shari'ah* preserves and protects people's property, it considers one who loses his life while protecting his legitimate wealth as a *Shahîd* (martyr):

من قتل دون ماله فهو شهيد

"One who is killed which he was protecting his property is a *Shahîd*"¹⁵

The holy *Qur'ân* prohibits in clear terms earning of wealth through unlawful means. Even the state cannot interfere with any of its subjects lawful earning however huge wealth he or she earns.¹⁶

The following *Qur'anic* commandment is for all, ruler as well as the ruled:

ولا تأكلوا اموالكم بينكم بالباطل وتدلوا بها الى الحكام

لتأكلوا فريقا من اموال الناس بالاثم وانتم تعلمون

(Al-Qur'ân, Al-Baqarah 2:188)

"And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property." (2:188)

The *Shari'ah* has, hence, abolished interest because it results in usurping poor peoples' wealth through unjust means. Therefore, interest-free financing is approved and encouraged. Eating up the orphan's wealth (Al-Nisa' 4:2), wasting wealth through extravagant means (Al-An'am 6:141), doing injustice in weighing and measuring (Al-A'raf 7:85), robbery (Al-Mâ'idah

5:33) and earning wealth through cheating (Al-Baqarah 2:188), all such unjust ways have been made unlawful.

Preservation of Honour

The *Shari'ah* protects the honour and prestige of every human being as his basic right.

Allâh says:

لا يسخر قومٌ من قومٍ

(Al-Qur'ân, Al-Hujurât 49:11)

"Let not some men (and women) among you laugh at others." (49:11)

Thus laughing at people in contempt and ridicule is prohibited.¹⁷

Again, says Allâh:

ولا تلمزوا أنفسكم ولا تنابزوا بالألقاب

(Al-Qur'ân, Al-Hujurât 49:11)

"Nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames."

(Al-Qur'ân, 49:11)

ولا تجسسوا ولا يغتب بعضكم بعضاً

(Al-Qur'ân, Al-Hujurât 49:11)

"And spy not on each other, nor speak ill of each other behind their backs." (49:11)

In this way, the *Shari'ah* has forbidden all such ways by which one's honour is touched. Every individual has legal right that no one injures his honour and prestige nor defames his image, whether by hand or tongue.¹⁸ Slandering of chaste women is cursed thus:

ان الذين يرمون المحصنات الغفلت المؤمنت

لعنوا في الدنيا والآخرة ولهم عذاب عظيم

(Al-Qur'ân, Al-Nūr 24:23)

"Those who slander chaste, indiscreet and believing women are cursed in this life and in the Hereafter: For them is a grievous chastisement." ¹⁹ (24:23)

Preservation of al-'aql

Since there is no contradiction between *wahī* (revelation) and *'aql* (reason), Islām claims that all humans can know the Truth by any of the two: revelation or reason. Hence all humans are entitled to know the Truth which is translated into Law in the form of the *Sharī'ah*. Man is off and on invited by the holy *Qur'ān* and the *Sunnah* to think and ponder over the phenomena taking part around him. When the holy *Qur'ān* rejects compulsion in the matters of religion, then it becomes clear that one has every choice to choose his way by applying his faculty of reason.

Yes, revelation can be and is sometimes beyond reason but never against it. That is why the Islāmic scholars unanimously hold reason subordinate to revelation²⁰ and that is why "the *Sharī'ah* declares ideological skepticism to be false, a defiance of God, and it prescribes that none may promote it to destroy the tradition of human knowledge and wisdom, or prevent anybody from appropriating it or contributing to its growth."²¹

The fact that the holy *Qur'ān* invites all to apply reason in order to understand Allāh's Message of Truth, by using the word *al-'aql* and its various derivatives 49 times²², (reasoning), *tafaqquh* (understanding) *tadhakkur* (perceiving) and other related words hundreds of times, enables one to conclude that even belief without its proper understanding is considered blind which often bears more hatred than mutual understanding, peace and harmony. So highly appreciated is reason in the Islamic system that the scholars of hadīth unanimously reject a hadīth as forged if it is contrary to reason and common experience.²³

