**JINJA JOINT EXAMINATIONS BOARD**

**MOCK EXAMINATIONS 2019**

**IRE P235/2**

**MARKING GUIDE**

# **SECTION A**

# **1 a)Account for the collection of Hadith by the Tabiens after the death of the Prophet.**

* The Tabiens were motivated by the following factors;
* The importance of Hadith in the propagation of Islam.
* The need to provide solutions to the daily problems.
* The need to hold the prophet’s position.
* The need to explain the Quran.
* Death of the companions of the prophet who had memorized the Hadith.
* Need to administer in accordance with example of the prophet.
* The need to protect the hadith from forgery.
* The need to preserve the hadith for prosperity.

8x1+1

**(b) Explain the characteristics of the early compilations of Hadith.**

* The following are the characteristics of the easily compilations of hadith.
* They were not orderly compared to the late compilations.
* They were not chaptalized so it was not easy to look for the exact information needed.
* They never had introductions compared to the way later scholar did.
* They were not exhaustive i.e. before covering traditions on a particular issue, then a compiler would switch to another aspect.
* They had many acrtivities hadith being mixed with un authentic hadith.
* There were also a number of hadith which had Brocken chains of narrators.
* They also had an inclination on the centre where the compiler studied e.g. Al-muwattwe of Imam Malik had an inclination on Madina.
* Unlike the later works, which were so organized with even tables of contents, early compilations were not.
* They were not user friendly e.g. Laymen could not easily refer to them.
* They also had a mixture of opinions of the four rightly guided caliphs.

8x1

2. Examine the methods adopted by Imam Bukhar in compiling Sahih work of Hadith. (25 marks)

* His full names were Abdallah Muhammad bin ismail bin Ibrahim bin mughira bin Baidan salaam al Bukhar
* He was born on a Friday 13th shawwal in 194AH (807AD) at a place called Bukhara,he was thus nicknamed Bukhar.
* His father ismail was a scholar of Hadith who studied the subject under very famous scholars e.g. Malik bin Anas
* His father died while he was a young man, with considerable fortune i.e. a strong intellect, sharp memory and devotion to learning
* He begun the study of hadith at a very tender age and memorized many sayings of the holy prophet Muhammad (P.B.U.H)
* He made pilgrimage to makka, after which he made a journey for the collection of hadith
* He memorized the books of Ibn Mubarak and also learnt the biographies of all the narrators who took part in transmission of any Hadith, their places and dates of birth
* He travelled for nearly 40 years in quest for knowledge in the different parts by going to the traditionalists and the learned men
* At the age of 18 years, he wrote his first book on the subject of the prophets companions and their immediate successors and later a book on history
* In the compilation of his works, it took him 16 years, he made the frame work in mekka and the final draft in madina
* He compiled more than 22 works among which sahihi bukhar was the most famous
* He frequently held discussions with imam ahmed bin Hambal in around 855AD the founder of Hambal school of law
* He critically looked at and evaluated the works of early scholars
* He collected almost half a million hadith
* He always performed ablution before he embarked on hadith work
* He was unquestionable distincition of being the first to compile an authentic book and working as an example to others.
* He is considered to be the most reliable and original of all collections of hadith
* He was the most critical of all, he selected nearly 2602 out of 600,000 Hadith which he collected and memorized 220,000 of them
* He recorded each hadith offer a careful scrutiny with an explanation as his own
* He did not accept any hadith unless all the narrators were reliable
* He also made sure that reporters must have met and not an issue of being contemporaries.
* His works were exposed for public comments
* He headed his chapters with a quotation from the Holy Qur’an.
* His work was organised in chapters headed by a portion of hadith
* He took the initiative to study the biographics of early compilers and collectors e.g. he studied 118 biographics and confessed that 80 were true
* After getting satisfied with every hadith, he performed two rakahs of a prayer to seek God’s guidance
* Bukhar did not record a hadith reported by his rivals though many reported from him
* He travelled to many places in search of hadith
* He died in 869 AD at the age of 62 (265 AH) in a small town near samakand, Tadzhikistan presently southern part of Russia.

