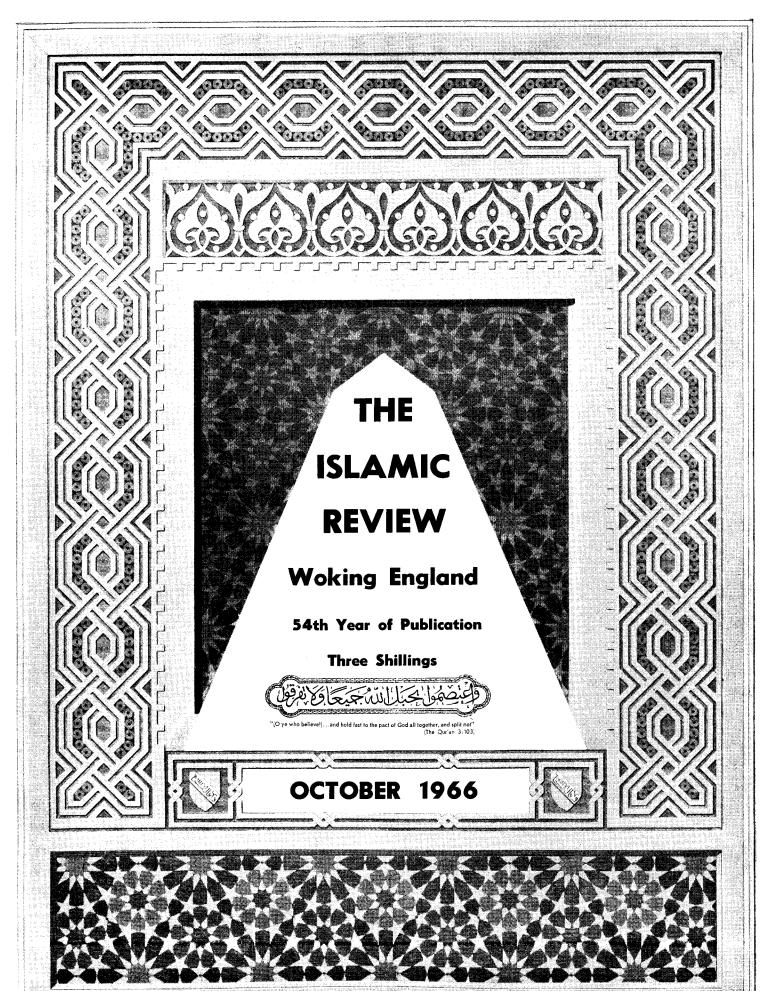
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Registration to all countries at the equivalent rate of 21s, per annum for 12 issues

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The International Muslim Society, Inc., P.O. Box 37, Manhattanville, Station J, New York, 27 N.Y. \$5.00 post free;

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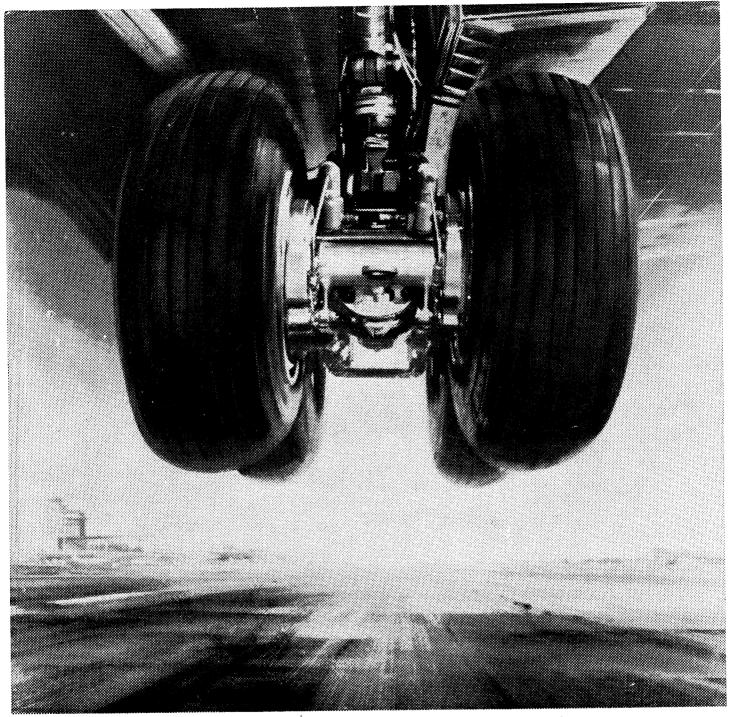
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The Shah Jehan Mosque, Woking, Surrey, England Telephone: WOKING 60679 – Telegrams & Cables: MOSQUE, WOKING

ALL CORRESPONDENCE TO LONDON OFFICE:

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# OCTOBER 1966 54th YEAR OF PUBLICATION

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"Muhammad is not the father of any of your men, but he is the Messenger of God and the Seal (last) of the Prophets. And God has full knowledge of all things"

(The Qur'an, 33:40)

"There is no prophet after me" (The Prophet Muhammad)

VOL. 54 No. 10

OCTOBER 1966 C.E.

Jumaada al-thaaniyah 1386A.H.

3

# The Race and Colour Problem

### Islam Alone Holds the Key to the Resolution of the Problem

The colour and race problem is not new. Sages and prophets have referred to it in their discourses and teachings and tried to show mankind its illogical nature and fatuitousness. Confucius (551-478 B.C.) said: "The nature of men is identical; what divides them is their customs." Jesus emphasized the Fatherhood of God to bring home to mankind the fundamental equality of mankind. Muhammad said: "There is no superiority for an Arab over a non-Arab, nor for the white over the black except by good deeds." The Holy Qur'án (49:12) says: "O you men! Surely We have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honourable of you with God is the one among you most careful of his duty; surely God is Knowing, Aware."

Despite these grand and edifying teachings of the sages of yore and the pride that the modern man takes in the conquest of the forces of nature, man's inhumanity to man because some people belong to a different race or have a different complexion, continues. Indeed, it would be no exaggeration to say that its intensity is on the increase; for some races have created advantages and material benefits for themselves which they are loth to surrender. The race or colour prejudice have even provided them with an excuse for rationalization for economic exploitation or political domination of the less materially developed peoples.

The race or colour problem is coeval with man, and it has kept rearing its ugly head every now and then in one form or another here and there. Our modern society is no exception to this phenomenon. At the present moment it is assuming frightening proportions that do not bode well for the future of mankind, especially in the continent of Africa. For the white race in control of some parts of it does not show any signs of improving its behaviour towards those who have come under its control. It would appear that the tragic experience of mankind of Nazism and Fascism seems to have made no difference to it in their decisions and deliberations. Men persist in their oppressive aims and policies, despite the fact that it is realized on all hands that the future of mankind depends to a large extent on the eradication of racial myths and prejudices. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has published a series of brochures — Racial Myth, Race and its Psychology, The Roots of Prejudice, Race and Culture - which explode effectively the mythical claims of racial superiority.

Moral and religious considerations apart, one would have thought that the growth of the population of the world would make us pause to think in the interests of our own economic future. In fifty or sixty years the population of the world will have increased by 1,000,000,000 at the present rate of increase of 20,000,000 a year. This is enough to make us understand

the ever-increasing importance of bringing about a harmonious relationship between the various races of the world. The issue before us is quite clear. Either we destroy the millions by atomic weapons and famine or survive peacefully by means of increased production of food in countries like Africa, whose development because of its potential food-producing capacity is vital to the future of our civilization. These considerations make it abundantly clear that the future structure and pattern of civilization, especially in South Africa, cannot be based on the South African Union's or Rhodesia's policy of racial segregation and also that the white supremacy cannot survive for long either in the Union or Rhodesia.

We know that the South African Union is trying to incorporate the territory of South-West Africa in defiance of the United Nations decision and that the high priest of apartheid, the late Dr. Malan, said in a speech at Cape Town on 4 March 1952, "We have a duty — our future depends on it — to maintain the Western Christian civilization, and I think this is also the aim of the two Rhodesias, at least of the European people there." What is meant by the Western "Christian civilization" is not quite clear. But the last few vears have shown us that the aim of Dr. Malan has little chance of success; we have lived to see that one of the two Rhodesias has just disappeared. But how he can call it "Christian" passes our understanding. Jesus never preached racial discrimination. But the picture of "Western Christian civilization" can be well imagined when we remember that in South Africa four-fifths of its population are represented by three white members of Parliament — the House of Assembly of 150 members, the remainder representing the one-fifth of the population! In justification of this policy the South African Government and now Rhodesia maintain that as its whites have furnished the initiative, skill, intelligence and money for the creation and formation of modern South Africa, they must remain supreme and they must conserve their racial purity by segregating the natives to reserves in which they must live in accordance with their culture.

# The gift of Islam to the world is the realization of the ideal of race equality

Amongst the religions of the world the thing of the greatest importance bestowed by Islam on the world and its politics was the attainment of the ideal of race equality. For

if it be asked which religion it was that taught the equality of mankind, each individual would reply that it was the one that he himself professed. But if the form of the question be changed and we enquire which is the religion that has adopted ways and means of effecting equality of opportunity and has shown it in action?, then the answer can only be one—it is Islam.

Every religion talks of platitudes when preaching equality but not every religion has adopted the means of translating its teaching into practice and no religion but Islam has tackled the race problem effectively. For as it is recognized on all hands, Islam is a religious system that affects the individual not only in his religious life but in his social life as well, and to our way of thinking this, i.e., the social life, is the most important part of the life of man. A religion which does not affect our social life and which has no guidance to offer us in our daily life and which does not regulate the ties of nations cannot possibly be the religion for us who have to live in a world growing ever smaller. Religion devoid of these essentials is reduced to mere sentimentalism. We can believe that if beautiful principles are enunciated, everything would arrange itself. But how if it does not? Emotion is really not an adequate substitute for reason, which in its turn is not enough to enable an individual to put his ideals into practice. Thus it is not possible to solve the racial problem merely by informing the individual that no such problem exists, simply because both reason and emotion says so. The truth of the matter is that the problem does exist. The inner life, which is the sphere of religion cannot adjust the external physical order to the demands of the spirit. Scientific theses do serve a useful but limited purpose. They do engender healthy ideas in the minds of men. But experience has taught us that lofty ideals alone are not enough; what mankind requires is a system to work those ideas into active practice.

Islam's political genius is unique in this respect. Not only does it inculcate like Christianity the concept of the equality of mankind, it also shows its adherents the way by practical institutions wherewith to materialize the concept in their daily behaviour. Islam is the only religious system that has successfully tackled the race and colour problem and also suggested ways and means of softening its harsh edges. This is no empty claim. Muslim society all over the world offers a palpable proof of the truth of the claim.

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By M. W. GAZDAR

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# How the West tried to atrophy Islam during the last few centuries

In the days before 1000 C.E. it was Baghdad, Cairo and Cordova in Muslim Spain that were the economic, intellectual and cultural centres of the world. It was the Muslims who produced science and poetry for mankind; it was their merchants who organized letters of credit, and whose armies determined the trend of political events. The brilliance of Islamic civilization in that era, a romantic caricature of which has been preserved for our children in *The Arabian Nights*, has left its mark on our lives.<sup>1</sup>

To an observer at the end of the 18th century it might well have appeared that the historical evolution of Islam had reached its term, which, starting its career from the simple, rigid and austere monotheism preached by the Prophet Muhammad to a small Arab community, had broadened into an intricate complex of legal and theological schools of thought superimposed on a medley of congregations with their own rituals and an extraordinary diversity of religious ideas and practices.2 In the political and commercial fields the Muslim reigned supreme. The Christian Western nations which were coming into their own began to think of breaking the Muslim monopoly of trade in the East, particularly of the products of the Far East, and the trade of the spices. Until the 15th century the trade — both imports and exports - between Europe and the East had remained completely in the hands of Muslims.

