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SECTION A

HADITH

Meaning of Hadith

The Arabic word Hadith literally means communication, stay, conversation (religious or secular, historical or recent).

Hadith or traditions are sayings, practices, silent approval, sermons and discussions, and preachings of the prophet from the time of his prophethood at the age of 40 years to the time of his death at the age of 63 years.

Sunnah on the other side literally means a method, a way, a cause, rule, mode, manner of doing or conductor of life or a law of behavior which arrived at after actual practice by the society. However, in its original sense, Sunnah is a report on anything in Islam law which is applied to show a report on prophet's behavior or way of life.

In other words, whatever the prophet did or said during his life time was reserved and letter recorded and compiled hence a report on Sunnah. However, Sunnah and Hadith cover the same kind.

HOW THE COMPANIONS OF THE PROPHET USED TO VET HADITH FROM HIM

Sunnah was received from his companions in the following ways.

a) Qaul

These were uttered words of the prophet which he used to utter in the presence of the companions who listened to him and then

report to others. These utterances of the prophet had a bearing on religious matters.

b) Fiel

An action, custom or practice of the prophet which the companions saw the prophet doing and report in their own words. This one has a bearing on both social and religious aspects.

c) Taqriir

The silent approvals and recommendations from the prophet with a religious bearing (Taqriir) therefore in most cases whenever the companions used to do something during the presence of the prophet and did not refuse them from doing it then they regard it as an approved practice of the prophet.

IMPORTANCE OF HADITH

The study of Hadith is vital to the life of a Muslim and that is why companions of the prophet tried to preserve whatever was coming from him. Even after his death, people have been trying to preserve hadith and collect until today. The study of Hadith is important in a Muslim life in the following ways.

1) It is a source of Islamic law. Hadith is considered to be a source of Islamic law. It is next to the Holy Quran in importance because it is used in the following ways.

a) When the Quran appears to be silent on an issue like circumcision.

b) Need to refer the prophet as an example in matters of law.

c) In cases where there is need of the prophet's advise.

d) Need to interpret the Holy Quran. Quran 4:65 says

“They have no faith until they make you judge in that which is in disputes between them.”

The prophet said, “My words are law, my examples are doctrine, my statements are true.”

2) Interpretation of the holy Quran

Because of the existence of the not very clear verses in the holy Quran, Hadith are used to explain them so that mankind or Muslims can easily implement such verses e.g. Chapter 2:187 talks about the white thread becoming distinct from black thread which is explained by prophet as dawn.

3) Supplementing some verses of the holy Quran

Because of the existence of some verses in the holy Quran which is phrased in general terms, hadith are used to implement them such that Muslims can easily compliment them e.g. there are many verses in the holy Quran instructing Muslims to pray and pay Zakat without giving the details. These details are given in hadith reports of the prophet (PBUH).

4) Hadith also provides modal behavior to the Muslims from prophet Mohammad (PBUH) since he lived as a model or an example to the entire humanity in all aspects of life. This is supported by the holy Quran Chapter 33:21 which says;

“Surely, you have got an excellent example or modal in the messenger of Allah.”

- 5) Hadith also helps Muslims to love their God, this can be done by following what the prophet did or said or silently approved such that in the end one is able to follow what God wants and avoid what God doesn't want. This is supported by the Quran Chapter 3:31 which provides that,
"Say oh Muhammad, if you love Allah follow me then Allah will love you and forgive you for your sins."
- 6) Hadith acts as a source of knowledge, this is so because hadiths help Muslims to acquire a lot of knowledge as they continue referring to them i.e. referring to what the prophet said or talked and what he silently approved since he taught about almost everything.
- 7) Hadith enables Muslims to get rewards from God, many rewards can be received by Muslims through following the footsteps of prophet Muhammad (PBUH), following his Sunnah and what he taught on various things.
- 8) Hadith also provides guidance to mankind, to supplement on the guidance provided by the holy Quran Chapter 17:9 provides that,
"The Quran guides to the most right," therefore, since it is the Hadith and interpret of the holy Quran, it follows that even hadith can provide same guidance to Muslims.
- 9) Hadith also helps to know the position of prophet Muhammad (PBUH). In Islam Prophet Muhammad was the last prophet of

God sent to the entire humanity and hence being recognized as the greatest prophet of Almighty God.

10) Hadith helps Muslims to perfect their total obedience to their God. This implies that after the holy Quran, it is the Hadith that can enable mankind to attain this. This is even evidenced in the holy Quran Chapter 4:59 where Muslims are advised to always refer to Allah and his messenger prophet Muhammad hence equally meaning important (Hadith).

11) It is also important as a way of preserving the authenticity of Hadith itself, in the following verses of the holy Quran and this shows the importance of Hadith. Quran 59:7 says,

“And whatever the messenger gives you, take it and whatever he forbids you, abstain from it.”

This clearly shows that Hadith a very important. Quran Chapter 53: 3-4 says

“And Muhammad does not speak out of his own desires but inspiration from God.”

The prophet said,

“Transmit from me even if a single sentence.”

“Be aware, I have been given the Quran and its like.”

On farewell pilgrimage, the prophet said,

“I have left amongst you two things which if you adhere to, you will never go astray, that is, to say the Book of Allah (Quran) and what you get from me (Hadith)”

- 12) It directs Muslims in all aspects of their daily life i.e. trade, work, feeding, public and private life.
- 13) It is the most applied source of law worldwide.

STAGES OF DEVELOPING HADITH LITERATURE

Hadith literature started immediately when prophet Muhammad was chosen by almighty God (Allah) to be his messenger. This meant that whatever the prophet said in his ministry was recorded and later transmitted to the proceeding generations especially the present day.

The prophet was the source of hadith. This means that the prophet's companions are the ones who collected his sayings, practices and silent approvals. However, in the subsequent generations, the process of Hadith continued until when it was perfected.

The process of Hadith collection can be understood when looked at in stages because it was gradual.

There are basically five stages of hadith collection.

Step 1

The period of the prophet from 610-632 AD. This was the period when the prophet was still receiving revelations.

Stage 2

The period of the companions of the prophet from 11 AH – 100AH.

Stage 3

The period of the followers of the companions of the prophet (Tabi'in period) 101-200AH.

Stage 4

The period of the followers of the followers of the companions of the Prophet (Taba'a – Tabi'in) 201-300AH.

Stage 5

The period of Muhadithins (traditionists) or developers of hadith literature 301-600AH.

STAGE 1 OF HADITH COLLECTION 610-632AD

The prophet's time 610-632 was the first stage for collection dissemination and preservation of hadith. During this period, the prophet (PBUH) received revelation from Allah thus he became a model in the life of his followers. So, whatever he used to do or say was taken note of by his followers.

The need to seek guidance and use them in their day today life, made the companions of the prophet to write, memorise and transmit the sayings to others and thus preserve them for future generations. This means that several methods were used in the collection, compilation and dissemination during prophet's time.

Method of hadith collection during the prophet's time

The prophet was the key player in the process of teaching and used the following methods

The prophet, as a key player, in the study of hadith used verbal teaching where he, himself was a teacher of his sunnah in this

method. The prophet used to repeat important things thrice and after teaching his companions, he used to listen to what they had learnt.

The study of hadith was also done through the prophet keeping a party of followers in his company. These were people who attended prophet's teachings all the time and they were called Ashab-Assuffah (in mates of Suffah). This was a raised platform in the corner of prophet's mosque. The Asuhab-Asuufah were equipped with knowledge of hadith and where special teachers of hadith outside medina.

The study and collection of hadith was also done through establishment of school in which a group of followers kept in company of the prophet and learnt from him. One of such schools established was in the prophet's mosque in medina and many others were established in the mosque.

Apart from verbal teaching of his sunna, the prophet practically demonstrated what he taught, these helped in providing a permanent effect in the memories of those who were in company of the prophet. The prophet very often gave practical lessons with clear instructions to follow them e.g. Bukhari reports that the prophet said;

“Pray as you have seen me pray.”

The prophet encouraged transmission of his sayings and practices. On several occasions, the prophet appealed to his companions to transmit his sayings and practices to those who had

not attended his meeting e.g. in the year of deputation to the tribe of Rabiah the prophet told them;

“Remember this and report it to those you have left behind.”

On another occasion the prophet said;

“Go back to your people and teach them these things.”

Also on his farewell pilgrimage the prophet said;

“He who is present here should carry this message to whom is not present.”

The prophet is reported to have said;

“God bless him who hears my words, keeps them understands and transmits them.”

Once the companions came to the prophet and asked him about his successor, he said;

“Those who report my sayings and instruct men to do the same.”

Therefore, the companions used to listen from the prophet, memorized his sayings and took them to those who were absent by way of transmitting them. It was through that process that Hadith has been preserved up to the present generation.

Memorization was also used as the most popular method in the preservation of hadith literature during the first stage. In this method, companions used to hear what the prophet said and in turn they commit whatever they had in their memories. Arabs were known to be good at memorization because they were good at poem recital.

So when the prophet came, the Arabs found it easy to memorise this work. Anas Bin Malik reported that;

“We sat with the prophet, maybe we were 60 in number and the prophet taught us hadith. Later on when we went out of necessity, we used to memorise hadith amongst us. When we departed, it was as if they were implanted in our hearts.”

It is also a historical fact that the prophet used to send ‘missionaries’ to those who had just embraced Islam to be instructed in the right order of conduct and belief. This therefore meant that in the process, Hadith were also transmitted to other people. One notable example of such companions who were sent as missionaries was Muadhi bin Jabal who was sent to teach people of Yemen.

Writing as a method of preserving Hadith, was also used though on a very small scale. However, there is clear evidence that some companions used to write down Hadith during prophet’s time and by the time of the prophet’s death some traditions had been written down. It is reported that Prophet Muhammad used to dictate Hadith to the few companions especially to those who were near to him and particularly to those he trusted that could not mix hadith with Quran.

Ibn Abbas is reported to have said;

"I kept on writing Hadith of the prophet through the night and he never stopped me."

Once one Answar (helper) called Amir bin Aas complained to the prophet about his poor memory and inability to remember all that the prophet said. The prophet replied;

"Seek help from your right hand."

This implied the use of a pen.

It is also important that Ibun Umar said to the prophet;

"Oh, prophet, surely I wish to narrate some of your sayings. I intend to write them, what do you direct me about it."

The prophet replied;

"If they are my sayings, have them written along with your heart."

Also Zaid bin Zubair also reported that;

"I was a prisoner along with Abdallah Ibn Abbas one night. Ibun Abbas was narrating hadith to me and I kept on writing them on my sandals until morning."

Another method of hadith collection and preservation during prophet's time was through study circles. The companions used to gather in mosques trying to remember what the prophet had taught and also read to inform their fellow companions about any new developments concerning their religious matters. Therefore, through that process, Hadith was collected and preserved.

Another method that was used is that the prophet used threats and promised punishments where he said;

“Whoever fabricates any word and attributes it to me should prepare his abode in Hell.”

So companions were very keen to learn, memorise, transmit and to write the actual words of the prophet and with this, hadith were collected and disseminated.

The prophet encouraged his companions to pass on knowledge of the Quran and Hadith to others and it was a common practice among Muslims and whenever he preached, he would tell people to pass on knowledge to others.

Prophet said;

“Pass on knowledge (transmit) from me even if it is only one sentence.”

Creation of incentives for teachers and students was another method to disseminate Hadith during prophetic period. The prophet used to give directions to educate the people but he also promised great rewards to teachers and students. Abu-Huraira is reported to have said that the prophet said that;

“A person who goes out in search of knowledge, is in the path of Allah until his return.”

LIMITATIONS TO DISSEMINATION OF HADITH DURING THE PROPHET'S TIME

What were the limitations to hadith dissemination during the prophet's time?

Why were the companions not enthusiastic about hadith during the prophet's time?

Why was there little development of Hadith literature during the prophet's time?

Much as, there was development of hadith literature during prophet's time in form of collection, transmission and writing and preserving them, there was very little work was done in the area of Hadith.

The reasons why very little work on hadith was done on hadith literature during this time of the prophet included the following;

Writing which would have been the best method for preserving hadith was discouraged by the prophet himself for fear of mixing it with the Quran and therefore confusing the two. The prophet had warned his companions about mixing Quran and Hadith. One companion reported that;

"One day, the prophet found us writing Hadith, he asked. What are you writing?"

We answered "What we hear from you."

Then the prophet commented, "What a book other than that of Allah!"

The need to protect the purity of the Quran also affect and hence, limited the development of hadith and the time when the Quran was still being revealed for fear of mixing the two. It was reported that the prophet said;

“Do not write anything from me unless the word of Allah.”

There was also lack of writing materials suitable for hadith to be written on. These companion who ventured in writing wrote on any material they had their hands on, like skins of animals basks of trees, rock states and leaves. These materials were not suitable and they were also not durable.

The use of writing as a method to preserve hadith was limited by the high illiteracy rate by the most companions. During the time of the prophet, very many people knew how to read and write. Therefore, spreading hadith literature was difficult.

Muslims, during the life time of the prophet, trusted and put a lot of importance on memory. This state of affair limited writing down of hadith.

During the prophet's time, hadith were not extensively collected simply because the companions did not feel the need to do so since the prophet was source of information and was still alive and could be contacted in case you need arose.

Memorization which seemed to be more popular than any other method, also had a problem where by some companions had poor memory. This also affected the development of hadith an example

of this could be seen when an answer complained to the prophet about his poor memory. The prophet advised him to seek help from his hand.

The companions did not get time to devote themselves in hadith as they were engaged in wars while others were taken up by their businesses. So, it is not surprising that very few individuals memorized hadith and a very small number recorded the hadith.

Another factor that limited the development of hadith literature during the prophet's time was lack of full encouragement by the prophet to his companions. The prophet did not give full encouragement to his companions to write hadith, besides, on many occasions he warn his companions against mixing hadith and Quran.

Lack of efficient transport facilities also limited the development of hadith literature, many people who were interested in the work of hadith lived in distance areas. Therefore, they could not have a chance to get the prophet's words first hand.

During the prophet's time, many of the prophet companions were those from low social economic class; therefore, they had to work and earn a living. This meant therefore, they had to divide their time between developing hadith and looking for a fortune. This limited the dissemination.

Rewards and punished as promised by the prophet were more theoretical than practical. Indeed, during the early stage of hadith

development, the companions took hadith keenly but after sometime, it started not to bother about promised punishment.

Many of the companions took whitiny of hadith with a negative attitude. They thought it was worth involving themselves in transmitting the revealed message which they though had high regards.

The problem of language barrier also limited the dissemination of hadith during the prophet's time. There were people who were not Arabs yet it was essential to spread the message to them. This came as a result of many non-Arab tribes inhabiting the Islamic empire especially in areas of Medina or Madina.

Competition with other religions like Christianity also accounted for very little development of hadith during prophet's time. At the time, when prophet migrated to Medina, other religions like Christianity had been spread there. So, whereas the prophet and companions were to spread hadith, they meant resistance from Christians and Jews so could not accept what they were saying.

The presence of hypocrites also accounted for little development of hadith. Some people who came out to transmit hadith lacked commitment as they pretended to be doing the work, yet they were conducting other businesses.

The development of hadith literature during prophet time canceled with the revelation of Quran. This was a limitation in development of hadith as changes of abrogation or substituting laws were high.

THE SECOND STAGE OF DEVELOPMENT OF HADITH (THE PERIOD OF THE COMPANIONS OF PROPHET 11-100AH/ 632-668AD)

This was the second stage of hadith collection or in the process of hadith collection. This stage began with the death of the prophet up to the year of the death of the last companions of the prophet Anas bin Malik who was said to be the last companion of the prophet to die around 64AH.

This period can be said have been the period of the four right guided caliphs as leaders of Muslim society and other notable companions (swahabas) who lived closely to prophet. In other words, as far as hadith literature was concerned and whenever one wanted to learn hadith had to go to any of those who had seen the prophet.

REASONS FOR HADITH COLLECTION

Why hadith was collected after the death of the prophet?

Death of prophet Muhammad (PBUH), the prophet was the source of hadith, Muslims used to frequent him and also attend his gathering in order to Hadith from Him. Similarly, they also used to silently approve the number of things. His death therefore, meant that such benefits could hardly be enjoyed hence necessitating the collection of hadith in order that they could be referred to foci his guidance.

Death of the memorisers of hadith, a number of companions of prophet had memorized hadith as a way of preserving them such

that in turn, they could be disseminated to other people. However, in the different physical confrontations between Muslims and enemies of Islam e.g. battle of Yamamah among others. Many companions were killed. This necessitated hadith collection in order to save hadith from getting lost.

Using hadith as a source of Islamic law; it is a known fact that the holy Quran is the first source of Islamic law of Sharia and can be silent regarding of some portions of the law yet hadith could be providing the answer, share of the grandmother in inheritance $1/6$ is provided by Hadith. This therefore necessitated the collection of hadith in order that they can effectively be used as source of Islamic law.

The desire to use hadith in the interpretation of the holy Quran. Given the fact that there are a number of verses in the holy Quran which are not very clear to mankind and therefore which were explained by Prophet Mohammad (PBUH) before they could be implemented. This therefore made the companions of the prophet to collect hadith in order to interpret the unclear verses of the holy Quran such that mankind could effectively implement them.

Influx into Islam, this was the action of people joining Islam in big numbers or large numbers following the deaths of prophet Muhammad (PBUH). The new companions were eager to learn their new faith including what Prophet Muhammad had taught. This also made the companions to collect hadith in order to meet the

demand of the new converts who wanted to know more about prophet.

The desire to counter the forgery of hadith; there are some people who had intentions who fabricated hadith intentionally to mislead the Muslims. They intended to be Muslims but when in actual sense they worked for the down fall of Islam.

The companions decided to collect of genuine hadith of traditions of the people and iff.

The value the companions attached the propagation of Islam. The companions of the prophet valued propagation of Islam as a way of binding prophets encouragement about the same. In fact many companions could afford to abandon their homes businesses for the sake of propagating Islam. Therefore, to them collecting hadith was a responsibility that they could not avoid.

Ending of Quran revelation, the death of prophet Muhammad meant that there were no verse in the holy Quran that were to continued coming down. Similarly, the prophet's discouragement to his companions not to collect hadith could no longer stand. This therefore made the companions effectively to collect hadith, since there was no fear.

Major developments of this stage (second stage) companions of the prophet were now source of information or hadith because they are the ones who learnt from the prophet directly and therefore they were well informed about what the prophet taught.

Prominent companions, that existed during this stage who were ably benefited the Muslim community and society through feeding them with information including Abdallah Bin Abbas, Abdallah bin Umar, Abdalah bin Amir, Anas bin Malik, Lady Aisha widow of the prophet Abubakar, Umar, Uthuman, Ali, Abu-Musa, Al-Ashari, Muadhi bin Jabar, among others.

Companions were scattered in many parts of the Islamic state or Arabian Peninsula in areas like Mecca, Medina, Yemen, Kufah, among other areas. This implies that the inhabitants of these areas would benefit from these companions directly since they were always positive and ready to teach hadith to whoever approached them.

Homes of the companions where they settled seemed to be centres of learning hadith. Many people visited homes of different companions in order to learn hadith from them e.g. Abu-Huraira's home at one time had 800 students who kept there to learn hadith from him. Similarly, others like Aisha among other companions also had many students in their centres.

Compilation of hadith in book form during this period was generally not effective. This was because of some reasons such as high level of illiteracy, inadequate materials and uniform, writing materials, among others yet the companions tried to be effective in responding to people's concerns by referring to what the prophet had taught.

The practices of moving long distances in search of hadith was also common during this period. This was mainly because some people desired to know about the aspects of these companions as they were scattered. Some Muslims could not hesitate moving such long distances even if it meant approval of a single hadith e.g. Jabir son of Abdallah is said to have travelled from Medina to Syria to seek for approval of just a single hadith.

Transmission, writing, memorization were the major methods of hadith collection which continued to be used after this time. But still, memorization was more popular. Companions like Anas bin Malik helped in writing some of these traditions at this stage in order to benefit the later generation.

Some small pamphlets of hadith were however compiled during this stage. One of such small compilations was Al-qatadayya which was compiled by Ali son of Abu Twalib. However, in the later years, such small books or writer of hadith were enlarged by other compilers of hadith.

THE 3RD STAGE OF HADITH COLLECTION 101-200AH

THE PERIOD OF THE FOLLOWERS OF THE COMPANIONS OF THE PROPHET

Describe the important developments of hadith from 101-200AH.

This was the third stage of hadith collection. It is also popularly referred to as Tabiin period. It is reigned between 101AH – 200AH. This stage was dominated by graduates from centres of learning hadith which had been established or initiated by the companions of the

prophet. They were therefore the source of reference during this period.

MAJOR DEVELOPMENTS DURING THIS STAGE

More centres of learning were established in order to benefit the majority of the Muslims who need to know more about the teachings of the prophet and also desired to refer to hadith for guidance e.g. it is reported that Abu-Hurairah alone had more than 800 students and also the prophet's widow Aisha taught many people hadith.

The most outstanding followers of the companions of the prophet during this period included Abdallah Bin Mubarak, Ibn Shihab al-Zuhri, Sofyan bin Vyayana, etc. They did a great job not only to teach hadith but they also tried to compile some traditions of the prophet.

The three major methods of transmission, memorization and writing continued to be used up to this period. The followers of the companions of the prophet also encouraged the existing Muslims to continue using these methods so that the majority of the Muslims receive what the prophet taught.

The writing of hadith became more popular during this period. This was partly due to availability of abundant writing materials as well as increased levels of literacy in Muslims community. This therefore influenced the dissemination of hadith since simple compilations to different areas.

More organized pamphlets were produced during this period among which was Al-Jurqan and among people behind this improvement was Abubakar bin Hazim. Such compilations at that time helped much in popularizing the science of hadith.

There was enlargement of some earlier pamphlet of hadith. Among the works that were enlarged include those that had been collected by people like Abdallah bin Abbas, Ali son of Abu-Twalib among others. Ibin Shihah al-Zuhri was the one of these personalities behind enlarged.

Compilations of hadith during this stage could not handle particular aspects of details got most of hadith that were considered were concerned with daily life issues.

Collection of hadith during this stage had an inclination of the centre where the students studied e.g. Al-Muwatwa'a a collection of Imam Malik bin Anas had hadith of the prophet which has an inclination to the events and customs of Medinah mainly because Malik was a born of Medina, studied in Medina and also operated in Medina.

Compilation during this period also had problems of having hadith reports of the prophet being mixed with words of the companions. This therefore necessitated the emergency of scholars of hadith to improve the hadith by separating authentic traditions to unauthentic ones.

The outstanding Imams who were the founders of the four sunni schools of law also emerged during this period. These included Imam Abu-Hanifah, Imam Malik bin Anus, Imam Shafie, Imam Ahmad bin Hanbal. They contributed a lot in supplementing the Islamic law of Sharia especially in as far as the sources of Islamic law were concerned. As the major sources of Islamic law were silent about some issues.

Some Muslim leaders during this period also influenced the collection of hadith considering the dangers that were likely to occur if he hadith reports of the prophet were not collected and preserved among the leaders was Umar bin Abdul-Aziz the II one of the outstanding Muslim leaders during the regime of Umayyads.

WHY WRITING WAS COMMON DURING THE THIRD STAGE OF HADITH COLLECTION

During this stage, writing became more important and common method of hadith collection than any other methods.

Prophet Muhammad, who was a source of information and to which people had turned for reference had died yet more traditions were coming up. Therefore, the traditions of the prophet had to be written down as a way of preserving them.

At this time, some of these limitations of writing had been done away with like many Muslims could not read and write besides, even suitable writing material had somehow improved and made available.

The Quran had also been compiled, therefore, there was no more fear of confusing or mixing hadith with the Quran.

Presence of several centres of hadith learning meant that the student had a lot to collect. In addition, there were abundant materials for students to learn from.

There was also an improvement in the availability of writing materials, in that materials for writing like paper had been discovered and had become plenty.

There was increased need to use hadith, first of all to provide an explanation of the holy Quran. And also to be used as source of law to guide mankind in their ways of life.

There was also need to teach Islam to many converts, who had joined Islam especially during the period of Caliph Umar. This necessitated the writing of hadith as written materials would provide better reference.

The writing of hadith was also necessary during this stage of hadith collection, there was need to preserve hadith so that the message contained in them could be altered. This was so because the companion who had memorized hadith had passed away.

The Muhadithins had realized the need for future reference of the traditions of the prophet since the Islamic empire was expanding far and wide. Written information would provide better reference than memorized text.

The death of traditionists, who had memorized the traditions of the prophet; this showed that if the traditions were not put in writing, the message would end up vanishing.

The development of transport network made writing of traditions very important. This was because different chiefs, governors and caliphs within the Islamic empire used to send envoys to different areas to teach Islam. So the envoy had to go with written documents like hadith as references to help simplify the spread of Islam.

The development of hadith literature made many muhadithin to develop strong feelings for the traditions since many people had started earning from written documents of the traditions of the prophets.

THE FOURTH STAGE OF HADITH COLLECTION (PERIOD OF TABA'IIN 201-300AH)

The period of the followers of the followers of the companions.

The development of hadith literature went through different stages. Why was the fourth stage of hadith development considered as the "golden age" of hadith literature.

Analyse the significance of the period 201-300AH in the field of hadith collection and compilation.

This was the fourth stage in the process of hadith collection. It is also popularly referred to as the Taba'a – Tab'iin period. It reigned

between 201 and 300AH. This period or stage is also popularly known as the golden period of hadith collection. This is majorly because of the outstanding developments that occurred during this period.

It should be noted that it was during this stage that perfection of hadith collection was attained.

Major developments during the fourth stage

Emergence of the 6 sound compilations or books. These were hadith books compiled by the 6 sound compilers. These were also named after their compiler and up-today, they are the major sources of reference in the field of hadith. They include Sahih Bukhar, Sahih Muslim, Sunan Abu-Dauda, Sunan Ibin Majah, Sunan Tirmidhi, Sunan Nasai. However, much as they are all outstanding books Sahih Bukha and Sahih Muslim are the most prominent.

Hadith were classified during this stage under various categories or subjects.

They were classified according to source of hadith. According to nature of hadith, according to the degree of accuracy, according to degree of reliability. As a result, it became very easy for different people like lawyers, judges and research scholars to be different between authentic and unauthentic.

The compilers of hadith were very critical before accepting some traditions e.g. Bukhari is remembered to have been the most critical of all the compilers during this stage. He had scrutinist the change of narrators as well as the nature of narrators themselves e.g. he had to

ensure that before accepting a certain tradition, the narrators must have met. Therefore, the chain of narrator had to be complete.

The works and books that were produced during this period classified report under various subjects and the subjects were organized in chapters and each chapter had a title e.g. marriage purification, etc. This made reference easy to remember.

There was much travels of compilers moving from one place to another in search for authentic traditions during this period, the approval of a single hadith would equally motivate some compilers to move some distance.

During this period, the contribution of four schools of law were also used in supplementing the Islamic law just as the Imam had existed during the third stage. They include Malik, Shafic and Ahmed bin Hambal.

During this stage, cannons or measures of determining authentic traditions as well as the rejected ones were introduced and applied by the compilers. Regarding the cannons, they could tell whether some traditions were authentic or not through establishing whether it is contradictory or not, whether narrated by a hypocrite or not, whether consistent with reason or not.

There was much writing and transmission of hadith during this stage. These can be explained by the high level of literacy, availability of abundant materials, much desire to use hadith as a result of expansion of the Muslim empire.

THE FIFTH STAGE OF HADITH COLLECTION 301-600AH

Discuss the major features or developments in hadith literature during the fifth stage of hadith collection.

The fifth stage of hadith collection appear to have started in the fourth century after Hijra. However, different scholars have different views on when exactly the stage may have started. Some say the stage started in the 5th century and continues up to date. This stage was the last of hadith collection stages and the following developments in hadith should have taken place.

Although a lot of work on hadith collection had been done during the fourth stage and had achieved its perfection, it continued during the fifth stage where Al-Raz, Al-Baihaqa, Al-Darqu-lum were the most instrumental persons.

During the fifth stage of hadith collection, hadith showed long chains of narrators and Isnad was used to guarantee the authenticity of a certain hadith. So it became necessary for the students of hadith to write hadith in a proper chain (Ibnad).

