

Usama Bin Zaid to recommend her case to the Holy Prophet, who held Usama very dear, to save the woman from being subjected to the physical punishment of hand i.e., the cutting of hand, as the honour of the tribe was at stake, if the woman was subjected to that punishment. On Usama's intervention the Holy Prophet said in anger, " Would you intervene in the punishment prescribed by Allah"? Then he turned to the Muslims declaring, "What has been the cause of the downfall of nations before you, is that when a thief of noble origin was caught, he was allowed to go scot free without punishment, where as a thief of humble origin was subjected to punishment. I swear by Allah that if Fatima, daughter of Muhammad, committed a theft, I would have had her hand cut off." This tradition furnishes a significant instance of the application of the rule of equality before law in Islam even to the Prophet himself and to his family which demonstrates fully the truth of the concept of equality in Islam irrespective of caste, creed or colour.

### **Incidents from Caliph 'Umar's Days**

To quote three other incidents out of many of the days of the Caliph 'Umar, as reported, his own son was charged with taking liquor, the Caliph 'Umar not only awarded hadd punishment but personally lashed him with his own hand.

The other incident is that of 'Amr Bin Al- Aas, the then Governor of Egypt.. 'Amr Bin Al-Aas, came to Medina, the Capital, on his annual State-visit, A man stood up from the assembly and accused the Governor of whipping him without just cause. The Caliph 'Umar on making spot enquiry, ordered that the said man would lash the Governor with equal number of stripes, and so ordered the Governor to come out and stand up and be ready for the Qisas, The, some of the persons present at the occasion persuaded that man to forego the Qisas (retaliation ) and accept Diyat, the monetary compensation for the unlawful injury caused to him by the Governor,

The third incident relates to Jablah, the chief of his tribe, a convert from Christianity to Islam, During tawaf (Circumambulation ) of the Holy Ka'bah at Mecca, a corner of his shawl came accidentally under the foot of an Arab villager, Jablah, in anger, slapped on his face and broke his tooth, The caliph 'Umar permitted the villager to take his Qisas from him i.e., slapping on the face of Jablah and breaking his tooth, and ordered Jablah to submit in Qisas (retaliation) to the villager, Jablah took it as an insult to him and fled the Islamic domain and turned back with his tribe to Christianity . The caliph 'umar accepted Jablah's leaving the country and his turning back to Christianity, but did not concede to rescind his order of Qisas. (Thinkio Dawn Birmingham)

Islam lays the foundation stone of brotherhood when Allah calls it a favour on Muslims while He says:

"And hold fast all together by the Rope which Allah stretches out for you and be not divided among yourselves; and remember with gratitude Allah's favour on you; for ye were enemies and He joined your hearts in love, so that by His Grace, ye became brother; and you were on the brink of the Pit of fire and He saved you from it." (13:103)

This message of love and brotherhood was emphasised by the Holy Prophet in his teachings. He said, " Muslims are like bricks of a wall, when joint they become a solid cemented structure." At one time the Holy Prophet interlocked his fingers of both the hands and said that Muslims were one another's brothers like this. He also gave another example of Muslim brotherhood by saying: Muslims are like a body; if one part of the body feels pain, the other parts of the body do not remain unaffected; they also feel pain. Same is the case with Muslims. If one Muslim feels pain, all others do feel its pinch."

This principle of brotherhood cut through the tribal ties and old blood kinship in as much as that in the holy wars during the days of the Holy Prophet, father fought against the son and brother stood up against the brother, Islam establishes a new relationship of brotherhood between Muslims on ethico-religious foundations based on Islam itself, which is most valuable and supersedes all other relationship based on narrow concepts of race, caste , creed or colour, All the members of the Islamic society, therefor, are equal and possess equal rights, regardless of race or tribe. The sloe basis of respect of precedence is, in the words of the Holy Qur'an

"Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you." (49:13)

### **Equality before law.**

In the eyes of Islam therefore, every person is equal. Every one has equal right to seek his redress of one's wrong through a Court of Law. Everyone has got equal right of protection of his life, property and honour. Islam proclaims equal treatment at law, irrespective of one's status or position in life. Even the Ruler has no exemption, unlike the Western theory, form appearance before a Court of Law. The Caliph ' Umar in a case filed against him appeared personally before the judge along with the claimant who was a Jew, and such also happened with ' Ali, the fourth Caliph of Islam.

An incident is reported by Al-Bukhari in his famous work on Hadith, Al-Sahih, that in Medina a woman of the Banu Makhazum tribe committed a theft, The elders of this powerful tribe prevailed on

## LOVE, BROTHERHOOD & EQUALITY IN ISLAM

By Justice Dr. Tanzilur Rahman

Islam, in its very essence is a religion of love, brotherhood and equality providing a meaningful sanction for them in all its teachings. It proclaims that love is fundamentally for Allah, the Creator of the whole Universe.

The Qur'an declares,

" But those of Faith are overflowing in their love for Allah" -the Absolute God (11:165). Islam, therefore, upholds love for the moral good which exhibits itself in two directions, namely, love for one's self and love for His creatures, our fellow-beings; but both the directions lead towards one goal i.e., love to attain good for the whole Universe, with out any personal motivation.

Love in Islam, therefore, leads to the conscious appreciation of good and a hatred of evil, but not the evil-doer, In its view of love for one's own self it is to equip one self with the good qualities of head and heart. And love for fellow-beings requires "patience and self-restraint" (41:35);

"forgiveness and mercy" (24:222) for others enjoining "deeds of kindness and compassion" (90:17); doing good and abstaining from evil to others in every possible way and "Then will he between whom and thee was hatred become as it were thy friend and intimate." (41:34). Actually it is love which forms the basis of all wholesome human activities. The Holy Prophet has prescribed a measure for it, When he says: "Desire the same thing for others which you desire for yourself." There is another saying of the Holy Prophet, " None of you can have (real) belief (in Islam) until he loves for his brother what he loves for himself". Islam stands for preferring the good of others to one's own self, as is clearly mentioned in the Holy Qur'an as under:

"But those who, before them had homes (in Medina) and had adopted the Faith, show their affection to such as came to them for refuge, and entertain no desire in their hearts for things given to the (latter), but give them preference over themselves, even though poverty was their (own lot). And those saved from the covetousness of their own souls, they are the one that achieve prosperity."

### Brotherhood

Islam, according to the saying of the Holy Prophet divides the whole community of the world into two Sections: One of those who are Believers and the other are of those who are infidels. It, then, Preaches brotherhood for the Believers (Islam). The Holy Qur'an declares:

" the Believers are but a Single Brotherhood" (49:10)