

ISLAM

ITS BELIEFS AND PRACTICES

An Introduction to the Study of the Religious Beliefs
and Practices of the Muslims



BY
JOHN A. SUBHAN, B.A., B.D.
of the
METHODIST EPISCOPAL CHURCH
Lecturer
THE HENRY MARTYN SCHOOL OF ISLAMICS
LANDOUR
AUTHOR OF "SUFISM ITS SAINTS & SHRINES."

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PREFACE

This little manual is intended for the guidance of students of Islam. Its purpose is to give a brief and objective account of the religious life of a Muslim. Those who intend to take up the study of Islam for the *first time* would do well to read Dr. M. T. Titus', *Islām for Beginners*,⁽¹⁾ before attempting this book. Next, they can profitably take up the study of *The People of the Mosque*⁽²⁾ by the Rev. L. Bevan Jones. The study of these three books, it is hoped, will give sufficient introductory knowledge of the religious life of the Muslim for the average student.

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J. A. S.

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To
F. W. STEINTHAL

In grateful remembrance of the days when I was a
seeker after truth and he guided me to the precious know-
ledge of Him who is "the Way, the Truth, and the Life."

CHAPTER I.

The Foundations of Faith.

ISLAM is the name of the religion founded by Muḥammad. The word is derived from *Slm* to resign, surrender, submit oneself, and Islam its infinitive form means the act of submission and of resignation of oneself. One who professes Islam is a Muslim (pl. *Muslimīn*), resigned. According to the interpretation of the modern Muhammadans the word Islam also means the religion of peace. It is said to be the religion of all the prophets from Adam down to Muḥammad. The true religion with Allah is Islam (3: 17), "He who desireth any other religion than Islam that religion will not be accepted of him and in the next world he shall be lost (3: 79)."

The following terms are also used to designate religion:—

1. *Dīn*: means religion as it stands in relation to God.
2. *Millat*: means religion in relation to prophets.
3. *Madhhab*: means religion in relation to founders of religious system of Islam.

Muslim doctors treat of the various subjects of Islam under two general divisions:—

1. The Theoretical or Dogmatical part, which deals with the articles of faith, foundations of religion (*uṣūlu'd-dīn*), the Science of the Unity of the Godhead (*'Ilmu't-Tawḥīd*), the Science of the Articles of Belief, or Dogmas (*'Ilmu'l-'Aqā'id*) and the Scholastic Theology (*'Ilmu'l-Kalām*).

2. The Practical part: It consists of precepts and commandments to be obeyed, rules and customs to be observed and duties to be fulfilled. It is generally called *Fiqh* or *'Ilmu'l-Fiqh*, Science of Jurisprudence.

1. The Theoretical Part.

This part treats of all the articles of faith which every true Muslim must believe. The forms of the confession of faith are as follows:—

- I. *Kalima* (lit. a word, formula), is of two kinds.
- i. *Kalima-i-tayyibah*, sacred formula: There is no god but Allah and Muḥammad is His apostle.
 - ii. *Kalima-i-shahādat*, the *kalima* of witness, or *Tashahhud*, witnessing: "I bear witness that there is no god but Allah and I bear witness that Muḥammad is His apostle." Because of its twofold witness it is also called *Shahādatayn*, two testimonies.

None of these *Kalimas* occurs in the Qur'ān in its complete forms. The first part of the first *Kalima* is in 47:21, and the second part is in the 48:29. The first part of the first sentence of the *Kalima-i-Tayyibah* is called *Nafī*, negation, "There is no god." The second part of it is called *Ithbāt*, affirmation, "but Allah." Its recital admits an infidel (*Kāfir*) to the Muslim community. When a man repeats this formula he accepts the will of God as revealed through His apostles from the beginning of the world and the last of

these prophets is Muḥammad in whom all former revelations are summed up.

- II. *Imān*, faith, is an extended form of confession of faith and is divided as follows:—

- i. *Imān-i-Mujmal*, the Brief Confession of Faith, "I believe in God, His Names and Attributes and I accept all His commandments."
- ii. *Imān-i-Mufaṣṣal*, the Detailed Confession of Faith, "I believe in God, His angels, His books, His apostles, the last day and the day of resurrection and the predestination of good and evil."

The Articles of Faith.

The articles of Muslim faith, which are six in number, are derived from *Imān-i-Mufaṣṣal*, the Detailed Confession of Faith. They are known as the Attributes of Faith (*Ṣifātu'l-Imān*) or the Pillars of Faith (*Arkānu'l-Imān*). They are: Belief in (1) Allah, (2) Angels, (3) Books, (4) Prophets, (5) the Last day and the resurrection of the dead and (6) Predestination of good and evil.

- (1) God: Belief in God comprises the following points:

(a) The teaching concerning the Names of God.

- i. The name of His essence (*Ismu'dh-Dhāt*) is Allah. It is derived from *ilāh*, a deity or god, with the addition of the definite article *al* it is formed Allah, the God.
- ii. The Exalted Name of God (*Ismu'l-A'zam*), which is generally believed to be known only to the prophets and saints. It is very probable that it refers to the great name of Jehovah, the superstitious reverence for which on the part of the Jews

must have been well known to Muḥammad.

- iii. Names of God's Attributes (*Asmā'u's-Ṣifāt*). Ninety-nine such names are called *Asmā'u'l-Husna* (The Excellent Names). The expression occurs in the Qur'ān (7:179). Muḥammad said, "Verily, there are ninety-nine names of God, and whosoever recites them shall enter into Paradise."

The Attributes of God as expressed in the ninety-nine names, are divided into the *Asmā'u'l-Jamāliyah* the Glorious Attributes, and the *Asmā'u'l-Jalāliyah*, or the Terrible Attributes. Such names as *ar-Raḥīm*, the Merciful, *at-Tawwāb*, the the Receiver of Repentance, belong to the former; and *al-Qawī*, the Strong, *al-Muntaqim*, the Avenger, to the latter.

- (b) The Doctrine of God: This is an important part of the theoretical teaching of Islam.

It may be dealt under the following heads:

- i. The doctrine of God as developed by the learned doctors of the Ash'arite School of the Sunnī sect. This comprises the following divisions:—

1. The doctrine of the Essence (*dhāt*) of God which deals with the following points: existence of God, His existence from eternity and for ever, His being neither substance nor body nor accident, His not being tied to

space, nor resting in a place, and His being seen at the last day.

2. The doctrine of the Attributes (*Ṣifāt*) of God deals with the following points: God is omnipotent, omniscient, living, endued with a will, and that He sees, hears and speaks. The speech of God is eternal like all His other attributes. God knows by knowledge, lives by life, is omnipotent by reason of His omnipotence, wills by will, speaks by speech, hears by hearing, and sees by sight.
3. The Doctrine of the Works of God (*Af'ālu'llāh*) deals with the following points: Everything that exists and takes place in the world is God's doing and creation. He has created man and his actions (37:94). God has the right to require of His creatures more than they are able to perform. God has the right to inflict pain and punishment on His creatures without any guilt on their part, and without bestowing on them reward afterwards. God is the absolute Sovereign over all His creatures, and cannot, therefore, be accused of acting unjustly towards them, howsoever He may deal with them, as every possessor of an object is forced to do with his own property as he likes. God has the right to deal with His creatures as He wills and is not

bound to take into consideration what is best for them. Nothing can be said to be incumbent on God. His will is the sole rule for His dealing, He is not responsible to any one for what He does.

- ii. The doctrine of God as given by Muḥammad al-Fudali and by Abū 'Abdullah Muḥammad Yūsuf al Sunūsī (c. 1489-90 A. D.) and is essentially Ash'arite though it gives a somewhat different classification of the attributes of God. "The judgment of reason comprises three classes of things, viz., those that are (1) Necessary (*Wājib*). (2) Impossible (*Mustahil*). (3) Possible (*Jā'iz*). Every responsible (*Mukallaf*) is bound to know what it is necessary, possible and impossible to ascribe to God." The following is a list of the attributes of God of which twenty are necessary in God and twenty are impossible in Him and some which are possible.

(a) The Necessary Qualities in God:

i. An attribute of essence (*ṣifāt-i-nafsiya*).

1. Existence, (*Wujūd*).

ii. Privative or Negative attributes (*ṣifāt-i-salbiya*).

1. Priority (*qidam*) which means that there was no beginning to His existence.
2. Continuance (*baqā*) which means that there is no end to His existence.
3. His being distinct from created things (*mukhālifa*).
4. His self-subsistence (*qiyām bin-nafs*).

5. God is Unity (*waḥdāniya*). "It is unity in essence and qualities and acts in the sense of absence of multiplicity. The unity in essence denies both internal quantity (*kamm muttaṣil*) and external quantity (*kamm munfaṣil*). Oneness in qualities negates quantity in them internally and externally. Internally it means that He has not two qualities agreeing in name and meaning, like two Powers or two Knowledges, etc. Externally it means that no one has a quality resembling a quality of God. The meaning of God's Oneness in acts is that no created thing possesses an act, for God is the creator of the acts of created things, prophets, angels and the rest. God it is who is the creator of all acts. What comes from you by way of movement of the hand, when you strike Zayd, for example, is by the creation of God. He has said (Qur'ān 37: 94), "God created you, and what you do."

And from this proof it may be known that there is no impression, by fire or a knife or eating, upon anything, consisting of burning or cutting or satiety, but God makes the being burnt in a thing which fire touches, when it touches it, and being cut in a thing with which a knife is brought into contact, when it is brought into contact with it, and satiety in eating and

satisfaction in drinking. And he who holds that fire burns by its nature (*ṭab'*), and water satisfies by its nature, and so on, is an unbeliever (*kāfir*) by agreement (*ijmā'*)."

iii. Ideal or Thought Qualities (*Ṣifāt-i-Ma'ānī*) as opposed to active qualities. Sometimes these are also called Essential Attributes.

1. Power (*qudra*). 2. Will (*irāda*). 3. Knowledge (*'ilm*). 4. Life (*ḥayāt*). 5. Hearing (*sam'*). 6. Seeing (*baṣar*). 7. Speech (*kalām*).

iv. Qualities derived from ideas (*Ṣifāt-i-Ma'nawiya*), by way of derivation from the "Thought Qualities," because they are inseparable from these qualities in a thing eternal, and proceed from them in a thing originated, according to the classification.

1. God's being Powerful (*kawn qadīr*). It is a quality subsisting in His essence, not an entity and not a non-entity. It is not Power, but between it and Power is a reciprocal inseparability.
2. God's being a Willer (*kawn murīd*).
3. God is a Living One, (*ḥayy*).
4. God is a Hearer, (*samī'*).
5. God is a Seer (*baṣīr*).
6. God is a Speaker (*mutakallim*).

(b) Attributes which it is impossible (*mustahīl*) to ascribe to God. These express the opposites of the twenty above.

- (1) Non-existence (*al-'adam*). (2) Origin (*ḥudūth*).

- (3) Transitoriness (*fanā*). (4) Resemblance (*mumāthala*).
- (5) Having need of a locus (*iḥtiyāj ila maḥal*).
- (6) Multiplicity (*ta'addud*). (7) Weakness (*'ajz*).
- (8) Want of will (*'adamu'l-irāda*). (9) Ignorance (*jahl*).
- (10) Death (*mawt*). (11) Deafness (*ṣamam*).
- (12) Blindness (*'ama*) (13) Dumbness (*ḵharas*).
- (14) Being Weak (*kawn 'ajiz*). (15) Being an Unwilling (*kawn 'adamu'l-irādah*).
- (16) Being an Ignorant One (*kawn jāhil*).
- (17) Being a Dead One (*kawn mayyit*).
- (18) Being a Deaf One (*aṣamm*).
- (19) Being Blind (*a'ma*).
- (20) Being Silent (*abkam*).

N. B.—In the opinion of al-Ash'ari Existence is not an attribute but the identity (*'ayn*) of an entity. According to the view of some the Qualities are thirteen in number, because the seven derived qualities—God's being Powerful, etc., drop out. Thus when the seven derived qualities drop out from the twenty necessary qualities, seven drop also from the opposites, and there is no quality called, Being Weak, etc., and there is no need to number these among the im-

possibilities. So, the impossibilities are thirteen also; at least, if existence is reckoned as a quality.

(c) Attributes which it is possible to attribute to God.

- (1) It is possible for God to create good and evil, to create Islam in Zayd and unbelief in Amr, knowledge in one of them and ignorance in the other.
- (2) The belief is also incumbent that God may be seen in the other World by believers, for He has joined the seeing of Him with the standing fast of the mountain in His saying: "Look upon the mountain, and if it remains steady in its place, thou shalt see me." (7: 139).
- (3) To that which is possible in God belongs also the sending of a number of prophets.

II. Belief in Angels.

The belief in angels is the second article of the Muslim faith. The Muslim term, *Malā'ika*, for angels covers three distinct orders of beings: (1) Angels (2) Jinn (3) Devils.

- (1) Angels: Angels are beings endued with subtle bodies created of light. They are endowed with life, and speech and reason. They neither eat nor drink, and in them there is no distinction of sexes and, therefore, they do not propagate their species. They are sanctified from carnal desires and disturbance from anger; they disobey not God in what He hath commanded them, but do what they are

commanded. Their dwelling place, as a rule, is heaven; their chief work consists in praising God day and night and in executing His orders. They intercede for man: "The angels celebrate the praise of their Lord, and ask forgiveness for the dwellers on earth." 42: 3.

Some of the angels mentioned in the Qur'ān and the Tradition are as follows:

(a) The four archangels:

1. *Jibrā'il* (Gabriel), the angel of revelation. He is twice mentioned in the Qur'ān by name, 2: 91; 66: 4. In other places he is mentioned without name but with titles; 2: 81, 254; 5: 109; 16: 104; 26: 193; 53: 5.
2. *Mikā'il* (Michael). He is once mentioned in the Qur'ān in chapter 2: 92. Al-Bayḍāwī says that a Jew named 'Abdullāh ibn Suriya objected to Muḥammad's assertion that Gabriel revealed the Qur'ān to him, because he was an avenging angel, and said that if it had been sent by Michael, their own guardian angel, they might have believed. This assertion called forth the above revelation. He is in charge of rain and of providing food to all the creatures. He is also regarded as the patron of Israel.
3. *Isrā'īl*. He will sound the trumpet at the last day and on the day of Resurrection. His name does not occur in the Qur'ān.
4. *'Izrā'il*, also known as the angel of death (*Malaku'l-Mawt*). He is said to be terrible in appearance, so large that his

head is high in heaven opposite the Preserved Tablet, and his feet in the deepest regions under the earth; to a believer, however, he appears in a pleasing shape. See Qur'ān 32: 11. 6: 93.

- (b) Kirāman Kātibin, the two illustrious writers. The two recording angels one on each shoulder of every person. Qur'ān 82: 43: 80.
 - (c) Munkar and Nakir: "The Unknown" and "The Repudiating". The two angels who are said by Muḥammad to visit the dead in their graves and to interrogate them as to their belief in the prophet and his religion.
 - (d) Mālik: Lit. One in authority. The angel who is said to preside over hell, and superintend the torments of the damned. Qur'ān 43: 77.
 - (e) Zabāniyah: Lit. Guards. The angels in charge of hell, of whom Mālik is said to be the chief. Qur'ān 96: 17, 18.
- Qur'ān also mentions nineteen angels who are in charge of the punishment of the damned, see 74: 30, 31.
- (f) Ridwān: The name of the angel in charge of paradise.
 - (g) Sijjil: The angel who has the charge of the register of the fate of mankind. Qur'ān 21: 104.
 - (h) Ḥamalatul-'Arsh: The Bearers of the Throne of God. They are said to be at present four, but will on the day of resurrection be strengthened by an additional four who will bear the Throne of God above them. Qur'ān 40: 7; 69: 17.

- (i) Ḥifẓatun: Guardian angels: these angels continually attend men to guard them from dangers and such calamities, as are not decreed by God. Qur'ān 6: 61; 86: 4.
- (j) Hārūt and Mārūt: Two angels who, in consequence of their complaints for the sin of mankind were sent down to earth to be tempted. They both sinned by falling in love with a woman. They were permitted to choose whether they would be punished now or hereafter, they preferred to be punished in this world and consequently are suspended by their feet in a rocky pit at Babel. Qur'ān 2:96.

- (2) Jinn: The belief in Jinn is based on the teaching of the Qur'ān. They are especially mentioned in chapter 72. They are peaceable by nature. They eat and drink, and propagate their species, sometimes in conjunction with human beings; in which latter case, the off-spring partakes of the nature of both parents. In all these respects they differ from the angels. Some of the Jinns are said to be Muslims, and others infidels.

The tradition says that God created Jinn of smokeless fire (Qur'ān 15: 27) some two thousand years before Adam. They are said to appear to mankind most commonly in the shapes of serpents, dogs, cats, or human beings. In the last case they are sometimes of the stature of men, and sometimes of a size enormously gigantic. If good, they are generally resplendently handsome; if evil, horribly hideous. They become invisible at pleasure or suddenly disappear in the earth or air, or through a solid wall.

Many Muslims in the present day profess to have seen and held intercourse with them.

No man, it is said, ever obtained such absolute power over the Jinn as Sulaymān (Solomon). This he did by virtue of a most wonderful talisman. It was a sealing ring, upon which was engraved "The most great name of God" (Ismu'l-A'zam). Over them he had unlimited power, as well as over the birds and wind. Many of the evil Jinns he converted to the true faith, and many others of this class, who remained obstinate in infidelity, he confined in prisons. He compelled the Jinn to assist in building the temple at Jerusalem. It is said that Solomon preceiving that he must die before the temple was completed, he prayed God to conceal his death from them lest they should relinquish the work when no longer compelled to keep to it by fear of his presence. This prayer was granted and Solomon, who died while resting on his staff, remained in this position for a year without his death being suspected, until a worm having eaten away his staff it broke, and the corpse fell to the ground, thus revealing the fact of his death. See Qur'ān 34: 16, see also notes on this verse in Palmer: Qur'ān p. 368.

- (3) Shayāṭīn or Devils: They are the demon hosts of of Shayṭān or Iblīs (Iblīs means despair, it is given to Shayṭān for he has despaired of God's mercy). The original name of Shayṭān was 'Azāzil. The following is an account of Iblīs as given by Muslim writers: "It is related in histories that a race of Jinn in ancient times, before the creation of Adam, inhabited the earth, and the favours of God were multiplied upon them. They eventually transgressed and made wickedness to abound in the

earth; whereupon God sent an army of angels against them who took possession of the earth, and drove away the Jinn to the regions of the islands, and made many of them prisoners. One of these prisoners was 'Azāzil, at that time he was young; he grew up among the angels (and probably he was called one of them), and became learned in their knowledge, and assumed the government of them; and his days were prolonged until he became their chief. Thus it continued for a long time, until the affair between him and Adam happened. It was the occasion when God said: "Adore Adam and they adored, save Iblīs, who was not of those who did adore." Qur'ān 7: 12.

Iblīs we are told by another authority, was sent as a governor upon the earth, and judged among the Jinn a thousand years, after which he ascended into heaven, and remained employed in worship until the creation of Adam.

Shayṭān and his companions, it is said, had liberty to enter any of the seven heavens, till the birth of Jesus, when they were excluded from three of them. On the birth of Muḥammad, they were forbidden the other four. They continue, however, to ascend to the confines of the lowest heaven, and there listening to the conversation of the angels respecting things decreed by God, obtain knowledge of futurity, which they sometimes impart to men, who by means of talismans or certain invocations make them to serve the purposes of magic. It is a belief among Muhammadans that when the devils listen at the gate of heaven for scraps of the knowledge of futurity, and are detected by the angels they are pelted with shooting stars. It is for this reason

that Satan is called "the pelted one" (rajīm). See Qur'ān 3: 31.

III. Belief in Books.

Belief in Books is the third article of the Muslim faith. It enjoins upon every Muslim to believe in the divinely inspired Books which God has sent down from time to time to men, through his apostles: "We believe in God and what has been revealed to Abraham and Ishmael and Isaac and Jacob and the tribes, and what was brought unto the prophets from their Lord: and we will not distinguish between any of them, and unto him are we resigned." (2: 130). Also see 2: 83, 89; 4: 135; 5: 47, 70, 72.

The number of inspired writings is said to have been one hundred and four. Four of these were books (*Kutub*, sing. *kitāb*) and the rest are regarded as portions or sheets called *Ṣuḥuf* (Sing. *Ṣaḥifa*). They were as follows:

Adam	received	10	portions
Seth	received	50	„
Idris	received	30	„
Abraham	received	10	„
Moses	received	the Torah	
David	received	the Zabūr (Psalms)	
Jesus	received	the Injil (Gospel)	
Muḥammad	received	the Qur'ān.	

In spite of the testimony of the Qur'ān to the Scriptures of the Jews and Christians, which are very many, Muslims reject the authenticity of these books on the following grounds:

1. *Taḥrīf*: Corruption, it refers to the charge brought by Muhammadans against the Jews and Christians of corrupting their Scriptures. The famous Commentator of the Qur'ān, Imām Fakḥru'd-Dīn Rāzī in

his Commentary, *Tafsīr-i-Kabīr*, says: "Taḥrīf means to change, alter, or turn aside anything from the truth". Muslim divines say there are two kinds of *taḥrīf*, namely, *taḥrīf-i-Ma'nawī*, a corruption of the meaning; and *taḥrīf-i-lafzī*, corruption of the words. In the opinion of the majority of the Muslim scholars it is only the corruption of the meaning that can be said to have taken place in the previous Scriptures. Imām Bukḥārī records that Ibn 'Abbās said that "the word *taḥrīf* signifies to change a thing from its original nature; and that there is no man who could corrupt a single word of what proceeded from God, so that the Jews and Christians could corrupt only by misrepresenting the meaning of the words of God."

2. *Tansīkh*: Abrogating, which means that by the advent of the Qur'ān the former Scriptures are abrogated. Thus the former Scriptures are *Mansūkh*, abrogated, while the Qur'ān is their *Nāsikh*, abrogator. This view finds no support in the Qur'ān. The term *nāsikh* is used in the Qur'ān with reference to one passage of it being cancelled by another. See Qur'ān 2: 100.

The Doctrine of Inspiration.

Two words are used for the expression of inspiration:

1. *Ilhām*, Internal inspiration, is that which Muḥammad received by thought and analogical reasoning or "by the light of prophecy". It is also called *Waḥī Bāṭin*, Internal inspiration, or *Waḥī ghayr matlū*, unrecited inspiration. The inspiration of Tradition is of this nature.
2. *Waḥī*, sometime called *Waḥī Zāhir*, External Inspiration, to distinguish it from the former, *Ilhām*. This

was the mode of inspiration which he received from the mouth of the angel Gabriel, and reached his ear. It is also called *Waḥī matlū*, the recited inspiration.

The Inspiration of the Qur'an.

Waḥī is the only kind of inspiration admitted to be in the Qur'an. It is defined to be the Word of God in the following way:

"The Qur'an is the Word of God, and is His inspired word and revelation. It is necessary attribute of God. It is not God, but still it is inseparable from God. It is written in a volume, it is read in a language, it is remembered in the heart, and its letters and its vowel points and its writings are all created, for these are the works of man, but God's word is uncreated. Its words, its writings, its letters and its verses are for the necessities of men, for its meaning is arrived at by their use, but the Word of God is fixed in the Essence of God, and he who says the Word of God is created is an infidel." (Imām Abū Ḥanīfa, *Kitābu'l-Waṣīyyat*).