Belief in the Ākhirah

By inculcating the notion of the Day of Judgment into the minds of the believers, Islam successfully maintains all the administrative paraphernalia of justice.²⁴

The Day of Judgment will be the Day of Ultimate Justice when the unjust people will be cursed and thrown into the Hell:

"The Day when their excuses will be of no profit to *Zālimūn* (polytheists, wrong-doers and disbelievers in the Oneness of Allāh). Theirs will be the curse, and theirs will be the evil abode (i.e. painful torment in Hell – fir)." (40:52)

And Abū Hurayrah relates that Allāh's Messenger ﷺ said:

"Allāh will definitely enforce the settlement of all the dues to those entitled to receive them on the Day of Judgment; even the wrong done to a hornless goat by a horned goat, will be redressed."²⁵

It is also related by 'Ā'ishah رضى الله عنها that Rasūlullāh ﷺ said:

"One who usurped the smallest piece of land, be punished by Allāh by having seven earths suspended around his neck."²⁶

It is because of the gravity of *Zulm* as sin and *Al-'Adl* as the sole purpose behind the establishment of the Islāmic Just world order that even though Islām discourages shouting of evil words for it may either glorify evil, or cause harm to people's reputation or injure them in other ways, thereby leading to further injustice and to disturbing peace, such kind of shouting is allowed only to one who has been wronged for he has every right to seek public redress. Allāh says:

"Allāh loveth not the shouting of evil words in public speech, except by one who has been wronged, for Allāh is He Who heareth and knoweth all things." (4:148)

In this Āyah few important things have been discussed:

1. Allāh does not love shouting of evil words: this bans all forms of calumny and slander and interdicts the utterance or dissemination of all statements likely to defame others unless it be for some justifiable reasons.
2. Except by one who has been wronged: For he is seeking public redress and it is justifiable.
3. Allāh Heareth: So He attends to the cry of the oppressed.

4. He knoweth: So He is well aware of the oppressor's guilt.²⁷

Hence the call of an oppressed person is duly granted by Allâh. Both *Bukhari* and *Muslim* have related this *hadîth*:

"Fear the call of an oppressed person, because there is no barrier between the complaint of an oppressed person and Allâh."²⁸

Summing up the above discussion, the main characteristics of the *Shari'ah* can be understood as under:

I. Since Truth is One as God is One, *Shari'ah* is the property of all humanity—nobody can be stopped from taking recourse to it if he so wishes.

II. It regulates the entire field of human life—material as well as spiritual. The holy *Qur'ân* guides in this respect by distinguishing people as under:

"But of mankind there are some who say: "Our Lord! Give us (Your Bounties) in this world!" and for such there will be no portion in the Hereafter. And of them there are some who say: "Our Lord! Give us in this world that which is good and in the Hereafter that which is good, and save us from the torment of the Fire!" (2:200-201)

Hence the concept of life after death compels a believer to act justly in this world so that he can achieve success in the Hereafter. The following *hadîth* of *Bukhârî* throws more light on this:

"If any Muslim has oppressed his brother concerning his honour or anything else, let him obtain his pardon today (in this world) before the time comes when he will have neither Dinars nor Dirhams (i.e. he will be penniless). If the aggressor may have some good deeds (in his account) the same would be deducted in equal proportion to his wrongs, if the aggressor will have no good deeds in his account, the wrongs of the aggrieved would be added to the account of the aggressor in equal proportion."²⁹

III. It lays emphasis on the correlation of duty and right. The following *hadîth* provides the crux of this principle:

"Everyone of you is a shepherd (responsible) and everyone of you will be questioned about his herd (subjects, subordinates). The *Imâm* (leader) is responsible and will be questioned about his people; the man is responsible in his family and will be questioned about his family members; the woman is responsible in her husband and will be questioned about this; the servant is responsible in the matters of his masters wealth and will be questioned—Everyone of you has his duty and will be questioned about this.³⁰ Thus a ruler's duties are his subject's rights and vice versa. Similarly a husband's duties are his wife's rights and vice versa and so on and so forth.