Towards the end of the 16th century the English and the French set out in search of Eastern markets. In 1663 King Charles II of England married the Portuguese Princess Catherine. He received the ports of Bombay and Takhbir as dowry. This led to the penetration of the English into Asia and Africa. France entered the colonialist arena almost two centuries after the other European nations. It dexterously took full advantage of the clash of interests and rivalries

between the other European nations. By the 19th century the expansion of Western imperialism had reached its climax. During this century, besides such European nations like Germany and Belgium, America also jumped into the arena. The penetration of the West into the East was accelerated by the industrial progress of Europe in search of world markets for its ever-expanding industrial output.

No less destructive than the commercial domination of the West were the many external cultural currents which, in many cases, undermined the unity of Muslim thought and finally prepared the ground for the subsequent spread of anti-Islamic systems of education and forms of life which were imposed by colonial rulers for the express purpose of creating a rift between the Muslims and their ideals and traditions. Behind the scenes one could also discern the activities of foreign missionary organizations.

The disruptive role of Christian missionaries was to a large extent responsible for the deviation of the Muslims from the ethics of Islam. Here it should be stressed that the spread of nationalistic ideas amongst Muslims was not merely haphazard. It was the result of deliberate endeavours of Christian missionary activities. Nothing can be more illustrative of this intention than the editorial which the Rev. M. Chatelai wrote forty years ago in a special supplement of the French magazine Le Monde Mussulman: "No doubt our missionaries failed so far in directly undermining the faith of Muslims. This end can be achieved only by the propagation of ideas through the medium of European languages. Through the spread of these languages the world of Islam could be brought in contact with the European press and paths would be paved for the material progress of the Muslims. Then the missionary organizations would realize their goal of destroying Islamic religious concepts and Islamic civilization, which so far have

<sup>1</sup> Smith, Current Affairs for January 1962.

<sup>2</sup> Gibb, Mohammedanism, p. 140.

preserved their identity and strength in isolation and separation. . . . The political break-up of the world of Islam will open the way to Europe's civilizing mission. It is inevitable that Muslims will degenerate politically and before long the world of Islam will become like a city surrounded by European barbed-wire entanglements. . . . It is not expected that the Muslims in general would be able to bring forth new positive attitudes and new social qualities once they gave up their present attitudes and qualities. With the weakening of their beliefs in Islam, decay and disintegration are bound to set in. When this decay and this disintegration spread throughout the world of Islam, the religious spirit of Muslims will be entirely uprooted and will never be able to re-emerge in a new form."<sup>3</sup>

### European nationalistic trends give rise to un-Islamic territorial materialism in Muslim countries

One of the worst effects of materialistic trends coming from Europe was the birth of territorial nationalism among Muslims - something extremely dangerous, for nationalism derives its primacy from a natural and justifiable emotion in the hearts of man — the instinctive love of his home and his country. Under the influence of nationalism, the hearts of many Muslims were turned from the fundamental principle of their faith, which places the love of God above all other precepts; it plunged them instead into blind worship of their nation which disregarded all moral considerations in a clash with the interests of their own nation. In effect, many Muslims literally prostrated before the new idol of nationalism and even overrode the clear injunctions and stipulations of the Our'anic laws and disregarded the denunciation of the Our'an, which says, "Those who do not judge in accordance with what has been revealed by God are indeed unbelievers' (4:44).

During the last few centuries Europe carried to the East such philosophies as were based on a denial of the fundamentals of religion, e.g., the denial of the Directing Force of this universe, of the Conscious Will that brought this universe into existence from nothingness and which controls and directs it. Europe carried to the East through its sciences such philosophies and trends of thought as are rooted in the denial of everything that lies beyond the ken of sense and perception, the denial of Divine revelations, the denial of prophets, of codes of heavenly guidance and spiritual and moral values.

These philosophies, natural enough, invaded the Eastern Muslim society and penetrated into it from one extremity to the other. The poison flowed uninterruptedly, destroying the defensive mechanism of the people of Islam, sweeping off its powers of initiative and world leadership.

Nationalism in Egypt and reaction to it of men like al-Afghani, 'Abduh and Sir Sayyid Ahmad Khan

Here is a case in point. The discovery in 1920 of Tut-Ankh-Amon's grave confirmed the Pharaohnic trend in Egyptian nationalism.<sup>4</sup> The British encouraged Pharaohnism so that the Egyptian nationalists drifted away from pan-Arabism and pan-Islamism. The popular sentiment engendered by the findings was converted to advantage by the Westernized Egyptians, alleging that Pharaohnism made no distinction between Muslims and Copts and that religion should not be a criterion of nationalism.<sup>5</sup> To the Copts, Egyptianism was preferable to Arab nationalism, since they saw that, as an ideology, Arab nationalism was rooted in the Islamic legacy.

Whereas Pharaohnism was predominantly an ideology serving the interests of British policy, Islam was an ideology broader in appeal and scope, drawing its partisans from the ranks of the rejectionists of Pharaohnism and revivalists of Islam. As Islam preached solidarity with the Ottoman States, it served British policy interests to sponsor the rejectionists and revivalists. But with the disappearance of the Turkish State the British policy attitude became antagonistic towards it. On the other hand, knowing that regardless of race, language and political divisions the Muslims constituted one Muslim nation, literary figures and the 'Ulama influenced by the Azhar University denounced Arab nationalism as un-Islamic in that Islam did not know nationality. 6 Islam is an ideology gained increasing strength as the force of the Western impact on Muslim lands mounted. Moreover, many Egyptians felt that the time had come when Egypt should assume the office of Caliphate; for Mustafa Kamal had abolished the Caliphate in 1924.

It is surprising indeed that the Muslim community has managed to survive all these calamities and has never ceased to struggle against the corrosive inroads and influences, that in modern times the Muslims have succeeded even in freeing many of their lands from the colonial rule, that the voice of Islam is still audible in the midst of the cultural chaos brought about by foreign and indigenous oppression alike, and that in all parts of the Muslim world a new trend towards an Islamic revival is palpably gaining momentum.

Jamaluddin al-Afghani (d. 1897 C.E.) has been regarded as the foremost formulator of the pan-Islamic ideology in modern times, conceived by him as an essentially defensive weapon against the encroachment by Western powers on Islamic lands. His objectives were as follows: (1) To organize the Muslim countries into one organic whole and to cultivate in them the belief that the Western powers were exploiting their internal differences and rivalries for their imperialistic designs; (2) to establish a system of collective security in the Muslim world so that if any one Muslim country was attacked all the member countries would use their full force to meet the aggression; (3) to encourage other Asian countries to revolt against the yoke of imperialism and to achieve freedom; and (4) he stood for freedom and pan-Islamism.

In Egypt al-Afghani won over to his thinking such powerful thinkers as Muhammad 'Abduh (d. 1905 C.E.) and the latter's Syrian student, Muhammad Rashíd Ridá, as also many other members for al-'Urwah al-Wuthqá (the Strong Bond (of God)).<sup>7</sup>

### The Muslim Brothers' Movement

The ideology of Islamism gave birth in 1929 to the Ikhwan al-Muslimun (the Muslim Brothers), with which it moves from the realm of academics into the field of action. The Ikhwan came into existence to combat the growing Western impact on the minds of young Muslim Arabs.<sup>8</sup> Within twenty-five years it had established branches in almost every Arab country, aiming at the elimination not only of illiteracy but of Western imperialism as well.

3 Le Monde for January 1918.

5 N. Faris, p. 188.
6 At the 1931 Islamic and Arab Conferences held in Jerusalem (see the Egyptian Majallat al-Arab for September 1932).

7 These include such leading literary figures as 'Abdulláh al-Nadím, Qásím, etc.

8 Husayni, al-Ikhwan al-Muslimun, p. 158.

<sup>4</sup> British efforts to discover the Pharaohnic past were made in the first third of the 19th century, when Rafáh al-Tahtáwi published his book, Anwar Tawfiq al-Ialil fi Akhbár Misr, p. 392.

Although interested mainly in cultural and social matters, it was inevitable that the Ikhwan should find themselves involved in politics. The Palestine war gave them a new life, though short-lived; for their agitation against the British led to their formal dissolution in December 1948.

The Ikhwan movement was a pan-movement. To that extent its goal embraced the ideals of the pan-Arab and pan-Islamic ideologies. In their opposition to the Western political and cultural impact, they found a common ground of action with the other pan-ideologies like pan-Arabism. It could not tolerate particular ideologies detracting from the main goal of liberation and unity. It called for the abolition of all political parties upholding centrifugal ideologies as finally came to pass under Colonel Nasir of Egypt.

Communism as a universalistic ideology is both alien and hostile to Muslim countries because it seems to compete for the same ultimate goals desired by pan-Arabism and pan-Islamism. It is the youngest of the pan-ideologies in the Arab world, fastening its feet primarily during the past two decades. If it managed to survive and make inroads into Arab societies, the credit belongs to the alliance it achieved with the other pan-ideologies intensely determined to eliminate the Western political impact, which conveniently serves the ends of Communism in the Arab world. Like the pan-Arabism and pan-Islamic ideologies, Communism is also opposed to the particular and regional ideologies, as attested to by their bloody clashes with the Syrian Nationalist Party in Syria and the Lebanon and with the Ba'th Party in Iraq. But when the fate of Palestine was being decided in the United Nations, the Arab Communists attempted to support the Arab cause in Palestine.9 Hence the Communist ideology won over a few converts prior to the Palestine débâcle. Only when the Soviet Union endorsed the Arab nationalist aims did it acquire appreciable gains, mostly in Iraq, after the 14 July 1958 Revolution.

The second type of reaction to the Western impact has found expression almost exclusively in India. Behind it also, however, lies the influence of the orthodox reform movement, which prepared the way by eliminating the authority of the medieval "schools". Beginning in the early decades of the 19th century with the preaching of the Wahhabí puritanism and revolt against saint worship by such leaders as Shah Walí Allah (d. 1772 C.E.) and Sayyid Ahmad Ahmad of Rái Bareli (martyred in the battle against the Sikhs in 1831), the movement gained a large following amongst Indian Muslims. Several organizations have explicitly carried on its principles, notably the fanatical Fará'idi in Bengal (who are also called Salafiyyah) and the more numerous congregations who call themselves Ahl-i-Hadith (the followers of the Prophetic Tradition), and maintain their own mosques and schools. But with the wider community as well, their campaign for the purification of doctrine and practice has found a ready response.

Reaction of Indian thinkers and reformers to the idea of nationalism imported from the West

In this way the door was opened for the more personal and individual attempts to formulate Islamic doctrine in terms of modern thought by the Indian Muslim, Sir Sayyid Ahmad Khan (1817-98 C.E.). Believing, like the Shaykh Muhammad 'Abduh, that Islam and science were not antagonistic, he took the further step of asserting that the true justification of Islam was its conformity to nature and the laws of science, and that nothing which conflicted with this principle could be regarded as authentically Islamic. In order

to encourage and develop this line of thought, he founded at Aligarh in 1875 a college in which religious education could be combined with modern scientific studies, and thus established the first "modernist" organization in Islam in India. The new college and its founder naturally became the target of violent opposition, and that not only from the orthodox 'ulema but also from Jamaluddin al-Afghání, who bitterly attacked the ideas and views of Sir Sayyid Ahmad Khan as pure materialism and treason to the faith of Islam. Nevertheless, the Aligarh Movement prospered through the College itself (which in 1920 became the Muslim University of Aligarh) and has gradually moved away from its original doctrinal position.

