

MUHAMMAD PBUH AND HIS CONTRIBUTIONS TO THE DEVELOPMENT OF RULE OF LAW AND SOCIAL JUSTICE IN THE 7th CENTURY

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ABSTRACT

Islam and Christianity are the closest religions when compared with other religions, next to Judaism. Yet they are very antagonist to each other. A close look to creeds of the two religions reveal that the two have so much in common, sufficient enough to prevent the level of rivalry that has characterized their relationship for centuries. In spite of advancement in knowledge and modern facilities that suppose to have bridged the gap, the hostility continues. This article attempts to observe the reasons for this endless rivalry which are caused by many factors which include political, cultural, economical, and lack of awareness for each other's teachings, as a modest contribution to bridging the problem of lack of awareness of each other's teachings by tracing the history of Prophet Muhammad PBUH, the founder of Islam and his efforts to reform his society most especially the rule of law.

Keywords: *Justice, manumission, slavery, faith, paradise.*

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INTRODUCTION

Islam and Christianity are two major religions that have dominated the world for many centuries. They came a long way in the history and are closely related to each other compared to many other religions. Despite that closeness, they are extremely antagonistic, even though a close examination of their creeds will show that there is little or no need for such antagonism. However, to establish the reason for what looks like an endless rivalry between the two religions, one may list many factors, such as political, cultural, economical and educational. The focus of this paper is on education (or the lack thereof) as a source of antagonism.

The term, education here means the knowledge of each other's beliefs. This educational gap is created possibly because Islam came later than Christianity. Islam did not only come later but it came with quite significant information about Christianity. You hardly see a Muslim with fair knowledge of Islam without some rudimentary knowledge of Christianity. This can be explained by the fact that the Qur'an, the number one (primary) source of Islam, contains substantial information about Christianity. Not only does Islam perceive itself and Christianity as having originated from the same source, it also believes that there is no need for enmity but rather a dialogue. This is reflected in many verses of the Qur'an:

“Say: ‘O people of the Book!² Come to common terms as between us and you; that we worship none but Allah; that we associate no partners with Him; that we erect not from among ourselves Lords and patrons other than Allah. If you turn back, say ye “Bear witness that we (at least) are Muslims.”

(Sūrah Āli ‘Imrān, 3: 64)

And dispute ye not with the people of the Book except with means of better (than mere disputation), unless it be with those of them who inflict wrong (and injury); but say, we believe in the revelation which has come down to us and in that which came down to you; our God and your God is one; and it is to Him we bow (in Islam),”

² The expression ‘People of the Book’ otherwise known as *Ahl al-Kitāb* in Arabic, is the name given to the adherents of other religions such as Christianity, Judaism and others which Islam believes share a common origin.

(Sūrah al-‘Ankabūt, 29: 46)

Verses like these and many others in the Qur’an and the Sunnah of Muhammad PBUH have gone a long way to limit criticism by a Muslim against Christianity. It is hard to see a learned Muslim who will criticize Jesus Christ as a person or criticize Christianity as a religion when Qur’an has confirmed that Christianity is one of the divine religions. In fact, the belief of Christianity as one of the divine religions before the rise of Islam is an article of the Islamic faith. The Qur’an contains more than 150 verses about Jesus and the beliefs of Christianity. This has significantly focuses the areas of criticism by Muslim to whether or not Christians, from the Islamic point of view, actually follows the true teachings of their faith.

On the other hand, one finds that a contrary situation on the Christians, with the exception of few learned theologians and Christian scholars (known as orientalist) who specialize in Islamic studies; a vast majority of Christians does not have knowledge of Islam. That situation has created a big vacuum with dangerous consequences: (a) it has led to erroneous belief that Islam is the enemy to Christianity; (b) Islam has made little or no contribution to mankind; and (c) Islamic law concerns itself only with killing, deprivation, segregation and wickedness. These are a few miss-perception of non-Muslims.

Furthermore, it is the absence of such knowledge by a majority of non-Muslims that is responsible for the intensity and crisis that the world has experienced during the last decade and a half. These include the attitude of the ‘West’ (which is largely consists of Christian) that has made Muslims believe that the former is anti-Islamic, which resulted in making the Israeli-Palestine crisis unresolved, the creation of al-Qaeda with its many consequences, the printing of the prophet Muhammad PBUH caricature, and the quotation of a Byzantine emperor by the Pope.

This same vacuum has given way to Christian, Jew, or other non-Muslim felt free to attack Islam as a religion, and to regard Prophet Muhammad PBUH similar to an ordinary man and to criticize him without any consideration, even when he can hardly tolerate any attack on Christ. Nevertheless, the Muslims find him honorable as opposed to other religious leaders.

While this article may not be able to fill the big gap left for many centuries, it aims to give some brief information of the man who is the most honorable in Islam, The Prophet Muhammad PBUH. This article will also review some of his contributions to the development of Islamic law and social justice in the 7th century. The sources of information of his contributions stated in this paper,

are deliberately from the perspective of the Qur'an and Sunnah, both of which all Muslims regard as credible references of the Prophet Muhammad PBUH.

