

Teachings of Islam on Violence & War —Revisited

*** Prof. Dr. Khalid Mahmood Sheikh**

Islam has never taught its followers intolerance, hatred and violence. Its teachings have never encouraged bigotry and fanaticism it is against all brutality, bloodshed and terrorism. On the contrary. It stands for peace, love and tolerance. The irony is that the religion that has always preached and promoted peace and tolerance is branded today as the religion of terrorists and militants. The Prophet Muhammad (S.A.W) whom the Quran has declared:

﴿وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ﴾

“We have merely sent you as a mercy for the Universe”. (1)

And who had all reverence and compassion for human life and honour is portrayed today by the west, out of sheer ignorance and prejudice, as Prophet of war, violence and terrorism. Jerry Falwell declared recently, “I think Muhammad was a terrorist”(2)Franklin Graham wrote in his new book, “The Name”: Islam ----unlike Christianity----has among its basic teachings a deep intolerance for those who follow other faiths”(3) What is more this Graham described Islam as “wicked, violent religion”(4). These are three evangelists, in particular namely, Jerry vines Jerry Falwell and Franklin Graham who accuse Allah of evil and Muhammad of terrorism.

In actual fact, Islam declares war against all kinds of tyranny, persecution and repression. It vehemently condemns aggression, injustice and every type of exploitation. It stands for

* Consultant, 'IQRA' International Educational Foundation, Chicago, United States of America.

7. A class of scholars insisting upon the authenticity of old verdicts without appropriate change required by the present circumstances and another class insisting upon change of verdict without any condition and limitation. Accesses in both the cases.
8. Insisting upon the authority of verdict when errors are very clear in the same.
9. Giving authority of general principal to specific verdict.
10. Counter verdicts by various scholars in the same matter, creating confusion.

The article is based upon detailed discussion on the matters mentioned.

Access Committed While Issuance of Verdict

*** Dr. Tahir Hakeem**

Regarding the Importance of verdict, Almighty Allah Himself claim Him for as (mufti) issuer of verdict **قل الله يفتيكم في الكلالة** Holy Prophet (SAWA) was also remained designated as (Mufti) issuer of verdicts. After the demise of Holy Prophet (SAW), his great companions (Sahaba) have been performing the sacred duty of issuing the verdicts.

In the later ages same access infirmities emerged in this scared junction of mufti and same of these are enumerated hereunder:

1. Some scholars, not realizing the hidden dangers of issuing verdict.
2. The individuals without knowledge of principles, Shariah insist on issuing of verdict.
3. Issuing of verdict on the matters having no authority from Qura'an & Sunnah, and making remote interpretation.
4. Issuance of verdicts on the basis of exception.
5. Issuing new verdicts in the religion against the opinions of great scholars of Ummah.
6. Issuing verdicts on the basis of prejudice against even clear logic.

* Assistant Prof. F/O Shariah & Law, International Islamic University, IdB

They warned that there is difference between necessity and supposition. The real necessity makes the forbidden legal. As for as the suppositions are concerned, they are not given any importance. The Muslim community faced the problem of the increase in their numbers not commensurate with their existing means. The European countries suggested to the adoption of family planning methods. In these systems, there are some medicines known as contraceptives, the use of which prevents the embryo to be formed in the womb. Similarly some operations are conducted to prevent the semen to collect in the womb.

In spite of all this, sometimes the male gamete reaches the female one and pregnancy occurs, and the couple thinks of abortion, due to the problems mentioned before.

Despite the opinion of most of the religious scholars in negative, there are grounds based on which it may be allowed in some circumstances and times. When the parents prefer to do so, in these circumstances it may be allowed. As for the time frame is concerned, so it must be before the soul is infused to the body or any human feature is developed in the body.

Since the issue needs Ijithad, and circumstances of Muslims entail to allow the abortion due to necessity, the writer of the article is of the opinion that it may be allowed in some cases. As for as embryos created by using apparatus like test tubes and the like, so the rule of four months apply to them also, i.e the abortion before the passage of four months on the pregnancy may be allowed.

THE ISSUE OF ABORTION IN THE LIGHT OF ISLAMIC SHARIA'H

*** Dr. Muhammad Saleem Shah**

The issue of the abortion is a part of family planning or family limitation. The religious scholars, both classic and contemporary, have dealt with different cases of it. They have declared some cases as allowed while other ones as forbidden. They have forbidden both man and woman to deprive themselves of reproductive power completely. As for as the temporary treatment by contraceptives is concerned, so it differs from case to case. In some cases it may be allowed while in others not.

