

Modern Jurisprudential Issues and Tafsīr Şīrāt al-Janān

Dr. Abdul Hameed

Administrative Officer Faculty of Law, the Islamia
University of Bahawalpur

Published:
Sep 30, 2023

Mian Saadat Ali Nadeem

Doctorate Candidate, Department of Law, the Islamia
University of Bahawalpur.

Hafiz Muhammad Abdullah

Visiting Lecturer at University of the Punjab, Lahore,
m.abdullah4821@gmail.com

Abstract

The Qur'ān is a divine book for the guidance of all mankind. In the same way the prophethood of the Prophet of Islam is also for the whole of humanity. It neither contains the limits of time and place nor any region any country and any race. The Qur 'ān Sunnah and Sīrah guide the person in all situations and problems. In short, Islamic law is absolute on one hand and eternal and immortal on the other. However, through the Qur'ān and Sunnah, we get clear, concise and definite guidance on certain issues and the principles. This is the secret of the continuity of Islamic shari'ah. One method of Ijtihād is individual Ijtihād. So

that, various scholars and masters of Ifta' may guide the people on such issues with their individual fatāwās. The second method of Ijtihād is collective Ijtihād. In this Ijtihād ulama and the masters of ifta', instead of giving fatāwās individually, think collectively and then decide. Both of these methods of Ijtihād are proven by Hadīth. The second method, as mentioned, is of collective and consultative Ijtihād, that is, a person alone should not give a fatāwā based on his Ijtihād. Rather various scholars the masters of Ifta' and the experts of Sharī'ah sciences collectively find a solution for a problem through deliberation and make a decision as needed, using the technical experts of the issues under discussion and understanding the situation.

Keywords: Judicial and Legal Issues in Tafsīr Şirāt al-Jinān

Introduction

In the light of Islam, knowledge is a prerequisite for serving humanity. Islam does not oppose modern educational institutions but it requires that whatever is done, it should be done according to the basic injunctions of shari'ah. In this context, these issues will be considered which are faced by modern educational institutions and these limits and manners will be presented, whose exception is necessary for us as Muslims. This is a sign that Islamic law is a perpetual law. It has the ability to solve the problems of humanity at every age and it is our duty as Muslims. Let us seek enlightenment from Islam in all matters of life and do not beg Western civilization for addressing the issues.

Establishing a System of Justice by the Rules of Qur'ān and Sunnah

Justice is a basic need for the development and construction of any nation. The oppressor is defeated, disputes are settled, the rights are extended to those who deserve them and the perpetrators of the riots are punished so that the life, property, honor and dignity of every member of the society may be protected. That is why Islam has made the system of Qada (Qāzī).

The establishment of justice is extremely important. Justice and punishment are essential for stability in society. Without its society will be haunted by crime and denial. Law and justice are essential to keep society free from evil. Without justice law and order cannot be maintained. That is why Islam has set limits on crimes that affect others. Such as theft, adultery, murder, looting and drinking etc. Punishment is given only to those who have the reins of government in their hands.

Status of the Prophet of Allah in Legislation

The Prophet (ﷺ) as a judge has set a great example of a great model for humanity. In various places in Qur'ān Allah has made it clear that He has appointed the Prophet (ﷺ) as a judge because he speaks only the truth from Allah as it is in the Qur'ān. Enforcing the law makes it necessary to fight crime and to make society crime-free to at least some extent.

“فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا”¹

“So, never by your Lord! Never shall they become

believers, unless they make you the judge in the disputes that arise between them, then, find no discomfort in their hearts against what you have decided, and surrender to it in total submission..”

The glory of the revelation of this verse is that the people of Madinah used to irrigate the gardens with water coming from the mountains. An Ansari quarreled with Hazrat Zubair (RA) who would give water to his field first. This matter has been referred to the Holy Prophet (ﷺ) The honorable ruler of Madīnah said, O Zubaīr! water your garden and leave it to your neighbor. Hazrat Zubaīr, (RA) was first allowed to water because his field was at first. Despite this, the Holy prophet also said to be kind to Anṣārī, but the overall decision was unpleasant to Anṣārī and the sentence came out of his mouth that Zubaīr was his cousin. Even though in the decision:

”أخبرني عروة بن الزبير، أن الزبير، كان يحدث: أنه خاصم رجلا من الأنصار قد شهد بدرا إلى رسول الله ﷺ في شراج من الحرة، كانا يسقيان به كلاهما، فقال رسول الله ﷺ للزبير: «اسق يا زبير، ثم أرسل إلى جارك»، فغضب الأنصاري، فقال: يا رسول الله، أن كان ابن عمك؟ فتلون وجه رسول الله ﷺ، ثم قال: «اسق، ثم احبس حتى يبلغ الجدر» فاستوعى رسول الله ﷺ حينئذ حقه للزبير، وكان رسول الله ﷺ قبل ذلك أشار على الزبير برأي سعة له وللأنصاري، فلما أحفظ الأنصاري رسول الله ﷺ، استوعى للزبير حقه في صريح الحكم، قال عروة: قال الزبير: «والله ما أحسب هذه الآية نزلت إلا في ذلك: فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم، النساء: 65 الآية”²

“Hazrat Zubaīr (R.A) was instructed to be kind to the

Ansari. Yet the Anṣārī did not appreciate it that the Holy Prophet (ﷺ) ordered Hazrat Zubaīr (R.A) to irrigate his garden and stop the water. This verse was revealed to him and it said, that it was obligatory to accept the command of the beloved Prophet Muhammad Mustafa (ﷺ). He who does not accept the judgment of the Holy Prophet is a disbeliever. The basis of faith is to submit to the command of the Messenger of Allah. From this blessed verse, 7 issues were surfaced”.

