

Legal Implication of the Tradition Regarding Prophet's Abstinence from the Reconstruction of *Ka'bah*

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ABSTRACT

This paper examines the tradition reported by ‘Aishah (RA), the mother of the faithful, regarding the Prophet's preference of avoiding reconstruction of *Ka'bah* on the original plan of Prophet Ibrāhim (AS). The writer provides necessary details of this report and proceeds to examine the legal implications of this tradition. He cites the relevant views of the early and later jurists and concludes that the principle of taking into consideration the possible misperceptions among people, as inferred from this tradition, is not applicable without limits. Rather, the writer asserts, this principle has been qualified by a number of conditions identified in the injunctions of the *Sharī‘ah*. The foremost condition is that this principle could only be applied in the category of *mustahabbāt* (acts recommended by the *Sharī‘ah*) but never in the category of *wājibāt* (obligatory acts). Even in the former category, its application is subject to many conditions, as the writer elaborates.

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Tolerance of Muslims Toward Conquered Christians: 'Umar's Conquest of Palestine as Model

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ABSTRACT

This paper throws light on the generosity of Muslims' treatment with conquered Christians following the conquest of Palestine in the reign of 'Umar (RA), the second Caliph. The writer narrates the events prior and subsequent to this historic conquest in the year 15 AH and proceeds to underline the ethical conduct of the Muslim armies. This narration is followed by an analysis of the historic charter of rights and obligations issued by 'Umar (RA) to the people of Palestine on the occasion of his visit to Palestine to finalize the terms of peace in response to the Christians' demand. The writer provides evidence from Muslim and Christian sources of history to establish the highest standards of fair treatment and clemency set by the Muslims under the leadership of 'Umar (RA).

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Essence of *Ribā* in the Definitions of Ḥanafī Jurists

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ABSTRACT

In this paper, the writer discusses the definitions of *ribā* found in the classical works of Ḥanafī Jurists. After duly analyzing these definitions, the writer makes a rebuttal of those modern writers who tried to limit the scope of *ribā* to certain forms on the basis of their narrow perception of some definitions found in the Ḥanafī sources of jurisprudence. The writer explains the position of those jurists whose definitions were either limited to transactions of sale or loan/debt etc. According to the elaborate discussions by the writer, these apparently limited definitions were specific to the context of the discussion. Hence these appeared to limit the scope of the definition of *ribā*. The writer establishes on the basis of the relevant sources of Ḥanafī jurisprudence that their conception of *ribā* included all its known forms and its prohibition extended to them equally.

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Divergence of Opinions on the Nature of the Permissible: A Textual Study

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ABSTRACT

All rules of the *Shari'ah* in general and permissible in particular occupy a prominent position in Islamic jurisprudence. The category of the permissible (*mubāḥ*) has been discussed in many disciplines of the Islamic literature such as jurisprudence, scholasticism and legal maxims. A number of schools from the main stream, *mu'tazila* and *khaṭwārij* have differed on its nature and interpretation in their respective discourses as to whether the permissible is *ḥukm shar'i* or is it even a *ḥukm*? What about *ḥusn* and *qubḥ* of *mubāḥ*, whether the original rule for all things was permissibility? Those who are not familiar with the principles of Islamic jurisprudence are often confused by such disagreements.

This paper tries to investigate the nature and causes of the afore-mentioned diversity in the light of the original texts and its practical implications. It is a modest attempt to identify the areas of disagreement and to explain the existing difference of opinion in an analytical way.

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Divergence between Inter-textuality and Qur'ānic *al-Iqtiṣāṣ*

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ABSTRACT

Scholars of the Qur'ān have employed the term *al-Iqtiṣāṣ* to show mutual link between the stories recurring in various contexts in different chapters of the Qur'ān. The writer has explained the significance of this term for studying thematic coherence in the Qur'ān. He then examines the term inter-textuality coined by Julia Kristeva and employed by many contemporary critics in their analyses of different texts. The writer explains the vast differences found between the two terms rejecting the stance of those who have superficially tried to equate the two.

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