MUHAMMAD PBUH

To do justice to the Prophet Muhammad PBUH, a brief introduction of his life will help readers enhance the understanding of his contributions to the Islamic law and social justice. Prophet Muhammad PBUH is the son of Abdullah, according to Philip Hitti, was born around 571 AD to the *Quraisy* family of Abdul Muṭalib, who is his grandfather and one of prominent chiefs of Mecca at that time.³ His father Abdullah died before his birth, and his mother, Aminah also died when he was only six years old. According to Muhammad PBUH b. 'Abd al-Wahab's "Biography of Prophet", which is based on earlier source, Prophet Muhammad PBUH's genealogy extends to Adnan, one of Ismail's children.⁴ That makes him one of descendants of the Prophet Abraham.

Prophet Muhammad PBUH was brought up by his grandfather Abdul Muṭalib. When the grandfather died, Prophet Muhammad PBUH was only 8 years old and the responsibility to look after him fell to his uncle, Abū Ṭalib.⁵ He started his early life as a trader, and accompanied his uncle on business trips to Syria.⁶ It was also reported that he broke a family tradition of becoming shepherders, unfortunately little information is made available about that. When he was in his early twenties, he was employed as business manager by a wealthy *Quraisy* merchant widow named Khadijah, whom he later married at the age of twenty-five, and she being years older than him.⁷

Prophet Muhammad PBUH as a young man was very popular and he earned himself a reputation of sheer honesty and decency, within a society marked by lawlessness and social anarchy. His reputation has honored him the nickname of *al-Amīn* (the trustworthy one). Martin Lings, who has written extensively about Prophet Muhammad PBUH's life, narrated how his honesty saved the *Quraisy* from a bloody war when the Ka'abah was being rebuilt. It has to do

³ Hitti, Philip K., *History of the Arabs from the Earliest Time to The Present* (London: Macmillian, 1968), 111.

⁴ Muḥammad b. 'Abd al-Wahab, *Mukhtaṣar Sīrah al-Rasūl* (Beirut: Dār al-'Arabiyyah, n.d.), 36.

⁵ Muḥammad b. 'Abd al-Wahab, *Mukhtaṣar Sīrah al-Rasūl*, 39-44.

⁶ Muḥammad b. 'Abd al-Wahab, *Mukhtaṣar Sīrah al-Rasūl*, 44.

⁷ Martin Ling, *Muhammad His Life Based on Early Sources* (London, 1982), 48.

with the black stone (*hajar aswad*) beside the wall of the Ka'abah. When the house was rebuilt to the level where the stone should be put back to its place, Lings wrote:

“Then a violent disagreement broke out among them, for each clan wanted the honour of lifting it into its place. The deadlock lasted for four or five days and the tension had increased to the point of alliance being made and preparation for battle begun, when the oldest man present proposed a solution. “O men of Quraisy,” he said, “take as arbiter between you, about that wherein ye differ, the first man who shall enter in through the gate of this mosque.” The precinct round the Ka’abah was called a mosque, in Arabic masjid, a place of prostration, due of the right of prostrating one self to God in the direction of the Holy House had been performed there since the time of Abraham and Ismail. They agreed to follow the old man’s counsel; and the first man to enter the mosque was Muhammad PBUH, who just returned to Mecca after an absence. The sight of him produced an immediate and spontaneous recognition that here was the right person for the task, and his arrival was greeted by exclamations and murmurs of satisfaction. “It is al-Amīn,” said some. “We accept his judgment,” said others, “it is Muhammad PBUH.” When they explained the matter to him, he said: “Bring me a cloak” And when they brought it, he spread it on the ground, and taking up the Black Stone he laid it on the middle of the garment. “Let each clan take hold of the border of the cloak,” he said. Then lift it up, all of you together.” And when they had raised it to the right height he took the stone and placed it in the corner with his own hands; and building was continued and completed above it”.⁸

As Muhammad PBUH approached the age of forty, solitude became dear to him and he would go for spiritual retreats to a cave in Mount Hira’ not far from Mecca. When he was alone one day in a cave, an angel came to him in the form of a man. The angel said to him “Recite!” and he said “I am not a reciter”. Whereupon, as he himself told it, “the angel took me and whelmed me in his embrace and again when he reached the limit of his endurance, he again released me and said: “Recite!” and again I said I am not a reciter: Then a third time he overwhelmed me as before, then released me and said: “Recite in the name of thy Lord who created! He created man from a clot of blood. Recite,

⁸ Martin Ling, *Muhammad His Life Based on Early Sources*, 62.

and thy Lord is the most bountiful. He who hath taught by the pen, taught man what he knew not”.⁹

This experience set the stage for his Prophet-hood, which lasted for 23 years. He declared his Prophet-hood and said that he was receiving revelations from God. Many people believed him and those people vouched themselves as Muslims (those who surrendered themselves to the will of Allah - God). Although it took him many years before he could establish his new faith, he eventually converted a large part of the Arabian peninsula before his death. Today, there are more than one billion; and half the population across the globe professes Islam, the religion of Muhammad PBUH.

MECCAN PERIOD OF MUHAMMAD PBUH’S MISSION

Muhammad PBUH named his revelation Qur’an, and made it the primary source of Islamic faith and law. Belief in it is one of articles of the Islamic faith. Second to the Qur’an are the sayings, or practical actions and affirmations of Muhammad PBUH, known as the Sunnah or *Ḥadīth*. He used the Qur’an as the means of initiating social reform among his followers, based on his concept of social justice. His reforms touched all aspects of life, especially human rights in general, women’s rights, proper behavior and social welfare.

