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Human Rights in Islam

Ali Abel Wahid Wafy.

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INTRODUCTION

Equality and freedom are the most important principles upon which human rights are based. The modern democracies claim that the world is indebted to them for establishing the right to freedom, to equality and to the other rights that ensued. These countries took the credit for introducing human rights ; and England known for its inherited traditions, took the credit, whereas France claimed that human rights were the outcome of the French Revolution. Other nations denied England and France any credit in this respect and claimed the credit for themselves.

It has been authentically verified that the Faith of Islam introduced and established human rights in its most perfect form and on the widest scale. During the life of the Prophet Muhammad, blessings and peace be upon him, and during the reign of the Rightly Guided Caliphs, the Islamic states were the first states to adopt the principles of human rights. The modern democracies of today have not yet attained what the Faith of Islam ordained fourteen centuries ago.

In the following pages we will present Islam's role in introducing and establishing the most important principles of human rights, namely equality and freedom.

Ali Abel Wahid Wafy.

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Equality in Islam

The three main manifestations of equality are: social equality, equality before the law political rights, and establishing justice in financial dealings.

In the following study, we aim to present Islam's rulings concerning each of the aforementioned forms of equality. We will also throw light upon the rulings of Islam concerning equality between men and women.

1-Social equality in human values

Islam declares that all people are as equal as the teeth of a comb, and that no person is superior to any other except by piety and righteous deeds in addition to what one strives to offer to God the Almighty, to one's homeland and to oneself. Islam accordingly abolished all forms of sectarianism and discrimination between all classes of society. It also abolished the priviliges granted to people on account of their nationality, ancestry or lineage. This is demonstrated in the following Quranic verse "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 . Verily the most honoured of you in the sight of God is (he who is) the most righteous And God has full knowledge and is well acquainted (with all things)"[1]

The Prophet Muhammad, and peace be up on him, announced in his farewell speech the constitution of Islam that was to be observed after his death. He embodied the principles of Islam in this speech saying : "O people Your God is One God and your father is one father, for you are all descendants of Adam, and Adam was created from clay. The most honoured of you in the sight of God is the most righteous of you. No Arab is superior to a non-Arab and no non-Arab is superior to an Arab. No dark-skinned man is superior to a fair-skinned man and no fair-skinned man is superior to a dark-skinned man, except by his piety. I have declared this to you as God is my witness, and may those who are present inform those who are absent".
On one occasion Abu Dharr Al Ghiaffary and a negro slave were arguing about a certain matter in the presence of the Prophet Muhammad, blessings and peace be upon him. Abu Dhar, spoke harshly to the slave saying: "You son of a negress " The Prophet Muhammad, and peace be upon him, became very angry and said "This matter has exceeded all limits! This matter has exceeded all limits! The son of a white man is not superior to the son of a negro except by his piety and righteous deeds". Abu Dharr was so ashamed that he lay down and placed his cheek upon the ground and said to his negro slave "Stamp upon my cheek."

[1] Surah XLIX, verse 13.

2. Equality before the Law

Islam's rulings concerning civil rights do not differ from its rulings concerning the aforementioned rights. Islam treats all people equally before the law and grants them equal civil rights without any discrimination between a beggar and a prince, or a nobleman and a man of modest birth.

The Second Rightly Guided Caliph, `Umar ben Al Khattab, who was responsible for organizing the administration of justice in the muslim state upon the firm foundation of the Holy Qur'an and the Traditions of the Prophet, said in his first speech after becoming Caliph: "O people I swear by God that there is no man among you as powerful as he who is helpless until I restore his rights to him, and there is no man amongst you as helpless as he who is powerful until I restore what he had usurped to its rightful owner".

`Umar ben Al Khattab's message to Abu Mousa Al Ash'ary concerning the administration of justice embodied the greater part of the rulings of the Faith of Islam on justice. He wrote "From the servant of God, `Umar ben Al Khattab, Commander of the Faithful, to the servant of God, Ibn Qays, Peace be upon you.

The administration of justice is a religious duty and a tradition from the Prophet to be observed, so understand thoroughly the cases presented before you and enforce the sentence that you know to be just, for declaring the truth without executing justice is not just. Treat all people who stand before you equally in the way you greet them, address them and judge them. By so doing no nobleman would expect or hope for an unjust sentence in his favour and no poor man would despair of your just ruling".

Umar ben Al Khattab's last testament to his successor as Caliph was :
"Treat all people equally and do not be influenced by any person who deserves punishment, and take no notice of any person's censure provided you have pronounced a just sentence. Never allow your preference or partiality for any person to influence your judgement in the affairs of the people whom God has entrusted to our authority."

The matter of equality in Islam was not limited to merely declaring principles and establishing laws, but history records that these principles and laws were executed solemnly and conscientiously during the lifetime of the Prophet Muhammad, blessings and peace be upon him, and during the reign of the Four Rightly Guided Caliphs who succeeded him, during the Golden Age of Islam which represents the principles and spirit of Islam in every respect Usama ibn Zayd, one of the most beloved companions of the Prophet Muhammad, prayer and peace be upon him, once attempted to intercede with him on behalf of Fatima daughter of Al Aswad Al Makhzoumiya who had been sentenced to the punish- ment of theft for stealing velvet material and golden ornaments. The Prophet, blessings and peace be upon him, refused Osama's intercession, in spite

of his affection for him, and reprimanded him severely saying "How can you intercede with me concerning a penalty ordained by God Almighty Allah." Then he said to the people who had witnessed the matter : "Before the advent of Islam, people of noble descent were not punished if they were guilty of theft and poor indigent people were punished for the same crime. I swear by God Almighty, that if my daughter Fatima were guilty of the crime of theft, I would sentence her to the punishment ordained by God Almighty."

A Jew once lodged a complaint to the Caliph `Omar ben Al Khattab against `Ali Abu Talib. When they both stood before the Caliph `Omar, he addessed the Jew by his name and addressed `Ali Abu Talib by his appellation of Abu Al Hasan (the Father of Hasan) as he was accustomed to addressing him. `Ali showed signs of displeasure and the Caliph `Umar asked him if he had resented his adversary being a Jew with whom he had been obliged to stand on equal footing before the Caliph. `Ali Abu Talib replied that that had not been the cause of his displeasure, the reason being that the Caliph had addressed the Jew by his name whereas he had addressed him by his appellation of Abu Al Hasan, which is a sign of respect and veneration. `All ben Abu Talib had thus expressed his displeasure because `Umar ben Al Khattab had inadvertantly treated him with more respect than his adversary.

A son of `Amr ben Al `Aas, the governor of Egypt, once struck a man of the lower class. The man swore that he would lodge a complaint to the Caliph `Umar ben Al Khattab. `Amr ben Al Aas's son told the man to do so, boasting that the Caliph would never punish him, since he was the son of the noble ruler of Egypt. Later, during the pilgrimage season when the Caliph `Omar, his retinue, `Amr ben `Al `Aas and his son were assembled together, the man whom `Amr's son had struck went to the Caliph, and pointed to the son of `Amr ben Al `Aas and said : "This man struck me unjustly and when I threatened to complain to you, he told me that he was the son of a nobleman and that you would never punish him".

The Caliph `Umar ben Al Khattab looked at `Amr ben Al `Aas and uttered his famous words "What right have you to enslave people, whose mothers gave birth to them as free people?" He then gave the man who had lodged his complaint a whip and told him to strike the son of the nobleman - namely the son of `Amr ben Al `Aas - as he had struck him.

On a certain occasion, the Caliph `Umar witnessed a man and a woman committing adultery, so he assembled the people around him and said : "How should the Caliph of the Muslims act when he witnesses the sin of adultery being committed ?"

`Ali ben Abu Talib replied : "There must be four witnesses to the sin of adultery and if he cannot present these witnesses and he accuses the man and woman of adultery, he must be punished for the sin of slander without sufficient evidence, as any other person would be punished in a similar situation".`Ali ben Abu Talib then recited the following Quranic verse: "And those who launch a charge against

chaste women and produce not four witnesses (to support their allegations), - flog them with eighty stripes; and reject their evidence ever after ; for such men are wicked transgressors" [2].
The Caliph `Umar did not reply nor did he reveal the identity of the man and woman whom he had witnessed committing the sin of adultery.

Islam applies the principle of equality in its treatment of Muslims and non-Muslims. Islam ordains that non-Muslims living in a Muslim state or in a state under Muslim rule have the same rights and obligations as their fellow Muslims. They are subject to the Muslim laws of justice except in matters concerning their religion. Accordingly their faith and beliefs are respected by the state and the community in which they live.

There is a great difference between these sublime principles of Islam and the laws of the United States of America which claims to be the most democratic country in the world. Until very recently, the laws of the United States of America discriminated between the white and black citizens.

This discrimination was manifested in all situations, dealings and even in matters of justice, such as the harshness of the verdict and the manner of its execution.

These laws even gave a white man the right to tie a black man to a tree and burn him alive or to cut him to pieces, without him having been tried in court, if the black man had had any kind of relationship with a white woman even if she had consented to this relationship. A similar fate awaited any black person who overstepped the limits of these unjust laws.

We have all read in the press about two cases which prove, beyond a shadow of doubt, the extent of the injustice of this racial discrimination in certain states of the United States of America.

The first case concerns Uthrene Lucy, a black American girl, living in the State of Alabama, who had applied to be registered as a student in the University of Alabama. The University refused her application on account of the colour of her skin, but she filed a suit against the University in the Federal Court in Birmingham, the capital of the State of Alabam. The court ruled that she be admitted to the University and accordingly notified the University officially on the first of July 1955. However, as soon as the students heard about the court's verdict, they organized a violent demonstration of approximately seven thousand students representing the various faculties and colleges. They demanded that this black girl be killed by being hanged from a tree, in the same way that black men who had had any relationship with white women were hanged. The students made an effigy of Uthrene Lucy and burnt it in the city squares. They did not limit their violence to these demonstrations but some students actually attacked the

[2] Surah XXIV, verse 4.

girl, threw rotten eggs at her and even tried to lynch her. They also swore that they would never allow her to sit side by side with them in the lecture hall. These demonstrations were applauded by the authorities of the University and on February the sixth 1956, they issued a decree suspending her from continuing her studies at the University, in spite of the verdict previously issued by the Federal Court which had granted her that right.

Uthrene Lucy was consequently forced to remain in her home to escape from the violence of hostile crowds. Nevertheless, she filed another suit against the University in the Federal Court in Birmingham where she and her sisters lived, and demanded the annulment of the University's decree of suspension. Uthrene Lucy received threatening calls on her telephone which continued to ring every two minutes for seven whole hours one night. The poor girl was accordingly forced to leave her home in Birmingha and live in another town where she would not be recognized, in order to escape from the persecution to which she had been subjected.

Although the Federal Court of Birmingha had issued a verdict that Uthrene Lucy resume her studies at the University, on the twenty ninth of February 1956, the Board of Directors of the University assembled a few hours after the verdict had been pronounced, and unanimously voted that Uthrene Lucy be expelled from the University. They had, by their decision, defied the verdict of the Federal Court of Birmingha in addition to false alleging that the girl had declared that the demonstrations directed against her had been instigated by the University authorities.

John Cadeel, a member of the Board of Directors of the University, declared in his testimony in Court that he feared that the students would kill Uthrene Lucy and that the verdict of the Federal Court had placed the girl's life in danger. The Governor of Alabama suggested that a committee consisting of both white and black citizens should be formed in order to solve racial problems in the state in a peaceful manner. Nevertheless, he himself admitted that "Every sane person knows that white and black children will never go to school together in Alabama".[3]

The second example of racial discrimination also occurred in the city of Birmingham in the state of Alabama. It concerned a black woman who sat in a seat reserved for white passengers on a bus. In the state of Mabama black people were not allowed to sit in the seats reserved for white people. This woman refused to leave her seat and sit in the seats allotted to black passengers and was consequently arrested by the police and taken to the police station.

The woman appeared in court and was sentenced to a fine, upon which all the black people in the state of Alabama boycotted the buses as a sign of their

[3] See the newspaper Al Ahram Nos. 14 and 15.26/2/1956. and 2/3/1956. Also the newspaper Al Akhbar, 26/2/56 and 2/3/1956.

protestation. The jury in the court declared that the procedure of boycotting the buses was an illegal procedure and arrested more than a hundred negroes who had led the boycotting and tried them before a court of justice in March 1956. [4]

There can accordingly be no comparison between the aforementioned treatment of negroes in the United States of America and the just principles and tolerant rulings ordained by Islam, in its treatment of non-Muslims. Non-Muslims were accorded equality with Muslims in all matters in addition to being guaranteed respect for their faith, religious beliefs, rites and ceremonies.

The tolerant rulings of Islam and its just principles cannot, in any way, be compared to the brutal treatment to which the natives of the colonies were recently subjected. These people led a life humiliation and were subjected to unjust laws which are inconsistent with the basic principles of human rights. Nevertheless, those in power applied just laws to their own subjects and to the subjects of other Western communities.

In many cases the colonialists did their utmost to eradicate the nation of the country they had occupied, so that their own countrymen could dominate the land completely. Examples of this Policy are manifested in the European colonists' treatment of the Red Indians the original inhabitants of North America and their treatment of the Aboriginees and Maoris the original inhabitants of Australia and New Zealand. This policy resulted in the genocide of the natives, and the minority that survived now lives in the remote districts of their country after being hunted like wild beasts by the colonists, while others live in reservations.

As a result of this brutal inhumane policy, the United Nations issued a clause in its Charter which prohibits the genocide of nations.[5]

[4] See newspapers Al Ahram and Al Akhbar, of aforementioned dates.

[5] In our times at the end of this millenium the most brutal cases of genocide happened in Bosnia and Kosova. How can we stop this happening again?

3. Establishing justice in financial dealings and in the distribution of wealth

Islam ordains rulings which establish justice in all financial dealings and in the distribution of wealth. It also affords equal opportunities for everyone to work and improve his status in addition to narrowing the gap between the classes of society, thereby achieving justice in its most perfect form.

The sublime status attained by Islam in this respect has never been equalled by any faith, code or law in ancient or modern times. In order to achieve this aim, Islam ordains the following nine rulings.

1-The most important ruling concerns the means of acquiring wealth or any kind of profit. Islam prohibits acquiring wealth through blackmail, fraud, or by monopolizing the necessities of life. It also prohibits exploiting the needs of the people or profiting from one's status of authority or Power, which usually result in an illegal increase of wealth. This leads to a great difference in the wealth of the various classes of the community, and by prohibiting such measures an economic balance can be achieved.

Islam also prohibits usury in very definite terms and describes it as a great sin, threatening the usurers with a severe punishment from God Almighty. Islam accordingly prohibits all wealth that is the consequence of usury. The following Quranic verses demonstrate this ruling "Those who devour usury will not stand except as stands one whom the Evil One by his touch hath driven to madness. That is because they say "Trade is like usury", but God hath permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist shall be pardoned for the past their case is for God (to judge) ; but those who repeat (the offence) are Companions of the Fire they will abide therein (for ever). God will deprive usury of all blessing, but will give increase for deeds of charity for He loveth not creatures ungrateful and wicked. Those who believe and do deeds of righteousnes, and establish regular prayers and regular charity, will have their reward with their Lord on them shall be no fear, nor shall they grieve. O ye who believe ! Fear God and give up what remains of your demand for usury, if ye are indeed believers. If ye do it not, take notice of war from God and His Apostle : but if ye turn back, ye shall have your capital sums: deal not injustly, and ye shall not be dealt with unjustly. If the debtor is in a difficulty, grant him time till it is easy for him to repay. But if ye remit it, by way of charity, that is best for you if ye only knew"[6].