The new liberalizing theology that followed from Sir Savvid Ahmad Khán's rationalist approach to Islam brought with it re-evaluation of the traditional, social ethics of the Muslim community. The latter was probably one of its strongest attractions for the growing body of Muslim intellectuals, who were becoming acutely aware of the social evils linked with such practices as slavery and unregulated polygamy and divorce. In this respect, indeed, the influence of his school has extended far beyond the boundaries of the Indian Islam through their new presentation, partly apologetic but also implicitly reformist, of Muslim practice and social doctrine.<sup>10</sup> The political and economic supremacy of the West and the nefarious system of its education created a slavish mentality. They got engrossed in a superiority complex. Even the last vestiges of political confidence were destroyed. They were reduced to a troubled existence. The Pakistani philosopher-poet Muhammad Iqbal (d. 1938 C.E.) was the exponent of the most sweeping modernist reformulation of Islamic doctrine. In contrast to the earlier modernists, the foundations of Iqbal's theology are derived from Sufistic philosophy which he reinterpreted in terms of the Neitschean superman and Bergson's theory of creative evolution. His own activist philosophy, which found expression first in a series of Persian and Urdu poems, made a powerful appeal to the younger generation of Indian Muslims and contributed to the rise of the idea of Pakistan as a Muslim State in 1947. It was given in a more systematic form in a series of lectures delivered in English in 1928, under the title of "The Reconstruction of Religious Thought in Islam".11

The period of his creative activity coincided with the decisive reorientation in Western science and the new concept of the universe inaugurated by Einstein and other great physicists in the first decade of this century. Being better trained in these disciplines, Iqbal's understanding was more penetrating than that of the Azharí Shaykh 'Abduh and his application to the religious problems show greater insight.12 Gradual development is the law of the world, and consequently he set out on its elaborate and ambitious programme of Islamic service with graduated steps. The latest addition to his nobler activities is his work in Persian and his poems in Urdu, which are meant to serve the cause of Islam and humanity on the literary and scientific front by disseminating and broadcasting the life-giving message of Islam in general and by attempting to solve the burning problems of mankind religious, philosophical and social — in the light of Islam. He said that Islam was not a mere jumbled collection of rites, rituals and spiritual exercises, but was a revolutionary ideology of self-sufficing system of life, a well-balanced social

<sup>9</sup> Fi Tariq al-Kifah.

<sup>10</sup> H. A. R. Gibb, Mohammedanism, p. 138.

<sup>11</sup> Ibid., p. 141.

<sup>12</sup> Lichtenstädter, Islam and the Modern Age, p. 187.

order of full polity and perfect cultural order that was as fresh and modern as tomorrow's morn.

Muhammad 'Abduh was not merely concerned with upholding the truth of revelation against modern scepticism. He was also deeply convinced that Islam, if it was to have a future, must reconsider its stand on many of its practical problems and re-formulate the old solutions that were no longer in line with the new ideological, philosophic and social approaches. Thus he became one of the foremost advocates for the re-opening of the "door to free investigation" (Ijtihád), the pivot for reform in Islam. To the conservative religious leaders and 'ulamá this might sound like rank heresy; but, argued 'Abduh, it meant only a revival of an ancient Islamic institution. He did not demand repudiation of the fundamentals of Islam, he merely asked for a fresh examination of the true meaning of the Holy Qur'án and the Sunnah.

'Abduh's activities in the educational field had equally far-reaching results. Though his advice bore fruit only after his death, reforms in the general educational system of Egypt as well as changes in the curriculum of al-Azhar are in their last analysis due to him.

The principal social expression of Islam was at the height of its classical age, the law, that combines in one integrated structure what the West has sub-divided into matters such as moral law, canon law, civil law. In the days when Islamic civilization was prosperous and powerful, it rested on this ideal. In recent centuries the Muslim power and prosperity have waned; Muslim countries were defeated by outside powers, chiefly from the West. Their social life was controlled by others; it was based on alien principles orientated to new purposes.

### What the Muslims have to do now

Within the last few years most of the Muslim world has regained its political independence and is once more responsible for ordering its own life. The formal law that once embodied its social ideals, in an earlier age, in the eyes of several modern Muslims and almost all outside observers, is no longer adequate in its traditional form to the task of ordering modern society. Yet the ideal remains that society ought to be organized in a meaningful, just and integrated way. Indeed Muslims have no other ideal. The modern problem that the Muslims face religiously is to discover, to state and to apply the meaning of Islam for modern conditions, the faith that has guided their social as well as individual life through the centuries.<sup>13</sup>

Men of the West, who happen to live in a period when their own civilization seemed until recently to dominate the world, will do well to remember that it was not always so. If we go back a thousand years we shall find that Europe was relatively feeble, an under-developed area. Europeans had not yet risen to build their Gothic cathedrals, nor to develop their feudal social structure, nor to organize their medieval life. Nor did they have the energy or the wealth or the vision to do so until after they had begun to trade with and learn from the Islamic civilization.

Now the Western world is gradually beginning to recognize Islam as a powerful and profound and human force that must be faced with respect, even reverence. This is something new in world politics. In the past centuries this religion was often regarded by the West first with fear and hatred, later with disdain. Still today those who would strive for understanding and appreciation of the Muslim faith have to contend with this heritage of antagonism. Western civilization in its dealing with all oriental cultures, but particularly with the Islamic civilization, has suffered at the hands of its own arrogance and lack of perceptive sympathy.

Fortunately events are now taking a new and happier turn. The dust of historical conflict between the cross and the crescent is settling down. And in the clear skies and the new horizon that are emerging Christianity and Islam are taking stock anew of their respective bearings, and exploring a realistic view of the relationship in which they stand to each other. This can weld the two faiths into a bond of friendship at the highest level. Last but not least there is the threat of the dark forces of a materialistic philosophy of life corroding the very foundations of faith, which pose a common danger to both. This re-assessment and re-orientation, to be worthwhile, must be realistic, based on a factual appreciation of the points of difference as well as agreement.

The Muslims of this present age have also witnessed that one ideology after the other has come, and movements have been run to cure social maladies. Secularism offered to cure the religious intolerance; then democracy came forward to put an end to despotic tyranny. Communism stepped forward with pious determination to level down the great disparity of the wealth, the dominance, of one class over the other. But the fact remains that human affliction and misery, injustice, tyranny, the domination of evil and darkness over the good and bright, still reign supreme everywhere on the face of the globe. The successive failures of modern movements have proved beyond a shadow of doubt the inadequacy of the present-day secular ideologies to grapple with the gigantic problems confronting 20th-century mankind.

The jihad of today, the greatest need of the present hour, is to repulse the storm of atheism, and to go ahead and make a direct assault at the heart of it. The chief task of religious renovation in modern times lies in the revival of the faith among the young man and the educated classes of the *Ummah* in the basic tenets of Islam, in its moral and spiritual scheme of things and in the messengership of the Prophet. There can be no better deed of worship today than to release the educated young man from the intellectual and psychological confusion and frustration he is going through and to satisfy him intellectually with regard to Islam.

<sup>13</sup> Cantwell Smith in Current Affairs for January 1960.

# CODES REGULATING PERSONAL STATUS AND SOCIAL EVOLUTION IN CERTAIN MUSLIM COUNTRIES\*

### Evolution of the Right of Repudiation and of Divorce

### By M. BORRAMANS

# 2. DIVORCE BY MUTUAL CONSENT (KHUL') AND FINANCIAL COMPENSATION

"Inspired by certain Qur'ánic precepts, 63 this form of mutual divorce was for a long time practically the only kind available to the Hanafite or Shi'ite wife, at loggerheads with a husband who was little-inclined to repudiate her (in order to avoid paying any outstanding balance of the dowry). Now that the majority of Eastern countries today have adopted the rules of Malikite Law as regards legal divorce, it would be less onerous, if not simpler, for them to adopt the divorce procedure for 'detriment and disagreement'. For even if the procedure is longer, and the judges attribute the blame to the wife, she will lose no more than half of her dowry. Whereas under the rules of divorce by mutual consent ('agreed divorce'), the husband can demand an indemnity greater than the value of the dowry in 'compensation' for the freedom which he gives his wife."64

We see from this that the question of this type of divorce, sui generis, has lost some of its importance. Furthermore, in cases like this the procedure consists of a repudiation, pronounced by the husband, and which the wife so to speak drags out of him by promising him a financial compensation. The Syrian Code (which is very verbose on this subject, cf. Articles 95 to 104), the Moroccan Code (Articles 61 to 65) and the Iraqi Code (Article 46), all maintain this special repudiation, recognized by Islamic Law from the earliest times: "the marriage partners can arrange repudiation between them providing compensation is paid" (Moroccan Code, Article 61). In this connection the three Codes have included the conditions usually imposed on the repudiating husband ("free will, balanced judgment," etc.), but such conditions are "transferred" to the wife (Moroccan Code, Article 65). Further, a husband, in order to protect a young wife who is still a minor (Article 62.2), stipulates that her guardian or trustee (wali) must also participate and give his consent. Further, in

order to protect the children and their property and goods, the same Code specifies that "... in cases where the wife is poor, any counter-suit (for property) to which the children have a right, is prohibited " (Article 65). Both the Moroccan Code (Article 67) and the Iraqi Code (Article 46.2) consider a repudiation of this category to be irrevocable (without it being specified whether it is imperfect or perfect).

A somewhat tentative reform has been launched by the Iraqi Code — this repudiation by mutual consent "... is to be concluded by an offer and an acceptance made before the judge, the clauses of Article 39 being strictly observed" (Article 46.1, in fine). This is certainly a very tentative innovation, since here the judge will act only in an advisory capacity and not as an official of the law, and in some cases his intervention can be dispensed with, as we have seen in the case of repudiation. And, as with repudiation, this divorce (tafriq), pronounced by the husband at the request of the wife, means that the husband conserves all his privileges, the separation remaining basically a "domestic" affair.

It is interesting to note, however, that the Syrian Code envisages the possibility of such a divorce by a simple agreement between the partners, without the wife undertaking to pay anything at all, the two parties ". . . declaring that any form of compensation is eliminated" (Article 100). In this case it deems such a "mutually agreed repudiation" to be revocable.

Nor does the Tunisian Code make any mention of a compensation when it postulates that a divorce can be pronounced "... in a case where there is the mutual consent of the partners" (tarádi) (Article 31.2). But here, as in the case of every other divorce, there is an innovation of some importance: "The Court pronounces the divorce" (Article 31, ab initio). So that henceforward it will be a question of "... a divorce pronounced by the court on the demand of the two partners who have agreed to separate and not, as heretofore, of a repudiation pronounced by the husband at the demand of the wife quite independent of any intervention on the part of the judge". 65 It would appear that in cases of this

<sup>\*</sup> Continued from The Islamic Review for September 1966.

kind, the judge has to do no more than offer them his "fatherly" advice, as a private person so to speak, and in no way whatsoever to pass judgment on their motives. After enquiring as to the existence of motives, and having been unsuccessful in bringing about a reconciliation, he is obliged to pronounce a divorce, the free or unconstrained will of the appellants remaining "intact". However, such intervention by the judge will ensure the "judicial and preliminary control", which was previously mentioned at the conclusion of the paragraphs on repudiation. This would seem to be an accurate interpretation of the preceding Article 32 of the Tunisian Code. But its new wording (Journal Officiel, 30 August 1962), would appear to invest the judge with much more than a simple advisory type of jurisdiction.

### 3. LEGAL DIVORCE

Legal divorce (unknown in the Hanafite rite) constituted one of the original features of the Malikite rite. It gave the Muslim wife the possibility (and hence the right) of going to the judge and demanding divorce, giving her specific reasons. It thus compensated for the rigour of the "right of matrimonial constraint" (jabr) granted to her father at the time of marriage. We shall now see how this "legal divorce" has become, so to speak, a feature of common law in almost all the Muslim countries. In this way we shall get some idea of the scope and extent of the Tunisian reform which transforms all cases of taláq into legal divorce.