With the passage of time, the compilers of hadith examined and critically analysed the chain of narrators. They discovered their people were most interested in the text (matin) than the Isnad (chained). Thus scholars decided to shorten the chain of narrators by mentioning the name of the person (Rawi) who reported from the prophet then the text and the record. This is called abridging of hadith.

During this stage also, the Muhadithins started to critically analyse the subject matter of the 6 sound compilers of Hadith. This meant therefore that the books in this stage were made small in volume because of the removal of leaving almost only the text of hadith.

It was also during this stage that works of commentaries (Sharh) on earlier works were written explaining the points that arose out these works and this is what has been preserved to date.

There were many other books written in many languages of Muslims all over the world. Therefore, the work of hadith collection continued but this time covering a wide area and compilation in other languages other than Arabic.

The compilation of the 6 sound compilers were also abridged. This mode of compilation was done by Ibn Hasan Al-Raz and Ibun Athiir and thereafter Sharifu Deen who wrote a revised edition and arranged the subject matter of the collection. He called his work Tafsir Al-Usul.

REVIVAL AND COMPILATION OF HADITH

“Though the prophet PBUH discouraged writing hadith, it was inevitably done.” Justify.

Examine the importance of the hadith collection.

During the prophet's time, hadith were mainly preserved in memory of the prophets companions though;

The compilation of hadith started after the prophet's death especially if

During this period, Muslims realized the need to compile and organized hadith.

Therefore, after the prophet's death, hadith were collected and reserved in volumes of books. There are several reasons which can be advanced to explain why the compilation of hadith was inevitable.

The death of the prophet necessitated the revival collection and compilation of hadith. During the prophet's time, he was always used as reference. When he died, it meant the reference of hadith in future had ceased in exhibit. Therefore, after some time there arose a need to collect hadith in volumes of books so that they would be used as a source of reference.

The prophet had during his life time stressed to his companions the point of listening to him and spreading what they had heard and seen from him. Therefore, with this the companions had felt obliged

to spread the Islam. However, this could only be possible if the books of hadith were written to supplement Quran. Thus these books could be used as areas of reference in Islam.

The influx into Islam of a large number of people of those who had ever seen the prophet also necessitated the collection and compilation of hadith. Many converts were eager to know Islam and the history of the prophet. This was very easy through the compiled text and compilations then.

The wonderful success which Islam had achieved also necessitated the compilation and collection of hadith. The private and public life of the prophet who had turned the history of the Arabian peninsular in less than a quarter century had become a point of compilation and as such it had to be compiled.

The increasing needs and problems of Muslims which needed immediate attention necessitated the collection and compilation of hadith. Immediately after the death of the prophet, there arose disputes among Muslims which needed a coherent system of hadith to provide solutions e.g. at the death of the prophets, his daughter Fatumah claimed that she was entitled to inheritance from the prophet. Abubakar quoted to her the prophet's saying negating her views

“We prophets don't leave any estate but charity.”

Again over the disputes of where the prophet to be buried, Abubakar quoted to the companion a saying of the prophet that;

“Let the prophet be buried in a place where he dies from.”

The need to administer the conquered areas following the Sunna of the prophet also called for the collection and compilation of hadith. Within a short time after the death of the prophet, Muslims had conquered vast areas of the world including Persia, Egypt, Syria and Spain. Administration of the large Muslim empire had to be carried out following the teachings of quran and the compiled teachings of the prophet.

The death of many Muhadithin who had memorized Quran and hadith also led to the revival of hadith through collection and compilation. Many Muslims had died in big numbers as a result of natural death while others died in wars like battle of Yamama, in which death claimed lives between 500 and 700 hadith memorises thus there was a fear that hadith would disappear with death of hadith memorises so hadith were collected and compiled.

There was need to preserve hadith so that the future generation could get glance. Hadith were called and compiled so that the future generation could get a chance of knowing what the prophet said or didn't.

Due to the expansion of Muslim empire through conquest. Muslims dispersed to different areas. With so doing, they moved with hadith to those areas. So there was a fear that hadith could disappear with Muslims. There was a need to put hadith together for prophet preservation and above all for the purpose of reference. It was

better to connect hadith together other than searching for them from far different places if there was a need for them.

The interest that the Muslim leaders of the time picked about hadith literature also called for the compilation of hadith. For example Umar Bin Abdul Aziz the 5th caliph of the Umayyad dynasty issued a definite order that the traditions of the prophet be collected and compiled in a book form. Since then, some compiled book of the Hadith started to appear at the scene.

Hadith was being used as a source of law and were required judging different issues in the society, hence if hadith had not been compiled, Muslims would have faced a problem in judging between people especially on issues which could not be found in the Quran and where authority in hadith would not be found e.g. circumcision, cutting hair unbalanced.

At some later time, after the death of the prophet, the compilation of the holy Quran had been slowed down and in fact the work of putting Quran into a volume of a book had been completed. There was no fear of confusing or mixing hadith with Quran. This necessitated collecting and compiling hadith.

The presence of many centres of learning hadith meant that compilers had a lot to collect and many people to consult. In addition, the Thauriyah abundant materials for compilers and students of hadith from.

CHARACTERISTICS OF THE EARLY COMPILATION

Discuss the characteristics of the early hadith collections and compilations.

Because of one reason or the other, hadith collection was not done exhaustively during the prophet's time and the companion periods. The custody of hadith was memory, although there was some little writings in form of pamphlets.

It was during the third stage of hadith collection that hadith began to assume a more systematic form of writing. During Umayyad period, Umar II himself dispersed order to begin compiling hadith.

As time passed by much of hadith collection was taken over by some individuals, notable of these were Imams like Al-Luhr, Imam Malik, Ibn Vyaina and many others. These became the earliest compilers of hadith and included a group of people who ventured to bring together works of hadith right from the time of prophet to the time when Bukhari compiled his Sahih Bukhari.

However, the collections of the early compilers had the following characteristics.

The early compilations of hadith were mere collections without any sort of arrangement of the material for instance Al-Hakim abun Abdillahi, Saburi's work was not orderly.

The early compilation had the words of the prophet mixed with the legal decisions (Fatwa) of the rightly guided caliph and other companions as well as successors. These materials were also not

arranged systematically. Besides, they could not be differentiated by the companions.

The early compilations did not consider the chain of narrators of hadith but in some instance they were discussing the biography of individual reporters.

The early compilers of hadith had not put hadith to scrutiny, they were just recording whatever hadith could come their way. Because of this, the books of hadith compiled this time contained some forged hadith.

In the early compilations, a lot of topics were not tackled. The mostly compiled hadith issues like trade social, political and the like were not considered.

The early compilers did not set the measures which they could use to distinguish weak and authentic one that is why their compilations contain forged hadith.

The early compilers were not exhaustive, the compilers would not concentrate on a topic and cover it up to the satisfaction of the requirement of the receipt.

In the early compilations, the compilations the scope of their collections to hadith from the areas where they lived. For instance, Imam Malik compiled hadith got from the people of Medina.

The books of hadith reduced in the early days were generally not arranged in chapters because the compilers would just bring together all that they would come across.

Some of the hadith compiled by the early compilers had disconnect snad. This characteristic made the collections to be considered as weak hadith.

However, the above characteristics had some loopholes and despite the weaknesses of the early compilations, the compiled books were of great importance in the work of the development of hadith literature in that;

These compilation bridged the gap between those who saw the prophet and those who did not see him. This was because those who did not meet the prophet but were in quest of hadith just read the reports of the early compiled.

Although the early compilation contain weak and forged hadith, they consisted of more accurate hadith that;

Most of what later compilers used as were made available by the early compilations. The early collectors worked out definitions technical terms and other aspects for the development of the science of hadith.

Early compilation removed negative attitude towards collection and compilation of hadith. After the early compilation, more people to interpret hadith and it is no wonder that the 6 sound compilers of hadith emerged after some time.

THE EARLY COMPILERS OF HADITH IMAM AL-ZUHR

Examine the biography of Imam Al-zuhr as one of the early compilers of hadith.

His full name is Muhammad Ibn Ubaydullah Ibun Shihab Al-zuhr. He belonged to the Quraish tribe; he was born in 54AH and died in 123AH.

His father died in a battle fighting on side of Abdallah bin Zubair against the Umayyad group. Therefore, Al-Zuhr was left a young poor orphan in a miserable life. As a young boy, he had a lot of interest in studied especially in Quran and hadith. He received his early education from Abdullah bin Thurab; after which he embarked on intensive study of the Quran and connection of hadith.

He had keen interest in acquiring Islamic knowledge which interest he got when he was still young. He got his Islamic knowledge from many teachers and the most notable among all these was Abdullah Ibun Thurab. He was inquisitive in nature and always wanted to get something new. He had a strong memory and was always ready to confront any problems. His strong memory was demonstrated in a way when he studied and learnt the Quran by heart, the whole of it in 80 days only.

After this heavy task, he then turned to the task of collecting hadith. In doing this work, he travelled widely, approached and consulted any land men among the Tabiin some of his Sheikhs were Uruwa Ibri Zubair and said Ibn Masood.

Al-Zuhr is said to have had about 2000 hadith in memory and he is reported to have said about himself that he did not put anything in memory and forgot it.

His consultations from many prominent persons like Malik bin Anas helped him compile a book of hadith. In fact, he was the first person to endeavor in this task. His compilation was on the request of caliph Umar the second of the Umayyad dynasty, who gave orders to have hadith collected. The book he compiled consisted of mainly traditions enlarge and improve from the pamphlets of hadith written by Abdallah bin Abas and Ali bin Abu-Talib. The two works had been done during the second period of hadith collection. Al-Zuhr tried to improve on Ibun Abas's and Ali's works and others of his predecessors although he was not very accurate and critical. He also taught a number of people.

Al-Zuhr died on the 7th day of Ramadthan in the year 123AH, having lived for 72 years. He was buried near the road as he requested so that people passing by would pray for him if they so wished.

AL-ZUHR'S CONTRIBUTION TO THE DEVELOPMENT OF THE SIENCE OF HADITH

Discuss the contribution of Imam Al-Zuhr to development of sience of hadith.

His full name was Abubakar Muhammad Ibun Ubaydallah Ibun Shihab Al-Zuhr. He was born in 51AH and died in 123AH. He belonged to the Quraish tribe.

He grew up as an orphan, his father having been killed in the battle when he was fighting Umayyad group. Therefore, he led a poor and miserable life. He received his early education from Abdullah bin Tharab, after which he embarked on the intensive study of the Quran and collecting hadith. He travelled to some places consulting many land Muslims about hadith like Said bin Masood and Malik bin Anas.

Ibn Shihab Al-Zuhr contributed greatly to the development of the science of hadith in the following ways. He was the pioneer of the compilation of hadith. Before his compilation, all what had been done earlier was just personal notes and not intended for public consumption. In fact, Al-Zuhr was the first person to compile hadith into a book form.

He is credited for having compiled hadith into a book form and then having them committed to his memory. Before his works, hadith information was mainly stored in the memories of the Muhadithins simply because the Arabs had put a lot of trust in their memories.

He is credited for having broken the tradition of dependency on memory which was basically emphasized during prophet's time. He accepted and followed the requests made by the Ummayyad caliph, Umar Bin Abdul – Aziz to compile hadith.

Al-Zuhr's compilation is believed to have brought about the discipline of Usul Al-Hadith or the science of hadith in other words, his work eased the development of the science of hadith.

The format Al-Zuhr used to compile hadith influenced subsequent compilations. It is reported that as soon as Al-Zuhr realized his compilation to the public, others also started to do the same.

Al-Zuhr is said to have been the first to pay attention to the chain of transmission of hadith (Isnad). He was the first to compile hadith following the Isnad system i.e. in his compilation, he tried to show the chain of narrators.

He is said to have had one of the best chain of narrators in his collections. This was confirmed by Ahmad bin Hanbal who said that Al-Zuhr had the best hadith and the best chain of narrators. Abu-Hakim was also asked which chain was the best and is reported to have said "There are good chains one of which is from Al-Zuhr.."

Al-Zuhr taught a number of people, prominent among them was Ibun Juraij and Sufyan bin Uyayna, who later became resourceful in the science of hadith.

It is reported that Al-Zuhr's compilation was very comprehensive as he compiled hadith on almost every topic in hadith books. He was however not systematic as he put together whatever was attributed to the prophet.

Al-Zuhr is said to have memorized many hadith which others did not have. Imam Muslim alone report that he had 90 hadith which were reported by Al-Zuhr alone. He enlarged and improved upon the pamphlets of hadith that had been previously written by Ibn Abbas and Ali bin Abu-Twal'ib which had been written in second stage of

hadith collection. However, Al-Zuhr'd contribution to the development of science of hadith, some orientalists have labeled some accusations against him as follows.

That he was used by Ummayyad rulers to forge hadith to serve their political interests and also support them in their transgression from the acceptable Islami norms e.g. delivering someone while scattered on the pulpit yet Islam advocates for standing.

He was also accused of having frequented the Ummayyad palace and that he wouldn't therefore be used by the Umayyads.

He was also urged that Abdul-Malik, the Umayyad caliph instructed Azuhr to forge hadith concerning Al-Qusa mosque (ordered people to perform haji na akwa mosque he had constructed). However, it is said that Al-Zuhr did not see Abdul Malik because he was very young.

IMAM MALK

His full name was Malk bin Anas

Examine biography of Malk bin Anas.

His full name is Abdallah Malik Ibn Anas. He was born in the year 93AH in Medina in the Hijaz region and died in 179 AH at the age of 86. His great grandfather was a companion of the prophet. His ancestral was a companion of the prophet. His ancestral home was in Yemen but his grandfather settled in Medina after embracing

Islam. He was taught how to read and write by his own father at home in Medina.

And as a youth, he picked a lot of interest in study of theology in Hijaz. He exhaustively learnt and studied Quran and memorized Hadith when very young and this prepared him for his future ventures in Islamic teachings. He studied theology and became not only an experienced student but also a famous teacher.

Malik bin Anas did not travel abroad for learning hadith yet he had a very good opportunity to learn from the most famous scholars of the world as most of them visited Medina. It was reported that Imam Malik studied from over 300 Tabins, from whom he acquired knowledge of hadith.

Imam Malik also studied Fiqh under the guidance of nearly 100 lande sheikhs were residing in the city of Medina. Prominent among his teachers were Abu Radim, Nafi bin Abd Al-Rahman who taught him the Quran, Jafar al-Sadiq, Muhammad bin Yahaya Al-answar, Yahya bin Said and Hisham bin Urwah.

Imam Malik was one of the leading collectors and compilers of hadith. In his work of collecting hadith, he consulted many people like Imam Abu Hanifah who was a colleague and friend, yet he was one of the leading Imams. So, together they lived a symbolic life the spheres of knowledge.

Because of his interest in hadiths, he established a society of people he called Ahah Hadith, which means the upholders of hadith. The

aim of this society was to collect and teach hadith and to live in accordance to the dictate and teachings of the prophet.

He was also a theological teacher. He got many followers who participated in the collection of hadith and through his excessive study of hadith he eventually established and developed a school of law among the people of Hijaz.

His system of law was based on the Quran and hadith and this helped him and his students and followers to interpret the Islamic law (Sharia).

However, in his work of hadith, he based on the traditions reported by the people of Medina. This was as related to their customs and in the respect. Therefore, he put special importance to the citizens of Medina. There is no doubt therefore that during this collection of hadith, he only collected and compiled hadith that were brought by the people of Medina.

He stressed the use of reasoning (Ijtihad), but warned that it should not contradict the Quran and hadith. However, he only respected reasoning brought about by the people of Medina. During his study of Islam and

During his study of hadith and Islamic law, he could not give judgment on issues that he did not know. To him it was better to say "I don't know." Other than giving an answer which he doubted.

In his school of thought, he collected a number of traditions which be compiled into a volume of a book he called Al-Muwatta. There

are the traditions he used in the development of his school of thought.

Imam Malik's compilation was considered to be the best of that time. This made Malik's fame to spread far and wide in different parts of the world and many people learnt from his teachings. He taught many students who came to learn from him. As a result, he wrote many books of hadith and Islamic Jurisprudence.

Because of his work on hadith and Islamic law, caliph Abu-Jafar Al Mansoor. The second caliph of the Abassid dynasty 754-775AD, requested Malik to compile a book on jurisprudence to be followed by people all over the Islamic world.

Abu Jafar Al Mansoor's successor. Muhammad Al-Mahad came across Malik's books (Al-Muwataa) when he was coming from hijra. He was so impressed with this book that he provided substantial amount of money for its publication.

Later the 5th caliph of the Abbassid dynasty Haroona Al-Rashid 786-809Ad was also pleased with Malik's books (Al-Muwatta that he recommended it to be the only book of hadith to be used in all areas of law.

However, Malik refused saying that in future there must be some other writers and compilers of the hadith. So, it was not good to stop them from compiling.

Imam Malik was famous for his piety and integrity and was prepared for his convections. For example, when the Governor of Medina

demanding and forcing people to take the oath of reliability to Caliph Al-Mansoor, Imam Malik issued a "Futwa" that such an oath was not valid because it was given under duress.

Muwatta as an important MUWATWA AS AN IMPORTANT BOOK OF HADITH

Evaluate Imam Malik's Muwatta as one of the earliest works of science of Hadith.

The word Muwatta is the name given to the most famous work of Imam Malik bin Anas. It refers to the book which was arranged according to topics of Islamic jurisprudence (Fiqh).

Al-Muwatta was compiled by Imam Malik bin Anas and it records hadith of the prophet and legal decisions of the early scholars.

Muwatwa as a book on science of hadith can be evaluated in the following ways.

Al-Muwatwa is considered as the most authentic book by some scholars because of the style of the book in such a way that it helps the reader to understand that the prophet said and the subject matter of a given hadith.

Al-Muwatta was the first Sahih (something correct) to be compiled. It is said that all Imams who compiled books on hadith, followed the pattern of Imam Malik; therefore, preference had to be given to Al-Muwatwa.

Al-Muwatwa is considered a comprehensive book. It has more than 8 versions and the most famous in hadith is the versions of Yahya bin Yahya which contains hadith of the prophet Atha (Foot notes) of the companions and other from later authorities.

Many of the Muhadithin and other scholars built their arguments and differences on matters of halal and haram on the Muwatta of Imam Malik.

Imam Malik wrote Al-Muwatta in a simple way and simple language. It was reported by Yahya bin Yahya that after compilation of the book, Malik, introduced it to 70 Ulama of Medina who confirmed that it was a simple authentic work that was when he named it Muwatta.

Some scholars contend that it was the best compilation of the time only compared to the two Suhih books of hadith of Imam Bukhari and Imam Muslim.

Al-Muwatta was fairly orderly because Imam Malik organized the hadith basing on the Fiqh topics and he never related a hadith unless he confirms that it was right and from trust worthy people.

Al-Muwatta was the most comprehensive book of hadith of its kind to approach the scene though it was not exhaustive as it was restricted to the traditions of the people of Medina.

It was reported that once Muhammad Al-Mahad came across Al-Muwatta when he was coming from hijja, he was impressed with the

book that he provided substantial amount of money for its publication.

The 5th caliph of Abbasid dynasty, Haruna Al-Rashid was also pleased with Al-Muwatta so much that he recommended it to be the only book of hadith to be used in all areas of law all over the Islamic world.

However, Al-Muwatta is discredited on ground that;

It contained hadith based on traditions of the people of Medina or hadith that were reported by the people of Medina. This meant that reports from other areas were ignored thus Al-Muwatta was not exhaustive.

Al-Muwatta contained hadith which were more subjective in the line of Malik school of thought because he was a Jewrist and not a Muhadithin.

Al-Muwatta was credited for containing weak hadith. This was so because it was compiled in the era in which people could not sort out weak and authentic hadith.

Al-Muwatta was not compiled as a hadith book, but it was a directive of caliph Haruna Al-Rashid to act as a guide to low people who couldn't benefit from the chain of transmitters which was an important requirement in any hadith compilation.

Imam Malik in writing Al-Muwatta considered the Tabirin as reliable people, an opinion that is not shared.

IMAM MALIK'S CONTRIBUTION TO HADITH LITERATURE

Access the contribution of Imam Malik to the development of the science of hadith.

His full name is Abdallah Malik Ibun Anas. He was born in the year 93AH in Medina in the Hijaz region and died in 179AH at the age of 86.

He was taught how to read and write by his father at home in Medina and as a youth, he picked a lot of interest in the study of theology in Hijaz.

He exhaustively learnt and studied the Quran and hadith when still very young and this prepared him for his future ventures in Islamic teachings. In fact he became one of the leading collectors and compiler of hadith and his contribution to hadith literature was tremendous.

Imam Malik was one of the leading collectors and compilers of hadith. He was able to produce very good works of hadith after learning and consulting many people like Imam Abu Hanifa who was a colleague and a friend.

Because of his interest in hadith, he established a society of people he called Ahal hadith which means the upholders of hadith. The aim was to collect and teach hadith and to live in accordance of the dictates and teachings of the prophet.

Through his excessive study of hadith, he eventually established and developed a school of law among the people of Hijaz. This system of law was based on the Quran and Hadith and these helped his students and followers to interpret the Islamic law.

He collected hadith and the practice of the companions and compiled them in a volume of books he called Al-Muwatta which contained several juristic opinions of the people of Medina.

Imam Malik's school of thought though designed to be followed by people of Medina, it has got a big following in North Africa, Western Arabia and Spain.

He founded the school of law which was named after himie the Malkite school of law and this school developed around Hijaz. In its interpretation of the law, this school based on the teaching of the holy Quran and hadith.

He compiled various hadith works such as Kitabu Al-Nujuun but his prominent compilation was Al-Muwatta which was the best at its time and which helped much in the dissemination of the traditions of the prophet although it had some weaknesses.

He encouraged reasoning as a tool of solving some problems especially where the Quran and hadith had some problems. However, it is remembered to have seriously cautioned whenever to use this tool to ensure that the use of reasoning is not contradictory to the holy Quran and hadith.

He encouraged honesty and sincere character through being exemplary. Imam Malik was one of the knowledgeable scholars during his time but in situations of circumstance where he had some doubt or where he had no knowledge about something, he could freely say "I don't know" which indirectly motivated the Muslims because they knew that what he told them he had some knowledge about it.

He encouraged the use of major sources of Islamic law such as Quran, hadith, Ijma and Qiyas although he was much inclined to reason. He was equally very conscious when using reasoning to avoid contradiction.

He respected other scholars and encouraged other people to respect them especially the Imam who founded the different Islamic schools of law and their teachings since they were all agreeing on major teachings of Islam but simply differed on the minor issues.

Imam Malik also taught a number of people who in turn also became scholars e.g. Imam Shafik who became the founder of Islamic school of law. He was at one time a student of Malik.

Infact the Shafite school of law in general has many teachings drawn from the Malkite school of law.

He taught that the minimum number of Muslims who qualify to constitute a congregation of Juma is implying that if the number is less than two such a congregation can instead perform Dhuhuri

prayer. However, this was according to him but other scholars had different positions.

He also encouraged the use of Arabic in Friday surmon (Qutuba). On this, other scholars have different positions, his argument was since Qutuba is part of prayer, it should be equally in Arabic language.

LATER COMPILERS OF HADITH

These emerged after the error of the early compilers i.e. it was during the period of these early compilers that collection and compilation of hadith were perfected.

The six sound compilers were the major players during this period and they included; Bukhari, Muslim, Abu Dauda, Taraidh ibn Majah, Nasaih.

Characteristics of the later books of Hadith

They were well organized unlike the early works e.g. they had tables of content, introduction, etc which could easily guide the bodies when referring our using a book.

They were very comprehensive i.e. they could easily be understood e.g. some compilers made their books using friendly my making some commentaries below some traditions so as to explain more about particular traditions.

They had some similarities in the methods they were compiled although some slightly differed. This attributed to the fact that most

of the early compilers were contemporary and in fact some had learnt from others e.g. Muslims.

They were arranged in chapters where each chapter included hadith or tradition on a particular subject e.g. a chapter covering traditions about fasting, divorce, etc. thereby making the book user friendly for any difference.

They had complete chains of narrators attached to particular hadith. These may be attributed to the strictness of the later compilers of hadith such as Bukhan who ever accepted any hadith where the chain of narrators was broken.

They contained authentic traditions of prophet Muhammad. This was mainly because the compilers were characterized by too much sieving regarding the nature of the narrators as well as the subject matter of hadith through employing various canons.

They also targeted common men unlike the early collection which were used by those grounded in the field of hadith. This implies that many people could easily use these books of hadith to extract various hadith with ease in order to be guided with particular aspects.

They were very exhaustive unlike the early collection which could not exhaust traditions about particular aspects. These also made the later books of hadith very popular since traditions about particular aspects could be exhausted under various chapters.

They never had any mixture with words of Muhammad or declaration of the four rightly caliphs as the ease was to some of the early books. This implies that the quality of the later books was far better than that of the early books.

Unlike the early works of hadith which had the bias on the centre where the compiler studied with the later work of hadith or traditions which were universal but not confined to particular areas. This is partly because most of the later compilers travelled widely in such of hadith.

They contained traditions of all aspects i.e. traditions about day to day aspects as well as traditions on many other complex issues. Therefore, they were in position to benefit the Muslim community in all aspects.

BUKHARI

His full names were Abdallah Muhammad bin Ismad bin Ibrahim bin Mughira bin Baida Salaam Al-Bukhari, born in 194 AH at a place called Bukhara. He was therefore nicknamed Bukhari because he was born at Bukhara. He had very humble background from a slave family that his father had been an outstanding traditionist or Maddith although he died when Bukhari was still an infant but with some fortune.

By nature Bukhari had a weak physical set up but on the other hand, he was gifted with high intellect and strong memory and these

enabled him to retain and reproduce whatever he learnt with remarkable attributes.

He began his studies at an early age from a local madaras where he studied the holy Quran and hadith. He however picked much interest in the field of hadith. It is reported that by the age of 18 years, he had become a popular traditionalist.

After accumulating some knowledge, he traveled to many other areas to teach people hadith and many other teachings of Islam. In fact among the many he taught was Muslim who eventually turned out as an outstanding scholar and compiler of hadith.

He is also remembered to have performed pilgrimage to Mecca at an early age.

He also learnt and shared with some other scholars the knowledge of hadith. He was a pious character, very honest, generous and always wished well for everybody. In fact, he was generally unique compared to other compilers and perhaps this was one of the reasons as to why he excelled other compilers considering the way he handled people.

His outstanding memory also helped him to produce excellent work e.g. it is reported that he challenged the people of Baghdad who wanted to taste the strength of his memory. They paraded 10 men and each made to read a particular hadith but when the chains or narrators were interchanged deliberately and there after they asked him a question of hadith surprisingly they were all unknown traditions

because the chain of narrators had been interchanged hence approving the strength of his memory.

Bukhari is reported to have called about 60,000 hadith and of which he memorized about 200,000 hadith and of these he approved 7253. This therefore implies that he was very critical before accepted the hadith for compilation.

It is also reported each hadith after performing ablution then perform two rakahs this was exclusive to him because his rivals did not do it hence make the hadith to dislike about other compilation.

In 256AH, Bukhari died after doing comprehensive work mainly in the field of hadith which up-today, it is still benefiting the Muslim community in the explanation and interpretation of the holy Quran as well as other aspects.

BUKHARI'S METHODS OF COLLECTION AND COMPILATION OF HADITH

Examine a Bukhari's method of collection and compilation of hadith.

Muhammad Ibun Ismail Al-Bukhari was born in a slave family of Bukhara in the year 194AH. His father was a renown traditionist who died when Bukhari was still young.

During his infancy, Bukhari was physically weak but had a strong interact and memory. He grew up a very pious person who had a strong knowledge of hadith and Quran.

He later dedicated a great portion of life to hadith work.

Bukhari is believed to have been the most reliable and authentic among the compilers of hadith and the methods he employed to achieve this included;

He was so critical before accepting any tradition or hadith. In this, he always demanded that the chain of narrators had to be complete i.e. the different narrators of particular traditions must have met.

He always performed ablution before collecting hadith. This was in the respect of prophet Muhammad which are regarded to be next to the words of the holy Quran.

He always performed two rakats before recording hadith. These were intended to pray to almighty Allah to guide him and also bless him in the task of hadith work.