Muhammad PBUH grew up to find that the *Quraisy* community was full of injustices, ranging from oblivion, lying, cheating, and breaking promises, to unnecessary blood shedding. He made the struggle against these social vices his first priority as a Prophet. He declared them as unacceptable to the dismay of the Meccan aristocrats, who benefited from this situation. He was isolated to the extent that he had to send some of his followers to Abyssinia (now Ethiopia) in order to escape *Quraisy* persecution. According to Hitti, Muhammad PBUH was:

“[u]ndaunted through these dark days of persecution by the temporary loss of so many followers; Muhammad PBUH fearlessly continued to preach and by persuasion; converted men from the worship of the many and false gods to that of the one and true God, Allah”.¹⁰

⁹ Martin Ling, *Muhammad His Life Based on Early Sources*, 62.; also see Sūrah al-‘Alaq. 96. 1-5.

¹⁰ Muḥammad b. ‘Abd al-Wahab, *Mukhtaṣar Sirah al-Rasūl*, 114.

Muhammad PBUH devoted the early period of his Prophethood to advocating human equality, and used that platform to fight against the tribalism, racism, slavery and discrimination that prevailed during the time; of which, many revelation during that time, addressed these issues. The following are some examples:

“O mankind! We created you from a single (pair) of a male and a female and made you into nations and tribes that ye may know each other (not that ye may despise each other) verily the most honoured of you in the sight of God is (he who is) the most righteous of you and God has full knowledge and is well acquainted (with all things)”.

(Sūrah al-Ḥujurāt, 49: 13)

O ye who believe! Let not some men among you laugh at others; it may be that the (later) are better than the (former): nor let some women laugh at others: it may be that the (later) are better than the (former): nor defame nor be sarcastic to each other by (offensive) nicknames: ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong”.

(Sūrah al-Ḥujurāt, 49: 11)

Among many of his remarks on the issue are indeed God will not look at your picture and your wealth but He will look at your heart and your deeds.¹¹ Muslims are brothers and there is no merit on one another except by righteous.¹² Muhammad PBUH even went to the extent of establishing a link between equality and faith. These are also reflected in many of the traditions: None of you is a true believer until he loves for his brother what he loves for himself.¹³ The Muslim is he whom (another) Muslim is safe in his hand and tongue.¹⁴ Muslim is a brother of (another) Muslim. He must not abuse him or boycott him.¹⁵ Muhammad PBUH also fought against slavery. He did not seek to outlaw it at once, possibly because of circumstances that led to existence of

¹¹ Abū Fida' Ismā'il b. Kathīr, *Mukhtaṣar Tafṣīr Ibn Kathīr*, (ed. Muḥammad 'Alī al-Sabūnī: Beirut: Dār al-Fikr, vols. 3, 1981), iii. 367-368.

¹² Abū Fida' Ismā'il b. Kathīr, *Mukhtaṣar Tafṣīr Ibn Kathīr*, iii. 368.

¹³ Muḥammad b. Ismā'il al-Kahallanī al-Sana'anī, *Subul al-Salām* (Cairo: Dār Ihya' Turath al-'Arab, vols. 4, n.d.), iv. 165.

¹⁴ Muḥammad b. Ismā'il al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Medina: Dār al-Fikr, vols. 9, n.d.), i. no. hadith. 9, 8.

¹⁵ Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, viii. no. hadith 98, 62.

slavery at that time. But he took a gradual approach that would have eventually led to the eradication of slavery, particularly among his followers.

First, he made the maltreatment of a slave a crime against God. Secondly, he bought many slaves and set them free. He also encouraged his followers to do the same. In fact, buying slave and setting him free is also deemed noble. Abu Dharr, one of Muhammad PBUH's companions, narrated: I asked the Prophet, "what is the best deed?" He replied, "To believe in Allah (God) and to fight for His cause". I then asked, "what is the best kind of manumission (of slaves)?" He replied: "the manumission of the most expensive slave and the one most beloved by the master". I said, "if I cannot afford to do that?" He said: "help."¹⁶

Abu Bakr, one of his closest companions and one of the richest men in town, bought many slaves and set them free.¹⁷ Among the most popular slaves of the time who was set free and became one of the close aides to Muhammad PBUH is Bilal, a black man from Abyssinia.¹⁸ Thirdly, he made setting a slave free one of the means (in fact, the best way) of atoning for some crimes against God, such as falsifying oath, literally breaking the fasting of Ramadan and the best way of atoning for manslaughter or mistaken killing under Islamic Law, according to Quran:

"Never should a believer kill a believer; but (if it so happens) by mistake, (compensation is due): if one (so) kills a believer, it is ordained that he should free a believing slave and pay compensation to the deceased's family, unless they remit it freely".

(Sūrah al-Nisā', 4: 92)

Even though a slave still remains with his master, Muhammad PBUH advocates that they should be treated mercifully and kindly. Abu Dharr also reports: I abused a man (slave) by calling his mother bad names: The Prophet said to me: "O Abu Dharr! Did you abuse him by calling his mother bad names? You still have some characteristics of (the time of) ignorance (i.e. pre-Islamic times). Your slaves are your brothers and Allah has put them under your command". Hence, whoever has a brother under his command should feed him from what he eats and dress him from what he wears. Do not ask

¹⁶ Abū Zakariyyā Yaḥyā b. Sharaf al-Nawāwī, *Tahdhib Dalīl al-Falīḥīn Sharḥ Riyād Ṣālihīn* (transl. Ibrāhīm Ma'aruf: Egypt: Dār al-Manarah, vols. 2, 2003), ii. 862.