**1½ x 16 + 1**

3. Analyze the contribution of Imaam Abu Dauda to the development of the science of Hadith

* His full name was Abu Dawuda Sulaiman Bin Al Ashah Al Azdi Al Sijistani
* He was born in 202 AH
* He studied and mastered Quran, Hadith and Arabic language at an early age
* He travelled extensively to study Hadith

**His contribution included the following:**

* **He wrote many books on Hadith** and Islamic law e.g Al Murail Al Niska Wal Mansukh
* Organized his work into chapters e.g Tareh, Salat,, Zakat etc
* He was critical in selecting Hadith collected 500,000 and compiled only 4800
* In each chapter he placed not more than two Hadith to avoid repetition
* He pointed out many weak Hadith to enable readers know when to use them
* To him a weak Hadith was better than personal opinion of a scholar.
* His book Sunnan Abu Dauda is one of the best and more comprehensive on the subject of the legal hadith
* He taught many people who also taught Hadith to others
* His work was widely circulated in the author’s life time
* Prominent jurist and traditionalists accepted his work and ranked it next to that of Bukhari and Muslim in terms of authenticity
* He classified Hadith as sahih lighatih and lighairih

4. Examine the conditions which a hadith must satisfy in order to be considered sahih

* Hadith refeers to sayings practices and silent approvals of prophet Muhammad(pbuh)
* Sahih hadith refers to the most sound or authentic clan of hadith
* The following conditions should be satisfied for a hadith to be considered sahih
* It must agree with the teachings of the quran
* It must have come from reliable reporters with the memorizing capacity above 80%
* It must contain consistent narrators at every stage
* It must have a complete chain of narrators traced up to the prophet
* It must not have conformed as weak or forged by a narrator
* It must not have been reported by a narrator whose character is doubtable eg a liar
* It must have been verified by muhaditheen as authentic
* It should not contain any reversion in the arrangement of their names of reporters nor the authority
* It must not contain hypocritical or selfish motives of the reporters
* Its content must not contradict with historical facts of Islam
* Its content must have been clear without any antiquity
* It must not have contradicted with logic or common sense.
* It should not have been exaggerative
* The text of hadith must not have been miscopied or missing some content
* Its narrator must have met at a certain stage in the chain
* Its narrators must have been present at the time he claims to have heard it being said or silently approved
* Its reporters should not have come from groups eg shia, mutazilite.
* It must have been linguistically correct

**5. Examine the intentional and un intentional factors for the fabrication of hadith.**

* Hadith refers to the sayings, actions and the silent approvals of prophet. Muhammad (pbuh) which had religious bearing.
* Fabrication refers to attributing wrong information to the prophet in form of words, actions and silent approvals.
* The practice emerged after the death of the prophet Mohammed (pbuh).
* It is true that some of the fabricators of the Hadith did it intentionally while others did not do it intentionally

**Below are the intentional factors for the fabrication of the Hadith;**

* Struggle for leadership attracted many people to forge Hadith between Umayyads and the Abbasids plus the Shias
* Theological differences especially between the Kharijites, Mutazililes and Asharites
* Tribalism and racism also led to the fabrication of many traditions especially between the Arabs and the Persians.
* Existence of hypocrites in the Muslim community saw a number of fabricated Hadith.
* Need to get popularity from leaders eg supporters of Imam Abu Hanifah.
* Many preachers forged the Hadith in order to emphasize the certain aspects and convince their congregations.

**On the other hand, the un intentional factors include;**

* Those who contributed a wrong Isnad to a well-known hadith.
* Mistakes made by the pious men who did not focus so much on the study of the hadith and reported hadith from time to time
* Many hadith were forged as a result of mixing information eg hadith learned from teacher and that got from students
* Maturity without record. Those who learnt hadith at an early age and did not write them at an old age they could not remember exactly what they learnt.
* Weak / poor memorizing capacity also contributed to many fabrications
* Other Hadith were forged as a result of guess work.

