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**Final Term Assignment**

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**SUBJECT: Islamic Studies/Ethics**

**DEPARTMENT of ART AND DESIGN**

 **(With the name of Allah the most merciful and the most beneficent, May Almighty Allah protects us all from the pandemic situation amen.)**

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| s.no |  Questions  | Marks  |
| Q1. | Write down a detail note on ijma? | 15 |
| Q2. | In the light of Quran write down a note on truth? | 10 |
| Q3. | Explain what is Qiyas? | 15 |
| Q4. | In the light of Quran and sunnah explain justice? | 10 |

**ANSWER OF QUESTION NO 1:**

Write down a detail note on ijma?

Answer: Definition:

Literal meaning of ijma is determination, resolution and agreement upon something. Technically meaning of ijma is “the agreement of the mujtahids (jurists) from among community of Muhammad (Peace be upon him) after his death in a certain period of time upon a rule of Islamic law”.

Conditions for the validity of jima’

1. The agreement must take place amount mujtahids. Mujtahid is a person who qualified to exercise ijtihad.
2. The agreement must be unanimous.
3. The mujtahids must belong to the Islamic community.
4. The agreement of mujtahids must be held after the death of Allah’s Messenger (peace be upon him)
5. The agreement must be among the mujtahids of one period, even though some mujtahids of subsequent periods may differ from them.
6. The agreement should be held on a rule of Islamic law (in legal matter).
7. The mujtahids should have relied upon a sanad for deriving their opinion. Sanad is the evidence (proof) upon which the mujtahids rely on, for arriving upon an agreement.

 Types of Ijma’

 There are two types of ijma’:

1. Explicit Ijma’ (ijma’ sarih): “one in which the legal opinions of all the mujtahids of one period converge in relation to legal issue, and each one of them states his opinion explicitly.”
	1. This is realized sometimes by their meeting in one place and examining an issue in question and finally they express a unanimous opinion.
	2. It may also takes place when an issue occurred and every mujtahids give the same legal opinion.
2. Silent or tacit ijma’ (ijma’ sukuti):
	1. It takes place when some mujtahid, one or more, give a legal opinion with regard to specific rule about a particular legal issue, then the rest of them are informed of this opinion and they keep silent and they neither acknowledge it nor object to it.

Position of Ijma’ as a Source of Islamic Law

* The majority of Muslim jurists, particularly the jurists of four well-known schools of law, are in agreement that express ijma’ is an authoritative source of Islamic law.
* It is incumbent on the Muslim to follow the legal rule of Islamic law that derived from ijma’ as similar to the rule established by the text of the Qur’an and the Sunnah.
* The legal rule based on ijma’ is definitive and it is not permitted to oppose it.
* In addition, the mujtahids are not allowed to exercise ijtihad on the legal issue that has been settled through ijma’.

Proof and Justification of Ijma’ as a Source of Islamic Law :

It is established by the Qur’an and the Sunnah.

* The Qur’an:

“O ye who believe! Obey Allah and Obey the Messenger and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger…” (al-Nisa’(4):59)

The word ‘uli al-amr means ulama’ (scholars) of the community. Thus the agreement of the mujtahids is bound to follow.

* The Sunnah; There are many Sunnahs indicated that the Muslim community is infallible in their agreement. Although each of this Sunnah is probable if it stands independently but collectively they are definitive and convey the same idea. This make adherence to ijma’ is obligatory on the Muslims.
* “My community will not agree on mistake.”
* “My people will not agree on an error”
* I prayed to Allah, the Exalted, that my community may not agree on error, and He gave it to me.”
* “Allah’s hand is over the community”

The position of silent ijma’

* The Muslim jurists have different of opinion regarding the position of silent ijma’.
1. The first view is the view of Imam Shafi’i and the Malikis. They holds that the silent ijma’ is not considered to be ijma’ nor a probable proof. The argument:
	1. Silence cannot be considered as consent to the opinion expressed by others. Since no statement can be attributed to a silent person.
	2. Possibly he might have kept his silent due to respect for the one who expressed the opinion, for fear of that person, or he could not form his opinion about that problem and so on.
	3. Silence, therefore, cannot be considered as an evidence of agreement.
2. The second view, majority of the Hanafi jurists and some of the Hanbali jurists, maintains that silent ijama’ is an ijma’ like an explicit ijma’. It is legally binding and definitive source.
	1. The argument is that silence is an evidence of consent if there is no any circumstantial evidence that indicated otherwise, and if there is no any constraint to express the opinion.
	2. It is improbable that the jurists abstain from pronouncing a correct rule of Islamic law.
	3. The third group is the opinion of some jurists of the Hanafi and Shafi’i. They hold that silent ijma’ is not ijma’ but it is a probable proof.
	4. The argument of this view is that ijma’ is the agreement of all mujtahids, but silent ijma’ does not fulfill this condition. However, it is considered as a proof because the opinion expressed by some jurists is not opposed by anyone.