¹⁷ Muḥammad b. 'Abd al-Wahab, *Mukhtaṣar Sīrah al-Rasūl*, 91.

¹⁸ Muḥammad b. 'Abd al-Wahab, *Mukhtaṣar Sīrah al-Rasūl*, 93.

them (slaves) to do things beyond their capacity and if you do so, then help them.

Among other issues that dominated efforts of Muhammad PBUH against injustice in Mecca were greediness, lavishly breaking promises and telling lies. He sees them as evidences of injustice in the society. He made war against them a priority as a Prophet and declared them unacceptable. He also made them criminal offences later in Medina. However, at Mecca he fought them in two ways: first by condemning them.

“Woe to those that deal in fraud. Those who, when they have to receive by measure from men exact full measure. But when they have to give by measure or weight to men; give less than due. Do they not think that they will be called to account?”

(Sūrah al-Muṭaffifīn, 83: 1-4)

Also in:

“Woe to every (kind of) scandal-monger and backbiter who piled up wealth and layeth it by, thinking that his wealth would make him last forever! By no means! He will be sure to be thrown into that which breaks to pieces”.

(Sūrah al-Humazah, 104: 1-4)

Second, he also used means of persuasion by praising and promising rewards for keeping away from acts of greediness and other indecencies. The Qur’an and other book of tradition of Muhammad PBUH are full of these stick and carrot approach:

“God doth command you to render back your trust to those to whom they are due”.

(Sūrah al-Nisā’, 4: 58)

(Also) mention is the Book (the story of) Abraham. He was a man of truth, a Prophet (Surah Maryam, 19: 4) (Also) mention in the Book (the story of) Isma’il : he was (strictly) true to what he promised, and he was an apostle and a Prophet.

Abu Abdullah (a companion of Muhammad PBUH) narrated: The Prophet said: “Truthfulness leads to righteousness and righteousness leads to Paradise. And a man keeps on telling the truth until he becomes a truthful person.

Falsehood leads to wickedness and wickedness leads to the Hellfire. And a man may keep on telling lies until he is written with Allah as a liar.”¹⁹

Also from Qur’an:

“God command you to render back your trust to those to whom they are due...”

(Sūrah al-Nisā’, 4: 58)

“O ye who believe! Fulfill (your) obligations...”

(Sūrah al-Mā’idah, 5: 1)

“O ye who believe! Why do you say what you do not do? Most hateful it is with Allah (God) that you say what you do not do...”

(Sūrah al-Şaff, 61: 2-3)

In the collection of al-Nawāwī, Abū Hurayrah (a companion) reported that Prophet (Muhammad PBUH) said: “The signs of a hypocrite are three, whenever he talks, he tell a lie; whenever he promises, he always break it (his promise) and if you trust him he proves to be dishonest (If you keep something as a trust with him, he will not return it).”²⁰

MUHAMMAD PBUH IN MEDINA

At the end of the 13th year of his mission, Muhammad PBUH left Mecca to settle in Medina by invitation of some Christians and Jews who had already embraced his faith. His departure to Medina is not deemed voluntary. It was imposed by the 13 years of hostility to his reform. Despite of the endless boycott, those who believed in him, his message became more apparent and influential among the *Quraisy* and all forms of isolation failed to deter him. At the end of the day, according to Lings:

The leader of the Quraisy now held in the Assembly. After a long discussion, when various suggestions had been made and rejected, they agreed – some of them with reluctance – to the plan put forward by Abu Jahal as being the only effective solution to their problem. Every clan was to nominate a strong, reliable and well connected young man, and at a given time, all these chosen men together should fall upon Muhammad PBUH, each one of

¹⁹ Muslim b. Ḥajjāj b. Muslim, *Şaḥīḥ Muslim* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, n.d.), no. hadith. 6307.

²⁰ Muslim, *Şaḥīḥ Muslim*, no. hadith. 112,113, 114.

*them striking him a mortal blow so that his blood would be on all clans.*²¹

Muhammad PBUH learned about this plan by means of intuition and left Mecca secretly, traveled to Medina to the warm embrace of some of his followers who left before him and of the people of Medina²² who became Muslims. His migration to Medina marked the beginning of Islamic calendar, otherwise known as the *hijra* calendar.

In Medina, he was well received. In fact, his arrival there marked the end of a long outstanding rivalry between two major ethnic groups, the *Khazraj* and the *Aws*. He became the head of the Muslim community of Medina and his arrival was a turning point in many ways for his crusade for social justice. It also gave him the opportunity he needed to implement his social and legal reforms. Many of the practices which he can only condemned at Mecca were outlawed in Medina. He established a regulation in which he self-embraced in order to adjudicate violation of the offences. He sometimes delegates his authority to some of his companions like Sa'ad b. 'Ubadah.²³ He also appointed some of his companions as governors or administrators and sent them to his fast expanding Islamic territories with full power to manage legal cases. For example, he appointed Mu'az b. Jabal as the Governor of Yemen.²⁴

Muhammad PBUH did not only establish the judiciary system, he also set standards for the law officers and persistent on applying justice for all, regardless of their status in the society. He used the Qur'an and his interpretation of it as the source of law.