**6.Discuss the features that distinguish Hadith Qudusi from Prophetic Hadith.**

* Hadith qudusi are Allah’s words uttered by prophet Muhammad (Pbuh) but they are not part of the holy Quran.
* Prophetic traditions on the other hand, one words/sayings, practices/acbtions and silent approvals of prophet Muhammad (Pbuh).
* Hadith qudusi and prophetic traditions are distinguished by the following features.
* Where ashadithilqudusi begin with the phrase; the prophet said that Allah said “……………..”, prophetic traditions begin with the phrase the prophet said “………..”.
* Whereas the meaning and wording of prophetic traditions are from the prophet, with hadithilqudusi the meaning is from Allah, while wording from prophet (Pbuh).
* Whereas majority of hadithilqudusi fall under Ahed category of hadith, majority of prophetic tradition fact under mutwaatul.
* Wherever majority of hadithilqudusi talk about good deeds, prophetic traditions are general.
* Whereas hadithilqudusi are generally few in number (about 400), prophetic traditions are many in number.
* Whereas hadithulqudusi are so elaborate that they do not need further interpretation, some prophetic traditions may require interpretation.
* Whereas prophetic traditions involve practices and silent approvals of the prophet (Pbuh), hadithilqudusi do not.
* Whereas hadithilqudusi cannot early be forged prophetic traditions are easily forged.
* Whereas hadithilqudusi do not required strict evaluation procedures, prophetic traditions, under go it.
* Whereas prophetic traditions can equally be regarded as Sunna, it is not the one with hadithilqudusi.
* Whereas majority of hadithilqudusi drawn spiritual issues, it is not the case with prophetic traditions.
* Whereas hadithilqudusi are not classified, prophetic traditions can be classified into various categories.
* Whereas hadithilqudusi can abrogate prophetic traditions, prophetic traditions cannot abrogate hadithilqudusi.