He introduced his chapters with the verses of the holy Quran in most of his compilation. This was to indicate that hadith is next to the holy Quran and also an explanation to the holy Quran.

He travelled widely to many places in such of hadith especially in the Arabian Peninsula. This therefore enabled him to compile traditions from the different areas unlike some of the early compilers who had been on the centres where they studied or areas where they operated from.

He used to examine the nature of the narrators of hadith regarding their character before believing what they were saying or reporting to him. It is reported that Bukhari could afford moving long distances

just for the approval of the character or integrity of the hadith reporters.

He only accepted authentic hadith, this therefore explains why Swahih Bukhari is regarded as the most authentic book of hadith next to the holy Quran in authenticity.

Bukhari did not report hadith from his rivals although for them such as Imam Muslims reported many tradition from Bukhari's works hence reflecting the superiority in knowledge. Bukhari had compared to his rivals.

He used his small memory while compiling hadith compared to what his rivals collected, memorized and approved. Bukhari's figures excelled. This mainly attributed to his strong memory which enabled him to memorise the many traditions.

He exploited the knowledge of his teachers from whom he learnt hadith from the different areas where he reached. It is reported that the different scholars who taught Bukhar benefited him in different capacities hence preparing him to become an outstanding scholar and compiler of hadith.

CHARACTERISTICS OF BUKHARI'S WORKS

His compilations and more especially Sahih Bukhari, was most excellent compared to those of his contemporaries such as Sahih Muslimu of Imam Muslimu that is why Sahih Bukhari is ranked next to the holy Quran.

The number of criticisms or criticized traditions in his Sahih Bukhari were very small compared to that of his rivals e.g. it is reported that 78 hadith reports were criticized in Sahih Bukhari yet about 130 hadith reports were criticized in the Sahih Muslimu of Imam Muslimu.

He never reported any hadith from his rivals yet people like Imam Muslimu reported number of hadith reports from Sahih Bukhari of Imam Bukhari.

Hadith chapters of Sahih Bukhari could begin with verses of the holy Quran and thereafter recorded hadith. This is an indication that hadith is next to the holy Quran in explanation in the long run.

The nature of the chain of narrators of Sahih Bukhari was superior compared to compilers. This has been partly explained by Bukhari by putting conditions for accepting hadith reports e.g. the condition of demanding that the reporters must have met.

Bukhari's work of hadith was very clear and comprehensive in fact he could not one time put comments explaining more about a particular hadith in order that his book is friendly.

The nature of narrators of different chain attached to particular hadith reports was also upright. This was an indication that even what had reported is authentic e.g. where the number of reporter were criticized in the different chain of hadith found in books of his rivals to him a few were criticized.

His work was very organized by chapters and also had tables or content. This therefore could make it very easy for whoever desired to use the book not to find problems.

His work also had hadith on different areas as opposed to the early compilers where many of the compilation had a base on centres or areas where they operated.

This implies that Bukhar was so extensive.

His work was exhaustive in that chapters of hadith handling particular aspects could have almost all the traditions in that particular aspect hence being very useful in teaching and guiding mankind.

However, some repetitions were noted in Bukhari's work but could be hated by some leaders and it was not misleading since their authentic traditions.

SAHIH BUKHARI

Sahih Bukhari is a hadith publication compiled by Imam Bukhari who ranks first among the six sound compilers of hadith. He was born in 194AH at Bukhara and died in 204AH. His real name was Abu-Abdallah Muhammad Ibn Ismail Ibn Ibrahim bin Mughirah Al-Bukhar.

Bukhari was very interested in hadith and posed one of the most amazing memories and his contribution to the science of hadith remained unequalled.

Bukhari compiled many works about hadith literature among which Sahih Bukhari is his most famous. Its full title is Al-Jami al-musnad As-sahi, an epitome containing all types of authentic traditions a hadith book concerning the prophet, his sunni and his ways.

Imam Bukhari spent 16 years in its compilation. He made the framework for his book while he was in Mecca in Masjid Haram. He worked on it continuously and the final draft was made in the mosque of the prophet in Medinah.

It is reported that for every hadith he selected to put in his book, Bukhari used to take a bath and performed two Rakata (units) and made Istikhara. Later on, if he was satisfied with the hadith, he put his impression from God.

Bukhari organized his work with chapters headed with a verse and a portion of hadith. He also repeated hadith time after time according to his book 9082 but without repetition, it goes down to 2602.

He revised his work three times and discarding some hadith and sometimes putting new headings even without filling in the material required for them.

The traditions in Sahih Bukhari followed the most strict conditions for accepting hadith as authentic. Bukhari did not accept any hadith unless its transmitters were reliable until there was proof that later transmitters had actually met the first.

The collection of hadith in Sahih Bukhari measured to the requirements of hadith collection, that is to say, Bukhari could first

relate a hadith to the Quran and at no account did he record a hadith centrally to the Quran.

Sahih Bukhari contains the most authentic traditions hence making it important only comparable to the holy Quran in importance.

Bukhari covered each and everything in his book so comprehensively that it was difficult to look for a particular authentic hadith elsewhere.

The method employed by Bukhari in the arrangement of his Sahih makes it easy to be read by everybody even by a lay man.

Bukhari presented his book to his fellow traditionalist before it was published. This included among other people like Ahmad bin Hanbal. This means that Sahih Bukhari was approved and got blessings of famous scholars of the time.

Traditions in Sahih Bukhari were protected by the Quran and defended by commentators of Hadith as such they refer to it as the most authentic. That is why later writers and commentators used it to approve other compiled text.

Each chapter of hadith began with a quotation of Quran which showed that hadith was an explanation of the Quran e.g. if Bukhari was writing a chapter about prayer, he got a verse about prayer from the Quran and used it as a heading from his chapter. This meant that the hadith that followed was to explain the verse mentioned.

Sahih Bukhari lays a strong emphasis on the subject matter (Matin) and also on the chain of narrators (isnad) than any other work of hadith.

Sahih Bukhari has been ranked the best among the works of those people whose works have been declared as Sahih. It is the most authentic after the Quran and all the traditionalists based on Bukhari are given an attribute (name) "name" of (Agreed upon).

Sahih Bukhari has very small numbers of unreliable people who reported hadith as compared to other hadith books. Within Sahih Bukhari, the number of unreliable reporters is 80 while that of Sahih Muslim for example is 160.

Sahih Bukhari has got the most efficient fiqh arrangement which is generally lacking in other hadith books, hence it is of greater significance in Islamic law than other hadith books.

IMAM MUSLIM

Examine the biography of Imam Muslim.

His full name was Abdul-Hussein Ibn Hajaj Al-Nishapur. He was born in a distinguished family of Arabs in Khurasan in 204 AH. His grandfather was a reputable character and a prominent Muslim during orthodox caliphs. Therefore, he inherited a prominent position which his grandfather had occupied during the orthodox caliphate.

Muslim was excellent as he never practiced any backbiting. He was also a common human figure.

He had religious parents and he was brought up in that religious atmosphere which greatly influenced him and thus picked the courage and interest of studying hadith, which he did throughout his life time.

Muslim started the work of studying hadith at the age of 15 years. He studied hadith from a number of collectors of hadith like Zuhari bin Haaba, Sayyid bin Mansur, Imam Bukhari and others.

Muslim had a divine interest in the Islamic studies and therefore, these can explain why he distinguished himself among those figures who had rich knowledge in hadith.

Because of his love in studying hadith, he travelled widely and far in search of knowledge of hadith. In this process, he visited Iraq, Syria, Egypt, Hijaz and many others.

His teachers were scholars of highest eminence and they were celebrated personnel in their respective fields. Many of his and Imam Bukhari's teachers were the same.

After making his research, he went to a place called Nishapur, where he settled to compile hadith that he had collected. It was at this place where he later died at the age of 57 years in the year 261 AH.

He compiled a number of books on hadith, but the most important of his works was a book he published known as Sahih Muslim, which was and is still considered next to that Bukhari (Sahih Bukhari) in authority and accuracy. In his book, Sahih Muslim, he took much

care as he was very critical and selective and no repetition has ever been noted.

Muslim collected 300,600 traditions and then after thoroughly examining them, he wrote down 9,200. He then examined each and every hadith and came out with 4000 Ahadith (traditions) as authentic. These are the ones that appear in Sahih Muslim today.

Muslim compiled hadith in stages one after another improving on each compilation he had made.

Muslim went through great pain in process of collecting hadith and in the process of training the chain of narrators. He recorded hadith which had two reliable people and from the Tabiin.

Though Bukhari's work proved more authentic than that of Muslim, Muslim is also recognized in the compilation of hadith as being authentic, not forgetting the fact that Bukhari was Muslim's teacher thus Muslim was also an authentic compiler of hadith.

Besides the compilation of Sahih Muslim, Imam Muslimu also credited for having made many contributions to different branches of literature which are respected up today time after time. These included books like Kitab al-musnad, Kitab Al-kabir, Kitab Asmah.

CHARACTERISTICS OF MUSLIM'S WORK

Examine the procedure used by Imam Muslim in the collection and compilation of his Sahih.

Imam Muslim's full name was Abdul Hussein Ibn Hajaj Al-Nishapur, Abdul-Hussein Muslim Al-Hajaj An-Nishapur.

He was born in Nishapur in Kursan in 204. He was born in a prominent family and inherited position of his grandfather, which had occupied during orthodox caliphate.

During his studies, he picked a lot of interest in hadith literature and started studying hadith at the age of 15. He studied hadith from prominent Muhadithin of that time like Zuhari bin Haab, Saad bin Mansur, Imam Bukhari and many others.

Muslim travelled to many places in search of traditions and family settled in Nishapur where he concentrated on the work of compiling hadith. In his work, he followed the procedures and principles below; Imam Muslim did not only chose sound hadith of his compilation but also selected those hadith upon which a consensus of renown jurists (consulted traditionalists) was recorded.

Imam Muslim narrates in one instance all the hadith with similar meaning and slight difference in wording, but points out those different.

Imam Muslim also employs a method that demanded all the hadith with their isnad (chain of narrators) can be followed conveniently in one place.

Imam Muslim was influenced by a method of Imam Bukhari used in his work. Having himself a student of Bukhari, there is also evidence that Muslim compiled his work basing on that of Bukhari.

Imam Muslim also points out the differences within the Isnad, a situation which only experts in the field can detect.

The Imam made it incumbent upon himself to follow such said principles.

Imam Muslim organized his book properly when he arranged according to subject matter. He organized his book in chapters. The follow of the book is so good so whenever I finds whatever he wants e.g. inheritance, divorce, zakat and the like.

Imam Muslim was very critical and selective for he managed to collect 300,000 traditions and only compiled 90,000.

While compiling his work, he took it to Abu Zurah one of the greatest critics of hadith and whenever Abu-Zurah appointed any Muslim in any way.

Imam Muslim took great pain in connecting the chain of narrators i.e. he recorded only haith from at least two reliable tabiin who had heard from companions and this principle was observed through subsequent chain of narrators.

At times where the narrators have the same name would apply the Imam also received hadith he removed this confusion like Ibn said not Ibn Malr.

Imam Muslim compiled his work especially Sahih Muslim. In many volumes well identified chapters and also translated in many languages.

In his recording of hadith, he only recorded what the reporters gave him i.e. used to report the exact words of the reporter without changing anything. He concluded in controlling Fajery of hadith.

Imam Muslim compiled his book especially Sahih well identified chapter and also translated in nar language.

THE NATURE OF SAHIH MUSLIM

Muslim's book is called Sahih Muslim which is a hadith publication compiled by Imam Muslim. This book has a number of traditions that rank its sound next to Bukhari's book.

Bukhari's work excels Sahih Muslim because Sahih Muslim reported his works from Bukhar but Bukhari did not contain tradition reported from Sahih Muslim.

Sahih Muslim considered to be one of the most authentic compilations of hadith. Among the 6 sound compilation. It is considered to second in Sahih Bukhar in quality.

In his book, Muslim compiled only 9200 out of 300,000 traditions which he collected and memorized. However, after putting them to thorough examination, finally retained 4000 as genuine.

Sahih Muslim is well organized in topics of chapters which follow the subject matter like that one from Zakat, prayer, marriages, etc which address to specific themes hence making it easy for reference.

Sahih Muslim has been developed and produced in volumes which can be accessed and found in libraries used by Muslim's word over.

In his book, Imam Muslim put emphasis on the chain of narrators which had atleast two reliable people from the Tabiin and at least one from the companions of the prophet.

Sahih Muslim has got scholars commentaries about it and the most popular among those being Al-Nawawi. These scholars have proved Sahih Muslim to be one of the most authentic not to Sahih Bukhar.

Its author, Imam Muslim made an introduction in it and declared his objective of collecting only sound hadith. Indeed, after his completion Muslim named it Sahih thus his work is known as Sahih Muslim.

While compiling his Sahih, Imam Muslim took it to great critics of hadith like Abu-Zurah and whatever Abu-Zuhar pointed defect any, Muslim committed it.

Imam Muslim's book was influenced by Bukhari's earlier publication. This was because Imam Muslim did want to record his hadith a Ahadith based on his own criteria alone. Thus, in Sahih Muslim only those hadith whose authenticity was acceptable among schools were recorded.

In his book, Imam Muslim took much care in compiling hadith was very critical and selective in that no repetition can ever be noted in his Sahih.

COMPARISON BETWEEN BUKHARI'S AND MUSLIM'S COMPILATION

Compare and contrast Imam, Bukhari and Muslim in their methodology of hadith collection and compilation.

Imam Bukhari's full name was Abdallah Ibn Ibrahim Ibn Ismael Ibn Mughira Al-Bukhari. He was born on Friday 13th Shawwat 194 AH (809AD) at a place called Bukhara a town in Eastern part of Turkestan.

Bukhari grew an orphan because his father died when he was still young. However, despite Bukhari's father's death, the mother brought Bukhari up catering for his health and education.

Imam Muslim's full name was Abdul-Hussein Muslim Al-Hajaj Nishapur. He was born at Nishapur in Khurasan in 204AH and died 261AH. He lived for 57 years. He descended from a prominent family and inherited the position of his grandfather, which he had held during the orthodox caliphate.

DIFFERENCES

Imam Bukhari has got an efficient Fiqh arrangement which is generally lacking in Muslim's work hence Sahih Bukhari is of a greater significance in Islamic law than Sahih Muslim.

Sahih Bukhari has small number of unreliable people who reported hadith then Sahih Muslim. The number of unreliable people in Sahih Bukhari is given as 80 while that of Sahih Muslim is 160.

Imam Muslim compiled Sahih Muslim after studying from Bukhari and means therefore that Muslim compiled his book basing on the work of Bukhari.

Considering the memorizing power/ capacity of the two compilers Imam Bukhari possessed a higher and better memorizing capacity than that of Muslim. In other words, Bukhari is more reliable than that of Muslim.

Imam Bukhari was more critical than Muslim and therefore, Bukhari recorded the most authentic hadith e.g. when recording hadith from people who narrated from Al-Zuhr, Bukhari considered those who possessed excellent memory and a length companionship with al-Zuhr while Muslim only considered only those who lived with Al-Zuhr not considering the time they spent with Al-Zuhr.

Bukhari was more selective than Muslim in computing their books. This can be attested from the fact that Bukhari collected 600,000 traditions and compile only 7275 while Muslim collected 300,000 and compiled 9200 traditions.

Bukhari had a special way of treating hadith that Muslim modeled his work basing on Bukhari. It is reported that Muslim reported from Bukhari while Bukhari never reported from Muslim.

Unlike Muslim's work, hadith by Bukhari had the backing of the holy Quran. Bukhari gave a verse of the Quran as an introduction to Hadith, while Muslim did not introduce Quranic chapter as part of hadith.

Bukhari respected hadith to the extent that he performed ablution and prayer two rakats (units) before recording hadith Imam Muslim never followed this procedure.

Very few traditions collected and compiled by Bukhan were criticized by people who wrote commentaries on his book. A few of Muslim's collected traditions were attacked and Muslim accepted weaknesses found in them.

Bukhari never accepted any hadith except when all narrators were reliable and must have met each other. Muslim on the other hand took great pain to connect the chain of narrators and only recorded the hadith that had at least two reliable Tabiin who heard from two companions.

SIMILARITIES

Bukhari and Muslim compiled the most excellent books of hadith, and once a hadith is found in both records, it can't be doubted. It is always referred to as Mutafaku alaihi (agreed upon).

The two books Bukhari and Muslim compiled are referred to as Sakihain which means the two sound or authentic books.

The current stage of the two compilations has been printed in volumes and can be found in many libraries used by Muslims and they have been translated in different languages of the world.

Both Imams had high memorizing capacity since they used to memorise most of the traditions they collected.

Both Imams were critical and selective as they both considered reliable narrators to compile their work.

Both Bukhari and Muslim had people who wrote commentaries and criticized their work although those who criticized Bukhari found very few traditions that did not measure to the standard of the book.

ABU-DAUDA

His full name was Sulaiman bin Amir bin Imran Al-azid Abu-Daada. He was popularly known as Abu-dauda. He was born in Sijistan in 202AH and belonged to Azid clana well known Arab tribe hence he was called Al-Azid. His native city was a famous town in Khurasan (Sijistan) and died in 275.

He grew up in Arabia and received his early education in Quran and Hadith literature at Khurasan. He then travelled to many places in search of traditions. He visited a number of learning centres in Kufai, Baghdad, Damascas and Basara among others.

He learnt hadith from about 300 persons, the most prominent among them was Ahmed bin Hanbal, Abu Thauru Abubakar bin Abi Sahil, Uthiman bin abi Shaib.during his travels, he used to collect and

analyse traditions. He was known for being trustworthy, collecting true hadith and he was keen in collecting and criticizing traditions. His teacher Ahmed bin Hambal always praised him for the work he did for hadith.

After several travels, he settled down in Bagdhad and concentrated on compiling traditions of the prophet. He compiled a number of books like Musnad Abu-Dauda, Al-tasmiya but the most outstanding of all his work was Sunan Abu-Dauda. This book contains 4800 traditions (hadith) which he selected out of 500,000 ytaditions. It was collected for a period of 20 years and it is organized in chapters according to topics which was ever ranked among celebrated six compilations of hadith.

Imam Abu-Dauda had a strong memory and a penetrating mind (high thinking capacity). His retaining power was recognized by all famous Muhadithins of the time.

Imam Abu-Dauda passed away in Friday 16th Shawwal 275AH at the age of 72 years.

CHARACTERISTIC OF HIS BOOK

Account for the inclusion of Abu-dauda among the Sahih.

Sunan Abu-dauda is a publication compiled Abu-dauda, who is ranked among the 6 sound compilers because of quality of his book Sunan Abu-dauda.

Sunan Abu-dauda is considered to be one of the 6 sound compilations due to the following reasons.

He was selective in his book although not the level of Bakhuri and Muslim. He collected about 500,000 traditions but he recorded and approved only 4800 traditions in his book.

It was organized in such a way that chapters were properly identified according to teachings of Islam e.g. a chapter about Pillars of Islam could easily be identified from other chapters.

The book was compiled for a period of 20 years and this implies that traditions were collected from many people of different areas and ages. Besides, the 20 years gave Abu-Dauda ample time to scrutinize the traditions before compilation.

It received its title Sunan because it had been chapterised and arranged according to legal application for instance conditions about prayer could easily be related to these about purification and also related to authority of the prophet.

Abu-dauda never concentrated on traditions concerning historical events but compiled traditions on all aspects of life.

In the book, Abu-dauda tried his level best to relate the traditions on the authority of the prophet. This was possible when he tried to exclude the opinions of the companions of the prophet in his compilation.

Abu-dauda himself accepted that the book had some weaknesses but he had to record them for he believed that a weak hadith is better than personal hadith when used on legal matters. He tries to show weaknesses of these traditions and therefore his book is used in classification of hadith.

Many Muhadithin of his time acknowledged Sunan Abu-dauda as authentic and among them Ibrahim Harabi said;

“God softened the hadith to Abu-dauda as he softened the tradition in the hadith to the prophet.”

Another scholar called Yahya said, Hadith is the foundation of Islam and Abu-dauda is it's pillar.

Sunan Abu-dauda naturally filled the gap left by Bukhari and Muslim in the field of Fiqh (science of law) and supply of hadith in support of the most seemingly insignificant details in the rituals and legal of the community.

Abu-dauda's Sunan at first had got priority, popularity but it was somehow limited in the range of the subjects it covered and was not as critical as Bukhari and Muslim in testing the authenticity of the traditions. It came to be less highly regarded than the collections of Bukhari and Muslim.

IMAM TIRMIDH

His full name was Muhammad bin Isa bin Thaura bin Musa. He was popularly known as Imam Tirmidh. He was born in 209AH at a place

called Bugh a few miles from a place called Tirmidh. Both places Bugh and Tirmidhar in Khurasan which is present a province in North Eastern Iran.

Imam Tirmidh was known right from his childhood for his keen interest and love for the study of hadith. He was a man of strong memory and he began the study of hadith at the age of 20 years.

After acquiring some knowledge in Quran and hadith, he started travelling to a number of places in search of knowledge of traditions and learning of hadith.

He had a strong personality which was highly regarded by many prominent Muhadithins for instance Imam Bukhari's regard for Tirmidh was evident in his statement.

“I have benefited more from you that you have benefited from me”

Tirmidh had a large number of desipals and many prominent students who learnt from him and famous among them are Imam An-Nasai, Al-Thaur, Ibn Kuluhb, Abu-Abbas and many others who equally turned to be outstanding scholars of hadith.

After his extensive travels, he settled down and compiled the traditions he had collected. He compiled hadith in a number of books like Al-ilam, Jami al-kabiir, Al-Atharu and al-munqutah but the most outstanding of all his compilations was Sunan Tirmidh, which was also known as Jami Tirmidh and it is ranked among the 6 celebrated work or compilations of hadith.

His Sunan or Jami Tirmidh was appreciated by many scholars of hadith, in fact it was on this basis that this book was considered together with its compiler to be one of the outstanding books of hadith and Tirmidh to be ranked among the outstanding compilers of hadith.

CHARACTERISTICS OF SUNAN TIRMIDH OR JAMI TIRMIDH

Jami-Tirmidh is one of the Imam Tirmidh's compilations about the traditions of the prophet. It is ranked the fourth among the most authentic books of hadith.

In compiling Jami-Tirmidh, Imam Tirmidh had a number of aims like to systematically collect hadith, to discuss the legal opinions of the early Imams regarding the subject of hadith, discuss the quality and to explain any weaknesses if any and to compile genuine hadith to be used as source of law. In doing so, Jami-Tirmidh assumed the following characteristics;

It received the title of Sunan because it had been chapterised and arranged according to legal applications as such it is called Sunan Tirmidh.

Jami-Tirmidh contains topics on most aspects of law like international law, social behavior.

It was referred to as Jami simply because chapters were all well arranged according to subject matter e.g. purification.

The book was divided into 50 sub-books and the book all together contains traditions. It also classified Sunan which implies that it was chpaterised according to legal precedence.

Jami-Tirmidh is also taken to be very important in classification of hadith simply because, it clearly shows the chain of narrators, their surnames and titles.

It comprises of hadith talking about the day of resurrection, heaven and hell, prayer, rewards and purnishments, good bad manners, education, etc. this shows that a book covered a wide range of topics.

Each tradition in this book is clearly classified as Sahih, Dhaif, Gharib and those that were forged. Indeed it is in this book that the exercise of classification of hadith started on the same book.

Traditions of this book is classified according to degree or weaknesses and terms like Sahih, Swaheeh, Hasgan are used to describe in different classification.

Each tradition has got a prescribed chain of narrators hence making the work of hadith classification simplified.

The book is also known for its critical remarks concerning the chain of narrators as made by Imam Tirmidh and the point of reference will be between what was agreed by the followers of different schools of law.

Imam Tirmidh arranged his book in a unique style different from other compilers for instance he could put the heading then mention one or two traditions from which the heading would be extracted.

CONTRIBUTION OF TIRMIDH IN DEVELOPMENT OF HADITH LITERATURE

Assess the contribution of Tirmidh to development of hadith literature.

Imam Tirmidh's real name was Muhammad bin Musa bin Thaura bin Al-Dahhak Al-Tirmidh. He was born in 209AH at Bugh near Tirmidh in Khurasan.

Tirmidh was known right from his childhood for his keen interest and love for study of hadith.

He was a man of strong memory and begun the study of hadith at the age of 20 years in 230AH.

Al-Tirmidh was influenced by Bukhari's methodology collection and compilation of hadith that he also decided to take over the task.

His contribution to the development of hadith literature is exhibited in his personality which is highly regarded by many prominent Muhadith like Imam Bukhari who wrote

“...I have benefited more from you than you have benefited from me...”

After acquiring some knowledge in Quran and hadith, he started traveling in number of places in search of traditions and pursued in learning hadith.

After acquiring some knowledge in Quran and hadith, he turned to leave an ascetic life for in the later part of his life, he became blind because of excessive weeping in repentance and submission to Allah.

Al-Tirmidh collected thousands of Ahadith (traditions) out of which he compiled 3056 of his work he named Al-Jami as-Sahih this is the most important of all compilations which sometimes called Sunan Tirmidh.

Al-Tirmidh's book Jami-Tirmidh has been used by many Muhadithin or scholars of hadith to make Imam Tirmidh qualify to be among the six sound compilers. Sunan is ranked the fourth among the most authentic books of hadith.

AL-Tirmidh is credited for having started the exercise of classification of hadith. Each tradition in his book is classified and clearly indicated whether it is Sahih (sound), dhaif (weak), Gharib (strange or forged).

Besides Jami-Tirmidh, Imam Tirmidh compiled other books on the subject of hadith. These books improved among others Kitab al-Shamail, Al-Athar, al-Mawqutah. Asma as-Sahabah, Al-Ilam al-Kabin all these added hadith literature.

In his compilation, he exhausted the subject matter for matters of law. For instance, he could indicate whether there are other traditions or hadith transmitted by other companions concerning the subject matter.

Tirmidh's collection is noted for critical remarks concerning the chain of narrators and the point of differences between the four schools of Islamic theology or schools of law.

AL-Tirmidh made the content of hadith easy to understand and memorise. He could put the heading and then mention one or two traditions from which.....

Al-Tirmidh filled the gap left by Nukhari and Abu-dauda in the evaluation of hadith for instance although the classification of hadith into Sahih, Hassan and Dhaif and already been made by the earlier scholars Al-Tirmidh was the first to base his compilation on.....

AL-Tirmidh helped in the keeping of the quality of the work of developing hadith literature high when he followed his teacher Al-Bukhari in the rest of his principles especially with regard to authenticity of hadith.

Al-Tirmidh work is taken to be important in the classification of hadith simply because it clearly showed the chain of narrators. Their surnames and titles and he finally fixed the degree of soundness of each hadith.

IMAM IBN MAJAH

His full name is Abu Abdallah Muhammad Ibn Yazid Al-Rabi Al-Qazran. He was born in Qazran 209AH and he died in 295AH.

He started studying hadith at a tender age. He lived to be either 15 or 20 years where he studied the holy Quran and other basis of Islam. But later on developed much interest in the feed of hadith.

Travelled to many places or different places of learning hadith through the Islamic states and equally learnt from number of scholars he met in different places like Khuranaan Iraq, Hijaz, Syria and Egypt where.....

After finishing his travels, in search of hadith, Ibn Majah finally settled down in compiling traditions. He also taught many people.

He is noted for compilation of 3 works namely Al-Tafsir, Al-Tariq (biography of narrators of hadith) but the most prominent among his books was Sunan Ibn Majah.

Many scholars of hadith equally appreciated quality of his work and therefore considered it to be one of the outstanding compilation of hadith.

THE NATURE OF SUNAN IBN MAJAH

His full name is Abu Abdallah Muhammad bin Yazid A-Rab Al-Qazran. He was born in Qazran in 209AH and died in 295AH.

He started studying hadith at a tender age believed to be either 15 or 20 years where he studied the holy Quran.

He travelled to many places like Khurasan, Hijaz, Syria and Egypt in search of hadith. He also studied under various prominent scholars and earlier compilers.

He finally settled down and compiled traditions which appear in three works i.e. Al-Tafsir, Al-Tariq, which gave biography of narrators of hadith but the most important of his works was Sunan Ibn Majah.