As part of his standard setting measures, Muhammad PBUH was reported to have said: "Judges are of three kinds: One (kind) is in paradise and the other two are in hellfire. One who knows the truth and judge accordingly is in Paradise, the one who knows the truth but judged contrarily and the one who judged out of ignorance (of Law) are in the hellfire."²⁵ He was also reported to have said: "None of you should pass judgment between two (men) in the State

²¹ Martin Ling, *Muhammad His Life Based on Early Sources*, 128.

²² Martin Ling, *Muhammad His Life Based on Early Sources*, 128-129.

²³ 'Abd al-Qadr Syaibah al-Ḥamd, *Imtā' al-Uqūl bi Rawḍah al-Naṣir* (Medina, 1389/1970), 193.

²⁴ Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī* (Damascus: Dār al-Fikr, vols. 2, 2005), i. 591.

²⁵ Abū Bakr Jābir al-Jazayrī, *Minhāj al-Muslim* (Beirūt: Dār al-Fikr, 2003), 421.

of anger.”²⁶ In another tradition, he said: “May curse of Allah be upon he who offers bribe and he who accepts bribe.”²⁷

The concept of applying fairness and being justice are fundamental and central to the mission of Muhammad PBUH; therefore these elements attracted references in the revelation of Muhammad PBUH. The following are some examples:

“God doth command you to render back your trust to those to whom they are due, and when ye judge between man and man that you judge with justice. Verily how excellent is the teaching which He (God) giveth you for God is He who hearth and seeth all things.”

(Sūrah al-Nisā’, 4: 58)

“O ye who believe! Stand firmly for God as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is next to piety and fear God for God is well acquainted with all that ye do.”

(Sūrah al-Mā’idah, 5: 9)

“And come not nigh to the orphan’s property except to improve it, until he attain the age of full strength; give (full) measure and weight with full justice; - no burden do we place on any soul, but that which it can bear; - whenever ye speak, speak justly, even if a near relative is concerned; and fulfil the covenant of God: thus doth He command you that you may remember.”

(Sūrah al-An‘ām, 6: 152)

“God commands justice, the doing of good and liberality to kith and kin, and he forbids all shameful deeds, and injustice and rebellion: He instructs you that ye may receive admonition.”

(Sūrah al-Naḥl, 16: 90)

Muhammad PBUH does not seem to have accepted the modern Western concept of equality between men and women, rather he sees both as two different human beings with two different missions, one complementing the other. The question of one gender being superior to the other is unacceptable, when his religion imposes equal spiritual obligations, duties and expectations on both genders. However, what he consistently accepts and maintains is that men and women have their own advantages to one another. Most importantly,

²⁶ Al-Jazayrī, *Minhāj al-Muslim*, 421.

²⁷ Al-Jazayrī, *Minhāj al-Muslim*, 421.

he believes that man is physically stronger than woman and that gives him both advantages and responsibilities over woman. His belief in this respect probably explains the meaning of :

“And in no wise covet those things in which God hath bestowed His gifts more freely on some of you than others: to men is allotted what they earn and to women what they earn, but ask God of His bounty. For God hath full knowledge of all things.

Men are the protectors and maintainers of women because God has given the one more (strength) than the other, and because they support them (women) from their means. Therefore, the righteous woman is devoutly obedient, and guard in (the husband) absence, what God would have them guard”.

(Sūrah al-Nisā’, 4: 32 & 34)

In the above context, Muhammad PBUH believes that a husband is the leader and the authority in his house and his wife must obey him. Concurrently, he puts in place enough measures to ensure that man as the husband does not exceed his limit. He constantly reminds the man that he cannot do without the woman as much she cannot do without him.

“...they are your garments and you are theirs...”

(Sūrah al-Bāqarah, 2: 187)

In some of his remarks on women, some of which are found in al-Nawāwī’s collection, he is reported to have said: “It is not wise for anyone of you to beat his wife as he would beat his slave for he might sleep with her the same evening”.²⁸ Indeed, you have rights on your women and they also have rights on you. As to your rights on them, they are not permitted to admit anyone you dislike to your house. As to their rights on you, it is for you to treat them kindly and moderately regards their clothing and food.²⁹ I command you to take care of the women in a good manner, for they are created from a rib, and the most crooked portion of the rib its upper part, if you try to straighten it you will break it and if you leave it, it will remain crooked. So, I command you to take care of the women in a good manner.³⁰

Muhammad PBUH’s era was when the status of women among the Arabs, like other races, was very low. They were ill-treated as abnormal human beings. The male society dominated and decided almost everything for them. They

²⁸ Al-Nawāwī, *Tahdhib Dalīl al-Falīhīn Sharḥ Riyāḍ al-Ṣālihīn*, no. hadith. 164.

²⁹ Al-Jazayrī, *Minḥāj al-Muslim*, 340-341.