IV. Belief in Prophets.

Commenting on this article of faith an-Nasafi says: "God has sent Apostles of flesh unto flesh with good tidings, warning and explaining to men the things of the world and of the faith, of which they have need. The first of the Prophets was Adam and the last is Muḥammad." Two expressions are used for a prophet: *Nabī* and *Rasūl*. A *Nabī* is one who is directly inspired and has only a general commission to teach and guide, and is not sent with a special dispensation, nor with a book. A *Rasūl* is one who is directly inspired and is sent with a special dispensation and a book.

There is a difference of opinion as to the number of prophets. According to one saying of Muḥammad their number is said to have amounted to one hundred and twenty-four thousand, and according to another they are said to have amounted to two hundred and forty thousand, and there is yet a third statement according to which their number is said to have been one hundred thousand. But the general belief as to the number of the prophets is stated by an-Nasafi in the following words: "A statement of their number has been handed down in several traditions, but the more fitting course is that there should be no limiting to a number in naming them."

Of the large number of prophets only 315 are said to have been apostles (*Rasūl*). Nine of these apostles are known as *Olu'l-'Azm*, Possessors of Constancy, viz., Noah, Abraham, David, Jacob, Joseph, Job, Moses, Jesus and Muḥammad.

Some of these apostles have special titles, e.g.,

Adam	is called	<i>Ṣafīu'llāh</i> ,	the Chosen of God
Noah	is called	<i>Nabīu'llāh</i> ,	the Prophet of God
Abraham	is called	<i>Khāḥīlu'llāh</i> ,	the Friend of God
Ishmael	is called	<i>Dhabīḥu'llāh</i> ,	the Sacrifice of God
Moses	is called	<i>Kalīmu'llāh</i> ,	the Conversor with God
Jesus	is called	<i>Kalīmatu'llāh</i> and <i>Ruḥu'llāh</i>	the Word of God and the Spirit of God
Muḥammad	is called	<i>Rasūlullāh</i> ,	the Apostle of God

The Doctrine of the Prophetic Office.

The office of a prophet is a free gift of God. It cannot be acquired by any act of man, however excellent.

The following are the characteristics of the office:

1. What must necessarily be ascribed to the prophets.

2. What it is impossible to ascribe to them.
 3. What it is allowable to ascribe to them.
1. The qualifications which must necessarily be ascribed to the prophets are the following four:

- i. Faithfulness (*amānat*). It means that a prophet must outwardly and inwardly be preserved from the commission of any sinful act. Inwardly a prophet must be free from envy, pride and hypocrisy. As to his total freedom from sin the Muslim doctrine is: "We Sunnis hold that the prophets after the assumption of the prophetic office are absolutely preserved from committing great sins and from committing small sins intentionally.

The Qur'ān, however, mentions several cases of prophets committing sin or at least seeking forgiveness for their sin, *e.g.*,

Adam	2: 29-37; 7: 23, 189-191.
Noah	11: 49; 71: 29.
Abraham	26: 80-82.
Moses	28: 15-16.
Muhammad	40: 57; 47: 21; 48: 1.

- ii. Truthfulness (*ṣidq*). It means their speaking in accordance with the real state of the case, or, at all events, in accordance with what they believe to be the truth.
- iii. Intelligence (*faṭānat*), enabling them to silence the objections of the opponents

and to defend the truth by sound and convincing arguments.

- iv. Delivery of the message (*tabligh*), that is to deliver to those the messages to whom they are sent. God charges them to deliver, and on no account to conceal them.
2. The qualities which are impossible to ascribe to the prophets: It is impossible to ascribe to the prophets attributes opposed to those which have been mentioned as necessary *e. g.*, unfaithfulness, falseness, etc. A prophet as a rule must be a male and not a female, free and not a slave, free from repulsive diseases and defects, taken from mankind and not from jinn or animals.
3. The qualities which are permissible to ascribe to the prophets: It is permissible to ascribe to them such qualities as the power of eating, fasting, sleeping, walking, marrying or abstaining from marriage, and the state of health or sickness.

Miracles of the Prophets.

God has given the prophets power to perform miracles in proof of their mission and the truthfulness in what they deliver to men as a divine message.

The following are characteristics of a true miracle :

1. It must consist in a word, or a deed, or the relinquishing of an act, *e. g.*, the Qur'ān, splitting the moon, the fire not burning Abraham.
2. It must be contrary to custom.

3. It must be performed during the assumption of the prophetic office, or, at all events, only a short time before the same. Miracles performed long before the assumption of the prophetic office, are not called *Mu'jiza*, but *Irhāṣ*, laying foundation. They are signs preceding a prophetic call, laying the foundation for the same. With regard to the miracles of Jesus which he performed when he was a child (19: 30-32), 'Ulema say that these may be considered *Mu'jiza*, because Jesus was a prophet when he was a babe, for he said "And God made me a prophet." (19: 31).
4. It must be in accordance with what the prophet claims to do. If he should claim to divide the sea and instead of this mountain were to be divided, this would not be a true miracle.
5. It must not declare him who assumes the prophetic office to be a liar. If he were to make a dumb animal speak and when the animal spoke it called him a deceiver this would be a proof of his being a false prophet. On the other hand if he was to raise a dead man to life and he declared the prophet to be a deceiver, this would not be a conclusive proof of his being a false prophet, for the man risen from the dead might be an infidel, and purposely chosen to reject the prophet's divine mission.
6. It must be such that it is impossible to contradict, deny or imitate.
7. It must be performed by a person claiming the

prophetic office. This distinguishes a miracle (*mu'jiza*) from an unusual act performed by others who are not prophets. This is classified as follows:

- i. An unusual act performed by a saint (*walī*) is called *Karāmat*, favour.
- ii. An unusual act performed by a wicked man is called *Istidrāj*, deception.
- iii. An unusual act performed by a common man is *Ma'ūnat*, help.
- iv. An unusual act proceeding from a wicked man with the assistance of the devil is called *Ihānat*, contempt.

Miracles of Muhammad.

Muhammad repeatedly and distinctly declared that God had not given him power to perform miracles (17: 92-97; 6: 109-112; 29: 49, 50; 18: 110.) the 'Ulemā, nevertheless insist on ascribing to him a number of miracles, and declare that he who denies the genuineness of such of his miracles as rest on the testimony of an uninterrupted chain of witnesses is an infidel. The greatest of the miracles of Muhammad is said to be the Qur'ān.

The Qur'an and The Prophets.

The following is the list of twenty-eight prophets whose names occur in the Qur'ān:

1. Adam, Adam. 2. Idrīs, Enoch. 3. Nūḥ, Noah. 4. Hūd, Heber. 5. Ṣāliḥ, Methusaleh. 6. Ibrāhīm, Abraham. 7. Ismā'īl, Ishmael. 8. Ishāq, Isaac. 9. Ya'qūb, Jacob. 10. Yūsuf, Joseph. 11. Lūṭ, Lot. 12. Mūsā, Moses. 13. Hārūn, Aaron. 14. Shu'ayb, Jethro. 15. Zakariya, Zacharias. 16. Yaḥyā, John the Baptist. 17. 'Isā, Jesus. 18. Da'ūd, David. 19. Sulaymān, Solomon. 20. Ilyās, Elijah. 21.

Alyasa'. Elisha, 22. *Aiyūb*, Job. 23. *Yūnus*, Jonah. 24. *'Uzayr*, Ezra. 25. *Luqmān*, Aesop. 26. *Dhu'l-Kifl*, Isaiah or Obadiah. 27. *Dhu'l-Qarnayn*, Alexander. 28. Muḥammad.

The Belief in The Companions of Muhammad.

It is also necessary to believe in the dignity of the Companions of Muḥammad. Muḥammad said: "God has chosen my Companions before all the worlds, with the exception of the prophets and the apostles." In the Creed by Muḥammad al-Fudali it is stated: "And it is necessary to confess that the Companions (*ṣahāba*) of the Prophet are the most excellent of the generations. Then their followers (*tābi'in*); then the followers of their followers (*tab'i-tābi'in*). And the most excellent of the Companions is Abū Bakr, then 'Umar, then Uthmān, then 'Alī—in this order."

In addition to these there are six next in rank to the four Companions to whom Paradise was expressly promised: Ṭalḥa, Zubayr, 'Abdu'r-Raḥmān bin 'Awf, Sa'd b. Abī Waqqāṣ. Sa'd b. Zayd, Abū 'Ubayda. These with the four Companions are called *'Ashra Mubashshara*, Ten who had the good news (of Paradise). After these come the men who fought at the battle of Badr, three hundred and seventeen fighting men, after them those who fought at the battle of Uḥud, three hundred men, of whose seventy were martyrs. After these in rank come "The Covenanters", i. e., the fourteen-hundred men who accompanied him on his pilgrimage to Mecca, six years after his flight from Mecca to Medina, and made a covenant with him that they would stand by him against the hostile Meccans. They are praised in the Qur'ān (48: 18). After these in rank come the four great Imāms, the guides of the Muslim nation: the Imāms Mālik, Shāfi'i, Abū Ḥanīfa, Aḥmad b.

Ḥanbal. To this class of great Imāms belong also Sufyān ath Thawrī, Abū'l-Ḥasan al-Ash'arī. The four Imāms are the teachers and guides of the nation in the derived institutions (*furū'*) of the law, i. e., *Fiqh*, the Imām al-Ash'arī and those of his kind in the Roots (*uṣūl*) the creed.

V. The Last Day and the Day of Judgment.

It is incumbent on a Muslim to believe in the last day and the Day of Judgment. The graphic description of this is found in the Sūras of the early period of Muḥammad's revelation, e. g., 75. 81: 1-19. 82. 83. 84. The following is the revelation at Medina before Muḥammad's death: 22: 1-7.

The terms used in the Qur'ān for the day of Resurrection are.

Yaumu'l-Qiyāmat,	"Day of Resurrection",	2: 79.
Yaumu'l-Faṣl,	"Day of Decision",	77: 14.
Yaumu'l-Ḥisāb,	"Day of Reckoning",	40: 28.
Yaumu'l-Ba'th,	"Day of Awakening",	30: 56.
Yaumu'd-Dīn,	"Day of Judgment",	1: 3.
Al-Yaumu'l-Muḥīt,	"The Encompassing Day",	11: 85.
As-Sā'a,	"The Hour",	8: 186.

The Signs of the Last Day.

The exact time when the Resurrection will take place no one knows but God (41: 47). The approach of the Last Day, the Hour, may, however, be known from certain signs which are to precede it. These are distinguished as the lesser and the greater signs.

I. The lesser signs (*Ishārāt u's-Sā'at*) are according to some authorities, as many as 500, e. g.,

1. The decay of faith,
2. The advancing of the meanest person to eminent dignity,

3. Tumults and seditions,

4. A great calamity.

II. The Greater Signs: ('*Ālāmātu's-Sā'at*).

1. The appearance of Mahdī, the rightly guided one, concerning whom Muḥammad said that the world would not come to an end, till one of his own family should govern the Arabs and should fill the earth with righteousness.
2. The descent of Jesus which will take place near the white minaret to the east of the Mosque at Damascus at the time of the afternoon prayer. He will break crosses and kill swine.
3. The appearance of Dajjāl, Antichrist. He is said to be one-eyed, and marked on the fore-head with the letters K. F. R. which stand for Kafir, or infidel. He will ride an ass driven like a cloud of smoke.
4. The appearance of a Beast fifty cubits high, a compound of various species, with the head of a bull, the eyes of a hog, the ears of an elephant. It will rise out of the earth in the temple of Mecca and mark the faces of believers and of the infidels, so that every person may be known for what he really is.
5. The appearance of Gog and Magog (Yājuj and Mājuj). These barbarians of whom many things are related in the traditions, will make inroads into the Holy Land, cross the Lake of Tiberias, which the vanguard of their vast army will drink dry, proceed to Jerusalem and there greatly distress Jesus

and His companions, till at His request, God will destroy them. Sūras 21: 95. 18: 93-97.

6. Others of the important signs may be briefly mentioned thus: The rising of the sun from the west, and the appearance of a mighty smoke which will remain on earth for forty days, and the destruction of the Ka'ba by the Abyssinians and the removal of the Qur'ān from the books and the memory of people, and the inhabitants of the earth becoming infidels.

The Sounding of the Trumpet.

When the Signs are fulfilled the angel Isrāfil will sound the first Trumpet. It will cause consternation and hence is called the Blast of Consternation.

The second Blast which will cause the death of all creatures, is called the Blast of Examination.

The third Blast, is called the Blast of Resurrection. All creatures are said to remain for the space of forty years in the state of death between the first and the last Blast of Trumpet.

The Judgment.

The Judgment will consist of the following:

- a. The presentation before God.
- b. Giving of the books of the account.
- c. Questioning.
- d. The account (Ḥisāb).
- e. The weighing in the balance (mizān).
- f. Crossing the bridge (ṣirāt).

The Seven Stories of Hell:—15 44.

1. Jahannam, 19: 72, purgatorial hell for Muslims.

2. Lazā, 98: 5, a blazing fire for Christians.
3. Ḥuṭama, 104: 4, intense fire for Jews.
4. Sai'r, 4: 11, flaming fire for Sabians.
5. Saqar, 54: 47, scorching fire for the Magi.
6. Jaḥīm, 2: 113, huge hot fire for the idolators.
7. Hāwiya, 101: 8, bottomless pit for the hypocrites (munafiqin).

For further description of hell see 39: 71; 67: 8; 40: 52; 37: 60-64; 44: 43, 44; 56: 51-53; 38: 57; 14: 19; 74: 26-34; 88: 1-7; 78: 21-30.

Over each of the gates of these stories is set a guard of angels (39: 71; 67: 8), whom the damned will beg in vain to intercede for them with God that they may be relieved from their torments or annihilated (40: 52). Over these guards is set as chief, Mālik. The food of the damned is a bitter fruit called Zaqqūm (37: 60-64; 44: 43-44; 56: 51-53), their drink is hot, stinking water, mixed with puss (38: 57; 14: 19).

Eight Paradises:—

1. Jannatu'l-Khuld. The Garden of Eternity, 25: 16.
2. Dāru's-Salām. The Dwelling of Peace, 6: 127.
3. Dāru'l-Qarār. The Dwelling which abideth, 40: 42.
4. Jannatu'l-'Adan. The Garden of Eden, 9: 73.
5. Jannatu'l Māwā. The Garden of Refuge, 32: 19.
6. Jannatu'n Na'im. The Garden of Delight, 5: 70.
7. 'Illī-yūn. High Places, 83: 18.
8. Firdaus. The Garden of Paradise, 18: 107.

In Paradise there are upper apartments, palaces consisting of one single pearl, in every palace seventy houses, in every house seventy rooms, in every room seventy beds and on every bed a Hourī. There are also tables, dishes and girls to serve. Paradise is a shady

place (4: 60) full of sweet perfumes and no one there suffers from fatigue (35: 32). In it there is a tree called Sidratu'l-Muntahā and delicious fruits and other kinds of food. The occupants of the lowest place in Paradise will be feasted on the liver of the great fish and the ox of Paradise. Rivers of sweet-smelling water, milk, wine and clarified honey flow from the mountains of musk. One of these is Kauthar (47: 16, 108).

The blessed in Paradise are dressed in clothes of the finest silk and brocade, with silver and gold bracelets on their arms, and crowns of inlaid jewels and shining pearls on their heads (18: 30; 44: 53; 76: 21-22; 35: 30-32); they will rest on beds of silk (88: 13; 15: 47; 37: 43; 52: 20; 56: 15). The tents in which they live are each made of one large pearl.

They have wives whom no stranger ever sees and who never look at any man but their own husbands, and who are pure, that is, free from the infirmity common to women (2: 23; 3: 13; 4: 16). Every believer (none of them will be unmarried) will have, besides other wives and Houris, two wives so beautiful and transparent that he will see the marrow of their bones behind the seventy magnificent dresses which they wear, and will see his face in their cheeks as in a mirror. Besides these, he will have four thousand virgins, and eight thousand women who have already been married, and 500 Houris having the white of the eye intensely white and the black intensely black (55: 72; 36: 55).

It is a controverted question whether women will conceive and bear children in Paradise. The best authorities are of opinion that children will be born to those who desire it, but their conception, birth, weaning and growth into youthful age all will take place within the space of an hour. Music will be provided

for those who like it, horses for those who wish to ride, camels, fields, in short, "Things which eye saw not and which did not enter into the heart of man."

Among these there is also said to be a tree called *Ṭūbā*, not mentioned in the Qur'ān, on which grow precious jewels and fine clothes. On entering Paradise believers will be youthful looking creatures, beardless, 36 years of age and they will grow neither older nor younger.

The highest delight, however, is said to be referred to in 10: 27 which is said to have a reference to the vision of God when He will be seen face to face. Muḥammad said, "You will see your Lord as you see this moon."

VI. Belief in Predestination.

The faith in predestination is thus described:

Faith in the decrees of God, is that we believe in our heart and confess with our tongue that the most High God hath decreed all things, so that nothing can happen in the world whether it concerns the condition and operations of things, or good and evil, or obedience and disobedience, or faith and infidelity, or sickness and health, or riches and poverty, or life and death, that is not contained in the written tablet of the decrees of God. The orthodox Muslims are divided in the following three Schools of faith on the question of predestination:

- (1) JABARIYA: From the word *Jabar* meaning compulsion. They deny all free agency in man and say that man is necessarily constrained by the force of God's eternal and immutable decree to act as he does. They hold that as God is the absolute Lord, He can, if He so wills, admit all men into Paradise or cast all into hell.
- (2) QADARIYA: They deny *al-qadar* or God's absolute

decree. They say that evil and injustice ought not to be attributed to God, but to man who is altogether a free agent.

- (3) ASH'ARIYA: It is a branch of Jabariya. According to the teaching of this school the movements and the will of men are created by God and predestinated by Him but they are created in such a manner that at the same time they are *acquired* by him. This doctrine is called *kasb*, acquisition. This doctrine is explained in the following words by Dr. Macdonald: "Man cannot create anything; God is the only creator. Nor does man's power produce any effect on his actions at all. God creates in His creature power (*qudra*) and choice (*ikhtiyār*). Then He creates in him his action corresponding to the power and choice thus created. So the action of the creature is created by God as to initiative and as to production; but it is *acquired* by the creature. By acquisition (*kasb*) is meant that it corresponds to the creature's power and choice, previously created in him, without his having had the slightest effect on the action. He was only the *locus* or subject of the action. In this way al-Ash'arī is supposed to have accounted for free-will and entail responsibility upon men."

The Ash'arite school is recognised by the orthodox Sunnīs and is the most widely accepted doctrine at the present time. The Qadarite view was that of the Mu'tizilites, the early rationalists of Islām. The following are arguments as used by the Ash'arites and Qadarites in support of their doctrines:

Ash'arite objections to the Qadarites.

- (1) If a man is the cause of an action by the force of his

own will, then he should also have the power of controlling the result of that action.

- (2) If it be granted that man has the power to originate an act, it is necessary that he should know all acts, because a creator should be independent in act and choice. Intention must be conditioned by knowledge.
- (3) Suppose a man wills to move his hand and God at the same time wills it to be steady then if both intentions come to pass there will be a collection of opposites (*Ijtimā'-i-diddayn*), if neither a removal of opposites (*Irtifā'-i-diddayn*), if the exaltation of the first, an unreasonable preference (*Tarjih-i-bilā murajjih*).
- (4) If a man can create an act, some of his works will be better than some of the works of God, e.g., a man determines to have faith, now faith is a better thing than reptiles created by God.
- (5) If a man is free to act, why can he not make at once a human body, why does he thank God for grace and faith?
- (6) They quote also Qur'ānic evidences in support of their view: 37: 94; 16: 38; 58: 22; 6: 150; 11: 120; 6: 39.

Qadariya objections to Ash'ariya.

- (1) If a man has no power to will or to do, then what is the difference between praising God and sinning against Him, between faith and infidelity, good and evil. What is the use of command and prohibition, reward and punishment, promises and threats and what is the use of prophets, books, etc.
- (2) Some acts of man are bad such as tyranny or polytheism. If these are created by God, it follows

that to tyrannise and to ascribe plurality to God is to render obedience.

- (3) If God decrees the act of man He should bear the name of that which He decrees. Thus the causer of infidelity is an infidel.
- (4) If infidelity is decreed by God He must will it, but a prophet desires faith and obedience, and so he is opposed to God.
- (5) They also quote Qur'ānic evidences in support of their view, e.g., 53: 32; 40: 43; 18: 28; 6: 149.

A Philosophical Explanation of Taqdir.

"We are free to act in this way or that, but our will is always determined by some exterior cause. For example, we see something which pleases us, we are drawn to it in spite of ourselves. Our will is thus bound by exterior causes. These causes exist according to a certain order of things which is founded on the general laws of nature. God alone knows the necessary connections which to us is a mystery. The connection of our will with exterior cause is determined by the laws of nature. It is this which in theology we call, "Decree and Predestination."⁽¹⁾

(1) Quoted in Hughes' *Dictionary of Islam*.

CHAPTER II.

The Prescribed Duties.

The Practical part is called Fiqh and it includes religious, ceremonial, civil and moral laws and regulations. Before proceeding to study these laws and regulations of Islam it is necessary to understand the meaning of several technical terms which are of frequent occurrence.

1. *Fard*, is a prescribed duty enjoined in the Qur'ān, the denial of which is infidelity, and is of two kinds, viz.,
 - i. *Fard-i-'ayn*, an imperative duty the obligation of which extends to every individual, e.g., prayer, fasting, etc.
 - ii. *Fard-i-kifāya*, a command which is imperative upon all Muslims, but if one in eight or ten performs it, it is sufficient to all having performed it; e.g., attending a funeral, visiting the sick, to return a salutation, to accept an invitation to dinner, replying to sneeze (The person who sneezes says, "*Alḥamdu lillāh*," God be praised, and the reply is, "*Yarḥamuka'llāh*," God have mercy on you.)
2. *Wājib*, is an obligatory duty, but its denial is not infidelity. For example, the offering of a sacrifice on 'Idu'd-Ḍuḥā, The Great Feast.
3. *Sunnat*, is a practice based either on the ordinance of Muḥammad or on the custom of his life. *Sunnat* is of two kinds:
 - i. *Sunnatu'l-Huda*, Sunnat of Guidance, or *Sunnatu'l-Muwakkada*, the Emphatic Sunnat, is the ordinance which Muḥammad has enjoined emphatically.

- ii. *Sunnatu' z-Zā'ida* or Supererogatory Sunnat is the thing which has been less enjoined by Muḥammad. The omission of the (i) Sunnat is a sin but not that of the (ii) Sunnat.
4. *Mustaḥabb*, a praiseworthy act. It is desirable to conform to this.
5. *Mubāḥ*, a thing which is allowed and which may be omitted without fear of committing sin.
6. *Ḥalāl*, a thing lawful and also honestly acquired.
7. *Ḥarām*, a thing unlawful and also something dishonestly acquired.
8. *Makrūh*, a thing which is hateful and unbecoming. A thing which is *Makrūh* may belong to one of the following classes:
 - i. *Makrūh-i-Taḥrīmī*, that which is nearly unlawful, *ḥarām*.
 - ii. *Makrūh-i-Tanzihī*, that which is nearly lawful, *ḥalāl*.
9. *Mandūb*, a duty recommended.