IV. It is unique as compared to all other systems history has known when it recognizes non-Muslim laws as equally valid under its own dominion and holds that a non-Muslim living in Islâmic state must be tried under his own law except when he willingly brings his case in the court of *Shari'ah*.³¹

V. In the *Shari'ah*, justice is available to all—absolutely free. "There are no fees and no costs; and any court is constitutionally qualified to look into any case, and seek the expert advice of anyone."³²

It is therefore for everyday to feel absolutely certain that justice is his for asking be he so lonely, poor or miserable.

The *Shari'ah* takes into consideration man's nature makes it applicable for all times. Consider, for example, some of its rules:

- (1) المشقة تجلب التيسير
Difficulty necessitates convenience.
- (2) الأمر إذا ضاق التسمع
When a matter becomes rigid, it turns flexible.
- (3) الاضطرار لا يبطل حق الغير
It is not legitimate to fulfill one's needs by grabbing other's right.

- (4) الحاجة تنزل منزلة الضرورة عامة كانت أو خاصة
Need, general or specific, is considered as necessity.
- (5) لا ضرر ولا ضرار
It is not legitimate to harm anybody or tolerate harm.
From this rule many sub-rules are deduced of which a few are:
- (i) الضرر يُرفع بقدر الامكان
Harm should be stopped as far as possible
- (ii) الضرر يُزال
Harm is to be discontinued
- (iii) الضرر لا يُزال بمثله
Harm should not be ended by replacing it with the same thing.
- (iv) الضرر الاشد يُزال بالضرر الأخر
Greater harm can be discontinued by replacing it by smaller harm.
- (v) يُتحمّل الضرر الخاص لدفع ضرر عام
A limited harm can be tolerated when it stops a general harm.
- (vi) درء المفاسد أولى من جلب المنافع
Stopping of mischievous (harmful) things is preferable to gaining of beneficial things.
- (6) القادر على اليقين لا يعمل بالظن
One who has access to confidence mustn't act on doubt.
- (7) لا يثبت حكم الشيء قبل وجوده
Anything which is yet to come into existence, its nature cannot be decided.

- (8) ما حرم اخذه حرم اعطاءه
Anything, the taking of which is unlawful, its giving is also unlawful.
- (9) اجتمع الحقان قَدِمَ حق العبد لاحتياجه على حق الله لغناه باذنه

When Allâh's right and man's right come at the same time, man's right is given priority for Allâh has no need and man has need.

- (10) الحدود تسقط بالشبهات
Laws of Punishment cannot be implemented in presence of doubt.³³

Summing up all these rules, it is convenient to say that by taking human needs and weaknesses into consideration and also by laying down the foundation of Law on the welfare of common man, the Islâmic *Shari'ah* has given perfect way to justice and welfare in favour of mankind.

Again, since the *Shari'ah* primarily acknowledges the general welfare of mankind to be its basic purpose, it divides that purpose into three categories:

- (i) *Daruriyyat* (universal necessities),
- (ii) *Hajiyyat* (personal needs) and
- (iii) *Tahsiniyyat* (desirables).

Hajiyyat cannot be fulfilled at the cost of *daruriyyat*. Likewise, *tahsiniyyat* cannot be fulfilled at the cost of *hajiyyat*. This principle can also be expressed in other words i.e., it is legitimate to fulfil the *daruriyyat* at the cost of the *hajiyyat*. Similarly there is no problem in fulfilling the *hajiyyat* if the *tahsiniyyat* are lost. For example, it is lawful to open secret parts of body before a physician when it is necessary for treatment because hiding of

secret parts of body is among the *tahsiniyyat* while saving of life is among the *daruriyyat*.