- Allah Almighty told His beloved Prophet (ﷺ) about being His Lord and said Beloved Prophet! I swear by the Lord. It is a great honor of the Holy Prophet that Allah Almighty identifies Himself through His Beloved Prophet.
- He declared it obligatory to obey the command of the Holy Prophet (ﷺ) and affirmed this by swearing to be his Lord. He declared the Ansari as Kāfir (unbeliever) who refused to obey the command of the Holy Prophet (ﷺ).
- The Holy Prophet of Madīnah is the ruler. Allah Almighty is also the Ruler. Of course, there is an infinite difference between the two. It also shows that there are many attributes that are used for Allah Almighty. If it is used for the Holy Prophet then shirk is not obligatory until the truth of shirk is found.
- It is necessary to obey the command of the Holy Prophet with all one's heart and there must be no in one's heart about it. That is why at the end of the verse he said, that they do not find any obstacle in your hearts regarding the command of the Prophet

(ﷺ) and accept it wholeheartedly.

- It also shows that it is obligatory to follow Islamic rules and not following them is Kufr. To object to them or to make fun of them is also Kufr. Those who give priority to the laws of the infidels over the laws of Islam learn a lesson from this.

False Swearing and Condemnation of False Witnessing

Lying is one of the worst sins and it is a religious and social evil, it causes more evils like hypocrisy and the lack of faith. Due to its innumerable harms on human beings and society, Islamic law has placed it in the category of major sins. Due to disobedience from religion, betrayal, dishonesty, deceit, fraud and so on, these practices are very common in our society. That is why every third person swears in every matter, in order to prove his point, to prove himself true and to prove his veracity, even in petty matters. Although in some important Shari‘ah and major matters the Shari‘ah has on some occasions commanded swearing to wash away any false accusation against oneself. Yet swearing in a trivial matter, or swearing by another, is not only abominable in the Shari‘ah, but Islam also completely denies it.

Swearing is really testifying. A person who narrates something by swearing by Allah is as if he is witnessing the truth of his statement. Mutual relationship and saying false oath taking people in to believing is a truth less statement. Messenger (ﷺ) has made it a sign of hypocrisy to take away their rights unjustly and to use lies and deceit in front of them. And for such people there is a

promise of humiliation and disgrace in this world and a painful punishment in the hereafter. The guidance is from Qur'ān:

“ذَلِكَ أَذْنَىٰ أَنْ يَأْتُوا بِالشَّهَادَةِ عَلَىٰ وَجْهَهَا أَوْ يَخَافُوا أَنْ تُرَدَّ أَيْمَانٌ
بَعْدَ أَيْمَانِهِمْ وَاتَّقُوا اللَّهَ وَاسْمِعُوا—وَلَا يَهْدَى الْقَوْمَ الْفَاسِقِينَ”³

“Thus, it is more likely that the former people (i.e., the executors of the bequest) will bear witness in its proper way, or they will fear that oaths will be taken in rebuttal of their oaths. Fear Allah and listen. Allah does not lead sinning people to the right path.”

Ṣāhib-e-Tafsīr writes that in the case of Addi and Tamīm, the testimony and the law of oath which was stated against them, i.e., those against whom the claim was made, after taking oaths, if they are proved to be false, then two of the heirs of the deceased should take oaths. His wisdom is being told that people should learn a lesson from this incident and not leave the path of truth and reward in the testimonies and be afraid that the end of false witnessing is nothing but shame and disgrace. This means that not giving false witness and not being involved in lying is a characteristic of perfect believers. Remember that giving false evidence is a very bad habit and many Hadith have been mentioned in its strong condemnation. Here are mentioned three Ahādīth from them:

" عن أنس بن مالك، عن النبي ﷺ، قال: " أكبر الكبائر: الإشراك بالله،
وقتل النفس، وعقوق الوالدين، وقول الزور، - أو قال: وشهادة الزور - " ⁴

“It is narrated on the authority of Hazrat Anas (RA) that the Holy Prophet (ﷺ) said that the severe sin is to associate with Allah, disobeying parents, killing

someone unjustly and bearing false witness.”.

”عن ابن عباس، عن النبي ﷺ قال: «من شهد شهادة ليستباح بها مال امرئ مسلم أو يسفك بها دم، فقد أوجب النار»⁵.

It is narrated on the authority of Hazrat Abdullah bin ‘Abbās (RA) that the Holy Prophet (ﷺ) said that whoever testifies that a Muslim man's property is destroyed or someone's blood is shed, and, then he has made the Hell obligatory to himself.⁶

There is a warning in this that even if someone gives a testimony, he will be just a follower of desire and a lie. From this, it became clear that perjury is also haram to confirm and support a liar because it is also a sin to help in the work of sin and its strict promises are also mentioned in Hhadīth.

”قال مجاهد: وذلك أنهم كانوا يحالفون الحلفاء فإذا وجدوا قوماً أكثر من أولئك وأعز نقضوا حلف هؤلاء، وحالفوا الأكثر. والمعنى: أنكم طلبتم العز بنقض العهد لأن كانت أمة أي جماعة أكثر من جماعة فنهاهم الله عن ذلك، وأمرهم بالوفاء بالعهد لمن عاهدوا وحالفوا”⁷.

“Umm-e-Mujahid (RA) says that the way of the people was that they would make a treaty with one nation and when another nation got more number, wealth, or power than that, they would break the agreements they had made earlier and now they would make a treaty with the other. Allah Almighty forbade him to do so and ordered him to fulfill his promise”.

There are three types of oaths (1) Yamīn-e-Laghwe. (2) Yamīn-e-Ghamūs. (3) Yameen-e- Mun‘aqida.

Lughwe, swearing something knowing that it is right in your opinion and in fact it is against it, it is forgiven and there is no explanation for it. **Ghamūs** is to deliberately swear falsely on something that has passed, it is unlaw (Harām) and there are strict promises in the Ahadīth. **Munaqida** is planned to swear on the next thing, if this oath is broken, then in some cases it is considered a sin and kafir is also necessary.

Muftī Amjad Alī Azmī, says, “It is permissible to swear, but as far as it is concerned, it is better not to swear at all, and some people have made swearing a reliance on words that are uttered with intentional and unintentional language and do not care what is true or false. This is a serious defect.⁸ The condition of the people has deteriorated to such an extent that they have false oaths. False testimony trapping your Muslim brother in false cases forcing them to live a life of helplessness behind heavy iron bars unjustly consuming the property of one's Muslim brother is not included in the list of crimes. It is not wise to take the mortal life of this world for granted. It is the end of ignorance and foolishness. They should learn a lesson by reading the above Qur’ānic verses and these ahadīth carefully.