12x2+1

**SECTION B**

**7 .Account for the development of Islamic Law (Sharia).**

* The following are the factors for the development of Islamic land (sharia)
* Death of prophetic Muhammad (Pbuh)
* Transfer of the Muslims capital from medicine to Kufar and these after Damascus and finally baghdad during the Abbasid time.
* Influence of different foreign cultures e.g. Shafie started his schools of thought – Baghdad and a different one in Egypt.
* Emergence of the Sunni school of law e.g. Hanifite, Malikite etc. with their varying laws and teachings.
* Development of Tafsir schools and conditions put forward for a mufassir (1mk prefer)
* Emergence and development of nationalism
* The systematic recording, collection and compilation of hadith made laws to be put in proper order for legal reference.
* Transaction of greek works into Arabic by Muslims philosophies e.g. IbnSinaAvicina.
* Emergence and development of the science of hadith (Usuule hadith)
* The rise of surnism and hereditary sects in Islam.
* The attempt by Imam Malik and Imam Shafic to codify the law
* Influence of the legal classification of acts.12x2x1
* **8.Discuss the factors that limit the use of Ijma as a source of law.**
* Ijma refers to an agreement /consensus/opinion reached or decision taken by the learned Muslim jurists on various Islamic matters at particular periods after the prophet’s death
* Ijma is the third primary source of Islamic law
* Ijma is sound because of the following Quranic injunctions q4:59 where Allah said, ‘’ obey Allah and his messenger and those in authority…’’
* The use of Ijma as a source of law can be limited by the following factors:
* It generated debate among scholars e.g. the malikites believe in the use of Ijma from the scholars of medina yet not all people fully believe in malik’s school, hence creating a negative attitude towards Ijma of medina scholar
* Some scholars consider the agreement of the four orthodox caliphs as the only useful and binding Ijma on legal matters excluding jurists which makes the use of Ijma more of a myth than a reality
* Other jurists followed fatwas/opinions/decisions of the companions as genuine ijma yet some of these fatwas cannot practically be applied given the current situation
* The shiates believe that ijma can only be practiced by people from the house of the prophet yet majority of jurists may not be related to the prophet
* According to the hambalites, an Ijma is not binding if reached more than one generation after the prophet’s death as it is almost impossible to express agreement of every single a vilified jurists hence a limitation to the application of Ijma
* The Hanafi school considers the silence of jurists with regard to vacal expression of a particular opinion or effective Ijma but sometimes silence does not give the time mind of the person and therefore not reliable in the judgement of authority
* The qualification of members who contribute a group of Ijma is still controversial. Some consider age and others knowledge whereas some companions disqualified ibin Abas for being young , Umar disqualified him because of the knowledge which disagreement hindered the application of Ijma
* Ijma involves both silent and pronounced decisions however, which of the two carriers more weight, what about when one of the two was from caliphs/companions and the other from jurists
* The four conditions for Ijma also makes it wage difficult. These are having majority of jurists of a particular time, all jurists to agree o the decision of their races or places of origin, each jurist to present his matter before the final jurist and all must agree on the decision taken before application
* It is after the above conditions they ruling becomes authorities and part of sacred law which must be obeyed. The jurists of today cannot easily come up with such decision s without any bias based on origin , races, rank or status because all the above conditions cannot be realized at ago
* Existence of sects make the use of Ijma difficult though q4:59 command the subjects to obey authorities, a number of Muslims go against it due to origin of sects that turn against their desires
* The presence of secular law which normally opposes the desire laws, cannot spare Ijma to be used as a source of law
* Its wage can be hindered by the current political leaders in the community especially when it is against their needs
* Lack of enough skilled manpower to sensitize people about the use of Ijma
* The negative attitude from the masses concerning the use of religion s laws which normally involves members from the Muslim side
* The use of Ijma is opposed by the existence of other religious dominions in interpretation of Islamic law. Therefore the western world cannot spare Ijma from being branded as a law for fundamentalists and terrorists
* Some scholars argue that consensus of the ulama must be based on the Allah, the instructions of the prophet (qual) and practical demonstrations
* Due to so many controversies, the use of Ijma is still a myth though the fact remains that it is a valid source of Islamic law supported by both Quran and hadith
* Existence of different cultures and customs
* Difference in age
* Different attitudes or perspections based on
* **9. Assess the role of Imam Ahmed bin Hambal to the growth of jurisprudence.**
* Ahmed bin hambal known as Hamal was born in the city of Bagdad in 780 AD/164AD
* His father who was a warrior lived in Basrah in Iraq. He died when Hambal was still young.
* Ahmed bin hambal was brought up by his mother called Safiyah bint maimunah bint Malik al Shaibani
* He began his early study of hadith literature in 179 AH when he was 16 years’ old
* He travelled extensively through Iraq, Syria Arabia, etc. studying religion and collecting traditions of the prophet.
* He studied from Imam Muhammad al Shafic, Bashir bin al mufaddal, Ismail bin Ulayyah bin said etc.
* Imam Shafic had great respect for Ahmed bin hambal because of the sincerity of purpose and scholarship.
* Whenever Shafic had difficulty with the hadith, he would refer to Ahmed.
* He hated politics and refused the post of Qadh given to him by caliph Haruna al Rashid
* He was imprisoned by caliph for challenging his religious authority of caliph haruna
* He disagreed with the Mutazilites on the issue of creation of the Quran which earned him several punishments and imprisonment but he did not change his belief.
* Among the work of hambal is the great encyclopedia of traditions called Musnad which was compiled by his son from his lectures.
* The encyclopedia contains over 28000 hadith
* His other work includes Kitab al salat on the tradition of the prophet.
* Hambal rejected human reasoning in any form as a source of law.
* He insisted that each and every legal rule could either be found in the Quran or hadith.
* He even refused to eat water melon due to lack of any prophetic president on the subject.
* In the 18th century the hambal system received a lot of support from the Wahab movement founded by Mohammed bin Abdul Wahab.
* Imam Ahmed bin hambal died in Bagdad in 855AD at the age of 75years.
* **10. Examine the teaching of Islam about the concept of sin.**
* Sin means breaking a religious law or breaking a memorial principle through a willful act done voluntarily.
* Man was created pure and born pure. It is the weakness of soul or influence or Satan that makes man commit sin.
* At the very beginning of creation, god continued never to disobey the creator
* Allah sent messengers and prophets plus the holy books to guide man against sins.
* When Allah created Adam and Hawa and told them to live in paradise. he gave them limited commandments.
* They were supposed to eat and drink save a particular tree which would cause harm
* Because of freedom given, the couple had to choose whether to obey or disobey and this s the origin of sin in Islam.
* After creation, Allah (laughter) him the names of all things on earth. He asked angels to name them and failed when Adam did it.
* He told angels to prostrate Adam.
* All the angels obey except one (Satan) Allah cursed him to hell fire.
* Satan pleaded with god to keep him on earth and test the faith of man in God.
* This was yet another problem which could cause man to sin in addition to free will.
* When prophet Adam and his wife fell victims of Satan‘s trap, they sought for Allah’s forgiveness and Allah forgave them.
* Quran rejects the theory of sin being inherited by man
* Since Adam and hawa were forgiveness, their sin could not be passed on to the generations to come.
* Sins in Islam are categorized into major and minor