In the same manner the above mentioned *maqasid* of the *Shari'ah* have a definite order of importance although all of them are among the *daruriyyat*. For example, giving of life for the sake of din is legitimate because din (as principle of life) is more valuable than life. Similarly drinking of wine, even though it is strongly forbidden for safeguarding ration faculty, is legitimate when it is necessary for saving a life because life itself is much more precious than reasoning faculty.

In support of the characteristic that it takes into consideration human nature and man's general weaknesses and basic needs, the *Shari'ah* has given *rukhsah* (dispensation, ease, convenience) which has technically been defined as "the name of that (command) which is based on the excuses of God's servants. It is one permitted on account of a certain excuse (i.e. valid reason), despite the existence of a prohibitive cause." (Usul al-Bazdawi).

The *rukhsah* is given on the basis of the following ayah of the holy *Qur'an*:

"Allah doth wish to lighten your (burden) for men was created weak. (4:28)

"Allah intends every facility for you, He does not want to put you to difficulties." (2:185)

"Anyone who, after accepting faith in Allah, utters unbelief, -except under compulsion, his heart remaining firm in Faith....." (16:106)

Islam teaches that if one remains firm in his faith and shows (azimah) even if he is cut into pieces he will receive great reward. But *rukhsah* is also given to utter even word of unbelief to save one firm unbearable hardship provided his heart remain firm in faith there is a case like that of *Ammar b. Yasir*, whose father Yasir and mother Sumayyah, were subjected to unspeakable tortures for their belief in Islam, but they never recanted.

Ammar, suffering under torture himself and his mind acted on by the sufferings of his parents, uttered a word construed as recantations though his heart never wavered and he came back at once to the Messenger, Who consoled him and said if they once again compell you utter blesphey, go and utter it.

For seven reasons and the resultant hardships thereof, Islam grants *rukhsah*. These are:

- (i) **Journey:** A traveller is given relaxation to make *Qasr* (concession) in *Salah*, may or may not keep *sawm* during *Ramadan*. Similarly the duration of *mash* on the *khuffayn* for him is valid for three consecutive days i.e. more than the duration granted for a *muqim*.
- (ii) **Illness:** An ill person enjoys so many conveniences. For instance, he is not compelled to attend congregational *salah*; he is even exempted from attending *Jum'ah salah*; he is allowed not to keep *sawm* during all the time of his sickness.
- (iii) **Compulsion:** Under compulsion one is allowed to utter even word of *kufr*, provided his heart remains firm in faith.
- (iv) **Forgetfulness:** If, while keeping *sawm*, a person does an action that would otherwise nullify his *sawm*, not remembering that he is in a state of *sawm*, his *sawm* is still valid.
- (v) **Ignorance:** If a person eats something while offering *salah*, a practice which normally invalidates the *salah*, while not knowing that it will nullify his *salah*, his *salah* does not break.
- (vi) **Umum al-Balwa (unavoidable general hardship)**
Pertaining to this are numerous instances. For example, divorce is disliked in Islam but when it becomes unavoidable it becomes legitimate. Similarly, children are necessarily to be trained morally but they are not obliged

to follow any *Shari'ah* ruling. For example, women are exempted from attending congregational *salah*.

Iman 'Izzuddin b. Abdussalam in his work *Qawa'id al Ahkam fi masalih al-anam*, has classified the above mentioned conveniences into six categories:

- (i) *Takhfif al-Isqat* (ii) *Takhfif al-Tanqis* (iii) *Takhfif al-Ibdal*
- (iv) *Takhfif al-Taqdim* (v) *Takhfif al-Ta'khir* (vi) *Takhfif al-Tarkhis*.

But to explain these conveniences is beyond the scope of this paper. It needs a separate treatment.