Support to Decide through Lucky Draw

Only the simplest form of lottery is allowed in Islam in which a decision has to be made between two equally legitimate deeds or the rights of two equal parts. For example, two people have the same right to one thing in all respects and there is no cause for the judge

to prefer either of them and neither of them is ready to give up its right. In this case, the decision on the lottery can be made with their consent. For example, two things are equally true and rationally man is confused between which of them to choose. In this case the lottery can be drawn if required. The Prophet (ﷺ) used this method on such occasions. However, there was a need to give preference to one of the two equal claimants and he feared that if he himself preferred one, the other claimant would be annoyed if it's an unjust attempt. The commentator supports this decision by drawing lots in the light of the following Qur'ānic verse:

“ذَلِكَ مِنْ أَنْبَاءِ الْغَيْبِ نُوحِيهِ إِلَيْكَ وَمَا كُنْتَ لَدَيْهِمْ إِذْ يَقُولُونَ
أَفَلَا لَهُمْ آيَةٌ مِنْ رَبِّهِمْ وَمَا كُنْتَ لَدَيْهِمْ إِذْ يَخْتَصِمُونَ”⁹

“This is a part of the news of the unseen We reveal to you (O Prophet!). You were not with them when they were casting their pens (to decide) who, from among them, should be the guardian of Maryam, nor were you with them when they were quarrelling”.

In this verse, the Mufassir said that the incident of Hazrat Maryam (R.A) is one of the news of the unseen. From this, it became clear that Allah Almighty had given the knowledge of the unseen to His Beloved Prophet (ﷺ). The events of all the Prophets (AS) which are mentioned in the Holy Qur'ān and Ahadīth are all news of the unseen, because many people were desirous of upbringing of Hazrat Maryam (RA).

So, after much discussion, they decided to draw lots, so they drew lots with the pens with which they used to write the Torah,

and it was decided that everyone should put his pen in the water, to check which of the pen flowed to opposite direction, only he would be entitled to upbringing Hazrat Marium (AS). All put their pens in the water and the pen of Hazrat Zakariya (AS) started flowing in the opposite direction. And in this way, Hazrat Maryam (AS) came under the care of Hazrat Zakaria (A.S).¹⁰ From this, it became clear that in general matters, the lot could be decided by the lottery, as the Prophet (ﷺ) used to draw lots among the wives of the purified ones to accompany them on their journey.

Condemnation of Unjust killing of the Muslim

Human life has always been protected by religion and morality killing a human being unjustly is one of the greatest sins after disbelief and disobedience to the command of Allah which is the right of Allah. To kill a human being and harming him and his family is related to the "rights of worship". Strict promises have been made in the Qur'ān and Hadīth. The guidance is from the Allah.

"وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَ أَعْتَهُ وَ أَعَدَّ لَهُ عَذَابًا عَظِيمًا".¹¹

“Whoever kills a believer deliberately, his reward is Jahannam (Hell) where he shall remain forever, and Allah shall be angry with him and shall cast curse upon him, and He has prepared for him a mighty punishment”.

Deliberately killing of a Muslim is a grave sin and has been strongly condemned in many

Hadith, two of them is as follows.

عن أنس بن مالك، عن النبي ﷺ، قال: " أكبر الكبائر: الإشراف بالله، وقتل النفس، وعقوق الوالدين، وقول الزور، - أو قال: وشهادة الزور - "

It is narrated on the Authority of Hazrat Anas (R.A) that the Holy Prophet (ﷺ) said, one of the major sins is to kill someone unjustly.¹²

أَبَا هُرَيْرَةَ يَدْكُرَانِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: لَوْ أَنَّ أَهْلَ السَّمَاءِ وَالْأَرْضِ اشْتَرَكُوا فِي دَمِ مُؤْمِنٍ لِأَكْمِهِمُ اللَّهُ فِي النَّارِ.¹³

It is narrated on the Authority of Hazrat Abu Huraira (R.A) that the Holy Prophet (ﷺ) said, if the people of the heaven and the earth join in killing a believer, May Allah send all of them to Hell.

It is narrated on the Authority of Hazrat Bara Ibn Azib (R.A) the Holy Prophet (ﷺ) said in the sight of Allah Almighty; the end of world is easier than the cruel murder of a Muslim.¹⁴ It is sadness now-a-days killing is a very trivial task. Killing for small things, bullying, terrorism, robbery, family fights, racist fights are common. The blood of the Muslims is shed like water; there are groups and factions and military wings whose job is to carry out massacres.

If the killing of Muslims by considering it lawful is committed, then it is *Kufr* (unbeliever) itself and such a person will always be in Hell and if he considered killing as unlawful but still committed it, then this is a grave sin and such a person will stay in Hell for a long time. The word "خَالِدًا" in the verse means "always" and the other meaning is long. It is mentioned here in another meaning i.e., Long.

The above verse clarifies the true teaching of Islam as to what religion of peace and security Islam is and how important human life is in the eyes of Islam. There is a lesson to be learned from this for those who put the true teachings of Islam behind them and perish the image of Islam by advocating genocide. And advice should also be given to those who call themselves as the Muslim and put innocent people to death through bombings and suicide attacks, thinking that they have done a great service to Islam. With the strict prohibition of killing, a few cases have been set aside and these are the cases mentioned in the verse. It is permissible to kill the killer in retaliation. It is permissible to kill the one who spreads mischief in the land. In addition, in a few other cases, the law/ Shari'ah allow murder:

- (1) Stoning a married man or woman for adultery as a *Hadd* (حد).
- (2) Killing an apostate.
- (3) Killing the rebel.

Shari'ah Ruling on the Punishment of Theft

Literal meaning of سَرَقَةٌ is stealing, someone else's thing secretly.¹⁵ Whereas the Shari'ah definition is that a sane adult should hide any important thing with price ten dirhams or more in a safe place that has been arranged to hide which is not going to spoil quickly and picked up without justification.¹⁶

The commentator describes two Shari'ah issues related to Theft:

- There are two ways to prove theft:
 - I. The thief confesses himself, even if only once.