The Obligatory Duties.

The religious duties which are prescribed for every Muslim are five in number, and are called *Arkān-i-Dīn*, the Pillars of Religion, viz.: (1) The Recitation of the creed; (2) Prayer; (3) Alms; (4) Fasting; and (5) The Pilgrimage to Mecca.

- I. Recitation of the Creed. The forms of the Confession of Faith⁽¹⁾ have already been mentioned. Every Muslim must recite the creed, "There is no god, but God, etc.," at least once in life.
- II. *ṢALĀT* or *NAMĀZ*, Prayer, is the most important of the prescribed duties in Islām. Muḥammad used to call it "the pillar of religion" and "the key of

(1) See pp. 2, 3.

Paradise" and that "which causes man to be a true believer." There are several preliminaries which precede the actual prayer and these shall engage our attention before proceeding to a description of the prayer itself.

1. Preliminaries:

There are certain obligatory and non-obligatory acts which are performed before the actual worship (*namāz*), such as purification, call for prayer, etc.

A. Purification. It is obligatory on the part of the worshipper that he must purify himself from material, as well as from legal and ceremonial uncleanness before he proceeds to say his *namāz*. This is prescribed on the basis of the teaching of the Qur'ān and Tradition. "O ye believer! when ye rise up to prayer wash your faces, and your hands as far as the elbows, and your feet down to the ankles. And if ye are polluted, then purify yourselves." Sūra 5: 8, 9; see also Sūras 4: 46; 9: 109; 56: 78. Muḥammad used to say: "Purification is the key of prayer;" "Religion is built on cleanness," and "Purification is one-half of faith."

The different methods of purification may be described as follows:

I. The General Methods of Purification.

These comprise the following prescribed methods:

i. WUḌŪ, the partial ablution; and when it has been properly performed it is valid for the five daily prayers, and need not be repeated unless it has been rendered invalid by the person's having contracted one of the lesser impurities (*Ḥadath-i-aṣghar*) which will be described later.

1. The Method of Performing the Wuḍū.

(a) The believer cleanses his teeth by using *miswāk*, which is a piece of fibrous wood; (b) He recites God's name or says some such prayer as: "In the name of God the merciful and the compassionate, I take my refuge from the instigations of the devils. I take my refuge unto Thee, O Lord, lest they approach me;" (c) Then he washes his hands up to his wrist three times; (d) He makes the intention of performing *wuḍū*; (e) Rinses his mouth three times and gargles; (f) He takes a little water and throws into his nostrils three times and blows out the water each time; (g) Next he washes his face from the top of the forehead to the chin and as far as each ear; (h) Then he washes his right hand and then left as far as his elbows three times, and causes the water to run along his arm from the palm of the hand to the elbow; (i) He passes his wet hands over his whole head; (j) He passes his fingers into his ears and twists them round; (k) He then passes his wet fingers behind his neck; (l) He passes his wet fingers also through his beard; (m) Then he passes the wet fingers of one hand between the fingers of the other hand; (n) Lastly, he washes his feet; and (o) Passes the wet fingers of his hand between the toes.

In this description of the various acts of *wuḍū*, which

are fifteen in number, only four are of divine institution (*farḍ*), viz., To wash: (1) the face from the top of the forehead to the chin and as far as each ear; and (2) the hands and arms up to the elbows; (3) to draw the hands over the fourth part of the head; and also (4) over the feet to the ankles.

Similarly, the acts based on the Sunnat or the custom of Muḥammad are fourteen in number, viz., a, b, c, d, e, f, i, j, l, m, o, in the above description, and the following rules: (1) To observe the proper order in performing the various acts of *wuḍū*; (2) To perform the *wuḍū* without any delay between its various acts; and (3) To wash each part three times.

There are certain petitions to be repeated during the washing of different parts. These are neither prescribed (*farḍ*) nor obligatory (*wājib*) nor Sunnat but only *mustaḥabb*, praiseworthy and they are omitted here for the sake of brevity.

2. The Defilements which Render the Wuḍū Invalid

The ablution need not be performed before each of the five-stated periods of prayers, provided the worshiper has avoided any of the legal impurities since the last performance of his *wuḍū*. The things which nullify a *wuḍū* and a fresh one becomes necessary are as follows:

- (i) Ordinary natural evacuations of the body; (ii) Extraordinary secretions; (iii) Discharge of blood or matter from any part of the body which must be washed before *wuḍū*; (iv) Vomiting food, blood, bile; (v) Insanity; (vi) Drunkenness; (vii) Swoon or temporary absence of mind; (viii) Laughter at the time of prayer; (ix) Voluptuous embraces; (x)

Sleep; (xi) Painful discharge from eyes or ears; (xii) Bleeding from the nose.

These are called Lesser Impurities (*Ḥadath-i-aṣghar*) and are to be distinguished from the Greater Impurities (*Ḥadath-i-akbar*) which necessitate *Ghusl*, a total ablution or bathing.

- ii. *Ghusl*: This term is applied to the washing or bathing of the whole of the body and it is founded on the express command of the Qur'ān: "If you are polluted then purify yourselves (5: 9)."

According to the Muslim teachings the Greater Impurities called *Ḥadath-i-akbar* render the whole body *junub*, or impure and *Ghusl* becomes a prescribed duty (*farḍ*). These impurities are as follows:

- (1) *Ihtilām*, *pollutio nocturna*; (2) Coitus; (3) *Nifās*, *puerperium*, a woman is considered unclean for the space of 25 to 40 days after childbirth; (4) *Ḥayḍ*, menses, a woman is considered unclean from three to ten days at the time of her menstruation. During such period she is not permitted to say her prayers or to touch or read the Qur'ān, or enter a mosque.

On these occasions *Ghusl* is absolutely obligatory, on the other occasions which will be dealt later, *Ghusl* is Sunnat.

1. The Method of Performing the *Ghusl*.

The chief points to be observed in *Ghusl* are:

- (1) The intention; (2) That the water should touch all parts of the body. The believer

who intends to perform the Ghusl places the vessel containing the water for his ablution on the right hand, then mentions the name of God, and washes his hands thrice. Next he removes any impurity that may cleave to his body. After this, he pours out the water three times over his head, and on the right and left side and rubs the front and back part of the body and combs the hair of his head and beard with his fingers. This Ghusl may be performed as a prescribed duty (*fard*) or as a Sunnat.

2. The Kinds of Ghusl:

(a) Ghusl-i-Fard, Ghusl as a Prescribed duty.

In case of a person being in the state of *Junub*, impurity, on account of any of the Impurities known as *Hadath-i-akbar*, the Greater Impurities, Ghusl becomes absolutely necessary.

(b) Ghusl-i-Masnūn, Ghusl which is performed in imitation of the custom of the Prophet. Such washings are four in number: (1) Upon the admission of a convert to Islam; (2) Before the Friday Prayer and the two great festivals ('Id); (3) After washing the dead; (4) After blood-letting.

iii. **TAYAMMUM:** Lit. "Intending or proposing to do a thing." It is the ceremony of ablution performed with sand instead of water. This method of purification is a substitute for *wuḍū* and ghusl both. See Sūra 4: 47.

(1) The Method of Performing Tayammum:

The Muslim places both his hands, the fingers being joined together, on the ground covered with clean sand or dust and then carefully wipes with it his face once, proposing to himself the lawfulness of prayer after this kind of ablution. He places the palms of his hands on the dust again, this time with his fingers spread out, and then rubs his arms up to his elbows.

(2) The circumstances under which Tayammum is allowable:

- (i) When water cannot be procured except at a distance of about two miles;
- (ii) In case of sickness when the use of water might be injurious;
- (iii) When water cannot be obtained without incurring danger from an enemy, a beast, or a reptile; and
- (iv) When on the occasion of the prayers of a Feast day or at a funeral, the worshipper is late and has no time to perform the *wuḍū*.

II. The Special Methods of Purifications:

There are other forms of impurities from which purification is necessary. These are classified as those which come out of the body and those impurities which form themselves on the body.

(1) The purification from the impurities which come out of the body:

- (i) *Istinjā*, abstersion, means to clean oneself with pebbles and water, i. e., by wiping it off by means of three, four, or, if

necessary, five pebbles taken with the left hand, and then washing the parts of the body with water. This is based on the teaching of the Qur'ān: "Therein are men who love to be clean; for God doth love the clean" (9:109). This is explained to mean the use in lustration both of water and stone. Muḥammad affirmed that Gabriel taught him how to perform the Istinjā by performing it before him.

- (ii) The cleansing of the filth and lice gathered on the hair.
 - (iii) Cleaning the dirt cleaving to the ear.
 - (iv) Removing the mucous matter collecting in the nose by snuffing up and blowing out.
 - (v) The impurities attaching to the teeth and the tongue to be removed by the use of *miswāk* and rinsing, or gargling.
 - (vi) Filth gathering in the beard, to be removed by washing and the use of the comb.
 - (vii) Dirt at the fingers' joints and at the fingers' ends and under the nails to be removed.
 - (viii) Impurities collecting on the body in consequence of perspiration to be removed by the use of bath.
- (2) The purification from the impurities which form themselves on the body.
- (i) Shaving off the hair of the head which must be done occasionally.
 - (ii) Clipping of the mustachios.

- (iii) Shaving off the hair under the armpit, which must be done at least every forty days.
- (iv) Shaving off the hair of the 'regis pubis', which is done at least every forty days.
- (v) The trimming of the nails of the hands and feet.
- (vi) The removal of the superfluity of the navel at the birth of a child.
- (vii) The removal of the foreskin by circumcision (*Khatna*). This should be delayed until the child has shed its teeth, when it is said to be less dangerous. Muḥammad said: "Circumcision is Sunna for males, and an honourable act for females."

The circumcision is neither commanded, nor even once alluded to in the Qur'ān, though it is now considered incumbent on every Muslim. There is also no authentic account of Muḥammad's having been circumcised.

B. COVERING OF THE BODY.

It is necessary that after the worshipper has purified himself he cover his body with clean clothes. In case of a male it is necessary that he cover himself at least from his navel to his knees. A woman must cover her whole body except her face and the palms of her hands and her feet, while a slave girl is allowed to cover herself from the abdomen to her knees. If any of these stated parts of the body remains uncovered in prayer it is nullified.

It is also a prescribed act that the place of worship or the prayer carpet must be clean.

C. **ADHĀN.** Lit. Announcement, the call to public prayers.

The custom of *adhān* is not an obligatory duty but is based on the Sunnat. When the time of public prayer is come, the Mu'adh^{dh}in, standing on the minaret calls to prayer by reciting the *adhān* with a loud voice. The words of the *adhān* are as follows :

"God is most great, God is most great, God is most great, God is most great. I testify that there is no god but God, I testify that there is no god but God. And I testify that Muḥammad is the Apostle of God. And I testify that Muḥammad is the Apostle of God." Then turning to his right he says : "Come to prayer." He turns again to the right and repeats : "Come to prayer." Next he turns to the left and says : "Come to prosperity." He turns again to his left and repeats : "Come to prosperity." Next he says : "God is most great. God is most great. There is no god but God."

This call to prayer takes place before every one of the five prayer services. In the call to morning prayer after the words : "Come to prosperity," the following sentence is added twice : "Prayer is better than sleep."

When the *adhān* is recited, it is usual for men of piety to respond to each call by repeating what the Mu'adh^{dh}in says, except that instead of saying : "Come to prayer" he says : "There is no strength and no power except with God." Should he, however, already be in the mosque when he hears the *adhān*, he need not repeat it.

D. **Iqāmat**, Lit. Causing to stand. It is a recitation of the words of *Adhān* with the addition of the sentence, *Qad qāmatī's-Ṣalāt*, "Verily the prayer is now instituted" twice. The words of *Iqāmat* are recited at the commencement of a Prescribed prayer when said in a congregation, and it is done in order to give time to the worshippers to form themselves into lines behind the leader of the congregational prayer. It is not recited by the Imām but by Mu'adh^{dh}in who takes his place behind him. In his absence the person who happens to be behind the leader recites it. In a congregational prayer, the leader is called Imām and the worshippers who join him in the Namāz are called Muqtadī, followers.

2. **The Salat or Namāz, The Muslim Prayer:**

We now take up the details of the Muslim Prayer. A Namāz may belong to one of the following classes :

- (a) *Fard*, Prescribed Duty, enjoined by God.
- (b) *Sunnat*, founded on the practice of Muḥammad.
- (c) *Nafil*, supererogatory or voluntary prayer.
- (d) *Witr*, lit. odd number, it is wājib in the night.

The Method of Namāz

The worshipper having performed his ablutions he repairs to the place of worship, which ever that may be (mosque, which is more meritorious, a private room, or an open space), and there he stands upright with his face towards the Qibla, that is, the direction of the Ka'ba at Mecca. This direction in a mosque is indicated by Miḥrāb, a prayer-niche. In this position with his arms down at the sides and his feet together, yet not too close he begins his Namāz in the following way :

Niyat (intention), he makes intention of performing Namāz in some such words as: "I purpose to offer to God with a sincere heart this morning (or as the case may be), with my face toward the Qibla, two (or as the case may be) rak'ats (portions, bows) of prayer fard (or Sunnat or Nafil as the case may be)."

Takbīr-i-Taḥrīma, (The word Takbīr means to say Allāh-o-Akbar, and the phrase, Takbīr-i-Taḥrīma means Takbīr of Prohibition). This first Takbīr is called Takbīr of prohibition because it prohibits the worshipper from saying or doing anything extraneous to Namāz. The worshipper says Allāh-o-Akbar, God is most great, and raises his hands to the height of his shoulders, with his thumbs touching the lobes of his ears, the fingers separated from each other. Then he goes through the following order of the prayer-service:

- i. Qiyām: Standing Position. The worshipper places his hands under his navel, putting the palm of the right hand on the back of the left, stretching the fore and the middle finger, and seizing the wrist of the left hand with the thumb and little finger.

Of the four orthodox schools of the Sunnis the Ḥanafīs place their right hand upon the left below the navel, while the other three place their hands on their breasts. The Wahābīs also do like the non-Ḥanafīs. The Shi'as keep their hands on either side. The women, in all the sects, keep their hands on their breasts.

Standing in this position the following prayers are recited:

1. Ṣubḥān: Prayer of praise; "Holiness to Thee, O God! And praise be to Thee! Great is Thy name! Great is Thy Majesty! There is no deity but Thee!" The Shi'as omit this prayer.
 2. Ta'awwudh, or A'ūdhubillāh, which runs as follows:
"I seek refuge with God from Satan the pelted."
 3. Tasmiyyah:
"In the name of God, the compassionate, the merciful."
 4. The Fātiḥa, the first chapter of the Qur'ān.
 5. The recitation of a small chapter or any short passage from the Qur'ān consisting of not less than three verses.
- ii. Rukū', the Bowing: The worshipper lets go his hands and inclines the upper part of his body so as to bring it in a horizontal position and places his hands upon his knees; this is done in the following order:
 - (a) Takbīr-i-Rukū', the Takbīr of Bowing: It means to say Allāh-o-Akbar, while making an inclination of the head and body.
 - (b) Tasbīḥ-i-Rukū', the Praise of Bowing: while in the position of Bowing the worshipper repeats the following prayer three or five times:
"Praised be my Lord, the exalted one and glory be to Him."

iii. *Qiyām-i-Tasmī'*, lit. Standing and declaring that God hears. The worshipper after Bowing stands erect, but unlike the former *Qiyām* the hands are placed on either side. In the congregational prayers, while in this posture, the *Imām* says aloud: "God hears him who praises Him." The congregation responds: "O our Lord, Thou art praised." When the prayers are said by a person alone, he himself recites both these sentences.

iv. *Sijda*, Prostration. The prostration is made in such a way that his knees, the toes of his feet, to the palms of his hands, and the fingers close each other; the nose and the forehead touch the ground. The ground should be touched first with the knees, then with the hands and next with the nose and the forehead. The elbows must not touch the ground, nor the stomach the thigh, nor the thigh the calf of the leg.

The women, on the contrary, keep all the limbs of the body together. The order of the Prostration consists of the following:

(a) *Takbīr-i-Sijda*, the *Takbīr* of Prostration. As the worshipper drops on his knees in the manner described above he says: *Allāh-o-Akbar*.

(b) *Tasbīḥ-i-Sijda*, The Praise of Prostration. While in the state of prostration he repeats the following prayer three times: "Praise be to Thee O my Lord the most High."

v. *Qa'da* or *Jalsa*, Sitting Posture. The worshipper rises from prostration and sinks backward

upon his heels and places his hands upon his thighs and he does this in the following order:

(a) *Takbīr-i-Jalsa*, the *Takbīr* of the Sitting Posture: As he rises from the prostration he says *Allāh-o-Akbar*.

(b) *Takbīr-i-Sijda*, the *Takbīr* of Prostration. He says *Allāh-o-Akbar* and prostrates as before.

vi. *Sijda*, Prostration. The worshipper performs another prostration and repeats the *Tasbīḥ-i-Sijda*; "Praise be to Thee, O my Lord, the most High," three or five times.

Here ends the first portion, called *Rak'at* or Bow of the *Namāz*. Each *Namāz* consists of several such *Rak'ats*. But no *Namāz* is of less than two nor of more than four *Rak'ats*, except *Witr* *Namāz* which may consist of 3, 5 or 7 *Rak'ats*. For the second *Rak'at* the worshipper continues his *Namāz* by rising after the second prostration of the first *Rak'at* and resumes the position of the *Qiyām* and uses the following order:

(1) *Takbīr-i-Qiyām*, the *Takbīr* of Standing Position. He says *Allāh-o-Akbar* as he rises from the prostration and stands for his *Qiyām*.

(2) While in the position of *Qiyām* he begins his second *Rak'at* with *Tasmiya* and *Sūra Fātiḥa* (i.e., from i. 3 in the order of the first *Qiyām*) and continues till the second prostration of the second *Rak'at*.

vii. If the Namāz consists of two Rak'ats only:

The worshipper after the second Prostration of the second Rak'at sits in the position of Jalsa, as described in the order number v. Then he recites the following:

1. The Taḥiyya: "Praise be to God and prayer and good works. Peace be on thee, O Prophet, with the mercy of God and His blessing."
2. The Tashahhud, (this he recites raising the first finger of the right hand): "I testify that there is no deity but God; and I testify that Muḥammad is the servant of God and His messenger."
3. Durūd: Blessing for Muḥammad: "O God have mercy on Muḥammad and on his descendants, as Thou didst have mercy on Abraham and on his descendants. Thou art to be praised, and Thou art great. O God, bless Muḥammad and his descendants, as Thou didst bless Abraham and his descendants; Thou art to be praised and Thou art great."
4. Du'ā; A Prayer: "O God our Lord, give us the blessings of this life, and also the blessings of the life everlasting. Save us from the torments of fire."
5. He turns his face towards his right and says: "Peace and mercy of God be on you." Likewise he turns to his left and says the same words of salutation.
6. The salutation concludes the Namāz. Then the worshipper raises his hands

and offers up a Munājāt, or "Supplication."

If the Namāz consists of three Rak'ats:

The worshipper after the second prostration of the second Rak'at sits in the position of Jalsa and then recites the Taḥiyya and Tashahhud. Next he rises and says the Takbīr-i-Qiyām, Allāh-o-Akbar, and continues his Namāz with the recitation of Tasmiya and Sūra Fātiḥa that is from i. 3 of the order of the first Rak'at. After the second Prostration of the third Rak'at he goes through the prescribed order as described in vii, 1 to 6 and finishes his Namāz.

If the Namāz consists of four Rak'ats:

The worshipper after the second prostration of the second Rak'at sitting on his left foot, in the position of Jalsa, recites the Taḥiyya, and the Tashahhud and next rises to the position of Qiyām saying Allāh-o-Akbar, and says his third and fourth Rak'ats, each Rak'at he begins with Tasmiya and Sūra Fātiḥa that is from i. 3 and lastly after the second Prostration of the fourth Rak'at he recites Taḥiyya, Tashahhud, Durūd and Prayer and finishes his Namāz with the usual words of salutation and supplication.

A Brief Analysis Of Namaz.

The following are some of the points which may be noted in the liturgical order of the Namāz:

- (1) A Namāz consists of certain postures which are as follows:
 - (i) Qiyām, the Standing Position.
 - (ii) Rukū', the Bowing.
 - (iii) Qiyām-i-Tasmī', the Standing Position before prostration

- (iv) Sijda, the Prostration.
- (v) Jalsa, the Sitting Position.
- (vi) Sijda, the Prostration.

These six postures make up a Rak'at, or Bow.

- (2) At every change of posture Takbīr, Allāh-o-Akbar, is recited, except in Qiyām-i-Tasmi' when the phrase: "God hears him who praises Him"; is recited.
- (3) At the close of every two Rak'ats Tahīyya and Tashahhud are recited.
- (4) At the close of the last Rak'at which may be second, third or fourth, in addition to Tahīyya and Tashahhud, Durūd and Prayer are also recited.
- (5) The recitation, prayer and praise used in the Namāz are fixed except the portion of the Qur'ān which is recited after Sūra Fātiḥa which varies in every Rak'at according to the choice of the worshipper. Thus every worshipper besides knowing the fixed formulas of prayer and praise must also know at least four short passages of the Qur'ān.
- (6) In a congregational prayer every Takbīr is recited loudly by the Imām and by the Mu'adhdhin or by the person immediately behind the Imām.
- (7) In a congregational prayer the Imām recites Sūra Fātiḥa and the passage following it loudly only in first two Rak'ats and the rest of the prayers and praise are recited slowly.

The Obligatory and Non-obligatory Parts of A Namaz.

1. The Prescribed (Farḍ) parts of a Namāz.

The following are the obligatory parts of the Namāz and the omission of any of these makes it null and void and the worshipper must go over it again.

- (i) Takbīr-i-Taḥrīma, the opening Takbīr.
- (ii) Qiyām, the standing position.
- (iii) Recitation of a passage from the Qur'ān.
- (iv) Rukū', Bowing.
- (v) The two Prostrations in every Rak'at.
- (vi) The Jalsa or Sitting Posture.

2. The Obligatory (Wājib) Parts of A Namāz.

The omission of any of the Wājib parts may be compensated by two extra Prostrations at the end of Namāz. These Prostrations are called Sijdata's-Sahwi, the Prostration of Forgetfulness and are made after the first salutation, which is towards the right.

- (i) The recitation of Sūra Fātiḥa.
- (ii) The recitation of a passage from the Qur'ān immediately after Sūra Fātiḥa.
- (iii) To delay in Rukū' and Sujūd (in the Bowing and the Prostrations).
- (iv) Qiyām-i-Tasmi', the Standing Position after Rukū'.
- (v) Jalsa or Sitting Posture after every two Rak'ats.
- (vi) Jalsa or Sitting Posture between Prostrations.
- (vii) The recitation of Tahīyya after every two Rak'ats.
- (viii) Reciting audibly or inaudibly a portion as it is prescribed.
- (ix) The salutations at the end of the Namāz.
- (x) The recitation of a Qunūt prayer. It is a special prayer recited in Witr prayer. The word *qunūt* is variously explained such as meaning 'obedience', 'submission', supplication', 'standing long', etc. One of the forms of *qunūt* is as follows:

"O God! direct me amongst those to whom Thou hast shown the right road, and keep me in safety from the calamities of this world

and the next, and love me amongst those Thou hast befriended. Increase Thy favour on me, and preserve me from ill; for verily Thou canst order at Thy will, and canst not be ordered. Verily none are ruined that Thou befriendest, nor are any made great with whom Thou art at enmity."