Basis of ijma’ (sanad al-ijma’)

* The legal theorists hold that there must be some proof to which the mujtahis refer to in their agreement.
* They are in agreement that the Qur’an and the Sunnah can be a proof for ijma’. E.g. of ijma’ based on the Qur’an; The prohibition of marriage with grandmother and granddaughter. This ijma’ is relied on the verse “Prohibited to you (for marriage) your mothers, daughters…” (al-Nisa’(4):23).

The jurists hold that the meaning of mother is an origin and daughter is a branch. of ijma’ based on the Sunnah. Ijma’ on the portion of grandmother in inheritance is one-sixth. This ijma’ is based on the Sunnah where the Messenger awarded one-sixth to the grandmother.

* However, the jurists have different of opinion regarding to other proof like qiyas and public interest (maslahah).

**ANSWER OF QUESTION NO 2:**

In the light of Quran write down a note on truth?

Truth:

 Truth is the fundemantal quality of good conduct. A true muslim always speaks the truth. Allah is displeased with the person who do not speak truth, that is, they do not speak the right word. The holy Quran says:

“ O ye who believe fear Allah and always say true and straight farward in speech” (Al-Ahzab:70)

Allah forbids untruth he says in the holly Quran:

“O you who believe why do you say that which you do not do? It is most hate full in the sight of Allah is that you say that which you do not do” (As-Saff 2-3)

Truth is something which everyone tries to find out. To make decisions in our daily lives, we want true information. To form an opinion we want to know the truth about the subject. Scientists carry out deep studies and extensive research to find the truth. Enforcers of the law want to find the truth about what certain people have done or want to do.

 False information is, at best, useless to us, and at worst it can mislead us into a damaging course of action. Everyone wants to know the truth and only the truth. Yet when it comes to letting others know the truth, people are often “economical” with it.

Truth being so vital and such a basic requirement of existence, it is referred to in the Quran in a very large number of places.

‘Truth’ is a name of Allah

Truth or Haqq is a name of God in the Quran:

“Supremely exalted then is Allah, the King, the Truth.” — 20 : 114 “That is because Allah, He is the Truth,” —22 : 6

“Allah, He is the Evident Truth.” — 24 : 25

Hence Abdul Haqq is a name of men among Muslims which means the servant of Truth, by Truth being meant Allah.

God is truthful

Truth being a name of Allah, the Quran says that God is the most truthful:

“Allah speaks the truth” — 3 : 95

“And Allah speaks the truth and He shows the way.” — 33 : 4

“He (Allah) said: The Truth is, and the truth I speak…” — 38 : 84

The following statement is repeated more than ten times in the Quran:

 “…surely Allah’s promise is true” — 10:55

It also says:

“It is Allah’s promise, in truth. And who is more truthful in word than Allah?” — 4 : 122

 God created the world with truth

 It is stated some ten times in the Quran that Allah created the heavens and the earth with truth:

“Allah created the heavens and the earth with truth.” —29 : 44

“And He it is Who created the heavens and the earth with truth. And when He says, Be, it is. His word is the truth.” — 6 : 73

This indicates that a study of the world around us will lead us to discover truth.

God sent truth with which to guide people

It is the truth, therefore, which God sent to guide mankind with, as stated in the following verses:

“O mankind, the Messenger has indeed come to you with truth from your Lord,” — 4 : 170

“And We have revealed to you (O Prophet) the Book with the truth,” — 5 : 48

“And with truth have We revealed it, and with truth did it come.” — 17 : 105

“Surely you (O Prophet) are on the plain truth.” — 27 : 79

“He it is Who has sent His Messenger with the guidance and the Religion of Truth” — 9 : 33

“Such then is Allah, your true Lord. And what is there after the truth but error?” — 10 : 32

“Say: Allah guides to the Truth.” — 10 : 35

God judges with truth

It is with truth that God judges people, not on the basis of prejudice, favouritism, emotion or people’s false claims about themselves:

“Say: Our Lord will gather us together, then He will judge between us with truth.” —34 : 26

“…so when Allah’s command comes, judgment is given with truth,” — 40 : 78

“This is Our record that speaks against you with truth.” — 45 : 29

“Our Lord, decide between us and our people with truth, and You are the Best of Deciders.” — 7 : 89

In the last verse above, the believers among a people are taught to pray to God to judge between themselves and the rest of their people with truth, and not on the basis that God unduly favours one side over the other.