2. Two men impute if one man and two women testify the hand will not cut off.

- The judge should ask the eye witnesses a few questions, as to how it was stolen, where it was, how much was it and whose was it? When the witnesses respond to these matters and all the conditions for cutting the hand are met, then the cutting of the hand is ordered.¹⁷ the guidance from the Qur'ān is.

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ.¹⁸

As for a man or a woman who commits theft, cut off the hands of both to punish them for what they earned, a deterrent punishment from Allah. Allah is Mighty, Wise.

In this verse the punishment for theft is stated such that according to the Shari'ah is proved the thief's hand will be cut off. Stealing is a grave sin and there are strict promises in the law for a thief.

قَالَ أَبُو هُرَيْرَةَ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ السَّارِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ، وَلَا يَشْرَبُ الْخَمْرَ حِينَ يَشْرَبُهَا وَهُوَ مُؤْمِنٌ.»¹⁹

It is narrated from Hazrat Abu Huraira (R.A) that the Holy Prophet said "A thief does not remain a believer when he steals.

عَنْ أَبِي هُرَيْرَةَ قَالَ: «... فَإِذَا فَعَلَ ذَلِكَ خَلَعَ رِبْقَةَ الْإِسْلَامِ مِنْ عُنُقِهِ، فَإِنْ تَابَ تَابَ اللَّهُ عَلَيْهِ.»²⁰

It is narrated from them that the Holy Prophet (ﷺ) said if he did steal then surely, he has taken the leash of Islam off his neck, then if he did repent.

The purpose of the revelation on the Holy Prophet (ﷺ) was also to use all the powers bestowed on human beings by the Almighty to use them properly and to create moderation in human beings. This is the case with Hudood (حُدُود) that is, putting slaves on the right path by preventing them from being oppressed and punishing them in a way that psychologically affects other human beings and prevents them from having the courage to do such evil deeds. It should also be noted that this intention cannot be fulfilled in every crime without amputation. The reason for cutting off the thief's hand is that the thief steals secretly and then runs away as if his wish is to run away with the property of others and his secret would not be revealed to anyone.

Allah Almighty, therefore, suggested his punishment in such a way that the reaction to his hidden feelings would come to light and the public would know that this person was a thief. He may not have full strength in the second escape. That is why it is ordered to cut off the foot for the second time so that he cannot run away. But since it's not just about making it useless, therefore, the hands and feet are cut from the opposite direction, then the hand is not cut from the armpits but only the wrists are cut and the feet are not cut from the thighs, but only from the ankles, the third time he is imprisoned for life, no other part of him is cut off.

It is Unfair to Catch Someone Other than the Real Culprit

The rules and punishments for crimes are stated in the Qur'ān, but in many places in the Qur'ān, it is emphasized that when you decide, judge with justice. If the victim is punished and the culprit is acquitted, it is unfair by any standard in any religion. Allah Almighty says;

قَالُوا يَا أَيُّهَا الْعَزِيزُ إِنَّ لَهُ أَبًا شَيْخًا كَبِيرًا فَخُذْ أَحَدَنَا مَكَانَهُ ؕ إِنَّا نَرَاكَ مِنَ الْمُحْسِنِينَ قَالَ مَعَاذَ اللَّهِ أَنْ نَأْخُذَ إِلَّا مَنْ وَجَدْنَا مَتَاعَنَا عِنْدَهُ ؕ إِنَّا إِذًا لَظَالِمُونَ.²¹

“They said, “O Aziz, he has a father, a very old man. So, take one of us in his place. We see you are a generous man.” He said, “We seek Allah’s refuge from keeping anyone other than him with whom we have found our thing, otherwise we shall be unjust”.

Hazrat Yaqub (AS) said, that although the punishment for a thief was to enslave him, it was permissible to forgive him by taking a ransom, so the brothers said, “O dear! Her father is very old, he loves him and that is what comforts his heart. Whether you enslave one of us or keep us as pleading until we pay the money, we see you as a benefactor that you honored us; gave us a lot of wealth our wish was fulfilled well and the price of our grain has been returned to us.”²² Hazrat Yusuf (AS) said “Allah's refuge is from the ones with whom find our belongings. And seize someone else, because according to your decision, we deserve to take the one in whose possession we got our wealth. If we take another instead, it is

injustice in your religion, so why do you demand what you know is injustice?

If we follow the golden principles of Islam, our beloved country Islamic Republic of Pakistan can become a paradise. There are flaws in all the judicial systems in the world and many ways for the culprit to escape, but whoever created this creature, there is nothing wrong with the system of justice created by its Creator. If this is followed, society can become a Paradise. Social justice is pleasing to Allah; Allah created all people from one Adam, in his last sermon, the Holy Prophet has explained the whole philosophy, structure and method of social justice. See the summary of the Hajj Farewell Sermon. No Arab has any superiority to a non-Arab, and none non-Arab has any superiority to Arabic, neither is black superior to white nor is white superior to black, the standard of virtue is piety.

Shari 'ah Issues Regarding the Extent of Adultery

Adultery is one of the major crimes and sins because it mixes the lineage that leads to the introduction of man. Helps and seeks help in legitimate matters, as well as the destruction of crops and races. Because of these ugly consequences, Allah has decreed a severe punishment for adultery, and that is that the one who commits adultery should be stoned if he is married. If he is a virgin, he should be flogged a hundred times and he will also be deported. In addition, it causes diseases that destroy society. This is strongly condemned in the Qur'an, Allah almighty says in the Holy Qur'an:

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلَا يُشْهِدُ عَذَابَهُمَا طَآئِفَةٌ مِّنَ الْمُؤْمِنِينَ.²³

“The fornicating woman and the fornicating man, flog each one of them with one hundred stripes. No pity for them should prevail upon you in the matter of Allah’s religion, if you really believe in Allah and the Last Day; and a group of believers must witness their punishment”.