- (xi) The recitation of six Takbirs in 'Id prayers.
 - (xii) In Farḍ prayers of four Rak'ats two Rak'ats to be said with recitation.
 - (xiii) To observe the order of the Farḍ (Prescribed) parts in Namāz.
 - (xiv) To observe the order of all the Obligatory (Wājib) parts in a Namāz.
3. The Sunnat parts of a Namāz.

The following parts of a Namāz are called Sunnat-i-Muwakkada, the Emphatic Sunnat; the omission of any of these parts makes the prayer Makrūh but not void, and lessens its merit.

- (i) To raise the hands so as to touch the lobes of the ears at the opening Takbīr.
- (ii) Placing hands at the navel.
- (iii) The recitation of the prayer called Subḥān in the first Rak'at.
- (iv) The recitation of Ta'awwudh in first Rak'at.
- (v) The recitation of Tasmiyyah in every Rak'at.
- (vi) The recitation of the prayer "Praise be my Lord, the exalted one and glory be to Him," three or five or seven times in every Rukū', Bowing.
- (vii) The recitation of Qiyām-i-Tasmi', "God hears him who praises Him."

- (viii) The recitation of the Tasbīḥ-i-Sijda, "Praise be to my Lord the most High," three or five or seven times in every prostration.
- (ix) The recitation of the Takbīr of Transition (Takbīr-i-Intiqāl) that is to say Allāh-o-Akbar while changing from one posture to another.
- (x) The recitation of Durūd.
- (xi) To recite a supplication after Durūd.
- (xii) To say Āmīn after the recitation of Sūra Fātiḥa.

Things Prohibited In Namaz.

The following may be mentioned as some of the things prohibited in Namāz:

- (a) The raising of the foot in the Worship; (b) The uniting of the two feet; (c) The lifting of one of the feet; (d) Raising garment before or behind; (e) Turning round; (f) Wiping the face; (g) Clearing away the pebbles; (h) Placing the hands on the waist; (i) Interlacing or cracking the fingers; (j) To cry or to utter an exclamation of joy or sorrow; (k) To laugh or smile; (l) To scratch; (m) To wipe the dust from forehead; (n) To be dressed in such clothes as have figures of living creatures or are dyed red, etc. etc. Such things are called Munhiyyāt, Prohibited Things, in prayer.

The Prescribed Prayers.

The following is a table showing the number of Rak'ats for each prescribed prayer:—

No.	The Names of Namāz.		Time.	Sunnat Before Fard.	Fard.	Sunnat after Fard.	Nafil.	Wajib.
	Arabic.	Urdu.						
1	Ṣalātu'l Fajr	Fajr kī Namāz	From dawn to sunrise	2	2			
2	Ṣalātu'l Zuhr	Zuhr kī Namāz	A little after midday	4	4	2	2	
3	Ṣalātu'l 'Aṣr	'Aṣr kī Namāz	Afternoon	4	4			
4	Ṣalātu'l Maghrib	Maghrib kī Namāz	After sunset		3	2	2	
5	Ṣalātu'l 'Ishā	'Ishā kī Namāz	Night	4	4	4	2	3

It should be noted that only Farḍ Namāzes are Prescribed duties and they cannot be omitted on any account.

Besides these five Prescribed Prayers there are several others, some of which are obligatory, others Sunnat and some Nafil. We proceed now to give an account of these.

THE PRESCRIBED DUTIES

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Special and Occasional Prayers.

1. QADA, The Redeeming Prayer.

When a Muslim for some reason has been hindered in performing one or more of the Prescribed (Farḍ) Prayers, it is obligatory to perform these before proceeding to the next Prescribed Prayer, these prayers are called Qaḍā, 'Substitute Performance'.

2. Daily Voluntary Prayers.

- i. Ṣalātu'l-Ishrāq, Ishrāq kī Namāz, consists of eight Rak'ats. It is performed when the sun has well risen.
- ii. Ṣalātu'ḍ-Ḍuḥā, Ḍuḥā kī Namāz, consists of eight Rak'ats. It is performed before mid-day.
- iii. Ṣalātu't-Tahajjud, Tahajjud kī Namāz. It consists of 12 or 20 Rak'ats and is offered at mid-night.
- iv. Witr, Lit. Odd. It is a Namāz consisting of three, five or other odd number of Rak'ats. It may be performed any time after the sunset. It is obligatory (Wājib) in connection with 'Ishā.

3. Weekly Prayers.

- i. Ṣalātu'l-Juma', Juma' kī Namāz or Friday Prayer. The performance of this Namāz is a Prescribed Duty resting on the teaching of the Qur'ān, 62: 9. The validity of the Friday Prayer rests on certain conditions which are as follows:
 1. It must be performed in a mosque or in a decent prayer house.
 2. The Sultan or his representative must be present. The Imām is considered to be the lawful representative of the Sultan.
 3. It must be performed at noon, and thus it takes the place of the Zuhr kī Namāz.

4. The preaching of the *Khutba*, sermon. This *Khutba* consists of two distinct parts. The first part consists of the praise of God, invocation of blessings on Muḥammad and his family and companions and is called *Khutbatu'l-Wa'z*, the sermon of admonition. The second part consists of the mention of God's glorious attributes, and is called *Khutbatu'n-Na't*, the sermon of praise. Between the two parts of the sermon the Imām sits down for a short time.
5. It is a congregational prayer and it is necessary that at least three Muslims besides the Imām be present. The school of Shāfi'ī requires the presence of, at least, forty male worshippers besides the Imām.

Besides the Friday Prayer there are Weekly Prayers for each day and night of the week. These are all voluntary.

- i. Sunday. The performance of a Namāz of four Rak'ats is recommended, in each of which is recited Sūra Fātiḥa and the portion of the Sūra 2 beginning with the verse 285, "The Apostle believes in what is sent down, etc." Muḥammad said: "He who performs this Namāz, Allāh writes for him good deeds according to the number of all the Christians, men and women."
- ii. Monday. The performance of a Namāz consisting of two Rak'ats in each of which after Sūra Fātiḥa, the Throne Verse (2: 256), Sūras 112, 113 and 114 are recited.
- iii. Tuesday. It is recommended to perform a Namāz consisting of ten Rak'ats at the middle of the day,

- reciting in each Rak'at the Fātiḥa and the Verse of Throne (2: 256), and the Sūra 112 three times.
- iv. Wednesday. The performance of twelve Rak'ats at the advance of the day is recommended in the following manner: In each Rak'at after Sūra Fātiḥa the Throne Verse (2: 256) should be recited once, and then Sūras 112, 113 and 114 each three times.
- v. Thursday. A Namāz of two Rak'ats to be performed between the Noon and the Afternoon Worship in the following manner. In the first Rak'at after Sūra Fātiḥa the Verse of the Throne (2: 256) should be recited one hundred times; and in the second Sūra 112 should be repeated one hundred times after the recitation of Sūra Fātiḥa.
- vi. Friday. Two Rak'ats are recommended before the Friday Worship.
- vii. Saturday. Muḥammad recommended the performance of a Namāz consisting of four Rak'ats in each of which after the usual recitation of Sūra Fātiḥa, Sūra 112 should be recited three times, and the Verse of Throne, once.

Similarly, Muḥammad recommended special prayers for each night of the week.⁽¹⁾

The Yearly Prayers.

- i. *Ṣalātu'l-Idayn*, the Prayers of the two Feasts. The first of these is called the 'Idu'l-Fiṭar, the Feast of the Breaking the Fast, and is kept at the conclusion of the Fast of Ramaḍān, that is, on the first day of the month of Shawwāl. The other is called 'Idu'l-Aḍḥā, the Feast of Sacrifice, which is celebrated on the 10th of the month of Dhu'l-

(1) For a detailed account of the weekly prayers for day and night see, E. E. Calverley, *Worship in Islam*, pp. 197-205.

Ḥajj, about seventy days after the feast of 'Idu'l-Fiṭar. The prayers of these feasts are Sunnat-i-Muwakkada, the Emphatic Sunnat, and among the distinctive rites of Islam. The prayers are similar to that of the congregational Friday Prayer, with the exception that the Khuṭba, sermon, follows instead of preceding them. The prayers consist of two Rak'ats and the time at which these Namāzes are to be performed is from the time, when the sun, after rising, has apparently reached the height of a lance above the horizon to the time when noon prayer is to begin.

- ii. Ṣalātu't-Tarāwīḥ, The Prayer of Pauses. It is so called because of a brief rest taken after every four Rak'ats. It is a Sunnat-i-Muwakkada, but inferior to the Prayers of the two Feasts, and is performed every night of Ramaḍān after the night prayer ('Ishā). Each Tarāwīḥ consists of two complete Namāzes of two Rak'ats each, and five Tarāwīḥs constitute the complete Tarāwīḥ Namāz. Thus it will be seen that the Tarāwīḥ prayer performed each day of the month of Ramaḍān consists of twenty Rak'ats. It is meritorious during these prayers and the nights of Ramaḍān to repeat the whole of the Qur'ān.
- iii. Ṣalātu'r-Raghā'ib. It is a Namāz consisting of twelve Rak'ats, in every Rak'at are recited Sūra Fātiḥa once, Sūra 97 three times and Sūra 112 twelve times. The reward specified for this Namāz is forgiveness for all sins and the right of intercession for 700 relatives, and hence it is called Ṣalātu'r-Raghā'ib, a Namāz for which a large recompense is desired. This prayer is performed on the first Thursday of the month of Rajab, the seventh of the Muslim year.

- iv. Ṣalātu'l-Khayr. It is performed on the eve of the 15th of the Sha'bān, the eighth of the Muslim year, and it consists of a hundred Rak'ats with fifty Salutations. Because of the great reward attached to its performance it is called Ṣalātu'l-Khayr, the Good Worship.

The Occasional Prayers.

The following are the Occasional Prayers because they are connected not with specified times but with particular occasions:

- i. Ṣalātu'l-Khusūf, the Prayer at an Eclipse of the Moon. It consists of two Rak'ats and each Rak'at contains two Rukū's instead of one. The Namāz begins with the beginning of the eclipse and ends with its conclusion. In it four long Sūras of the Qur'ān are recited, viz., Sūras 2, 3, 4 and 5.
- ii. Ṣalātu'l-Kusūf, the Prayer at an Eclipse of the Sun. This prayer is similar to that performed on the occasion of the Solar eclipse, except that the recital is to be done inaudibly, while in the former, it is done audibly.
- iii. Ṣalātu'l-Istisqā, the Prayer for Rain. It is a Congregational Prayer like that of the 'Id (Feast) in that it is held outside the city. But unlike the 'Id Prayers in it poor clothes are worn, and old men, women and children are taken along. The Prayer is to be observed after a three-day fast has been proclaimed. The Namāz consists of two Rak'ats.
- iv. Ṣalātu'l-Ḥajat, the Prayer of Need. It is a prayer of twelve Rak'ats, in each Rak'at are recited Sūra Fātiḥa, the Verse of the Throne (2: 256) and the Sūra 112. The Supplication of Need is

offered in the attitude of Prostration. The need may be any pressing necessity, religious or worldly.

- v. *Ṣalātu'l-Istikhāra*, the Prayer for Guidance. Two Rak'ats are performed and then a petition for guidance is offered.
- vi. *Ṣalāt Raddi'd-Ḍalla*, the Prayer for the return of a Lost Object. When a Muslim has lost anything it is recommended to him to pray two Rak'ats of Namāz and after which to pray: "O God, the Restorer of lost things, the guide of what is gone astray, restore to us what we have lost, by Thy power and might, for it was of Thy bounty and gift."
- vii. *Ṣalātu't-Tawba*, the Prayer of Repentance. Muḥammad said: "If a man has committed a sin, let him go and perform the Wuḍū, then let him pray and ask God for pardon: verily God will forgive him. Let him also recite Sūra 3:129-130 and perform a prayer of two Rak'ats."
- viii. *Ṣalātu't-Tasbiḥ*, the Prayer of Praise. This is a prayer of four Rak'ats, in each of which, after the recitation of the Fātiḥa and a passage from the Qur'ān, is recited fifteen times: 'Praise be to God, and glory be to God, there is no god but God.'
- ix. *Ṣalātu't 'Aqabi't-Ṭahārat*, the Prayer after Wudū. Muḥammad recommended his followers to say a prayer of two Rak'ats after every Wuḍū.
- x. *Ṭaḥiyyatu'l-Masjid*, the Prayer of the Salutation of the Mosque. Muḥammad said: "When you enter a mosque pray two Rak'ats of Namāz."
- xi. *Ṣalātu'l-Janāza*, the Funeral Prayer. It is of the Farḍ Kifāya class, i. e., the requirement for its performance is satisfied when ten or more of Muslims take it upon themselves to fulfil it as a

duty. It differs from all other Namāzes in that it does not contain any Rak'at.

The following is the order of the service:

Some one present calls out,—“Here begins the prayer for the dead.” Then those present arrange themselves in three, five, or seven rows opposite the corpse, with their faces towards Qibla. The Imām stands in front of the ranks opposite the head of the corpse, if it be that of a male, or the waist, if it be that of a female.

The whole company having taken up the Qiyām, or standing position, the Imām recites the Niyat. “I purpose to perform prayers to God for this dead person, consisting of four Takbirs.”

Then four Takbirs are recited in the following order:

- i. Takbīr, Allāh-o-Akbar, God is great, is recited by raising the hands to the lobes of the ears. This is followed by the recitation of the Subḥān (p. 47. i. 1).
- ii. Takbīr is followed by the recital of the Durūd (p. 50. vii. 3).
- iii. Takbīr is followed by the recital of the following prayer: “O God forgive our living and our dead and those of us who are absent, and our children, and our full grown persons, our men and our women. O God whom Thou dost keep alive amongst us, keep alive in Islam, and those whom Thou causest to die, let them die in faith.”
- iv. Takbīr is followed by the usual salutations of Namāz.

It should be noted that the whole Namāz is performed in the position of Qiyām and at the recitation of each Takbīr hands are raised to the lobes of the ears.

Modifications of the Prescribed Prayers.

Under certain circumstances Muslims are allowed to modify the Prescribed Prayers and these are known by different titles as described below :

1. *Ṣalātu'l-Musāfir*, the Prayer of a Traveller. A Muslim, while on a journey, is excused from performing the full prayer-service. He performs only two Rak'ats instead of four, nor is it required of him that he should recite a portion of the Qur'ān after *Sūra Fātiḥa*. Such shortened form of Namāz performed by a traveller is called *Ṣalātu'l-Musāfir*, Prayer of a Traveller.
2. *Ṣalātu'l-Khauf*, the Prayer of Fear. It is a prayer of two Rak'ats recited first by one regiment and then by another in time of war, when the usual prayers cannot be recited for fear of the enemy. It may be performed on foot or riding, with or without facing the Qibla, with nodding of the head in the place of Bowing and the Prostrations. This Namāz may also be performed by one fleeing from fire, drowning and ferocious beasts.
3. *Ṣalātu'l-Marīḍ*, Prayer of the Sick. When a person is too sick to stand up in the usual prayers, he is allowed to recite them either in a reclining or sitting posture.

CHAPTER III.

The Prescribed Duties (*Contd.*)**3. Zakat, Almsgiving.**

Zakāt, Lit. purification and increase. Technically the term is applied to legal almsgiving and also to the portion of property bestowed in legal alms. The term is thus used because of the portion of the property thus bestowed in alms is considered to purify the rest of the property for the use of the owner, and to be a cause of its increase by drawing down God's blessing upon it. It is a Prescribed Duty founded on the express command of the Qur'ān, and is mentioned in no less than 82 places in it: e.g., 2: 40, 77, 104; 4: 79; 9: 5, 11; 22: 42, 78; 24: 55; 58: 14; 73: 80. *On Whom Incumbent.*

Zakāt, the Third Prescribed Duty in Islam, is incumbent on every Muslim who is free, sane, adult, and possessor of certain fixed amount of property called *Niṣāb* provided it has been in possession of the same for the space of one complete year. A smaller amount than the fixed *Niṣāb* is not subject to the payment of *zakāt*.

The Meaning Of Niṣāb.

The *Niṣāb*, thus, means the fixed amount of property upon which *zakāt* must be paid, and it varies with reference to the different kinds of property in possession.

Details Of Zakat On Various Kinds of Property.**(1) Zakāt on animals.****(a) The conditions of *zakāt* on animals:**

- (i) They must come under the term cattle (*na'am*), such as camels, oxen, sheep

mules, donkeys, etc., are not subject to this tax.

- (ii) They are not kept as articles of merchandise.
- (iii) They must be, *Sā'ima*, i.e., kept out at pasture, and not *Ma'lūfa*, e.g., fed upon forage at home.
- (iv) They have been in possession of an owner for one whole year.
- (v) They must have been the full property and under the full control of the owner.
- (vi) The *zakāt* is due upon the *niṣāb* only, and not upon the '*afū*. The *Nisāb* is the fixed number or quantity of the property upon which *zakāt* is due, while '*afū* is used to express intermediate or odd number between one *Nisāb* and another, as between five and ten camels, for instance.
- (vii) In cases of horses they must have been fed on pastures for greater part of the year. The droves of horses must not consist entirely of males or entirely of mares.
- (viii) The horses and mules must not be beasts of burden or war horses.

(b) The Various Kinds of Animals and Their *Zakāt*.

(i) Camels:—

The *Nisāb* of camels is five, that is no *zakāt* is due on less than five camels.

For any number of camels from five to nine, *zakāt* due is one sheep of the second year or a goat of third year.

For 10 to 14 camels, the *zakāt* due is two sheep.

For 15 to 19 camels, the *zakāt* due is three sheep.

For 20 to 24 camels, the *zakāt* due is four sheep.

For 25 to 35 camels, the *zakāt* due is a yearling female camels, and so on.

(ii) Oxen, Cows and Buffaloes (*baqar*):—

The *Nisāb* for these is thirty. For any number of these animals from thirty to thirty nine the *zakāt* due is a one year old calf (*tabi'a*), and for 40 the *zakāt* due is a calf of two year old (*musima*).

When the number exceeds 40 *zakāt* is to be calculated on the following basis: Upon every 60 the *zakāt* is 2 *tabi'a*; upon every 70 such animals the *zakāt* is one *tabi'a* and one *musima* and so on. Thus the method of calculating *zakāt* upon large herds of cattle is by grouping them into thirtys and fortys, imposing upon every 30 one *tabi'a* and upon every 40 one *musima*.

(iii) Sheep and Goats (*ghanam*):—

The *Nisāb* for these is forty. From 40 to 120 the *zakāt* due is a 2 year old sheep; from 121 to 200 the *zakāt* is two goats or sheep, above this one for every hundred.

(iv) Horses:—

Zakāt on horses may be given either one *dīnār* per head or five per cent upon the total value of all the horses.

(2) Zakāt on Fruits of the Field:—

The *zakāt* upon everything produced from the land is a tenth (*'ushr*), provided the ground is watered by the overflow of rivers or by periodical rains. When the land is watered by bucket, machinery or camels its product is subject to twentieth. Honey and fruits collected in the wilderness are subject to tithe; but the articles of wood, such as bamboo, and grass are not subject to tithe.

(3) Silver:—

Zakāt on silver is one-fortieth of its value, provided it is not of less value than 200 dirhams, or by Indian weight it is no less than 52 *tolas*, and that it has been in possession of the owner for the period of one whole year. No *zakāt* is due upon an excess above the 200 dirhams till such excess amounts to 40, and then the *zakāt* will be calculated at the basis of one-fortieth. Zakāt is due also on silver ornaments and utensils such as cups, goblets, plates, etc.

(4) Gold:—

The *zakāt* on gold is one-fortieth provided it amounts to 20 *mithqāl*, or according to the Indian weight 7 *tolas* 6 *māshas*. No *zakāt* is due upon gold under value of 20 *mithqāls*. When the quantity exceeds 20 *mithqāls* then for every *mithqāl* the *zakāt* is 2 *qirāṭs*. Zakāt is also due on gold ornaments and on other objects such as utensils.

(5) Articles of Merchandise:—

If the value of the articles of merchandise exceeds 200 *dirhams* then the *zakāt* due is at the rate of two and a half per cent of the total value.

(6) Minerals and Buried Treasures:—

If a person finds mines of gold, silver, iron, lead, copper or buried treasure, the *zakāt* due is one fifth (*khums*); but if they are discovered within the precincts of a person's own home, nothing is due. No *zakāt* is due upon precious stones.

How Zakat Should Be Given

For the validity of Zakāt the following points are to be considered:—

- (1) Intention: The payment of *zakāt* is not valid, except under an intention existing at the period of such payment, or at the period of setting apart the proportion of *zakāt* from the *Niṣāb*-property.
- (2) Zakāt of one city is not transferable to another. It is indispensable that the *zakāt* of every city be bestowed upon the claimants of that city; and also, because in this regard is had to the rights of neighbourhood (*juwar*).
- (3) One kind must not be changed for another.
- (4) The speedy delivery of the *zakāt* when due, that is after the year.
- (5) Zakāt is to be distributed among the classes of people who are entitled to it.

The Classes Of People Among Whom Zakat Must Be Distributed.

The Zakāt is to be distributed among the following classes of people who are entitled to it (*Sūra* 9: 60).

- (1) Faqīr, the poor, is a person possessed of property, the whole of which does not amount to a *Niṣāb*.

- (2) Miskīn, needy, is a person whose income does not cover his necessary expenses.
- (3) The Collector of Zakāt. The Imām is to allow the officer employed in the collection of *zakāt* as much out of it as it is in proportion to his labour.
- (4) Makātab: The word signifies a slave to whom a bond of freedom has been granted by his or her master in return for a sum of money agreed upon to be paid within a specified time. The slave having obtained such a writ is called Makātab until the ransom is fully paid. But *zakāt* cannot be bestowed upon one's own Makātab, since that which falls to a slave becomes the property of his master.
- (5) Debtors not possessed of property amounting to a Niṣāb.
- (6) *Fī-sabīli-llāh*, in the service of Allah. This phrase refers to a person who by poverty of estate is incapacitated and cut off from taking a part in Jihād or religious war, and it applies also to a person who, by poverty, is incapacitated from performing pilgrimage.
- (7) *Ibnu's-sabīl*, travellers. The term is applied to persons, in a strange place, having left their property at home, and who are consequently destitute of means of support.
- (8) Chiefs and influential men who have embraced Islam to whom gifts are given in order to keep them steadfast and encourage others to embrace Islam. Muḥammad used to give presents to those whose hearts he saw favourably inclined to Islam.

The Classes Of Persons Who are Not Entitled To Receive Zakat.