### Extension of legal divorce to all schools of law and countries

"Up to recent times the Egyptian wife had no way of leaving an unhappy union, when the husband persistently refused to repudiate her or agree to a mutual separation."65 The laws of 12 July 1920 and 10 March 1929 brought into Egyptian law the entire machinery of legal divorce, as it has functioned among the Malikites from the earliest times. In order to do this the legislator utilized "... the procedure which consists in having recourse to the clauses of the other orthodox rites".66 That which was recognized by neither the Hanafite Law nor the Shi'ite Law henceforward becomes the rule of law in Egypt, Syria and Iraq. As for Morocco, it has only to develop the legislation it already has, by setting out in detail the feminine "arguments" which, by law, have to be produced to the Court. They are of the most varied kinds: neglect of maintenance, existence of redhibitory vice, cruelty, absence of the husband, oath of continence.

Firstly "... the wife has the right to apply to the judge for a divorce when the husband is present and refuses to carry out his duty of maintaining her. In a case where the husband possesses visible (tangible) means, the judgment ordering him to maintain his wife will be executed on those means. If he has no visible means and if, while declining to reveal his financial status he persists, before the judge, in refusing to maintain his wife, the judge will pronounce a divorce forthwith. If he claims to be in a state of poverty and can prove this, the judge will grant him a stay of execution not exceeding three months. If at the end of this period the husband continues to fail in his duty of maintenance, the judge will pronounce a divorce. If the husband cannot prove poverty, the judge will order him to maintain his wife or repudiate her. If he takes no action whatsoever the judge will pronounce a divorce" (Moroccan Code, Article 53.1). The Syrian Code (Articles 110-111) and the Iraqi Code (Article 45) lay down, more briefly, the same clauses. Like the Moroccan Code, they give this type of divorce a "revocable" character, providing the husband "... gives proof of means of subsistence and shows his willingness to feed and maintain his wife".

With regard to redhibitory vice, several hypotheses are possible. The three Codes classify the "redhibitory vices" (or defects) of the husband into three categories: definite sexual impotence (impotentia coeundi), diseases which are incurable or difficult to cure, curable diseases and temporary impotence. In the case of the first, "... the demand for divorce by the wife shall be acceded to without delay" (Moroccan Code, Article 54.2), even if the wife knew of the facts before the marriage — so says the Syrian Code — for "... a wife can never be denied her right to separation because of impotence" (Article 106.2). In the case of incurable disease, if no stay of execution is given by the judge when pronouncing the divorce (the Syrian Code says "... the judge will immediately pronounce a separation," Article 107), or at the request of the judge when the husband pronounces repudiation (Iraqi Code, Article 44.4), then the judge will take into account what knowledge the wife had of the particular circumstances. "If the husband's 'defect' was known to the wife at the time of contracting marriage, or if the trouble started after marriage and it became known to the wife and was accepted by her expressly and tacitly, then she cannot bring it forward as a ground for divorce" (Moroccan Code, Article 54.3, and Syrian Code, Article 106.1). Finally, in cases of temporary impotence, or of illness where there is hope of a cure, "... the judge will grant the husband a stay of execution," usually "of one year" (Morocco and Syria). 67 A divorce obtained in this way is irrevocable according to the Moroccan Code (Article 55) and the Syrian Code (Article 108), but remains revocable in Iraq (Article 45.2).

The Moroccan Code is the only one which goes on to mention the "redhibitory defects" of the wife. They will not be dealt with in this article. The Code recalls that the husband has always the right of repudiation (Article 54.4). It also specifies that if a husband is deceived (by his wife), he has the right to refuse to pay the unpaid portion of the dowry, or the right to claim possession of a part of a dowry already paid in full (Article 54.4, in fine).

Where a wife has been physically ill-treated (Moroccan Code, Article 56), or where there is any prejudice or dissension showing definite incompatibility of temperament (Syrian Code, Article 112, and Iraqi Code, Article 40), an application for divorce can be made. In Morocco such application is permitted solely to the wife, and to either husband or wife in Syria and Iraq. However, this sets in motion the machinery for an "attempt at reconciliation" by two referees (as laid down in the Holy Qur'an).68 "Before pronouncing a divorce, the judge must appoint one referee (arbitrator) from among the relatives of the husband and another from among the relatives of the wife, with a view to bringing about a reconciliation if this is at all possible. If such referees cannot be found, the judge will ask the husband and wife to choose two referees elsewhere. If they cannot agree on this, the judge will appoint them himself. These two referees must do their best to reconcile the partners. If they are unsuccessful, they will refer the matter back to the judge, naming the party who, according to the evidence available, has been unfaithful in his (or her) duties. If on this point their opinions differ, the judge will appoint a third referee to act with the others. And if the judge has proof that one of the spouses acts detrimentally towards the other, or that dissension continues to exist between them, if he is unable to effect a reconciliation and if the husband refuses to repudiate, the judge will pronounce a divorce . . ." (Iraqi Code, Article 40.2-4), and Syrian Code, Articles 112 to 115 equivalently). Here the repudiation is irrevocable, but "imperfect" in all cases. It is interesting to note that the husband, instead of repudiating, can here also apply for a divorce in order to recuperate a portion of the dowry, if the wife has been proved to be in the wrong. The Moroccan Code, faithful to the Malikite principle, reserves legal divorce solely for the wife, who will come forward with her grievances.

The absence of the husband, when it exceeds two years (if the absence is voluntary), or five years (if the absence is caused by a conviction followed by imprisonment), is a recognized cause for an application for divorce by the wife (Iraqi Code, Articles 41 and 43). The Moroccan Code (Article 57), with the Syrian Code (Articles 109.1), reduces the period of absence to one year, but specifies that the judge send a summons to the absent husband "if he can be reached by correspondence", before a divorce is pronounced. This is irrevocable except in Syria, where the Code considers it as revocable (Article 109.2).

Finally, the Moroccan Code, in order to remain within the framework of traditional law, which in this respect is based on the Holy Qur'án,69 recognizes the right of a wife to demand divorce if her husband has taken the "oath of continence" (ila). "If a husband has taken an oath to neglect his wife and to avoid the accomplishment of his intimate duties, she has the right to inform the judge, who will specify (to the husband) a time-limit of four months. If by the end of this period the husband has not amended his conduct, the judge will pronounce a divorce. This divorce is revocable" (Article 58).

Such are the reasons which can give rise to "legal divorce", according to the traditional Malikite Law, now being interpreted and developed in our modern Codes. These (as has happened in Syria and Iraq) have extended its scope by permitting a husband to demand divorce on account of detriment, so that he can benefit financially and recuperate a portion of the dowry. (This might appear to be a disguised form of "legal damages".)

The Tunisian Code seems briefly to include some of the reasons discussed in this article in the first paragraph of Article 31: "Divorce is pronounced on the demand of one of the marriage partners for one of the motives specified in the Code." This concerns Article 11, which penalises with divorce the non-accomplishment of matrimonial conventions, and Articles 39 and 40, which relate to those cases where the husband is in circumstances of poverty.70 It is clear that in all these cases recourse is had to the legal jurisdiction of the judge, who gives a decision on the main issue — it is he who ties, and unties. We are here dealing with "legal divorce" in the strict sense of the word, considered as the penalty for the non-accomplishment by one of the marriage partners (usually the husband) of the engagements of the marriage contract. It would now appear that by including in this category the other types of divorce (by mutual consent, or at the request of one of the partners), the intention of the authors of the Tunisian Code is to transform them into "legal divorces" in the strict sense of the term, and this we may regard as its "great innovation".

### The Tunisian Reform

In Tunisia today "divorce can take place only in a court of law" (Article 30). Articles 31 and 32 state definitely that

it is "the Court which pronounces divorce" (yuhkamu bi al-taláq) and that "the Court deals with applications for divorce and with the legal processes arising therefrom (tatahákamu l'-mahkamah fi talág wa má yata allaqu bi-hi). Article 31, in its first paragraph (on application (talab) for divorce by a husband or wife) sets out to deal with "legal or judiciary divorce" in the manner just described in this article. There is nothing new in this item. The second paragraph, which submits divorce by mutual consent (tarádí) to the decision of the judge, and which makes no mention of compensation, initiates another striking reform. This point has already been mentioned. In view of its practical importance<sup>71</sup> we will make a detailed study of the third paragraph; for by the facilities which it grants it diminishes the relative importance of the two preceding paragraphs. Divorce is pronounced "on the application of the husband or the wife". The French text does not give a very exact translation of the Arabic text, which differentiates between the demand of the husband and that of the wife. So that a more exact translation would be: "at the desire (ragahbah) of the husband or at the request (mutalabah) of the wife". Does not the Arabic text set out to respect the traditional differentiation between the arbitrary action of the husband and the motivated action of the wife? The "desire" of the husband leads up to repudiation: he is not obliged to give the reasons, it is sufficient for him to desire" a separation. As for the wife, it would seem that she must always give her reasons, hence the term mutalabah. meaning "claim, request, demand". Should she, in the general plan of the Tunisian Code, give the reasons for her demand for divorce, while the husband is not obliged to do so? The Arabic text of the Code seems to support this interpretation, and no doubt actual facts will bear this out. The 'liberty of the two spouses," face to face with divorce, is authorized for all time, but it will be manifested in different ways. Can we say that "... when a husband wishes to put an end to his marriage, all he has to do is to inform the court, which is then obliged to pronounce a divorce — Article 31 recognizing the jurisdiction of the court only in so far as it can decide whether a husband is guilty (or not), and can fix the amount which he will have to pay to the wife? Thus a husband would have no need to bring forward a reason in order to legalize his demand and obtain satisfaction."72 This seems to be a proceeding fraught with difficulty. The partners do not enjoy "complete liberty without distinction of sex" and it is not stated that "the Tunisian wife can obtain a divorce as easily as her husband can"; for it seems that the judge's role is not confined to the mere registration of a demand for divorce which he is obliged to renounce. For one thing, he should have exhausted all the possible means of reconciliation. "Divorce cannot be pronounced until after an attempt at reconciliation made by the President of the Court or his delegate has remained unsuccessful" (Article 32, ab initio). Secondly, he must declare which of the partners is the guilty one, and hence the one who will owe 'damages". In acting thus he will inevitably be judging the causes of divorce (yahkumu fí l-taláq). It is from this viewpoint, it would seem, that we should interpret the expression quoted above: "the Court pronounces, the Court decrees . . ." In any case, the Tunisian divorce will be "legal".

The "damages" (gharámát) mentioned are those awarded to the wife to indemnify her for the detriment suffered as a result of divorce brought about through the "desire" of the husband. And the "indemnities" (ta'widát) are those which the wife owes to the husband in cases where the divorce has been pronounced on her "request". Here also the aim of

the Tunisian legislators was to push ahead beyond the framework of traditional law. These "damages" will constitute a first check on the wide possibilities given to divorce. But all that has just been said leads us to believe that henceforward, in every case of divorce, the Tunisian judge will act litigiously. This will be the real check imposed by the Code against a certain degree of latitude granted liberally and almost equally to the two partners. "The moral difficulty will be considerable for many Tunisians, who will feel great repugnance at having their conjugal disputes settled in public. This will not be the least of the obstacles to the functioning of the law, "4 or rather, to the liberty which it ensures. This reform completes an evolution which is still only in its infancy in the other Muslim countries, where "extra-judiciary and unilateral repudiation is still a distressing problem"."

To remedy this situation some people suggest that "repudiation be made a legal process, and that the judge be authorized to decide on the genuineness of the complaints made by a husband against his wife. Thus there would be only justified repudiations. Which is as good as saying that there would be no more repudiations at all, since the essence of repudiation is to give the husband a means of breaking the marriage bonds without any justification whatsoever. To oblige him to bring proofs regarding the complaints he makes against his wife would be to transform repudiation into "legal divorce". This "revolutionary reform" has been brought to realization in Tunisia. This country was determined to have no half-measures. Here again the objective was the strengthening of the marriage bonds, and the settling down of the family community on more solid foundations.