³⁰ Al-Nawāwī, *Tahdhib Dalīl al-Falīhīn Sharḥ Riyāḍ al-Ṣālihīn*, no. hadith. 163.

were forced to marry against their will. They were divorced and remarried at will. Even in a marriage; they were poorly treated. Their rights to own properties was limited and, since only men who are strong enough to bear arms, can be considered for inheritance, women are usually seen as part of the property to be inherited not as a co heir, regardless of their relationship to the deceased. Muhammad PBUH, apart from his insistence that woman must be treated kindly, also asserted that a woman must be the equal partner in a marriage. She must never be forced into it. At young age, her parents speak for her after seeking her consent, but the older she becomes, the more influence she has to determine for her matrimonial affairs. Muhammad PBUH particularly rejected and outlawed the pre-Islamic practice, whereby a woman who lost her husband is inherited by a relative of her dead husband. If she decides to remain in the family, a fresh marriage must be contracted. The rejection of inherited marriage and other forms of exploitation in marriage are reflected in certain verse in Quran:

“O ye who believe! Ye are forbidden to inherit woman against their will. Nor should ye treat them with harshness that ye may take away part of the dower ye have given them, - except where they have been guilty of open lewdness; on contrary live with them on a footing of kindness and equity: if ye take a dislike to them it may be that ye dislike a thing and God brings about through it a great deal of good”.

(Sūrah al-Nisā’, 4: 19)

“When ye divorce women and they fulfill the term of their waiting period (“iddah) either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them (or) to take undue advantage; if any one does that, he wrongs his own soul. Do not treat God’s signs as a jest. But solemnly rehearse God’s favours on you and the fact that He sent down to you the Book and wisdom for your instruction and fear God and know that God is well acquainted with all things. When ye divorce women, and they fulfil the term of their waiting period (“iddah), do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms. This instruction is for all among you who believe in God and the last Day. That is (the course making for) most virtue and purity amongst you and God knows and ye know not”.

(Sūrah al-Bāqarah, 2: 231-232)

Under Muhammad PBUH's social reforms, a woman is not only entitled to inherit but also has a compulsory share that cannot be denied upon her. As a matter of fact, she has an advantage over man in many cases. For example, under the Islamic laws of inheritance, the daughter of a deceased is superior to his father and brothers; and she takes a larger share than any of them. If she happens to be the only surviving offspring of the deceased, she becomes the most powerful, taking half of the whole estate, regardless of the amount, even if the father and brother of the deceased are present. Equally, the rights of the mother and the wife of the deceased cannot be eliminated, though how their fortune fluctuates depends on whether or not the deceased left behind any offspring. While first verse specify the right of man and woman to inherit, second verse stipulates the share of individual:

“From what is left by parents and those nearest related; there is a share for men and a share for women, whether the property is small or large, - a determinate share”.

(Sūrah al-Nisā', 4: 7)

“God (thus) directs you as regards your children's (inheritance); to the male, a portion equal to that of two females: if only daughters, two or more their share is two-thirds of the inheritance if only one her share is a half. For parents, a sixth share of inheritance in each, if the deceased left children' if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brother (or sisters) the mother has a sixth (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portion ordained by God, and God is all-knowing, all wise”.

(Sūrah al-Nisā', 4: 11)

“In what your wives leave, your share is a half, if they leave no child, but if they leave a child ye get a fourth, after payment of legacies and debts. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eight; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or sister, each one of the two gets a sixth; but if more than two, they share in a third, after payment of legacies and debts; so that no loss is caused (to any one). Thus, is it ordained by God; and God is all-knowing most

forbearing”.

(Sūrah al-Nisā’, 4: 12)

The right of a widow to be looked after by the community is also strongly encouraged by Muhammad PBUH. He was reported to have said: “The one who looks after a widow or a poor person is like a warrior who fights for Allah’s cause or like him who offers prayer all night and observes fasting all the day.”³¹ Any attempt to bring about social justice without taking into consideration the economic factor, is not likely to succeed and Muhammad PBUH seems to have realized this, even though his religion believes that equal distribution of wealth is beyond human control. The Qur’anic position on that is very clear:

“Is it they who would portion out the mercy of thy Lord? It is we who portion out between them and their livelihood in the life of this world; and we raise some of them above others in ranks so that some may command work from others. But the mercy of thy Lord is better than the (wealth) which they amass”.

(Sūrah al-Zukhruf, 43: 32)

Yet Islam and Muhammad PBUH agree on the need to help those who are less privileged in the society; in order to bring about social harmony and peace. Muhammad PBUH approached the issue in two ways: First is by imposing limited obligation on those who are rich to pay small amount of their wealth annually for the relief of the poor. This annual due is called *zakāt* (or purification according to its literary meaning) and it is one of five fundamental pillars of Islam.

There are many references to *zakāt*, as there is to *ṣalāt* (prayer) in the Qur’an and the Sunnah of Muhammad PBUH. In fact, both *ṣalāt* and *zakāt* are mentioned along the five pillars of Islam and also to emphasize of their importance. At times, *zakāt* is also referred to as *ṣadaqah*, even though the term *ṣadaqah* is broader than *zakāt*. *Ṣadaqah* is used to describe all forms of charitable gifts. The following represent key references on *zakāt*:

“Those who believe and do deed of righteousness and establish regular prayer and regular charity (zakat) will have their reward from their Lord; on them shall be no fear nor shall they grieve”.

(Sūrah al-Bāqarah, 2: 277)

³¹ Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, i. no. hadith. 36.

“So, establish regular prayer and give charity; and obey the Apostle; that you may receive mercy”.

(Sūrah al-Nūr, 24: 56)

“Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to truth); for those in bondage and in debt; in the cause of God; and for the wayfarer; (thus is it) ordained by God, and God is full of knowledge and wisdom”.