In compiling his works he applied the following methodology.

He put more emphasis on Sunan Ibn Majah than Tafsir and Al-Tariq. That the 2 seem to have got lost. Sunan Ibn Majah became very famous and was included among the famous 6 authentic book.

Ibn Majah did not mention the criteria he used in selecting material for his book neither did he mention the aim he had in mind in compiling his work. As such compilation is placed on a lower rank in the collection of the 6 authentic books of hadith. In his collection, he compiled 4341 Ahadith of which 3002 had been recorded by authors of other five collections.

Of the 1339 hadith which had been recorded by himself may have been evaluated as follows.

408 accepted as completely of authentic (Sahih) 199 accepted as Hassan, then 613 hadith were accepted as weak Ishad. (Dhaif) and 99 hadith looked upon as being mardud. These were said to be wrong and they were rejected.

Ibn Majah's collection comprises of 32 books with 1500 chapters. These chapters contain about 4000 traditions which were carefully selected and arranged in topics which were easy to understand.

Ibn Majah's traditions also have a well organized chain of narrators. Because his collection is ideally suited for references especially in terms of legal school matters of theology and principles of hadith science.

Ibn Majah included weak hadith in his book and was criticized as for having recorded weak traditions and never indicated it a Tirmidh and Abu-dauda. He however defended his position that he wanted readers to differentiate between right and wrong hadith.

Sunan Ibn Majah was compiled with little repetition and is one of the best arrangement of chapters and subchapters, a fact that is recognized by scholars.

Ibn Majah's book is known for its arrangement.

After completing his Sunan, he handed it over to other scholars for approval. Among these scholars was Abu-Zurah. A competent critic of Hadith at that time was pleased with its format ad it was a very good book and recommended that it could be used as a source of reference especially in matters of law.

INCLUSION OF IBN MAJAH AMONG THE CELEBRATED 6 COMPILERS OF HADITH

Account for the inclusion of Ibn Majah among the celebrated compilers of hadith.

Finally settled down and compiled traditions works but the most prominent in his work was Sunan Ibn Majah. This book became

widely known and made Ibn Majah to be included among the celebrated compilers of hadith.

He is known for compilation of 3 book works namely Al-Tafsir and Al-Tariq that gave biography of narrators of hadith and Sunan Ibn Majah which became widely known and later came to be included as one of the most authoritative among the six authentic compilations.

He acquired a profound knowledge and was a leading student of hadith of his time. He studied under various teachers, scholars and various compilers of hadith and among these was Muhammad al-Tanafasi. His work consisted of 32 books in which he wrote 1500 chapters with about 4000 hadith however all the hadith selected were all sound. He only recorded hadith from trust worthy people.

He considered morally upright and religious perfect people from whom he collected hadith.

He contributed greatly to development of hadith literature by trying to bring knowledge of hadith to perfection and completion.

He also taught a great number of students in the field of hadith, Quran interpretation and Islamic histories and biographies.

He has a very big following in different parts of the Muslim world that consider his collection worthy. Infact his Sunan is considered sound and influential.

His collections have contributed greatly to understanding Quran and simplifying of Quran. His work led to dismissal of forgery in hadith works.

IMAM NASAI

Discuss the biography of Imam Nasai.

Imam An-Nasai's full name is Abdul-Rahman Ahmad bin Shu'ayb bin Ali bin Sinan bin An-Nasai. He was born in 215AH and died in 300AH.

He started the work of studying hadith at 15 years and because of that, he picked interest in hadith study. He became one of the prominent Muhadithins/ one of prominent hadith scholars.

He travelled to many places in search of hadith such places included Khurasan, Egypt, Syria and Al-Jazira. He became a great scholar and critic. In fact he was one of the learned men of that time.

An-Nasai took much interest in the study and teaching hadith. So much that at one time when he accompanied the governor of Egypt for a Jihad (holy war) in the military camp, he used to guide the governor and army to the teachings of the Sunnah of the prophet and asked them to follow it.

It was reported that An-Nasai lived in Egypt for a long time but he did not attach his company to the governor of Egypt.

Imam Nasai compiled a number of books about hadith like Kitabu-al-Dujah, Amushatul Nasai, Sunan al-Kubra, Al-Mujtaba, Musnad

Mulik. However, the most important of all his compilations was Sunan Nasai which was included among the six sound compilations of hadith.

An-Nasai comes last among the 6 sound compilers because he himself after reading other compilation, he accepted that his work had doubtful traditions.

To clear this mess, An-Nasai decided to compile another book which was called Al-mujtaba/ (the selection). In this compilation, he tried to live out some of the traditions he considered to be weak.

However he did not satisfy some Muhadithin and other Muslims who were fighting forgery of hadith at that time. These desatisfied Muslims inflicted injuries on Imam Nasai after accusing him of forging traditions of the prophet. He died of these injuries in 303AH.

IMAM NASAI'S CONTRIBUTION TO HADITH

Imam Nasai took much interest in the study and teaching of hadith. One time he went for a Jihad accompanying the governor of Egypt. In the military camp, he used to guide the governor and army in the Suna of the prophet and asked them to follow it.

Imam Nasai compiled a number of books about hadith e.g. Kitabu-al-Dujah Sunan Al-Kubra, Al-Mujtaba though the most important of his compilations was Sunan Nasai which was included among the six sound compilations of hadith.

Imam Nasai compiled a book of hadith which he called Sunan Al-Kubra but after reading some compilations, he realized that some of the traditions compiled were doubtful. He then compiled Al-Mujtaba which was a selection of Sunan Al-Kubra.

Imam Nasai travelled widely in search of hadith to places like Khurasan, Iraq, Hijaz, Syria, Egypt, Al-Jazira. During his travels he collected very many hadith which he selected 5761 Ahadith he compiled in his Sunan.

Imam Nasai was a great scholar and a critic of hadith. His criticism and there he found in his search helped him to be strict to the accuracy of hadith.

In evaluating hadith, whenever Imam Nasai found contradictory remarks about a certain reporter, he accepted him until he had established that all the Muhadithins had dismissed his report.

Imam Nasai was very selective in his material and that he did not use some very important materials because one of the narrators Ibunlahia was labeled as a weak narrator.

Apart from the methodology, Imam Nasai recorded the different Isnad of hadith. Then records the Isnad where some mistakes have been recorded by the narrator, he then explains what is correct. Thus he recorded a weak as well but mostly to show what defect they had.

Imam Nasai classified hadith into two categories i.e. the hardliners and the lenient. The hardliners of hadith were people like the

companions of the prophet while the lenient included critics who were not strict.

CANONS/ FACTORS CONSIDERED BY THE SIX SOUND COMPILERS IN SELECTING HADITH

The six sound compilers of hadith were Imam Nasai Bukhari, Muslim, Abu-dauda, Tirmidh, Ibun Majal.

Canons were critical technics (tools) which were put by the Muhadithin while selecting to decide what they could include and what they could reject in judging the correctness of Ahadith. In other words, they are standards upon which the correctness of the hadith is judged.

The six sound compilers designed rules or canons which were accepted by all of them in selecting traditions so as to come up with relatively authentic and genuine compilation. This was the basis upon which sound traditions were carefully selected and recorded and have been accepted and adopted by many scholars of hadith. However, the degree of following these canons depended on particular Imams that is, some Imam were strict on these rules than others. The canons however included;

THE SUBJECT MATTER (MATIN) TEXT

They all agreed that for ahadith to be genuine, the subject matter must be in agreement the holy Quran.

The prophet said;

“My words do not abrogate the Quran but the Quran can abrogate my words.”

In order for a tradition to be accepted, it had to be in agreement with well established facts of Islam and its outstanding teachings.

If the hadith was attributed to the prophet and claimed to have been uttered by the prophet in a big congregation, like the farewell pilgrimage such a tradition had to be known by very many reporters because the channel of reporting were very many.

For a hadith to be accepted, its subject matter should not be against dignity and respect of the prophet or contrary to reason or the dignity of the prophet.

If the subject of hadith is used by one group of conflicting Muslim against another e.g. the Sunni against the Shiites then, it was imperative to look at it more carefully.

If a tradition was reported by one person but not in agreement with the one reported by many people, then it is important to refer to that report by the many.

If the subject matter or words should not be unsound or incorrect e.g. the wording should be in accordance with Arabic idioms, the subject matter should not be uncoming to the prophet's language.

The hadith or tradition should not contain threats of heavy punishments for ordinary sins or promised mighty words for slightly good deeds. In other words, the matn should not contain

exaggerated statements e.g. a big reward for minor good deeds and a heavy punishment for a small bad deed.

In case the narrator confessed to have forged or fabricated the tradition, it should be also rejected.

The hadith should not speak of the reward of prophets and messenger to the dower of good deeds.

A hadith should not possess hidden defects e.g. a trustworthy scholar transmitted hadith as being a statement of the prophet yet the majority narrated the same as a statement of the companion e.g. Caliph Umar said that "To do good things don't wait for the morning to come and when morning comes don't wait for evening."

The matn should not contain a ridiculous kind or attribution e.g. containing obscene words.

Its narrators should have used a clear and straight forward language.

THE CHAIN OF NARRATORS

For the hadith to be accepted, it must have been traced to the prophet i.e. the final source for that hadith in the chain of narrators had to be the prophet.

The reporters of the hadith must have been trustworthy and pious men, having a high memorizing capacity. If in the chain narrators there was someone whose personality was doubtful such a hadith was rejected.

For a hadith to be accepted, the reporters must have met the people they were reporting from.

The muhadithin also had to explain the character of each person in the tradition to explain how truthful he was, the level of his understanding whether he was reliable or unreliable person.

Chapter 49:6 says

“Oh you who believe! If the immoral person brings a piece of news, investigate it thoroughly.”

The hadith which was supposed to have been reported by so many people but only one person knew it, such a hadith was rejected.

In the isnad, a reporter must be an Adilie of righteous conduct, trustworthy and truthful.

The reporter's character must be that of a practicing Muslim i.e. he does not tell lies and he does not take intoxicants.

The reporter must be knowledgeable in Islamic doctrines i.e. morally and religiously satisfactory i.e. he knows the.....

The reporter must possess the ability to transmit and with a sound memory about 85 memorising capacity to recall what he heard.

The chains should consist of narrators with well documented or well known biography.

A reporter should not belong to heretic groups e.g. Shiats, Mu-Mutazalites, etc.

The phraseology or style of report must be similar to that of the prophet (PBUH).

Reporters must be men who guarded well or took care of hadith effectively.

CHARACTERISTICS OF LATER COMPILATIONS COMPARED TO EARLIER ONES

To compile means to bring together materials in organized way. In addition, there are two categories of compilers, that is the early and later compilers. The early compilers cover groups of people who ventured to bring together books of hadith right from time of the prophet to the time when Bukhari compiled his Sahih.

These included people like Imam Abdul-Malik bin Abdu-Aziz, Imam Al-Zuhr and Imam Malik bin Anas among others.

After the age of the early compilers who set the stage of hadith compilation, there appeared scholars of hadith in the third century of Islamic calendar. These were six, as thus came to be known as the six sound compilers of hadith. They included Al-Bukhari, Muslim, Abu-Dauda, At-Tirmidh, Ibn Majah and An-Nasai.

The later compilations had some characteristics that greatly contrast with those of the early hadith compiler thus the later stage merited to be termed as the golden period of hadith compilation. The characteristics include the following;

The works produced during later compilation unlike those of the early period had introductions though some works had better introductions than others e.g. although Imam Muslim headed his work, with a portion of hadith, Imam Bukhari headed his topics with relevant verses and hadith on the topics.

Whereas the early compilers just collected hadith irrespective of whether they were authentic or not, the later compilers declared their intention of compiling only Sahih hadith.

The compilation of the later generation were basically produced by contemporaries all of them lived in the same century and had studied from one another e.g. Muslim was a student of Bukhari therefore they used almost the same methodology in compiling hadith books.

Unlike the early hadith books which were not organized, the later hadith books were put in chapters. The chapters were recovering a particular topic/ aspect like prayers or something related.

The later works of hadith had titles on every chapter that was put in their work. This made them appear more organized than the earlier works thus it was easier for the people to find out what they wanted to know more easily than the earlier before.

The Isnad has an important component of the science of hadith was given extra importance in the later compilation. This indicated to the fact that books produced during this period contained basically only

the sayings of the prophet without mixing up legal decisions of the prophet (Fatwa).

During the later period, the works produced had hadith which were sieved out of the many available. Thus at this time, compilers adopted the canons which helped them to get the most authentic hadith e.g. Imam Bukhari collected over 600,000 hadith out of which sieved out 7275.

The books of later generation have characteristics of repetition of hadith; this was very common with Bukhari. This repetition appeared in case where one hadith would be relevant to different issues that they would be referred to under different headings.

The Muhadithin of later period used a certain criteria based on the Isnad and Matin to help them produce standard works of authentic traditions e.g. Bukhari accepted hadith from people who met. Muslim on the other hand accepted hadith reported by two people who were contemporaries even if they had not seen each other whereas the earlier hadith works were basically to be used by Qadhi (judge) and Muhadithin. The later works basically targeted lay people, that is why they were usually simplified and chapterised.

Hadith works of later compilers were more comprehensive and exhaustive than the earlier ones. Topics were covered in details and the works produced were enormous.

The Muhadithin of later period travelled widely and extensively in search of hadith hence their works included hadith from all centres of learning unlike the early compilation.

Imam Malik's compilation for example includes hadith reported by people of Medina.

Hadith development of later compilers made the period to be known as the golden age of hadith because no work on hadith has ever been produced thereafter. Indeed the period sealed the collection of hadith. What appeared after were basically commentaries produced on the work.

PROBLEMS ENCOUNTERED DURING HADITH COLLECTION

The process of hadith collection though it was later accomplished, it was not done without problems.

There was scarcity of writing materials. The collectors of hadith found it hard as suitable writing materials like pens and papers were not available and even those which were available were not enough.

There were very few people who know how to read and write this made the work hectic and very hard as some individuals were over worked.

There were many copies of hadith written, somewhere proper and others were improper, all written by different people so it was very hard to discover the right copies.

The actual compilation of hadith took place sometimes after death of the prophet and this made the work harder as decisions took long to be reached. This was so because the prophet who would have clarified on issues had died.

Some materials on which hadith were written were either very old, worn out or deteriorated. This meant that it was difficult for the future compilers to read the written work as it had already faded.

There were people who came out to fabricate hadith. So, this meant that compilers had to take great care to ascertain the authenticity of the collected hadith.

There was a problem of communication many people who had memorized hadith were living in the Islamic caliphate yet the transport system was not yet developed. So, writing, translating or looking for information could take long.

The revelation of the Quran also hindered the scale of hadith collection, dissemination and compilation. The prophet had warned his companions about mixing his words (hadith) with verses of the Quran. Therefore, the compilers had a problem of scrutinizing and separate the traditions of the prophet from verse of the holy Quran.

The death of many people who had memorized hadith also brought problems to the compilers, many people who had contributed in collection of hadith had died in battles like that of Yamama and others of natural death. This implied that the people who could be consulted, for reference were now very few.

The existence of wars like Riddah wars intended to fight off false prophets and apostates, was a problem to the Muhadithin as they diverted much of their attention and thus affected the work of compiling hadith.

RELATIONSHIP BETWEEN QURAN, HADITH AND ATHAR

The Quran is the uttered word of God revealed to prophet Muhammad through Arch-Angel Jibreal for guidance of mankind. Currently the Quran has been compiled in a book form and copies of the compiled text are kept in every home of the Muslims that provide guidance and reference to mankind.

The Quran is the original source from which all laws and principles of Islam are derived. The Quran is infallible, unique and it offers direction in all spheres of human life i.e. political, social, religious, public, private life, the meaning and wording of the prophet.

The meaning and wording of the Quran all being from God, "Nothing have we left out from the book."

Hadith and Sunna, on whole refer to the exemplary code of general behavior of prophet of what he said, did or approved or disapproved.

However, in Islamic law, hadith can be taken to refer to the record of sayings, practice, discourses and a general way of life led by prophet Muhammad (PBUH) from the time of his prophethood in 610AD to his death in 632AD.

Hadith is the second source of Islamic law from which all Muslim base their life and faith. Hadith, therefore is also a source of guidance to mankind.

Al-Athar refers to sayings of the companions of the prophet or their successors which have got a bearing on religious teachings.

The three expressions that is, hadith, Quran and Athar are all sources of knowledge for the Muslims and are related in the following ways;

The Quran was revealed to mankind through prophet Muhammad. Prophet Muhammad had to therefore explain the Quran; therefore most of the prophet's words and practices are related to Quranic injunctions. As such there is no contradiction between Quran and hadith.

Hadith must be always in agreement with the Quran and in conditions where any hadith contradicts the Quran, it is an indication that either the hadith was narrated before the verse was revealed and therefore it was abrogated or it was a forged tradition.

Since most of the time the prophet was involved in receiving explaining and teaching the Quran most of his hadith which have got a bearing on religious aspects are related to the Quran.

The relationship between Al-Athar, hadith and Quran that is the companions of the prophet where the ones who recorded Quranic words from the prophet and the ones who compiled the Quran after prophet's death. So, they made comments about it to those who had not seen the prophet.

The companions also kept in a company listening to his preachings (words or hadith). The companions also collected and in turn recorded hadith from the prophet and in this, they used to comment on and explained hadith.

Athar of genuine and pious companions of the prophet and their successors are always agreement with the Quran and hadith and they were very instrumental in teaching and explaining both the Quran and hadith.

However, Quran and hadith have some similarities;

Both the Quran and hadith are from God although hadith are strictly sayings and practices of the prophet, they normally have a bearing on God as their meaning and message were inspired from God himself. Quran 53:3-4 says;

“...nor does he speak out of his own desires. It is nothing but revelation revealed by God...”

Both are important sources of law and this is supported by Quran chapter 4:59

“And if you have any dispute concerning any matter, refer it to God and his messenger.”

In this case, God and his messengers signified Quran and hadith. The prophet said;

“Be aware you have been given the Quran and something like it Isunnah or hadith.”

The prophet also said on farewell pilgrimage that;

“I have left among you two things if each of you adhere to them, will never go astray i.e. the Quran and my words.”

Both Quran and hadith were received by mankind through the same sources i.e. Prophet's mouth. Quran is solely God's words while hadith was God's words inspired through the prophet.

Both the Quran and hadith serve as guidance to mankind. Quran 17:9

“Surely the Quran guides to which is the most right.”

Quran 2:185 says, “Ramadhan is the month in which the holy Quran was revealed as guidance to mankind.”

On the other hand, Quran also guides to the same Allah says in Quran 3:41 that;

“So, if you love Allah, follow me (Muhammad) then Allah will love and forgive your sins.”

In this case, the prophet can be said that his actions and words are guidance to mankind. Quran;

“Surely you have an excellent example in the messenger of Allah...”

Quran 59:7 also says;

“Whatever the messenger gives you take it and whatever he prohibits, abstain from it.”

Both Quran and hadith cover all spheres in the whole spheres of life that;

“We have neglected nothing from the book.”

This means that everything has been catered for in the Quran and hadith. hadith are the practice and interpretation of the Quran.

Quran speaks in general terms and makes general statements but hadith being the supreme authority in interpreting Quran 16:44 says;

“And we have also sent down to you (Oh Muhammad) the reminder (the Quran) that you may explain clearly to men what is sent down to them.”

The Quran however, differs from the hadith in the following aspects;

Whereas Quran is purely and strictly revealed words of God as stated in Quran 26:192

“Verily this the revelation from the most high to all the worlds.”

The Quran is a testimony of its self as regards its holiness where it talks of its self as coming from Allah, Quran 10:37 says;

“And the Quran is not such as good as could have been produced by any other, other than Allah.”

Quran 45:2 says;

“The revelation of the book is from Allah the almighty whereas hadith are inspired saying, practices and silent approvals of the prophet.”

Quran is part and parcel of arts of worship i.e. if one recites Quran, there are rewards accompanying that but there are no rewards when one recites or reads hadith.

Unlike hadith, the Quran is recited in prayers. Any verse from Quran may be recited in prayers without discrimination. In fact if Suran Alfatiha is not recited, one's prayers are not valid. Hadith are not in any way recited in prayers.

Hadith are not in any way recited in prayers. Quran had been through recorded by many records without anything being changed in its text and it is Mutawatir (continuous) which is not the case with hadith, Hadith is both Mutawatir and Ahad.

The holy Quran is more authentic than the hadith that is why none of the hadith in the holy Quran is not as per Quran 2:2

“This is the book whereof there is no doubt.”

However, some hadith can be doubted if there not in agreement with the spiritual teaching of the holy Quran.

Although both Quran and hadith are sources of Islamic law (sharia). The Quran is more vital and superior than hadith i.e. the Quran is the first source of Islamic law while hadith is the second source.

The arrangement of chapters and verses of the Quran where done by the prophet under divine guidance.

The Quranic compilation took place immediately after death of prophet but collection and compilation of hadith never showed up until the 5th century of Hijra.

Muslims are obliged to listen to the Quran when being recited but there is no similar obligation in case of hadith. Quran 7:204 says;

“So, when the Quran is recited, listen to it and be silent that you may be shown mercy.”

Purification of the body with ablution is a pre-requisite (or necessary condition) before touching a copy of the holy Quran. While with hadith, is not a necessary condition i.e. even without ablution one can touch or hold a copy of hadith book.

They are many volumes of hadith compiled by different compilers while with the holy Quran, it is only one volume as well as the holy Quran can be memorized by mankind. It is not the same with hadith i.e. no one can memorise all hadith of the prophet.

The whole of the Quran can be memorized uniformly unlike hadith whose sentences may vary in wording (lafudha) depending on the reporter though the meaning remain the same.

In the recitation of the holy Quran melody and rhythm are encouraged and this can be noticed when one is reciting the holy Quran especially in case of good reciter or reader. On the other hand, such are not encouraged with hadith.

Hadith is categorized into different classes like hadith Qudsi and Nabawi such categories do not apply in Quran.

Hadith in general can be evaluated into sound (Sahih) Hassan (Good hadith) and Dhaif (weak hadith) according to way of conditions of its way, its chain of transmission. The verses of the holy Quran are not in any way evaluated because their not doubted.

Whereas the holy Quran can abrogate hadith, hadith cannot abrogate words of the holy Quran.

THE ROLE OF HADITH IN UNDERSTANDING HOLY QURAN

To what extent is the knowledge of hadith necessary to understand the holy Quran?

The Quran can technically be defined and preferable and infallible and immutable word of God revealed to prophet Muhammad (PBUH) for the guidance of mankind. Hadith or Sunnah on the other hand involves the sayings, deeds or practices approvals and disapprovals of the prophet.

It has always been argued by some scholars that without sunnah or hadith, it would be difficult to understand the Quran.

The role of hadith is so great and the following factors show how hadith plays an important role of understanding Quran.

The Quran in many cases talks of issues in general terms and gives broad statements which are not very clear. It was hadith to give details to give details to give these broad statements in order to

make them easy to understand e.g. the Quran command Muslims to establish regular prayers without.

Quran 11:11 says;

“...And establish regular prayer the two ends of the day and not at the approaches of the night.”

The prophet provided an explanation by telling Muslims to pray in the same manner they saw him praying. The prophet is reported to have said;

“Pray as you have seen me pray.”

Apart from giving details of broad verses of the Quran,

The companions at first

in a bold sense until when the prophet explained two threads to mean darkness of the night and lightness of the day.

The Quran was revealed in classical Arabic direct yet majority of Arabs at the time were illiterate and therefore could not understand Quranic literature and therefore required the prophet to come out and explain the holy Quran.

In many cases, the prophet used to provide solutions to certain religious issues which later confirmed by revelation from Allah. Therefore, the prophet acted as a channel through which Quran should be understood. There are some laws which are found in hadith but are not talked about in Quran e.g. Fatuma the daughter of the prophet, once claimed that she had a right to inheritance

from the prophet, but Abubakar narrated a hadith from the prophet which Fatuna did not question, which said;

“We prophets (Muhammad) don’t inherit or estate for inheritance. What we leave is charity.”

Hadith is the second source of Islamic law next to the holy Quran. Hadith is always referred to whenever the planner appears to be silent or there is need to explain Quran on any law. This is based on what the prophet said,

“My words are law, my example is a full doctrine & my statement is truth.”

On this, the Quran also says in chapter 4:65;

“They have no faith until they make you judge of that which is in dispute between them.”

The prophet also made the following injunction in the reference between Quran and hadith and role of hadith in understanding the holy Quran. He said,

“I have left among you two things which if you adhere to, you will never go astray that is, the word of Allah (Quran) and what you get from me (hadith).”

Although hadith and Sunnah play an important role in understanding the Quran, Muslims would to some extent understand the Quran. This is because;

Some verses of the Quran are very clear and can be understood without explanation. Quran 12:1 says, "...these are verse of the clear book...."

The Quran in many instances challenges Muslims in reasoning and thinking. This means that when Muslims read the Quran, they are required to use their brains to interpret some of the verses in the Quran. However, this has to be done with a lot of caution after the prophet warned that;

"He who says something against the Quran, without knowledge of what he says, has taken his seat in fire."

The Quran can be understood by reading through it. It was arranged in such a way that some verses explain others.

Some verses that are not completed in one chapter, are completed in another. The Quran for example in Surat Al-Fatiha mentions people Allah bestowed his favours upon without mentioning who they are;

"...the path of those on whom you bestowed your favours..."

Quran 4:69 comes down of such people on whom Allah has bestowed his favours.

"And who obeys Allah and his messenger, they will be in a company of those who Allah has bestowed his grace of the prophets, those of followers of the prophet who were the first

and foremost to believe in them. The martyrs and how excellent those companions are.”

The Quran could be understood from the sayings of companions to the prophet (Athar) especially after death of prophet e.g. Umar bin Khattab during his caliphate, called upon companions to explain the meaning of Surat Nassir (110). Abu-Abbas said that the Surat was a sign of the death the prophet the Allah was informing the prophet of.

BIRTH AND EMERGENCY OF FORGED HADITH

FABRICATION OR FORGERY OF HADITH

Examine the factors responsible for the emergency of forged hadith.

To forge or to fabricate means to make or invent in order to deceive. Forging of hadith refers to attribution of falsehood to the prophet (PBUH) i.e. attributing some words to him, actions or silent approvals but when he never said them.

Fabrication of hadith can be traced or started after the death of prophet especially during the period of the followers of the companions of the prophet. When the Muslim community was experiencing Fitnah period.

According to one scholar by the names of Azami, fabrication of hadith is categorized into two i.e. - intentional fabrication of hadith

- un intentional fabrication of hadith

This means that the habit of forging hadith was as a result of many factors some coming from within Islam and others from outside Islam. Some factors were intentional and these are called (Hadith maudhu) while others were unintentional where a false hadith is attributed to the prophet by mistake or due to carelessness and this is called (hadith Batil).

INTENTIONAL FACTORS OR FABRICATION OF HADITH

This was the attribution of falsehood to prophet Muhammad by some people deliberately when they were aware that they were not hadith reporters of hadith.

Factors that led to intentional fabrication of hadith.

The desire to become a focus of learning and because of this many people forged hadith in order to be recognized as knowledgeable people and in order to attract students of hadith or general public to learn from them. This was so because knowledgeable people were highly recognized and were regarded as people of high status in the Muslim community.

There were political factors especially after the murder of Caliph Uthuman where Muslims got divided into various groups. Each group wanted to rule and this was easily done through propaganda and forgery of traditions. For instance when the Shia Muslims were advancing the cause of supporting Ali bin Abu Talib in the conflict against Muawiyah bin Abu Sufyan, they forged a hadith to discredit Muawiyah. They said,

“Prophet Muhammad said, if you see Muawiyah on my platform, execute him.”

The Abbasids for the support of their claim for caliphate forged hadith that prophet Muhammad to his uncle Abbas that the year 135AH (750AD) you and your children and that Abbas and his children are my successor.

Similarly, those who support Muawiyah also fabricate that the prophet said;

“In paradise I will look for Muawiyah and then after a long time he will answer that he was from God talking to Him.”

Forgery based on good intentions, some people forged hadith deliberately but basing on good intentions e.g. Abu-Umara fabricated some hadith trying to encourage people to come back to Quran recitation after realizing that many people had abandoned recitation of the holy Quran. According to him, he thought that by doing so he would even get reward from God.