**ANSWER OF QUESTION NO 3:**

Explain what is Qiyas?

Qiyas (Analogical Reasoning)

 Definition

* Literal meaning:
	+ Measurement i.e. measuring something with another e.g. Measuring the cloth with cubic.
	+ Comparison i.e. comparing something with another.
	+ Equation
* Technical meaning:

“Applying a case whose rule is not found by the text to a case whose rule is found in the text on account of equation of both cases in respect of effective cause of the rule.”

“Equating a case, whose rule is not mentioned explicitly in the text, with a case whose rule is mentioned, on the basis of the equality between effective causes found in the two cases.”

Essential elements of Qiyas

* Original case (asl)
* Legal ruling of original case (hukm al-asl)
* New or parallel case (far’)
* Effective cause (‘illah)

The Conditions of Qiyas

1. The condition of original case
2. The conditions of legal ruling of original case
3. Conditions of parallel case
4. Conditions of effective cause

The condition of original case

* The original case is not a parallel case. This means that the new case shall not be the original case.

The conditions of legal ruling of original case.

* The legal ruling of original case is pertaining to conduct which is established by the Qur’an, Sunnah and Ijma’
* The legal ruling should be one which is based on effective cause that can be rationally understood. In case if legal ruling based on effective cause that cannot be understood, qiyas is not allowed. Example: the ruling to circle Ka’bah seven times, number of rakaat in prayer etc.
* The legal ruling should be one which is based on effective cause that can be extended. If the legal ruling based on effective cause that cannot be extended, it cannot apply qiyas. Example: The legal ruling which allow the traveler to brake the fast during day time. This ruling is based on effective cause that cannot be extended i.e. traveling.
* The legal ruling should not be restricted to original case only. In case if the legal ruling is specific to the original case only, qiyas is not permitted. Example: the ruling regarding the permission for the Messenger of Allah (peace be upon him) of marrying more than four wives or the prohibition of marrying his wives after death cannot be extended through analogy, since these legal ruling were specific to him.

Conditions of parallel case

* There is no explicit legal ruling mentioned by the text on parallel case. There shall be no qiyas in case where there is legal ruling mentioned by the text.
* The effective cause of the original case should be found in parallel case.

Conditions of effective cause

* Effective cause must be an apparent attribute. It can easily be perceive by sense.
* Effective cause should be a constant and stable attribute.
* Effective cause should be extendible and not confined to the original case.
* Effective cause should be an attribute that is compatible with the purpose of the law

Types of Qiyas:

 There are three types of Qiyas:

1. Qiyas of higher order (al-Qiyas al-Awla): The effective cause in the parallel case is of higher order than the effective cause in the original case. E.g.

Saying ‘uff’ to parent Prohibition

(Original case) (Legal Ruling)

 (al-Isra’(17):23)

 Torment

(Effective cause)

Cursing/Beating parent

(Parallel case)

1. Qiyas of an equivalent order (al-Qiyas al-Musawi): The effective cause in parallel case is of the same strength with the effective cause in the original case.

E.g.

Consumption of orphan’s property Prohibition

(Original Case) (Legal Ruling)

(al-Nisa’(4):10)

Destruction of orphan’s property

(Effective cause)

Damaging of orphan’s property

(Parallel case)

1. Qiyas of a lower order (al-Qiyas al-Adna): The effective cause in parallel case is of a lower order than the effective cause found in original case.

E.g:

Wine Prohibition

 (Original case) (Legal Ruling)

 (al-Ma’idah(5):90)

 Intoxication

(Effective cause)

Toddy (Parallel case)