### FOOTNOTES

- 63 cf. The Qur'án, 4:127: "If a wife fears from her husband roughness or indifference, no blame is attributed if they come to some arrangement, for an arrangement is a good thing."
- 64 Y. Linant de Bellefonds, Le code du statut personnel irakien du 30 decembre 1959, in *Studia Islamica*, XIII, 1960, p. 110.
- 65 A. Colomer, Le code de Statut personnel tunisien, in Revue algérienne de legislation et de jurisprudence, 1957, p. 183.
- 66 Y. Linant de Bellefonds, Immutabilité du droit musulman et réformes législative en Egypte, in Revue internationale de droit comparé, 1955, No. 1, p. 15.
- 67 It would seem that "for the Iraqi Code, at the expiration of the period fixed by the court, and even if in the meantime the husband has recovered from his illness, the court could still pronounce the divorce: 'The divorce is adjourned until he is cured'," Y. Linant de Bellefonds, Le code . . ., op. cit., p. 109.
- 68 cf. The Qur'án, 4:39: "If you fear a split between husband and wife, appoint a referee (arbitrator) from among the relatives of the husband and another from among the relatives of the wife. If (the spouses) desire a reconciliation, God will re-establish peace between them. And God is Omniscient, All-Knowing."
- 69 cf. The Qur'an, 2:226-227: "For those who swear (an oath) with regard to their wives, a time-limit of four months. If (before the end of these four months) they repudiate their oath (it is cancelled), for God is Forgiving, Merciful. If (on the contrary) they maintain the repudiation (it becomes operative), for God is All-Hearing, All-Knowing."
- 70 A. Colomer, art. cit., p. 182. Note that Article 32 is really aimed at the failure to maintain ("An indigent husband does not owe food. However, if at the end of a period of two months granted by the judge, he cannot fulfil this duty, the judge will pronounce divorce. Notwithstanding this, a wife who at the time of marriage knew about her husband's circumstances, has not the right to demand divorce"). Note also that Article 40 brings up the question of the absent husband ("If the husband, finding himself with-

- out resources, leaves his wife without having provided food for her, and if no one maintains her during his absence, the judge will fix a time limit of one month for the husband to return; at the end of this period the judge pronounces divorce, the wife having first sworn on oath regarding the facts she is bringing forward").
- 71 We must nevertheless recognize that divorce by mutual agreement is the most numerous; often a wife will request (tutalibu) divorce for various reasons and the husband will declare before the judge that he agrees to this. Divorce is then pronounced in accordance with paragraph 2 of Article 31: yuhkamu bi-taqrir al-taláq al-sádir min al-zawj . . . hasba ittifáqi-humá wa tarádi-humá.
- 72 A. Colomer, art. cit., p. 183.
- 73 In his Annotations, M. M. T. es-Snoussi points out an interesting fact, that these gharámát are the equivalent of muta'h (consolation presents), and that the ta'widát corresponds to khul' (sum given as redemption-money by the wife to her husband in a divorce by mutual consent) As for Article 31, paragraph 3, dealing with a "request" for divorce by a wife, could not this be reduced simply to the traditional form of divorce by mutual consent, where the wife requests divorce and at the same time offers a pecuniary compensation?
- 74 J. Magnin, Réformes juridiques en Tunisie, in *Ibla*, 1958, No. 81, p. 89.
- 75 Y. Linant de Bellefonds, Immutabilité du droit . . ., op. cit., p. 30. 76 Idem.
- 77 M. M. T. es-Snoussi emphasizes the great advantage of such a procedure. "A possibility is opened up for the resumption of conjugal life after a 'reconciliation meeting', during which the judge can give advice and perhaps admonishments. He has the opportunity of pointing out to the two partners the sad circumstances to which their children would be reduced (if they had children). And more particularly, the process of going to law on this matter would have the salutary effect of causing husbands to hesitate before thoughtlessly threatening their wives with divorce" (in Code annoté, p. 22, footnote).

# Holy Qur'an to be Written in Gold Thread

Pakistani craftsmen will soon begin the imposing task of writing the Qur'an in gold thread. The 140,000 words or so will be worked into specially selected satin by a team of ten highly-skilled Muslim artisans.

They will produce three copies, at a cost of about 400,000 rupees (about \$28,000) each. One copy is to be kept in the new Pakistani capital of Islamabad. The other two will go respectively to the Muslim holy cities of Mecca and Medina in Su'udi Arabia.

The work is being carried out under the auspices of a

body known as Jamaa'at-i Tazyeen-i Qur'án (the Society for the Beautification of the Holy Qur'án). It is believed that the task will be completed by the beginning of the next year, in which year the 1400th anniversary of the revelation of the words of the Qur'án to the Prophet Muhammad from God through His agency, the Angel Gabriel, will be celebrated in the Muslim world.

The President of Pakistan, Mr. Muhammad Ayyub Khan, is the Patron of the Society and al-Hajj 'Abdullah Zaheeruddin the Chairman.

# Relationship Between East and West In Iqbal's Thought

Iqbal's Analysis of the Causes of Muslims Becoming Stagnant in the Intellectual Field

By PROFESSOR ZIAUDDIN AHMAD

### Igbal's view of education

The lite of a nation depends on its economic, industrial, social and cultural achievements, but the foundation of all economic growth, scientific and technological advancement, is education, which is a problem of paramount importance for every developing nation. Education is the pivot of all phases of developments and it is measured by the character, ideology and a high degree of cultural attainment.

There is no denying the fact that Pakistan in 1947 did not inherit a progressive and dynamic pattern of education to create individuals imbued with courage, initiative, discipline, co-operation, leadership and tolerance; rather it received a legacy of imperialistic and feudal structure most unsuited to the genius of a free and independent nation. It was like an inverted pyramid with no base for sound educational edifice. With this frail structure Pakistan started on its nation building, but this was inefficacious and the nation could make punctuated substantial headway to the advancement in science and technology. The light that shone on the Indo-Pakistan horizon and radiated rays of a new educational ideology was the poet Iqbal, who rightly diagnosed the pulse of the nation and visualized a happy cultural fusion of the East and West based on an international concept.

What is Iqbal's contribution? How far did he go ahead in making us realize that education has to be radically changed and given a new spirit to produce free citizens endowed with the spirit of "Dare and Live". The Qa'id-i-A'zam Muhammad 'Ali Jinnah of Pakistan has rightly said:

"Optimism, industry, faith, self-confidence and courage are the principles on which Iqbal bases his philosophy and which he believes are the essential factors



Dr. Muhammad Iqbal (d. 1938 C.E.)

for the purification of the human soul, and for the elevation of human character. The obstacles and setbacks in life make the life worth living. The sacrifices and losses made and incurred in the service of a right cause and for noble principles elevate a nation and make life more glorious and worth living.

"Iqbal never believed in failure. He believed in the superiority of mankind over all the rest that God created. In fact he was convinced that man is a collection of all that is best in God's universe. Only man does not know himself. Man has but to utilize his great potentialities and to use them in the right direction for the realization of that 'self' which finds itself so near to God."

The basic principle of education is creative and purposive activity which should enable man to control his environment and develop his "whole personality" and inner resources with an indomitable spirit of conquest and adventure to overcome the surrounding obstacles and hindrances of the psychical and physical world. It is a continuous process of readjustment and reorientation and an active participation in life. It demands a complete harmony between the individual and the community.

## Iqbal's theory of divine time is an original contribution to the concept of time

Iqbal has not totally rejected the Western culture, rather he has given a progressive interpretation of the Qur'án in the light of rapidly developing modern science and theology. He is against the "over intellectualistic" concept of education and lays emphasis on all aspects of experience — cognitive, conative and effective — which weave out the full texture of

life. Man should endeavour to mould and shape his purposes which should enable him to rise to undreamed-of heights when he becomes the architect of his fate.

Iqbal thinks that the world is a stream of happenings, a perpetual flow of events. Change is the essence of existence. The ultimate units of concrete flow of experience are neither points of space nor instants of time nor particles of matter. They are events which have a three-dimensional character, a concrete content occupying a point of space at an instant of time. Space, time, matter or life are abstractions from happenings with a qualitative character and a spatio-temporal setting. This world is a process consisting of events.

The Italian scholar Dr. Bausani thinks that "Iqbal's theory of divine time is an original contribution to the concept of time as opposed to Plato's 'uncyclic time' and 'archaic time' of Hindu philosophy which conceive of prematured and fixed universe. Iqbal's theory gives us a universe which is continuously creative. Each moment is original and predictive, and not fixed and predetermined."

Animals are conscious but men are self-conscious, and so have greater dignity than stones, plants or animals. Men have a restless reaching out for ideals. The human individual has to work his evolution consciously and deliberately. His growth is not effected fortuitously or automatically. He has to act responsibly and co-operate willingly with the purpose of creative evolution. He must move onward and recognize his "self" and individuality when God himself acts and commands.

### Igbal, Kant and Bergson

Deeply immersed with Western ideas and thoughts, Iqbal did not lose his original thinking and independent reasoning. Unlike Kant (1804 C.E.), who restricted knowledge to empirical reality, Iqbal believes that man can apprehend the Absolute Reality not through his reasons and senses but by having recourse to a unique experience which he calls Intuition or Love ('Ishq).

It seems, apparently, that a close affinity exists between the thoughts of Iqbal and Bergson (1859-1909 C.E.). In order to resolve their philosophical problems both the thinkers turn not to reason but to a faculty of aparticular character, Intuition. For Bergson the *Elan Vital* is a blind force, capricious, arbitrary and unforeseeable; it leads nowhere, it has no purpose. On the contrary, for Iqbal the creative will is of the same nature as thought and intelligence. It has an object and is orientated towards an end. The universe must be conceived as a "creative life rationally directed".

For Bergson the world is divided into two disparate portions, on the one hand life, on the other matter, or rather that inert something which the intellect views as matter. Matter is relatively passive, it is the inversion of the principle of life. The *Elan* in order to overcome this inertia has endowed organic beings with an individuality and consciousness in man. This individuality or personality is an instrument at the service of the *Elan*, which seeks to conquer its freedom. It has no genuine reality and is only a projection, a projected shadow.

Iqbal is not in line with this thought. To him matter is essentially living and active; it changes and transforms itself ceaselessly. He believes in the reality and existence of the Ego.

According to Iqbal, the Elan culminates and finds its justification in the Supreme Ego or God, but to Bergson it

ever stands as the Supreme Reality. The former is led to monotheism, the latter to pantheism.

### Iqbal and Nietzsche

Some of the critics of Iqbal have misinterpreted the influence exercised by Nietzsche. They have gone to the extent of calling him a disciple. This is far from the truth. A searching analysis will reveal that Nietzsche is an atheist and Iqbal a believer; the one wants to establish the Kingdom of God on earth, while the other proclaims that God is dead.

There is no doubt that both of them are aiming at the creation of a "Superman". But Nietzsche's Superman is an incarnation of violent and merciless "will power", whereas Iqbal's "Superman" or Perfect Man finds his object and strength in love. Bertrand Russell has with clarity epitomised Nietzsche's philosophy: "It does not occur to Nietzsche as possible that a man should genuinely feel universal love, obviously because he himself feels almost universal hatred and fear, which he would fain disguise as lordly in difference. His 'noble' man — who is himself in day-dreams — is a being wholly devoid of sympathy, ruthless, cunning, cruel, concerned only with his own power."

The Nietzschean man, like the Iqbalian man, lives in a perpetual state of tension, but the former's aim is to glorify his physical and mental force by breaking on his way all that could hinder him; whereas the latter seeks to purify and ennoble himself without destroying anything on his path. The one preaches fanaticism, the other tolerance. As Iqbal says, "Nietzsche's Superman is a biological product. The Islamic perfect man is the product of moral and spiritual forces."