Also, most of the Hadīths strongly condemn adultery. Here are 3 of them:

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: إِذَا زَنَى الْعَبْدُ حَرَجَ مِنْهُ الْإِيمَانُ فَكَانَ فَوْقَ رَأْسِهِ كَالظُّلَّةِ، فَإِذَا حَرَجَ مِنْ ذَلِكَ الْعَمَلِ عَادَ إِلَيْهِ الْإِيمَانُ.²⁴

“It is narrated on the Authority of Hazrat Abu Huraira (R.A) that the Holy Prophet (ﷺ) said when a servant commits adultery faith comes out of him and becomes like a canopy over his head, and when he is separated from this act, faith returns to him”.

وَعَنْ عَمْرٍو بْنِ الْعَاصِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَا مِنْ قَوْمٍ يَطْهَرُ فِيهِمُ الزُّنَا إِلَّا أَخَذُوا بِالسَّنَةِ وَمَا مِنْ قَوْمٍ يَطْهَرُ فِيهِمُ الرِّيسَا إِلَّا أَخَذُوا بِالرُّعْبِ».²⁵

“It is narrated on the Authority of Hazrat ‘Amr bin Aas (R.A) that the Holy Prophet (ﷺ) said that the nation in which adultery will be exposed will be in famine and the nation in which bribery will be exposed will be in terror”.

عَنِ ابْنِ عَبَّاسٍ، قَالَ: " نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُشْتَرَى التَّمْرَةُ حَتَّى تُطْعِمَ، وَقَالَ: إِذَا ظَهَرَ الزُّنَا وَالرِّيسَا فِي قَرْيَةٍ، فَقَدْ أَحْلُوا بِأَنْفُسِهِمْ عَذَابَ اللَّهِ.

“It is narrated on the Authority of Hazrat Abdullah bin (R.A) The Prophet (ﷺ) said, in a town where adultery and usury became apparent in majority, they made lawful for themselves the punishment of Allah.²⁶ May Allah help every Muslim to avoid the worst filthy and most heinous act like adultery”?

Remember that the Hudud is a kind of punishment, the amount of which is determined by the Shari'ah and cannot be reduced and the purpose of this is to prevent people from doing what bring is this punishment.²⁷ The Hadūd of adultery described in this verse is free, non-muhsan *غَيْرُ مُحْصَنٍ*. Because the ruling of Azad, Muhsan *مُحْصَنٌ* is that he should be stoned, as stated in the Hadīth:

عن ابن عباس رضي الله عنهما، قال: لما أتى ماعز بن مالك النبي ﷺ قال له: «لعلك قبلت، أو غمزت، أو نظرت» قال: لا يا رسول الله، قال: «أنكتهما». لا يكتفي، قال: فعند ذلك أمر برجمه.²⁸

“Hazrat Ibn-e-Abbas (R.A) was stoned by the order of the Holy Prophet”.

He is a free Muslim who is obliged to have a valid marriage, even if only once with his wife. If such a person is found guilty of adultery, he will be stoned, and if he does not have one of these things, for example, he is not free, or he is not a Muslim, or he is not a sane adult, or he has never had intercourse with his wife or with whom If the marriage has been annulled with him, then all of them should enter the *غَيْرُ مُحْصَنٍ* and in case of committing Zina, the ruling of all of them is that they should be flogged a hundred times.

Here are three important Shari'ah issues related to Hadd in the verse Evidence of adultery is given either by the testimonies of four persons or by the confession of the adulterer four times. However, the ruler or the judge will repeatedly ask and find out what is meant by adultery. Where? From whom and when, if all of them are mentioned, then adultery will be proved, otherwise no, and the witnesses will have to clearly state their examination, without which there will be no evidence.

When whipping a man, he should be made to stand up and all his clothes should be taken off except for the apron. And whips should be applied in such a way that the pain does not reach the flesh. When whipping a woman, she should not stand up or take off her clothes; however, if they are wearing fur or cotton, they should be taken off. This rule applies to free men and women, while the Hadd for a captive slave is half and fifty lashes, as mentioned in Sūrah An-Nisa.

Homosexuality is not included in adultery. Therefore, this act does not make the Hadd obligatory, but it does make the Ta'zeer obligatory. (1) Burning in the fire. (2) Drowning. (3) Falling from a height and raining stones from above. The same rule applies to both the doer of homosexuality.²⁹ The meaning of this verse is that it is obligatory upon the believers to be very strict in the matter of the religion of Allah Almighty and not to use any leniency in establishing the Hadd imposed by Him, lest the Hadd is imposed because of it leave it or reducing it. Here are some of the shari'a issues related to the punishment described in the verse.

- A person who accuses a pious man or woman of adultery and is unable to produce four witnesses is liable to 80 lashes. The statement of slandering women (مُحْصَنَاتٌ) only in the verse is due to a specific incident or because slandering women is common.
- People who have been convicted of adultery and have been sentenced, are not able to witness and their testimony is never accepted. Parsa means those who are Muslims, free and free from adultery.
- Four witnesses are required to testify for adultery.
- Hadd qazf, that is, the punishment for slander of adultery is subject to the demand, which has been slandered. It is not necessary to set a limit on the judge if he does not make a demand.
- If he is alive, then he has the right to demand, and if he is dead, then his son and grandson also have the right.
- A slave cannot claim slander against his master and a son cannot claim against his father that is, accusing his mother of adultery.
- The words of slander are to explicitly call someone an adulterer or to say that you are not from your father or to say in the name of his father that you are not the son of such and such or to call him the son of an adulterer while his mother is pious, such a person will become a slanderer, that is, an accuser of adultery, and he will have to go to the extent of slander.
- If Ghulam al-Muhsin is accused of adultery, such as a slave or a disbeliever or a person who has ever been proven to have committed adultery, there will be no limit on *Qazf*.

- On the contrary, punishment will be obligatory on him and this punishment is to whip from 03 to 39 lashes as much as the Shariah ruler suggests.

A Muhsan (مُحْصِنٌ) is a free Muslim who is obliged to have intercourse with his wife even once with a valid marriage. If such a person is found guilty of adultery, he will be stoned. In this verse and in many other Ahadīth, Muslim rulers will be commanded that Allah Almighty and His Beloved Prophet are fixed punishments for committed crimes for which the punishments were prescribed. They should enforce them strictly. Therefore, it is narrated on the Authority of Hazrat Ibadah bin Samit (R.A):

عَنْ عُبَادَةَ بْنِ الصَّامِتِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: "أَقْبِمُوا حُدُودَ اللَّهِ فِي الْقَرِيبِ وَالْبَعِيدِ، وَلَا تَأْخُذْكُمْ فِي اللَّهِ لَوْمَةٌ لَأَنِّمِ"³⁰.