Justification of Qiyas as a source of Islamic law

* The majority of Muslim jurists are of the view that Qiyas is a source of Islamic law. It is relied upon in deriving legal rules.
* Muslims are obliged to follow the legal ruling which is validly derived from qiyas.
* The justification of Qiyas as a source of Islamic law is established by the Qur’an and Sunnah. The Qur’an “ O ye who believe! Obey Allah and Obey the Messenger and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger…” (al-Nisa’(4):59)
* The argument is that Allah has commanded after that (i.e. after obeying Allah, His Messenger and those in authority) to refer the disputed matters to Him and His Messenger.
* Referring the disputes to Allah and His Messenger signify referring them to the Qur’an and Sunnah. That will be by means of drawing conclusion from them by analogy.
* This is because analogy means referring the new case to the original case and applying to it its rule. In other words, referring the disputed case i.e. a case for which no rule has been provided in the text to a case for which a rule has been provided in the text.
* The Sunnah: There are many cases in which the Messenger of Allah (peace be upon him) in response to queries of the Companions tried to give answers in a form that was supposed to train them in legal thinking and in many such cases the method is quite similar to analogy. For example,
* “A woman came to the Messenger of Allah (peace be upon him) requesting him to give her legal opinion (fatwa). She said: Messenger of Allah my father has died and performance of hajj was due to him. May I perform the hajj on his behalf? Allah’s Messenger said: Tell me if your father owed a debt and you paid it, would that benefit him? She replied: yes. The Messenger of Allah (peace be upon him) said: Perform the hajj on his behalf, the debt due to Allah deserves most to be paid.” (It is reported by al-Bukhari and al-Nasa’i)
* “The Messenger of Allah (peace be upon him) said to Umar ibn al-Khattab when he asked him about kissing the wife by one who was fasting: Tell me if you rinse your mouth with water then eject it, what will you do? Umar said: It doesn’t matter. The Messenger of Allah said: It is all right.” (It is reported by Abu Dawood)

**ANSWER OF QUESTION NO 4:**

In the light of Quran and sunnah explain justice?

Justice:

 Before the advent of Islam, justice and fairplay did not exist among different clans and tribes. “Might is right” was the order of the day. Islam emphasized the virtue of justice. For with out it a society has no prestige and comes to the lowest level of degradation. Allah has ordained that a Muslim must be just in words, and deeds with out any racial, linguistic and social considerations.

In the Islamic worldview, justice denotes placing things in their rightful place. It also means giving others equal treatment. In Islam, justice is also a moral virtue and an attribute of human personality, as it is in the Western tradition. Justice is close to equality in the sense that it creates a state of equilibrium in the distribution of rights and duties, but they are not identical. Sometimes, justice is achieved through inequality, like in unequal distribution of wealth. The Prophet of Islam declared:

“There are seven categories of people whom God will shelter under His shade on the Day when there will be no shade except His. (One is) the just leader.”(Saheeh Muslim)

 God spoke to His Messenger in this manner:

“O My slaves, I have forbidden injustice for Myself and forbade it also for you. So avoid being unjust to one another.” (Saheeh Muslim)

Thus, justice represents moral rectitude and fairness, since it means things should be where they belong.

The importance of justice

The Qur’an considers justice to be a supreme virtue. It is a basic objective of Islam to the degree that it stands next in order of priority to belief in God’s exclusive right to worship (Tawheed) and the truth of Muhammad’s prophethood. God declares in the Quran:

“God commands justice and fair dealing...” (Qur’an 16:90)

And in another passage:

“O you who believe, be upright for God, and (be) bearers of witness with justice!...” (Qur’an 5:8)

Therefore, one may conclude that justice is an obligation of Islam and injustice is forbidden. The centrality of justice to the Qur’anic value system is displayed by the following verse:

“We sent Our Messengers with clear signs and sent down with them the Book and the Measure in order to establish justice among the people…” (Qur’an 57:25)

The phrase ‘Our Messengers’ shows that justice has been the goal of all revelation and scriptures sent to humanity. The verse also shows that justice must be measured and implemented by the standards and guidelines set by revelation. Islam’s approach to justice is comprehensive and all-embracing. Any path that leads to justice is deemed to be in harmony with Islamic Law. God has demanded justice and, although He has not prescribed a specific route, has provided general guidelines, on how to achieve it. He has neither prescribed a fixed means by which it can be obtained, nor has He declared invalid any particular means or methods that can lead to justice. Therefore, all means, procedures, and methods that facilitate, refine, and advance the cause of justice, and do not violate the Islamic Law are valid.

Equality in justice

The Qur’anic standards of justice transcend considerations of race, religion, color, and creed, as Muslims are commanded to be just to their friends and foes alike, and to be just at all levels, as the Qur’an puts it:

“O you who believe! Stand out firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents, and your relatives, or whether it is against the rich or the poor...” (Qur’an 4:135)

According to another Quranic passage:

“Let not the hatred of a people swerve you away from justice. Be just, for this is closest to righteousness…” (Quran 5:8)

With regards to relations with non-Muslims, the Qur’an further states:

“God does not forbid you from doing good and being just to those who have neither fought you over your faith nor evicted you from your homes...” (Qur’an 60:8)

The scholars of the Qur’an have concluded that these rulings apply to all nations, followers of all faiths, as a matter of fact to all humanity. In the view of the Qur’an, justice is an obligation.