The Zakāt must not be bestowed upon the following classes of persons:—

- (1) *Dhimmī*, i. e., a non-Muslim subject of a Muslim Government, who for the payment of a poll-tax, enjoys security of his person and property in a Muslim country. Muḥammad said: "Take *zakāt* from the rich Muslims and bestow it upon the poor Muslims".
- (2) The rich. Muḥammad said: "Alms are not lawful for the wealthy".
- (3) Certain relatives, viz. father, grandfather, great-grandfather, son, grandson, great-grandson. Because the use of property between the person who intends giving *zakāt* and these relatives is conjunct, that is to say, each of these relatives is entitled to the use of the other's property; and hence transfer of property (which is a necessary condition in *zakāt*) does not exist in its full sense, in these cases.
- (4) Wife or Husband. On similar grounds it is not lawful for a believer to pay the *zakāt* to his wife, nor is it lawful for a wife to pay it to her husband.
- (5) One's own Slave. Zakāt is not to be paid to one's own slave, because in this case there is no transfer of property, since that which falls to a slave becomes the property of his master.
- (6) The slave of a rich man. Zakāt is not to be bestowed upon the slave of a rich man, for it becomes the property of his master, and

the master being rich, the delivery of the *zakāt* to him is illegal. On the similar ground it is illegal to bestow *zakāt* upon the infant child of a rich person. On the contrary an adult child of a rich man; who is poor may receive *zakāt*. The same rule applies to the wife of a rich person. She, if she be poor, is not accounted rich in the property of the husband and hence may receive the *zakāt*.

- (7) Banū-Hāshim. By the tribe of Hāshim are to be understood the descendants of 'Alī, 'Abbās, Ja'far, 'Aqīl and Hārith b. Maṭlib, all these deriving their descent from Hāshim, the great-grand father of Muḥammad.

Sadaqatu' l-Fiṭar, The Alms of Breaking The Fast.

Şadaqatu'l-Fiṭar is the alms bestowed upon the poor on 'Idu'l-Fiṭar, the feast of the breaking of the fast of Ramaḍān. It is incumbent (*wājib*) upon all free Muslims. The obligation is founded on a precept of Muḥammad, who, in course of a discourse upon the 'Idu'l-Fiṭar said: "Let every person, whether infant or adult bestow upon the poor half a-*ṣa'* of wheat, or one *ṣa'* of millet or of barley".

It is incumbent upon a man to pay Şadaqatu'l-Fiṭar on behalf of his infants and slaves (male and female). The provision of the children is a debt upon the father, wherefore the accomplishment of the Şadaqa must also rest upon him, this being considered as a part of their provision. Similarly a man must pay the Şadaqa on behalf of his male and female slaves, he being their guardian, and their subsistence depending upon him. On the other hand it is not incumbent upon men to give Şadaqa on behalf of his male and female slaves designed for sale as merchandise. Imām Shāfi'i, however, holds the view that Şadaqatu'l-Fiṭar is obligatory upon such slaves and that

the proprietor is to pay it for them. A Muslim must pay Şadaqatu'l-Fiṭar for his infidel slaves, for Muḥammad said: "Render Şadaqatul-Fiṭar on behalf of every slave, be that slave a Christian, a Jew or a Pagan." Imām Shāfi'i, however, holds a different view also in this matter. He maintains that the obligation to this Şadaqa rests upon a slave himself, and not upon the owner; and an infidel slave is under no obligation of paying Zakāt and Şadaqa.

The Şadaqa is not incumbent upon a man on behalf of his wife, neither it is incumbent on behalf of his adult children. But yet if a man were to disburse the Şadaqa on behalf of his wife and adult children, without their desire, it is lawful, on a principle of benevolence, their consent being by custom understood.

The measure of a Şadaqatu'l-Fiṭar, on behalf of one person, in wheat, or flour, or bran or in dried fruits, is half a *ṣa'*, or about two seers in Indian weight; and in dates or barley it is one *ṣa'* or about four seers. The value of these articles may be given in *şadaqa*.

The obligation to the performance of Şadaqatu'l-Fiṭar commences with the dawn of the morning of the 'Idu'l-Fiṭar. It is generally distributed before the prayers of the festival are said.

Voluntary Alms, Sadaqa.

The duty of voluntary almsgiving is frequently enjoined in the Qur'an, *e. g.*, 2; 274,275. Muḥammad has enjoined the duty of almsgiving in tradition:—

"The best of alms are those given by a man of small means, who gives of that which he has earned by labour, and gives as much as he is able." "Begin by giving alms to your own relatives." "Your smiling in your brother's face is alms; assisting the blind is alms. "God says, Be thou liberal, thou child of Adam, that I may be liberal to thee."

4. Roza, Fasting.

Fasting from dawn to sunset on each day of the month of Ramaḍān is a Prescribed Duty. It consists of total abstinence from food, drink and conjugal relations from sunrise to sunset.

The excellence of this month is much extolled by Muḥammad who said that during the month of Ramaḍān the gates of Paradise are open, and the gates of hell are shut, and the devils are chained. The express injunctions regarding the observance of this month are given in the Qur'ān 2 : 179-184.

The fast is obligatory (*Fard*) on every Muslim, male and female, who has reached the age of puberty. Young children, idiots the sick and infirm and aged, pregnant women or women who are nursing their children, and travellers on a journey of more than three days, and women who are ceremonially unclean are exempted from observing this fast.

In the case of a sick person or traveller and women who are ceremonially unclean, the month's fast must be kept as soon as they are able to perform it. This fast is called Qaḍā or Redeeming Fast.

The fast commences as soon as the new moon of the month of Ramaḍān has been visible, and it is continued till the appearance of the new moon of the following month (Shawwāl).

Things to be observed with regard to the fast are :—

- (1) The Nīyat, intention. The believer must make a *nīyat* i. e., propose to himself to observe the fast, and this must be repeated every night for the fast of the following day.
- (2) Total abstinence from food and drink. Besides food and drink no medicine also is allowed to be taken

internally; nor any medicine is permitted to be put in the ear, nose or even to a wound in the head.

- (3) Abstinence from conjugal relations during the day time.
- (4) Abstinence from pollution (*al-imsāk 'anil-istimnā'i bil-kaffi*).
- (5) Abstinence from vomiting, unless it is involuntary.
- (6) A woman must be ceremonially clean, i. e., free from her ordinary habits.

Sunnat Observances of the Fast.

The Sunnat acts to be observed in the fast are the following :

- (1) The delay in the meal taken a little before day-break called *Saḥarī*, from *saḥar*, the dawn.
- (2) Breaking the fast (*Iftār*) at sunset before evening prayer by taking a date or drinking a little water.
- (3) Giving up the use of *miswāk*, the tooth brush, during the day.
- (4) Giving alms.
- (5) Doing voluntary devotions.

Redeeming Fast and the Acts of Expiation For Violating the Rules of Fast.

If during the month of Ramaḍān a fast is omitted or nullified by some voluntary or involuntary acts which are forbidden, it must be made good by one of the following acts :—

- (1) *Thawmu'l-Qaḍā*, redeeming fast. A Muslim who has failed to observe fast on some valid reason must make up for it by observing the fast at some other time. A woman who omits her fast, on account of physical occasions, has to make good the omissions by observing Qaḍā fasts at some other time. Qaḍā fasts may be observed either on consecutive days or on separate days as convenient.

- (2) Al-Kaffāra, expiation. It consists in setting free a slave or if he be not able to do that, in fasting for two consecutive months, or feeding sixty poor persons. It is incumbent on the person who has violated a fast in Ramaḍān by transgressing any of the commands of abstinence from eating, drinking, the use of medicine or conjugal relations, (*min jāmi' aw jūmā' fi aḥadi's-sabīlayn aw akala aw sharaba għidha-an aw dawā-an 'amadan*). In such cases it is necessary that the fast thus violated must also be observed as a Qaḍā along with the expiation.

Voluntary Acts of Devotion During the Month of Ramadan.

The main acts of devotion recommended by Muḥammad but not obligatory in any sense are the following:

- (1) Ṣalātu't-Tarāwīḥ, twenty Rak'ats of prayer at night (see p. 60).
- (2) I'tikāf, seclusion. Muḥammad is said to have usually observed this custom in the last ten days of Ramaḍān. When Muslims observe I'tikāf they must abstain from all worldly business devoting their time to reading and meditating on the Qur'ān and Tradition. Women also may spend I'tikāf, not, however, in a mosque but in a room in their houses.

Laylatu'l-Qadar, The Night of Power.

A mysterious night in the month of Ramaḍān, the precise date of which is said to have been known only to Muḥammad and a few of his companions. A reference to this night is said to be found in the Sūra 97.

Voluntary Fasts.

Besides the fasts which are Prescribed (*Fard*) during the month of Ramaḍān, there are voluntary (*Nafil*) fasts which may be observed on certain occasions during

the year recommended by Muḥammad. Fasts also may be kept as the Vowed Fasts (*Ghamwu'n-Nadhar*).

- (1) Occasional Fasts Observed As *Nāfil*, Supererogatory or Voluntary:—

- (i) Six Days following the 'Idu'l-Fiṭar. Muḥammad said: "The person who fasts during the month of Ramaḍān, and follows it up with six days in the month of Shawwāl, will obtain the reward of a continuous fast."
- (ii) 'Āshūra, the 10th day of the month of Muḥarram. Muḥammad said that he hoped that the fast of 'Āshūra would cover the sins of the coming year.
- (iii) Mondays and Thursdays of every week are recommended as fast days. Muḥammad said: "The actions of men are placed before God on Mondays and Thursdays, and I wish that my actions should be placed before Him while I am fasting."
- (iv) Saturdays and Sundays. Muḥammad said: "These two days are festivals of the polytheists, (the Jews and the Christians), and I like to act contrary to them."
- (v) *Al-Ayyā-mu'l-biḍ*, i. e., the bright days of the month. The thirteenth, fourteenth and fifteenth of each lunar month. Muḥammad himself used to fast on these days.
- (vi) Alternate Days. Muḥammad said: "The best fast is the fast of David, namely to fast one day and eat one day."

- (2) Vowed Fast. A believer may vow to fast for certain number of days and they must be strictly observed. The neglect of such fast is to be compensated by Qaḍā or redeeming fast. But in case

it was vowed with an oath the neglect requires an expiation as well besides the observance of Qaḍā fast.

The Forbidden Days.

Fasts may not be observed on the so called forbidden days *viz.* The first day of the festival of 'Idu'l-Fiṭar and four days of 'Idu'd-Ḍuḥā.

5. Hajj, The Pilgrimage.

The Hajj or the pilgrimage to the Ka'ba, the holy house at Mecca, is the fifth Prescribed Duty (*Farḍ*) in Islam. It is incumbent on every Muslim who is free, sane, adult, well in health and has sufficient money. The object of Hajj is the Ka'ba, and hence it is necessary to give a brief description of the sacred shrine before we proceed to give an account of the rites of the pilgrimage.

Masjidu'l-Haram, The Sacred Mosque.⁽¹⁾

The Mosque which contains the Ka'ba is called Masjidu'l-Ḥarām, the Sacred Mosque. The whole Mosque is an oblong square 250 paces long and 200 broad. It is surrounded by colonnades. Seven paved causeways lead from the colonnades towards the Ka'ba, the holy structure in the centre. They are elevated about nine inches from the ground. Between these causeways, which are covered with fine gravel or sand, grass appears growing in several places, produced by the Zamzam water oozing out of the jars, which are placed in the ground in long rows during the day.

In several parts of the colonnade religious schools are held for children, and in others learned men of Mecca deliver lectures on religious subjects every afternoon.

⁽¹⁾The following account of the Mosque is based on Burckhardt's *Travels in Arabia*, Vol. I.

In some parts of the colonnade, at every hour of the day persons may be seen occupied in reading the Qur'ān and other religious books.

Towards the middle of the main area of the Mosque stands the Ka'ba, which is an oblong massive structure, 18 paces in length, 14 in breadth, and 35 to 40 feet in height. It stands upon a base two feet in height. The only door which affords entrance and which is opened but two or three times in the year, is on the north side, and about seven feet above the ground. In entering it, therefore, wooden steps are used.

At the north-east corner of the Ka'ba near the door is the famous Black Stone (*Ḥar-i-Aswad*), it forms a part of the sharp angle of the building, at 4 or 5 feet above the ground. It is an irregular oval, about 7 inches in diameter, with an undulated surface, composed of about a dozen smaller stones of different sizes and shapes, well joined together with a small quantity of cement, and perfectly smoothed. It is surrounded on all sides by a border which serves to support its detached pieces. Both the border and the stone itself are encircled by a silver band.

The south-east corner of the Ka'ba is called Ruknu'l-Yamānī, and in it there is another stone, about five feet from the ground; it is one foot and half in length, and two inches in breadth. This the pilgrims, while making the customary circuit round the Ka'ba, touch only with the right hand and do not kiss it.

On the north side of the Ka'ba is a slight hollow in the ground, lined with marble. Here it is considered meritorious to pray. The spot is called Mi'jan, and is supposed to be that where Abraham and his son Ishmael kneaded the chalk and mud which they used in building the Ka'ba.

On the west side of the Ka'ba about two feet below its summit, is the Mi'zab, or water-spout, through which the rain-water collected on the roof of the building is discharged so as to fall upon the ground. The pavement round the Ka'ba below the Mi'zāb, consists of various coloured stones and in the centre there are two large slabs of fine verde-antico. This is the spot where, according to Muslim tradition, Ishmael and his mother Hagar, were buried, and here it is meritorious for the pilgrims to say a prayer of two Rak'ats.

The four-sides of the Ka'ba are covered with a black cloth, hanging down, and leaving the roof bare. This curtain, or veil, is called *kiswah*, and renewed annually at the time of the Ḥajj, being brought from Cairo. The inscription on the gold band of the *kiswah* is the ninetyeth verse of the third Sūrah. The whole of the *kiswah* is covered with seven Sūras of the Qur'ān viz. 18th, 19th, 3rd, 9th, 20th, 39th, and 67th. The character is the Kufic, and legible from a considerable distance. On the 25th of the month of *Dhu'l-Qa'da*, the old one is taken away, and the Ka'ba continues without a cover for fifteen days. It is then said that "The Ka'ba has assumed the *Ihrām*," which lasts until the tenth of *Dhu'l-Hajj*, the day of the return of the pilgrims from 'Arafāt to Wādī Minā, when the new *kiswah* is put on. During the first days, the new covering is tucked up by cords fastened on the roof, so as to leave the lower part of the building exposed; having remained thus for many days, it is let down, and covers the whole structure, being then tied to strong brass wings in the basis of the Ka'ba.

Opposite the four sides of the Ka'ba stands four small buildings, where the Imāms of the four Sunnī Schools of jurisprudence take their stations, and guide the congregation in their prayers. These four Imāms take their

turns in leading their congregation in prayer except at evening prayer when all join to say their prayer together. Men fill the space in front, and behind them the female pilgrims have their places assigned. The worshippers form themselves into several wide circles, around the Ka'ba, as a common centre before which every person makes his prostration; and thus it has been observed that Mecca is the only spot in the world in which a Muslim can, with propriety, turn during his prayer towards any point of the compass. Close by the Maqāmu'l-Ḥanbalī, the Station of the Ḥanbalīs, which is opposite to the Black Stone, stands the building which encloses the famous well of Zamzam. It is of a square shape, and of massive construction, with an entrance to the north, opening into the room which contains the well. This room is beautifully ornamented with marbles of various colours; and adjoining to it, but having a separate door, is a small room with a stone reservoir, which is always full of Zamzam water; this the pilgrims get to drink by passing their hand with a cup through an iron grated opening, which serves as a window, into the reservoir, without entering the room. Zamzam is supposed to be the spring found in the wilderness by Hagar, at the moment when her infant son Ishmael was dying of thirst. Many pilgrims purchase at Mecca the shroud in which they wish to be buried, and wash themselves at the well of Zamzam, supposing that, if the corpse be wrapped in linen which has been wetted with this holy water, the peace of the soul after death will be more effectually secured.

On the north-east side of Zamzam stands two small buildings, called al-Qubbatayn; they are covered by domes, and in them are kept water-jars, lamps, carpets, mats, brooms, and other articles used in the very mosque.

A few paces west of Zamzam, and directly opposite

to the door of the Ka'ba, stands a ladder, which is moved up to the wall of the Ka'ba, on the days when that building is opened, and by which the visitors ascend to the door; it is of wood, with some carved ornaments, moves on low wheels and is sufficiently broad to admit four persons.

In the same line with the ladder, and close by it stands a lightly-built, insulated, and circular arch, about fifteen feet wide and eighteen feet high, called Bābu's-Salām (the Gate of Peace), which must not be confounded with the great gate of the mosque bearing the same name. Those who enter the Ka'ba for the first time, are enjoined to do so by the outer and inner Bābu's-Salām; in passing under the latter, they are to exclaim, "O God, may it be a happy entrance!"

Nearly in front of the Bābu's-Salām, and nearer to the Ka'ba than any of the other surrounding buildings, stands the Maqām-i-Ibrāhīm. This is a small building, supported by six pillars about eight feet high, four of which are surrounded from top to bottom by a fine iron railing, which thus leaves the space beyond the two hind pillars open; within the railing is a frame about five feet square, terminating in a pyramidal top, and said to contain the sacred stone upon which Abraham stood when he built the Ka'ba, and which, with the help of his son Ishmael, he had removed from hence to the place called Mi'jan, already mentioned. The stone is said to have yielded under the weight of Abraham, and to preserve the impression of his foot still visible upon it. The frame is always covered with a brocade of red silk richly embroidered. Persons are always seen before the railing, invoking the good offices of Abraham, and a short prayer must be uttered by the side of the Maqām, after the circuit round the Ka'ba is completed.

On the side of Maqām-i-Ibrāhīm facing the middle part of the front of the Ka'ba, stands the Mimbar, or pulpit, of the mosque. It is elegantly formed of fine white marble, with many sculptured ornaments. A straight narrow staircase leads up to the post of the Khaṭīb, or preacher, which is surmounted by a gilt polygonal pointed steeple, resembling an obelisk. Here a sermon is preached on Fridays, and on certain festivals.

The main entrances to the mosque are the following: On the north side, Bābu's-Salām, by which every pilgrim enters the mosque: Bābu'l-'Abbās; Bābu'n-Nabī, by which Muḥammad is said to have always entered the mosque; and Bāb-i-'Alī. On the east side: Bābu'l-'Ashra, through which the ten first adherents of Muḥammad used to enter; Bābu's-Ṣafā; and two gates called Bībānu'sh-Sharīf, opposite the palaces of the Sharīf. On the south side: Bāb-i-Ibrāhīm, where the colonnade projects beyond the straight line of the columns, and forms a small square; Bābu'l-'Umrah, through which it is necessary to pass on performing the 'Umrah, the Lesser Pilgrimage. On the west side Bābu'z-Ziyādah, forming a projecting square similar to that at Bāb-i-Ibrāhīm, but larger. There being no doors to the gates, the mosque is consequently open at all times.

The exterior of the mosque is adorned with number of minarets, irregularly distributed:

1. Minaret of Bābu'l-'Umrah; 2. of Bābu's-Salām; 3. of Bāb-i-'Alī; 4. of Bābu'l-Widā'; 5. of Madrasah Kayl Beg; 6. of Bābu'z-Ziyādah; 7. of Madrasah Sulṭān Sulaymān. They are quadrangular or round steeples, in no way differing from other minarets. The entrance to them is from the different buildings round the mosque, which they adjoin.

The Rites of the Pilgrimage.

The rites of the pilgrimage commence from the last stages of the pilgrims' journey called *Mīqāt*. These stages are situated on each of the various roads leading to Mecca at a distance of about 5 or 6 miles from the city. The names of the five such *Mīqāt* are as follows: 1. *Al-Ḥalifa*, on the Medina road; 2. *Jukhfa*, on the Syrian road; 3. *Dhāt-ul-'Irāq*, on the Iraq road; 4. *Qaranu'l-Manāzil*, on the Nejd road; 5. *Yalamlam*, on the Yaman road.

The Ihram, the Pilgrim's Garb.

At his respective *Mīqāt* the pilgrim bathes himself, and then divests himself of his clothes and assumes the pilgrim's garb, consisting of two seamless new white wrappers each six feet long by three and half broad. The one is wrapped round the waist and is called *izār*, and the other is thrown loosely over the shoulder and is called *ridā*. The shoulder and the head being left uncovered. Sandals may be worn, but not shoes or boots.

This distinctive robe is called *Iḥrām*, prohibiting. The term, *Iḥrām*, is also applied to the state in which the pilgrim is held to be from the time he assumes his *Iḥrām*, the pilgrim's garb, until he lays it aside at the conclusion of the *Ḥajj*.

Things Prohibited During the Period Of Ihram.

During this period the following things are prohibited to him:

- (1) Wearing a shirt, drawers, shoes, turban.
- (2) The use of perfume; the atonement for having used it is a sheep.
- (3) Shaving, paring nails; the atonement for transgressing by any such act is a sheep.

- (4) Conjugal relations; the atonement for violation of this rule is a cow or seven sheep.
- (5) Kissing or self-pollution; the expiation for such an act of transgression is a sheep.
- (6) Killing game; the expiation for such transgression is cattle of the value of the animal killed. The pilgrim, however, is allowed to kill a lion, a biting dog, a snake or scorpion.

On the Way to the House of Allah.

The pilgrim having now entered upon the state of *Iḥrām* faces Mecca and makes the *Niyat*, that is, he proposes to himself the intention of performing the *Ḥajj*. He then proceeds on his journey to the sacred city and on his way he recites or sings in a loud voice, the invocation called *Talbiyah*. It literally means waiting, or standing for orders, and it runs as follows: "I am waiting for Thy service, O God! I am waiting! I am waiting! There is no partner with Thee! I am waiting for Thy service! Verily Thine is the praise, the beneficence, and the kingdom! There is no partner with Thee!"

The Ceremonies at Mecca.

On reaching Mecca he goes through the following ceremonies:

- (1) Ablution. He performs ablution (*wuḍū*) and kisses the Black Stone.
- (2) *Ṭawāf* or circuit. He performs the *Ṭawāf* in the following manner: He encompasses the Ka'ba seven times, three times at a quick step and four times at a slow pace. Each time as the pilgrim passes round the Ka'ba, he touches the *Ruknu'l-Yamānī*, and kisses the sacred Black Stone.
- (3) Prayer at *Maqām-i-Ibrāhīm*. He now visits the *Maqām-i-Ibrāhīm* where he recites a *Namāz* of two

Rak'ats in the first of which he recites Sūra 2: 119 and in the second Sūra 112. He then once more kisses the Black Stone.

- (4) *As-Sa'i baynus-Şafā wa'l-Marwā*, running between the hills of Şafā and Marwā. The pilgrim issues from the temple by the gate of Şafā and ascends the hill of Şafā, then he walks alternately at a slow and quick pace till he reaches the top of the hill Marwā. Between these two hills he walks seven times backward and forward, sometimes slowly, sometimes quickly, and each time repeating Sūra 2: 153. Women are relieved from observing this custom.

Seventh of Dhu'l-Hajj, the Khutba in the Mosque.

On the seventh of Dhu'l-Hajj immediately after the noon prayer, the Imām, standing near the Ka'ba preaches a *Khutba*, sermon, informing the pilgrims of the approach of the feast and exhorts them to prepare themselves for the solemn rites to be observed on the following days.

The Eighth of Dhu'l-Hajj, In the Valley of Mina.

The eighth of Dhu'l-Hajj is called *Yawmu't-Tarwih*, the day of watering, and is so called because the pilgrims give drink to their camels, as preparations for standing on 'Arafāt, where there is no water. The pilgrim goes to the valley of Minā, about three miles from Mecca, where he spends the night. In Minā is the *Masjidu l-Khayf*, where according to the Arabs, Adam is buried, his head being at one end of a long wall, and his feet at another, whilst the dome covers his omphalic region. But the Hajj ceremony has no connection with this tomb.