“He said follow the limits of Allah Almighty in all near and far and do not let the reproach of the one who reproaches you in carrying out the command of Allah Almighty stop you”.

عن عائشة، قالت: قال رسول الله ﷺ: "أَقْبِلُوا ذَوِي الْهَيْئَاتِ عَثْرَاتِهِمْ إِلَّا الْحُدُودَ"³¹.

“It is narrated on the Authority of Hazrat Ayesha (may Allah be pleased with her) that the Holy Prophet (ﷺ) said, O rulers! Forgive the slips of the honorable, but the Hadds cannot forgive them”.

عن عائشة رضي الله عنها، أن قريشا أهمهم شأن المرأة المخزومية التي سرقت، فقالوا: ومن يكلم فيها رسول الله ﷺ؟ فقالوا: ومن يجترئ عليه إلا

أسامة بن زيد، حب رسول الله ﷺ فكلمه أسامة، فقال رسول الله ﷺ: " أتشفع في حد من حدود الله، ثم قام فاختطب، ثم قال: إنما أهلك الذين قبلكم، أنهم كانوا إذا سرق فيهم الشريف تركوه، وإذا سرق فيهم الضعيف أقاموا عليه الحد، وايم الله لو أن فاطمة بنت محمد سرقت لقطعت يدها "

32 -

“It is narrated on the authority of Ayesha Siddiqah (may Allah be pleased with her) that the theft was committed by a tribe of Makhzūm woman, which caused the Quraysh to worry (how to save her from punishment). The people consulted among themselves as to who would intercede with the Messenger of Allah in this regard. The people then said, "No one can dare to intercede except Hazrat Usāma bin Zayd, (R.A), who is the beloved of the Messenger of Allah." Hazrat Osama (R.A) recommended, upon this, the Holy Prophet (ﷺ) said, “you recommend the limit!”. Then Hazrat Muhammad (ﷺ) stood up for the sermon and said in this sermon that next people were killed by the fact that if any of them stole the noble one, they would leave him and when the weak one stole, they would set a limit on him, by Allah! If Fatimah bint Muhammad (ﷺ) had stolen, I would have cut off her hand too”.

From this verse and tradition, those in power (Rulers) should advise these Muslims that instead of establishing the Haddoods of Allah Almighty, they are trying to change them. May Allah grant them instructions? It means when a Hadd is being set on the

perpetrators of adultery, then a group of the Muslims should be present there so that they may learn a lesson from the punishment of adultery and refrain from this evil act.

Demand for Position and Government Designation

The meaning of Islamic government, which forbids to seeking a government or a high position, is as follows when there are qualified people in the country and enforcing the rules of Allah Almighty is not specific to any one person, then it is disgusting (Makrūh) to seek the position, but when only one person is qualified, he is given the position to enforce the rules of Allah Almighty. It is permissible to ask, but it is emphasized. The condition of Hazrat Yusuf (A.S) was such that He was a Messenger and was aware of the needs of the Ummah. He knew that there was going to be a severe famine in which the only way to bring relief and comfort to the creature was to take the rule of the Prophet (ﷺ) in your hands.

³³ قَالَ اجْعَلْنِي عَلَىٰ خَزَائِنِ الْأَرْضِ - إِنِّي حَفِيظٌ عَلَيْمَ -

He said, "Appoint me to (supervise) the treasures of the land. I am indeed a knowledgeable keeper."

Hazrat Yusuf (A.S) said to the king to let him hand over all the treasures of his kingdom. Surely, I am the guardian of the treasures and the knower of their expenses. The king said, "Who is more deserving of it than you (AS)?" Therefore, the king accepted the request of Hazrat Yusuf (AS). Remember that in the issues mentioned in the Ahādīth, it is forbidden to seek government or a high position. This means that it is disgusting (makrooh) to seek the Emirate when there are qualified people in the country and

enforcing the rules of Allah Almighty is not specific to any one person. But when only one person is qualified, it is permissible to seek the Emirate in order to enforce the commands of Allah Almighty. Hazrat Yusuf (AS) was in such a state that he was the Messenger of Allah (AS). He was aware of the needs of the Ummah. The Prophet (AS) asked for the Amirate.

Three Important issues related to the State

- It is permissible for an oppressive king to accept a position with the intention of establishing justice.
- If it is not possible to issue the rules of the religion without the appointment of an infidel or a wicked king, then it is permissible to seek his help.
- It is not permissible to express one's virtues for the sake of pride and arrogance, but it is not forbidden to express one's virtues for the benefit of others or to protect the rights of creatures if necessary.
- That is why Hazrat Yusuf (AS) said to the king I am the one who is safe and knowledgeable.³⁴

Remember that it is permissible to accept a position from a tyrant king in order to establish justice, and if it is not possible to establish justice in spite of receiving a position, then it is not safe to accept a position from a tyrant king. It has been the practice of religious leaders, Therefore, Hazrat Rabi'i bin Asim (may Allah have mercy on him) says Yazid bin Umar wanted to appoint Imam Azam Abu Hanifa as the caretaker of the treasury. He (RA) refused him, so he flogged him (RA) 20 times. In the same way, because of the

trustworthiness of the imam the king intended to hand over the keys of his treasury to him and threatened to whip him on the back if he refused.

He (R.A) preferred the punishment of the king to the punishment of Allah (and do not take the keys to the treasury). In the same way, once Imam Azam (R.A) was invited to become a judge, he (R.A) said I have no ability to it. He (R.A) was asked the reason for this and he said If I'm being honest. If I am a liar, then there is no way for a liar to become a judge.³⁵ Now-a-days, it is a great temptation that important positions of government are given either on the basis of relations, or on the basis of political sympathy, or sometimes it involves nepotism and sometimes bribery.

In this regard, oppression is inflicted on those who are truly qualified for the post and the consequences of giving the post to the incompetents are born by the entire nation for a longtime. Therefore, the supreme ruler should find the most deserving persons in his jurisdiction and hand over the administrative powers to them and should not hand over to such persons at all to those as are greedy for office.