Abortion is a very comprehensive term applying to the expulsion of foetus, that being which is still in the mother's womb in the form of semen as applying to the stage in which it is a complete human being ready to come to the world. These two cases have different rulings. The opinions of scholars are as follows.

A number of scholars are of the opinion that abortion is illegal in shari'a, being very similar to the burial of a live child and killing of it to evade starvation in future.

However, others have given the verdict to allow abortion, due to necessity, before the soul is infused to the body. These scholars have determined the necessity according to their thinking demarcating between the real necessity and hajah.

*Assistant Professor, F/O Usool-ud-din, I. I. U, Islamabad

2. To do justice and observe good behavior.
3. Use of scholarly approach.
4. Giving preference to the revealed knowledge over the rational knowledge.
5. Avoiding contradictory statements.
6. Competence for the dialogue, because a person who does not know a fact, cannot defend it.
7. Acceptance of the conclusions.
8. Respect for the experience and thinking of others.

As for as the domains of *Jidal* (Controversy) they are many, some of which are as follows:

1. Engagement in the discussion of a topic which has no importance.
2. Exchange of charges.
3. Lack of the consideration of the situation.
5. Resort to challenging and trying to make the other party quiet, displaying misbehavior.
6. Unnecessary lengthy expressions in a boastful manner.
7. Lack of respect for the other party treating it as foolish persons are treated.
8. Avoiding listening to the other party.

All these are domains of cause fruitless dialogue which creates tension, anger and lack of confidence, and finally leads to the failure of the dialogue.

The author has depicted all these aspects by examples in the light of Quran and Hadith'.

ASPECTS OF USEFUL DIALOGUE AND JIDAL (CONTROVERSY)

* Dr. Ahmed Jan al-Azhari

In the beginning the author has discussed the means of dialogue, the language and the power of expression in it, because the language plays a great role in all acts of good as it does so in all acts of evil. A person uses his language in the dialogue, self defense and defense of truth. The importance of the dialogue is evident from its definition. One of the conditions stipulated for the dialogue is equality of the persons to be engaged in the dialogue. Really the dialogue is the examination, the mutual understanding, the presentation of the opinions, giving and taking. Similarly, it is an effort to satisfy both the parties in a friendly manner. So the dialogue is different from the debate and *Jidal* (Controversy). The author has also discussed the objectives of the dialogue declaring it to be an effort to arrive at a middle solution acceptable for all the parties, consideration being given to the point of view of the other party as well, in such a way that the stage of fact finding is completed and the conclusions are reached. The article consists the etiquettes of the useful dialogue and the principles proposed for it. Their summary is as follows:

1. To be bound to tell the truth.

* Associate Professor, F/O Usool-ud-din, I.I.U, Islamabad.

In the second stage of Irtifaq, the five basic sciences takes place and this promote the cultural values of first irtifaq. These sciences are:

1. Wisdom of living.
2. Wisdom of earning
3. Wisdom of business.
4. Wisdom of cooperation in society.

By adopting these above five social values, the society is developed and entered into high level of living that of city state which ultimately resulted upon the confederacy of autonomous supreme political system in the world that is called Khilaf-e-A'ama (supreme vicegerence) means globalization in recent interpretation.

Comparatively, the social evolutionary doctrine of Shah Wali Ullah is more comprehensive, to that of temporary western sociologist i.e. John Lock (1632-1704), August comate (1778-1857), Durkheim (1857-1917) and Max Waper (1864-1920).

An Analytical Study of Social Evolution, Discussed By Shah Wali Ullah In His Literature

*** Dr. Muhammad Hussain Qureshi**

No doubt Shah Wali Ullah (1703-1762) was a profile writer, whose contribution extended over the entire spectrum of the classical Islamic discipline; i.e., Quranic studies, Hadith, Applied and Theoretical jurisprudence and Islamic Mysticism. As an eminent scholar, Shah Wali Ullah gave a new dimension to the Islamic thoughts. He was an amalgam of various disciplines of Sharia. He put forward the theological theory in his scholarly book, titled with "*Hujjatullah-el-Balighah*", which is magnum opus. This theory includes four development socio-economic stage. This phenomena is like the inner spiritual stages or metamorphosis of body growth: i.e., childhood, adulthood, maturity and old age.

This article presents the evolution of social life explained by Shah Wali Ullah in four stages which is called "*Iritifaqat*" and the first stage of Iritifaq consists of language, cultivation, the striving for the basic need of human being: i.e., eating, harvesting, planting, digging of wells, adopting different methods, cookery, identification of an undisputed spouse for sexual satisfaction etc.