The Ninth of Dhu'l-Hajj, Standing On Mt. 'Arafat

On the ninth of Dhu'l-Hajj the pilgrim goes through the ceremony, called *Al-wuquf fi 'l-'Arafāt*, standing on the Mt. 'Arafāt. He says his morning prayer at Minā and then proceeds to Mt. 'Arafāt. Here he listens to a *Khutba* (sermon) and joins in the congregational prayer at noon. He then takes his stand on Mt. 'Arafāt and recites words of praise and prayer and repentance. He then leaves for *Mudhila*, a place midway between Minā 'Arafāt, where he arrives for the sunset prayer, and spends his night.

The Tenth of Dhu'l-Hajj, The Great Feast.

The tenth day of the month of Dhu'l-Hajj is called *Yawmu'n-Naḥar*, the Day of Sacrifice, and is known all through the Muslim world as 'Idu d-Ḍuḥā, the Feast of Sacrifice. The ceremonies of this day, which conclude the Hajj, are as follows:

- (1) *Ramyul-Jimār* or *Ramyu'r-rijām*, casting pebbles at *Jumrah* (pillars) or throwing of stones. After morning prayer he proceeds to Minā, where they visit the three pillars; the first is called *Jamaratu'l-Awlā*, the middle is *Jamratu'l-Wustā* and last one *Jamratu'l-Kubrā* or the Great Devil. The first two pillars on this occasion are passed without taking any notice of them, but on reaching the last, the Great Devil, the pilgrim casts seven pebbles. He seizes one after the other of the seven pebbles between the thumb and the forefinger of the right hand and throws them at the pillars, saying, every time he throws a pebble: "In the name of God Almighty I do this, and in the hatred of the devil and his shame." The

same ceremony of throwing the pebbles is in the same way repeated at the other two pillars.

- (2) *Ḍaḥiyya*, the sacrifice. The pilgrim having thus performed the rite of throwing stones returns to *Minā* and there offers the sacrifice. The victim may be a sheep, a goat, or a cow, or a camel, according to the means of the pilgrim.
- (3) *At-taḥallu'l-awwal*, the first freedom. The pilgrim gets himself shaved. For the bald it suffices to pass the razor over his head, for women to cut off a bit of hair. He returns to the *Ka'ba* and performs *ṭawāf*, circuit, and this concludes the rites of pilgrimage. He takes off the *Iḥrām*, the pilgrim's garment, and he is now free to do the things which were formerly forbidden to him.

The Pilgrim's Farewell to the *Ka'ba*.

The 11th, 12th and 13th days of the month of *Dhu'l-Ḥajj* are called *Ayyāmu't-tashrīq*, days of exposing to the sun, or drying the flesh. They are thus called because now the pilgrim prepares provisions for the return journey by cutting slices from the flesh of the victim offered on the day of Sacrifice and drying them in the sun. He spends the night in *Minā* and it is called the *Laylatu'l-qarār*, the Night of Rest. On the second day he again performs the rite of throwing the pebbles at the pillars. Finally he returns to *Mecca* and performs the *Ṭawāfu'l-Widā'*, the circuit of farewell, and says a prayer of two *Rak'ats* at *Maqām-i-Ibrāhīm*. Retiring backward and steadily keeping his eyes fixed on the *Ka'ba* till it is out of sight, he makes his exit, and the *Ḥajj* with its obligations and praiseworthy rites and ceremonies is completed. The pilgrim from now on is entitled to be called a *Ḥājī*, a title of great respect and veneration.

Visitation to the Tomb of Muhammad.

Most Muslims then go to *Medina* and make their salutation at the shrine of *Muḥammad*. *Muḥammad* is reported to have said: "He who visits me after my death is as if he had visited me during my life-time." The visitor performs a *Namāz* of two *Rak'ats*, in the *Masjidu'n-Nabī*, the Mosque of the Prophet, after which he visits the tomb of the Prophet with the appropriate salutation. This visit is not obligatory and does not form a part of the *Ḥajj* ceremonies.

'UMRA, THE LESSER PILGRIMAGE.

'Umra, the Lesser Pilgrimage can be performed at any time except the 8th, 9th and 10th of *Dhu'l-Ḥajj*, these being the days fixed for the *Ḥajj*. 'Umra is not obligatory, it is a *Sunnat* duty in imitation of *Muḥammad's* example and in obedience to his exhortation: "Join the 'Umra with the *Ḥajj*, for truly the joining of both brings a blessing on your days and on your possessions, and wipes out your sins and purifies you."

It consists of the same rites and ceremonies as the *Ḥajj*, with the exception that there is no sacrifice required.

CHAPTER IV.

Holy War.

Jihad, The Religious War.

Jihād, lit. an effort or striving. It is the calling on unbelievers to accept the true religion and fighting those who do not accept it. Its object is either to win them over to Islām, or to subdue and exterminate them in case they refuse to become Muslims and cause Islām to spread and triumph over all other religions. It is a religious duty extending to all times and is laid down in the Qur'ān in the following verses : 9 : 5, 6, 29 ; 4 : 76-79 ; 2 : 186, 214, 215 ; 8 : 39-42.

Muḥammad used to say: "Paradise is under the shade of the swords." "War is permanently established until the day of judgment." "One day of fighting is of greater value with God than fasting a whole month."

It is remarkable that all the verses in the Qur'ān, which enjoin the religious War, are in the Medīna Sūras. At the beginning of his career Muḥammad propagated his religion by means of teaching and preaching and never had recourse to force. There was to be no compulsion in religion (see Sūra 2 : 257 and 109 : 5), but no sooner had he established himself in Medīna as a ruler, and was in a position to dictate terms to his enemies, than he gave out that God had *allowed* him and his followers to defend themselves against the infidels, and finally he proclaimed that he had Divine sanction even to attack them and destroy idolatry and set up the true faith by the sword. The passages of the Qur'ān sanctioning the use of the sword are considered by Muslim divines as abrogating (*nāsikh*)

those passages which recommend peaceful means and which are then called abrogated (*mansūkh*). This progress from peaceful means to compulsion is thus stated by the Muslim theologians themselves : "Know thou that the command of the fighting was revealed by degrees, for the prophet was at first commanded to *deliver* his message, then to *discuss* and dispute and endeavour to convince the unbelievers by arguments. Then believers were *permitted* to fight, then they were *commanded* at first at any time, except the sacred months, then *absolutely*, without any exception."

Muḥammad himself gave the example to his followers. In course of less than ten years the number of battles (*Ghazwāt*, singular *ghazā*) fought under his order is twenty-seven; and that of the smaller warlike expedition (*Sarāyā*, singular *'sarrīya*) is forty-six.

The Nature Of Its Obligation.

The injunction concerning war is sufficiently observed when it is carried on by any one party or tribe of Muslims. But where there is a general summons (that is, where the infidels invade a Muslim territory and the Imām issues a general proclamation requiring all persons to go forth to fight), then it becomes a positive injunction with respect to the whole of the inhabitants. If the people of that territory be unable to repulse the infidels, then war becomes a Prescribed duty with respect to all in that neighbourhood, and if these also do not suffice, then it becomes a Prescribed injunction with respect to the next neighbours ; and in the same manner with respect to all the Muslim from east to west.

Slaves and Women Exempted From Fighting.

It is not incumbent upon slaves and women to make war, as the rights of the master or of the husband have precedence ; nor is it so upon the blind, the maimed, or the

decrepit, as such are incapable. If, however, the infidels make an attack upon a city or territory, in this case the repulsion of them is incumbent upon all Muslims, insomuch that a wife may go forth (not to take any personal concern in battle unless in case of absolute necessity, but for the performance of such business as suits her) without the consent of her husband and a slave without the leave of his master, because war then becomes a Positive Injunction ; and possession either by bondage or by marriage cannot come in competition with a Prescribed Duty.

Infidels To Be Invited To Islam Before They Are Attacked.

It is not lawful to make war upon any people who have never before been called to the faith, without previously requiring them to embrace it. But if a Muslim attacks them before thus inviting them to the faith, and slays them and takes their property, neither fine, expiation nor atonement are due, because that which protects (namely, Islām) does not exist in them, nor are they under protection by place (namely, the Dāru'l-Islām or Muslim territory).

The same law applies to the women or infant children of the infidels whom it is forbidden to slay, but if, notwithstanding, a person were to slay such, he is not liable to a fine.

It is laudable to invite people to Islām, when a call has already reached them, but it is not obligatory, as it is recorded of Muḥammad that he plundered and despoiled the tribe of al-Muṣṭa'liq by surprise, and he agreed with Usāma to make a predatory attack upon Qubna at an early hour, and to set it on fire, and these attacks were not preceded by a call.

Those Who May Not be Slain.

It is forbidden to slay women or children, or men aged, bedridden, or blind, because opposition and fighting are the only occasions which make slaughter allowable and such persons are incapable of that. For the same reason also the paralytic are not to be slain, nor those who are dismembered of the right hand, or of the right hand and left foot. Ash-Shāfi'i on the other hand, maintains that these may be slain because, according to him, infidelity is an occasion of slaughter being permissible, and this appears in these persons.

When A Son May Slay His Father.

A Muslim is not allowed to begin fighting with his father who happens to be among the infidels, nor must he slay him. If, also, the son should find the father, he must not slay him himself, but must hold him in view until some other come and slay him. If, however, the father attempt to slay the son insomuch that the son is unable to repel him but by killing him, in this case the son need not hesitate to slay him.

The Law Relating to Conquered Territory.

When an infidel's country is conquered by a Muslim ruler, its inhabitants are offered three alternatives : (1) The reception of Islām ; (2) the payment of a poll-tax or (3) death by the sword. In case they accept Islām they become enfranchised citizens of the Muslim State. If they agree to pay the poll-tax, called Jizya, compensation, they obtain protection and become *Dhimmīs*, i.e., the non-Muslim subjects allowed to profess their own religion. It is the duty of the Imām to explain to *Dhimmīs* the amount to be paid and the time at which the payment is to be made.

The taxes which are imposed upon the conquered territory are the following :—

- (1) **Kharāj**, land revenue. All the land subdued by force of arms, if watered by canals cut by the Gentiles, is subject to tribute, whether the Imām has divided it among the troops, or restored it to the original inhabitants; and if there be no canals, but the land be watered by springs, which rise within, it is subject to tithe, in either case, because tithe is peculiar to productive land, that is, land capable of cultivation, and which yields increase, and the increase produced from it is occasioned by water.
- (2) **Jizya**, from *jiza*, to satisfy, to compensate (because it is compensation for the life of unbelievers), poll-tax. It is of two kinds: (i) That which is established voluntarily, and by composition, the rate of which is such as may be agreed upon by both parties. (ii) That which the Imām himself imposes, where he conquers the infidels, and then confirms them in their possessions. This tax is imposed at the following rate :
 - (a) Upon every rich person a tax of 48 dirhams per annum ;
 - (b) Upon every person in middling circumstances 24 dirhams per annum ;
 - (c) Upon labouring poor 12 dirhams per annum.

The poll-tax is taken from *Ahl-i-kitāb*, the people of the book, i.e., the Jews and Christians of all denominations and from the Magi and idolaters who are not from

Arabia. Idolaters from Arabia and apostates must choose between Islam and the sword. Women, children, the blind, crippled and monks are exempt from paying the tax.

How A Dhimmi Must Deliver His Jizya.

The Jizya must be delivered by the person who owes it himself ; it cannot be sent by another person ; but the person who owes it must himself hand it over, and while the Qādī who receives it, sits and strikes him on the neck, saying : "Give it, O, thou enemy of Allah.

The Position Of A Dhimmi In A Muslim Country.

The *Dhimmi* must distinguish himself from the Muslim by wearing different clothes. He is to be kept in a state of subjection and abject humiliation. He must not ride on saddles like Muslims. When the Muslim stands, he must not sit. No Muslim ought to show him respect and honour. If he meets him in the street he must make him go aside. They must not live in large numbers in the midst of Muslims, and, if they possess houses of their own, they must be forced to sell them to Muslims. Their houses must be lower than those of Muslims. A *Dhimmi* loses his right of protection, if his country becomes a land of warfare (*Dāru'l-Ḥarb*) or if he does not pay the poll-tax. If he should insult the prophet he is to be killed.

Ghanimat, Plunder.

When the country of the infidels is conquered by force, the Imām is at liberty to leave the land in the possession of the original owners, on condition that they pay the land-tax (*kharāj*) besides the capitation-tax, or he may divide it among the Muslims. With regard to moveable property, it is not lawful for the Imām to leave it in the possession of the infidels, but it must be divided among the soldiers. Four-fifths of the spoil belong to the troops,

and one-fifth must be divided into equal portions for the relief of the orphans, the feeding of the poor, the entertainment of the travellers, and the support of the poor members of Muḥammad's family, (See Sūra 59:6).

Muḥammad was entitled to a portion of the spoil like other members of the expedition; but on the basis of the regulation in the Qur'ān (Sūra 8: 1, 41) he enjoyed the privilege of choosing and appropriating to himself, before the general distribution, as a part of his portion, any object he desired to possess. Thus he took possession of a valuable sword called *Dhu'l-Fiḡār* and *Ṣafīyya* the beautiful girl, from the spoil taken after the conquest of *Khay-bar*.

Captives.

Unbelievers taken in war who refuse to embrace Islam may either be killed, or made captives, or be granted liberty on condition of their becoming *Dhimmi*s. Female captives, even if married, according to the injunction of the Qur'ān are at the disposal of the Muslim conquerors and they can become concubines.

Women and children of infidels, who refuse to embrace Islam and who cannot be carried away must be left in a desert place, where they find neither water nor food so that they may die of hunger and thirst, because it is not lawful to kill them.

Irtidād, Apostasy.

Apostasy is defined as the forsaking of Islam by expressing such disbelief with tongue, after one has been a believer.

Jihād being an incumbent duty, also seems to govern the question of the death penalty for apostasy. The Muhammadan community being Allah's army apostasy deserved the punishment of death in no lesser degree than desertion in holy war.

A Muslim who apostatizes is to be brought before the Imām and called upon to give up his unbelief and return to Islam. He is imprisoned for three days and invited every day to recant; if he asks for a further delay, he is to be granted the same; but if after that delay, he does not recant, he is to be killed. A female apostate is not subject to capital punishment, but must be kept in confinement till she recants or dies. The person who thus kills her, is not guilty.

Apostasy from Islam to infidelity places the apostate outside the protection of law, and if even before the chance of reembracing the faith has been given to him, a Muslim kills an apostate, it would be considered an improper act, but he would incur no penalty of the law.

Apostasy dissolves the marriage without any decree of the magistrate. If either the husband or wife apostatize from the faith of Islam, a divorce takes place *ipso facto*; the wife is entitled to her whole dower, but no sentence of divorce is necessary. If the husband and wife both apostatize together, their marriage is generally allowed to continue. But if, after their joint apostasy, either husband or wife were singly to return to Islam, then the marriage would be dissolved.

If a boy under age apostatizes, he is not to be put to death, but to be imprisoned until he come to full age, when, if he continue in the state of unbelief, he must be put to death. Neither lunatics nor drunkards are held to be responsible for their apostasy from Islam. If a person upon compulsion become an apostate, his wife is not divorced, nor are his lands forfeited. If a person become a Mussalman upon compulsion, and afterwards apostatize, he is not to be put to death. If the declaration of apostasy can possibly be explained in a different way, this must be done so as to clear the person from infidelity.

An unbeliever who insults one of the prophets is to be killed; if he insults or curses God and repents, the punishment must be remitted, for, in the case of transgression of man, the punishment is necessary but in a transgression against God, the punishment can be remitted, for 'God is forgiving and merciful'.

Shahid, Martyr.

In Muhammadan law the word *Shahid* is a very comprehensive term; it is used not only for those who die in witness of, or in defence of Islam but for all those also who die such deaths as are calculated to excite the compassion and pity of their fellow men.

A perfect martyr (*Shahid-i-kāmil*) is one who has either been slain in a religious war, or who has been killed unjustly. A special blessing is promised to those who die in a *Jihād*. "Count not those who are killed in the way of God as dead, but living with their Lord;—provided for, rejoicing in what God has brought them of His grace, and being glad for those who have not reached them yet,—those left behind them; there is no fear for them, and they shall not be grieved; glad at the favour from God and grace, and that God wasteth not the hire of the believers. (Sūra 3: 163-165).

According to Muslim law, all persons who die in the defence of the faith, or have been slain unjustly, are entitled to Muslim burial without the usual ablution or any change of clothes, such as are necessary in the case of ordinary persons, the rank of martyrdom being such as render the corpse legally pure.

Daru'l-Harb And Daru'l-Islam.

The world, on the basis of the doctrine of *Jihād*, is divided into two great divisions, viz. (1) *Daru'l-Harb* (2) *Daru'l-Islām*. *Daru'l-Harb* is a country belonging

to infidels which has not been subdued by *Islām*, while *Daru'l-Islām* is a country in which the edicts of *Islām* are fully promulgated.

In a state brought under Muslims, all those who do not embrace Islam are placed under certain disabilities. They can worship God according to their own customs, provided they are not idolaters: but it must be done without any ostentation, and, whilst churches and synagogues may be repaired, no new place of worship can be erected.

Daru'l-Islām again becomes *Daru'l-Harb* on the following conditions:

- (1) That the edicts of unbelievers be promulgated, and the edicts of *Islām* be suppressed.
- (2) That the country in question be adjoining a *Daru'l-Harb* and other Muslim country lie between them (that is, when the duty of *Jihād* becomes incumbent on them, they have no power to carry it on).
- (3) That no protection (*amān*) remains for either a Muslim or a *Dhimmi*: viz., that *amānu'l-awwal*, or that first protection which was given them when the country was first conquered by *Islām*.

A *Daru'l-Harb* becomes a *Daru'l-Islām* when the laws of *Islām* are promulgated in it, and it is governed in accordance with the same, so that the Friday prayers and Muslim festivals are observed.

CHAPTER V.

Marriage and Divorce.

The Muslim term *Nikāḥ*, for marriage, literally means carnal conjunction, and it is defined by Muslim jurists to be a contract by which the husband obtains possession of the wife, and is allowed to enjoy her, if there be no legal impediment preventing the same.

Muḥammad said: "Marriage is my custom, who dislikes it does not belong to me;" "Marry and multiply, so that I may be glorified by my nation over other nations." The Qur'ānic injunction is found in Sūra 4: 3 "Marry what seems good to you of women, by twos, or threes, or fours; and if ye fear that ye cannot be equitable, then only one, or what your right hand possess."

Conditions of the Validity of A Muslim Marriage.

Marriage is a civil contract, and its validity does not depend upon religious ceremony, and the contract need not be reduced to writing. According to the explanation given by Sayyid Amir Ali, the validity of a marriage under Muslim law depends on two conditions: first, on the capacity of the parties to marry each other; secondly, on the celebration of the marriage according to the forms prescribed in the law where the marriage is celebrated, or which are recognised as legal by the customary law of the Mussalmans.

As a general rule the capacity to contract a valid marriage rests on the same basis as the capacity to enter into any other contract. Among the conditions which are requisite for the validity of a contract of marriage are understanding, puberty and freedom, in the contract-

ing parties, with this difference that while the first requisite is essentially necessary for the validity of the marriage, the other two conditions are required only to give operation to the contract. The marriage contracted by a (minor) boy (possessed) of understanding is dependent for its operation on the consent of his guardian.

A contract of marriage, like all other contracts, implies mutual consent, and when the parties see one another, and of their own accord agree to bind themselves, both having the capacity to do so, there is no doubt as to the validity of the marriage. Owing, however, to the privacy in which Eastern women generally live, and the difficulties under which they labour in exercise of their own choice in matrimonial matters, the Muhammadan law lays down the principle by which they may not only protect themselves from the cupidity of their natural guardians, but may also have a certain scope in the selection of their husbands. For example, when a marriage is contracted on behalf of an adult person of either sex, it is an essential condition to its validity that such person should consent thereto, or, in other words, marriage contracted without his or her authority or consent is null, by whomsoever it may have been entered into.

Among the Ḥanafis and the Shi'as, the capacity of a woman, who is adult and sane, to contract herself in marriage is absolute. Among the Shāfi'is and the Mālikis, although the consent of the adult virgin is an essential to the validity of a contract of marriage entered into on her behalf, as among the Ḥanafis and the Shi'as, she cannot contract herself in marriage without the intervention of a *walī* (guardian). The *walī*'s intervention is required by the Shāfi'is and the Mālikis to supplement the presumed

incapacity of the woman to understand the nature of the contract, to settle the terms and other matters of a similar import, and to guard the girl from being victimised by an unscrupulous adventurer, or from marrying a person morally or socially unfitted for her. It is owing to the importance and multifariousness of the duties with which a *walī* is charged, that the Sunnī law is particular in ascertaining the order in which the right of guardianship is possessed by the different individuals who may be entitled to it.

The schools are not in accord with reference to the order. The Ḥanafīs entrust the office first to the agnates in the order of succession; then to the mother, the sister, the relatives on the mother's side, and lastly to the Qāḍī. The Shāfi'īs adopt the following order: The father, the father's father, the son (by a previous marriage), the full brother, the consanguinous brother, the nephew, the uncle, the cousin, the tutor, and lastly the Qāḍī; thus entirely excluding the female relations from the *wilayat* (guardianship). The Mālikīs agree with the Shāfi'īs in confiding the office of guardian only to men, but they adopt an order slightly different. They assign the first rank to the sons of the woman (by a former marriage), the second to the father and then successively to the full brother, nephew, paternal grandfather, paternal uncle, cousin, manumittor, and lastly to the Qāḍī.

Among the Mālikīs and Shāfi'īs, where the presence of the guardian at a marriage is always necessary, the question has given birth to two different systems. The first of these considers the guardian to derive his powers entirely from the law. It consequently insists not only on his presence at the marriage, but on his actual participation in giving the consent. The second system is diametrically opposed to the first. According to this

system the right of the guardian, though no doubt a creation of the law, is exercised only in virtue of the power or special authorisation granted by the woman; for the women once emancipated from the *patria potesta* is mistress of her own actions. She is not only entitled to consult her own interests in matrimony, but can appoint whomsoever she chooses to represent her and protect her legitimate interests. Under this view of the law, the guardian acts as an attorney on behalf of the woman, deriving all his powers from her and acting solely for her benefit.

The Ḥanafīs hold that the woman is always entitled to give her consent without the intervention of a guardian. When a guardian is employed and found acting on her behalf, he is presumed to derive his power solely from her, so that he cannot act in any circumstances in contravention of his authority or instructions. The Shi'as agree with the Ḥanafīs in giving to females the power of representing others in matrimonial contracts.

The Conditions of The Validity of the Marriage of Infants.

An infant in the eye of the law is disqualified from entering into any legal transaction, and is consequently incompetent to contract a marriage. Such infants, nevertheless, may be contracted into marriage by their guardians. The marriage of a boy or girl under age, by authority of their paternal kindred, is lawful, whether the girl be a virgin or not, the prophet having declared, "Marriage is committed to the paternal kindred."