References and End Notes

- ¹ *The Cultural Atlas of Islam*, p. 264
- ² See for instance (Al-Qur'an 3:190, 17:12, 10:5-6, 30:20-27)
- ³ Yusuf Hamid al-Alim, *Al-Maqasid al-Ammah li al-Shariah al-Islamiyyah*, Saudi Arabia, 1994, p. 123.
- ⁴ Jamaluddin, *op. cit.*, p. 110.
- ⁵ *Introduction to Islām*, *loc. cit.*
- ⁶ See Al-Qur'an, al-Nisa 4:59 and Bukhari, *Kitab al-Ahkam*
- ⁷ *Bukhārī*, Book of *al-Ahkām*, chap. *al-Sam' wa al-Tā'ah li al-Imān mā lam Takun ma'Siyah*, cited by Fu'ād al-Bāqī in *Al-Lu'lu' wa al-Mārjān*, Delhi, MMI, 2000, Vol. 2, p. 78.
- ⁸ Daryabādī, *op. cit.*, p. 425.
- ⁹ *Ibid*, p. 426.
- ¹⁰ See (Al-Qur'an, Al-An'am 6:151)
- ¹¹ See *Bukhari*, *Kitāb al-Diyat*, and also *Muslim*, *Bāb al-Qassāmah*.
- ¹² Ibn. Kathīr, *op. cit.*, vol.3, part 15, p. 42..
- ¹³ *Riyād al-Sālihīn*, vol. I, p. 148 wherein he quotes it from *Bukhārī* and *Muslim*.
- ¹⁴ *Ibid*, p. 144.
- ¹⁵ *Bukhari* and *Muslim*, quoted by Syed Qutub, *Al 'Adālah al-Ijtīmā'iyah fi al-Islām*, Ur. Tr. Najatullah Siddiqī, Delhi, MMI, 1981, p. 221.
- ¹⁶ S.A.A. Mawdūdī, *Islāmī Riyāsāt* (Urdu), compiled by Prof. Khurshīd Ahmad, Delhi, Islamic Book Foundation, 1999, p. 564.
- ¹⁷ See A.Y. Ali, *op. cit.*, Ex. n. 4929.
- ¹⁸ Mawdūdī, *loc. cit.*
- ¹⁹ See also (4:148) discussed elsewhere above. See also punishments" below.
- ²⁰ The Mu'tazillī's held that revelation must necessarily be tested on the touch stone of reason. That is why they had to face great difficulties in understanding and explaining the metaphorical *ayāt* of the holy Qur'an.
- ²¹ Al-Farūqī, *op. cit.*, p. 270.
- ²² See concordance and the Index of the holy Qur'an, pp. 468-69.
- ²³ Jalāl al-Dīn al-Suyutī, *Tadrib al-Rāwī* (commentary on *Abū Zakariyyā Yahyā al-Nawa-wī's al-Taqrīb wa al-Taysīr*), Egypt, 1307A.H., p. 100.

²⁴ M. Hamidullah, *Introduction to Islam*, Hyderabad, 1980, para 312

²⁵ *Riyād al-Sālihîn*, vol. 1, p. 143, where it is quoted from Muslim.

²⁶ *Bukhārî & Muslim*.

²⁷ *Tafsîr Mâjidî*, vol. 1, p. 381. See also A. Y. Ali, *op. cit.*, Ex. n. 654.

²⁸ *Riyād al-Sālihîn*, vol. 1, p. 143.

²⁹ *Ibid*, p. 146.

³⁰ *Ibid*, p. 363, wherein it is quoted from *Bukhārî* and *Muslim*.

³¹ See *Introduction to Islām*, Centre Cultural Islām ique, Paris Pub. no. 1, new enlarged ed. 1388H (1969) Pr. By Osmania Printing Works, Secunderabad, India, P. 111, para 312. This aspect of the *Shari'ah* will be further discussed in the next chapter.

³² *The Cultural Atlas of Islām*, p. 269.

³³ For a detailed discussion on this subject;
See Jamāl al-Din 'Atiyyah, *op. cit.*, pp. 146-160.