* Assistant Professor, Department of Islamic Studies, University of Science & Technology Bannu.

or the society, that is why they need a guardian to look into their affairs. In some traditions and incidents during the life of the Holy Prophet (SAW), one may deduce that in dire circumstances, it is not permitted to spend more than one third from the property of the person on the death bed, an insane, foolish and a minor.

It has been reported that the Holy Prophet (SAW) has prescribed to a companion to pronounce condemnation of deception in a transaction. Hazrat Abdullah bin Ka'ab (RAZ) reports that the Holy Prophet (SAW) restrained Hazrat Ma'az (RAZ) from using his property so as to redeem the debts to the creditors. Likewise the Holy Prophet (SAW) limited a companion to give one third of his property in charity and rest for his daughter (successors). Qazi Shureh imposed restrictions on the usage of wealth of a spend thrift. habitual drunkard youth to safeguard his wealth.

In this article the author has collected & selected very useful information about the topic i.e restriction on exercise of ownership rights which called as *Hijar* in Islamic Jurisprudence .

The author thoroughly discussed all aspects of the issue & particularly described the following:

1. Meaning of Hijar.
2. Objectives of Hijar.
3. Causes of Hijar
4. Examples of public harm & examples of private harm.

Restrictions on exercise of ownership rights

*** Dr. Ahmad Saeed**

In Islam entire ownership of the universe belongs to Allah Almighty. The all sources of wealth are sacred trust for human beings. The Noble Qura'an says that lawful earned wealth is the blessing and bounty of Allah. It has been reported that the Holy Prophet (SAW) said that there is pious living for the pious men and that whosoever observes the commands of Allah may prosper endlessly. According to Imam Razi wealth creates easy circumstances which pave way for heavenly attainments and that wealth brings prosperity and shuns adversity. Apart from two extremes of Capitalism and Communism, Islamic economic system regulates the natural abilities of a person to earn his living according to his status. The human beings are all equal and are paragon of the divine attributes. But there is difference between them according to their capacities and impediments such as minority, old age, disease and folly. The Noble Qura'n in Surrah 'An'nisa' verse 5 says "Give not unto the foolish (what is in) your (keeping of their) wealth, which Allah hath given you to maintain; but feed and clothe them from it and speak kindly unto them." This means lest they waste their property and become burden on the family

* Assistant Professor, Govt. Degree College, Battagram.

liable for false accusation (Qazaf).The Federal Shariat Court issued a circular to the subordinate courts and to the police that forced fornication (Zinabil-Jabar) should not be considered a consenting fornication or a tool from which a woman evades her consenting fornication until the court decides.The second category is fornication amounting to "Tazir".

In this article the author has selected very useful & relevant material on the subject. He has discussed the every prime aspect of the issue and particularly has focused on the following points:

1. Position of the female complainant.
2. Position of the accused
3. Sexual assault against man.
4. Physical harm in fornication.
5. "Hadd-e-Hirabah" or "siyasaah"? punishment for rape.

The auther has concluded his article as under:-

It is need of the time that confliction between the different criminal laws relating to the sexual crime be removed.The oral sex and sexual harassment have not been discussed as crime.The "Hudood Ordinance 1979" and PPC give the same definition of fornication, which should be redefined, "Siyasiah" can resolve the conflict of sexual criminal laws.

Hanfi's concept of "Siyasah"

Allama Ibn Abideen Shami says that "Siyasah" means to keep people righteous by the concept of hereinafter. Ibn Nujaim reiterates the concept that a ruler (judge) uses his discretion in the best public interest without any express Divine command. It is a sort of preventive measure as Hazrat Umar (RAZ) used to exile Nasr bin Hajaj.

It is used where some offence is or is likely to be committed, its unjustified use is 'zulm' and proper use is justifiable or 'adalah'. Imam Abideen says that "Tazir" and "Siyasah" are one and same thing. But this is not true, because "Tazir" is applied in the rights of individuals whereas "Siyasah" pertains to discretion of a ruler (judge). It is the discretion of a judge to compound a wrong, on the other hand in "Tazir" only the aggrieved may pardon a wrong. Since judge is the custodian of rights of the individuals, so the "Tazir" and "Siyasah" both are the rights of the individual. These cannot be suspended due to 'shibh' or doubt.

The Punishment Of Fornication Amounting To "Hudd" (Hudd-e-Zina)

The offence of fornication is divided into two categories, one amounting to "Hudd", which requires confession or four eye witnesses. This part of the ordinance created unrest, because a woman's failure to prove, makes her a consenting party or