If the marriage of infants be contracted by the fathers or grandfathers, no option after the puberty

remains to them.⁽¹⁾ But if contracted by the authority of others than their parents, each is respectively at liberty, after they become of age, to choose whether the marriage shall be confirmed or annulled. It is to be observed, however, that this case applying generally to all except the father and grandfather, includes the mother of the infant, and also the Qāḍī, because the former, as being a woman, is deficient in judgment; and the latter, as a stranger, in affection. It is also to be remarked that, in dissolving the marriage, decree of the Qāḍī is a necessary condition in all cases of option exerted after marriage.⁽¹⁾

The right of option in a virgin, after maturity, is done away by her silence; but the right of option of a man is not done away by the same circumstance, nor until he express his approbation by word or by deed, such as presenting her dower, having conjugal relation with her, and so forth; and in like manner the right of option of the female after maturity (in a case where the husband had conjugal relation with her before she attained to that state), is not annulled until she express her consent or disapprobation in terms (as if she were to say "I approve," or, "I disapprove"), or until her consent be virtually shown by her conduct, in admitting the husband to conjugal relation, and so forth.

Other Conditions of the Validity of a Muslim Marriage.

Besides the capacity of the parties to marry each other and the celebration of the marriage the other conditions of the validity of the celebration of a Muslim marriage are as follows:

(1) Declaration and Consent.

Marriage is contracted,—that is to say, is effected and legally confirmed,—by means of declaration and consent, both expressed in the preterite, because although the use of the preterite be to relate that which is past, yet it has been adopted, in the law, in a creative sense, to answer the necessity of the case. This is called *Ijāb* and *Qubūl*, Declaration and Acceptance.

(2) The Consent of the Woman.

According to the doctrine of Imām Abū Ḥanīfa it is not lawful for a guardian to force into marriage an adult virgin against her consent. Imām Shāfi'ī on the contrary holds a different view. He accounts an adult virgin the same as an infant, with respect to the marriage, since the former cannot be acquainted with the nature of marriage any more than the latter, as being equally uninformed with respect to the matrimonial state. The consent of a woman, according to the teaching of Imām Abū Ḥanīfa, may be expressed or implied. The law respects the modesty of the sex, and allows the expression of consent on the part of the lady by indirect ways, even without words. With a virgin, silence is taken as consent, and so is a smile or laugh, because Muḥammad said: "A virgin must be consulted in every thing with regard to herself; and if she be silent it signifies assent." Some doctors have said that if her laughter or smile be in the manner of jest or derision it is not a sign of her consent; nor is her weeping a disapproval, if it be not accompanied with noise or lamentation. The case of a *Thiyyaba*, or a woman who has lost the state of her virginity, is different. It is necessary that her consent be particularly expressed by words, such as, "I consent to it."

(1) *Hidaya*, Engl. Tr. Vol. I. Book II, ch. II.

(3) Kafa'at, Equality.

"In marriage regard is had to equality, because the prophet has commanded, saying, "Take ye care that none contract women in marriage but their proper guardians, and that they be not so contracted but with their equals."

"If a woman should match herself to a man who is her inferior, her guardians have right to separate them, so as to remove the dishonour they might otherwise sustain by it."

The following are points to be considered in Kafā'at, equality :

- (i) The tribe or family: Equality is regarded with respect to lineage, this being a source of distinction among mankind.⁽¹⁾
- (ii) Religion: Mawālīs, that is to say, 'Ajamīs (non-Arabs), who are neither Qurayshīs nor Arabs, are the equals of each other throughout, regard not being had among them to lineage, but to Islam. Thus an 'Ajamī whose family have been Mussalmans for two or more generations is the equal of one descended of Mussalman ancestors; but one who has himself embraced the faith, or he and his father only, is not the equal of an 'Ajamī whose father and grandfather were Mussalmans.
An 'Ajamī who is the first of his family professing the faith is not the equal of a woman whose father is a Mussalman.
- (iii) Freedom: Equality in point of freedom is the same as in point of Islam.

(1) "A Quraysh is equal to a Quraysh."

- (iv) Character: Regard is to be had to equality in piety and virtue.
- (v) Fortune: Equality is to be regarded with respect to property, by which is understood a man being possessed of a sufficiency to discharge the dower and provide maintenance.
- (vi) Profession: Equality is to be regarded in trade or profession.

(4) The Stipulation of Mihr or Dower.

Stipulation of Mihr or dower is one of the conditions of Muslim marriage, nevertheless in the words of *Hidaya*,⁽¹⁾ 'A marriage is valid, although no mention be made of it by contracting parties.'

The laws regarding the Mihr are as follows :

- (i) The lowest legal dower: The smallest dower is ten Dirhems. If a man assign, as a dower, a sum under ten dirhems, yet his wife shall receive the whole ten dirhems, according to Imām Abū Ḥanīfa.
- (ii) The wife is entitled to her whole dower, upon the consummation of the marriage, or the death of her husband.
- (iii) In case the husband was to divorce his wife before the consummation of the marriage or *Khilwatu's-Ṣaḥīḥ* (complete retirement), she receives half her specified dower. (See Sura 2 : 236).
- (iv) If a man marry a woman without any specification of a dower, or on condition of there being no dower, and divorce her before conjugal relation, the woman in this case receives a *Matā'*, or present.

(1) Vol. I, Bk. II, Ch. III.

- (v) If a woman exonerate her husband from any part or even from the whole of the dower, it is approved.
- (vi) If a man retires with his wife, and there be no legal or natural obstruction to the conjugal relation, and he afterwards divorce her, the whole dower in this case goes to her. Such retirement is called Khilwatu's-Şaḥiḥ, the complete retirement.
- (vii) If a man retire with his wife whilst one of them is sick, or fasting in the month of Ramaḍān, or in the Iḥrām of a pilgrimage, whether obligatory or voluntary, or of a visitation at the shrine of the prophet, or whilst the woman is in her courses—this is not regarded as a Khilwatu's-Şaḥiḥ (see above vi) or complete retirement, insomuch that if the man were to divorce his wife after such a retirement, the woman is entitled to her half dower only; because all the above circumstances are bars to the conjugal relation.
- (viii) When the husband has duly paid to his wife the whole of her dower, he is at liberty to carry her wherever he pleases.
- (ix) A woman may refuse to admit her husband to conjugal relation until she receives her dower of him. A woman is also at liberty to resist her husband taking her upon a journey until she shall have received her dower of him.

- (x) It is further to be observed, that even if the husband should have conjugal relation, or should have been in Khilwatu's-Şaḥiḥ with his wife, yet the rule is the same; that is to say, she is still at liberty to refuse to admit him to conjugal relation, or to resist his taking her upon a journey, until such time as she shall have received the whole of her prompt dower from him. But she is, notwithstanding, entitled to her subsistence.
- (xi) Dower is of the following kinds:
 - (a) Mihr Mu'ajjal, "prompt dower," the dower stipulated to be paid promptly after marriage.
 - (b) Mihr Muwajjal, "delayed dower," the dower stipulated to be paid at some future period, as a year, or so forth.
 - (c) Mihru'l-Mithal, "proper dower," is that which is regulated, in its amount or value, by that of the dower of her paternal relations, such as her paternal sisters or aunts, or the daughters of her paternal uncles, and so forth. A woman's Mihru'l-Mithal is not to be regulated by the dower of her mother or her aunt, where they are not descended of her father's family.

(5) The Absence of Legal Disabilities.

The prohibitions to marriage are based on the teaching of the Qur'ān, Sūra 4: 26,27. According to the explanation given by Sayyid Amir Ali, the prohibitions may be

divided into four heads, viz., *relative* or *absolute*, *prohibitive* or *directory*. They arise in the first place from legitimate and illegitimate relationship of blood (consanguinity); secondly, from alliance or affinity (*al-muṣāḥarat*); thirdly from fostrage (*ar-riḍā*); and, fourthly, from completion of number) (i.e., four).

There are nine prohibitions to marriage:—

- (1) *Consanguinity*, which includes mother, grandmother, sister, niece, aunt, etc.
- (2) *Affinity*, which includes mother-in-law, step-grandmother, daughter-in-law, step-granddaughter, etc.
- (3) *Fosterage*. A man cannot marry his foster mother, nor foster sister, unless the foster brother and sister were nursed by the same mother at intervals widely separated. But a man may marry the mother of his foster sister, or the foster mother of his sister.
- (4) A man may not marry his wife's sister during his wife's life time, unless she be divorced.
- (5) A man married to a free woman cannot marry a slave. But a man wedded to a slave may marry a free woman.
- (6) A Muslim cannot marry the *mu'taddah* of another, whether the *'iddat* be on account of repudiation or death. That is, he cannot marry until the expiration of the woman's *'iddat*, or period of probation.
- (7) A Muslim cannot marry a polytheist, or Majūsiyah. But he may marry a Jewess, or a Christian.
- (8) A woman is prohibited by repudiation or divorce. If a man pronounces three divorces upon a wife who is free, or two upon a slave, she is not lawful to him until she shall have been regularly espoused by another man, who having duly consummated the marriage, afterwards divorces her, or dies, and her *'iddat* from him be accomplished.

To these it may be added that a female Muslim cannot under any circumstances marry a non-Muslim. A Muslim man cannot marry an idolatrous female, or one who worships the stars or any kind of fetish whatsoever.

(6) The Presence of Witnesses.

The marriage must be contracted in the presence of two male, or of one male and two female witnesses.

The Marriage of Infidels.

If an infidel man and woman marry without witnesses, or whilst the woman is in her *'iddat* from a former infidel husband, and this be no objection by the rules of their own sect, and they afterwards embrace the faith together, their marriage remains valid. But if one of them only be converted to Islām, a separation takes place. Whenever either the husband or the wife is a Mussalman, their children are to be educated in the Mussalman faith. And if either one or other of an infidel couple become a Mussalman, and they have infant children, those are to be considered as Mussalmans, in virtue of the Islām of one of their parents.

Mut'a, Usufruct Marriage.

Mut'a is a marriage contracted for a limited period, for a certain sum of money. This kind of marriage was permitted by Muḥammad for some time; but the Sunnīs say that he afterwards prohibited it. The Shi'as, however, still consider such a marriage perfectly legal. The Shi'as establish the legality of the temporary marriage upon the basis of the traditions and upon the following declaration of the Qur'ān: "But lawful for you is all besides this, for you to seek them with your wealth, marrying them and not fornicating; but such of them as ye have enjoyed, give them their hire as a lawful

due; for there is no crime in you about what ye agree between you after such lawful due, verily, God is knowing and wise." Sūra 4:28.

According to the Imāmiyya Code of Jurisprudence, the following are the conditions of Mut'a. There must be declaration and acceptance, as in the case of Nikāḥ, and the subject of the contract must be either a Muslima, a Christian, or a Jewess; she should be chaste, and due inquiries should be made into her conduct, as it is abominable to enter into contract with a woman addicted to fornication, nor is it lawful to make such a contract with a virgin who has no father. Some dower must be specified, and if there is a failure in this respect, the contract is void. There must also be a fixed period, but its extent is left entirely to the parties; it may be a year, a month, or a day, only some limit must be distinctly specified, so as to guard the period from and extension or diminution. The practice of 'azl (*extrañere ante emissionem seminis*) is lawful, but if, notwithstanding this the woman becomes pregnant, the child is the temporary husband's; but if he should deny the child the denial is sustained by the law.

The teaching of the Sunnī Code of Jurisprudence is as follows:

"A Mut'a, or usufructuary marriage, where a man says to a woman, 'I will take the use of you for such a time for so much,' is void." "A Nikāḥu'l-muwaqqat or temporary marriage,—where a man marries a woman, under an engagement of ten days (for instance) in the presence of two witnesses,—is null."

The Religious Ceremony.

The Muslim law appoints no religious ceremony, and in all cases it is left to the discretion of the Qāḍī. The following is the common order of performing the ceremony. The ceremony never takes place in a mosque.

The Qāḍī, the bridegroom, and the bride's attorney, with the witnesses assemble in some convenient place and make arrangements as to the amount of dower. The bridegroom then repeats after the Qāḍī the following:—

1. The *Istighfār*, the prayer of forgiveness: "I desire forgiveness from God of all my sins."
2. The chapters of the Qur'ān commencing with the word *Qul*, say, viz., 109, 112, 113, 114. These are in no way connected with the subject of marriage, but are often used for magical purposes.
3. The Kalima: "There is no god but Allah, and Muḥammad is His apostle."
4. The Imān, the Muslim Creed.

The bride's attorney takes the hand of the bridegroom and is requested by the Qāḍī to say: "I marry to thee the daughter of such an one (or my daughter) for a dowry of such and such an amount in the presence of two witnesses; do you consent to it?" The bridegroom thereon says: "With my whole heart and soul, to my marriage with this woman, as well as to the dower settled upon her, I consent, I consent, I consent."

After this the Qāḍī raises his hands and recites some such prayer as: "O great God! grant that mutual love may reign between this couple, as it existed between Adam and Eve, Abraham and Sarah, Joseph and Zulaykha, Moses and Zipporah, Muḥammad and 'Āyisha, and 'Alī al-Murtaḍa and Fāṭimatu'z-Zuhra."

Divorce.

Ṭalāq, or Divorce, literally, means dismissal; in law it signifies the dissolution of a marriage, or the annulment of its legality, by certain words. Divorce is of two kinds:—

- (1) Ṭalāqu's-Sunnat, Divorce according to the Sunnat, that is the divorce executed in the manner recom-

mended in the Qur'ān and the tradition, and is subdivided into following classes :—

i. *aṭ-Ṭalāqu'l-Aḥsan*, the most laudable mode of divorce. By this method the husband repudiates his wife by a single sentence, within a *Ṭuhr* (the period of purity, *i.e.*, the space which intervenes between the menstrual fluxes), during which he has had no conjugal relation with her, and then leaves her to complete the prescribed *'Iddat* or period of three months. Until the expiration of the *'iddat*, the divorce is revocable; but after the period is complete, it is irrevocable, and if the husband wishes to take his wife back, they must go through the ceremony of marriage. In this method, the woman is not, as in other kinds of divorce, compelled to marry another man, and be divorced before she can return to her former husband. All that is required is a re-marriage.

ii. *aṭ-Ṭalāqu'l-Ḥasan*, the laudable divorce, is where a husband repudiates his wife by three sentences of divorce, in three *Ṭuhurs*

(2) *aṭ-Ṭalāqu'l-Bid'ī* or Irregular form of divorce, is where the husband repudiates his wife by three sentences, whether express or metaphorical, given them one at a time or at once. Even holding up three fingers, or dropping three stones, is held to be a sufficiently implied divorce to take legal effect. This kind of divorce, though irregular, nevertheless, takes its legal effect.

Revocable and Irrevocable Divorce.

In both these kinds of divorce, *Ṭalāqu'l-Ḥasan* and *Bid'ī*, the divorce may be either of the following :—

i. *Ṭalāqu'r-Raj'ī*, Revocable Divorce, when sentence signifying divorce or separation is pronounced once or twice. The laws as laid down in the *Sunnī Code of Jurisprudence* are as follows :

(a) If a man give his wife one or two divorces reversible, he may take her back any time before the expiration of her *'iddat*, whether she be desirous or not, God having said in the Qur'ān, "when they (divorced wives) have reached their appointed time, then retain them with kindness" (*Sūra* 65: 2), where no distinction is made with respect to the wife's pleasure, or otherwise.

(b) Husband's returning to, or receiving back his divorced wife is called *ar-Rajā't*, restitution; in law it signifies a husband returning to, or receiving back, his wife after divorce, and restoring her to her former situation.

Raj'at is of two kinds :

(i) Express, where the husband says, for example, "I have returned to or taken back my wife," or addresses the same to her personally.

(ii) Implied, where he has conjugal relation with her, or takes conjugal liberties with her. *Imām Shāfi'ī* in this case, however, thinks otherwise.

(c) It is not proper for a man, having a wife under reversible divorce, to approach her without previous intimation, or letting her hear his footsteps; this is where he has no intention of *raj'at*; because a woman is sometimes undressed, and it

might happen that if he were to come upon her unawares he would see parts of her, the sight of which occasions *raj'at*; and this not being his intention, he would give her another divorce, which would protract her *'iddat*.

- ii. *Ṭalāqu'l-Bā'in*, Irrevocable Divorce, when the sentence signifying divorce is pronounced thrice. If a man pronounces three divorces upon a wife who is free, or two upon one who is a slave, she is not lawful to him until she shall first have been regularly espoused by another man; who, having duly consummated, afterwards divorces her, or dies, and her *'iddat* from him be accomplished, because God has said: "But if he divorces her (a third time) she shall not be lawful to him after that, until she marry another husband but if he divorce her too, it is no crime in them both to come together again." *Sūra* 2: 230.

This intermediate husband, who makes the marriage of the former husband to his irrevocably divorced wife legal again, is called the *Muḥallil*, who makes a thing otherwise unlawful, legal.

Other Modes of Divorce.

Besides *Ṭalāqu's-Sunnat* and *Bid'ī*, there are other modes of divorce such as:

- (1) *Tafwīdu't-Ṭalāq*, or Delegation of Divorce, is when the husband authorizes his wife either by clear words, or in some other way to divorce herself or charges some other person to do it. This may be done either by authorization, or by appointing an agent or by writing a letter. It is comprehended under three following heads:—

- i. *Ikhtiyar*, or option; "Delegation by option" confers on the wife a power of divorcing herself; but this right of option is restricted to the precise place or situation in which she receives it."
- ii. *Amruki bayidiki*, your business is in your hands, i. e., you are at liberty. In a delegation of liberty, divorce takes place according to the number mentioned by the wife, independent of the husband's intention; and the divorce which follows is irreversible.
"Delegation of liberty may be restricted to a particular time, or to several different specified periods of time. And it is not annulled by the wife's rejection of it until the time or times mentioned be fully expired."
- iii. *Mashīyyat* or will: Where a man empowers his wife to divorce herself in express terms, the divorce which follows is reversible. If a man were to say to his wife, "Divorce yourself," not having any particular intention, or intending one divorce, and the woman reply, "I have divorced myself," a single divorce reversible takes place; and if she were to say, "I have given three divorces," three accordingly takes place, where such is the intention of the husband."

- (2) *Yamīnu't-Ṭalāq*, or Divorce by Conditional Vow: "Divorce pronounced with a reference to a future marriage, takes place upon the occurrence of such marriage. Where a man refers or annexes divorce

to marriage (that is, suspends it upon marriage), by saying to any strange woman, "If I marry you, you are divorced," or by declaring "any woman whom I may marry is divorced," in this case divorce takes place on the event of such marriage. Similarly the divorce takes place also "upon the occurrence of any other circumstance on which it may be conditionally suspended. If a man annex divorce to a condition specified, by saying to his wife, "If you enter this house (for instance) you are under divorce," the divorce takes place upon the occurrence of the condition. Provided it be pronounced during an actual, or with reference to an eventual, possession of authority."

- (3) *Ṭalāqu'l-Marīḍ*, or Divorce of the Sick: If a man, lying on his deathbed, repudiate his wife either by one irreversible divorce or by three divorces, and die before the expiration of her *'iddat*, she is still entitled to her inheritance from his estate: but if he should not die until after the accomplishment of her *'iddat*, she has no claim.

Expressions Used in the Execution of A Divorce.

The expressions used in divorcing a wife are of two kinds:

- i. *Ṣarīḥ*, or Express, as when a husband says, "Thou art divorced." The express divorce may be revocable or irrevocable. It is revocable, if the husband use no expression pointing to his intending a definitively separating divorce or does not pronounce the divorce three times.
- ii. *Kināya*, or Metaphorical, as when he says, "Thou art free," "Thou art cut off; put

on thy veil; arise and seek for a mate; go out; go away; stand up etc." Whether such a divorce is revocable or irrevocable depends on the intention of the husband, "for by no metaphorical language is divorce effected, except it be intended."

Divorce may be given either in the present time or may be referred to some future period. It may be pronounced by the husband either before or after the consummation of the marriage. It may be either given in writing or verbally.

The Validity of A Divorce.

A husband may divorce his wife without any misbehaviour on her part and without assigning any cause. The divorce of every husband is effective, if he be of sound understanding, and mature age; but that of a boy, or a lunatic, or one talking in his sleep, is not effective.

If the husband pronounce divorce in a state of drunkenness or in a jest by a mere slip of the tongue, still the divorce takes place. But if a man were to drink wine to so great a degree as to produce a delirium or inflammation of the brain, thereby suspending his reason, and he in that situation pronounce divorce, it will not take effect. A divorce pronounced by compulsion, is also effective.

Reasons Which Sanction Divorce.

There are certain reasons which sanction divorce, if required, *viz* :—

- (1) *Jubb*. That is when the husband has been by any cause deprived of his organ of generation. A man suffering from such a defect is called *Majbūb*. In this case the wife can obtain instant divorce if the defect occurred before marriage.

- (2) 'Unnah, or Impotence. "An impotent husband must be allowed a year's probation, after which separation takes place. And the wife retains her whole dower, if the husband should ever have been in retirement with her; because the retirement with an impotent is accounted Khilwatu's-Ṣaḥīḥ,⁽¹⁾ as well as with any other person; and an *iddat* is incumbent upon her.

But the wife's claim of separation may be here defeated by the husband swearing that he had conjugal relation with her. On the other hand, when a year's probation has been granted, and at the expiration thereof, the husband declares that he has had conjugal relation with her within that interval, and she denies this, she is then to be examined by some of her own sex; if they pronounce her to be still a virgin, she has it at her option either to separate from her husband, or to continue with him. But should they declare her muliebrity, the husband is then to be required on the other hand to make oath, which if he decline, she has an option; but if he swears, she has no option.

- (3) Insufficient dower. If the stipulated dower is refused when demanded, divorce can take place.
- (4) Inequality of race or tribe, or any other equality described above. A woman cannot be compelled to marry a man who belongs to an inferior tribe, and, in case of such a marriage, the elders of the superior tribe can demand a divorce; but if the divorce is not demanded, the marriage contract remains.
- (5) Refusal to embrace Islam. If one of the parties embrace Islam, and the other refuse to embrace the faith, divorce takes place.

- (6) Reason of property. If a husband become the proprietor of his wife (a slave), or the wife proprietor of her husband (a slave), divorce takes place.
- (7) Difference of country. If a husband, for example, flee from a Dāru'l-Ḥarb to a Dāru'l-Islām, and his wife refuse to perform *hijrat*, flight and to accompany him, she is divorced.
- (8) An invalid marriage. An invalid marriage of any kind, arising from incomplete Nikāḥ, or marriage ceremony, or from affinity, or from consanguinity.
- (9) Apostasy. When a man or woman apostatises from Islam, then an immediate dissolution of the marriage takes place, whether the apostasy be of the man or of the woman, without a decree from the Qāḍī.

"If both husband and wife apostatise at the same time, their marriage remains; and if at any future time the parties again return to Islam, no re-marriage is necessary to constitute them man and wife; but if one of the parties should apostatise before the other, a dissolution of the marriage takes place *ipso facto*."⁽¹⁾

Other Forms Of Divorce.

In addition to the forms of divorce already mentioned, there are a few others of a peculiar nature.

- (1) *Ilā*, lit. it signifies a vow. In law it implies a husband swearing to abstain from conjugal relation with his wife for any time above four months, if she be a free woman, or two months, if she be a slave. (See Sūra 2: 226).