Desire to destroy Islam. This was mainly by hypocrites who wanted to destroy Islam from within by pretending to be Muslims among these was Muhammad bin Sayyid of Syria, Mughaira bin Thabit of Kufa, etc. An example of the fabricated tradition along this line is a tradition in support of false prophets and attributing to Malik bin Anus that the prophet said;

“I am the seal of prophets. There will be no other prophet after me unless Allah wills.”

Ibns Said added that;

“Unless Allah wills this justifies the reason for emergency of false prophets.”

Desire to make preachings a success, there were some preachers who equally fabricated hadith with the objectives of supporting their messages while preaching. According to them, this could make their listeners not to doubt what they were preaching in fact they even referred such traditions to great scholars such as Abu-Hanifah. An example of fabricated hadith along these lines are Rajab and Ahmad fabricated that prophet said that one preacher while emphasizing the point of praising God forged that the prophet said;

“If one said ‘Allah Akbar’ (God is Great); Allah makes him a bird with a beak made of gold and feathers made of silver.”

Desire to fulfill self interest some people mainly leaders also fabricated hadith with the objective of accomplishing selfish desires for example Caliph Abdallah bin Mamun who was one of the prominent caliph during the Abassid period of time fabricated a tradition which was legalizing temporary marriage and this is forbidden in Islam simply because he wanted to practice it. And this was not true when the narrator turned away, Muhammad al-Mahad said that I testify that his back is that if liar.

Desire by some people mainly business persons to mobilise market for their merchandise. They believed that by attributing their wishes to

the prophet could attract many customers to their trade items. An example of such traditions is what prophet said that;

“Muslims who want their back become strong, should eat dates.”

Similarly they also fabricated that the prophet said that;

“Eating tomatoes will make people go to paradise.”

Fabrication as a result of nationalism; the climax of this kind of fabrication was realized at the time when the non-Arabs were experiencing their hatred for the Arabs who were sidelining them irrespective of their being Muslims. The non-Arabs experienced this hatred in a number of ways including fabricating hadith which were talking ill about the prophet. An example of such a fabrication is said;

“When God is angry he sends his messages in the Arabic language but when he is happy or pleased he sends his message in the Persian language.”

When the Arabs heard of this, they less fabricated that tradition and equally fabricated that the prophet said;

“When God is angry, he sends His message in the Persian language but when He is happy he send in the Arabic language.”

Theological differences. Some people fabricated basing on their theological groups such as the Mutazilites Asharites, Ismailites, etc.

These sects emerged in the early days of the dynastic rule. In order to show superiority over each other, they fabricated hadith in support of their views.

Royalty to the Imams. Some of the followers of the Imams, particularly the few Imams who founded the school of law fabricated hadith to glorify Imam and they were supporting and at the same time undermining other rival Imams. This was intended to show superiority and inferiority respectively e.g. some of the supporters of Imam Abu-Hanifa fabricated that the prophet said;

“In my Umma a man will emerge whose name will be Abu-Hanifah, he will be the light of my community.”

These same supporters of Abu-Hanifah also fabricated hadith undermining Imam Shafie because they were not supporting him e.g. they fabricated that the prophet said;

“A man will emerge in my Umma his name will be Muhammad Idris Al-Shafie, he will be more dangerous to my Umma than Ibrish (Satan).”

Juristic differences. Some Muslims fanatics also fabricated hadith with the intention of popularizing their teachings. Example of such forged traditions included that the prophet said;

“Whoever raises his hands in prayer, his prayer is invalid.”

They also forged that prophet said;

“Rising the mouth and washing one's nostrils three times is a must.”

UNINTENTIONAL FABRICATION OF HADITH

This was the form of fabrication of hadith which was not intended by scholars, but scholars found themselves having fabricated.

Changing the chain of narrators by mistake. Some people ended up having fabricated hadith just because of changing the chain narrators by mistake. Much as the subject matter could be authentic, such traditions therefore could be rejected.

Failure of some people mainly scholars to explain what they had recorded. This was mainly done by knowledgeable people who never gave enough time to what they had recorded due to many commitments. In the end, they could misinform the public when they uttered false information.

Maturity without record. This was fabrication by some scholars of hadith at their old age just because they had not recorded what they had learnt. So, when they were consulted by students of hadith or general public, they could tell everything including what the prophet never said. In the process, they fabricated many traditions.

Weak memory, although strong memories were a necessary condition in the study of hadith work, some people lacked it. In the process, they ended up mixing information just because of inability to remember the correct hadith reports of prophet. In fact at times, they would approve wrong things and also disapproved correct

information just because of weak memory hence leading to unintentional fabrication.

Guess work; some people mainly scholars fabricated hadith through guessing. This came as a result of the misplacement of the books of hadith, they had compiled. This implies that they were missing the actual information they had compiled so whenever they were consulted by the students of hadith or general public, they could instead refer to other books of other scholars which had.....and at times they could easily guess, hence leading to fabrication.

There were pious people who could not take trouble to excel and could not give time and attention to the required study of hadith and were busy in their worship thus committing many mistakes in transmitting hadith.

The mixing of hadith learnt directly from the teachers and what they got from other students resulted into fabricating hadith. Some scholars, instead of being contented with what they had learnt directly from the authority, they went for hadith from other students which led to mixing of hadith.

MEANS OF DETECTING FORGED HADITH OR DETECTION OF FORGED HADITH OR CHARACTERISTICS OF FORGED HADITH

Qn. Explain the characteristics of forged hadith.

Forged hadith are false words, actions and silent approvals attributed to the prophet Muhammad (PBUH). Forged hadith are

characterized by the following. Forged hadith contain exaggerated statements that the prophet couldn't have made.

For instance, a false hadith attributed to the prophet that;

“If one pronounces Lailaha illah Allah, God creates from this statement a bird with 70,000 tongues made of gold.”

Forged hadith is always ridiculous to its attribution to the prophet. For example it may attribute an obscene kind of word to the prophet.

It also attributes a word or statement to the prophet which was supposed to have been made in presence of very many companions but all of them supposedly conceal it.

Traditions or hadith with incomplete chain of narrators or broken chain of narrators would be identified as forged hadith. Therefore, traditions which had such chains, which couldn't be traced clearly, the prophet could be rejected. However, those with complete chains would be accepted.

Traditions or hadith having chains with dishonest narrators could also be rejected as forged hadith e.g. chains including liars, untrustworthy narrators, etc but in case of traditions having honest narrators could be accepted as authentic.

Hadith which were contradicting known Quran or Islamic teaching could also be rejected. This is because it is an established fact that no Quranic teaching is doubtable. Therefore, hadith that contradicts

a Quranic teaching, should be rejected by those which agree with Quranic teachings that could be accepted as authentic.

Hadith opposed to known historical event should also be rejected on grounds of forgery e.g. it is reported that a companion by the name Anas entered a public bathroom in Medina and he saw the prophet seated and dressed in Izar (A dress which is long from the west) and that Anas wanted to talk to prophet and prophet said that;

“It is forbidden to enter public bathroom without Izar.”

The above is a forged hadith because it contradicts a known historical fact i.e. public bathrooms never existed in Medina at that time, but for those traditions.....

A tradition or hadith with unsound and incorrect content could also be rejected on grounds on forgery e.g. where the words of such hadith were not in accordance with proper Arabic language or not agreeing with the dignity of the prophet. But those traditions without such defects should be accepted.

Hadith whose chains of narrators contained some people who were not known narrators of hadith and could also be detected as forged and rejected. But for those whose chains were perfect could be accepted as authentic.

Whenever a narrator or reporter of hadith confessed that he had forged or fabricated hadith, this could lead to automatic rejection of such hadith because it never necessitated further investigation.

Hadith having hidden defects that could hardly be accepted by common people who were not traditionalists could be detected as follows e.g. where the subject matter of the content of hadith was mixed with opinions of companions and then the whole thing attributed to the prophet (PBUH) but those without such defects would be accepted.

Hadith which were against reasoning and common sense would be detected as false but those agreeing with reasoning and common sense would be accepted.

Hadith reported by known hypocrites could also be detected as false and also rejected because of the suspicion of the falsehood e.g. Mughira bin Sad Al-Kufi was among the known hypocrites therefore whatever he reported was rejected but those hadith which were free from such defects could be accepted.

Traditions reported by Shias could also be detected as forged and also rejected mainly on grounds that the Shias were not acknowledging the prophet hood of Muhammad (PBUH) were they could not acknowledge the Islamic faith and hadith so it was difficult to accept their traditions.

CLASSIFICATION OF HADITH

Classification of hadith simply means the grading of hadith depending on their characteristics and qualities. The classification of hadith is a way traditions are grouped in their order of purity,

authenticity, importance and application. Hadith are classified in the following groups;

Hadith can be classified according to the final source in which hadith can either be hadith Qudsi and Hadith Nabawi (Prophetic tradition).

Hadith Qudsi are traditions which have got the final source as God are sacred (holy) and authentic words inspired by God to prophet Muhammad (PBUH) but they are not part of the holy Quram. Such traditions were inspired by prophet Muhammad from God and at all times through dreams and revelation.

On the other hand, hadith can be called hadith nabawi which are traditions whose final source is the prophet. These involve the simple practices and sayings (words) of prophet Muhammad that directly come from him.

Hadith can be classified according to the nature or the way the companions used to get traditions form the prophet. These include al-Qaul, Al-Fil and Al-Taqril.

Al-Qaul are sayings or utterances of the prophet which the companions reported in his prophet's exact words that have a religious or spiritual bearing.

Al-Fil are actions, customs or practices of the prophet which companions reported in their own wording that have a bearing on any matter relating on Islamic issues.

Al-Taqrir which are silent approvals of the prophet anything done by the companions in his absence are taqrir include actions and sayings of some people that were approved silently by the prophet. In other words, whenever the companion used something in prophet's presence and he did not stop them from doing it, then they look at it as an approved practice of the prophet.

Hadith can also be classified according to the degree of reliability and rank. According to this classification, hadith are either Mutawatir or Ahad.

The word Mutawatir means continuous or repeated successfully by another. Therefore, a Mutawatir hadith is one reported by very many people at every stage and level, hence making it difficult for it to have a lie in it.

Such a hadith is considered to be more reliable than one reported by a few people at each level and stage of reporting. This is so because Mutawatir hadith had a continuous chain of characters without any break.

The more a hadith is reported by many people the more it becomes Mutawatir and the more it becomes acceptable, reliable and chances of having it forged are more minimal, hence it is a reliable source of knowledge.

Mutawatir hadith are classified into three classes i.e. Mutawatir Lafdh, Mutawatir al-ma'anah and Mutawatir lafdh walma'nah.

Mutawatir lafdh or mutawatir by wording is a hadith reported by many reporters using the same expressions or words.

Mutawatir al-ma'anah or mutawatir by meaning is hadith reported by many people but it remains the same in interpretation of meaning but keeps on changing or different in wording or presentation as a result of being reported by many people at different stages through different channels.

Mutawatir lafdh walma'nah or mutawatir by both wording and meaning is a hadith reported by many people/ narrators where its presentation of wording and meaning or interpretation are the same at different levels and stages from the prophet to the last reporter in the chain.

An example of Mutawatir hadith is where the prophet said;

“Anyone who tells lies about me let him see his destiny in hell fire.”

The above tradition is said to have been reported by more than 60 reporters.

Isolated hadith

Is a tradition reported by a few people at different stages of reporting. Sometimes at a certain stage there might be one reporter, that is why they are said to be isolated.

Ahad hadith (isolated hadith) are less reliable and authentic than Mutawatir and it is normally important to analyse the reporter before

reporting it. There only acceptable if the narrator are found to be sincere and honest.

Ahad hadith are divided into 3 groups or categories;

- a) Mash-hur (well known)
- b) Aziz (strong)
- c) Al-Gharib (strange or unfamiliar)

a) Mash-hur (well known) is a hadith reported or transmitted by 3 or more transmitters at every stage.

b) Aziz is a category of Ahad reported by two people or narrators at every stage any example of this category is a hadith reported by Anas. He reported that a messenger of Allah said;

“None of you is a true believer until I become more loved to him than his father, his son and the people.”

Two reporters al-Qatadah and Abdul-Aziz reported this hadith from Anas bin Malik and two more reporters reported from each of them i.e. Shubah said that hadith from Qatadah and Ismael bin Ulaayah and Abdul-Warith reported from Abdul-Aziz.

c) Al-tharib is a hadith reported by one person at every stage in different stages of reporting. Al-Gharib hadith is the least reliable of all and is also considered the weakest. An example of this category is the famous hadith reported by Umar that the prophet said;

“Actions are judged by intention.”

The prophet said;

“Travel is a piece of punishment.”

The above two traditions are under Gharib. The chain of narrator of those traditions is only one reporter in each and every stage.

Hadith can also be classified according to degree of acceptance. Some traditions can easily be accepted whereas others can only be accepted with difficulty, in other words they are rejected. In this category, there are two classes of hadith categories i.e. a) Maqbul (accepted)

b) Mardud (rejected)

a) Maqbul hadith refers to a tradition which is easily accepted i.e. it is not suspected of falsehood, based on the chain of narrators or the subject matter.

Maqbul hadith has got a number of types according to authenticity, Sahih and Hassan.

Sahih is a name given to absolutely faultless hadith in which there is no weakness either in the chain of transmission or in the text (matin) therefore, Sahih hadith is a tradition which is highly authentic, sound, accurate, very good, have no fault either in matn or isnad. Does not violate any Islamic law thus they bear no doubt their reporters must be pious men/ women who are highly trusted righteous people, very honest, trustworthy and have high memorizing capacity of almost 99%.

Sahih hadith is highly accepted by everyone unless it contradicts what was stated in the holy Quran. Therefore, Sahih hadith is the most reliable type of hadith which should be referred to for any guidance or legislation after the holy Quran.

Sahih hadith is divided into two i.e.

a) Sahih lithatihi

b) Sahih lighairihi

Sahih lithatihi means a hadith which is perfect and accurate and must have been reported by honest persons of a memory capacity of almost 99%. These types of hadith are sound by themselves where hadith does not need support of any other hadith to be sound.

Sahih lighairihi on the other hand is that category of Sahih where the hadith sound with support of another hadith and in most cases it is the Hassan which are used to support this category of hadith to be sound.

Hassan (good) is another authentic hadith but not a standard of Sahih hadith and Hassan have got almost the same characteristics but the difference being that the reporter of Sahih are always of high memorizing capacity than Hassan that is where Sahih are identified with people of high memorizing capacity of 99%. Hassan is identified with people of memorizing capacity measured about 55%.

Therefore, when a hadith falls into the category of Sahih on ground of memory then it falls into the class of Hassan. Hassan hadith is further subdivided into two categories;

- i) Hassan lithatihi (good by itself)
- ii) Hassan lighairihi (good by the support of another tradition)

Hassan lithatihi is a hadith that fulfills the conditions of Sahih hadith only that its narrators have somehow weaker memory compared to that of Sahih.

Hassan lighairihi is when hadith decides having narrators who have weak memories and they also have other weaknesses.

Such a hadith is supported through other channels with the same message.

Mardud

Mardud simply means a hadith which is suspected of forged or falsehood and also involves traditions which can be rejected. It is categorized into the following: al-munqatih, al-mursal, al-Phaifu, al-maudhu.

Al-mungatih (broken) refers to a tradition that has broken chain of narrators which means some reporters are missing and unknown in the field. Therefore, where the chain of narrator is missing somewhere in middle becomes broken.

Al-mursal is a tradition attributed to prophet but in the chain of narrators there is no companion of prophet. It is a tradition which was recorded by other people other than companions of prophet.

Al-Dhaifu is considered to be weak because of defects in the chain of narrators, it shows less reliability or less agreeable when tested with Islamic teachers and when it's successors are not known are missing (problematic).

Al-Maudho (forged)

These are forged hadith which are suspected to have been copied or having fabricated words attributed to prophet. Such hadith contradicts Islamic teaching. The narrators of maudhu hadith are not known in this field they are just known liars such hadith are baseless and cannot be used. Such hadith are baseless and not be removed.

EVALUATION OF HADITH

Evaluation of hadith is the way the Muhadithins tried to use certain rules to check the authenticity and purity of hadith so as to make a better classification.

Evaluation of hadith came in place because of experience of forged or fabricated hadith. evaluation of hadith started during time of prophet when he said to his companions that;

“Whoever fabricates any word from me, should be sure of his place in Hell.”

Therefore, the companions had to make sure that they scrutinize each and every hadith or what in hadith they had to transmit to one another.

After a passage of time especially in the fourth stage of hadith collection (period) of Taba'a Tabiin), the evaluation of hadith put forward some measures or criteria to be followed to determine the authenticity of a given hadith.

The evaluation of hadith was based on chain of narrators (Sanad), the subject matter (matin), the truth fullness of the reporter and comparing hadith with Quran.

On the sanad point of view, the hadith is evaluated as being authentic if the chain of narrators is traced up to the prophet. This means that the final source of tradition in chain of narrators had to be the prophet and all the reporters in the chain of narrators must be traceable & known.

The last reporter in the chain of narrators had to be the companion of the prophet like Umar bin Khattab, Ali bin Abu Talibu, Abdallah bin Abbas, among others.

The reporters of hadith must have been truthful, trustworthy and pious men, having high memorizing capacity. If in the chain of narrators there was someone doubtful, such a hadith was rejected.

All persons in the chain of narrators had to be closely examined to establish his truthfulness and his level of understanding that is, whether he was reliable or unreliable. Quran 49:6 says;

“Oh you who believe! If some immoral persons bring a piece of news, investigate it thoroughly.”

The chain had to have narrators whose biography are well documented i.e. his historical background, piety and criticism had to be clear.

In order to hadith to be considered authentic, all its narrators must have had strong memory. Narrators should have a high memorizing capacity of about 90%.

Any hadith which reported on hadith on event where a large gathering was expected, it had to be reported by several narrators. Many traditions narrated by a single companion was rejected.

A hadith must have been reported by a number of people at different stages to be considered Mutawatir otherwise, it was considered Ahad.

In evaluation of hadith, when a hadith rests back to the prophet without any break in the chain of transmission it is given the named raised that it....

For hadith to be evaluated as genuine, its subject matter must be in agreement with the holy Quran. If the hadith is compared with Quran and any contradiction is noticed, such a hadith is rejected.

The hadith should not contain threats of heavy punishment for an ordinary sin or promises of mighty rewards for slightly good deeds for example;

“If one mentions the name of God, Allah creates for him a bird whose beak is made of gold.”

The hadith was rejected if its subject matter or wording was incorrect e.g. the wording should not contract Arabic idioms or the subject matter not in accordance with the subject matter not in accordance with the dignity of the prophet.

The hadith would also be rejected if it spoke the reward of prophet to the dower of God. Such hadith would be rejected on grounds that the prophet doesn't reward for a good done but Allah.

If the time and circumstances of hadith contains evidence of forgery of hadith or if the reporter confessed to have forged hadith then was rejected.

The subject matter of hadith must be consistent with established traditions. This means that the hadith must not go against what was generally known.

TYPES OF HADITH

There are two types of hadith i.e.

Hadith Al-Qudsi

Hadith An-Nabawi

Hadith Al-Qudsi

These are sacred (holy) sayings of prophet Muhammad but not part of the holy Quran i.e. they are words whose meanings are from Allah but uttered by prophet Muhammad (PBUH). Such traditions were inspired by prophet Muhammad from God and at times through dreams or revelation.hadith An-Nabawi

These are prophetic hadith or suuna by prophet Muhammad (PBUH) in other words, they are the words or saying, action or silent approvals of prophet Muhammad (PBUH). With such traditions, the wordings and meanings are from prophet Muhammad from the time of his prophet hood 610 to time of his death 632 AD.

THE NATURE OF HADITH AN-NABAWI/ CHARACTER

Hadith An-nabawi refers to simple sayings, acts practices, customs, silent approvals of prophet Muhammad (PBUH) from time of his prophet hood 610.

The wording and meaning of hadith An-nabawi are all from Prophet Muhammad and they constitute the prophet's acts, practices and silent approvals.

The chain of narrators of the Nabawi hadith rests on the authority of the prophet. This means that the prophet is the sourced hadith An-nabawi. The chain of authority of each of these Ahadith does not go beyond the prophet.

Hadith nabawi was uttered by the prophet or did things which become a basis of the report transmitted by his companions and other Muhadithin who came after the prophet.

Hadith nabawi constitute the main stream traditions and is therefore all embracing. They address all issues of human life thus the scope is not limited. Quran 33:21 says;

“You have indeed in the messenger of Allah an excellent example.”

Hadith nabawi plays a major role of interpreting the Quran. This means that they are comprehensive, focusing on legal issues, admonishing, prescribing punishments for civil and criminal life as well as discussing the future life.

In hadith nabawi, the final authority, in as far as the chain of narrators is concerned is the companion who are expected to have heard from the prophet, make certain pronouncements or saw him carry out certain acts.

Hadith nabawi is made up of two components i.e. Isnad and Matin. The Isnad refers to the chain of narrators of hadith or people who transmitted the hadith right from the prophet to the one who records it. The Matin on the other hand is the text, content, subject matter or substance of the hadith.

Using both isnad and matin, hadith nabawi are evaluated to determine the class of a particular hadith it belongs. The evaluation gives hadith the categories like Ahad, Sahih, Hassan, Maudhu.

Hadith nabawi are not absolute if they contradict the Quran or a well established Muslim tradition or fact they are rejected.

Hadith nabawi in its chain of narrators ends with the expression. The prophet said;

“Therefore, hadith nabawi are such sayings whose wording and meaning are all from the prophet.”

Hadith nabawi are very many in number and their collection has gone through strict ages of developments until the fourth stage i.e. 201 – 300AD when the development of hadith reached a complete stage.

HADITH AL-QUDSI

These are divine sayings of the prophet which are not part of the Quran, but in which God speaks in the first person “I” through the prophet. They are said to have been sent either through inspiration or through dream or by sending an angel. They always begin with words like Oh my servant, or son of Adam and the prophet serves as a reporter.

NATURE OF HADITH AL-QUDSI

Hadith al-qudsi are reports from prophet Muhammad where he relates to people what God has said but these are not part of the Quran.

The Quran remains superior because for Qudsi, the meanings are from God and wordings from prophet. The word Qudsi means holy, pure, sacred. This therefore implies that hadith Qudsi are sacred reports of the prophet in which Allah speaks himself through prophet.

Hadith al-qudsi are sacred because their content is attributed directly to Allah with whom the chain of authority ends there although the wording ends with the prophet.

With hadith qudsi, it is Allah who speaks and it is the prophet who reports from him (Allah) without necessarily reporting from the Quran e.g. Abu-Huraira reported that the prophet reported that Allah said that;

“I am self sufficient that I don't need having an association.”

Hadith al-qudsi are evaluated like hadith Nabawi. This means that there are hadith al-qudsi which are Sahih, Hassan and others which are Dhaif (weak).

Hadith al-qudsi although divine it.....

That is why the earlier collectors and compilers of hadith gave hadith al-Qudsi the same treatment as Nabawi.

Hadith al-qudsi forms the basis of spiritual life in Islam. They indicate God's approval or disapproval of certain acts. They discuss the dos and the don'ts i.e. what is allowed and forbidden practices.

Emphasizes the doctrine of unity of Allah (Tawheed) which means monotheism and guard against any form of shirik (polytheism). They prepare a believer to be ready to meet his God and willingness to give one's life in obedience to God.

Hadith Al-qudsi are very few in number when compared to hadith Nabawi. It is said that al-qudsi do not reach the number of 50. Some scholars say they are 40 while others say they are 42.

There are very few compiled books of hadith Al-qudsi. In fact the coll.....is said to have been compiled at recent date such that it is a recent development.

Hadith al-qudsi normally opens with a phrase "God says" and it uses the first personal pronoun singular "I" for instance Abu-Huraira reported the prophet to have said that Allah said;

"I have prepared for my righteous servants what no eye has seen and no ear has heard and no mind has perceived. No soul knows what Joy for them has been hidden."

They always start with such statements like Oh my servant, Oh son of Adam.

Hadith al-Qudsi are considered to be holy or sacred but the rejection of them does not make the person who has rejected them a non-believer.

Though the content of hadith al-qudsi is from God it is not allowed to recite them in prayers.

Hadith Al-Qudsi are mainly on moral, aiming at improving morality in the society. They discussed the dos and don't i.e. the allowed and forbidden practices.

The words of hadith Al-qudsi are given in form of other than that of a speech e.g.

“My mercy prevails over my wrath.”

These take the form of writing and clearly refer to the almighty.

They discuss the preparation for the day of judgment with its rewards and punishments through continued repentance (seeking for forgiveness) and asking for His mercy, combining fear and hope.

Qn. Discuss the nature of hadith al-qudsi.

THEMES OF HADITH AL-QUDSI

The themes of hadith qudsi are few because of limited number of this type of hadith.

Secondly because of the divine utterances by which they are uniquely characterized. They confined to particular domain which they appear suited.

It is possible from examination of them to group their themes under 5 main headings.

Affirmation of the doctrine of unity of God

Being one's guard against and form of polytheise and skepticism.

Revealing the majesty of his and his uniqueness in possessing the quality of perfection.

The fathering of right intentions and sincerity when turning to full mighty.

The proper discharge of religious observance with due devotion, humility and lack of self interest and showing off.

Attaining proper standards of morality and virtual i.e. - Kindness towards one's relatives

- Good behavior towards people in general
- Self dedication to the cause

Self dedication to the course of Al-mighty

- Through acceptance of such testing as he has ordaine
- Making one's self ready to meet Him
- Willingness to give one's life and all that is dear in obedience to him.

Preparation for the day of judgment or reckoning with its rewards and punishments.

- Through continuous repentance and asking for Allah's mercy.
- Combining fear and hope.
- Seeking Allah's pardon through such good deeds one must have done and through seeking all.
- Total confidence in his mercy which prevails over his wrath.

From the above headings, one can generalize about the main themes of hadith al-qudsi and clarify.

They do not go beyond this domain into such areas as legislation, civil and commercial aspects.

COMPARISON BETWEEN HADITH AL-QUDSI AND HADITH NABAWI

DIFFERENCES AND SIMILARITIES

Hadith Al-nabawi refers to the simple sayings, acts, practices, customs and silent approvals of prophet (PBUH) from time of his prophet hood 610 to time of his death in 632, whereas hadith al-qudsi are reports from prophet Muhammad where he relates to the people what God has said but the information is not part of the holy Quran.

Hadith al-nabawi are kind of hadith that derive their wording and meaning from prophet (PBUH) while hadith al-Qudsi are a kind of hadith sacred sayings of prophet Muhammad where he relates or reports what God said.

While hadith Al-nabawi are many in number and their collection have gone through strict ages of developments, hadith qudsi do not reach to 50. In fact some scholars say they are just 40 while others say they are 42.

The wording and meaning of hadith nabawi are from prophet and they constitute prophet's acts, practices, customs, utterances and silent approvals of the prophet while hadith al-Qudsi, the wording are from the prophet but the meaning comes from Allah.

Hadith nabawi begins with the expression "The prophet said...." Yet hadith al-Qudsi opens with a phrase "The prophet said that God says..." and it uses the first personal pronoun which is singular "I".

Hadith nabawi contain many weak hadith because their numerous (many number) while hadith al-Qudsi hardly have any weak hadith among them because they are very few.

Hadith al-Qudsi is superior to hadith nabawi but at the same time inferior to the holy Quran. This implies that hadith nabawi are inferior to both the holy Quran and hadith al-Qudsi whereas the majority of hadith nabawi fall under the category of Mutawatir.

Majority of hadith nabawi fall under the category of Mutawatir while hadith al-Qudsi fall under Ahad hadith (1-3) reporters.

The collection of hadith al-Qudsi is said to have been compiled at a later date and such collections were not numerous (so many). On centrally, hadith nabawi were collected in early stages and as such, they existed in large numbers.

Hadith al-qudsi mainly address spiritual matters or issues or dimensions of Islam emphasizing doctrine of Unit of God (Allah) and guarding against any form of shirik while hadith nabawi discuss legal as well as commercial, criminal and related worldly affairs besides spiritual ones.

Whereas the final authority of hadith is the almighty Allah, the final authority of hadith nabawi is Prophet Muhammad (PBUH).