(Sūrah al-Tawbah, 9: 60)

Secondly, he appealed to the generosity of individual believers to see it as part of their duties as Muslims to support one another as the need arises. Under this second approach known as *ṣadaqah* or *infāq fī sabīl Allāh* (spending for the sake of God), it is voluntary and no amount specified, it solely depends on one's ability to do or feels like doing. However, the closer one is to a needy person; the more one is expected to support him. The encouragement to support one blood relation is particularly strong almost to the level of obligation, next to that is one's neighbour, and after that would be any other Muslim and person.

There is no way social justice, law and order can be sustained in any environment where suspicion, selfishness and violence thrive. Muhammad PBUH acknowledges that reform of interpersonal relations among his followers is also substantial. He makes it clear to them that they must see themselves as part of the larger society they live in, and therefore he encourages them not only to live in peace with whoever they come across, they must be the champion of peace. In line to achieve his objective in this direction, Muhammad PBUH emphasizes the need to make peace among fellow human being. Muhammad PBUH marked out three key areas for special emphasis:

- (a) Making peace with people by upholding the virtue of tolerance, forgiveness and reconciliation;
- (b) Upholding the right of neighbors by living in peace with them and support them when they are in need.
- (c) Upholding the sanctity of human life and their property.

On the other hand, he also addresses the underline causes of interpersonal discord such as arrogance, lack of respect for one another, perjury and even disobedience to one's parents. Muhammad PBUH links them to the belief in

God and they are reflected in the Qur'an and Sunnah of Muhammad PBUH. For example, Abū Bakr narrated: The Prophet said: "Thrice; should I tell you about the most dangerous of the major sins?" "Yes, O Allah's Messenger!" He said: "To join others in worship with Allah and to be undutiful to one's parents". The Prophet was reclining, then sat erect and said: "Particularly avoid perjury." Abū Bakr said: The Messenger of Allah kept on repeating this many times until we said (to ourselves) "would it be that he would keep silent."³² In another *ḥadīth* Abdullah reports: The Messenger of Allah said: "He that has an atom's weight of arrogance in his heart will never enter paradise."³³ Iyadh b. Himar narrates: "Allah's Messenger said: Allah has revealed to me that you (people) should be humble, so that no one transgresses another, or boast to other."³⁴ The Qur'an also speaks on these issues:

"Your God is one God. As to those who believe not in the Hereafter, their hearts refused to know and they are arrogant".

(Sūrah al-Naḥl, 16: 22)

"And your Lord has decreed that you worship none but Him and that you should be dutiful to your parents. If one of them or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them, but address them in terms of honour. And lower into them the wing of submission and humility through mercy, and say: My Lord! Bestow on them your mercy as they did bring me up when I was young".

(Sūrah al-Isrā', 17: 23-24)

Muhammad PBUH sees religion and the way of life of the faithful as an interwoven package that is inseparable from each other. He believes that one cannot be a good Muslim merely by observing spiritual obligations, he must see his daily interactions with everybody as part of his religious duties and that the acceptability of his spiritual services by God is subject to how he conducts himself with his fellow human being. Based on all these, he emphasizes them in his day to day teachings to his followers. The repeated emphasis on the issues involved in the Qur'an and the language of expression of Muhammad PBUH's analysis of them, leave no doubt about the seriousness that Islam attaches to them. To appreciate this, there is need to give some examples from the Qur'an and Sunnah. On the virtue of peace, forgiveness and reconciliation, there are not less than fifteen references in the Qur'an. Here are some of them:

³² Muslīm, *Ṣaḥīḥ Muslīm*, no. hadith 164.

³³ Al-Sana'anī, *Subul al-Salām*, iv. 207-208.

³⁴ Al-Nawāwī, *Tahdhib Dalīl al-Falīḥīn Sharḥ Riyāḍ al-Ṣāliḥīn*, no. hadith. 462.

“The believers are but a single brotherhood. So make peace and reconciliation between your two (contending) brother; and fear God, that ye may receive mercy”.

(Sūrah al-Ḥujurāt, 49: 10)

“Show forgiveness; enjoin what is good and turn away from the ignorant”.

(Sūrah al-A‘rāf, 7: 199)

“In most of their secret talks there is no good, but if one exhorts to a deed of charity or justice or reconciliation between men (secrecy is permissible): to him who does this, seeking the good pleasure of God, we shall soon give a reward of the highest (value)”.

(Sūrah al-Nisā’, 4: 114)

“Let not those among you who are endued with grace and amplitude of means resolve by means of oath against helping their kinsmen, those in want and those who have left their homes in God’s cause: Let them forgive and overlook. Do you not wish that God should forgive you? For God is oft-forgiving and most merciful”.

(Sūrah al-Nūr, 24: 22)

Muhammad PBUH’s campaign for good neighbourliness irrespective of the belief of the person also has a Qur’anic origin, but his personal emphasis on the issue are too numerous to mention. In fact, it goes to the extent that he links it to the belief of the faithful. The following examples are more details:

“Worship Allah (God) and join none with Him in worship; and do good to parents, kinsfolk, orphans, the needy, the neighbour who is near, the neighbour who is a stranger, the companion by your side the wayfarer, and those (slaves) whom your right hands possess. For God loveth not the arrogant, the vainglorious”.