Islam prohibits all forms of usury, the most predominant of which was making loans of money to those in dire need for a certain period of time at a profit previously agreed upon. If the person in debt was unable to pay back the loan

[6] Surah II, verses 275 - 280.

with its profit at the appointed date, the period of the loan would be extended with an increase in the profit to be paid.
Islam also prohibits all transactions based upon fraud, bribery or unjustly consuming people's wealth. This is expressed in the following Quranic verse : "And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property.[7]

The Prophet Muhammad, blessings and peace be upon him, is related to have said : "Whoever cheats my nation is not one of us".

He also said that any transaction agreed upon by both parties concerned is blessed by God, but if they withold the truth or cheat in the transaction, all blessing shall be erased.[8]

The Prophet Muhammad, blessings and peace be upon him, said : "Nothing that has originated from ill-gotten gain will ever flourish and the Fire of Hell will be its home". He also said that if a person donated ill-gotten wealth in charity, it would not be accepted by God and if he spent ill-gotten wealth, it would never be blessed and if he left it after he died, it would be fuel to burn him in the Fire of Hell.[9]

The Faith of Islam prohibits monopolizing any goods necessary for people's livelihood, with the intention of controlling the price. This is expressed in the following Saying of the Prophet Muhammad, blessings and peace be upon him : "Whoever monopolizes people's food provisions for forty days will have angered God and disobeyed Him".[10]

This prohibition applies to the monopoly of any commodity or goods in industry or trade, with the intention of controlling the market and taking advantage of the consumers' needs. This is in keeping with the Islamic principle that governs all forms of transactions and is expressed in the following Saying of the Prophet, blessings and peace be upon him, which states that no one should subject others to harm.

The Faith of Islam absolutely prohibits the exploitation of authority and power to acquire wealth, and rules that wealth acquired in this manner be confiscated and deposited in the treasury of the state for the welfare of the needy and indigent Muslims. The Prophet Muhammad, blessings and peace be upon him, himself introduced this ruling. One day Ibn Al Latbiya of the Azd tribe, gave the Prophet, blessings and peace be upon him, a share of what had been presented to him in the form of gifts and retained a share for himself. The Prophet Muhammad, blessings and peace be upon him, became furious and called upon the people to

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[7] Surah II, verse 188.
[8] Related by Bukhari and Muslim.
[9] See Masaabeeh Al Sunna.
[10] Related by Imam Ahmed ben Hanbal.

listen to what he had to say and said : "Thanks be to God and praise be to God. I have appointed men as governors to represent me in matters for which God has made me responsible and now one of you comes to me and offers me gifts and retains gifts saying that these gifts had been presented to him. If he had remained in his father's or his mother's home, would anyone have offered him a gift ? By God Almighty, if anyone takes any such gift or offering it will be wrapped around his neck on the Day of Judgement, be it a camel that growls or a cow that bellows or a sheep that bleats". Ibn Al Latbiya accordingly returned all the gifts that had been presented to him.

This principle was applied on a wider scale after the death of the Prophet Muhammad, blessings and peace be upon him. During the reign of the Caliph `Omar ben Al Khattab, he confiscated the wealth of the governors of the Islamic states, which they had gained from trade and other transactions which were prohibited. He also confiscated the gifts and wealth presented to them as a result of their status and authority.

`Omar ben Al Khattab applied this ruling to the governors of Basra and to one of the governors of Bahrein. The Caliph `Omar learnt that this governor's wealth had increased greatly during the period of his reign, so he calculated his wealth and confiscated what he believed to have been acquired as a result of his status and deposited it in the treasury of the state.

This procedure demonstrates `Omar ben Al Khattab's concern for the fulfilment of justice, and this episode concerning the governor of Bahrein is evidence of the strict measures he took to prevent any form of; illicit gain. `Omar ben Al Khattab also reminded the governor of Bahrein that he had appointed him as governor when the governor had not owned a pair of sandals and that he had been informed that the governor had recently bought horses for the sum of one thousand and six hundred dinars. The governor replied that he had possessed horses which had multiplied by breeding and that many valuable gifts had been presented to him.

The Caliph `Omar ben Al Khattab then told the governor of Bahrejn that he had calculated the money to which the governor was entitled for his livelihood and the sum that remained must be returned to the treasury of the state. When the governor objected the Caliph said : "By God I will punish you", and he flogged him till his back bled. The governor then said that he wouldthe confiscated sum of money as charity and `Omar ben Al Khattab replied that such a sum would only have been accepted by God Almighty if it had been his own wealth and he had donated it of his own free will. He finally reprimanded him saying "Have you come from the farthest regions of Bahrein to collect people's wealth for yourself and not in the Cause of God or for the welfare of the Muslims ?"

`Omar ben Al Khattab behaved in a similar manner with one of the governors of Al- Kufa when he confiscated half his wealth which he estimated had been acquired as a result of his status as governor. The Caliph `Omar ben Al Khattab

also sent a message to a governor of Egypt in which he wrote that he had been informed that the governor's possessions which included a great number of slaves, livestock and valuable crockery had increased greatly: The governor replied that the land was fertile and productive and that it produced more than was needed for the expenses of their livelihood. `Omar ben Al Khattab sent him another message in which he declared that he was well informed concerning the errors of the governors and that the governor's message had proven his guilt and that he the Caliph considered him guilty. He informed him that he had dispatched Muhammad ben Muslima to confiscate half his wealth and he ordered him to obey Ibn Muslima and to submit to his commands since the whole matter was clear and decisive. The governor obeyed the Caliph's command and submitted half his wealth to Muhammad ben Muslima to be confiscated.

2. The Faith of Islam has established a just system of inheritance which distributes wealth between people fairly and in a just manner. It also prevents the accumulation of wealth in the hands of a minority of people by dividing the estate of the deceased person into lesser portions for a large number of his relatives, thus widening the circle of people who benefit from the estate. This just system ensures the distribution of the wealth after a few generations to a large number of people in the form of small ownerships, thereby narrowing the gap between the classes of society and fulfilling the principle of socialism in its most sublime form. In order to ensure the establishment of these sublime principles, the Faith of Islam prohibits any procedure that violates the laws of inheritance. This is manifested in the following Quranic verses : "Those are the limits set by God: those who obey God and His Apostle will be admitted to Gardens with rivers flowing beneath, to abide therein (for ever) and that will be the supreme achievement. But those who disobey God and His Apostle and transgress His limits will be admitted to a Fire, to abide therein : and they shall have a humiliating punishment[11]"
Accordingly most Muslim jurists prohibit family endowments, by which the owner of property or wealth entails the profit of his property, after his death, upon a certain group of his relatives or any other person he names, according to the terms and amounts that he desires. This procedure prevents the wealth from being circulated in the normal manner and violates the laws of inheritance.

In 1952, the law 180 in Egypt annulled all forms of family endowments and decreed that any such endowments in the future would be considered illegal.[12]The Faith of Islam also prohibits a person from bequeathing in his will

[11] Surah III. verses 13, 14. see the details on the Islamic laws of inheritance in the references on jurisprudence and on legal inheritance, the most important of which are Matn Al Rahbiya and its elucidation on the laws of inheritance according to the Shafiy doctrine and Matn Al Sirajiya and its elucidation on the laws of inheritance according to the Abu Hanifa doctrine.
[12] Two weeks prior to this law, Al Ahram newspaper published a lengthy article written by Dr. Ah Abdel wahid Wafy entitled : "The Family Endowment is a corrupt system which must be cancelled". The author declared that this system was against the principles of Islam and the laws of a sound economy. See. Al Ahram newspaper 28/8/52. The above law was issued on 14/9/52. Also see the author's article entitled "Islam's attitude towards Endowments" in the Social Reform Magazine. March 1944.

anything to any of his heirs which would grant him more than his legitimate due, according to the laws of Islamic inheritance. The Prophet Muhammad,- blessings and peace be upon him - declared that an heir should not be included in the will. The laws of inheritance in Islam also prohibit a person from bequeathing more than a third of his estate to people who are not his heirs. This law was ordained to protect the legitimate heirs from the whims of their legators.

There can be no comparison between Islam's just and fair system of inheritance and the current system of inheritance in the countries of the Western world by which a person bequeathes all or most of his estate to his eldest son, or even bequeathes all his estate to whomever he wills. These laws resulted in the accumulation of wealth in the hands of a minority of people which generated hatred and envy in the hearts of the deprived members of society and led them to feel a grudge against the society that permitted these laws. Consequently extremist subversive ideologies appeared and led to an upheaval in the economy of the society. This paved the way for the rebellions and revolutions that arose in many countries.

3. The Faith of Islam imposes various forms of taxes and alms upon people's wealth and economic activities in order to achieve justice for all classes of the community. Such laws also meet the needs of the indigent and destitute, in addition to preventing the accumulation of wealth in the hands of a minority of the community.

Taxes were imposed upon certain commercial activities the most important of which are:
(a) Land Taxes:

This tax is either pecuniary or both pecuniary and in specie and was imposed annually upon the land, the owners of which were at peace with the Muslims before war was waged, or upon the land left to them by the Muslims after they had defeated them in warfare.
The land tax that the Caliph `Omar ben A' Khattab imposed on the greater part of Iraq was five dirhams annually for every 3600 square cubits of clover or vegetables, and ten dirhams annually for every 3600 square cubits of vinegroves and palm trees. He also imposed one dirham and one measure of wheat or barley for every 3600 square cubits of land that was irrigated and produced wheat, barley or similar grain.

The land tax continued to be imposed upon the aforementioned land even after the land owners embraced Islam and this land is termed Taxed Land. The taxes were paid to the treasury of the state for the general welfare of the Muslim community. This included improving the living conditions of the Muslims, paying the salaries of government officials, the governors, the judges the jurists and the soldiers who protected the state, in addition to building mosques, bridges and paving the paths in the land.

(b) The Extraction of Metal Ores from the Land:

If the land was the property of a person, he would be entitled to whatever was dug out of the land be it solid or liquid, even if someone else had extracted it, since it was buried in his property, to which he had a legal right.

If the land did not belong to any person, whatever was extracted or dug out of the land belonged to the person who had extracted it, if it was a liquid like crude oil, or a solid that could not be melted like rubies, emeralds, crystal, amber, topaz or arsenic. If it was a solid that could be melted like gold or silver or a combination of a solid and a liquid like mercury, the person who extracted it was entitled to four fifths of it and was obliged to submit one fifth of it to the treasury of the state which spent it upon poor people, orphans and wayfarers.
These laws were established at a time when these metals were not of paramount importance in the lives of the people. The Faith of Islam gave the ruler of the state the right to confiscate any source of wealth for the welfare of the Muslim community, in addition to having the right to estimate the tax upon it, according to the importance of the source, and according to the economical circumstances of the state.
(c) Hunting and Fishing:

The hunter who hunted on the land was entitled to the animals and birds that he killed. Those who fished in seas and rivers were also entitled to the fish, pearls, sponges, mother of pearl and everything else they caught in their nets. Islam did not impose any tax upon what was hunted on the land or what was caught from the seas or rivers.

However, if the ruler of the state considered that the welfare of the state necessitated imposing taxes on hunting and fishing in order to replenish the treasury of the state, he was legitimately entitled to do so. If such a situation arose, most jurists declared that the hunter and the fisherman were entitled to four fifths of what they had hunted or caught while the remaining fifth should be paid to the treasury of the state to be spent according to the needs of the indigent and needy. This principle was applied when one of the governors of the Islamic states informed the Caliph `Omar ben Al Khattab that a pearl had been extracted from the sea of the state and `Omar ben Al Khattab commanded that a fifth of its value be deposited in the treasury of the state. He also ordered that one fifth of the value of any ambergris be deposited in the treasury of the state.[13]

(d) Custom Taxes and Taxes on Merchants:

These were imposed upon merchants passing certain surveillance posts on their journeys and merchant ships passing by certain Islamic ports.

[13] Al Kassabany, Badai' Al Nafa'is. vol.2. p.68.

These taxes were estimated at one tenth of the value of the goods. The official responsible for collecting these taxes was accordingly called Al `Ashaar, - meaning he who takes one tenth. These taxes were paid to the treasury of the state for the welfare of the Muslim community in common with the other taxes.

(e) Other taxes:

These taxes were imposed on the mints where coins were minted and on shops. The taxes were paid to the treasury to be spent on the welfare of the citizens of the Islamic states.

(f) The Faith of Islam grants:

The Faith of Islam grants the ruler of the state the right to impose permanent taxes in certain fields if the welfare of the Muslims necessitates it, in addition to the afore- mentioned taxes. If the coffers of the treasury are empty or the state is unable to meet with the necessary requirements of the state such as paying the salaries of the soldiers in the army or the salaries of the government officials, Islam grants the ruler of the state the right to impose temporary taxes upon the wealthy citizens and upon certain economic activities and dealings, for the welfare of the state. These taxes are cancelled when the need for them no longer exists.

In addition to the various forms of taxes, Islam imposes the system of almsgiving upon four sources of wealth. The first source includes crops and fruit whereas the second source is cattle. The third source includes gold and silver and the fourth source is trade and commerce. The alms due on crops and fruit are one tenth of the produce of the land if it is irrigated by water flowing from a river or a spring or by rain. If the land is irrigated by buckets, water wheels or irrigation ditches, the alms due are half a tenth of the produce of the land, and this form of alms is imposed only on land owned by Muslims.

Some jurists decree that both land tax and alms on crop and fruit are due on the Muslims who own the above mentioned land, whereas other jurists exempt the lands taxed with land tax from fruit and crop alms. In this case, in their opinion, the owner of the land only pays the land tax.

The lands upon which alms on crops and fruit are due are called "Ushriya Lands", namely lands that submit one tenth or half a tenth of their produce as alms. [14]Alms are due on cattle if the owner of the cattle is a Muslim and if his cattle are a specified number and graze upon common pasture most of the year. The owner must also possess the cattle for a whole lunar year. The alms due on the cattle depend upon the number and species of the cattle.

[14] See details of opinions of jurists and Abu Hanifa's opinion.

If a person owns less than five camels, alms are not imposed on him. If he owns five to nine camels that graze upon common pasture for a lunar year, the alms due are one ewe. If he owns ten to fourteen camels, the alms due are two ewes, and if he owns fifteen to nineteen camels, the alms due are three ewes. However, if he owns twenty to twenty four camels, the alms due are four ewes. If he owns twenty five camels, the alms due are a she-camel that is more than a year old in addition to five ewes. The alms accordingly increase with the increase of the number of camels owned, and alms due on cows, sheep and horses are similar to the alms due on camels and this is explained in detail in the references of Islamic jurisprudence.

The alms due on gold and silver are a quarter of a tenth of their value if they remain in a person's possession for a whole lunar year. The weight of the silver must be at least two hundred drachmas and the weight of the gold must not be less than twenty weights of what is explained in detail in the references of Islamic jurisprudence. The alms on trade and commence are a quarter of a tenth of what a person possesses for a lunar year. The value of the goods or the property must be equal to the value of the gold and silver upon which alms are due. The four classes of alms are all donated for the welfare of the members of the Muslim community as is mentioned in the following Quranic verse : "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"[15]

A poor person is he who does not own the sum of money, gold, silver, goods or property that obliges him to pay alms. A needy person is he who does not own anything.[16] Those employed to administer the funds are those people responsible for collecting the alms, and they are granted a share of the alms for fulfilling their duty as collectors of alms regardless of their wealth or poverty.