Whereas hadith nabawi are more authoritative i.e. they deal with legal matters, al-qudsi are holy and they deal with spiritual matters only.

In hadith al-qudsi, it is Allah who speaks and the prophet reports from him (Allah) while hadith nabawi the prophet speaks and his companion report from him (the prophet).

Hadith Nabawi play some crucial role regarding the Quranic interprets and qualifies next of the Quran. Therefore, hadith nabawi need to be analysed. Most of the Qudsi on the other hand are clear and therefore need no further analysis or explanation.

SIMILARITIES BETWEEN HADITH QUDSI AND NABAWI

Despite the differences, hadith al-nabawi and al-qudsi have a number of similarities as follows. The wording of both al-nabawi and al-qudsi is provided by the prophet (PBUH) from which other reporters to get to transmit to the Muslim community.

Both are sources of Islamic law (sharia) i.e. both act as the second source of Islamic law after the holy Quran which are therefore referred to when the holy Quran is silent about a certain issue.

Both are not part of prayer (swalah) i.e. they are not recited in prayers as the case o the holy Quran. Although the meaning of Al-qudsi is from Allah.

Both are used interpretation of the holy Quran where some verses of the holy Quran are not understood by mankind both Qudsi and nabawi can be used to interpret them.

Both hadith nabawi and Qudsi have been compiled and today there is a number of hadith in a book form e.g. there many hadith in Sahih Muslim, Bakhari, etc.

Both hadith nabawi and qudsi are transmitted from the prophet to the rest of the Muslim community.

Both were inspired by the prophet (PBUH). This is supported by the holy Quran 53:3-4 which provides that the prophet never spoke out of his own imaginations or desires but he was inspired by almighty God.

The implementation of both Qudsi and Nabawi is rewarded by Allah but mere recitation is not rewardable. It is only the holy Quran whose recitation is rewarded.

Whereas purification by ablution a condition before touching a copy of the holy Quran with hadith Qudsi and Nabawi, it is not a serious condition.

Both hadith Qudsi and Nabawi don't abrogate the holy Quran although the holy Quran abrogates both.

Both were compiled together in the same books i.e. in compilations like Sahih Bukhari, hadith Qudsi and Nabawi can be found in books of hadith i.e. Sahih Bukhari both hadith Qudsi and Nabawi can be found there. However, the contemporary are trying to make separate compilations.

Both hadith Nabawi and Qudsi are inferior to the holy Quran. They both combine to make the second source of Islamic law next to the holy Quran, which means both Qudsi and Nabawi follow the holy Quran in authority when it comes to legislation.

Earlier collections and compilers of hadith didn't differentiate between hadith nabawi and qudsi. They had given both nabawi and qudsi the same treatment.

IMPORTANCE OF CLASSIFICATION OF HADITH

Evaluating and classifying hadith helps in distinguishing between sound, strong, good and weak hadith so as to use them accordingly.

Classifying hadith is means of separating hadith from change, forged and fabricated ones.

It helps the user to be sure of the strength and weakness of hadith and use them appropriately.

It is also used to protect the authenticity.

The classification of hadith is important as a way of using traditions as a source of law and other application in a genuine order.

It is important to identify the real source of hadith after one can know hadith nabawi and hadith al-Qudsi.

The classification of hadith has led to science of jurisprudence of hadith. jurisprudence is the study, knowledge, skills, theory of law. Jurisprudence includes principles behind law. Principles of Islam

jurisprudence otherwise known as Usul-Alfiq is the study of critical analysis of origins, sources upon which Islamic law is based.

Evaluating and classifying hadith is also used as means of determining the real source of hadith. some traditions are reported right from the prophet and they have a bearing on prophet's wisdom.

SECTION B: FIQH (PRACTICE/ JURISPRUDENCE)

Fiqh literally means intelligency but technically means knowledge, science of laws, how to extract laws from their sources and application of such laws.

It also means the science of jurisprudence or the science of derived legal rules as acquired from the particular sources. A person who studied Fiqh is called faqih which means (Jurist). It hence covers both the sources of law and the branches of law i.e. supplementary sources of law.

Fiqh is also the knowledge which covers the details of the sources of law and how it has been developing right from leading legislators like Abu-Hanifa, Hambal, Shafie and Malik.

Fiqh therefore, in Islam it is concerned with study of sharia or Islamic law and its application.

Sharia derives its root from the word Sharia'a which literally means a path or a way. Sharia is therefore referred to as a path simply

because it is a recommended path by God for Muslims to gain success. To the Muslim therefore, Sharia is a road which lead to God or pleases him.

It signifies a clear path that leads to God through his great prophet Muhammad to the believers.

Sharia (Islamic law) is a comprehensive set of rules or a detailed code of conduct, which rules or a detailed code of conduct cover all aspects of human life, that is to say, it is a general code of conduct for a Muslim which aims at regulating the relationship between God and man and between man and his fellow human being.

Sharia consists of all laws which govern mankind in all aspects of life in other words it consists of political, social religious and economic aspects of life. It embraces all the do's and don'ts enjoined by almighty Allah.

Al-Diin simply means laws which are recommended by God and followed by other prophets other than prophet Muhammad Al-Din consists of laws from God delivered to mankind through the teaching of other prophets who came before the prophet.

All prophets propogated the belief in one God with all his attributes, faith in the day of judgement and faith in other prophets and the books of God i.e. they were all preaching the gospel of total submission and obedience to God.

The prophets who brought with them the laws from God included Dauda whose laws were revealed in the book of Zabur, Musa with Taurat (Torah), Isa (Jesus) with Injir (the gospel or bible among others).

AIMS OF SHARIA LAW

Sharia as a set of divine law and rules is aimed at achieving the following;

Sharia aims at creating a busy society. These are laws which help man to keep within dimensions of the law. This is through regulating the society towards a normal life so as to achieve peace and tranquility in society.

Sharia regulates relationship between man and fellow men and this in general referred to as muamal or horizontal worship. It is the subject which teaches man his duties and obligations for others. What you should do and what he must not do.

Sharia also regulates the relationship of man with God. This is referred to as Ibadat and it is a vertical relationship which does not directly affect other people. These issues improve individual relationship with Allah e.g. fasting, prayers, pilgrimage, etc.

Sharia upholds the sovereignty of Allah. This is so because he is the one who ordained the law and created man with sole purpose of worshipping Allah i.e. Quran

“I have not created man or Jinns except for worshipping me.”

Sharia creates and ensures justice among Muslims. Sharia has got laws which have got something to do with punishment such that justice is done to both the offender and the offended.

Sharia helps to keep human beings within confines of law. This is done through laying down regulations or rules that govern the relationship between man and God and man and fellow man.

Sharia purifies the activities and deeds of man. A person's activities assume a religious importance if he conducts his life in accordance with sharia.

A man can lead an Islamic way of life only if he takes the Sharia as an ideal partner to follow both in his private life and social life. The prophet made the fact very clear for he was not spiritual but also a temporary head of Islamic state.

Sharia aims at creating unity and brotherhood among Muslims. It binds all Muslims in the Islamic community so that they can help each other while at the same time leading a clean and descent life. It is thus a unity is realised in human life.

Sharia protects different people from society against protection under dimension of Sharia, a person is not allowed to oppress others nor is he allowed to inflict harm upon herself.

Sharia ensures discipline and modest e.g. Sharia prohibits man from committing suicide because man's own life does not belong to him. Allah has entrusted man with life that she may use it for a limited period of time, not abuse it or terminate it with his own hand.

Sharia aims at protecting the rights of human beings, sharia has commanded man to fulfill his own rights, on one hand, while on the other hand it commands him to do so without encroaching on the rights of others. It is for this reason that Sharia has made unlawful robbing, bribery, usury, forgery and the like.

CIRCUMSTANCES OF FACTORS THAT LED TO DEVELOPMENT OF ISLAMIC LAW

Sharia is the divine law which was advanced for by Prophet Muhammad (PBUH) and established by the holy Quran and hadith. It was developed under the following circumstances.

After death of the prophet, practical problems that needed solutions started to rise. Incidentally, the prophet who would be turned to for reference was no more. The caliphs therefore, had to exercise personal reasoning (Ijtihad) to workout solutions e.g. Abubakar was asked about the meaning "Kalalah" the word appearing in the Quran in the verse of inheritance. He admitted that he was ignorant for it's meaning but he proceeded to use Ijtihad and made suggestions.

The transfer of the Muslim capital from Medina to Kufa then Damascas and finally Baghdad also accounted for the development of Islamic law. The problems faced in administering Kufa were very difficult from the one met in Damascas where not the same as in Baghdad. Thus, there was urgent need to formulate principles upon which the law would be systemized.

Islamic contact with foreign cultures due to numerous conversions of the people with different cultural backgrounds also led to development of Islamic law. The preaching of Islamic way of life had to have the same influence on the habits, customs and social structures of different cultures.

The development of Islamic law was also facilitated by emergency of schools of law. The founder of the schools of law founded systems of Islamic law and formulated rules in such a way that any new problem would be solved in the context of the teaching of Islam. The schools of law where Malikite, Hanafit, Shafiete and Hambalite school of law.

The emergency and development of rationalism also led to developed of Islamic law. A disciplined personal judgment by jurists had to be used to decide cases where there was neither any clear injunction nor any precedence.

The conquests of foreign territories and the conversion of non-Arabs to Islam also accounted for the development of Islamic law. The ever expanding Islamic society came with new situations that demanded exercise of one's mind as to the application of the revelation injunctions and prophet's commandments.

The tension that developed between rationalism and traditionalism also led to emergency of Islam law. Traditionalists wanted Islamic law to base on the Quran and authority of the prophet and remain

contented with it yet rationalists tried to find a rational basis where the Quran and hadith were silent on issues.

During the Umayyad group, the Kadhis interpreted the law on a day to day basis and there by involving further procedures to assist them in their task. Therefore, the need for a set of laws of Sharia became more pronounced.

The emergency of Usul-al-Fiqh or the science of Jurisprudence also accounted for development of Islamic law. Usul-al-Fiqh established values which correspond to Muslim's belief and actions in his daily life. The Muslim jurists thus, provided a way of judging human actions on the basis of Sharia.

Islamic law also developed due to increasing number and the variety of court cases which included increasing complicity of civil and criminal cases e.g. disputes. All these had to be dealt with under the umbrella of Islamic law e.g. Muawiya incorporated the Greek administrative system into Islamic administration system.

The need to incorporate many new converts into Islam and conversion of non-Muslims into Islam also led to development of Islamic law e.g. Abu Hanifa accepted use of Persian language in prayer for Persian new converts who had not yet mastered Arabic.

Emergency and development of Tafsir schools also led to development of Islamic law. With the presence or concept of Tafsir in place, different interpreters of Quran put conditions for interpreting of Quran based in Mecca, Medina and Iraq. All these different

interpretation led to development of Islamic law as a way of reconciling between them.

The systematic recording, collection and compilation of hadith also accounted for development of Islamic law.

HISTORICAL DEVELOPMENT OF ISLAMIC LAW (SHARIA)

The Sharia (Islamic law) has developed for a very long time since prophet hood of prophet Muhammad (PBUH) up today. The law developed through various stages which couldn't be identified in the earlier period because of it was a gradual process. In other words, its application and implementation has developed through successive stages gradually, one stage leading to the other up to present day.

The Muslim jurists various stages in the development of Islamic law. The following stages can be identified. The period of the prophet 610-632, the period of the four rightly guided caliphs, period of dynastic rule in Islam and the present day period of the Islamic law.

STAGES OF DEVELOPMENT

The development of Sharia law during prophet's period (610-632).

The development of Islamic law started as early as the time of the prophet as he was the channel through which the Quranic injunctions passed to the people. Some of these laws where clear while others were difficult to understand.

The prophet therefore through his explanation, practices and silent approvals, explained these verses to the companions where some verses were stated in general terms while others needed explanation in order to be used as guided lines. This was done by the prophet whenever the

These verses of the Quran where used to solve daily problems of Muslims. Some of these verses had divine laws which Muslims had to put into practice and many of these laws could be used immediately as they were received hence they were easily understood and implemented.

The prophet was always consulted and asked to clear out problems which his companions faced and he was on many occasions using these verses of Quran or his own words (hadith) to solve them. So, this marked the beginning of the new order based on Islam which replaced the pre-Islamic.

The prophet's period was divided into two periods i.e. the Meccan period where much of the laws where basically Ibadat i.e. the laws intended to regulate or improve man's relationship with his God e.g. Swalat, Zakat, Shahadat, etc.

The Medina period where the laws were both Ibadat and Maumalat or Man's relationship to fellow human being. During this period between 610-632, the prophet acted as reference in case of any dispute among the companions. The major sources of law during this period where the Quran and hadith of the prophet.

Even during his farewell pilgrimage, in his sermon the prophet addressed his people to stick on Quran and hadith if they were not to go astray.

The prophet used to make his own decision, which companions used to respect and follow. Ijtihad was important at the time and thus development of different sources of law. Ijtihad of different forms was also used but the most important aspects of reason, thus during this time was Ray of the prophet (opinion of prophet).

During prophet's period, there were not specific rule on use of reasoning as source of Islamic law and at this time people were using more Quranic verses and hadith.

Qias was encouraged during prophet's period. This can be evidence as Muadh bin Jabal on his being appointed as governor of Yemen by the prophet. The prophet approved the use of judicial opinion (Qia). The prophet was also quoted to have said;

“Give your ruling in accordance with the book of Allah and Sunnah if such are available. If you don't find such a provision, then recourse to your opinions and interpretation.”

During prophet's time, the classification of acts only considered lawful (Halal) and unlawful (Haram). There was no middle course.

The prophet also used consultative methods to decide on cases. He used to consult companions on important issues like battles and he always respected their decisions thus the development of Ijma.

Therefore, reasoning as source of law was used in all forms i.e. Ijma, Qias and Ray. Therefore, Ray of the prophet was considered to be more important than any other form of Ijtihad.

In the later days of prophet's time especially after Hijra an Islamic state was formed and a constitution (Medina charter) was drafted though it was mainly guided by use of Quran and hadith.

The Medina charter was used to regulate the activities and behavior of people of Islam. It mainly emphasized issues of Islam on issues of equality, brotherhood, justice and the like. This was because it required to solve problem in Medina by offering the people their liberty, equality and fraternity.

During prophet's period, the non-Muslims living in the Muslim society were given freedom of worship according to their beliefs and in some aspects of law. They were left to be judged by their own laws, if they did not involve Muslims.

THE PERIOD OF THE FOUR RIGHTLY GUIDED CALIPHS (632-660AD)

After demise of the prophet, the political system and the judicial system continued under the leadership of four caliphs i.e. Abubakar, Umar, Uthuman and Ali respectively.

The period of the four rightly guided hadith, started with death of prophet in 632AD and lasted until 660AD with the death of caliph Ali, who is considered by all Muslims to be the last of the orthodox caliph.

After the prophet's death in 632, the point of reference on matter of law was only the Quran and traditions of the prophet as being preserved by the companions. Therefore, various steps were taken to develop these two sources so as to have a well organized law.

During this period, the Quranic verses were collected right from Abubakar's time and compiled into a book form though during Caliph Uthuman's period, a standard version of the Quran was compiled to be used throughout the Islamic state.

The collection of hadith also started during this time and by the end of caliphate period, a few cases of prophetic traditions had been collected, memorized and few cases put together in a record form.

The caliphs carried out activities as the prophet did except that they did not find a solution to problems as the prophet did.

The election of Abubakar as the first caliph had not been instructed by the prophet. The companions just agreed on merit amongst themselves thus the caliphate based on either the Quran or Sunnah, and this came into existence as a result of general consensus (Ijma) of the companions of the prophet and this brought in the Islamic law other aspects which were not present during prophet's time.

The most important development of Islamic law during the caliphate period was compilation of the Quran in a book form.

During this period, Umar is credited for being developed the Islamic administrative law e.g. provinces were divided within the states each headed by a governor.

This period also saw the institution of judges which had started during prophet's time when he sent Muadhi bin Jabal to Yemen, systematized during Umar's time.

The judges were well paid and guidelines of their performance was instituted.

Through his military expeditions, Umar laid foundation for a physical reform. He instituted a payroll register, initiated land tax and thus bringing in a new concept of land.

The judges were now obliged to be religious by practice, consider people as equal and that justice began accordingly. They were supposed to use reasoning in matters in which neither the Quran nor hadith seemed to apply thus Qias was another source of law and this was further developed during Umar's time.

Caliphs instituted punishments e.g. that of wine drinking when at first the punishment was 40 lashes and where given during Abubakar's time and later one 80 lashes were used during Caliph Umar and Caliph Ali's time.

Caliph Abubakar interpreted the word Kalalah.

Abubakar also fixed the share for inheritance of a grandmother of $\frac{1}{6}$.

Umar stopped the distribution of Zakat who had become very many especially those who where financially able.

Umar introduced Taraweeh prayer as a congregational prayer performed by all Muslims during Ramadhan after Isha.

The conquered territory was divided and given to the fighters by Caliph Umar. It was still during his reign turned conquered land into public land though Bilal and others were opposing it.

During Uthuman's era, reign, he burnt copies of the holy Quran which were different from the standards and published authentic copy adopted by all Muslims.

Uthuman introduced the second Adhan on Juma prayer and the third which was not there.

He also instituted tents at Minna during pilgrimage procession for the Hujjaj (pilgrims) to stay comfortably in Mecca.

Ali transferred Islamic administrative seat (capital) from Median to Kufa from Kufato Damascus.

Caliph Ali introduced dots to differentiate between similar letters of the Arabic alphabet e.g.

THE PERIOD OF THE MUSLIM DYNASTIES 661-820

The dynastic rule started with death of Caliph Ali in 660 and ended 820 AD when Imam Shafie one of the Imams passed away. They included the Umayyads, Abbasids, Fatimids, etc. This period in the development of Islamic law, how he became distinct from others as there was a change because of the development of law.

During this period, the development of law gained a prominent position and thus realized the following characteristics.

Political leaders of that time were not highly trusted by Muslims and therefore, Muslims started developing the sources of reasoning on which they could arrive at decisions after discussing. Therefore, at times Qiyas gained more importance than R'ay originally R'ay was very important (opinion).

Since the time of the prophet, non-Muslims were judged by their laws but during Ummayyad period or time, there personal laws were chiefly liberal Hebrew and those relating to Christianity in nature were phased out and Islamic laws gained more prominence.

There was emergency of science of hadith which led to collection, evaluation and compilation of hadith books. This gave hadith a source of law starting with Muwattwa of Imam Anas bin Malik followed later on by the 6 authentic hadith books. This gave hadith the source of law with written difference in law to be second to the holy Quran.

There was emergency of the Sunni schools of law with authors like Imam Abu-Hanifah, Malik bin Anas, Imam Ahmed bin Hambal, Imam Shafie. These Imams tried their level best to organize all the sources to law to suite all the living conditions of the people.

There was also development of supplementary sources based on reasoning e.g. Imam Abu-Hanifa came with Istihisan (preference). Imam Shafie based on his Istihisab (linking), Malik came with Istilah

welfare or seeking for a link or connecting the revealed law with that in the place.

The Ummayyads allowed a lot of influence from other people than Muslims to protect themselves to stay in power e.g. Muawiyah bin Sufyan's chief council was a Christian, Qadhwi (judges) were made exclusively with judicial matters. They could be for example entrusted with more than one obligation concerning the law of the state.

The compilation of hadith was officially launched by Caliph Umar bin Abdul-Aziz.

The emergency of six sound compilations of hadith came on the scene and these were Sahih Bukhari, Sahih Muslim, etc.

THE PRESENT DAY PERIOD 821 UP TO DATE

Ever since the collapse of the Muslim dynasties, the use, application and implementation of Islamic law has been continuously in existence.

Presently the development of Islamic law is now greatly influenced by decisions made by the Sunni schools of law. This is simply because they try to organize all sources in the best way.

Secondly, they developed their laws after Quran and hadith had fully been developed. To most of the Sunni Muslims the development of the Sunni schools of law almost brought an end to the development of Islamic law.

However, the Shia Muslims, the development continues and always have learnt to derive development ahead. Generally, there is still room for development of law because of the following reasons.

To reconcile the revealed law with the living conditions of people in the changing world.

Islamic law is facing a problem of competition with man-made laws.

The emergency and existence of different schools of law gave a firm ground for Muslim to apply the law. However, unlike the previous stages, the development of hadith where Quran and hadith were largely used, other sources of law were adopted i.e. Qias and R'ay where the first sources remained silent.

In this regard, scholars of law differed especially Malik, Hanifah, Hambal, Shafie, etc with a view that the adaptation of such laws only ended with the death of the last companion of the prophet. Yet others were of the view that the implementation of such sources was a continuous trend up to the last day.

Ever since then, the Islamic law is practiced in states that have been identified as Muslim countries. The law has been systematically confined and consolidated, while others like secular states its application is varying in portion proportion and magnitude due to circumstantial forces.

The sources were now categorized between primary and secondary thus the Quran, hadith, Ijma, Qias, R'ay had principle sources of Islamic law or Sharia.

The present period is also characterized by production of Quranic schools like Lugman, Zam Zam, etc and universities e.g. IUIU in Uganda and this has contributed to spread of Sharia far and wide.

Recording Quran and hadith on different forms like (D).

Organizing Quran competitions and debate on Islamic issue e.g. at IUIU, Ramadhan conversion has been conducted annually.

Using a Ijma to discuss issues which are silent in Quran and Hadith.

SOURCES OD ISLAMIC LAW

The Islamic law is derived from several sources or different sources. These sources are divided into two categories chief sources include Quran, hadith, Ijma, Qias and R'ay supplementary sources include Istihisan (preferences), Istislah (public interest), Amak and Urf (practices), etc.

THE QURAN AS THE FIRST SOURCE OF LAW

The holy Quran is the word of almighty God revealed to prophet Muhammad (PBUH) through Arch Angel Gibreal for the period of 23 years from 610-632 AD for the guidance of mankind.

Islamic law is called Sharia and it refers to general code of conduct or a way of life recommended by God to mankind so as to gain success.

The Quran was not an intended book on the code of law. It does not give regulations strictly in legal terms and language. However, since

it was revealed as guidance to mankind, then it is used as a source of law.

The Quran is the first, principle and the most important of all other sources of law. It provides a code of conduct for every believer and mankind to get guidance from Him and to follow Him.

The Quran is also a source of Islamic law, it guides and authorizes the use of other sources like hadith and Ijma.

The Quran also serves as a source of Islamic law as it composed of what is forbidden by God. Quran 5:3 says,

“Forbidden to you is the fresh on an animal which dies of its self blood and the fresh of swine.”

The holy Quran is a source of Islamic law, also gives or outlines to what is allowed and recommended by God. Quran 2:187 says,

“It was made lawful for you to go to your wives on the night of fast.”

The holy Quran has got injunctions which a Muslim can refer in all aspects of life for instance, it has about 20 injunctions on family law, 20 on civil law, about 30 on criminal law, ten on constitutional affairs, 25 on international relations and about 10 on commercial injunctions.

The holy Quran is allowed by God to be used as source of law but the user should always be careful to guard divine word of God and also avoid misusing it.

The authority to use Quran as source of law is derived from Quran and hadith; from the Quran, the following verses can be referred to or the following qualifies the Quran as the supreme law, authentic and sound Quran 2:2 says,

“This is the book where of there is no doubt a guidance to the righteous.”

Quran 17:9 says, “Surely the Quran guides to what is the most right.”

Quran 2:185 says,

“Ramadhan is the month in which Quran was revealed as a guidance to mankind.”

Quran 5:47 says,

“Whoever does not judge by what has been revealed, these are indeed transgracers.”

Quran 4:59 says,

“....obey Allah, obey the messenger and those in authority and if you differ in anything, refer it to God and the messenger.”

Quran 6:38 says, “...we have left out nothing in the book.”

Quran 33:36 says,

“And it is not right for a believing man or a believing woman, when Allah and his messenger have decided a matter that they should exercise their own choice in the matter concerning them.”

Quran 16:44 says,

“And we have sent down to you a reminder that you may explain to man that which has been sent down to them.”

Quran 5:48 says, “...judge, therefore, between them by what Allah has revealed...”

Quran 4:69 says,

“And whoever obeys Allah and his messenger will be among those to whom Allah has bestowed his blessings the martyrs, the truthful and the righteous.”

The prophet also on several occasions advised and encouraged Muslims to use the Quran for guidance and source of law in the following traditions.

During the farewell pilgrimage, the prophet concluded his sermon by saying;

“I have left among you two things which if you adhere to, you will never go astray that is the book of Allah (Quran) and what you get from me (Sunna, hadith).”

“Be aware I have been given the Quran and its like.”

When the prophet was emphasizing Quran as source of law, he ranked it No.1 when he compared it with hadith.

“My word does not abrogate the words of God but the word of God can abrogate mine.”

SIGNIFICANCE OF THE QURAN AS A SOURCE OF LAW

The Quran can never be influenced by human attitude and up to now it offers total justice to all actions.

The Quran offers the unified kind of law since it cuts across borders unlike other laws which must be in accordance to the customs of the land in which it developed.

Quran helps in authenticating other sources of laws by giving the legitimacy of their applicability. This helps the Islamic law for all times and every place.

Quran acts as reference especially when it is faced with particular problems. One can therefore make a reference of what happened in the past and have a way of solving the present problem. This also justifies the existence of Ijtihad in form of Qias in form of law.

The Quran helps the law enforcers not to be divorced from morality. Thus, the Islamic law differentiates between moral.

The holy Quran as a source of law, helps in authorizing and guiding the use of other source of law like Ijtihad and Qias. Quran 9:59 says,

“And if you define anything refer to Allah and his messenger.”

It also acts as a source of Islamic law as it is composed of what has been forbidden by God. Quran 4:24 says,

“The women should not be married and it is forbidden to you a marriage woman.”

It makes an individual to submit to God's laws which are based on doing God and avoiding evil. This makes a person a devoted worshiper and servant of Allah.

It is through the Quran that Allah has equipped mankind according to capacity of each other with the means to find a way to divine revelation and sublime aim of human creation.

HADITH/ SUNNAH AS A SOURCE OF LAW HADITH AS SECOND SOURCE OF LAW

Hadith literally means ways, practices, mode of life or behavior of prophet Muhammad (PBUH) in what he said did or silently approved.

This is the second source after the holy Quran upon every Muslim rests the behavior and the code of conduct of his life and faith.

The Quran verses are translated into practice by the Sunnah of prophet i.e. a way of practice, rule of life and referred to the exemplary conduct or mode of behavior of prophet in what he did, said or approved and adherence to it is obligatory upon all Muslims.

For hadith to be taken as authentic and sound as source of law, it implied by the following Quranic verses.

Quran 3:31 says,

“Oh Muhammad say if you love Allah, follow me (follow the prophet PBUH) then Allah will love you and forgive your sins.”

Quran 33:21 says,

“Surely you have got an excellent example in the messenger of Allah.”

Quran 59:7 says,

“...and whatever the messenger gives you take it and what he forbids you abstain from it.”

Quran 53:3-4

“...and he (Muhammad) does not speak out of his own desires or imagination. It is inspiration which is sent down to him.”

Quran 33:36 says,

“It is not fitting for a believer, man or woman when a matter has been decided by Allah and his messenger to have any option.”

Quran 4:80 says,

“Whoever obeys the messenger, obeys Allah but if any turn away we have not sent you to watch over them on their evil deed.”

Quran 4:59 says,

“Oh you who believe, obey Allah and obey his messenger and those who are in authority.”

Quran 4:170 says,

“Oh mankind, the messenger of Allah has come with truth from Him therefore, believe it is better for you.”

Quran 4:64 says,

“We have sent no messenger but he should be obeyed by Allah's commands.”

Therefore, this verse means that Muslims should accept decisions of the prophet for they are based on God's legislation.

Prophet Muhammad PBUH authorized and encouraged use of hadith in the following traditions.

On a farewell pilgrimage;

“I have left amongst you two things which if you adhere to you will never go astray, that is the book of Allah (Quran) and what you hear from me (hadith)/ Sunnah.”

The prophet also said;

“Whoever follows me will enter paradise and whoever disobeys has indeed rejected the faith...”

Another tradition;

“My word is law, my example is a doctrine, my statement is truth.”