Such a type of individual so fully develops the potentialities of his character that he has few needs and does not submit or bow before any person or thing except God or the Laws of God, and becomes godly or divine, approaching nearer and nearer to God by acquiring divine attributes, which is implied in the Qur'ánic words "Baptism of God and who is better than God in baptism?" (2:138), or as the Prophet of Islam has said, "Create in yourself the Divine attributes". Such a man becomes a saint above needs, brave, fearless, benefactor and uplifter of the downtrodden and needy. In short, a sort of Superman by sheer dint of the highest possible divine character, and he uplifts nations.

### Why Muslims became stagnant in the intellectual field

It will be pertinent to point out that only 250 years ago, towards the end of the 17th century, all European travellers, and indeed the general opinion as well as the remains of architecture, prove beyond question that the Islamic world was superior to the Western in civilization and the amenities of life.

European travellers' records leave no doubt that cities such as Isphahan, Istanbul, Cairo and Delhi were healthier, with far better sanitary arrangements, cleaner, with a better quality of water, light, law and order, than their contemporary rivals in Europe.

If we can judge a nation by its personal cleanliness, then the Muslim world was far ahead according to all contemporary evidence, especially from European sources.

In medicine and armaments, two totally different but necessary indications of national power and vigour, the Muslim world had nothing to learn from either the non-Muslim East or West. Yet today, 250 years later, how different! But the greatest and by far the most important, indeed the mother of all causes, direct or indirect, is the intellectual and spiritual revolution that took place in the West soon after the Renaissance but which, unfortunately for us, the Muslims misunderstood at the time; and the Muslims have suffered from it ever since.

This revolution led to immense power over the forces of nature. The control of nuclear energy today is the latest example of that which the West gained and which the Muslims failed to realize.

Until soon after the Renaissance both East and West looked for their philosophy of nature, for their explanation of phenomena to what I may call the classic interpretation of the facts of the universe.

This natural philosophy was the foundation of both Eastern and Western nations and technology plus their means of production based on the same until some 400 years ago; then the West, under the influence of certain men of genius, such as Leonardo da Vinci (d. 1519 C.E.) and Francis Bacon (d. 1606 C.E.) and a good many others, began to question the truth of Greco-Arabian explanations and finally broke away from classical traditions and turned directly to nature.

Observation of natural phenomena and questions by experiment became the foundations and the guiding stars of the mind and thought of the West.

Alas, at the critical time in the Muslim East more and more thought and concentration was given to further study of the classical discoveries of the past. A full stop was put to fresh inquiry.

The Muslim traditionalists' theory of knowledge in which the past was given complete wisdom and the future was to follow, rather than go forward, put a stop to what was most important for educational, political, economic and indeed cultural life.

# Iqbal on the continuity of intellectual life between culture and modern knowledge

Iqbal has summed up beautifully the continuity of intellectual life between Muslim culture and modern knowledge. "The political fall of Islam in Europe unfortunately took place, roughly speaking, at a moment when Muslim thinkers began to see the futility of deductive science and were fairly on the way to building inductive knowledge. It was practically at this time that Europe took up the task of research and discovery. Intellectual activity in the world of Islam practically ceased from this time and Europe began to reap the fruits of the labours of Muslim thinkers. The Humanist movement in Europe was due to a large extent to the force set free by Muslim thought. It is not at all an exaggeration to say that the fruits of modern European humanism in the shape of modern science and philosophy are in many ways only a further development of Muslim culture. Neither the European nor the Mussalman of today realizes this important fact because the extent of Muslim thinkers still lies scattered and unpublished in the libraries of Europe, Asia and Africa. The ignorance of the Mussalmans (Muslims) of today is so great that they consider thoroughly anti-Islamic what has in the main arisen out of the bosom of their own culture. If, for instance, a Muslim savant knew that something like the theory of Einstein was seriously discussed in the scientific circle of Islam (Abu al-Ma'álí quoted by Averroes), the present theory of Einstein would appear to him less outlandish. Again, his antipathy to modern Inductive Logic would be very much diminished if he knew that the whole system of modern logic started from Rází's well-known objection to the deductive logic of Aristotle."

Both East and West are agreed that the Greco-Arab period produced some of the greatest intellectual giants of the human race. But while we were satisfied to look at the world through the eyes of our giants, the West insisted on more and more pygmies sitting one over the other on the top of the giants' shoulders till their accumulated height was infinitely greater than that of the original giant on whom they had built their foundation.

What has been the result? All through the 18th and 19th centuries, right up to the middle of the 20th century, we find Europe and America constantly getting greater and greater power over nature, and thus their ability to conquer, and indeed, when necessary, to crush, those who had turned their back on the possibility of progress; and it is all the more extraordinary that this should have happened to the Muslim world.

### The Qur'an emphasizes the truth that this universe is not created in vain

Islam is fundamentally a natural religion. It is based on the regularity and order of natural phenomena, on the natural inclination of human beings for survival and reproduction, yet Muslims are oblivious of the teaching of the Qur'án, which has emphasized the fact that this creation had not been brought into existence merely in the spirit of sport on the part of the Creator:

"We (God) have not created the heights and the surface and whatever is between the twain, for mere sport: We have not created them but for a positive (creative) purpose; but the greater part of mankind understands it not "(44:38-39).

The Qur'an has laid emphasis on the fact that this creation and the natural phenomena have been created for our purpose. This creative and purposive activity can only be served when there is an interweaving and integration between the psychic and inner being and observable aspect of reality which we call the Phenomenal Universe. The Qur'an refers to these in the following verses:

"Verily in the creation of heights and of the surfaces and in the succession of the night and the day, are signs for men of understanding who standing, sitting and reclining, remind themselves of their Creator and reflect in the creation of the heights and the surfaces and say: 'O our Sustainer, Thou has not created this in vain'" (3:190-191).

"And it is He who hath made the stars for you that ye may be guided thereby in the darkness of the land and of the sea. So clear have we made our signs to men of knowledge.

"Can they not look up to the clouds how they are gathered and formed; and to the heights how they are upraised; and to the mountains how they are rooted, and to the earth how it is outspread?" (88:17-20).

"See ye not how God hath subjected to your control all that is above and all that is below, and hath been bounteous to you in His favours both in relation to the manifest and the potential" (31:19).

"And He hath subjected to you the night and the day; the sun and the moon and the stars too are subjected to you by His behest; verily in this are signs for those who understand" (16:12).

### Sources of knowledge according to Iqbal

Iqbal also, in his Reconstruction of Religious Thought in Islam, London, 1936, has beautifully thrown light on this aspect of human activity. He says: "But inner experience is only one source of human knowledge. According to the Qur'an there are two other sources of knowledge — nature and history; and it is in tapping these sources of knowledge that the spirit of Islam is seen at its best. The Qur'an sees signs of the ultimate reality in the 'sun', the 'moon lengthening out of shadows' and 'alternation of day and night', 'the variety of human colour and tongues', 'the alternation of the days of success and reverse among peoples' — in fact in the whole of nature as revealed to the sense-perception of man. And the Muslim's duty is to reflect on these signs and not to pass by them "as if he is deaf and blind", for he "who does not see these signs in this life will remain blind to the realities of the life to come". This appeal to the concrete combined with the slow realization that, according to the teachings of the Qur'an, the universe is dynamic in its origin, finite and capable of increase, eventually brought Muslim thinkers into conflict with Greek thought, which in the beginning of their intellectual career they had studied with so much enthusiasm. Not realizing that the spirit of the Qur'an was essentially anticlassical and putting fully confidence in Greek thinkers, their first impulse was to understand the Qur'an in the light of Greek philosophy. In view of the concrete spirit of the Qur'an and the speculative nature of Greek philosophy which enjoyed theory and was neglectful of fact, this attempt was foredoomed to failure. And it is what follows their failure that brings out the real spirit of culture of Islam, and lays the foundation of modern culture in some of its most important aspects."

Ighal has beautifully envisioned the spirit of Islam in the following lines:

If by mastering the forces of this universe You perfect your creative faculties Man will become God's vicegerent on earth And will hold firm sway over the elements. Your narrow vision will widen And your labours will yield concrete results. Ride the wind And bridle this dromedary; Le thy hand shed the blood of mountains And bring out camels from the river and glittering pearls; Receive thou strength from the world-illumining sun; And extract dazzling light from surging streams: Make strong your quest with the help of practical wisdom And conquer the domains of matter and spirit. By acquiring scientific knowledge Even the weak can force a tribute from the strong. He who harnesses the resources of knowledge Makes fire and lightning serve as his steeds. About history as one of the sources of knowledge Iqbal

thinks that it widens the vision and makes one conscious of oneself and spurs one to action:

What is history, O stranger to thyself? It is a mere tale, a story, a fable? History makes you conscious of yourself. It acquaints you with action and makes you a proper person for quest. It grinds you on the whet-stone like a dagger.

And then strikes you on the face of the world. Behold the dormant flame in its fire. Behold Tomorrow in the lap of its Today. History is a candle that is the guiding start of nations' fortunes; It lights up both tonight and vesternight. That experienced eye that beholds the past Re-creates the past for you. Thy present takes its birth from thy past, And thy future emerges out of thy Present. If you desire eternal life, do not cut off

#### Deracialization

Deep and comparative study of the philosophies of East and West in the light of the Qur'an created a remarkable influence in changing Iqbal's outlook and widening his horizon. It convinced him that the real spirit of Islamic culture is not possible without de-racialization.

The Link of the Past from your Present and Future.

The concept of narrow and aggressive nationalism, the division of nations on territorial basis, the discrimination of races and colours, formalism, convention, low standard of morality and character — all these created in him a spirit of revolt.

He revolted against the dismemberment of mankind into regional and sectional compartments. He believed in the futility and inefficacy of such a racial distinction in which man is set against man, creed against creed and colour against colour. Dissatisfied and annoyed with the Western society and culture, he advocated the demolition of man-made barriers to regenerate humanity and rescue it from the thraldom of tyranny, conflict and hatred. He demanded allegiance to something enduring, permanent and noble, and found it in a common interest and universal outlook.

### Iqbal on the causes of the Muslims being in subjection and degradation

Why are the Muslims in subjection and degradation? Why have they fallen from the apogee of culture and civilization? The poet maintains that this is due to the deviation from the Qur'an which is in conformity and consonance with the principles of nature. Iqbal has rightly remarked, "The new culture finds the foundation of world unity in the principle of Tauhid. Islam as a polity is only a practical means of making this principle a living factor in the intellectual and emotional life of mankind. It demands loyalty to God, not to thrones. And since God is the ultimate spiritual basis of all life, loyalty to God virtually amounts to man's loyalty to his own ideal nature. The ultimate spiritual basis of all life, as conceived by Islam, is eternal and reveals itself in variety and change. A society based on such a conception of reality must reconcile in its life the categories of permanence and change. It must possess eternal principles to regulate its collective life: for the eternal gives us a foothold in the world of perpetual change. But eternal principles when they are understood to exclude all possibilities of change which, according to the Qur'an, is one of the greatest 'Signs of God', tend to immobilise what is essentially mobile in its nature The belief in Tauhid — Unity of God — will blend all diverse elements into one whole."

According to Iqbal, education must be conducted in the most liberal and broad-minded spirit so as to give the youth a bias in favour of an all-embracing humanity and a truly international outlook and to arrest the growth of narrow, political, racial and geographical loyalties.

# Arabian Influence on the Concept of Platonic Love in Shakespeare

Romeo and Juliet and Majnoon and Layla

By Dr. SAFA' KHULUSI

The concept of platonic love is basically Arabian. One may not find a trace of it among peoples other than Arabian with the same clarity and the same degree of unusual sincerity. Among the writers and poets of the West, no one could reflect this concept like Shakespeare. By virtue of his supreme capability of penetrating the human soul and analyzing its hidden secrets, Shakespeare, in effect, is the poet who could really understand this pure aspect of love and portray it in Romeo and Juliet, The Two Gentlemen of Verona, Love's Labour Lost, A Midsummer Night's Dream and, to a certain extent, in Titus Andronicus and Othello.