Ruling on Obedience to the Ruler

The Holy Shari'ah has given complete guidance to the Muslims in every issue and has taught them the complete way of life in the world. Islam teaches the Muslims brotherhood and fraternity, where they command the establishment of unity, and how can it be possible that the Shari'ah commands the unity of the Muslims to be maintained and does not state any rules and regulations for it?

The most important thing in these principles is to obey your ruler, you see that in order to maintain the unity of any house, neighborhood, city, or country, it is necessary to obey the elders/ rulers/leaders there, if your leader/ruler is not obeyed at the time, then differences arise instead of consensus, which destroys any house, neighborhood, city, or country, as many Muslim countries are being humiliated and disgraced due to differences and anarchy today. Allah Almighty is the guide of obedience to the ruling time.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولَى الْأَمْرِ
مِنْكُمْ- فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَ الرَّسُولِ إِن كُنتُمْ
تُؤْمِنُونَ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ- ذَلِكَ خَيْرٌ وَ أَحْسَنُ تَأْوِيلًا-³⁶

“O you, who believe, obey Allah and obey the Messenger and those in authority among you. Then, if you quarrel about something, revert it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is good, and the best at the end”.

Here in the verse obedience to the Prophet is commanded because obedience to the Prophet is the obedience to Allah Almighty.

“أنه سمع أبا هريرة رضي الله عنه، أنه، سمع رسول الله ﷺ، يقول: «من أطاعني فقد أطاع الله، ومن عصاني فقد عصى الله، ومن يطع الأمير فقد أطاعني، ومن يعص الأمير فقد عصاني، وإنما الإمام جنة يقاتل من ورائه ويتقى به، فإن أمر بتقوى الله وعدل، فإن له بذلك أجرا وإن قال بغيره فإن عليه منه”-

"It is narrated on the Authority of Hazrat Abu Huraira (R.A) Holy Prophet (ﷺ) said, he who obeys

me, obeys Allah Almighty and he who disobeys me disobeys Allah Almighty".³⁷

Command after obedience to the Prophet has been ordered to obey. According to the previous Hadīth of Sahih Bukhari, the Holy Prophet (ﷺ) said He who obeys the command me, obeys of Allah and he who disobeys the command disobeys Allah.³⁸ Obedience and respect to the Holy Prophet (ﷺ) is obligatory. In many verses of the Holy Qur'ān, obedience to the Holy Prophet (ﷺ) will be commanded, which announces of Hell for disobedience. Therefore, it is necessary to do what he has commanded and to refrain from what he has forbidden.

"وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ"³⁹

"And whatever the Messenger gives you, take it, and whatever he forbids you from, abstain (from it). And fear Allah. Indeed, Allah is severe in punishment".

"عَنْ أَبِي مُوسَى، عَنِ النَّبِيِّ ﷺ قَالَ: "إِنَّ مَثَلِي وَمَثَلُ مَا بَعَثَنِي اللَّهُ بِهِ كَمَثَلِ رَجُلٍ آتَى قَوْمَهُ، فَقَالَ: يَا قَوْمِ إِنِّي رَأَيْتُ الْجَيْشَ بَعِيثِي، وَإِنِّي أَنَا النَّدِيرُ الْعُرْيَانُ، فَالْجِنَاءُ، فَأَطَاعَهُ طَائِفَةٌ مِنْ قَوْمِهِ، فَأَذَلُّوا فَأَنْطَلَقُوا عَلَى مُهْلَتِهِمْ، وَكَذَّبَتْ طَائِفَةٌ مِنْهُمْ فَأَصْبَحُوا مَكَاتِهِمْ، فَصَبَّحَهُمُ الْجَيْشُ فَأَهْلَكَهُمْ وَاجْتَاكَهُمْ، فَذَلِكَ مَثَلُ مَنْ أَطَاعَنِي وَاتَّبَعَ مَا جِئْتُ بِهِ، وَمَثَلُ مَنْ عَصَانِي وَكَذَّبَ مَا جِئْتُ بِهِ مِنَ الْحَقِّ" -

"It is narrated on the Authority of Abu Musa al-Ash'ari (R.A) said O my people, I have seen an army with my own eyes, I am frightening you with it, seek your way of salvation. Now a party obeyed him and

took advantage of the respite and left overnight. They were saved and one group disobeyed him and stayed there. In the morning the army attacked and killed them. So, whoever obeys me and follows what I have brought, then he is like those who are saved, and whoever disobeys me and denies what I have brought, then he is like those who disbelieved and perished".⁴⁰

This verse proves that obedience to the Muslim rulers is also commanded as long as they abide by the truth and if they rule against the truth, they will not be obeyed. Also, it is clear from this verse that there are three types of rulings, one of which is proved by the Book, the Qur'ān. Others are those who are proved by clear Hadīth and the third contains those who know the Qur'ān and Hadīth by Qiyas. The verse commands obedience to the "أولى الأمر", which includes Imams, Amirs, kings, rulers, judges, and scholars. Allah Almighty has clearly stated at many places in the Holy Qur'ān that the preferred religion in the sight of Allah Almighty is only Islam and no religion other than Islam is valid in the sight of Allah Almighty at this time. Anyone other than Islam will follow the morals of any religion as much as he wants until he fully embraces Islam as a creed. No action of his is acceptable in the sight of Allah and now Islam means the religion that was brought by Hazrat Muhammad Mustafa (ﷺ).

Conclusion:

The majority of the Muslims in our Pakistan, due to their lack of knowledge, think that all the obedient verses and Ahadīth of the ruling time were only for the previous caliphs and emperors. And at

present the rulers of the Muslims, are democratic and democracy is Kufr, therefore obedience to them is not obligatory, but most Muslims start rebelling against the Muslim rulers on small issues and issuing fatwas of Kufr. While the Shari'a teaches us to obey the Muslim ruler, whether those rulers are tyrants, oppressors and luxuries, whether they are democratic or undemocratic, it is necessary and obligatory for us to obey them in every known matter and if they say anything against the Shariah, we will not obey them, rather we will explain to them according to the Shariah and if they persist in error, we shall know evil in our hearts. But according to the commandments of the Shari'ah, no wrong decision or oppression of the ruling time will be rebelled against and no fatwas of disbelief will be issued against it. Nor will their faults be announced while sitting in the pulpit. Rather, they will be admonished in loneliness and this obedience will last as long as they do not commit obvious disbelief and as long as they establish the prayer.