There were three classes of people whose hearts had been reconciled to Islam as a result of certain circumstances. One class included people whom the Prophet Muhammad, blessings and peace be upon him, had reconciled to Islam and their people had followed their example and embraced Islam. The second class of people were those who had embraced Islam but whose faith was weak and the alms helped to strengthen their faith. The third class of people were given alms in order to ward off their evil. These three classes were granted alms during the first few years after the advent O (Islam, but after the Faith of Islam was firmly established, alms for these classes of people were cancelled.

Those in bondage refers to the slaves, and a certain sum of money from the alms was used to liberate them by buying them from their owners and then granting them their liberty. Those in debt who are entitled to alms are those who do not

[15] Surah IX, verse 60.
[16] These definitions of the poor and needy are based upon the opinion of Abu Ranifa.

possess the sum of money or property that imposes upon them the duty of paying alms, and cannot pay their debts.

"Those in the Cause of God", refers to those who fight in the Cause of God and are separated from their regiments and those pilgrims who are separated from their families and have no money to enable them to travel. Scholars who strive to seek knowledge are also entitled to alms. Alms are also granted to the soldiers who are separated from their regiments in times of war to aid them in joining their regiments or to assist them in joining their families if there is no war.

The wayfarer is a person who possesses wealth in his own land, but on leaving his homeland has no means of earning his living, so he is granted alms to meet with his necessary demands and to enable him to return to his homeland.

Originally all forms of alms were paid to the treasury of the state which distributed the alms to the aforementioned categories of deserving people. Nevertheless, the land owner or the merchant or the wealthy man who owns property is permitted to donate his alms himself to the deserving cases in his community. It is preferable to donate the alms collected in a district to those entitled to alms who live in the same district unless there are no deserving cases in the district. The ruler of the state, however, is entitled to use his discretion for the welfare of his subjects in distributing the alms as he sees fit, provided that the sums of money that he distributes do not exceed the sum of the alms. Almsgiving is one of the five pillars of Islam, the other four pillars being : the belief in God and that Muhammad is the Prophet of God, performing prayers, fasting and making the pilgrimage. Almsgiving plays an important role in preserving the economic equilibrium of the nation by narrowing the gap between the classes of the nation and creating a spirit of cooperation and joint responsibility in the Muslim community.

The extent of the importance of almsgiving is manifested by the fact that Abu Bakr Al Siddiq, the First Rightly Guided Caliph, fought the tribes that refused to pay alms after the death of the Prophet Muhammad, blessings and peace be upon him, although many of them had not renounced the Faith of Islam. Abu Bakr Al Siddiq considered them all apostates and declared his famous statement : "By God if they refuse to give me a camel's shackle which they were accustomed to giving to the Prophet, I will fight them until they submit it". Abu Bakr Al Siddiq carried out his resolution in spite of the opposition of many of the Companions of the Prophet Muhammad, blessings and peace be upon him. He was finally able to convince them and was accordingly able to overcome the greatest crisis that had threatened the Faith of Islam after the death of the Prophet Muhammad, blessings and peace be upon him. There is a difference between taxes and alms, since alms are not only imposed upon the profit of the capital or its products but are also due on property. If the property does not make any profit, its value will be consumed by the alms after forty years, since the alms due on property are one fortieth of its value. The same applies to gold, silver and chattels.

(4) The Faith of Islam commands wealthy people to donate charity to the poor and needy on certain days and on specific occasions, the most important of which are:

a) Alms on the first day of the Feast of the Lesser Bairam. Every Muslim able to do so is obliged to donate these alms to the poor and needy on the first day of the Feast of the Lesser Bairam on behalf of himself and all the members of his family. The alms were originally four pounds (lbs) of wheat or eight pounds of barley, dates, or raisins or their value. This form of alms is obligatory and not merely a commendable or righteous deed.[17]
In Egypt, if every head of a family fulfilled this obligatory religious duty on the first day of the Feast of the Lesser Bairam, all poor and indigent people would be supplied with their needs.

(b) The animals that are slaughtered and sacrificed on the first day of the Feast of the Greater Bairam and the animals slaughtered and sacrified by the pilgrims during their pilgrimage are another example of charity. In both cases, the families of the person who performs this religious duty are permitted to partake of the meat of the sacrificed animal, but most of it is distributed as charity to the poor and needy. This is referred to in the following Quranic verses : ".... and when you are in peaceful conditions (again), if any one wishes to continue the`Umra on to the hajj, he must make an offering, such as he can afford,.. "[18] Also: "And proclaim the pilgrimage among men : they will come to thee on foot and (mounted) on every kind of camel, lean on account of journeys through deep and distant highways ; that they may witness the benefits (provided) for them, and celebrate the name of God, through the Days appointed, over the cattle which He has provided for them (for sacrifice) : then eat ye thereof and feed the distressed ones in want."[19]

(5) The Faith of Islam has ordained charity to the poor and needy as expiation and atonement for many sins, such as breaking one's oath as is clear from the following Quranic verse : "God will not call you to account for what is futile in your oaths, but He will call you to account for your deliberate oaths : for expiation, feed ten indigent persons, on a scale of the average for the food of your families ; or clothe them ; or givea slave his freedom."[20]

This form of expiation applies to most cases of breaking the fast of Ramadan; and he who breaks the fast of Ramadan without any legitimate reason must fast the days that he had not fasted in addition, to the ordained expiation. Old people and people who have chronic ailments whose physical condition prevents them from being able to fast are only obliged to feed an indigent person two meals for every day they cannot fast. Both the expiation and the sacrifice are given to the poor

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[17] These definitions of the poor and needy are based upon the opinion of Abu Ranifa.
[18] Surah II, verse 196.
[19] Sura IX, verses 27, 28.
[20] Surah V, verse 89.

and needy and are estimated in terms of grain or the value of grain.[21] Expiation is also ordained for a man's oath that his wife be to him as if she were his mother - namely that there was to be no marital intercourse between them. This was a Pre-Islamic custom which Islam strove to eliminate, and imposed upon the husband who wanted to resume marital relations with his wife as one of the forms of expiation that are mentioned in the following Quranic verses : "But those who divorce their wives by Zihar, then wish to go back on the words they uttered, (it is ordained that such a one) should free a slave before they touch each other this are ye admonished to perform and God is well acquainted with (all) that ye do. And if any has not (the wherewithal), he should fast for two months consecutively before they touch each other. But if any is unable to do so, he should feed sixty indigent ones ."[22]The Faith of Islam also imposes expiation for certain circumstances during the pilgrimage as is expressed in the following Quranic verse "And complete the Hajj or `Umra in the service of God. But if ye are prevented (from completing it), send an offering for a sacrifice, such as ye may find, and do not shave your heads until the offering reaches the place of sacrifice. And if any of you is ill or has an ailment in his scalp, (necessitating shaving), (he should) in compensation either fast, or feed the poor, or offer sacrifice ; and when you are in peaceful conditions (again), if any one wishes to continue the `Umra on to the Hajj, he must make an offering, such as he can afford, " [23]

(6) The Faith of Islam ordains that wealthy people support their poor and needy relations and those relatives who are unable to earn their living. This system is explained in detail in the books of Islamic jurisprudence. Islam also commands the people in every district to cooperate with each other and to assist one another. It is therefore the solemn duty of wealthy people to aid and assist the poor and to feed those people who are unable to earn their daily bread.

Some jurists declared that, the state was responsible for the death of any citizen who had died of starvation. In such a circum, the man's relatives are all obliged to pay blood money to his immediate family, since the Faith of Islam considers that his wealthy relatives who did not assist him in his ordeal were responsible for his death.

There are many verses in the Qur'an which ordain kindness and generosity to one's neighbours, whether they be living near to one's home or at a distance. The following Quranic verse is an example of this principle "Serve God and join not any partners with Him ; and do good - to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers,..."[24] The Prophet Muhammad - blessings and peace be upon him - enjoined kind and generous treatment to one's neighbours in more than one of his Sayings. He said : "He is not one of us who goes to sleep at the end of the day, after having had enough to

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[21] Abu Hanifa decrees that the person should offer four pounds (lbs) of wheat or eight pounds (lbs) of barley or dates or the value in money for every day the fast was broken.
[22] Surah LVIII, verses 3-4.
[23] Surah II, verses 196.
[24] Surah IV. verse 36.

eat, while his neighbour is hungry". It has been related that a man visited Abdullah ben Abbas while a sheep was being slaughtered, and Ibn Abbas said to his servant who had slaughtered the sheep : "Do not forget to give our Jewish neighbour a share of the meat". He uttered this sentence `three times and the man who had witnessed this incident asked him why he had repeated his request so many times and Ibn Abbas told him that the Prophet Muhammad, blessings and peace be upon him, always recommended them to treat their neighbours generously so often that he believed that he would give them the right to inheritance.

(7) The Faith of Islam ordains that the treasury of the state support any person who cannot earn his living. This includes old men and women who have no relatives to support them. In this respect Islam does not differentiate between Muslim and non-Muslim subjects. The Caliph `Omar ben Al Khattab once saw an old non-Muslim man begging in the streets, so he granted him immediate financial support from the treasury of the state and uttered his famous statement : "We will not have treated you justly if you pay your taxes to the state during your youth and the state leaves you to beg in your old age".

(8) The Faith of Islam grants the ruler of the state the right to distribute the state's wealth in a manner that achieves an economic balance between the classes of the community, even if this necessitates granting wealth to a certain class or group of people. The Prophet Muhammad, blessings and peace be upon him, introduced and established this just tradition after divine inspiration had been revealed to him. The Prophet Muhammad, blessings and peace be upon him, granted all the wealth of the spoils of the battle against the tribe of Al Nadeer to the Muhajirin namely those who had emigrated from Mecca to Al Medina, in addition to two poor men of the Ansaar who were the original inhabitants of Al Medina, in order to narrow the gap between the wealth of the Ansaar and that of the Muhajirin. By so doing, there existed a balance between the wealth of both the Ansaar and the Muhajirin who made up the Islamic community. This incident is referred to in the following Quranic verses : "What God has bestowed on His Apostle (and taken away) from the people of the townships, - belongs to God - to His Apostle and to kindred and orphans, the needy and the wayfarer ; in order that it may not (merely) make a circuit between the wealthy among you. So take what the Apostle assigns to you, and deny yourselves that which he withholds from you. And fear God ; for God is strict in Punishment. (Some part is due) to the indigent Muhajirs, those who were expelled from their homes and Their property, while seeking Grace from God and (His) Good Pleasure, and aiding God and His Apostle : Such are indeed the sincere ones ." [25]Al Ansaar are " the wealthy among you", referred to in the Quranic verse.

(9) In addition to the aforementioned rulings, Islam takes every opportunity to urge wealthy people to donate charity to the poor and needy, in order to earn the Grace of God and His Reward. The Faith of Islam also prohibits the hoarding of

[25] Surah LIX, verses 7- 8.

wealth and avoiding donating it in the Cause of God. Such miserly conduct is considered a great sin and these misers are threatened with a severe punishment on the Day of Judgement. Countless Quranic verses declare this ruling in almost every chapter of the Holy Quran. The following Quranic verses are examples of the aforementioned ruling : "It is not righteousness that ye turn your faces towards East or West ; but it is righteousness - to believe in God and the Last Day, and the Angels, and the Book, and the Messengers ; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves ; "[26] Also : "They ask thee what they should spend (in charity). Say Whatever ye spend that is good, is for parents and kindred and orphans and those in want and for wayfarers. And whatever ye do that is good, - God knoweth it well."[27]

Also "O ye who believe Spend out of (the bounties) We have provided for you, before the Day comes when no bargaining (will avail), nor friendship nor intercession. Those who reject Faith - they are the wrong doers".[28] "The parable of those who spend their substance in the way of God is that of a grain of corn it groweth seven ears, and each ear hath a hundred grains. God giveth manifold increase to whom He pleaseth and God careth for all and He knoweth all things. Those who spend their substance in the Cause of God, and follow not up their gifts with reminders of their generosity or with injury,- for them their reward is with their Lord on them shall be no fear, nor shall they grieve"[29]

"And the likeness of those who spend their substance, seeking to please God and to strengthen their souls, is a garden high and fertile heavy rain falls on it but makes it yield a double increase of harvest, and if it receives not heavy rain, light moisture sufficeth it. God seeth well whatever ye do."[30]

"O ye who believe ! Give of the good things which ye have (honourably) earned, and of the fruits of the earth which We have produced for you, and do not even aim at getting anything which is bad, in order that out of it ye may give away something, when ye yourself would not receive it except with closed eyes. And know that God is Free of all wants, and Worthy of all praise[31]

"And whatever ye spend in charity or devotion, be sure God knows it all. But the wrong-doers have no helpers. If ye disclose (facts of) charity, even so it is well, but if ye conceal them, and make them reach those (really) in need, that is best for you. It will remove from you some of your (stains of) evil. And God is well - acquainted with what ye do".[32]

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[26] Surah II, verse 177.
[27] Surah II, verse 215.
[28] Surah II, verse 254.
[29] Surah II, verses, 261-262.
[30] Surah II, verse 265.
[31] Surah II, verse 267.
[32] Surah II, verses 270-271.

"Those who (in charity) spend of their goods by night and by day, in secret and in public, have their reward with their Lord on them shall be no fear, nor shall they grieve[33]

"By no means shall ye attain righteousness unless ye give (freely) of that which ye love ; and whatever ye give, of a truth God knoweth it well".[34]

"Serve God and join not any partners with Him And do good - to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the Companion by your side, the wayfarer (ye meet), and what your right hands possess for God loveth not the arrogant, the vainglorious; - (nor) those who are niggardly or enjoin niggardliness on others, or hide the bounties which God hath bestowed on them for We have prepared, far those who resist Faith, a Punishment that steeps them in contempt "[35]

"And there are those who bury gold and silver and spend it not in the Way of God : announce unto them a most grievous penalty - on the Day whenheat will be produced out of that (wealth) in the fire of Hell, and with it will be branded their foreheads, their flanks, and their backs. - "This is the (treasure) which ye buried for yourselves : taste ye, then, the (treasures) ye buried "[36]

God Almighty ordains that this form of charity is the religious legitimate right of the poor and needy as is expressed in the following Quranic verses:

"And those in whose wealth is a recognized right for the (needy) who asks and him who is prevented (for some reason from asking) "[37]

"So give what is due to kindred, the needy, and the wayfarer. That is best for those who seek the Countenance, of God, and it is they who shall prosper"[38]

There are numerous Quranic verses which demonstrate that Islam considers that it is the religious duty of the person who possesses wealth, bestowed upon him by God Almighty, to spend it in His Cause. This is expressed in the following Quranic verse : "Believe in God and His Apostle, and spend (in charity) out of the substance whereof He hath made you heirs. For, those of you who believe and spend (in charity), - for them is a great Reward".[39]

(10) The Faith of Islam urges wealthy people to donate the wealth tht exceeds their needs in the Cause of God Almighty. It has been related that Abu Dhar Al Ghaffary said that on one occasion, the Prophet Muhammad, blessings and peace

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[33] Surah II, verse 274.
[34] Surah lll verse 92.
[35] Surah IV, verses 36-37.
[36] Surah IX, verses 34-35.
[37] Surah LXX, verses 24-25.
[38] Surah XXX, verse 38.
[39] Surah LVII, verse 7.

be upon him, walked with him in the direction of Mount Uhud and told him that he would not wish to possess as much gold as the size of Mount Uhud and spend it in the Cause of God then die leaving two carats of gold that had not been spent in the Cause of God, Abu Dhar asked him if he had meant two tons of gold and the Prophet, blessings and peace be upon him, replied that he had meant two carats of gold, which had not been spent in the Cause of God.[40]

This incident urged Abu Dhar to encourage wealthy people during the reign of the Caliph `Othman ben `Affan to donate the wealth that exceeded their needs in the Cause of Islam and for the welfare of the poor and indigent members of the community. He also advised them not to squander their wealth or to spend it extravagantly on luxuries and warned them againt hoarding it and never lost an opportunity of reminding them of the needs of the poor and indigent.