**NB:**

* Not inherited
* Can’t be hidden from God.
* Both Adam and hawa were responsible for their actions.
* A sin can be forgiven with sincere repentance.
* Quran categorizes sin into grave and minor sins.
* Doers of sin will be punished with an earth or here after.
* Sin can be avoided.
* Quran indicates Hudud tanzir punishments for sinners

**11.Why is Riba still practiced by many Muslims in Uganda?**

* Riba is defined as excess or additions charged over and above the principle amount of cash rent. It can also be charged on commodities many Muslims do not keep away from it. The cause of Riba includes:
* Lack of Islamic financial institution that can give interest free loans
* Poverty which continues to torture people forces Muslims to take Riba
* Need to get access to money for survival by some muslins leads to interest/Riba
* Lack of faith among many Muslims, they practice it with no fear
* Deliberate government policy to charge people to earn an income
* Ignorance of principles of Riba by many Muslims
* Influence of the western world with an aim to exploit Muslims
* Desire for worldly pleasure by many Muslims force them to ask for money with interests
* Desire for rich to exploit the poor by charging them extra
* Need to establish social and economic class by some Muslims
* Excess bargaining leads to Riba
* Lack of experts to give interest free loans
* Existence of inflation and desire to consider the value for money 12x2+1

**12. Discuss the challenges to the application of the Sharia in the wake of the current fight against Islamic fundamentalism.**

* Sharia is a law based on Islamic principles. It covers all aspects of life, with Quran, hadith, Ijma, Qiyas and lie as its sources. The challenges to its applications include:
* Existence of illegal governments which fears to be over throw by Muslim fundamentalists
* Lack of strong opposition to challenge leaders who do not advocate for charges
* Absence of cadies to implement Islamic laws since all good students study sciences
* Modernity that has taken over almost all minority and majority Muslims states yet it opposes Sharia
* Western world influence with an aim to control Muslim states where Sharia can be applied
* Desire for personal prosperity which overshadows the religion(materialism)
* The discovery of oil of which foreigners who come to exploit it influence administration
* There is limited freedom of worship through the contribution provide for it in Muslim minority countries
* Existence of Christianity which opposed to some doctrines of Islam cannot let Sharia prosper
* Lack of faith among Muslims where many of them are corrupt in nature
* Muslims disunity/divisions has affected Sharia application e.g. in Uganda each group cannot clearly support Sharia principles from another sect
* Government influence in the affairs of Muslims has majorly affected sharia application in most countries e.g. Sudan
* Lack of enough literature which could provide Sharia details
* Western education/secularism has diverted many Muslims from taking Islamic principles as important hence affecting Sharia application
* Colonial influence which has sub emerged all aspects of political, economic and social cannot let Sharia and is properly implemented in such countries of nominal Muslims
* Attitude of international community towards Islam is negative so Sharia becomes a myth than being a reality in application. This is realized in Algeria, Iran and Iraq, which those who try to advocate for Sharia are termed as terrorists.

**END**