If a man, in a case of *Ilā*, have conjugal relation with his wife within four months after, he is forsworn in his vow, and expiation is incumbent upon

(1) See P. 86.

(1) *Hidaya*, Engl. Tr., Vol. II., p. 235.

him, this being incurred by the breach of his vow, then the *Ilā* drops, as his vow is cancelled by the breach of it.

But if he have no conjugal relation with her for the space of four months, a divorce irrevocable takes place, independent of any decree of separation from the *Qāḍī*.

It should be noted that a vow of abstinence for a term short of four months does not constitute *Ilā*.

- (2) *Khul'a* to remove, to put away, send away, in law signifies an agreement entered into for the purpose of dissolving a connubial connection, in lieu of a compensation paid by the wife to her husband out of her property. The validity of this divorce rests on the demand by her and acceptance by him of the fixed compensation. The words used are "Release me for such and such a sum". Answer: "I have released thee for such and such a sum." This mode of divorce is also sanctioned by the *Qur'an* (*Sūra* 2: 229).

- (3) *Zihār*. The word *Zihār* is derived from *Zihr*, the back. It signifies a man comparing his wife to any of his female relations within such prohibited degree of kindred, whether by blood, by fosterage, or by marriage, as renders marriage with them invariably unlawful; e.g., if a man were to say to his wife: "You are to me like the back of my mother" a separation is effected. This is based on the teaching of the *Qur'an* (*Sūra* 58: 2-4).

The expiation of a *Zihār* may be effected by the emancipation of a slave; or if, from not being possessed of such slave, this mode be impracticable,

it may be effected by a fast of two months successively, or by feeding sixty poor men.

- (4) *Mubārāt*, or Mutual discharge, is a form of *Khul'a*. The divorce is effected by a mutual release, each releasing the other of the right and duties of marriage.
- (5) *La'ān*, or Imprecation, is a form of divorce which takes place under the following circumstances: If a man accuses his wife of adultery, or denies the descent of a child born of her, and she demand of him to produce the ground of accusation, imprecation becomes incumbent upon him. The manner of imprecation is as follows: The man, in the presence of the *Qāḍī*, must swear four times that he is the teller of the truth and then adds: "May the curse of God fall upon me if I have spoken falsely concerning the adultery with which I charge this woman." The wife then also says four times: "I call God to witness that my husband's words are altogether false, concerning the adultery with which he charges me" and then adds: "May the anger of God be upon me if my husband is just, in bringing a charge of adultery against me."

On both making imprecation in this manner, a separation takes place between them; but not until the *Qāḍī* pronounces a decree to that effect.

The Shi'a Law Of Divorce

According to Shi'a law, a man must be an adult of understanding, of free choice and will, and of design and intention, when he divorces his wife. Nor can the Shi'a divorce be effected in any language of a metaphorical kind. It must be expressed, and spoken and not written.

It does not take effect if given implicatively or ambiguously. It is absolutely necessary that the sentence should be pronounced by the husband in the presence of two just persons as witnesses, who shall hear and testify to the wording of the divorce.

CHAPTER VI.

Slavery and Punishments.

Slavery.

Slavery was not established by Muḥammad, but it existed in Arabia before his time, and he recognised it and adopted it as a part of his system. It is true to say that the system of slavery in Islam is intervoven with the Law of marriage, the Law of sale and the Law of inheritance and is a permanent institution of Islam.

The teaching of the Qur'ān on the subject as summarised by Hughes in his Dictionary of Islam, is as follows:—

- (1) Muslims are allowed to cohabit with any of their female slaves. Sūra 4: 3, 29; 33: 49.
- (2) They are allowed to take possession of married women if they are slaves. Sūra 4: 28. "Unlawful for you are married women, save such as your right hands possess". On this verse al-Jalālayn the commentators say: "that is, it is lawful for them to cohabit with those women whom you have made captive, even though their husbands be alive in the Dāru'l-Ḥarb."
- (3) Muslims are excused from strict rules of decorum in the presence of their female slaves, even as in the presence of their wives. Sūra 23: 5; 70: 29.
- (4) The helpless position of the slave as regards his master illustrates the helpless position of the false gods of Arabia in the presence of their Creator. Sūra 16: 77; 30: 27.

- (5) Muslims shall exercise kindness towards their slaves. Sūra 4: 40.
- (6) When slaves can redeem themselves it is the duty of Muslims to grant the emancipation. Sūra 24: 33.

The Liberation of A Slave.

The liberation of a slave can be effected in four ways :—

- (1) 'Ataq, literally means power and in law expresses the act of the owner of a slave giving immediate and unconditional freedom to his slave. When a person who is free, sane, adult, and the actual owner of the slave in question says to his slave, "Thou art free," or "Thou art liberated", and such like expressions, the slave becomes free, whether the owner mean emancipation or not.
- (2) Kitābat, literally "a writing", signifies a bond of freedom granted to a slave, in return for money paid. It is founded on the teaching of the Qur'ān, Sūra 24: 33. During the interval between the promise of freedom and the payment of the money the slave is called Makātab. A Makātab cannot be sold or given away as present or pawned.
- (3) Tadbīr, literally "arrangement", in the law it is the liberation of a slave after his master's death by an arrangement. In this method of liberation declaration is made by the master to a slave that he or she shall be free after his death. Such a slave is called Mudabbār.
- (4) Istilād, Lit. "the off spring's claim". It signifies a man having a child born to him of a female

slave, which he claims and acknowledges as his own, which acknowledgment becomes *ipso facto* the cause of the freedom of the female slave. The woman is then called Ummu'l-walad, the mother of offspring, and stands in relation to her master as his wife.

Punishments.

Punishments inflicted according to the Muslim law are divided into three classes :

- (1) Ḥadd, signifies punishments for certain crimes, fixed by the law of the Qur'ān and of Traditions.
- (2) Ta'zīr or chastisement for offences, not fixed by the law, but left to the discretion of the Qāḍī.
- (3) Qiṣās, or Retaliation.

I. Ḥadd. The transgressions which are punished by Ḥadd are the following :

- i. Zinā, the term includes both adultery and fornication, but there is a difference in the punishment for these offences.

The sin of adultery as well as that of fornication must be established, before a Qāḍī, either by proofs or by confession. To establish *zinā* upon proof, four witnesses are required (Sūra 24: 2-5). A confession of *zinā* must be made by the person who has committed the sin, at four different times.

In the beginning of Islam women found guilty of *zinā* were to be imprisoned till they died (Sūra 4: 19.) This however, was abrogated and lapidation (*rajm*) was substituted as the punishment for adultery, and a hundred stripes for fornication. If a Mussalman be guilty of *zinā* in a foreign country, or in the territory

of the enemy, no punishment is to be inflicted upon him.⁽¹⁾ It is considered desirable to suggest to a man accused of *zinā* that he should say that he has done it by mistake, or that he has only kissed or touched the woman, or the woman with whom he had illicit intercourse is his wife, even if this be not true (and no proof is required of him), or if he buys or marries her afterwards, he is not to be punished.⁽²⁾

The law of punishment for *zinā*, as laid down in the Muslim Canon Law, is as follows:

- (1) Adultery: A married person convicted of adultery is to be stoned to death.

(a) The execution of stoning is not suspended on account of sickness, but in the case of a woman it is delayed on account of her pregnancy until her delivery (but not until she be perfectly restored to her health).

(b) The accused's plea of celibacy (or denial of the consummation of his marriage) if unfounded, does not prevent lapidation.

(c) It is lawful for a husband to slay his wife and her paramour, if he shall find them in the very act.

(d) The mode of lapidation (*rajm*): The accused, after his condemnation, should be carried to some barren place, void of houses or cultivation, and it is requisite that the stoning be executed, first by the witnesses, and then by the

Imām or Qāḍī and lastly by the rest of the by-standers. When the adultery is established upon the confession of the offender, it is then requisite that the lapidation be executed first by the Imām or the Qāḍī and then by the rest of the multitude.

- (2) Fornication: An unmarried free person is to be scourged with one hundred stripes. A slave receives fifty stripes.

(a) The execution of scourging is suspended on account of sickness; and in the case of a pregnant woman, the execution must be delayed until she shall have recovered from her labour and be perfectly restored to her health.

(b) The mode of scourging: The stripes must be administered with a rod which has no knots upon it, and they must be applied in moderation. A man receiving his punishment must be stripped of all his clothes except his girdle, and he must receive his punishment in a standing posture. A woman is not to be stripped, neither her veil to be taken off, but only her robe, or the outer garment; and she is to receive her punishment in a sitting posture.

ii. *Qadhaf*, Lit. Throwing at or accusation. In the law it signifies the accusation of a man or woman of adultery. When such accusation is made against a married man or woman, and cannot be proved by four

(1) *The Hedaya*, Eng. Ts., 2nd edition, p. 185.

(2) Klein, *The Religion of Islam*, p. 220.

witnesses, he who thus brings a false charge receives eighty lashes (Sūra 24: 4). If the accuser be a slave he receives forty stripes. This punishment was established by an alleged revelation from God, when Muḥammad's favourite wife, 'Ayisha, was accused of improper intimacy with Ṣafwan b. Mu'attal (See Sūra 24).

- iii. Apostasy (irtidād): A male apostate is liable to be put to death if he continue obstinate in his error; a female apostate is not subject to capital punishment, but she may be kept in confinement until she recant.
- iv. Drunkenness (ash-Shurb): If a Muslim drink wine, and two witnesses testify to his having done so, or if his breath smell of wine, or if he shall himself confess to having taken wine or if he be found in a state of intoxication, he shall be beaten with eighty stipes.
- v. Theft (Sariqa): Sariqa literally means secretly taking away of another's property. Its legal definition in the Cannon Law is as follows: "It signifies taking away the property of another in a secret manner, at a time when such property is in custody,—that is, when the effects are in supposed security from the hands of other people; and where the value is not less than ten dirhems, and the effects taken the undoubted property of some other than of him who takes them."

On the basis of this legal definition it is the decision of the Muslim jurists that, if the thieves make a hole in the wall, and one of

them inside put objects through this hole into the hands of others who are outside, this cannot be considered theft. Similarly nor can a man be punished for theft, if after having made a hole in the wall, he enters the room and places the objects he intends to take into the hole, then comes out and carries them away.

If a Muslim adult of sound understanding steals out of undoubted custody ten dirhems or property to the value of ten dirhems, his punishment is the cutting off of his hand (Sūra 5: 42). Amputation is not incurred by the theft of the following :

- (1) An amount stolen by a party of thieves, which when distributed among them, each of them receives less than ten dirhems.
- (2) Anything of a trifling nature, such as wood, bamboos, grass, fish, fowls, and garden stuff.
- (3) Things which quickly decay and spoil, such as milk or fruit.
- (4) Fermented liquor.
- (5) Guitar or tabor, these being of use merely as idle amusements.
- (6) A copy of the Qur'ān.
- (7) A crucifix.
- (8) A chess board.
- (9) A free-born infant, although there be ornaments upon it, because a free person is not property. On the other hand amputation is incurred by stealing an infant slave, although the stealing of an adult slave does not incur punishment.
- (10) A

book. (11) Anything from public treasury.

iv. Highway Robbery: The punishment of highway robbery is fixed in the Qur'ān (Sūra 5: 37). The highway robbers are of four kinds:—

- (1) Those who are seized before they have robbed or murdered any person; their punishment is imprisonment till they repent or die.
- (2) Those who have robbed, but have not murdered: these have their right hand and left foot struck off.
- (3) Those who have committed murder but have not robbed: these are punished with death.
- (4) Those who have committed both robbery and murder: their punishment may be of different kinds at the option of the Qāḍī. He may cut off hand and foot, or have them then put to death by the sword, or crucified, or kill them at once.

II. T'azīr: Lit. Prohibition, or Instruction; in law it signifies an infliction undetermined in its degree by the law, on account of the right of either of God, or of the individual and the occasion of it is any offence for which *ḥadd* or 'stated punishment' has not been appointed, whether that offence consists in word or deed.

If the punishment decreed by the Qāḍī is to consist of stripes, it may be three to thirty-nine stripes. Chastisement is inflicted on a person who abuses a

Muslim by calling him a fornicator, an infidel, a thief, a Jew, a Christian, etc.

If a woman apostatises from Islām in order to be separated from her husband, she is forced to return to Islām, and receives seventy-five stripes and may not marry another husband.

If a man commit any act of lasciviousness with a strange woman, such as *takhfiḍ*, he is to be corrected by Ta'zīr.

III. Qiṣās, or Retaliation. The subject of retaliation is treated, first, as to occasions affecting life, and secondly, as to retaliation in matters short of life. Homicide, or occasions affecting life, is of five kinds:

- (1) Qatalu'l-'Amd, or Wilful Murder, where the perpetrator wilfully kills a person. Every act of wilful murder of a person whose blood is under continual protection, Muslim or *Dhimmi*, subjects the person who commits the crime to the fine of Qiṣās, which consists in doing to the person who has committed the crime the very same thing he has done to another, that is, shedding of blood for shedding of blood. The punishment is based on the teaching of the Qur'ān (Sūra 2: 173). A father is not to be slain for the murder of his child, but the child is to be slain for the murder of his parent. A master is not to be slain for his slave. The heir, or the next of kin to the murdered person, is at liberty to forgive or to compound the offence.

The murderer is excluded from being heir to the murdered person.

(2) Qatal shibhu l-'Amd, or manslaughter. A semblance of wilful murder when the perpetrator strikes a man with something which is neither a weapon nor serves as such. Such a murder is held to be sinful and to require expiation, and it excludes the manslayer from inheriting the property of the slain.

(3) Qatlu'l-Khaṭā, or Homicide by misadventure, is of two kinds: error in *intention*, and error in the *act*. The former is where a person intends a particular act, and another act is thereby occasioned; e.g., a person shoots an arrow at a mark and it hits a man. The latter, on the other hand, is where the mistake occurs not in the act, but with respect to the subject; as where a person shoots an arrow at a man supposing him to be a game. Such a slayer is required to free a Muslim slave, or fast two months successively, and to pay a fine within three years. He is excluded from inheriting the property of the slain.

(4) Qatl qā'im maqāmu'l-Khaṭā, or Homicide of a similar nature to homicide by misadventure, is where, for example, a person walking in his sleep falls upon another, so as to kill him by the fall.

It is subject to the same rules with homicide by misadventure.

(5) Qatl ba-sabab, or Homicide by intermediate cause, e. g., when a man digs a well, or sets up a stone, and another falls into the well, or over the stone, and dies. In this case a fine must be paid, but it does not exclude from inheritance, nor does it require expiation.

Retaliations short of life are treated in the following manner: If a person wilfully strike off the hand of another, his hand is to be struck off in return (Sūra 5: 49). If a person strike off the foot of another, or cut off the nose, retaliation is inflicted in return. If a person strike another on the eye, so as to force the member, with its vessels, out of the socket, there is no retaliation; it is impossible to preserve a perfect equality in extracting an eye. If, on the other hand, the eye remain in its place, but the faculty of seeing be destroyed, retaliation is to be inflicted, as in this case equality may be effected by extinguishing the sight of the offender's corresponding eye with a hot iron. Retaliation is not inflicted in the case of breaking any bones except teeth, because it is impossible to observe an equality in other fractures.

If a person immerse another into water whence it is impossible for him to escape by swimming, according to Abū Ḥanīfa, retaliation is not incurred.

Retaliation May be Commuted.

Retaliation may be commuted for a sum of money. Where compensation is offered, it is desirable to accept. The sum paid for the murdered person is a matter to be settled between the parties.

A Sovereign Is Not Punishable.

If a supreme ruler (such as the Khalifa) commit any offence punishable by law, such as adultery, fornication, theft, or drunkenness, he is not subject to any punishment (but yet if he commit murder he is subject to the retaliation, and he is also accountable in matters of property), because punishment is a right of God, the infliction of which is committed to the Khalifa (or other supreme magistrate), and to none else; and he cannot inflict punishment upon himself.

CHAPTER VII.

Miscellaneous Subjects.**Slaying of Animals (Dhabah).**

All animals, the flesh of which is eatable, except fish and locusts, when killed for food must be slain by dhabah. The object of dhabah is to separate the blood from the flesh. The place for slaying is between the throat and the head of the breast-bone, because the blood freely issues from a wound given in that place.

Dhabah is of two kinds:

- (1) Dhabahu'l-Ikhtiyari, of choice, or voluntary which is performed by cutting the throat above the breast.
- (2) Dhabahu'l-Idtirari, or of necessity, that is, at random, from necessity, which is effected by a wound or any part of the animal's body. .

It is a condition of Dhabahu'l-Ikhtiyari that the name of God be pronounced over the animal at the time of slaying it. In the case of Dhabahu'l-Idtirari (or of a man slaying an animal in hunting), the condition is that invocation be pronounced at the time of letting loose the hound or hawk, or shooting the arrow, which is called an invocation over the instrument.

The Dhabah must be performed by a Muslim, or Kitabi (a Jew or a Christian) provided he be a person acquainted with the form of invocation, whether man or woman, infant or idiot. It cannot be performed by an idolater or an apostate.

All animals not eatable, such as rats, dogs or cats, when their flesh is required to be used in medical composition, are rendered clean by Dhabah.

Food And Drink.

All quadrupeds that seize their prey with their teeth, and all birds which seize with their talons, are unlawful. Rooks are *mubāh* (indifferent); but carrion crows and ravens are unlawful. The flesh of horse is *makrūh* (disliked). Dogs, swine, and dead animals are unlawful. No aquatic animal is lawful except fish. Fishes which, dying themselves, float upon the surface of the water, are abominated. Fermented liquor is unlawful; unfermented liquor (*nabīdh*) is lawful.

The Use of Gold And Silver Vessels.

It is not allowable, either to men or women, to use a vessel of gold or silver in eating drinking, or in keeping perfume. Muḥammad said: "He who drinks out of a vessel of silver or gold, the fire of hell shall enter into his belly." Similarly the use of a golden or silver spoon is abominable, as also the use of a silver or golden bodkin for drawing antimony along the eyelids, or of boxes for holding antimony, or any other thing made of these metals.

The use of vessels of lead, glass, crystal, and agate, is permitted. Similarly it is allowable to drink out of a wooden vessel ornamented with silver, provided the particular part to which the lip is applied be void of it. In the same manner, also, it is permitted to ride upon a saddle intervoven with silver, provided the space allotted for the seat be plain; and this rule likewise holds with respect to a couch or sofa.

Dress.

A dress of silk is not lawfu' for men; but women are permitted to wear it. A small quantity of silk, such as three or four fingers breadth, used as a fringe or border to a garment, or applied to any such purpose, is allowable.

Ornaments.

Men are prohibited from the use of ornaments of gold or silver such as rings. An exception, however, is made with respect to signet-rings, girdles or swords; the use of silver in ornamenting these being approved. .

Clothing An Infant.

It is abominable in any person to clothe his infant child in a dress of silk, with ornaments of gold.

Vain Superfluities.

Vain superfluities are not allowable. The custom of keeping handkerchiefs, as is frequently practised, is abominable. Many, however, hold that it is allowable, if done from motives of necessity.

In Dealing With Women.

It is not permitted to look at strange women, except in the face, and palm of the hands, which is allowable.

If, however, a man be not secure from the impulse of lust, it is not allowed to look even at the face of a woman, except in cases of absolute necessity.

It is not lawful for a man to touch the hand of a strange woman, notwithstanding he have a control over his lust. Muḥammad said: 'Whosoever toucheth a strange woman, shall be scorched in the hand with hot cinders on the day of judgment.'

A Qāḍī may look in the face of strange woman, when he passes a decree upon her, notwithstanding there be an apprehension of lust.

A physician, in administering to a strange woman, is permitted to look at the part affected.

And With Men.

It is abominable (*makrūh*) for one man to kiss another either in the face or hand, or on any part; as it is

likewise for two men to embrace each other. The joining of hands, however, by way of salutation is permitted. Muḥammad said: "Whosoever joins his hand to that of his brother Muslim and shakes it, shall be forgiven of his sins."

Sale.

A Mussalman is not allowed to pay his debts by the sale of wine: but a Christian may pay his debts in this manner.

It is abominable to monopolize the necessities of life, and food for cattle, in a city where such monopoly is likely to prove detrimental. Similarly it is abominable to forestall the market.

It is not the duty of sovereigns to establish fixed prices to be paid by the community, except in cases of necessity.

A house may be let to hire anywhere out of a city for the purpose of a pagoda or a church or even to sell wine in it.

If an infidel hire a Mussalman to carry wine for him, and afterwards pay him for his labour the money so obtained is lawful.

Usury.

The Qur'ān strongly forbids usury (Sūra 2:276). In the language of the law, it signifies an excess, according to a legal standard of measurement or weight, in one of two homogeneous articles (of weight or measurement of capacity) opposed to each other in a contract of exchange, and in which such excess is stipulated as an obligatory condition on one of the parties, without any return,—that is, without anything being opposed to it. The sale, therefore, of two loads of barley (for instance) in exchange for one load of wheat does not constitute usury, since these

articles are not homogeneous: and on the other hand, the sale of ten yards of Herat cloth in exchange for five yards of Herat cloth is not usury, since, although these articles be homogenous, still they are not estimable by weight or measurement of capacity.

Inheritance.

Farā'id. The term Farā'id is an abbreviation of 'Ilmu'l-Farā'id or the science of the portions, ordered, appointed for the heirs by divine command in the Qur'ān (Sūra 4: 8-18).

The law of inheritance, even according to Muslim doctors of law, is acknowledged to be an exceedingly difficult subject to study. We, however, quote the brief summary of it as given by Klein in the *Religion of Islam*: "The property of the deceased Muslim is applicable, in the first place, to the payment of the funeral expenses; secondly, to the discharge of his debts; thirdly, to the payment of legacies as far as the third of the residue. The remaining two-thirds, with so much of the third as is not absorbed by legacies, are the patrimony of the heirs. A Muslim is, therefore, disabled from disposing of more than a-third of his property by will.

The residue of the estate, after the payment of funeral expenses, debts and legacies, descends to the heirs and among these, the first persons for whom the law has provided specific shares or portions and who are, therefore, called sharers (*dha wu'l-furūdh*). After the sharers have been satisfied, any residue remaining is divided among the distant relations.

During his life-time a Muslim has absolute power over his property, and may dispose of it as he likes. He must, however, deliver the property to the donee in his life-time. As regards testamentary dispositions in the

making of donations, endowments, and legacies, the amount so left is limited to one-third of the property.

One-half is due to the husband when there are no descendants, the sister when there are no other heirs, the daughter when she is the only child.

One-fourth is due to the husband surviving with children, the husband and wife when there are no descendants.

One-eighth is due to the wife surviving with children.

One-third is due to the wife during the life-time of her father-in-law, when the husband has left neither children nor other relatives entitled to inherit.

Two-thirds are due two or more daughters when there are no sons.

One-sixth is due to the father and the mother of their child, when the latter has left descendants.

The Hindrances in the Inheritance.

"The hindrances which prevent a person from sharing in the inheritance which are many, are : —

- (1) Infidelity. An infidel cannot inherit from a Muslim but a Muslim can inherit from an infidel.
- (2) Murder. A man who has killed another cannot inherit from him.
- (3) Slavery. A slave cannot inherit from a free man, nor a free man from a slave.
- (4) Li'ān, imprecation, separation between husband and wife, prevents mutual inheritance.
- (5) Flight, disappearance."