Abu Dhar's appeal to the wealthy to donate their wealth in charity exceeded the rulings ordained by Islam, namely paying one's taxes and alms. However, the form of charity advocated by Abu Dhar raises the donor to a sublime status in the Grace of God.

Certain scholars misunderstood Abu Dhar's approach to donating charity as being an inclination towards communism. However, Islam and communism are the exact opposites of each other, since Islam ordains that wealthy people pay alms and encourages them to donate charity for the welfare of the poor and needy. These rulings establish and confirm individual ownership of property and wealth, in addition to preventing any conflict between the wealthy and the poor indigent members of the community. Communism, on the other hand, prohibits all forms of individual ownership and calls for the common ownership of all property, which paves the way for conflict between the classes. Thus Abu Dhar's advocation for charity cannot in any way be compared to communism.

The aforementioned examples are proof that the Faith of Islam has administered justice between people in matters of finance, trade and commerce in a manner unprecedented by any other faith in the past or in the present era.

The Islamic community that adheres to the teachings of Islam and applies its rulings and laws on the economic level is an ideal community that encourages people to work and grants every person the reward his efforts deserve. It also encourages ambition and distinction in every branch of work and affords equal opportunities to everyone to make a profit in the various branches of trade and commerce. One of the most important aims of this community is to stabilize the economic balance by striving to narrow the gap between the classes.

The economic relationship between the members of such a community is thus established upon a system of cooperation, sympathy and justice, thereby affording every individual a dignified and honourable life, which is the aim of

[40] Related by Muslim, Al Bukhari and Al Nisaa'y.

Islam : "... that is the standard Religion but most among mankind understand not".[41]

[41] Surah XXX, verse 30.

4. Equality between Men and Women in Islam

The Faith of Islam abolished the principle of discrimination between men and women as human beings. It also abolished any discrimination between them before the law and in civil rights, and Islam ordained tht men and women be equal in that respect. Islam declared that men and women are equal as human beings in this world and in the Hereafter. This is expressed in the following Quranic verses : "And their Lord hath accepted of them, and answered them "Never will I suffer to be lost the work of any of you, be he male or female ye are members one of another .[42] "... to men is alloted what they earn, and to women what they earn "[43]

"We have honoured the sons of Adam..."[44]By the "sons of Adam", is meant the offspring of Adam, namely the human race with its men and women.

The Faith of Islam not only permitted the Muslim woman to acquire knowledge, but also commanded her to do so in so far as it would assist her in her life in this world and in the Hereafter. The Prophet Muhammad - blessings and peace be upon him - said that the quest for knowledge is the obligation of every Muslim man and woman.

Before the advent of Islam, Hafsa, the daughter of `Omar ben Al Khattab had beentaught the fundamentals of writing by a woman called Al Shifaa' Al `Adawiya and after the Prophet, blessings and peace upon him, married Hafsa, he asked Al Shifaa' Al Adawiya to continue teaching her how to improve her handwriting.

The Faith of Islam permits the Muslim woman to hold any post outside her home, provided that she assumes it in a respectable dignified manner that does not in any way subject her to any embarrassing situation that does not observe the teachings of Islam. Her employment must not harm her reputation in any way, nor must it prevent her from carrying out her duties as a wife and a mother.

Islam permits the working woman to associate with the male sex in public according to the rulings and teachings of the Qur'an and the Traditions of the Prophet, blessings and peace be upon him.

Islam grants the Muslim woman equal civil rights and grants her the right to manage her own business affairs such as participating in legal contracts that deal with the sale or the purchase of any property or goods, in addition to her legal right to grant gifts and to contract a will. Islam also grants her the right to personally manage her wealth and supervise all her financial affairs. These rights

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[42] Surah III, verse 195.
[43] Surah IV, verse 32.
[44] Surah XVII, verse 70.

naturally necessitate associating with the male sex and it is a well-known historical fact that `Aisha daughter of Talha - the granddaughter of Abu Bakr Al Siddiq fought side by side with men in the battles against the infidels and that she fought bravely with spears and arrows.

The Prophet Muhammad, blessings and peace be upon him, led men and women together into battle and granted Sa'eeda, daughter of Ka'b, the same share of the spoils as the men in the Battle of Khaybar. He also seated Umaya, daughter of Qays Al Ghafiriya, behind him on his camel on their way to the Battle of Khaybar after the battle was won, awarded her a medal for her outstanding courage in battle, in the same way that heroes are awarded medals today. Umaya wore this medal all her life and according to her desire, the medal was buried with her when she died.

Another example of courageous womanhood is Um Hakim, daughter of Al Harith who Participated in the battle against the Romans while she was still a newly-wed bride. Her husband had been martyred before her eyes, but instead of wailing over his dead body, she seized the pole of the tent in which her marriage had been consumated and killed Seven of the enemy at the archway which is still known as the Archway of Um Hakim.

From the above mentioned incidents, it is clear that Islam Permits the association of the two sexes, provided that no immorality ensues. In order to Preserve a moral and chaste community, Islam ordains certain rulings and terms and prohibits certain matters. Islam prohibits a man and a woman from being alone together unless, according to Islamic laws, they are religiously prohibited from marrying one another, such as a brother and sister or a maternal aunt or uncle or a paternal aunt or uncle or a father and mother or a grandfather or a grandmother or a grandchild.

A Muslim woman's apparel must clothe her completely except for her face and hands. Islam also ordains that she must not ostentatiously display her beauty, and her conduct and speech should be dignified, So as not to arouse any temptation in those with whom she is conducting her business. This is expressed in the following Quranic verses "Say to the believing men that they should lower their gaze and guard their modesty ; that will make for greater purity for them and God is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof ; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex ; and that they Should not Strike their feet in order to draw attention to their hidden

ornaments. And O ye Believers I turn ye all together towards God that ye may attain Bliss."[45]

Also "O Prophet ! Tell thy wives and daughters and the believing women, that they should cast their outer garments over their persons (when abroad)."[46]
The following Quranic verses are addressed to the wives of the Prophet Muhammad, blessings and peace be upon him "O Consorts of the Prophet ! Ye are not like any of the (other) women if ye do fear (God), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire but speak ye a speech (that is) just. And stay quietly in your houses and make not a dazzling display, like that of the former Times of Ignorance "[47]"be not too complaisant of speech..." means not to speak to men in a soft voice which might arouse temptation.

"And stay quietly in your houses..." means that they should not go out unless there be a specific reason for doing so "Make not a dazzling display, like that of the former Times of Ignorance" means that they should not make an ostentations display of their ornaments as did the women of the Pre-Islamic era. Although these verses are addressed to the wives of the Prophet, blessings and peace be upon him, Muslim women are encouraged to follow in their footsteps since they are the ideal of Muslim womanhood.

The Faith of Islam ordains equlity between men and women before the law and in all civil rights. This applies to unmarried girls and to married women. The laws of marriage in Islam differ from the laws of Christianity in the Western World by preserving the Muslim woman's right to retain her surname after marriage. Her marriage does not cancel her civil rights or her capacity to participate in legal contracts or her right to possess property or wealth. Thus a Muslim woman retains her family's name after marriage in addition to being entitled to all the civil rights due to men. She owns property in her own name and her wealth belongs to her alone and cannot be appropriated by her husband. The following Quranic verses refer to the dowry which is a woman's legitimate right in the event of divorce "But if ye decide to take one wife in place of another, even if ye had given the latter a whole treasure for dower, take not the least bit. of it back : would ye take it by slander and a manifest wrong ? And how could ye take it when ye have gone in unto each other, and they have taken from you a solemn covenant ?"[48]

Also : "It is not lawful for you (men), to take back any of your gifts (from your wives),.."[49]If a man is forbidden to claim what he had given to his wife as a gift, it is only logical that he cannot appropriate any of her own personal wealth or property or any possession of any kind. If a wife in the event of a divorce or

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[45] Surah xxiv, verses 30-31
[46] Surah XXXIII, verse 59.
[47] Surah XXXIII, verses 32-33.
[48] Surah IV, verses 2121.
[49] Surah II, verse 229.

during marriage, of her own free will, relinquishes her claim to her dowry which is her due, her husband is allowed to regain it. This is clear from the following Quranic verse "And give the women (on marriage) their dower as a free gift ; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer." [50]A husband has no right to dispose of his wife's wealth or property without her consent or without being granted power of attorney to act on her behalf. It is also a wife's right to cancel the power of attorney granted to her husband and to grant it to whomever she wills.

Most civilized modern democracies have not yet attained this elevated status of equality. In France, until recently, a French woman had no civil rights, since the French law denied her these rights. This is stated in the 217th clause of the French Civil Law "A married woman, even if her marriage is based upon the separation of her property from her husband's property, does not have the legal right to endow or dispose of her property or mortgage or exchange her property without her husband's written consent and participation in the contract."

Although certain amendments were made later concerning this law, its negative bearing upon the legal status of the French woman exists upto this very day. When a woman marries in the Western World, she officially takes her husband's surname to be her surname and by so doing yields her individuality and is integrated into her husband's personality.

The Faith of Islam does not discriminate between men and women except in matters when this discrimination is due to the nature of their sex, for their welfare and for the welfare of the community, the family and in particular for the welfare of women.

There are five issues where discrimination between men and women is ordained by Islam, namely : financial responsibilities, inheritance, the custodianship of the family, testimony and divorce.

During the next stage of a woman's life, namely during her marriage, the Faith of Islam charges the husband with the responsibility of supporting his wife and family and does not charge the wife with any financial responsibilities. Nevertheless, Islam preserves all the Muslim woman's civil rights which include her right to possess and dispose of her wealth and property without any intervention from her husband. A wife is not obliged to participate in the financial support of her family even if she is wealthy enough to do so, for supporting the family is the sole responsibility of her husband, this being his religious and legal duty.

In the event of divorce, the husband is also charged by Islam with all the expenses that ensue. He is charged with paying the dowry agreed upon in the event of divorce, in addition to his divorced wife's financial support which includes her

[50] Surah IV, verse 4.

housing, food expenses and, apparel in addition to the children's expenses which include the wages of their wet nurses who breast feed them, their clothes and their education. The Muslim woman, on the other hand, is not charged with spending a single penny on herself or on her children.

It is obvious from the aforementioned, Islamic rulings that Islam has raised the status of the Muslim woman and has preserved her dignity in her father's home before marriage, in her own home during her marriage, and even in the event of her divorce. This status has not been attained by any other religion in the past or in the modern world of to day.

The Discrimination between Men and Women in Islam .

(A) Financial Responsibilities

The Faith of Islam is a faith of mercy and compassion and it protects the Muslim woman from having to work for her sustenance and guarantees her subsistence so that she would not be subject to the evils that are frequently related to drudgery and toil. She is accordingly not required to earn her living and this is the responsibility with which men are charged.

If a Muslim girl or woman is not married, her expenditure is the religious and legal obligation of her male relations, according to the laws of jurisprudence. If there is no male relative financially capable of supporting her, her livelihood is the solemn obligation of the treasury of the state.

This ruling is applied in all stages of a girl's or woman's marriage which include the period during which the girl or woman prepares for marriage, the duration of her marriage, and in the event of divorce the period during its procedures. Men are thus charged with the financial support of women in all the stages of women's lives.

During the period preceding marriage, the Faith of Islam imposes upon the prospective husband a number of financial obligations concerning his forthcoming marriage without incurring any expense upon the bride's family. The husband's responsibilities include the dowry and the preparation of the marital home.

(B) The Laws of Inheritance

The Faith of Islam ordains that the males' share of inheritance be greater than the females' share, in most cases.[51]

The male inherits double the share of the female when the inheritance is shared between sons and daughters or between brothers and sisters. A widow's share of her husband's estate is half a widower's share of his wife's estate.[52]

Occasionally the father's share of his deceased son's estate is more than the mother's share. Nevertheless the mother's and father's share of the inheritance is sometimes equal if they have a son or more than two daughters.

The difference in the shares of the inheritance between males and females is based upon the financial responsibilities with which men alone are religiously charged. Men's financial obligations according to the laws of Islam are infinitely greater than women's financial responsibilities. A man is the head of his family and its custodian who is financially responsible for the maintenance of all its members if he is married and will be responsible for his family in the future if he is a bachelor. Islam also charges men with the financial support of their relatives whereas a Muslim woman, however wealthy she may be, is not even financially responsible for herself.

The laws of inheritance in Islam are accordingly fair in so far as they grant males a greater share of the inheritance, in order to enable them to fulfil their financial responsibilities with which Islam has charged them. On the other hand Islam does not burden Muslim women with any financial obligations.

The Islamic laws of inheritance for women are fair and generous for she is granted half the share of her male counterpart's inheritance although she is not obliged to spend any of it supporting herself or her family, since that is the religious duty with which her husband, father, brother, paternal uncle or her nearest male relative is charged.

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[51] There are certain cases when males and females are granted equal shares of the inheritance as is the case when the family consists of a father, a mother, a son and two or more daughters. If one of the children dies, the father and the mother each inherit one sixth of the inheritance as is stated in the following Quranic verse : "For parents, a sixth share of the inheritance to each, if the deceased left children ;..." [Surah IV verse 11]. Another case is when the deceased leaves no direct heir and maternal brothers and sisters all together inherit one third of the estate to be divided equally between them regardless of their sex. This is stated in the following Quranic verse "If a man or woman whose inheritance is in question, has left neither ascendants or descendants, but has left a (maternal) brother or a sister, each one of the two gets a sixth ; but if more than two, they share in a third ; ..." [Surah IV, verse 12]. In this case the male does not take double the female's share.

[52] "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 eighth ; after payment of legacies and debts". [Surah IV, verse 12].

(C) The Custodianship of the Family.

There are two reasons why the right to the custodianship of the family is granted to men by the Faith of Islam. The first reason is that men are charged with the financial support of their families and it is only fair that the person charged with the financial support and maintenance of any group of people should have the right of being that group's custodian who supervises their affairs.

The constitutions of the democracies of the modern world are likewise based upon this principle. The citizens of the state who pay taxes, which are spent on the public utilities of the state, have the right to have a say in their affairs and supervise the executive power of the land, in addition to participating in the legislation of the state. Referendums, general elections and representation in parliament are also based upon the same principle.

A referendum grants the citizens of a state direct supervision over the affairs of their country, whereas their indirect supervision is realised in the system of parliamentary representation by which they elect the members of parliament in a free election. Constitutional legislators sum up this principle in the following statement: "He who pays has the right of supervision". The second reason for granting a man authority and custodianship over his family is due to the indisputable fact that women are more emotional than men and that their disposition affects their judgement. God Almighty created women in this manner to enable them to pursue the principal role in their life namely that of motherhood and all that such a role entails, which includes nursing their babies and caring for them day and night. Such a vital role requires a sensitive compassionate nature more than its need for contemplation and meditation. On the other hand, men do not usually follow their emotions as is the case with women, and in most cases men are influenced by their reason and their perception. Accordingly a man's nature and disposition qualify him to be the head of the family and to supervise its affairs. These two reasons are stated in the following Quranic verse : "Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means" [53]

This custodianship which Islam grants man over his family is merciful, guiding and loving. It also includes principles that preserve a woman's dignity and protect her rights and welfare in every respect. The aim of this custodianship is one of protection and affection and not of absolute power or domination. Islam thus ensures the welfare of the family and of women themselves by taking into account all the circumstances and situations that exist in a woman's life.