He also said;

“Be aware I have been given the Quran and the life of it (hadith).”

SIGNIFICANCE OF HADITH AS A SOURCE OF LAW

Hadith is the second source of Islamic law after the holy Quran and it refers to ways, practices, mode of life/ behavior of the prophet in what he said, did, silently approved. Hadith as a source of Islamic law is used in the following circumstances.

It is used where the Quran appears to be silent as a source of law.

Hadith explain issues in the Quran which may need an explanation and which may not be clear to the user e.g. Quran 2:3. Quran talks about prayer and charity but does not explain how they are performed. The clarification can be got from hadith when the prophet said pray as you have seen me pray.

Hadith is used in reference to prophet's behavior since according to Quran, a Muslim has to behave as the prophet did, Quran 33:21 says,

“Verily you have got in the prophet of Allah an excellent example.”

The prophet was a practical living example of the Quran, this is because hadith which are report Qaul, Fiel and Tagriir of the prophet (sayings, practices and silent approvals) of the prophet makes the law of Quran to appear to be more practical and applicable.

Hadith also helps in supplementing the Quran. This happens when a certain aspect is not explicitly mentioned in the Quran but hadith speaks about it and this is true because the Quran 53:3-4 says;

“And he (Muhammad) does not speak out of his own desires/ will but inspiration from God.”

Thus the law would be sent to him indirectly/ secretly.

Hadith also helps in authenticating the other source of law i.e. makes other sources of law become valid. Thus, through a number of hadith, the prophet encouraged the use of reasoning. This also makes the law flexible hence makes it stand the test of time/ stand on its own.

Through hadith of prophet, the documentation of sources of law was realized. The Quran and hadith were commissioned by the prophet himself who usually supervised the work. This therefore prepared grounds for the law to be preserved.

Hadith helps the law in categorizing the acts thus in Sharia action and divided in five classes e.g. Wajib Faradha (obligation, compulsory), Ja-ezu/ mubah (permitted), Makruh (hated/ disapproved/ disliked), Haram (unlawful/ forbidden/ prohibited), Mandubi/ Mustahabb (recommended but not punishable). These therefore means that jurists were able to reward/ punish an individual by looking into the above actions.

IJMA AS A SOURCE OF LAW

Ijma means the general consensus of Muslims/ agreement of Muslims. It has been taken to refer to consensus of opinions of Muslims jurists of a particular age on an issue.

It is the third source of Islamic law where Muslims meet and decide on something that may not be considered in either the Quran and hadith.

Ijma has been a source of law since prophet's time. He used to call his companions and decided on important issues like battles e.g. the battle of Khanda (Trench).

This was followed by the 4 orthodox caliphs who even had a permanent committee of people they always used to consult.

This committee was known as the Shura committee.

It was also applied during the compilation of holy Quran with no guidance from the Quran itself and hadith. The compilation committee led by Zaid bin Thabit agreed on the formalities of carrying out the exercise.

Ijma can be drawn in 3 perspectives

- i) By words (Qail) i.e. by recognized jurists expressing an opinion on a point in a question.
- ii) By deed (fiel)
- iii) By silence (sukut) i.e. when the recognized jurist do not contravene an opinion expressed by one/ more of them.

However, some jurists are opposed to the last form of Ijma arguing that silence in this case may be due to fear e.g. the Mutazalites do not recognize it.

These are various views relating to the application of Ijma.

He generally felt that Ijma means the consensus of opinions of the jurists. Only and those and who do not learn in law don't participate but some agree that its an agreement of Muslims.

Imam Malik e.g. based on his argument of the consensus of the people of Medina but theoretically, such a limitation is not attainable (criticism) that couldn't be attained as learned men were not confined in Medina but sent to other parts of the country even during prophet's time.

Even in the prophet's time, generally received opinions is that men of all places must be included.

The Sunni schools of law exclude (Shia) jurists from Ijma and the vice versa.

The Shia hold that the descendants of Ali and his daughter Fatuma are the proper people to exercise Ijma. Yet among the Sunni some jurist are of opinion that Ijma is restricted to only companions of prophet; others extend it to the next generation. But the general opinion is that it is not confined to only one generation, country or group of people but the consensus of all jurists of all countries in any age as an effective Ijma.

Ijma as source of law derives its legitimacy from the following verses and hadith.

Quran 4:59 says,

“Oh you who believe obey Allah and his messenger and those in authority among you.”

Quran 3:159 allows the use of Ijma when it says,

“So pardon them and as forgiveness of them and consult them in matters of administration when you have resolved, then put your trust in Allah.”

Quran 42:32 says,

“And those who answer the call of the Lord and observe prayer and whose affairs are decided by mutual consultation.

From words of the prophet said;

“My people will never agree in error.”

“The hand of God is with a group.”

From the historical background of view the 4 rightly guided caliphs were elected through Ijma e.g. Abubakar was elected through the Shura council.

CHALLENGES ASSOCIATED IN APPLICATION OF IJMA

The use of Ijma is important and allowed in Islam. However, depending on a number of factors, Ijma would be very difficult to apply in Muslim minority countries like Uganda.

Ijma calls for agreement of all Muslims according to all schools of thought but this is very difficult in Muslim minority countries like Uganda. Many learned men in the field of religion are over taken by superiority complex and cannot respect other opinions.

The shiates, the Ijma which is considered is the general consensus of the descendants of Ali and prophet's daughter. This excludes Muslims of countries like Uganda, who are largely Sunni Muslims.

The Malkite school of law considered and respected the Ijma that based on the customs of the people of Medina. This cannot be applied by countries like Uganda since people of differenthave different customs.

Most Muslim scholars consider Ijma of only learned scholars (Ijma-al-Ulamas) to be the most important source of Islamic law. However, it is practically impossible for all ulamas (scholars) of countries like Uganda over particular generation to form a consensus.

Some jurists consider and followed the Fatwa juristic opinion or decisions of the companions of the prophet as Ijma. However, from the prophetic hadith, hadith does not limit the scope of Ijma where the prophet said "My community will never go astray on what they have agreed on.

Ijma is considered to mean the general consensus of learned men, it becomes very difficult to apply some situations in countries like Uganda because it is very difficult to gather all learned men and to come to one agreement.

If on the same note of the scope of Ijma is narrowed and limited to the companions, that is a valid Ijma. This cannot apply in countries like Uganda because the companions are not in existence.

According to Hambal an ijma is not binding if it reaches one generation after prophet's death. This provides a limitation of application of Ijma in Uganda. And given that over 100 years have passed since death of prophet.

People who qualify to be involved in Ijma are supposed to have distinguished qualities like being learned Muslims, well versed with Quran and hadith, being pious, honest and trustworthy. Such people may be difficult to be in Uganda.

The power struggle among the learned Muslims in Uganda also limits the application of Ijma. This has brought about lack of cooperation and thus the Ulama (scholars) cannot come together to influence an agreement.

Countries like Uganda have always lacked sincere leaders. Many learnt Muslims have been starved in acquisitions. This implies that decisions arrived at by such people cannot be respected.

Disunity among Muslim leaders and lack of leadership qualities also limit the application of Ijma in countries like Uganda though most of the leaders are qualified in Sharia. Their application and academic standards cannot be interpreted to match the leadership standard of a non-Muslim country in Uganda.

The absence of an overall leader of Muslims who can give orders and he is universally accepted or followed like the Pope among the caliphs also makes Ijma practically impassible.

The Muslim leader (caliph) holds advise from majority of the representatives of the Muslim though the final decision may rest with him.

Lack of necessary funds to transport jurists of efficient knowledge of religion who would influence decisions in Ijma conventions also

makes Ijma impossible. Many eminent jurists live in different areas world over. So, gathering them together in one place requires a lot of funds.

Existence of different schools of law makes Ijma impossible because people tend to stick to their schools rather than carrying out Ijma which can bring about conflicting ideas in the Muslim community.

Examine the factors that may limit the use of Ijma as a source of law.

QIAS AS SOURCE OF LAW

Literally Qias means measuring by comparing or judging by comparing with an aspect. In other words means reasoning best in analogy. Qias is the second form of Ijtihad and that is the secondary source of Islamic laws not to Ijma.

The jurists applied to a process of deduction by the law of a text applied to cases, though not considered by the language governed by the decisions of the governor. Thus, Qias may be described as an analogy.

A case comes up for decision which is not provided either in Quran and hadith. Jurists look for the case resembling it either in the Quran or hadith and by reasoning on the basis of analogy. This Qias is an important source of law but cannot be equal in authority like Quran and hadith.

Therefore, it is a process of analogical deduction by which the law.....

Here land Muslims are allowed to look for 9 case resembling it on a basis of comparing and measuring. A decision can be arrived at e.g. if there is a drink which has been introduced in society and people doubt its legality, Muslims can use another drink which is forbidden in the Quran and hadith, and see whether there are some reasons which can be used to forbid the new one.

Therefore, the use of Qias as source of law is allowed but the decisions may be in agreement either in holy Quran and hadith otherwise it will be invalid.

Qias as a legal principle was introduced by Imam Abu-Hanifa the founder of Hanafie school of law in Iraq during the abbasid rule to curb the excessive thinking of the minds corrupted as a result of reading various text books in logic, philosophy and the like.

The majority of Muslims including the four Sunni schools of law and their school of thou accept qia a legitimate method of deducting rule of law. However, they base on injunctions from the holy Quran and tradition from prophet as follows.

Quran 49:43 says,

“An those a simultutd which we set forth for mankind but non understand them who have knowledge.”

Quran 4:59 qualifies use of Qias when it says,

“And if you differ in anything refer to Allah and his messenger.”

Quran 4:65 says,

“But no by your Lord, they will not be true believers until they make you judge in all that is in dispute between them.”

The two verses imply that by considering the case in Quran or hadith, and by reasoning on basis of analogy, a decision cannot be reached on certain issues under dispute.

During prophet's life time, various decisions were reached at through analogical reduction e.g. it was reported that Umar asked the prophet whether a kiss during fasting nullify the fast even though no organism is reacted. The prophet replied by saying;

“What about washing the mouth, if someone doesn't take in any drop of water.”

Umar answered it does not invalidate the fasting.

So the prophet answered that this null.

The prophet also sanctioned the use of Qias when he sent Muathi bin Jabal to Yemen. Muathi proposed to use judicial opinion based on Quran and hadith.

During the life time of the companions of the prophet, the companions arrived on various decisions on analogical deduction e.g. the choice of Abubakar as the first caliph was done through Qias. Using the prophet's choice to chose him as an Imam in prayer as a cooperative basis of the selection of Abubakar.

Caliph Umar in his famous letter to Qadhi Abu Musa Al-Ashari in Kufah, he wrote,

“Study similar cases and evaluate the situation by analogy.”

This was a clear direction of judges by analogy where it matters.

However, the jurists have laid down conditions which Qias can be accepted among them. These include among others that qias must be applied only when there is no a solution in the matter in the holy Quran/ hadith.

That Qias can be accepted as a source of Islamic law it is strict Qias i.e. it must be based on holy Quran, hadith or Sunna and Ijma.

Qias must not go against well established principles of Islam.

Qias must not go against contents of Quran neither must it be incomplete inconf.....

SIGNIFICANCE OF QIAS AS SOURCE OF LAW

It provides support to supplement on the first source of Islamic law and must not contradict them.

It is an immediate solution even to a lay man (common man).

It is used and ranked fast on R'ay as source of Islamic law.

It is simple since it involves measuring and working up parallel cases of different parts and areas e.g. election of Abubakar as the first caliph started by Qias.

It is important since it saves time that would have been wasted in calling or involving a witness against crime.

A case can be solved by measuring it with what is involved in the Quran and hadith and a decision is made thereby.

Qias checks the corrupted minds of new Muslims as a result of reading the philosophy of various books and literature.

Imam Shafie took to be the only doctrine of reasoning in judgment of authority. He observed that in all matters concerning life of a Muslim, there is either a decision or an indication as the right answer which is sought by Qias as a form of Ijtihad.

The choice of Abubakar as the first caliph of the successor of the prophet, was done through Qias using the prophet's choice to chose him as an Imam in prayer as a cooperative basis for selection of Abubakar thus Qias provided solutions that would have affected the Muslim community and this emphasized the significance of Qias.

R'AY AS SOURCE OF LAW

(INDEPENDENT OPINION)

This means independent judgement or opinion which can be made by an individual or many people. Therefore, failure to solve a given problem by previously mentioned sources of Sharia one is allowed to resort to personal judgment e.g. when there is a case that needs a decision or solution and it is not provided then it is upon the judge (Qadh) or leader (Imam) can use his reasoning, knowledge and experience to make a decision.

However, the judge must be careful in making a decision which cannot contradict the above sources i.e. Quran, hadith, Ijma, Qias. In other words, this is a source of law which a judge or Imam or anybody in authority can use his knowledge, experience reasoning and authority to make a decision. Quran 4:59

“Who you who believe, obey Allah, obey his messenger and those in authority.”

According to the above verse, Muslims are allowed to apply their personal judgement, except those who are authority, if they differ from Quran and hadith.

Prophet allowed use of R'ay and also used it during his time and whenever prophet used to send leaders to different places and their own reasoning e.g. when prophet was sending Muadh bin Jabal to Yemen, he used his decisions as one of the things used in judgement as a leader.

The companions, collectors and the four Imams are other jurists and thus include; those in authority must be obeyed but to differ with any of them whom one has the authority of Quran and hadith is exclusively omitted.

SUPPLEMENTARY SOURCES OF ISLAMIC LAW

The supplementary sources of Islamic law were formed by the Sunni schools of law or schools of thoughts. They were used by different Imams as a way of systematically using reasoning as source of law without contradicting Quran or hadith.

Those sources were used by particular Imams. The following are supplementary sources of Islamic law.

Istihisan

This means preference of one's proof over another because it appears to be more suitable in a situation. Even the preferred proof may be technically weaker than other. This may involve a preference of hadith which is specific over a general one.

Uruf

This is the local custom of people in an area or place, play an important role in guiding the law and this was mainly used by Abu Huraira who developed this law according to customs of people of Kufa.

Amal

These are the practices of the people in an area according to Imam Malik, the practices of people of Medina can be preferably used in law since these people lived with the prophet. Whatever was in their practices was seen by the prophet and recommend using silent approval.

Istislah (welfare)

This was a given source of law which was mainly used by Imam Malik. It is somehow similar to Istihisan by Imam Abuhanifah but modified to it include what is most suitable. In other words, He considered that time e.g. according to Imam Malik, a leader has got

the right to change any other task other than Zakat in any Islamic state supported by Zakat to non-Muslims who are not legible to pay Zakat.

Istishaab (linking)

This is what developed by Imam Shafie who rejected both Istihsan and Istishab and considered them as Bidia (innovation).

IJITIHAD OR EXERCISE OF JUDGMENT

Ijtihad means an effort or an exercise to a crime at one's own judgement. It may also mean the use of human reason in the elaboration and explanation of Sharia law. Ijtihad covers three services of the Islamic law namely; Ijma, Qias, R'ay. Three are known as the reasoning sources of Sharia.

Ijtihad plays a very important role in religion of Islam more especially giving due to the consideration of the Quran in many of its verses.

VALIDITY OF IJITIHAD AS A SOURCE OF LAW

The Quran in many occasions praise those who use reasoning like Ijtihad and discredits those who do not use reasoning. Quran 2:171 says,

“And the example of those who disbelieve is like the case of one who shouts to that which hears no more than a call and a cry. They are deaf, dumb and blind so they do not understand.”

Therefore, those who do not use their reasoning faculty are compared to animals and taken or spoken as being deaf, dumb and blind. Also Quran 7:179 says,

“And surely we have created many of the jinns and mankind. They have hearts but they don't understand, they have eyes but they don't see and they have ears but they don't hear. They are like cattle nor even more astray.”

Quran 3:189-190 says,

“Praise those people who use reasoning and judgment.”

The above verse was condemning those who do not use their reasoning or those who don't use their.....are condemned, those who do it are praised. Also Quran 2:22 says,

“Surely, the worst beasts in sight of Allah are the dumb who have no sense.”

Also Quran 25:44

“Or, do you think that most of them do hear or understand? They are simply like cattle straying further off from the path.”

There are many instances where the prophet encouraged to use reasoning in d..... when there is no direction either in Quran or hadith.

In another tradition he also said,

“Give your ruling in accordance with the book of Allah and the Suna. If such is available. If you don't find such provisions, then have recourse to your opinion and interpretation.”

There is evidence that whenever the prophet used to send his followers as leaders in different place, he used to allow them use Qurgn and reasoning. A case in point is when prophet Muhammad was sending Muadh bin Jabaal as an ambassador or governor. He asked him when he is ric

He said he will use of Quran and again the prophet asked him if he found that it is in the Quran. He said he will use the prophet's words (hadith) then the prophet asked him if he didn't find it there; he answered that he will use his own opinion (judgment). Then the prophet raised his hands and said, “Praise be to God who has guided the message of his messenger.”

Quran 6:39,

“Those who reject our ayat (verses, orders) are deaf and dumb in the darkness. Allah send astray whom he will and he guides on the straight path whom he wills.”

Another example was that of Abdallah bin Masoud. The prophet did not only encourage the use of reasoning but also the companions practiced and exercised it when he was still alive.

After the death of the prophet (PBUH), Ijtihad obtained a wider coverage or spectrum and as new areas were being conquered, the need to resort to the exercise of judgement became great for

instance the caliphs had a council (Shurah) which matters were referred to and its decisions were accepted by the caliphs and Muslim communities.

Besides the Shurah, they were great teachers like lady Aisha, Ibn Abbas, Umar bin Khattab.

Abdallah bin Umar, Abdallah bin Mas'ud, Abu Huraira, etc. these gave decisions and their opinions were highly accepted from which laws were made and they neither contradicted the Quran nor hadith and this was implemented by the subjects.

In the second year of Hijra, there arose great jurists who qualified use Islamic law according to the need of the time e.g. the four Imams i.e. Shafie, Ahmad bin Hambal, Abu-Hanifa, Malik. These Imams applied their judgments to new circumstances some of whom evidently were dissatisfied.

FACTORS THAT LIMIT APPLICATION OF IJTIHAD IN UGANDA

Ignorance of Muslims and other sources of law. There are few jurists in Uganda who can exercise Ijtihad.

Lack of faith among Muslims.

Inadequate literature among the second source of law.

Lack of respect for scholars (Ulamahs)

Very few people can consult on matters where Quran and hadith are silent.

Divisions among Muslims in Uganda.

The effect of Imams, some Muslims did not believe in Ijtihad due to teaching of some Imams.

Existing secular laws do not favour the use of Ijtihad.

The effect of the international Muslim community which led to different sources of law most Muslim students who study in the Arab world.

The controversy surrounding Ijtihad some people think that door of Ijtihad is closed.

THE CLASSIFICATION OF ACTS IN ISLAM

In Islam all acts are categorized or classified in any of the following;

1. Faradha (obligatory)
2. Wajb (compulsory)
3. Haram (forbidden)
4. Sunnah (recommended)
5. Mukruh (hated/ discouraged)
6. Muba (neutral in different)
7. Halal permitted or allowed

FARADHA (OBLIGATION)

This is an obligatory duty which has been ordered by Allah in the holy Quran, when one fulfills such a duty, he or she is rewarded and if neglected to do such a duty, he is punished e.g. observing 5 daily

prayers, fasting the month of Ramadhan, obeying the parents and be kind to them.

a) Faradha is of two kinds i.e.

Faradha Ain

Faradha Kifaayah

Faradha Ain (compulsory to an individual)

This is an obligatory duty to man and compulsory to every individual. A Muslim of defined qualifications e.g. health, understanding. If one fulfills such a duty, he or she gets rewards and if he fails he or she is punished e.g. fasting, prayer, zakat, etc.

Faradha Kifaayah (compulsory to a group of Muslims)

This is a compulsory obligatory duty to all Muslims as a group, a society or a community in an equal manner with some exceptions. It means if one or many Muslims undertake it's the rest are free and but those who do it are the ones that are rewarded e.g. attending funeral prayers, enjoining good deeds, forbidding bad ones, Jihad but if all people do not do it they are all guilty of the sins and all liable to be punished as a group.

b) Wajib (compulsory)

This is a compulsory duty imposed upon Muslims. However, this does not measure to the standards of Faradha. It is not an equal binding character like Faradha. When it is neglected it may not necessarily incite divine punishment e.g. washing whole body on Friday. The

prophet said, "bathing on Friday is compulsory (wajib) on all mature Muslims."

However, wajib practices are normally necessary for the society. It involves acts like looking after someone's family well, marriage, bathing the whole body on Friday, visiting the sick, brushing teeth before prayers.

c) Haraam (forbidden or unlawful)

This is an act completely forbidden and therefore unlawful in the face of Islam and it is something which has been absolutely forbidden or prohibited, anyone who engages in it is liable to be punished on this world and the hereafter. Such acts include committing Shirik, stealing, fornication and adultery, killing without a good cause, etc all are completely forbidden.

d) Sunnah (recommended)

This is a duty recommended by the prophet in words, deeds or silent approvals. The performance of such a duty is rewarded although its neglect is not punished, it also involves extra practices for more rewards from God recommended by the prophet.

Indeed most of the Faradha practices have got Sunnah practices to accompany them e.g. the 5 Faradha prayers have got sunna practice e.g. fasting have got the 6 days of Shawwalu (sittah and Zakat has got Swadaq, etc.

When one performs any Sunnah act, he is rewarded but when one fails to do it is not punished. Such acts can be used to make the Faradhat act more perfect. They are also used as a way of praying to be pardoned or to be accepted when the doer committed some mistake while practicing them (Faradha). So such acts are optional and they are of 2 types or kinds.

- i) Sunnah Mua'kada
- ii) Sunnah Ghair Mua'kada

Sunnah Mua'kada

This is the most emphasized Sunnah in other words, this is the Sunnah the prophet did without and it is hence almost of the same binding character like Wajib e.g. brushing teeth before prayer, Sunnah prayer before obligatory morning prayer and witr prayer.

Sunna Ghair Mua'kada

This is the less emphasized Sunna. This was performed by the prophet but he did not put much emphasis and its neglect has no attainance consequences like that of Sunna Mua'kada e.g. offering Sunna prayers before and after noon prayer, placing the right leg forward when entering and the left when coming out of the mosque.

- e) Makruh (hated or discouraged)

This refers to improper or detestable or discourage or hated in the society, but not forbidden. However, it is generally agreed that when

the Act is done, it is almost Muraam or should be avoided because it is hated and discouraged. A Muslim therefore is advised not to practice such Makruh act it leads to Haram e.g. eating animals slaughtered for Christian festivals, smoking, divorce, too much love for music and amusements.

Mubah (indifferent or neutral)

This refers to neutral acts, it is neither forbidden nor detested, it can be pursued or avoided depending on one's test and circumstance e.g. eating good food, dressing smartly, etc.

CHARACTERISTICS OF HALAL ACTS

They are allowed practices by God e.g. eating, sleeping, fishing.

It involves practices which are allowed by God e.g. eating.

Halal involves practices if done by individuals they do not call for punishment or reward e.g. playing.

Halal acts are not shameful and always are done in broad day light by people e.g. eating lawful food, sitting well in class.

Halal act brings about self-esteem and respect to the person doing it e.g. dressing Islamically.

Halal acts are recommended by both God and prophet Muhammad e.g. trading.

Halal acts leads for moral righteousness and it is always in norms of civilized society e.g. greeting one another.

Performing of Halaal acts is aimed at pleasing God/ fellow men/ both for example marriage, smiling to one another aimed at pleasing God and fellow man.

Halal acts are for civilized and modern societies. They are common and practiced by many people i.e. trading, playing, fishing, sleeping.

They are pure, they don't have negative effects to the society e.g. visiting of one another.

CHARACTERISTICS OF HARAM ACTS

When done, a person receives punishment either on this world or thereafter e.g. stealing, zinah.

They always bring about conflicts in society e.g. zinah, stealing, etc.

They are shameful e.g. Zinah because it brings about disrespect to the person.

Have negative effects on the development of society e.g. drinking alcohol, they are always discouraged or prohibited by both Quran and hadith e.g. fornication.

Haram acts are always disliked and rejected by civilized society e.g. stealing.

Haram acts can lead to moral degeneration in society e.g. taking marijuana or drugs.

Haram acts are always expensive e.g. buying wine, using sex workers.

Haram acts are dangerous and harmful to the society e.g. one practicing zinah, stealing.

Performing of haram acts is always in a way of accepting what Satan wants.

They are impure e.g. wine drinking, fornication, eating pork.

CHARACTERISTICS OF FARADHA ACTS

They are obligatory in Islam e.g. swallah.

Every Muslim must perform them.

They are prescribed by Allah and prophet e.g. swallah

Whenever you do Faradha acts you get rewards either during life or after death.

Whenever you neglect Faradha acts your to be punished by Allah e.g. fasting.

Faradha gave got teachings on how to be performed i.e. Islam teachers how they should be performed.

CHARACTERISTICS OF MUBAH ACT

Its acts are not found in the holy Quran.

There is no designated punishment.

Not doing any Mubah acts does not lead to punishment.

There is no serious reward.

They are normally done for hygiene, health and purpose.

If done, makes one respected in the area e.g. dressing smartly, etc

Always pleases one who performs them e.g. eating good food.

CHARACTERISTICS OF MAKRUH

They are discouraged in the society e.g. smoking, praying while food is ready, over eating, having sex like a goat or dog.

If one does it excessively it may lead to harm e.g. smoking, divorcing.

They have always been discouraged by prophet e.g. smoking, over eating.

They might have a side effect or religious effect or having sex like animals.

PRINCIPLES GOVERNING LAWFUL (HALAL) UNLAWFUL (HARAAM) IN ISLAM

Halaal refers to an act or practice of a man which is allowed in Islam while Haraam is any act prohibited or unlawful in Islam.

Halaal and Haraam acts are guided by the following principles;

Permissibility of things or acts, this implies that things which Allah has created and benefit man derived from them are essentially for man's use and hence are permissible. And nothing is Haraam except when prohibited in either Quran or hadith (a verse or a sound hadith) i.e. everything is permissible unless prohibited in other words, all things are permissible except prohibited one. It is only limited to things or objects which could be out but also includes human acts

and behaviours. Not related to acts of worship which could be termed as day today affairs. On this God says Quran 45:13,

“He has subjected to you from Himself all that is in the heaven and all that is on the earth.”

Also Quran 31:20 says,

“Don't you see that Allah has placed for you or subjected to you what so ever is on the heaven and what so ever is on the heaven and what so ever in the earth and has completed and perfected his grace upon you...”

The prophet also said,

“What Allah had made lawful in his book is halal and what he has forbidden is haram and that concerning which is silent is allowed as his favour.”

To make it lawful and prohibit it is a right of Allah alone. Islam take the right to permit and prohibit from the hands of human beings to the almighty Allah one. Therefore, a human being to declare what is allowed as unlawful is a sin itself and the opposite is true.

Quran 42:21 says,

“Do they have partners with Allah who has made lawful to them in religion what Allah does not allow.”

Also Quran 10:59 says,

“Say, (Oh Muhammad to these polytheist) tell me, what provision Allah has sent down to you and you have made of it

lawful and unlawful. Say Oh Muhammad has Allah permitted you (to do so) or do you invade a lie against Allah.”

The prophet also said,

“Yes, but they prohibit the people what is halaal and permit to them what is haram and the people obey them, this is indeed.....

Another principle guiding lawful and unlawful is that prohibiting lawful is similar to committing shirik because making lawful is a right of almighty alone.

In Madina, some Muslims showed attendance of denying themselves some prohibited treasures, to prevent this Quran 5:87-88 says,

“Oh you who believe, make not unlawful the good things which Allah has made lawful to you (all that is good as regards to food, beliefs, person) which Allah has made lawful to you and transgrace not verily Allah does not like the transgracers. An eat of things which Allah has provided to you lawful and good and fear Allah in whom we believe.”

Haram is prohibited to everyone who is alive. In Sharia law, Haraam has a universal application and there is no such a group that is left out i.e. it is prohibited to non-Arab and permitted to an Arab. In Islam, there is no privileged classes or individuals who is in the name of religion can do whatever he pleases according to one's desires. Allah what God has legislated as Haraam is for all human beings until the day of judgment. Only this case the prophet said in one hadith;

“By Allah, if Fatumah the daughter of prophet Muhammad was to steal, I would have her hand cut off.”