Perhaps Romeo and Juliet is the best one among the plays to express what we want to say. This famous play was the first from Shakespeare to be translated into Arabic in the 19th century as The Martyrs of Love.

The story of Romeo and Juliet is very close to the Arabian stories of platonic love. It sounds partly like *Majnoon Layla*. Romeo is madly in love with Juliet and his behaviour is far from that of a normal person. He is called "mad" in more than one place in the play by some of his relatives, and also by Friar Laurence, who addresses him:

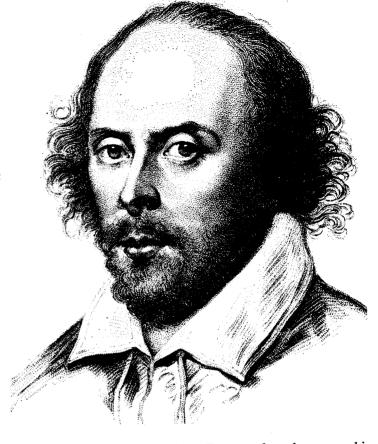
Thou fond mad man, hear me but speak a word. (Romeo and Juliet, III, iii, 51).

Addressing his rival Paris, and asking him to escape, Romeo says:

For I came hither arm'd against myself:
Stay not, be gone; live and hereafter say
A madman's mercy bade thee run away (V, iii, 65-67).

#### And furthermore

Said he not so? or did I dream it so? Or am I mad, hearing him talk of Juliet? (V, iii, 79-80).



The first one to speak to Romeo of madness was his friend Mercutio, kinsman of Escalus, Prince of Verona:

Say, I'll conjure too. Romeo! humours! madman! passion! lover Appear thou in the likeness of a sigh: Speak but one rime and I am satisfied (II, i, 6-8).

This indicates that Romeo was a poet like Majnoon (literally *madman*) of the Banu 'Amir, and that Juliet, as she is portrayed by Shakespeare, was a girl very similar to Layla. At least she had "black" eyes, and those were the eyes beloved of Shakespeare himself. Mercutio says:

Alas poor Romeo, he is already dead; Stabbed with a white wench's black eye (II, iv, 13-14).

Like most love stories, Romeo and Juliet has two rival parties. The rivalry between the Montagues and the Capulets is explained by the chorus in the Prologue to Act 1. The peace between the two Houses is not restored until the death of the two lovers, as if they were born to be a sacrifice for this peace. Yet Capulet is the first to shake hands with his rival. He says at the close of the play:

O brother Montague! give me thy hand: This is my daughter's jointure, for no more Can I demand (V, iii, 296-298).

### Montague replies:

But I can give thee more; For I will raise her statue in pure gold; That while Verona by that name is known, There shall no figure at such rate be set As that of true and faithful Juliet (V, iii, 298-302).

### And Capulet:

So rich shall Romeo by his lady lie; Poor sacrifice for our enmity! (V, iii, 303-304).

It is of special interest in this play to note that Shake-speare had given his words an air of Arabic rhetoric. There are numerous examples of inversion, alliteration, pun, play on words and a repetition of certain words and phrases in a way worthy of consideration. We do not know for certain the source of Shakespeare's idea of insulting the enemy by biting the thumb in front of him. This may be an old Hespano-Arab habit. Sampson says:

I will bite my thumb at them; which is a disgrace to them, if they bear it (I, i, 47-49).

Shakespeare's Eastern spirit may be traced in his glorification of the sun and the land of the rising sun. Benvolio says:

Madam, an hour before the worshipp'd sun Peer'd forth the golden window of the east, A troubled mind drave me to walk abroad (I, i, 124-126).

Montague's words about Venus are these:

Ere he can spread his sweet leaves to the air, Or dedicate his beauty to the sun (I, i, 157-158).

In front of Juliet's balcony, Romeo points to where she looks:

It is the east, and Juliet is the sun! (II, ii, 3).

### When talking of love, Shakespeare's style swarms with similies

Speaking of love, Shakespeare's style becomes swarming with similies and metaphors. Thus Romeo says:

Love is a smoke rais'd with the fume of sighs; Being purg'd, a fire sparkling in lovers' eyes; Being vex'd, a sea nourished with lovers' tears: What is it else? a madness most discreet, A choking gall, and a preserving sweet (I, i, 196-200).

An expert who describes love may also describe its cure, like a psychologist who lived at least three hundred years before psychology was born. The poet answers, through Benvolio, Romeo's question as to how to forget love:

By giving liberty into thine eyes: Examine other beauties (I, i, 233-234).

But Romeo refuses this cure as he finds in his love every sort of beauty. It is noteworthy that Shakespeare believes, like the Easterners of his day, in early marriage. So Juliet is fourteen, as we are told by her nurse, who counts the years in an Eastern way, by remembering certain incidents. She says, for instance, that:

'Tis since the earthquake now eleven years; And she was wean'd, I never shall forget it (I, ii, 23-24).

Shakespeare believes that you have to act towards love as love acts towards you. Mercutio says:

If love be rough with you, be rough with love; Prick love for pricking, and you beat love down (I, iv, 27-28)

He also believes that the nightmare is a result of sleeping on the back (I, iv). This play is perhaps unique among Shakespeare's works in the use of rhetorical devices, which is reminiscent of an Eastern style. Like plays by Racine and Corneille — and perhaps they were influenced by Shakespeare — this play represents the struggle between love and duty When Juliet learns that her love is the only son to Montague, her enemy, she says:

My only love sprung from my only hate! Too early seen unknown, and known too late! Prodigious birth of love it is to me, That I must love a loathed enemy (I, v, 142-145).

Juliet tries her best to forget that Romeo is a Montague. What's in a name? that which we call a rose By any other name would smell as sweet (II, ii, 43-44).

The description of nature abounds in this play. Friar Laurence says:

The grey-ey'd morn smiles on the frowning night, Checkering the eastern clouds with streaks of light (II, iii, 1-2).

Shakespeare also believes in Providence:

What must be shall be (IV, i, 21).

Juliet also addresses Friar Laurence thus:

God join'd my heart with Romeo's, thou our hands (IV, i, 55).

Romeo mentions "death's wake" as it is known among the Easterners (V, iii, 151 ff) and Shakespeare believes, furthermore, in the existence of punishment in life before death

In the story of Romeo and Juliet there is an aspect of "Qays and Lubna". Romeo marries Juliet in a way similar to what happens in the Arabian legend. The Shakespearean story also approaches that of "Jameel Buthaynah", where the lover is threatened by the relatives of Buthaynah. The Capulets also threaten Romeo when they learn that he is in love with Juliet, because of the mortal enmity between the two Houses.

Yet there is a basic difference. Romeo had been in love with Rosaline before Juliet. When reminded of this by Friar Laurence, Romeo says that Rosaline will not return his love the way Juliet does.

Prince Escalus of Verona banished Romeo from the city under penalty of death if he were to return from his exile. The Umayyad Caliph also pronounced the death sentence on Qays for a violation of revered traditions. But Romeo's crime was the greater, as he killed Tybalt, Lady Capulet's nephew, who, in turn, had killed Mercutio, a kinsman of the Prince and Romeo's friend.

Juliet's love is also more sincere than Layla's, as she preferred to die rather than marry Paris. But Layla welcomed Wird as a husband, on the assumption that it would have stopped unpleasant gossip.

Contrary to this, Qays's love is purer than Romeo's. The former loved one woman in his life, and died for her. But Romeo had loved Rosaline before Juliet, won her kiss and married her before Friar Laurence, while Majnoon did not enjoy anything of the sort, according to the Arabic narratives.

Wird had a better end than Paris, who was killed by Romeo in the Capulet graveyard and was buried beside Juliet.

As we have already mentioned, Shakespeare resorts frequently to alliteration and repetition of certain words and phrases in a remarkable way more than he does in any other play. All this may lead one to fancy that a demon of some Arab poet was dictating to Shakespeare plenty of rhetorical devices, thus bringing the story nearer to similar ones in the literature of the East.

# **BHAMBORE**

# A Probable Site of Debul<sup>1</sup>

01

# the First Landing Site in Sindh (now in Pakistan) of the Arab General Muhammad lbn Qasim in 711-712 C.E.

### By AHMAD NABI KHAN

### Authorities differ about the site of Debul

About 40 miles north-east of Karachi on the highway to Hyderabad at the head of Gharo Creek of the Arabian Sea, is situated a high mound which represents the ruins of an ancient city. The area around the mound possesses a small village called Bhambore or Banbhore — the place associated with the famous romance of Sassi and Panhu, described in local folklore.

The origin of this city is not definitely established, but it has been revealed by the archaeological researches that

during the early centuries of the Christian era it was inhabited by a people who had some connections with the foreign tribes of Scythian stock. It is presumed that the city was under the sway of the Scythians (100 B.C.). This discovery was of the utmost significance, as it has been proved for the first time that these foreign tribes also ruled over the southern part of West Pakistan. Later, however, the place was inhabited by the Buddhists and the Hindus, who constructed here many important buildings. The remains of a temple uncovered here prove the existence of the Hindu populace.

At the advent of Islam in the early decades of the 8th century C.E., it was a fortress ruled by a Hindu rajah, while the populace consisted mainly of Buddhists. After the Arab conquest, Muslims built mosques and other residential buildings and, in the later days, encircled the city with a fortification wall. This massive structure enhanced the importance of the place. The fortification wall was perhaps erected during the Abbasid period.

Some historians have suggested that the place can be identified with the famous cityport of Debul, which was invaded by the young Arab general Muhammad Ibn Qásim in 712 C.E. It was the first important port in Sind which fell to the Muslim army and has therefore been described by almost every contemporary and later chronicler and historian. An Arab geographer, Ibn Hauqal (d. 977 C.E.), writes that the city of Debul was situated to the

west of Mehran towards the sea, while the Arab geographer al-Idrisi (d. 1166 C.E.) measures it six manzils from the mouth of the sea. Similarly, Istakhri (flourished about 950 C.E.) places it on the west of the mouth of the Indus. Ibn Battutah (d. 1377 C.E.) locates it near Lohari Bunder upon the sea. Among the modern historians, Cunningham assumes that Debul occupied a site between Karachi and Thatta, while Major Haige and Raverty place it on the bank of the Kairi Begar, 20 miles south-west of Thatta. Similarly, Sir H. M. Elliot says that the rock of Manora should be treated as a possible site of this port.



Sassanian type pottery with stamped decoration
The Sassanian dynasty ruled in Iran from 226-641 C.E., when the last
Sassanian King, Yezdegird III, was overthrown by the Arab Muslims
in 641 C.E.

# Archaeological researchers declare that Bhambore is Debul—the landing site of the Arab general

These and similar other surmises do not, however, lead to the exact location of the celebrated city port of Debul. When history and tradition failed to solve the problem, archaeology came forward, and in 1930 a promising archaeologist, Majumdar, investigated the remains at Bhambore. His investigation at the site could not, however, yield much to decide the point. The trial trenches yielded material of the

<sup>1</sup> Debul, an important port on the north-western sea coast of the Indo-Pakistan sub-continent, was conquered by the celebrated Arab General Muhammad Ibn Qásim in 711-12 C.E.