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[53] Surah IV, verse 34.

If a Muslim girl or woman is unmarried, her father or her guardian is her custodian and he is therefore charged with supporting and providing for her financially so that she would not be forced to earn her living in a manner that might lead to her disgrace or the disgrace of her family. The custodianship in this case preserves the woman's dignity and protects her from any possible embarrassment.

A Muslim girl who is eligible for marriage, being of sound mind and body, has the right to choose the man she is going to marry, after the consent of her guardian - be he her father or otherwise. Her guardian however cannot force her to marry any person against her will.

It has been related that a girl went to `A'isha, wife of the Prophet, blessings and peace be upon him, and complained to her that her father had married her to his brother's son in order to elevate her status. `A'isha told her to wait until the Prophet, blessings and peace be upon him, returned home so that he could advise her what to do. When he returned and heard the girl's complaint he said : "A girl has more right to her choice than her guardian". The girl said: "O Prophet of God, I will obey my father, but I came to you so that women will understand that men do not have the right to force women in this matter".

She meant that men did not have the right to force women into marriage against their will. If a girl or woman chooses a husband and her guardian refuses him, without having a legitimate reason for his refusal, she can take the matter to court and the Judge can marry her to the man of her choice. The following Quranic verse refers to not preventing divorced women from remarrying their former husbands if they desire to do so "When ye divorce women, and they fulfil the term of their (`Iddat), do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms".[54]

Islam is greatly concerned with the issue of compatability between husband and wife. The wisdom of this ruling is that marriage is not only a relationship between two people but is a relationship between two families. An incompatible marriage usually brings more embarrassment upon the wife's family than the husband's family. Accordingly the Faith of Islam grants the girl's or the woman's guardian the right to prevent her from marrying a person who would bring disgrace upon her and upon her family. This is the guardian's right, yet he cannot force her to marry against her will but is permitted to advise her and convince her. The Faith of Islam also grants the judge of the State the right to intervene in matters of marriage in which guardians are unfair or exceed the limits of their authority.

Abu Hanifa, one of the four founders of the schools of Muslim Law, declared that a Muslim woman has the right to marry herself whenever she wishes provided that her husband is compatible by religious standards and that her guardian has no right to prevent her marriage except on the grounds of incompatibility.

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[54] Surah II, verse 232.

The current laws in Egypt are based upon Abu Hanifa's ruling. Abu Hanifa's School of Muslim law and the other schools of Muslim law agree that the custodianship and supervision granted to men by Islam in this stage of a girl's or a woman's life, in common with the other stages of her life are for her welfare and protection.

After a woman is married, this custodianship and supervision is transferred from her father or guardian to her husband. This does not in any way belittle the woman nor does it affect any of her civil rights of purchasing, selling, entering into contracts or disposing of her wealth and property independently without requiring her husband's consent. In fact her husband does not have any right to intervene in her affairs without her consent or her granting him power of attorny, which she can cancel any time if she so wishes.

The man's custodianship and supervision over his wife as head of the family is manifested in his right to supervise the policy of the household with the cooperation of the wife, who must obey him within the recognized ordained limits. These rights granted to men impose upon them certain obligations such as financially supporting their wives and families in addition to protecting their rights. Husbands are also commanded to treat their wives fairly, kindly and generously. A husband must be tolerant and lenient when dealing with the problems that exist in every marriage. He is also religiously charged with correcting his wife's errors in a gentle and understanding manner. The Prophet, blessings and peace be upon him, stated that the best people are those who are kind to their families.

The passage from the following Quranic verse summarizes the aforementioned relationship between husband and wife "And women shall have rights similar to the rights against them, according to what is equitable ; but men have a degree of advantage over them".[55] In Islam women's rights are equal to their obligations and men's obligations are equal to their rights, and even the degree that God grants man is not without obligations since it charges him with the support, maintainance and protection of his wife and family.[56]

[55] Surah II, 229.
[56] See article on Custodianship by Sheikh M. Abu Zahra.

D) The Testimony of Men and Women in Islam

Islam does not rely upon a woman's testimony in serious crimes such as adultery, and relies upon the testimony of women in matters concerning women that are understood only by women. In other matters the testimony of two women is equal to the testimony of a man and since Islam demands the testimony of two men in most matters, a man must corroborate the testimony of the two women. The reason for this discrimination is that God Almighty created women with extremely emotional and sensitive natures in order to enable them to fulfil their vital duties in life, the most important of which is the role of motherhood and all the love and affection it demands. Motherhood requires a sensitive, tender and compassionate nature and a woman's emotions are usually stronger than her reasoning and this in itself is not a shortcoming in a woman's character. Occasionally a woman's emotions overwhelm her to the extent that she may not be able to estimate an event clearly and may interpret it in a manner that may not be precise, without her realising it. Islam accordingly takes this into consideration and in order to ensure that justice is executed, ordains the above mentioned laws of testimony regarding women.

The reason why the testimony of two women is equal to the testimony of one man is built upon the basis that there is hardly any possibility that two women would be emotionally affected in the same way by the same event. They can also correct each other's testimony if one of them forgets a fact or misunderstands a matter. This is mentioned in the following Quranic verse "And get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her". 57

(E) The Right of Divorce in Islam.

Many orientalists criticize the Faith of Islam because it grants the right of divorce to men only. It accordingly behooves us to explain the laws of divorce in Islam clearly and in detail. Many people have either misinterpreted or misunderstood the facts that govern the issue of divorce in Islam and have consequently presented a distorted picture of the matter.

The system of divorce in Islam is the most ideal system of divorce ordained by any religion. If we consider the system of divorce, in the countries of the Western world that adhere to Christianity we must understand the following facts. Christians follow one of three Churches, namely the Catholic, Orthodox or the Protestant Church.

The Catholic Church prohibits divorce and does not permit the annulment of marriage for any reason, however serious the reason may be. Adultery itself is not a justifiable cause for divorce and the only procedure permitted in the event of adultery is a separation between the husband and wife. The state of marriage nevertheless, exists legally between them and accordingly neither of them can marry again, since they would be committing the crime of bigamy.

The Catholic Church ordained this law according to Mathew's Gospel which states: "What therefore God hath joined together, let no man put asunder."[57] Certain groups that seceded from the Catholic Church permit divorce only in the event of adultery being committed by the husband or wife, but they also prohibit them from marrying again.

The Christian Churches that permit divorce in the event of adultery base their ruling on Mathew's Gospel as uttered by Christ : "Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery".[58]The prohibition of a divorced man and a divorced woman from entering into a second marriage is based upon the following ruling from Mathew's Gospel : "Whosoever shall marry her that is divorced committeth adultery"[59] According to the original laws of Christianity, if discord between a husband and wife reaches a point when reconciliation is an impossibility and marital life becomes intolerable and the life of the whole family, adults and children alike, is threatened with disasterous consequences, they are commanded to remain in their miserable marriage whatever the consequences may be since : "What therefore God hath joined together let no man put assunder".[60]

Even if a husband and wife hate each other and all human attempts fail to

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[57] St. Mathew, Chapter 19. verse 6.
[58] St. Mathew, Chapter 5, verse 32.
[59] St. Mathew, Chapter 5, verse 32.
[60] St. Mathew, Chapter 5, verse 32.

reconcile them to each other, since one has no control over one's emotions which are controlled by God alone, they are commanded by the Church to spend the rest of their lives together, however miserable their lives may be. If either a husband or a wife does not abide by the sacred contract of marriage and deviates from morality and all attempts fail to reform him or her, Christianity prohibits divorce and the injured husband or wife is commanded to remain married to the person who has sinned against the Law of God, for the rest of his or her life. Occasionally separation between a husband and wife is permitted, but neither of them is permitted to marry again, according to the aforementioned verses of Mathew's Gospel.

If either a husband or a wife becomes mentally deranged and is a threat and a danger to the family, Christianity does not permit a divorce. If a husband contracts a serious infectious disease for which there is no remedy, or if he is impotent or sterile and cannot father a child, the Christian faith prohibits divorce although the marital relationship between husband and wife and the birth of offspring are the foundation of marriage.

A husband may abandon his wife and family for many years without his family knowing whether he was alive or had died or had been sentenced to life imprisonment, but the Christian faith will not grant the abandoned wife divorce. The same prohibition applies in the event of a husband who cannot or will not support his wife and family that has no other means of maintainance and may accordingly force the wife to lead a life of sin.

An Egyptian Christian woman, Mrs Zahiya`Aziz Murqos, filed a suit of divorce against her husband who had abandoned her without any financial support and had been unable to pay her the money for her maintainance which the court had decreed, as a result of his straitened means. The court refused her suit on the grounds that the laws of Christianity ordain that the bond of marriage is a sacred bond as is stated in the Gospel and is one of the seven secrets of the Church, emphasizing that what God has joined, no human being should set asunder. The court stated that some church officials and members of the general religious board had responded to the demands of people of weak faith and had granted them divorce for reasons which had not been ordained in the Gospel, and that the only reason for divorce permitted by the Gospel was adultery. These were the reasons stated by the Court for refusing a divorce to Mrs. Zahiya `Aziz Murqos.[61]

The Christian faith also prohibits the divorce of a husband and wife whose treatment of each other may lead to their serious harm or injury, after all attempts to reconcile them fail. Even if a husband and wife both feel that their married life has become intolerable and they both desire and agree to terminate their marriage, so that each one of them may begin a new life, they are prohibited from doing so by the Church.

When the Christians in the countries of the Western world realized that they could not adhere to the rigid laws of divorce as ordained by the Gospel, they introduced civil laws which permitted them to annul the marriage contract in certain cases. The great English philosopher, Bentham, expressed his opinion on

[61] See Al Ahram newspaper. 1/3/56/ page 4.

the matter of divorce in his book "The Principles of Legislation", in which he wrote that a permanent marriage is undoubtably the ideal state for people and the most suitable for their needs, in addition to being the most favourable for the welfare of the family. He then stated that if a woman should stipulate that her husband should never be separated from her even if hatred should replace love, that would be an intolerable situation.

He continued to state that this stipulation exists without women demanding it, since the laws of the Church declare to the bride and bridegroom that they marry in order to be happy, but that they must understand that they have entered a prison the door of which is locked and that they will never be allowed to leave the prison, even if they fight each other with the weapons of enmity and hatred. The English philosopher also declared that if death alone could terminate a marriage the number of murders would have increased greatly.

Christians have introduced civil laws which permit divorce and thus deliver them from having to resort to murder or suicide in order to liberate themselves from this prison.

Abiding by civil law in matters of marriage and divorce and abandoning the laws of their faith is a unique manifestation of the Christians of the Western world. People of other religions including the Brahmas, Budhists and even the Magians and Pagans adhere or adhered to the laws of their faith in matters of marriage and divorce even if they introduced laws in other matters. They were accordingly able to live their lives without the problems that arise from the prohibition of divorce.

Some Christians however disregarded the laws of theifaith marriage and divorce after realizing that these laws do not take human nature, with all its inherent weakness, into consideration.

The Christian priests and clergymen could not stem the opposition to the laws of the Christian faith concerning divorce, nor could they deny the logic of man's natural needs, so they let matters drift and passed judgement on divorce only in the most serious and critical circumstances concerning royal families or other symbols of authority. They also chose the most opportune time from the political perspective in order to demonstrate their power and status.

When King Edward the Eighth of England declared his intention to marry a divorced woman and the policy of the government was opposed to this marriage, the Church refused to grant him permission to marry Mrs Simpson and remain on the throne of Great Britain. He was consequently obliged to choose between his throne and the woman he loved, and he chose the woman he loved and relinquished the throne.

It beloves us to mention that neither the Church nor the nation objected to their king having an illicit relationship with Mrs Simpson but that they only objected to his intention of marrying her.

When Princess Margaret Rose, sister of Queen Elizabeth the Second of Great Britain, declared that she intended to marry Captain Townsend whom she loved, the Church refused to permit her to marry him as he had divorced his wife. The fact that Captain Townsend's divorce had been granted him by civil and religious law, since his wife had been found guilty of adultery for which sin, the Protestant Church of England permits divorce, had no influence upon the Church's refusal.

In Europe and in North America, the courts grant divorce to husbands and wives according to man-made civil laws, thereby violating the laws of their faith. The people who advocate that we abandon our Islamic laws of divorce and abide by these civil laws do not realize that such a procedure would result in chaos and corruption.

Although thousands of cases of divorce were filed and granted in Europe and in the United States of America, the Church did not object and did nothing to prevent such a phenomenum. An example of the Church's policy, which takes into consideration the political circumstances of the land, is that when the British Prime Minister, Sir Anthony Eden, divorced his wife, who had eloped with her lover to the United States of America, and married another wife, the Church did not object to his second marriage since it was not an opportune time to oppose the marriage.

The laws of Christianity concerning divorce and man-made civil laws concerning divorce are deficient with the result that the welfare of the family has invariably been sacrificed. There are two trends in the civil laws concerning divorce, the first of which is extremely lax in its attitude towards the sacred bond of marriage, and permits divorce on the slightest pretext. This is the case in certain states in the United States of America. It was therefore quite an ordinary occurrence in these states for a woman to be married in the morning and to be granted a divorce in the evening. Such laws of divorce are undoubtably responsible for the breaking up of family life.

The second trend in the laws of divorce bases its rulings upon the spirit of the Chritian faith although it is not as rigid in its rulings. It only permits divorce in certain cases with extremely complicated procedures. Accordingly such divorces are only valid after a lengthy period as is the case in France and most Catholic countries.

The French civil law only permits divorce in three cases, the first of which is in the event of the adultery of either the husband or wife. The second case is in the event of either the husband or the wife being subjected to brutal treatment. The third instance is if either the husband or wife is sentenced to imprisonment for a criminal offence.

A person's chronic malady, physical disability and insanity itself even if it results in harmful and cruel treatment to the spouse, are not, according to French law, legitimate reasons for divorce. Absence from one's husband or wife for a lengthy period of time and extreme discord between a husband and wife are also not considered legitimate reasons for divorce according to the French law, even if both the husband and wife desire the divorce.

In order that divorce be granted if one's husband or wife is sentenced to prison, the crime committed must be a major crime. Proof of brutal and cruel treatment of wives and husbands is also a very difficult matter to prove to the court. Accordingly, most people who file for divorce do so on the grounds of adultery. The concerned party presents the evidence of the adultery of his or her spouse to convince the court that adultery has been committed. On the other hand a husband and wife often present false evidence of adultery and perjure themselves in court in order to be granted a divorce. Divorce which is granted on the grounds of adultery brings disgrace upon the husband, wife and their children. In addition

to this, divorce invariably incurs exorbitant expenses which can only be afforded by the wealthy. The final decree of divorce also takes years before it becomes valid during which time the husband and wife are separated from one another. As a result of these complications and the lengthy period that the divorce takes to become legalized, many men take mistresses and women lovers thereby completely destroying any family life that had previously existed. Such relationships have become so common in the United States of America and in Europe, that they are regarded as ordinary occurrences. In addition to the fact that the family has lost its value in society, the fatherhood of many children is unascertained and a source of doubt.

Thus the civil laws of divorce either destroy the sacredness of the bond of marriage by permitting divorce on the slightest pretext, or are so rigid that divorce is only granted after disgracing the family concerned and subjecting its members to a most complicated and expensive procedure. In both cases the family is sacrificed.

After presenting the laws of Christianity concerning divorce and the civil laws introduced in the matter of divorce and the complications of both the religious and the civil laws, it behoves us to present the laws of divorce as ordained by the Faith of Islam. These laws have been severely criticized by non-Muslims who claim that these laws are not based upon equality between men and women.