Prohibiting things due to impurity and harmfulness, Allah makes things Haraam and Halaal to a reason, which is for people's wellbeing and Allah has never accepted what is pure and has never prohibited something except when it is impure or harmful. Thus, if something is entirely harmful, it is haram. And if it is entirely beneficial then it is Halaal. Quran 5:4 says,

“They ask you oh Muhammad what is lawful to you (food) say lawful to you are all.”

What is Halaal is sufficient while what is Haraam is impure and dangerous. This principle is based on the fact that God has no desire to make people's lives difficult, on the contrary his desires are good for guidance and mercy for them. In other words, his desires are goodness, guidance and mercy for them. In Islam, what is supplied in excess is haram.

What is conducive to haram is itself haram. This means that if something is prohibited, then anything which leads to it is also prohibited such as seductive clothing, pornography, obscene language. This is intended to block all avenues that lead to what is haram e.g. sex outside marriage is prohibited and anything which leads to it is also prohibited.

Good intentions do not make haram acceptable, haram remains so no matter how good the intentions, how honourable the purpose or

how lofty the aim is. Islam does not consent to employing haram means to achieve a praise worthy end. Sharia demands that the right should be secured through just means only. The prophet said that if anyone accumulates wealth through haram means then gives charity from it, there is reward for him and then the burden of the sin remains.

Doubtful things should be avoided in Islam. There are cases where people may fail to draw a line between lawful and unlawful while other people may be not able to decide whether a particular murder is permissible or forbidden. In relation to such matters, Islam consider it an act of piety for a Muslim to avoid doing what is doubtful in order to stay clear of doing haram. On this the prophet said;

“The Halaal is clear and the haram is clear.”

Between the two, there are doubtful matters concerning which people do not know. Whether they are halal or haram. One who avoids them in order to safeguard his religion and his honour is safe.

Another principle that governs lawful and unlawful is that necessity dictates exemptions. This principle states that a Muslim is committed under comparison of the necessity to perform an act originally prohibit e.g. eating prohibited food although this should be in quantities only sufficient to remove the necessity and save a person from death e.g. Quran 2:173 says,

"...but if one is compelled by necessity neither graving nor transgracing, there is no sin on him, indeed Allah is forgiving, merciful."

ORIGINS OF ACTS IN ISLAM

The categorization of acts in Islam started during prophet's time and went through many generations as seen below.

During the early days of Islam, acts were labeled halal, haram and wajib.

With development of Islamic law, new categories of legal acts were created. These included, Faradha, Makruh, Batil (not accepted), Sunna, Mustahab, Mandub (sunna) Fasikh (accepted but not allowed), Nafilah (sunnah).

Some jurists worked out seven categories of legal acts thus dropping some and compiling others.

Some jurists like Shafie maintained the Faradha and Wajib are synonymous.

Abu-Hanifah argued that the two are different. Wajib refers to highly recommended acts while Faradha refers to an obligatory act.

A highly recommended act is wajib. Shafie puts it under Sunnah.

He argues that if witr were wajib we would have had six wajib prayers yet there known to be only 5.

In the beginning, the legal acts were given broad terms “Amr” (positive), “Nahy” (negative) and the laws were being sent in the general way.

At the beginning Sunnah referred to a deeply rooted practice in any given society.

Generally, Sunnah refers to the practice/ acts/ deed of the people commonly known as traditions. Each school of law had its own Sunnah.

Shafie argued that the usage of the term Sunnah was to be restricted to the prophet's practice and thus becoming similar to hadith.

Other levels like Mandud (recommended acts) and Mustahab (desirable), Nafira (superegatory), but Mustahab al-Nafira were rejected giving way to Sunnah.

Scholars further divided Faradha into Faradha Ain and Faradha Kifaaya and Sunnah into Sunnah Muakada and Sunnah Ghairi Muakada. Then the school of law came out with Batil and Fasikh referring to invalid contract.

Batil acts refer to a contract that has failed to start up and therefore invalid right from the beginning while Fasikh that is rendered invalid due to some factors.

Today, the major classification of acts include, Faradha, Wajib, Sunnah, Halal, Faradha, Makruh, Mubah.

IMPORTANCE OR SIGNIFICANCE OF CLASSING LEGAL ACTS

All acts done by a human being can be classified in any of the following categories. According to Islamic jurisprudence, Faradha, Wajib, Mubah, Makruh, Haraam, Halal, Sunna. Classifying legal acts include the following importances;

To enable Muslims to know different categories in Islam.

One is in position to know what is required and what is not required.

Classifying legal acts help one to do good deed and avoid bad deeds hence leading to paradise and avoiding hell. This helps man to behave well while still on this earth as his behavior will determine his fate in the hereafter. Those who behave well will go to paradise and those who do bad deeds will go to hell.

Classifying legal acts leads people to hard work as to get rewards from God. This is so because, those involved in those acts which are rewardable by God if done by man.

It helps Muslims to know what is the most emphasized and the less emphasized e.g. Sunna Muakada and Ghairu Muakada.

Makes Muslims judge things from the view point of their consequences thus they will desire to do good. However, costly it is and they will avoid evil however tempting it looks.

Makes the criminals realize the misdeed. With realization of the misdeed makes them to reform thus it helps one to reform.

Classification of acts makes man virtuous and upright. Man will have a conviction that the only way to success on earth and the hereafter is to leave righteously by doing good deeds.

It makes the society peaceful, people will fear to do wrong things or indulge in haram acts because they know they will have to be answerable to what all they did in this life time.

It enables one to know the crimes committed in society and the relevant punishment for them. This helps an individual to keep himself within dimensions of the law.

FUNDAMENTAL TEACHINGS (ISLAMIC CRIMINAL LAW) ISLAMIC PANEL CODE

The Islamic criminal law is concerned with regulation of crimes and administering a punishment in Islamic law. Islamic criminal law is based on the principle that man can do things which can either annoy/ displease God or offend God and his fellow man or both.

Therefore, a crime is anything that is done by someone or an offence to society whereas a sin is something that is done as offense to God. However, in Islamic criminal law, a sin and crime are used interchangeably. This is because in most cases, an offence in society is also an offence to God.

The Islamic criminal law is concerned with the study on the restriction put at society so that people can live in peace and harmony. It is also concerned with regulations which intended to control the behavior of man and also make sure that whoever commits crime is

punished. Therefore, involves rules and regulations in society with appropriate punishment.

In Islamic law, it is important to punish whoever commits a crime and it is a must to the society to always make sure that justice is done to both the offender and the offended.

The Islamic law is also intended to teach society about certain rights and obligations of different people in society.

It is also intended to show people in the society that crime is not good and that is why some punishments are supposed to be administered from public.

Some laws are intended to punish those who have committed crime to prevent them from committing such crimes again, just should be done to the offender and this can be done through established evidence and also avoid to punish people.

CAUSE OF CRIMES IN SOCIETY

A crime is any act which is inconsistent to the established law that when it is done by someone, it offends the society.

The society puts up rules and regulations for its people to obey, failure of it is considered a crime and it leads to the offender to be punished. In the present day societies, there is an increase in crime rate. This state of affairs is attributed to a number of reasons or causes.

The Satan (shaitwan), this is taken to be the major cause of crimes on the society since the time of creation of man, Satan has become a major cause of crimes and great enemy of man, as such Allah has warned man to guard himself against Satan or against activities that can please Shaitwan e.g. Quran 7:200 says,

“And as those who were righteous, whenever an evil suggestion of Satan assails, then seek refuge in Allah.”

Quran 7:27 says,

“Oh children of Adam, let not Satan seduce you even then as he turned your parents out of Garden stripping them of their raiment.”

Quran 41:36 says,

“If an invitment from Satan incite you then seek refuge in God.”

Crimes is also caused by weak religious background, in this case, a person who was not well natured as far as religious teachings and practices are concerned will not have a feeling of avoiding criminal acts. On the other hand, a strong religious background will make someone have a feeling of referring to the teachings of his faith and hence avoid crime.

Crimes are also caused by the nature of the society where one lives. Some societies and their surroundings are basically criminal oriented

and many people in such societies tend to cherish those who commit crimes.

Poverty and unfavourable economic environment. This is so common when people fail to get the necessities of life, they resort to crimes like stealing, prostitution, etc. Thus, in turning to committing crimes like theft, murder and the like so as to meet their ends. Because of this, Islam always emphasizes that those who always gave charity/ Zakat will help those who don't have.

Crime in society can also be caused by unjust political leadership. This is always due to absence of equality, presence of dictatorship, nepotism, many people will always find it justifiable to commit crimes supporting rebel activities, strikes, etc and societies will always side with them.

Mental disorder. Under this, individuals will commit crimes without reasoning caused by madness and other related circumstances.

A weak judicial system is also an important factor to the cause and increased crime rate in the society. People will not stop committing crimes if they know that committing a crime, they will go away with it or without any punishment e.g. in Uganda one committing with someone's wife adultery is made to pay Shs.600 hence promoting adultery.

Increasing cause of unemployment another cause that drive people to committing crimes e.g. the need to get employment, force some people to use corrupt means to access employment.

Some people commit crimes just out of addicts, the soul of such individual are always taken pride in sinning. They seek pleasure in sins even when sins can be avoided Quran 12:53 says, "Surely, the soul is prone to committing evils."

Such souls will always be taken by earthly desires and will never feel comfortable until they commit the crime e.g. cigarette smoking.

Crime in the society can also be caused by peer influence. This is because if one relates with a morally corrupted person, chances of a person to take over behaviours of the friend are high.

Lack of serious education effort to sensitize the youth about committing crimes have many people especially youth into the act. The government has not instituted sensitization drives that many citizens commit crime out of ignorance.

Envy, jealousy and selfishness also contribute to committing crimes. Such social evils contribute to conflicts in society. An envious and jealous person will do what it takes to see that no one is better than him or her and hence committing crimes because of envy, jealous and selfishness.

Death of parents and breakout of families are other factors that lead to high rate of crime. Death of parents has increased number of parents, destitute and the like such children may become a social problem in society and also end up being a problem in society.

SOLUTIONS TO THE CRIMES

With ever increasing crime rate, Islam and society has laid down measures to solve the problem of crime. Islam has prescribed several punishments in both the Quran and hadith and others are left to discretion of the society.

Islam attaches great importance on human labour as a way of eradicating crime by exploring to work hard in order to earn lawful wealth. Quran 53:49

“And that man will have nothing but what he strives for.”

Earning property or wealth by including one's self in the acts ofis prohibited in Islam. Islam goes ahead to prohibit by acquiring anything not to share any stolen property for the buyer also share the crime. The prophet said;

“Who buys any stolen property with knowledge that was stolen, shares the sin and shame of stealing.”

On the issue of adultery, Islam condemns it highly and seeks to close and shut down all these avenues that lead to the committing the crime of adultery by commanding Muslims not to do anything that can make someone go near the act Quran 17:32 says,

“And go not near adultery surely it is unindesence and an evil play.”

Islam alone also puts harsh punishment against adultery of 100 strokes. Quran 24:2 says,

“Report the adulteror and adulterness. Flog each of them 100 strokes.”

Islam cautions or warns those who are executing and also those who have committed zina not to show any mercy to those who are recovering the punishment. Quran 24:259,

“....and let no pity for them in executing the judgment of Allah.”

The punishment of zina is so universal that it does not spare slave.....

Quran 4:25 says,

“And if the slaves are guilty of lowere'dness, they have half punishment prescribed for the free living person.”

Islam in legal point of view, people convicted falsely, accusing others of zina should be labeled liars and they should not be expected as witness. Quran says,

“And do not except their evidence for it that they are transgracers.”

Islam disapproves any kind of trade that strives un accumulation of wealth through Usury or Riba (interest). Usury in the practice of lending money in unfairly high rates of interest. The prophet said;

“Be aware of indulging in Usury for Allah had forbidden it.”

Islam goes ahead to prescribe punishment to one caught and found stealing. The prescribed punishment for theft is;

“And for a woman who steals and man who steals cut off their hand in retaliation as an exemplary punishment from God.”

WHAT SOCIETY CAN DO TO ERADIATE CRIME

The society should come out and try to teach people about laws so that people do not commit crime due to ignorance.

Strict laws should be enacted against the crimes that those found involving in evils or act which are inconsistent. Establishment of laws by society are punished according to the law established.

Distribution, use and watch pornography and pornographic literature should be abolished as this leads to activating sex urge posing way to committing crimes like bestiality, rape, defilement.

Sensitization programmes such as seminars, lectures should be organized to educate masses about dangers of crime.

The society as a whole should continue to fight poverty which is known to set a fertile ground for people to commit crimes like corruption and theft, and the like.

There is need to ensure job security for workers in any company so that their not tempted to steal from where they work.

All citizens irrespective of their social status, background should be empowered to sue anyone doomed to commit a crime. This would encourage vigilance to fight against crime by all members of society.

The youth should be advised to understand the type of peer groups they relate with. This will protect the youth from involving into bad group that may lead to committing bad crimes.

Islam encourage constant prayers because they protect a Muslim from committing crimes/ sins.

The government should invest in building capacity of building civil society in order to monitor government activities and rise the awareness of the wrong and rights of citizens.

PUNISHMENTS UNDER ISLAMIC LAW

Punishment of criminals under Islamic law is based on two types;

- a) Hudud
- b) Ta'ziir

Hudud

The word hudud is the plural of hadd which means prevention, prohibition, limitation. Under the Islamic criminal law (criminal code), Hudud is to refer to those restrictions and punishment which are prescribed from holy Quran and hadith.

The Islamic criminal law considers hudud to be specifically restrictions from God. It is therefore taken to refer to those restriction which a prescribed in the holy Quran. It therefore include anything which is prescribed in Quran.

- a) Restricts man's behavior or deeds, edibles and drinks and basically what is forbidden against that is unlawful.

b) Those which prescribed punishment for anybody that does what was forbidden e.g. there are prescribed punishment in Quran 2:178-179 says,

“Oh you who believe, the law of equality in punishment (al-qusas) is prescribed for you in case of murder, free for free, the slave for the slave, and the female for the female but if the killer is forgiven by the brother (the relatives) the killed against blood money, then adhering to it with fairness and payment of blood money to the heir should be made in fearness. This is an alluviation and a mercy from your lord. So after this, who ever transgrace the limit (kills) the killer after taking blood money, he shall have a painful tournament.”

c) There is a prescribed punishment for theft or stealing. Quran 5:38

“And for the male thief and the female thief, cut off (from the wrist joint) their right hand as a recomponse for that which they committed. A punishment by way of example from Allah. Allah is powerful all wise.”

NB: If a punishment is prescribed in the holy Quran, it becomes a duty of society to punish the offender and to do this, mob justice should be avoided and therefore is done by legally recognized leader of the society.

d) There is also prescribed punishment for Zinah. Quran 24

“The fornicater and fornicatress, flog each of them with 100 stripes let not pity withhold you in their case, in a punishment prescribed by Allah. If you believe in Allah and the last day.”

There is also prescribed punishment for robbery. Quran 5:335

“The recompense of those who wage war against Allah and his messenger and do mischief in the land is only that they shall be killed or crucified their hand and foot be cut off or be expelled from the land, that is, there disagree in this world and a great torment in there in the hereafter.”

NB: If a punishment is prescribed in the holy Quran it becomes a duty in society.

TA'ZIIR (DISCRETIONARY) PUNISHMENT

Literally means to expose in an inconveniencing way. Ta'ziir is rather extended to show the shameful act that has been committed. In Islamic law, Ta'ziir has been taken to refer to any punishments which are not prescribed in the holy Quran but left to the directions of the judge/ Imam/ leader/ Khadi.

Though not prescribed in the holy Quran, the person administering Ta'ziir should be very careful not to violet the prescribed laws or teachings of Islam.

It involves punishments which are not prescribed in the holy Quran but are necessary to be implemented. There is no determined degree in the punishment but judgment is in the hands of their judge

depending on the gravity of the crime you committed, status of the criminal and inconveniences caused in the society.

The power to punish and determine the punishment is given to the judge by the prophet when he said;

“Whoever of you says an evil, let him remove it by his hands, if not by his tongue if not let him hate it but that is the weakest kind of faith.”

Therefore, the leader who has got ability to use the hand should use it.

When punishment criminals under Ta'ziir, the following should be considered;

There are some people who should be exempted from punishments under Ta'ziir like a child who has not attained the age of maturity. However, the judge has a responsibility to educate such a child through simple punishments of imposing him or her simple restrictions which will help him to reform and stop them from committing any of such crimes in future.

A person who had committed a crime in a state of insanity cannot be punished since such a person has no feeling for whatever what he/she has done.

A person committing a crime while still sleeping is not legally responsible for it e.g. Abdallah son of caliph Umar who committed

adultery with a sleeping woman. It is mentioned and reported the Abdallah was punished and the women was excused.

If a crime is committed under force or duress then the offender should be pardoned or given a lighter punishment. On this the prophet said;

“My community is excused for what it commits under force or in error or as a result of forgetfulness.”

The one administering the punishment must try all ways of making criminal realize his/her mistakes and never to do it.

Before punishing the criminal, evidence must be produced. It can be any of the following ways depending on the crime.

Eye witness however, people giving evidence should be known as people of high degree of moral and religious integrity.

It can be through confession i.e. if it is uttered by the criminal himself. It is established that a person in his normal senses then that will be enough evidence.

Circumstantial evidence is also accepted by some scholars but in a limited cases for instance if unmarried woman is found pregnant, it is enough evidence to tell that she committed fornication. Circumstantial evidence also some Imams are on the view that smelling of a mouth over suspected drunkard, it is enough evidence that a person committed the crime.

The judges personal observation can also be used as evidence but on isolated cases with a clear link with other evidences given like a medical report or a police investigation report. The punishment should be administered in public for others in society to learn from the administered punishment.

The punishment administered should be equal to the crime. It shouldn't be too big punishment for a small crime deed and it shouldn't be too small for a big crime committed.

“Remember that the recompose of an injury is an injury. The like there of but whoever forgives there by brings an improvement his reward is from Allah.”

Ta'ziir should also correspond to status of the offender of course depending on the gravity of the crime i.e. if different people's different status. For example;

Announcing the crime committed publically in the case of a noble or a popular person in the society.

Imprisonment for the case of a middle class or at times can also work.

For a leader it can be inform of admonition.

For an ordinary person, any form of punishment can be administered including caining.

The one administering the punishment should make sure that the criminal feels the punishment and therefore looks for the way of reforming.

KINDS OF TA'ZIIR PUNISHMENT/ TYPES OF TA'ZIIR PUNISHMENT

The judge or anybody in authority is expected to use his knowledge and experience to determine the nature of the punishment depending on the gravity of the crime and the status of the individual. However, the following are recommended types of punishments that can be administered under Ta'ziir.

Admonition (Al-Wazzi)

It means reminding a person who has committed a crime that he/she has done something unlawful and the Quran advocates that. Quran 4:44 says,

“...and as for those one who part you fear disobedience, admonish them/ remind them...”

The verse describes admonition as the first stage and dealing with some people when starting committing certain crimes e.g. be given to disobedient women of wives in marriage.

Reprimanding (Al-Tawabkh)

This refers to blaming someone formally using strong words. Such punishments should be through any word or act which is sufficient enough to serve the purpose.

Threat (Al-Dah-di)

This is a Ta'ziir penalty in which an offender may be forced to change his behavior for the better out of fear of punishment. In this case, should be threatened with a punishment and he will be called upon to commit himself in writing i.e. in case he commits a crime or does what he has done again, the punishment may be administered.

Boycott (Al-hajr)

This form of Ta'ziir punishment where people will refuse to deal with a person who has committed a crime (people to isolate the person). Boycott as a Ta'ziir punishment is recommended by Quran 4:34 says,

“...and as for those who par in fear of disobedience, admonish and keep away from them...”

It is reported that at one time caliph Umar used a punishment to a man who used to ask and discuss about difficult towards in the Quran in order to confuse the people.

Public disclosure (Al-Tashiir)

This is where the offender is publically disclosed to the people.

Some scholars advocate for more serious forms of disclosure and they advocate for the judge to appoint people to take the criminal in different villages or towns and announcing his crime. This punishment is recommended for the well-known people to the public. In the modern life, the public disclosure can easily be done

through trace print, media or through electronic media e.g. radios and whatsapp.

Use of fines and confiscation of property. This involves the person administering the punishment listing the crimes and their fines as there may be acquired to apply by the court to law. However, this punishment has got a lot of criticism and at times unjust rulers or judges use it to take the offender's money or property.

Imprisonment (Al-Habsi)

This is a very common punishment under Ta'ziir which should be administered depending on the gravity of the crime. The judge and his experience is left to determine the time or period in which the criminal is to be imprisoned. According to Imam Shafie, a person imprisoned maximum should be for one month while doing investigations. Also that of any punishment, six months should be left to be a minimum from which a person should be imprisoned. Otherwise, crimes which call for a shorter period of time should be punished with a lighter punishment. According to Imam Shafie, imprisonment should be administered for the purpose of making someone reformed.

Jald (flogging)

This is a recommended form of punishment which was used even by the 4 rightly guided caliphs. However, the Imams of the Sunni schools of law differed on the maximum number of strokes that should be administered under Ta'ziir.

According to some followers of Imam Hambal, flogging under Ta'ziir should not exceed 100 lashes. But to Imam Malik there is no problem. Flogging under Ta'ziir may exceed hudud.

Death penalty

This is a hard punishment imposed on serious cases. However, the Islamic schools of law mentioned some exceptional circumstances when death penalty can be administered as a punishment. According to Imam Abu-Hanifa, death penalty can be administered as a crime under Ta'ziir like Habitual homosexual, theft, who attach people's homes with dangerous weapons. Imam Malik outlines the following cases;

One who spies for enemies of Islam.

The propagation of habitual/ controversial differences as opposed to the orthodox doctrines.

If one indulges in practices that aim at disunity, the Muslims or separating the Muslim community.

Sometimes the criminal may be a habitual offender and all punishment have failed in him.

THE SINFUL ACTS IN ISLAM

A sin means the breaking of a religious law or doing anything against religious morality. It is also taken to refer to an act of man that may violet teaching of God and which will be done and annoy Almighty God e.g. murder, fornication and adultery, magic, etc.

In Islam, the concept of sin has been discussed in a number of ways.

In Islam a sin is not inherited but acquired. This is opposed to the common Christian teachings that man inherited a sin of Adam and Eve. Quran 30:30 says,

“Let you face the service of religion steadily and follow the nature made by God. The nature according to which has fashioned mankind, there is no alternative creation of Allah.”

In this case, a man is born in a state of purity but it is the environment that corrupts him with ideas and beliefs that subsequently make.....

Islam does not put the origin of sin on Eve but both Eve and Adam. Quran 2:35-36 says,

“We have said or Adam dwell thou and thy wife in the garden and it is of the beautiful things there is as you want but approach not this tree as they will land into Haram and disagrations. The Satan made them to sleep and take them out of the state in which they had been.”

In Islam, if one commits a sin and repents or real sense of repentance i.e. (Taubatu-Nasuuha) he can be forgiven i.e. if one repents and he does not repeat the act, he is forgiven. Quran 2:35-37 says,

“Then Adam learnt from his lord certain words of prayer let he turn towards him with mercy.”

Also Quran 4:106

“And ask for your forgiveness of Allah surely, Allah is the most forgiving and most merciful.”

Also Quran 7:32 says,

“They said our lord! We have wronged ourselves and if you forgive us not and bestow not upon us your mercy, we shall certainly be the losers.”

No sin/ crime can be hidden from God. Quran 2:100 says,

“They may hide their crimes from man but cannot hide them from Allah, he is present with them when they plot at night about matters which do not approve them and Allah encompasses what they do or say.”

According to Islam, it is not a sin that man isn't perfect and this is part of his nature as a creative. Therefore, to commit a sin is a minor fault but it is not as much as one who commits a grave sin. However, a sin from man or a person who has a means to effect or not to do so or choose. Therefore, according to Islam,

- a) Sin is something wrong done deliberately
- b) Violates right of man
- c) Defied the unquestionable laws of God.
- d) If committed repeatedly without repentance
- e) A sin is something which is shameful both on the body and soul.
- f) A sin is normally avoidable

CLASSIFICATION OF SINS IN ISLAM

Sins are generally of two kinds or categories i.e. minor and major sins (grave sins). This classification of minor or major sins is in Quran 53:32 which says,

“And those who avoid all grave sins and all indecencies except minor faults. Verily your God is the most forgiving.”

According to this verse, there are grave sins that carry heavy punishment and God defines them as grave sins. There are also major sins which Quran refers to as the minor faults.

MINOR FAULTS

The Quran refers to them as minor faults because of the following characteristics. They are committed in several cases by someone without the intention of doing so e.g. giriny.

Once it is committed one can be forgiven by performing as regular religious obligation e.g. Sunna ablution.

Minor sins can also be committed without one's minor weaknesses.

MAJOR SINS

These are sins which must be totally avoided and the Quran is referring to them as grave sins because of the following characteristics.

They carry heavy punishments some of which are administered here on this material world and others in the hereafter or both.

The grave sins are normally committed with one's intention and in most cases one has full knowledge over this sin.

These major sins are normally defined in the Quran and hadith.

These major sins can't be forgiven unless one repents on the biggest sense of repentance.

Quran talks about a number of grave sins and some of them are as follows;

- Polytheism (shirik)
- Murder (Qatil)
- Adultery and fornication (zina)
- Usury (Riba)
- Disobeying and disowning parents
- Magic (sahir)
- Taking wine
- Grabbing, misuse of orphan's property
- Launching chasty women

Much as these are all grave sins, Quran has classified them further making shirik to be the greatest, murder and thirdly zina. Quran 25-68 says,

“And those who invoke not other than God nor slay a person.”

MURDER

Murder is one of the greatest sins in Islam and it involves taking away someone's life intentionally or unintentionally. It is important to note that whatever applied to the crime of murder likewise applies to the committing of suicide. Whoever kills himself, is like someone who has killed another person. Quran 4:29 says,

“Do not kill yourself indeed, Allah is the most merciful to you.”

Also Quran 17:33 says,

God forbids taking of life except for a just cause and do not kill anyone whose killing Allah has forbidden except for a just cause and whoever is killed wrongfully;

“do not kill anyone whose killing Allah has been forbidden except for a just cause and whoever is killed wrongfully, intentionally with hostility and oppression and not by mistake, we have given his heir authority to demand Qisas (the law of equality) of to forgive or to take blood money.”

Quran 6:51 says,

“...take not life which Allah has made sacred except by way of just or Islamic law.”

WHY MURDER IS CONSIDERED TO BE A GRAVE SIN

God created man and he is the only one with the power to take that life therefore whoever takes away that life is committing a grave sin.

God made man's life sacred and should be respected and it is a wright of everybody to live without other people violating that life as per Quran 17:33. Killing someone has a negative social effect simply because it brings about misery to the family of the deceased.

Murder is a very big sin which carries one of the biggest punishments in Islamic law as speculated in Quran 2:178,

“Oh you who believe, the law of equality in punishment al-qisas is prescribed for you in case of murder, free for free, slave for the slave and the female for female but if the killer is forgiven by the brother the killing against blood money then adhering to it with fairness and payment of blood money to heir should be made in fairness.”

Murder distabilises the society at it may cause chaos misunderstanding between different families and it will also lead to unnecessary revenge which can be passed on from one generation to another.

Quran forbids killing of children because of poverty which was a practice of pre-Islamic Arabs as per Quran 17:31,

“And do not kill you children for fear of poverty. We shall provide for them as well as for you. Surely, the killing of them is a grave sin.”

Murder constitutes an act of disobedience to one person the will be disobeying the Quran 17:33, 6:151

Murder especially in form of suicide if not checked it can erode the human attribute of being able to cope up with difficult situations and are part of being patient and perseverance.

Murder is forbidden and Islamic leadership is expected to protect all the people and make sure that no body is killed. According to prophet Muhammad PBUH Islam forbids the killing of the non-Muslims who are under the protection of an Islamic state the prophet said,

“Anyone who kills a person among the people, with whom there is a treaty will not smell the fragrance of Jannah (paradise) although its fragrance pitches a walkable distance of 40 years.”