(Sūrah al-Nisā’, 4: 36)

Among the many remarks of Muhammad PBUH on the importance of neighbours are the following selected five traditions: Aishah the wife of the

Prophet (Muhammad PBUH) reported him as saying: “Gabriel (the Arch Angel) kept on warning me about (right of) neighbour until I began to think that he (Gabriel) will make him an heir”.³⁵

In one of narrations of Abū Hurayrah, a man said: “Messenger of Allah! So and so (a woman) performs the prayer too much, observe fasting too much, and give *zakāt* too much but she hurts her neighbours with her tongue?” He (Muhammad PBUH) said: “she will enter Hellfire”.³⁶

Another companion Abū Sharīh reported that the Prophet (Muhammad PBUH) said: “I swear by Allah he is not a believer, I swear by Allah he is not a believer, I swear by Allah he is not a believer.” We asked, “Who is that O Messenger of Allah?” He said: “He whom his neighbour is not feel safe from his evil”.³⁷

Abū Dharr, one of closest companions of the Prophet (Muhammad PBUH) reported that he said to him: “If you cook soup (of meat or chicken), increase the amount of the soup and share some with your neighbours”.³⁸ Abū Sharīh al-Khuzah (possibly the same person mentioned above) reported that the Prophet (Muhammad PBUH) said: “He who believes in Allah and the Day of Judgment must be kind to his neighbour; he who believes in Allah and the Day of Judgment must respect (or honour) his guest, he who believes in Allah and the Day of Judgment must say what is good or remain silent”.³⁹

Perhaps his campaigning against violence can better be appreciated through his respect for human life and the premium he attached to the sanctity of life. Under the Islamic law, it is a capital offence to kill human being without due process of law. Even though customary Islamic law sanctions capital punishment for number of offences, (including killing), it has to be through due process of law and justice. The Qur’an and tradition of Muhammad PBUH are very clear on this:

“...Take not life, which God hath made sacred, except by way of justice and law; thus doth He command you, that ye may learn wisdom”.

(Sūrah al-An‘ām, 6: 151)

³⁵ Al-Nawāwī, *Tahdhib Dalīl al-Falihīn Sharḥ Riyāḍ al-Ṣālihīn*, no. hadith. 326.

³⁶ Al-Nawāwī, *Tahdhib Dalīl al-Falihīn Sharḥ Riyāḍ al-Ṣālihīn*, no. hadith. 323.

³⁷ Al-Bukhārī, *Ṣaḥīḥ Bukhārī*, viii, no. hadith. 45.

³⁸ Al-Nawāwī, *Tahdhib Dalīl al-Falihīn Sharḥ Riyāḍ al-Ṣālihīn*, no. hadith. 176.

³⁹ Al-Bukhārī, *Ṣaḥīḥ Bukhārī*, viii. no. hadith. 47.

“...Nor kill (or destroy) yourselves. For verily, God hath been to you most merciful.

(Sūrah al-Nisā’ 4: 29)

Never should a believer kill a believer; except by mistake but (if it so happens), compensation is due to his family...”

(Sūrah al-Nisā’, 4: 92)

“On that account: we ordained for the children of Israel that if anyone slew a person not a result of him killing someone, it will be as if he slew the whole of mankind: and if anyone saved a life, it would be as if he saved the life of mankind...”

(Sūrah al-Mā’idah, 5: 35)

In the tradition, Muhammad PBUH was reported to have said: Muslim is within his (religious) limit, for as long as he did not shed innocent blood.⁴⁰ The first thing to be decided (by God) in the Day of Judgment is the issue involving blood (killing).⁴¹ In his farewell pilgrimage, Muhammad PBUH delivered a long sermon in which he touched on number of key issues including sanctity of human blood (killing) and rights of women: Verily God hath made inviolable for you each other’s blood and each other’s property, until ye meet your Lord, even as He hath made inviolable this your day, in this your land in this your month.⁴² In addition to that, Muhammad PBUH also outlawed stealing and described it as act of faithlessness. As a penalty he stipulates:

“As to the thief, male or female, cut off his or her hands; a punishment by way of example, from God, for their crime; and God is exalted in power”.

(Sūrah al-Mā’idah, 5: 41)

Muhammad PBUH himself is quoted as saying: “No faithful (person) will be stealing and still consider himself to be a faithful (person)”.⁴³ Muhammad PBUH also outlawed adultery and fornication. He described them as acts of breach of the religion and stipulated capital punishment and flogging for them, respectively.⁴⁴

In our present time, some of his laws are regarded as too harsh and barbaric, particularly among those who do not share his beliefs; during his time, however, his effort undoubtedly served as unprecedented reforms and

⁴⁰ Al-Jazayrī, *Minhāj al-Muslim*, 398.

⁴¹ Al-Jazayrī, *Minhāj al-Muslim*, 398.

⁴² Muḥammad b. ‘Abd al-Wahab, *Mukhtaṣar Sīrah al-Rasūl*, 393-394.

⁴³ Al-Bukhārī, *Ṣaḥīḥ Bukhārī*, viii. no. hadith 508-509.

⁴⁴ Al-Bukhārī, *Ṣaḥīḥ Bukhārī*, viii. no. hadith 509.

his criminal laws provided an adequate deterrent that gave the society peace and tranquility for many centuries. In fact, very few cases of these offences were recorded throughout his ten years of tenure in Medina. That probably explains that even in modern times, many of his followers still yearn for that golden era of their faith. Their belief is that, for any society to live in peace and tranquility, great sacrifices required, particularly in the area of criminal law, and that some individual rights may need to be sacrificed in line for majority to live in peace.

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