The Faith of Islam permits divorce because it ordains laws that take human nature into consideration and divorce is sometimes the only solution to serious problems of marital discord.

However, Islam does not permit divorce without enforcing definite terms which ensure safeguarding the rights of both the husband and wife and guarantee the execution of their obligations and duties in a just and fair manner.

The bond of marriage in Islam is a sacred bond which is venerated and solemnly respected. The following Quranic verse refers to the marriage bond "And how could ye take it when ye have gone in unto each other, and they have taken from you a solemn covenant ?"[62]Such a bond is thus regarded with the utmost veneration.

Islam does its utmost to make people detest divorce and urges Muslims not to resort to it as far as is humanly possible. The Prophet Muhammad, blessings and peace be upon him, said "Divorce is the most detested permissible legitimate act in the eyes of God". He also said "Marry and do not resort to divorce, for the Throne of God Almighty shakes with every divorce[63] In addition to discouraging divorce on principle, Islam ordained certain rulings that guaranteed avoiding divorce except when it was the only solution to marital discord.

Islam states that one should not resort to divorce as a result of any matter that can be remedied or that might improve in the future. Even if a husband dislikes some qualities in his wife's nature, Islam does not consider this a justification for divorce. He should not contemplate divorce if his feelings for his wife have undergone a change or if he has begun to dislike her. Any minor matters that

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[62] Surah IV, verse 21

[63] Al Kasabany in Badi' Al Sana'i' in the Chapter on divorce.

aggravate a husband in his wife's conduct-providing that this does not include immorality or disobedience of the Faith - are not justifiable reasons for divorce, since one's emotions are fickle and inconstant. One should consequently never allow oneself to be controlled by one's whims when making decisions concerning important matters upon which the future of one's family depends, for a person whom one dislikes today may be beloved on the morrow. A husband who dislikes a certain trait in his wife might discover that she possesses other qualities that appeal to him. This is mentioned in the following Quranic verse : "...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".[64]

The Prophet Muhammad, blessings and peace be upon him, said that a believer should not hate his believing wife for if he dislikes a certain quality in her, she may possess another quality that pleases him.[65]

A man went to `Omar ben Al Khattab, the Second Rightly Guided Caliph, to ask for his advice about divorcing his wife. `Omar told him not to divorce her and when the man replied that he did not love her, `Omar said "Woe betide you ! Are homes built only upon love? Where then is the role of care, affection and avoiding censure ?" He meant that if a marriage were not built upon love, it could be built upon two other important factors, one of which includes the care, affection and consideration which binds the members of the family to one another and teaches them their rights and their obligations. The other important factor is avoiding being the object of censure or blame for one's actions such as breaking up a home and family and being the cause of their misery.

The system ordained by Islam aims at avoiding divorce and the husband and wife who are at discord with each other are commanded to do their utmost to overcome their differences by dealing with each other compassionately and considerately as is mentioned in the following Quranic verse "If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves ; and such settlement is best". [66]

When a husband and wife fail to reconcile their differences with each other, Islam ordains that the matter of their discord be discussed at a family meeting in which the husband and the wife are each represented by a member of their families. These representatives act as mediators, and it is their duty to discuss and consider the problems that had caused the discord and to do their utmost to reconcile the points of view of the husband and wife until a reconciliation between them is effected. The Faith of Islam, in its concern for the happiness of the family, does not wait until discord actually takes place, in order to resort to this method of reconciliation, but it commands the husband and wife to do so if

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[64] Surah IV, verse 19.
[65] Muslim's Authentic Traditions of the Prophet.
[66] Surah IV, verse 128.

they fear that discord may occur and they feel that they are unable to deal with the matter. This is stated in the following Quranic verse : "If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers ; if they wish for peace, God will cause their reconciliation : for God hath full knowledge, and is acquainted with all things".[67]

The Faith of Islam has also ordained certain financial and social obligations in the event of divorce, so as to discourage people from resorting to it. Islam ordains that when a man divorces his wife, he must pay her the delayed dowry agreed upon in the marriage contract, in addition to the expense of her maintainance of food, drink and living quarters for a certain period of time, known as the " iddat ". The custody of the children is granted to the mother until they grow up. In the event of her death or inability to look after her children, the custody of her children is granted to her relations. The husband is legally and religiously charged with his children's financial maintainance, and for wet nurses to breast feed them even if their mother breast feeds them herself, as is stated in the following Quranic verse "And if they suckle your (offspring) give them their recompense "[68]

If all attempts at reconciliation made by the mediators of both families fail, and the husband insists upon divorce, that in itself signifies that the stability of the family is in danger and that the chief elements upon which a marriage is founded no longer exist. In such circumstances Islam permits divorce and at the same time guarantees the welfare and the future of the family. Even if a divorce takes place, Islam grants the husband an opportunity to reconsider the divorce if there is the slightest possibility that married life be resumed.

The Faith of Islam ordains that after a husband divorces his wife once, he is given two options, one of which is to restore his wife during her " iddat " or period of waiting which is approximately three months for a wife who is not pregnant. The wife's return to her husband in this case needs no legal procedure and is valid as soon as the husband utters the words "I have restored my wife", or words to that effect. In order to encourage a husband to restore his divorced wife, Islam ordains that she live in her marital home during her period of waiting. This is stated in the following Quranic verse "O Prophet When ye do divorce women,divorce them at their prescribed periods,. and count (accurately) their prescribed periods and fear God your Lord and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness" .[69]

Islam also favours restoring one's divorced wife as is stated in the following Quranic verse : "And their husbands have the better right to take them back in

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[67] Surah IV, verse 35.
[68] Surah LXV, verse 6.
[69] Surah LXV, verse 1.

that period, if they wish for reconciliation "[70]The Quranic verse describes the restoration of the divorced wife to her marital life as redressing the divorce.

If a husband does not restore his wife during her period of waiting, she will have been divorced for the second time. Islam, which always guards the welfare of the family, permits the husband after the second divorce to restore his wife, but charges him with paying her a new dowry and contracting a new marriage contract.
In the event of the husband restoring his wife during her period of waiting or marrying her for the secondtime with a new marriage contract and a new dowry, and then deciding to divorce her, he is permitted the same opportunities of restoring his wife that he had previously been granted.

After a husband divorces his wife twice he is left with the right to divorce her only one more time. A third divorce signifies that married life has become intolerable and that the husband and wife have failed to make a success of their marriage. It is at this stage that the Faith of Islam ordains permanent divorce between them. The only chance of their remarrying is if the wife marries another man after her final divorce from her first husband and is divorced by her second husband. If she and her first ex-husband believe that after their long separation from one another, and after the change in their circumstances, they can succeed in living a happily married life, Islam permits them to do as, as is expressed in the following Quranic verses "So if a husband divorces his wife (irrevocably), he cannot after that, re-marry her until she has another husband and he has divorced her. In that case there is no blame on either of them if they re-unite, provided they feel that they can keep the limits ordained by God. Such are the limits ordained by God, which He makes plain to those who understand".[71]

The Imam Malik related that during the lifetime of the Prophet Muhammad, blessings and peace be upon him, Abdullah, the son of `Omar ben Al Khattab divorced his wife during her menstrual period, and Omar asked the Prophet, blessings and peace be upon him, his opinion on the matter. He told `Omar that his son must restore his wife until her menstrual course be terminated and she purifies herself from it then to wait till she purifies herself from the following menstrual course, after which he can divorce her or restore her.[72]

Such is the system of divorce in Islam and these are the laws ordained according to the Quran and the Traditions of the Prophet, Divorce that does not adhere to the laws of Islam is not valid. This is clear from the ruling given by the Prophet - blessings and peace be upon him - concerning `Omar ben Al Khattab's son who had divorced his wife during her menstrual course, which is not considered a period during which divorce can be pronounced. Ibn Jurayh related through Abu Al Zubayr that he had heard `Abdel Rahman ben Ayman ask

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[70] Surah II, verse 228.
[71] Surah II, verses 229-230.
[72] Authentic Traditions of the Prophet by Al Bukhari and Muslim, through Malik.

Abdullah ben `Omar about this matter and that `Abdullah had replied that the Prophet, blessings and peace be upon him, had told him that his utterance of divorce had not been legitimate.

`Omar ben Al Khattab, the Second Rightly Guided Caliph legalized a certain system of divorce which was not founded upon the aforementioned laws of divorce. This included considering a divorce irrevocable if a man uttered the vow of divorce three consecutive times in one sitting. The reason for enforcing this ruling was that `Omar ben Al Khattab noticed that many men had made light of the sanctity of marriage and had underestimated the gravity of divorce. These men had often uttered the oath of divorce in order to intimidate their wives or to force them to obey them, so `Omar ben Al Khattab punished them by introducing this new system of divorce to make them realize the sanctity of marriage so that they would not utter false threats of divorce. He told them that God had granted them an opportunity for tolerance and deliberation in the Islamic laws of divorce, but that they had not heeded them, so they deserved a penalty in keeping with their sin. `Omar's ruling was only temporary as a remedy for the ill use of divorce that had spread and was thus a disciplinary measure.

The Egyptian law 25 of the year 1929 decreed that any oath of divorce that specifies more than one divorce is considered only one divorce. In fact there is no valid law of divorce that is not mentioned in the Qur'an or the Traditions of the Prophet.

The laws of divorce in Islam guarantee every person his or her rights and it is sinful for any man to believe that he can divorce his wife whenever he pleases, since the laws of divorce in Islam are based upon a precise and just system which God ordained for mankind, men and women alike, in order to remedy the discord and misery to which some families are subjected.

The laws ordained by Islam concerning divorce are divine laws and the following Quranic verses dealing with divorce invariably state that the laws are ordained by God who prohibits breaking these laws and warns against the harm that ensues "These are the limits ordained by God ; so do not transgress them. If any do transgress the limits ordained by God, such persons wrong (themselves as well as others)." [73]

Also "Such are the limits ordained by God, which He makes plain to those who understand".[74] "Those are limits set by God and any who transgresses the limits of God, does verily wrong his own soul.. "[75] "But do not take them back to injure them, (or) to take undue advantage ; if any one does that, he wrongs his own soul.

[73] Surah II, verse 229.
[74] Surah II, verse 230.
[75] Surah LXV, verse 1.

Do not treat God's Signs as a jest,..." [76]"And know that God knoweth what is in your hearts, and take heed of Him ..."[77]

The Faith of Islam ordains certain provisions and stipulations concerning divorce so that it would not be the result of a whim. Islam grants the husband the opportunity of reconsidering his decision and grants the relations of the husband and wife an opportunity to intercede and reconcile them. Even after the failure of all the aforementioned attempts at reconciliation, the Qur'an states that two witnesses must witness the divorce : "Thus when they fulfil their term appointed, either take them back on equitable terms or part with them on equitable terms ; and take for witness two persons from among you, endued with justice, and establish the evidence (as) before God. Such is the admonition given to him who believes in God and the Last Day. And for those who fear God, He (ever) prepares a way out ....".[78]

"A way out" can be interpreted to mean a way out of divorce.

The Shiites decree that there must be witnesses to a divorce, and that this is an essential factor without which the divorce is not valid and has no consequences. This opinion adheres to the Quranic verses and grants the husband a final opportunity to reconsider his intention and not finalize the divorce. It is also an opportunity for the two witnesses who are summoned to witness the divorce, and are usually close friends or relatives of the husband and wife, to make a final attempt to deter the husband from concluding the divorce.

If divorce occurs, the Faith of Islam does its utmost to ensure generous and compassionate treatment of the divorced woman in addition to guaranteeing her her rights and safeguarding her from any harm to which she might be subjected.

The laws of financial support for the divorced wife and her children, the custody of the children, financial support during the period of waiting, financial maintenance for nursing the children are all in the divorced woman's favour and this is verified by the following Quranic verses : "When ye divorce women, and they fulfil the term of their (Iddat), 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 (Iddat), do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms. This instruction is for all amongst you, who believe in God, and the Last Day. That is

[76] Surah II, verse 231.
[77] Surah II, verse 235.
[78] Surah LXV, verse 2.

(the course making for) most virtue and purity amongst you. And God knows and ye know not."[79]
Also : "O Prophet ! When ye do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods and fear God your Lord : and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness ; those are limits set by God : and any who transgresses the limits of God, does verily wrong his (own) soul : thou knowest not if perchance God will bring about thereafter some new situation. Thus when they fulfil their term appointed, either take them back on equitable terms or part with them on equitable terms ; ..." [80]
Also : "Let the women live (In Iddat) in the same style as ye live, according to your means annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your) on them until they deliver their burden and if they suckle your (offspring), give them their recompense : and take mutual counsel together, according to what is just and reasonable. And if ye find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf ".[81]

Also : "But if ye decide to take one wife in place of another, even if you had given the latter a whole treasure for dower, take not the least bit of it back would ye take it by slander and a manifest wrong ? And how could ye take it when ye have gone in unto each other, and they have taken from you a solemn covenant ?"[82]

In addition to divorce between a man and his wife who consumated their marriage and lived together as man and wife, Islam permits the divorce of a man and his bride who have signed the marriage contract, but have not consumated their marriage, if there is a good reason to do so, so that each one of them can begin a new life with the Grace of God. In such a situation, Islam ordains that the man must pay the girl or woman half the dowry agreed upon, in addition to compensation for divorcing her. This procedure is ordained as compensation for the divorced bride and the compensation is estimated by the ruler of the state according to the means of the husband and the extent of the injury caused to the bride by the divorce.[83]

The following Quranic verses mention this matter : "There is no blame on ye if ye divorce women before consumation or the fixation of their dower ; but bestow on them (a suitable gift), the wealthy according to his means, and the poor according to his means ; - a gift of a reasonable amount is due from those who wish to do the right thing. And if ye divorce them before consumation, but after the fixation of a dower for them, then the half of the dower (is due to them), unless they remit it or (the man's half) is remitted by him in whose hands is the marriage tie ; and

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[79] Surah II, verses 231-232.
[80] Surah LXV, verses 1-2.
[81] Surah LXV, verse 6.
[82] Surah IV, verses 20-21.
[83] Abu Hanifa decreed that the husband must grant his wife a complete trousseaux as compensation for divorce.

the remission (of the man's half) is the nearest to righteousness. And do not forget liberality between yourselves . For God sees well all that ye do."[84]

In addition to the aforementioned cases of divorce there are four other kinds of divorce, the first of which is if a wife stipulates in her marriage contract that the right of divorce be in her hand and her husband agrees to the condition, she has the right to divorce her husband according to some schools of jurisprudence with certain provisions.

The second kind of divorce occurs and is legal if there is a breach of one of the terms stipulated by the wife in the marriage contract. If the husband is responsible for this breach, certain schools of jurisprudence consider this sufficient to legalize the divorce, provided that the term stipulated does not violate the basic elements of marital life or the laws ordained by God Almighty.

The third kind of divorce is pronounced by the judge in a court of law as the result of the husband's failure to support his family or in order to safeguard his wife and family against any harm that might threaten them. The absence of a husband from his wife and home for a lengthy duration is also another reason for this kind of divorce and the Egyptian law, number twenty five, for the year 1920 legalized divorce for the aforementioned reasons.