References

¹ Al-Qur'ān4:65.

² Al-Bukhārī, Kitab Al-Sulah, Bab Iza Ashar al-Imām Bil Sulah, vol.2, Bab.215, Ḥadīth No.2708.

³ Al-Qur'ān 5:108.

⁴ Al-Bukhari, Kitab Al-Diyat, Bab Qaul Allah Tala wa min Ahyaha, vol.4, Bab.358, Ḥadīth No.6871.

- ⁵ Ibn-e-Maja, Kitāb al-Ahkam, Bāb Shahadat Al-Zaur, vol.3, Bab.123, Ḥadīth No.2373
- ⁶ Imām, Abū Al-Qāsim Salman Bin Ahmad Al-Tibrānī, *Mojam Al-Kabīr* (Berut: Dar al-Ahya al-Turath al-Arabī, 1422 H) Akrama an Ibn e ‘Abbās, vol.II, Bab172, Ḥadīth No.11541.
- ⁷ Khazin, Al-Nahal, Tehat al-Ayatah, 92:3, p.140-141.
- ⁸ Baḥār e Sharī‘at, Hisa Naham, Qasam ka Bayan, vol.2, p.298.
- ⁹ Al-Qur’ān 3:44.
- ¹⁰ Muftī Muḥammad Qāsim Qādrī, *Ṣirāt al-Jinān fi Tafṣīr al-Qur’ān* (Karachi: Maktaba al-Madīna, 2013), vol. I, p 475.
- ¹¹ Al-Qur’ān 4:93.
- ¹² Al-Bukhari, Kitab al-Diyat, Bab Qaul Allah Tala, wa min Ahyaha, vol.4, Bab.358, Ḥadīth No.6871.
- ¹³ Tirmizi, Kitab Al-Diyat, Bab al-Hukam fi al-Dama, vol.3, Bab.100, Ḥadīth No.1403.
- ¹⁴ Ibn e Majah, Kitab Al-Diyat, Bab al-Taghliz fi Qatal Muslim Zulman, vol.3, Bab.261, Ḥadīth No.2619.
- ¹⁵ Qāsim, *Ṣirāt al-Jinān fi Tafṣīr al Qur’ān*, vol 2, p 429.
- ¹⁶ Ibid.
- ¹⁷ Qāsim, *Ṣirāt al-Jinān fi Tafṣīr al Qur’ān*, vol 2, p 429.
- ¹⁸ Al-Qur’ān 5:38
- ¹⁹ Muslim, Kitab al-Īman, Bāb Bayan Nuqṣan al-Īman bil Masīh,
- ²⁰ Nisa’ī, Kitāb Qata al-Sariq, Tazeem al-Sirqatah, p.783, Ḥadīth No.4882.
- ²¹ Al-Qur’ān12:78.
- ²² Qāsim, *Ṣirāt al-Jinān fi Tafṣīr al Qur’ān*, vol 5, p 45.
- ²³ Al-Qur’ān 24:2.
- ²⁴ Tirmizi, Kitab al-Eman, Bab Ma ja La Yazni al-Zani wahua Momin, vol.4. Bab.283, Ḥadīth No.2634.
- ²⁵ Mishkat al-Masabih, Kitab al-Hadūd, al-Fasal al-Salis, vol.2, Bab.656, Ḥadīth No.3582.
- ²⁶ Mustadrik, Kitāb al-Bayou, Iza Zuhar al-Zina wa al-Riba fi Qaryatah Faqad Uhillu Aba Nafsihim Azab Allah, vol.2, Bab.339, Ḥadīth No.2308.
- ²⁷ Dur e Mukhtar Ma’ Rad al-Mukhtar, Kitab al-Hadood, vol.6, p.5.
- ²⁸ Al-Bukhārī, Kitāb al-Maharbin min Ahal al-Kufar wa al-Rudat, Bab Hal Yaqool al-Imam Lil Maqar, La Allaka La Mast Aou Ghamizt, vol.4, Bab.342, Ḥadīth No.6824.

²⁹ Qāsim, *Şirāt al-Jinān fi Tafsīr al Qur'ān*, vol 6, p 579.

³⁰ Ibn-e-Majah, Kitāb al-Hadūd, Bāb Iqamatah al-Hadūd, vol.3, Bab.217, Ḥadīth No.2540.

³¹ Abū Daud, Kitāb al-Hadūd, Bāb fī al-Hadusgafa fih, vol.4, Bab.178, Ḥadīth No.4375

³² Al-Bukhārī, Kitāb Aḥadīth Al-Anbia, 52, vol.2, Bab.468, Ḥadīth No.3475.

³³ Al-Qur'ān 12:55.

³⁴ Qāsim, *Şirāt al-Jinān fi Tafsīr al Qur'ān*, vol 5, p 17.

³⁵ Ghazalī, Imām Abū Hamīd Muhammad Ībn Muhammad, Ahya 'Ulūm al-Din, Kitāb al-Ilm, al-Bāb al-Thani, fī al-Ilm al-Mehmūd wa al-Mazmūm, Maktaba, Darsadir, Berut, 2000, vol. I, p.48-49.

³⁶ Al-Qur'ān 4:59.

³⁷ Al-Bukhārī, Imām Abū Abdullah Muhammad bin Ismail, Kitāb al-Jihād wa al-Sir, Bāb Uqatil Min Wara al-Imam wa yataqi Beh, vol.2, Bab.297, Ḥadīth No.2957.

³⁸ Ibid.

³⁹ Al-Qur'ān 59:14.

⁴⁰ Al-Qusheri, Imām Abul Hussain Muslim bin Hajjaj, Kitāb al-Fazail, Bāb Shafqatah ^{بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ} Alī Umatah, vol.I6, Bab.1253, Ḥadīth No.2283.