The fourth kind of divorce occurs by the mutual consent of a husband and wife. In this case, the wife usually renounces all or some of her rights as a divorced woman, or grants her husband a sum of money upon which they both agree. This kind of divorce is known as divorce by compensation, and takes place when a wife feels that her marital life has become intolerable and fears that if she is not divorced she may not be able to abide by the laws ordained by God. This kind of divorce is mentioned in the following Quranic verse: "It is not lawful for you, (men), to take back any of your gifts (from your wives), except when both parties fear that they would be unable to keep the limits ordained by God, If ye (judges) do indeed fear that they would be unable to keep the limits ordained by God, there is no blame on either of them if she gives something for her freedom. These are the limits ordained by God ; so do not transgress them. If any do transgress the limits ordained by God, such persons wrong (themselves as well as others)." [85]

The objections and criticism concerning the system of divorce in Islam is based upon the claim that it constitutes a violation of equality since the right of divorce is granted to men and not to women. It is claimed that since a husband and wife are partners in a marriage and in their life together, granting the right of divorce to only one of them is inconsistent with the basis of the marriage contract and with the equality that should be granted to both sexes in that respect. People who criticize the Islamic system of divorce claim that the marriage contract should

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[84] Surah II, verse 236-237

[85] Surah II, verse 229. Also see the System of Divorce in Islam by Sheihk Ahmed Mohammed Shakir.

only be annulled by the mutual consent of both parties, namely the husband and the wife.
These people misunderstood many important facts in this matter, such as that when a Muslim girl or woman agrees to the contract of marriage with her prospective husband she does so in full knowledge of the laws ordained by God Almighty, one of which is that the man alone has the right of divorce in accordance with the laws of the Faith of Islam. By signing the marriage contract, she is quite aware of and agrees to renouncing her right of divorce of her own free will.

People who object to the laws of divorce in Islam have also overlooked the recognized fact that women are more emotional and temperamental than men and are frequently unable to control their feelings. In addition to this, by the laws of Islam, they incur no financial responsibilities on themselves in the event of their divorce. If the right of divorce were granted to women, their emotions might affect their better judgement, and trifling misunderstandings might provoke them to divorce their husbands, thereby ruining their lives and the future of their families.

As a rule, men are not as temperamental as women and are seldom motivated by their emotions. A husband who resorts to divorce also incurs grave financial responsible for the welfare and maintenance of his family. It is therefore only natural that he be granted the right of divorce with the restrictions of the aforementioned provisions and rulings which are ordained in order to safeguard the wife and the family against any harmful consequences.

Recently a suggestion has been forwarded to deny the husband and wife the right of divorce and to grant the right of divorce to the judge in a court of law. By this system a wife could only be divorced after she had filed for divorce in a court of law and had convinced the judge that she had the right to be divorced. Such a system would mean that the French civil law would replace the laws of God Almighty.

We have mentioned how the French civil laws of divorce were responsible for breaking up the families involved in divorce suits and how this led to the deterioration of the morals of the community. Most divorce suits involve sordid details and embarrassing situations which ought not to be made public. If a husband and wife have no other option but to publicly announce embarrassing and sordid details in order to be granted a divorce, by doing so they would disgrace themselves and ruin their reputation and the reputation of their family. If on the other hand they feared for their reputation and the reputation of their family and refused to mention the sordid details which would have enabled them to win a divorce case, they would spend the rest of their lives in an intolerable mabased upon deceit and infidel.

Although the Faith of Islam establishes the system of arbitration by mediators between the husband and wife in matters of discord between them, it

guarantee! the dignity and privacy of their personal life. The arbitrators or mediators according to the rulings of Islam are persons chosen by the wife and husband. They are chosen for this specific purpose and accordingly neither the husband nor the wife are subjected to any embarrassment when they declare the reasons of the discord. The arbitrators accordingly safeguard the reputation of the husband and wife and everything that is mentioned is strictly confidential. The dignified conduct of the mediators is only natural since their relationship with the husband and wife is that of trust and confidence.

The laws of divorce as ordained by the Faith of Islam are just and fair. They have been ordained for the welfare of the husband and wife, the family and the community. These laws preserve and guarantee the rights of both the husband and wife and do not wrong either of them. These divine laws grant the husband certain rights and grant the wife certain rights to compensate her in the event of divorce. This is mentioned in the following Quranic verse "And women shall have rights similar to the rights against them, according to what is equitable ; but men have a degree (of advantage) over them."[86]

Divorce in Islam is the solution to problems that cannot otherwise be solved just as surgery is the only remedy to certain maladies. Islam takes a medium course that does not prohibit divorce as does Catholicism, nor does it abuse the sanctity of the marriage contract as does the civil law in some countries in Europe and North America, which more often than not subjects the husband, wife and the family to humiliation and disgrace.

[86] Surah II. verse 228.

Freedom in Islam

The Faith of Islam has based all its laws upon the principle of freedom and has applied it to all aspects of life. This includes political freedom, freedom of thought, freedom of religion and civil rights.

1-Political Freedom

Political freedom is the right granted to every sane adult to participate in the administration of the affairs of his country and to observe the executive power by which representatives are elected in a free election or by a general referendum.

The Faith of Islam adheres to this principle and the choice of the Caliph himself is left to the Muslim citizens of the State. The sound choice of the Caliph is thus based upon a free pledge of allegiance, and it was upon this democratic principle that the Four Rightly Guided Caliphs were chosen. Islam also prohibited the executive power from legalizing any important matter in the affairs of the state without the approval of the subjects of the state. The executive power was also obliged to answer to the people for all its procedures concerning the state

The speech made by Abu Bakr Al Siddiq after the Muslims had pledged allegiance to him as Caliph of the Muslims after the death of the Prophet Muhammad, blessings and peace be upon him, demonstrates this principle. He said : "O people I have been summoned to rule you and I am no better than you. If you see me acting justly, aid and assist me, and if you see me doing wrong, rectify me and guide me to do what is right. Obey me provided I obey God's commands in ruling you, but if I disobey the commands of God, I will not be entitled to your obedience".

In another speech Abu Bakr said : "If I am in the right, follow me, but if I swerve from righteousness rectify me".

`Omar ben Al Khattab, the Second Rightly Guided Caliph, said to his people "If you ever see any deviation from righteousness in my conduct, rectify me".

A man stood up and said "If we see any deviation from righteousness in your conduct, we will rectify it by the sword". `Omar ben Al Khattab was very pleased to see that the Muslims were aware of their rights and their duty to safeguard justice and righteousness in their state.

When some citizens of the state criticized Othman ben Affan - in certain matters, he said "I repent and will refrain from doing anything that the Muslims criticize and when I come down from the pulpit, let those who wish to express their opinion on any matter come to me, and by God if a slave refers to any mistake I may have made, I will accept his criticism and feel as humiliated a slave".

In order to confirm this sacred principle of freedom, God Almighty commanded the Prophet Muhammad, blessings and peace be upon him, not to be autocratic in matters that concerned the Muslims, and commanded him to consult the Muslims in certain matters that concerned them. This is mentioned in the following Quranic verse "It is part of the Mercy of God that thou dost deal gently

with them. Wert thou severe or harsh-hearted, they would have broken away from about thee so pass over (their faults), and ask for (God's) forgiveness for them ; and consult them ; in affairs (of moment). "

The Prophet, blessings and peace be upon him, accepted the unanimous opinion of his Companions even if he was not personally convinced by it. If his Companions' opinion was not unanimous, he agreed to the opinion of the majority as was the case in the Battle of Uhud when he was against going to battle, but he agreed to his Companions' demand to fight and his opinion proved to be correct, for the Muslims were defeated in this battle.

When a serious or urgent matter that affected the security of the state occurred and no such matter had been mentioned in the Quran or in the Traditions of the Prophet, the Muslim Caliph would hold a general referendum by assembling the people whom the matter concerned and would seek their opinion. The opinion of the majority would be adopted after the result of the referendum would be made clear. This procedure adhered to the Spirit of Islam and the principle of consultation that was ordained by the Faith of Islam.

Thus Islam adopted the principle of political freedom in a manner that does not exist in many of the modern democracies of the world.

2-Freedom of Thought

Islam's principle concerning freedom of thought does not differ from its principle concerning political freedom. Islam grants every human being the right to express his or her opinion in the manner that he or she chooses. Islam considers that one of the most important characteristics of a Muslim is his conviction that he should declare what he believes and not fear censure or opposition.

The Prophet Muhammad, blessings and peace be upon him, and the Four Rightly Guided Caliphs who succeeded him, adhered to this principle, and freedom of thought was guaranteed and sanctified. During this Golden Age of Islam in which its principles were the true representation of the Faith, there is no record of any attempt by those in authority to prohibit or restrain any expression of free thought.

The principle of the freedom of thought was also guaranteed during the Ommayad Dynasty and at the beginning of the Abbassid Dynasty. The Caliphs of these two dynasties only opposed the opinions that incurred the danger of the security of the state or spread sedition among the people of the nation.

During the reign of `Omar ben Abdel Aziz and Al Ma'moun, son of Haroun Al Rashid, people were granted the right to discuss, in the Caliph's presence, matters that concerned the Caliph's right to rule over them, without fearing any retribution from those in authority.

Freedom of thought includes the freedom of scientific and academic thought which means that every person has the right to declare what he believes concerning the phenomena of nature, astronomy, animal life, plant life and mankind, according to the theories by which he is convinced. Islam grants Muslims this freedom in common with the other branches of freedom and never attempts to dictate any particular theory or precept concening cosmic, human, animal or plant phenomena. Islam does not even indirectly suggest any theory concerning the aforementioned matters, but urges people to meditate upon the phenomena of the universe in order to understand the general laws that govern it. Freedom of thought accordingly encourages one to contemplate and to attempt to discover more about the manifestations of the universe that had not previously attracted one's attention, and to ponder upon the order, arrangement and recurrence of these phenomena. It also leads to the realization that such matters are worthy of meditation, examination and merit scientific and academic research.

Matters that we take for granted are in fact wonders that are created by God Almighty such as night and day, the sun and the moon, the sequence of the seasons of the year, the reproduction of animals and the propagation of plants, in addition to the floating of certain bodies on water and other scientific phenomena.

The following Quranic verses are evidence of the aforementioned phenomena "Do they not look at the camels, how they are made? And at the sky, how it is raised high? And at the mountains, how they are fixed firm ? And at the Earth, how it is spread out".[87]

"And among His Signs are the ships, smooth-running through the ocean (tall) as mountains. If it be His Will, He can still the Wind then would they become motionless on the back of the (ocean). Verily in this are Signs for everyone Who patiently perseveres and is grateful". 90

"Do they see nothing in the government of the heavens and the earth and all that God hath created ?" 91

"A Sign for them is the earth that is dead : We do give it life, and produce grain therefrom, of which ye do eat. And We produce therein orchards with date-palms and vines, and We cause springs to gush forth therein" 92

"Glory be to God, Who created in pairs all things that the earth produces, as well as their own (human) kind and (other) things of which they have no knowledge. And a Sign for them is the Night : We withdraw therefrom the Day, and behold they are plunged into darkness : and the Sun runs his course for a period determined for him : that is the decree of (Him). The Exalted in Might, The All-Knowing, And the Moon, We have measured for her mansions (to traverse) till she returns like the old (and withered) lower part of a date-stalk. It is not permitted to the Sun to catch up the Moon, nor can the Night outstrip the Day Each (just) swims along in (its own) orbit (according to Law). And a Sign for them is that We bore their race (through the Flood) in the loaded Ark ; and We have created for them similar (vessels) on which they ride" 93

"See they not that it is We Who have created for them - among the things which Our hands have fashioned - cattle, which are under their dominion ?" [88]

"Seest thou not that God sends down rain from the sky, and leads it through springs in the earth ? Then He causes to grow, therewith, produce of various colours " [89]

"Seest thou not that God makes the clouds move gently, then joins them together, then makes them into a heap ? - then wilt thou see rain issue forth from their midst. And He sends down from the sky mountain masses (of clouds) wherein is hail : He strikes therewith whom He pleases and He turns it away from whom He pleases. The vivid flash of His lightning well-nigh blinds the sight. It is God Who

[87] Surah LXXXVIII, verses 17-20.
[88] Surah XXXVI, verse 71.
[89] Surah XXXIX, verse 21.

alternates the Night and the Day verily in these things is an instructive example for those who have vision "[90]

"And among His Signs is the creation of the heavens and the earth, and the variations in your languages and your colours verily in that are Signs for those who know. And among His Signs is the sleep that ye take by night and by day, and the quest that ye (make for livelihood) out of His Bounty : verily in that are Signs for those who hearken. And among His Signs, He shows you the lightning, by way both of fear and of hope, and He sends down rain from the sky and with it gives life to the earth after it is dead verily in that are Signs for those who are wise".[91]

It is clear from the aforementioned verses that there is no suggestion of imposing any specific scientific theory or precept on the Muslims. These Quranic verses urge human minds to meditate and ponder upon the phenomena of the Universe in order to discover the laws that govern these phenomena. Every human being is then perfectly free to adhere to the theories that he believes to be true.

Freedom of opinion, freedom of speech, freedom of the press and freedom of scientific thought which the modern democracies claim to have introduced, have all been established by the Faith of Islam more than twelve centuries before these modern democracies existed.

[90] Surah XXIV, verses 43-44.
[91] Surah XXX, verse 22-24.

3-Freedom of Religion.

The Faith of Islam is founded upon liberal and tolerant principles, and another manifestation of its tolerance is that it guarantees the freedom of religion and the freedom of belief.

With the establishment of the Faith of Islam, it ordained three principles concerning the freedom of religion and the freedom of belief.

The first principle was that no one was to be forced to renounce his religion and to conform to Islam. This is expressed in the following Quranic verse "Let there be no compulsion in religion : Truth stands out clear from Error" [92]

The Muslims adhered to this principle in their wars with their enemies who followed different faiths and they granted the nations that they conquered freedom of religious belief. They paid taxes and obeyed the ruler of the Muslim state, in return for the state's defence of them against any attack. Their religion, religious rites, houses of worship - churches or synagogues - were regarded with respect and safeguarded against any harm. After Jerusalem surrendered, `Umar bn Al Khattab said to its people "Omar grants the people of this land protection and security for them, for their churches and their crosses. None of them is to be forced to renounce his religion or is to be harmed".

The second principle ordained by the Faith of Islam is the freedom of religious debate. God Almighty advises the Muslims to adhere to logic and reason in their discussions with people of other religions. Muslims are to base their discussions upon convincing those who listen to them by presenting proof and evidence to support their argument. In the following Quranic verse, God Almighty addresses the Prophet Muhammad, blessings and peace be upon him : "Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious : . .."[93]God addresses the Muslims in the following Quranic verse : "And dispute ye not with the People of the Book, except with means better (than mere disputation) "[94] God Almighty also adresses people of other faiths in the following Quranic verses Say : "Produce your proof if ye are truthful"[95]"Have ye any (certain) knowledge ? If so, produce it before us . . .[96]

"Say : "Do ye see what it is ye invoke besides God? Show me what it is they have created on earth, or have they a share in the heavens? Bring me a Book (revealed) before this, or any remnant of knowledge (ye may have), if ye are telling the truth ! "[97]

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[92] Surah II, verse 256
[93] Surah XVI, verse 125.
[94] Surah XXIX, verse 46.
[95] Surah II, verse 111.
[96] Surah VI, verse 148.
[97] Surah XLVI, verse 4.

The Caliphs of the Abbassid Dynasty held meetings in which they discussed religious matters and many scholars who adhered to various religious sects, schools of jurisprudence and different faiths attended these religious debates. They discussed issues on belief and the various creeds, and made comparisons between religions. Each one of them declared his opinion in complete frankness without the slightest apprehension of being reprimanded. The Caliphs did not only tolerate these discussions, but they actually encouraged them and personally participated in them.

The third principle established by Islam is that true faith is the result of one's indisputable and absolute conviction concerning one's belief and not the result of blind imitation. Islam accordingly abolished the principles upon which people had previously based their adherence to their faiths before the advent of Islam. These principles had been based upon blind imitation without conviction, and the Faith of Islam encourages people to base their faith and belief on their personal conviction and to spread their faith by sound proof and logic. Islam urges people to ponder and meditate and to refuse what is not supported by proof and evidence. Many scholars of religion declared that faith which is based upon blind imitation is not true faith. God Almighty condemned the infidels for their blind imitation of their forefathers' religion and for refusing to ponder and meditate on the divine Truth. This is mentioned in the following Quranic verses : "When it is said to them : "Follow what God hath revealed" they say : "Nay, We shall follow the ways of our fathers". What even though their fathers were void of wisdom and guidance ?"[98]

"And when it is said to them "Come to what God hath revealed ; come to the Apostle" they say `Enough for us are the ways we found our fathers following'. What even though their fathers were void of knowledge and guidance ?" [99]

Sheikh Muhammad Abdu said that he who adheres to blind imitation in his faith without conviction or reasoning is in the same category as infidels. In fact a person is not a true believer unless he understands his religion and is convinced by it. He who is accustomed to believing without convinction or reasoning and performs deeds - even if they are righteous - without comprehension, is not a true believer in the Faith.

Belief and faith in one's religion is not meant to harness man to goodness as animals are harnessed to their labour, but to promote his reasoning and his soul by knowledge, so that he would perform good deeds because he would understand that they are good and righteous and approved by God Almighty. He would also abstain from sin because he would understand its sinful consequences and the extent of its evil.

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[98] Surah II, verse 170.
[99] Surah V, verse 104.

4 - Civil Rights

Civil rights are granted to every sane person who is of age, by which he is charged with certain obligations and entitled to participate in marriage contracts and contracts of sale or purchase of property. He is also entitled to donate bequests, make a will, mortgage property and other legal rights.

Slaves were denied all civil rights and were therefore unable to execute a contract of any kind. They were deprived of the right of ownership and were themselves owned by their masters. They were in fact a mere commodity of their masters who could sell them whenever they wanted.

Some orientalists criticized Islam for permitting slavery which destroys the principle of the freedom of man. It behoves us to draw attention to the fact that the economic and social circumstances that existed during the era that preceded the advent of Islam, considered slavery a normal institution and that any attempt to abolish it with a stroke of the pen would have failed. Islam did not introduce slavery, nor did it approve of it, except in certain circumstances which it abolished gradually step by step.

The institution of slavery was firmly established in the world before the advent of Islam and was the basis upon which all fields of economy and production were founded. Accordingly any attempt to reform or abolish such an institution would have met with certain failure, since those in authority would have crushed such an attempt. Even if the authorities had enforced a law to abolish slavery, an upheaval in the stability of the economy of the states of the world would have occurred and a number of serious consequences would have resulted. The damage that would have resulted can be compared to what we would be subjected today, if with a stroke of the pen the institutions of Banks or joint stock companies were to be abolished, or if the employment of workmen were prohibited and every person who owned land or property was forced to work on it himself. Imagine what would happen if railways were abolished and if the use of the power of steam were prohibited. Slaves in the past can be compared to the power of steam upon which the economy of the modern world depended.

Islam aimed at abolishing slavery gradually without incurring any negative consequences on the stabilily of the community. In order to achieve this noble aim, tile Faith of Islam followed a policy that led to the gradual decline of the sources of slavery, in addition to ordaining religious rulings that encouraged the liberation of slaves. Thus Islam introduced a gradual yet effective system by which slavery was finally abolished.

Slavery existed as a result of many circumstances before and after the advent of Islam. The captives of civil wars or wars against a foreign enemy were invariably either executed or taken as slaves and people who were kidnapped were also enslaved. People who had committed serious crimes such as murder, adultery and theft were sentenced to be slaves of the state or of the families

against whom their crimes had been committed. People who failed to pay their debts were sentenced to be slaves of their creditors, and fathers had the right to sell their offspring as slaves. Indigent and impoverished people could sell their liberty for a certain sum of money, thereby enslaving themselves. The offspring of slaves were also slaves and the children of a female slave were slaves even if their father was a free man. All these circumstances increased the number of slaves to the degree that the number of slaves in some nations exceeded the number of free men and women.[100]

With its advent, Islam abolished all forms of slavery save inherited slavery and slavery of captives of war. However, the Faith of Islam ordained certain laws which guaranteed the gradual decline and abolishment of slavery.

One of the rulings ordained by Islam was that the offspring of a female slave, fathered by her master was to be born free after his father had confirmed that he was the father. Accordingly this situation which had previously increased the number of slaves no longer existed, and the number of slaves gradually decreased.

Captives captured during wars were enslaved except those captured in wars between Muslims regardless of their being the aggressors or otherwise. In wars waged between Muslims and non-Muslims certain rulings concerning the enslavement of the captives were enforced. The captives enslaved were those who had been captured in a war that was religiously justifiable, namely a war that had been proclaimed by the Caliph according to the rulings of Islam, which permits warfare for three reasons. The first of these reasons is self defence and this is stated in the following Quranic verse "Fight in the cause of God those who fight you, but do not transgress limits ; for God loveth not transgressors" [101]

Warfare is also justified by Islam when the enemy break their oath of peace or a truce and intend to harm the Faith of Islam as is stated in the following Quranic verse : "But if they violate their oaths after their covenant, and taunt you for your Faith, fight ye the chiefs of Unfaith for their oaths are nothing to them that thus they may be restrained". [102]

The third reason which justifies warfare concerns matters related to the welfare and the security of the Muslim state and the suppression of sedition, as is mentioned in the following Quranic verses : "And fight them on until there is no more tumult or oppression, and there prevail justice and faith in God ; but if they cease, let there be no hostility except to those who practice oppression".[103]"And fight them on until there is no more tumult or oppression, and there prevail

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[100] See the following publications of Dr. Ali Abdel wahed wafy "The circumstances that begot slavery", and "The difference between the enslavement of men and the enslavement of women". Published in Paris 1931. Also, "The story of Ownership in the world".
[101] Surah II, verse 190
[102] Surah IX, verse 12.
[103] Surah II, verse 193.

justice and faith in God altogether and everywhere ; but if they cease, verily God doth see all that they do". [104]

The wars led by the Prophet, blessings and peace be upon him, against the Pagan Arabs, the Jews or the Romans were only waged according to these three rulings of Islam. If any wars were waged for any other than the aforementioned reasons, the captives were not enslaved. Even when captives were enslaved according to the aforementioned rulings of Islam, slavery was not always enforced, since the ruler of the state was invested with the power of granting captives freedom, unconditionally or for a ransom or for labour agreed upon. Captives could also, at the command of the ruler of the state, be exchanged for Muslim captives captured by the enemy, or for a tax to be paid for their freedom. The captives captured at the Battle of Badr earned their freedom by each teaching ten Muslims to read and write.

Islam thus ordained certain rulings concerning the slavery of captives of war in a manner that guaranteed the gradual decline of slavery. After the establishment of the Islamic State and the organization of its relations with other nations, the circumstances that had led to slavery seldom arose or existed. This signifies that Islam only permitted this form of slavery for a limited period. Islam's concern for the principle of freedom is demonstrated in the laws it ordained to encourage the emancipation of slaves. Before the advent of Islam, the only means by which a slave could be emancipated depended upon his or her master's decision to do so. Apart from this possibility, slaves and their offspring were doomed to remain slaves for the rest of their lives. Most of the laws of that era in history prohibited masters from emancipating their slaves except in special circumstances with severe terms and after complicated legal and religious proceedings. In some cases the state imposed a heavy fine upon the master who liberated a slave. The fine was paid to the state the emancipation of slaves was considered an encroachment upon the rights of the state.

Islam opened wide the gateway for the emancipation of slaves and paved the way for the abolition of slavery. The Faith of Islam ordained that any mention of emancipating a slave, uttered by the slave's master be binding, even if it had been a slip of the tongue or had been uttered in jest. In the opinion of Abu Hanifa, the master who had been forced to emancipate his slave must grant him his freedom and that even if the slave's master had not been sober, when he granted his slave his freedom, the emancipation of the slave was still binding and legitimate. It is obvious from the aforementioned rulings that Islam encouraged the emancipation of slaves on the slightest pretext.

If the master of a slave mentioned in any manner that his slave or slaves were to be emancipated after his death, this entitled the slaves to be free men or women upon his death. Islam guaranteed the rights of such slaves who had been promised freedom after the death of their masters, by prohibiting their masters to

[104] Surah VIII, verse 39.

sell them, ransom them, offer them as gifts or transfer their ownership to any person during their lifetime. If a female slave was promised freedom after her master's death, her offspring would also be liberated, regardless of the consent or refusal of the heirs of their deceased master.

According to the Faith of Islam, a slave could buy his freedom from his master after agreeing upon the sum of money to be paid. In order to make such an agreement possible, Islam permitted slaves to sell and buy goods and participate in contracts in order to save the amount of money agreed upon to buy their freedom. Islam also urged all Muslims to assist such slaves by donating money as charity to help them achieve their freedom. This matter is mentioned in the following Quranic verse "And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed if ye know any good in them yea, give them something yourselves out of the means which God has given to you". [105]

Islam even specified a certain sum of wealth from the treasury of the state to help these slaves pay for their liberty. The aforementioned Quranic verse verifies the ruling to agree to allowing slaves to purchase their liberty, if they express their wish to do so. Ibn Jurayh asked `Ataa' ben Abu Rabah if he was obliged to consent to his slave's desire to purchase his liberty, and Abu Rabah replied that he considered it an obligation and he supported his opinion by reciting the aforementioned Quranic verse.

The same law applies to female slaves and to the children they bear after signing the deed with their masters, who are obliged to emancipate the female slaves' children with their mothers without any compensation from them.

The Faith of Islam ordained that a number of sins and crimes that frequently occurred be expiated by emancipating slaves. One of these crimes is manslaughter as is mentioned in the following Quranic verse "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,.. " [106]When a Muslim breaks his oath, granting a slave his freedom is ordained as means of expiation, as is mentioned in the following Quranic verse "God will not call you to account for what is futile in your oaths, but he will call you to account for your deliberate oaths for expiation, feed ten indigent persons, on a scale of the average for the food of your families ; or clothe them ; or give a slave his freedom "[107]
A man who says to his wife that she be to him as if she were his mother or words to that effect, meaning that there would be no marital relations between them, and then desires to retract his oath in order to have marital relations with his wife, must first grant a slave his freedom as expiation, before being able to

[105] Surah XXIV, verse 33.
[106] Surah IV, verse 92.
[107] Surah V, verse 89.

resume marital relations with his wife. This ruling is expressed in the following Quranic verse : "But those who divorce their wives by Zihar, then wish to go back on the words they uttered, - (it is ordained that such a one) should free a slave before they touch each other .... "[108]

If a person had committed a sin that necessitated emancipating a slave as expiation, and he did not own a slave, the Faith of Islam ordained that if he had the means, he was to buy a slave and then grant him his freedom.

In addition to all these rulings, the Faith of Islam urged people to grant slaves their freedom without expiation, since emancipating a slave was one of the most righteous commendable and sublime deeds that merited the blessings and Grace of God. The Prophet Muhammad, blessings and peace be upon him, often compared the performance of a virtuous deed that deserved the greatest reward of God, to granting a slave his freedom.

Islam also ordained that a certain portion of the alms collected and placed in the treasury was to be allotted to the emancipation of slaves by buying them from their masters and then granting them their liberty, or by completing the sum of money already saved by the slaves for their liberation. This is mentioned in the following Quranic verse : "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...". [115] This means that alms were to be used to assist those in bondage by buying them and the granting them their freedom.

Islam commanded Muslims to treat their slaves kindly : "Serve God, and join not any partners with Him ; and do good to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the Companion by your side, the way-farer (ye meet), And what your right hands possess : for God loveth not the arrogant, the vainglorious[109]. "What your right hands possess", refers to one's slaves. God Almighty ordains the kind treatment of slaves in the same verse where He commands man to worship Him and to treat his parents, relations and neighbours generously, and this signifies the importance of this ruling.

The Prophet Muhammad, blessings and peace be upon him, said : "Fear God in your treatment of slaves". He also said that the Angel Gabriel had recommended kind treatment of slaves so often that he believed that servants and slaves should not be treated as such. The Prophet Muhammad, blessings and peace be upon him, said: "He who owns a slave must allow him to partake of the same food that he eats and clothe him with the same kind of clothes that he wears".

When the Caliph `Omar ben Al Khattab travelled with his slave to Jerusalem to negotiate with the Patriarch concerning the surrender of the town, after the army

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[108] Surah IX, verse 60.
[109] Surah IV, verse 36.

of Abu `Ubayda ben Al Jarah had besieged it, he went with only one camel. `Omar the Caliph and his slave took turns in riding the camel and as they approached Jerusalem, it was the slave's turn to ride the camel. The Caliph `Umar bn Al Khattab was not embarrassed by the fact that his slave rode ahead of him on the camel and that he followed him on foot as they entered Jerusalem.

On another occasion, in Mecca, `Umar bn Al Khattab saw a group of slaves standing while their masters were eating their meal. Enraged, `Omar told their masters that they should treat their slaves as they treat themselves and he commanded the slaves to eat from the same bowl with their masters.

The Faith of Islam prohibited people from treating their slaves harshly, and some schools of jurisprudence ruled that the slave that had been treated cruelly by his master was entitled to be liberated. In such a situation, the person in authority would order that the slave be emancipated and that his master be dof his ownership.

The son of `Umar bn Al Khattab said that he had heard the Prophet Muhammad, blessings and peace be upon him, say that whoever beats his slave must liberate him as expiation for his sin.

The Faith of Islam also protected slaves from people who were not their masters, and if a slave was attacked, the penalty would usually be the same penalty as that of attacking a free man. Even in the event of a free man murdering a slave, his penalty would be the same penalty for murdering a free man. Abu Hanifa supported this opinion by the following Quranic verse "We ordained therein for them : `Life for life..."[110]

Islam did not deprive slaves of all civil rights as was the case with other faiths. It granted them certain humane rights such as the right of a slave to have a family. A slave, according to the Faith of Islam, had the right to marry a female slave or a free woman. Similarly a female slave had the right to marry a slave or a free man. They were entitled to the same terms and marriage contract by which free people were married, apart from the fact that the master of the slave or the female slave had the right to supervise their marriage contract.

No religion prior to Islam granted slaves the right to marry and raise a family in the legal sense of the term. The relationship between male and female slaves before the advent of Islam and even after its advent according to the laws of other religions, was not a marriage relationship. The masters of the slaves chose their mates for them for the express purpose of increasing their offspring and accordingly increasing the number of their slaves, in the same way animals are reared and bred. [111]

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[110] Surah V , Verse 45.
[111] Dr. Ali Abdel Wahid wafi, The story of Ownership in the world, p.78...

In other religions, intermarriage between slaves and free men and women, was prohibited. If a free woman married a slave, she would be sentenced to a severe punishment which in many cases was the death penalty.

The Faith of Islam granted the slave the right to divorce his wife whereas his master was not granted the right to divorce the slave's wife. It has been related [112] that a slave complained to the Prophet, blessings and peace be upon him, that his master had married him to his female slave, and then had wanted to divorce her from him. The Prophet, blessings and peace be upon him, ascended the pulpit and addressed the people saying that the right of divorce is the right of the husband alone and not the right of his master.

The Faith of Islam is therefore a faith that is based upon the principle of the equality and freedom of all human beings, and aims at promoting the welfare of the human race.

[112] Related by Ibn Maja through Ibn Abbas.