# Some views of the Probable Site of Debruselim General, Muhammad Ibn Qasim, la



General View

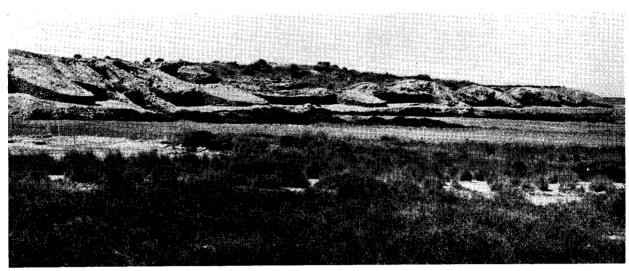


A closer view of the fortification wall



Blue-green glazed j relief. It is o

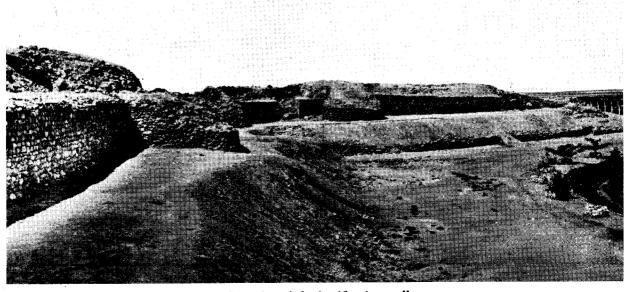
# in Sindh, Pakistan, where the first Arab ded on the soil of India in 711—712 C.E.



General view of the fortification wall with semi-circular bastions



ith decoration in high Issanian origin



Remains of the fortification wall

Muslim period, and on the basis of this he concluded that the settlement was of the Muslim period. Similarly, another archaeologist, Henry Cousen, collected pieces of glazed pottery and stray coins of the Muslim period, and declared that the site could not represent Debul as it was of Muslim origin.

On the establishment of Pakistan, the matter was taken up rather seriously, and the Department of Archaeology of Pakistan planned a thorough probe into the problem. A scheme of extensive excavation was prepared and the work was started in 1951. The first season's work proved that the town which flourished at Bhambore was of Arab origin, but nothing was found to identify it with Debul. In 1958 the Department again embarked upon the task. Since that year, work has been carried out almost continuously, and during

these years of patient labour important discoveries have been made. A wealth of material has been collected revealing the culture of the bygone people. The discoveries have proved that the remains covered not only the Muslim period but also the pre-Muslim era, going as far back as the early centuries of the Christian era. Complexes of remains of imposing buildings like the fortification wall, the great mosque, the temple and a number of other public edifices have been uncovered. A brief account of these buildings and other cultural remains is given here.

### Structural remains at Bhambore

Excavations at Bhambore have revealed that the city was divided into two parts: the fortified citadel on a comparatively higher level and the unwalled lower city. The buildings in the

citadel were used by the ruling and well-to-do class of the population, while the artisans and workmen occupied the lower city. The citadel possessed impressive buildings; there were spacious houses, mosques, temples, etc., built from time to time. In the lower city area were located bazaars and factories and residential quarters. The buildings were mostly constructed with semi-dressed or undressed blocks of sandstone. Sometimes the interior of the walls was plastered with mud mixed with lime and whitewashed. Although no roof could be found intact during the excavations, it has been proved by fallen material that they were made of wood beams and covered with burnt clay tiles. The most important buildings uncovered here during the excavations are the remains of a massive fortification wall, the great mosque, the temple and other residential buildings.

### Fortification wall of the fortress

The citadel was once surrounded by a fortification wall built with large blocks of semi-dressed or undressed stones. The antiquity of this wall goes back to the early centuries of the Islamic era. Though in dilapidated condition now, it still reveals its impressive features. The excavations of this structure have revealed that the wall has been extensively repaired and modified at least four times in its existence. The earliest structure undoubtedly suggests a period of consolidation and

prosperity, while the latest modification in it some time during the latter part of the 10th century C.E. indicates that the wall had lost its defensive character. It was less massive and less solid, and at places was pierced through by narrow lanes.

The wall had three gateways and several bastions. The eastern gateway led to the lake lying beneath the wall. A flight of exceptionally broad steps went down to the lake. The other two gates were at the north-eastern and southern points. These gates also possessed staircases of very finely-worked blocks of stone. The southern gate was approached through the creek. Once it was an imposing structure with two semicircular bastions on each side.

But the most impressive features of the fortification wall were the semi-circular bastions built at intervals. The solidity



Kufic inscription of the Great Mosque dated 294 A.H. (906 C.E.)

of these bastions gave it the grandeur as well as strength. These bastions were constructed with dressed or undressed blocks of stone.

### The great mosque

One of the main features of the Muslim towns and cities all over the world, whether they were constructed by Muslims anew or were occupied by them, has been the existence of a great mosque. In the sub-continent, it is said that the first mosque was constructed by Muhammad Ibn Qásim after the conquest of Debul. Nothing is now known precisely about the location of this mosque, but we have been fortunate in uncovering the remains of another great mosque which was built as early as the first decade of the 2nd century A.H. (8th century C.E.). Within a stone boundary wall, the mosque was erected on a square plan right on the centre of the citadel. There were corridors and cloisters on the three sides of the courtyard and on the western side was the spacious prayerchamber. The mosque had two entrance gates on its eastern and northern sides. The gate on the eastern side was used as the main entrance. The façade of these gates was decorated with inscribed stone. A number of such beautifully inscribed stones was found lying in the ruins of the mosque and gives the date of its construction and some unidentifiable names.

The courtyard had a floor of burnt bricks, and the roof had the support of wooden pillars with stone bases. Some of these bases possess decorative carvings of mutilated human figures, lotus flowers, etc., clearly showing the non-Muslim influence. It is quite possible that they were brought over from the remains of some buildings of the pre-Muslim period and were re-used here.

A close study of the remains of this ancient mosque reveals that it was constructed on almost the same pattern as was in vogue during that period. It had the features similar to those of ancient mosques at Kufah or Wásit (Iraq). Unfortunately, we do not definitely know the person who was responsible for the construction of this great mosque. The only clues in this respect were the inscriptions discovered from the site, but they are either broken or undecipherable.

### The Maktab and the sara'i (caravanserai)

Facing the northern gate of the mosque was the building of the *Maktab* (college), a necessary adjunct to the mosque. It had several corridors and rooms, which were once used as classrooms or a dormitory. Similarly, the eastern side of the mosque was another big building, a *sará'i* (caravanserai) for travellers. These two buildings complete the complex of religious and social establishments of the Bhambore of the Muslim period.

A study of all these structural remains reveals that the city of the Muslim period was well planned. The houses were divided into blocks. There were well-laid streets and lanes. The surfaces of the houses were mostly plastered with lime and whitewashed.

### Household objects

From the ruins of these buildings have been collected a number of household objects left over by the Bhambore people. These are a variety of utensils made of burnt clay with painted, glazed, stamped or incised designs on their surfaces. During the early Muslim period, Bhamborians used a thin white paste Syrian type of pottery, decorated with floral and geometric patterns. Some of the pieces of this type of pottery have Kufic or semi-Kufic inscriptions in relief. It is believed that this pottery was imported from Syria during the Umayyad period (7th and 8th centuries C.E.). A beautiful specimen of this type of pottery discovered from Bhambore is a small handled cup with floral decoration and a couplet in Arabic inscribed on its surface.

A large number of broken glazed pots, especially large thick-bodied jars with deep green or blue glaze and foliated decoration, has been found here. This material seems to have been imported from Iran or adjacent countries. Similarly, Chinese stone-work, porcelain and celadon have also been discovered.

### **Coins**

Among other objects, the most important are the coins of various denominations. These coins provide a definite basis for the chronology of Bhambore. Unfortunately, most of these coins are mutilated and corroded considerably, leaving the inscriptions undecipherable. Among the decipherable coins, however, the most important is the gold coin of the Abbasid caliph Wáthiq Billáh (842-847 C.E.). It was minted in Egypt in 844 C.E. A small number of the decipherable coins are mostly of the Baghdad caliphs or their local governors. The copper coins are much corroded and mutilated.

They were perhaps minted at Bhambore, as thousands of terracotta moulds for striking these coins have been found there.

### Iron, glass and ivory objects

Iron objects include mostly nails, hinges, rings, hooks, arrowheads, knives and sword hilts. The glass objects are mostly broken and decayed. Except for a small number of complete or incomplete scent bottles, candle-stands, vases and bottles, nothing was found intact. It is believed that most of the stuff was manufactured at Bhambore, but a few decorated pieces reflect the early Syrian influence. Work on ivory and bone has been found in the shape of handles, rings, bangles and other ornaments. Beads and pendants of precious or semi-precious stone have also been found in large numbers. The beads show the exquisite workmanship of the lathe workers of Bhambore.

### Bhambore during the pre-Muslim period

The city of Bhambore, as stated earlier, was undoubtedly of pre-Muslim origin. During the days of Hindu-Buddhist supremacy, the people erected buildings for their own use. The remains of these buildings have now gone underneath the structures of the Muslim period, and we are not in a position to know the exact position and layout of the city during that period. Deep digging at various points, however, has uncovered some parts of the houses and other cultural and religious establishments, which give a glimpse of the culture Bhambore enjoyed during that ancient period. One of the most important buildings of this period uncovered so far is the Temple of Siva. It was constructed in the Western part of the citadel with mud-bricks. The remains of this important building have been found in a very dilapidated condition. A large pedestal in the centre of the temple was erected, on which was perhaps placed the deity. Near the pedestal were found lying two small-size Siva lingams. This is clear evidence of Siva worship in Bhambore prior to the arrival of the Muslims.

From the levels occupied by the Hindus and the Buddhists, a great variety of objects has been uncovered. Among these, household pottery is significantly abundant, From the Scytho-Parthian levels has come thin-textured redburnished pottery.

The minor antiquities of the pre-Muslim period include some stray coins, ivory and bone objects, beads and pendants, fragmentary pieces of stone statues and a number of terracotta human and animal figurines.

According to archaeological evidence, Bhambore flourished for more than 1300 years. During its heyday it witnessed the attacks and counter-attacks of many a foreign invader. Some of these settled down here and added to its glory with their social, political, cultural and religious activities. Round about the 13th century C.E. the city came to an end.

In the different parts of the citadel, excavations have uncovered a number of human skeletons lying in a disorderly manner. Some of these have traces of arrowheads embedded in them. The floor on which they lie was covered with ashes and charcoal, suggesting a violent and sudden end to the city, which was, during successive years, abandoned by its inhabitants. Houses were then levelled, streets were filled with rubbish, and gradually the area reduced into high and low mounds.

# What our Leaders are Saying



His Majesty King Faysal of Su'udi Arabia on Zionism

"I am not qualified to give counsel to British firms seeking business in Su'udi Arabia, but we have a free system and our doors are open to any kind of transaction. Provided quality is good and prices are fair all are welcome.

"I want a settlement of the dispute with Britain over the Buraimi Oasis and the only settlement would be to grant Su'udi Arabia her rights. Su'udi Arabia's stand in the Middle East is that of peace-maker and unifier.

"Our policy is peace and the propagation of peace between brothers. We are against any kind of interference in the internal affairs of any country. We have no ambition to dominate anyone.

"In the United Nations, Su'udi Arabia has supported self-determination for African countries and opposed *apartheid* in South Africa.

"Our quarrel is not with the Jews but with the State of Israel, which is classed as an invader. The concept abroad as inseminated by Israeli propaganda is that we harbour evil intentions towards the Jews and that we intend to throw every Jew into the sea."

Continued on page 32 off with equal should be. The individual must be inhibited by a frame-work. . . .



President Muhammad Ayyub Khan of Pakistan on Islamic Socialism in Pakistan

"The ultimate aim of all our efforts in economic and social spheres can only be to move speedily towards the attainment of Islamic Socialism in Pakistan. The term Islamic Socialism is almost inter-changeable with 'welfare state'. In addition to the familiar welfare goals, Islamic Socialism implies that the cultural and religious heritage of the country should be preserved and not allowed to be destroyed by the ruthless pursuit of economic development. It is, therefore, a concept much broader than the 'welfare state' and embraces all the phases of an individual's life.

"What is basic to the establishment of Islamic Socialism is the creation of equal opportunities for all rather than equal distribution of wealth. In fact, perfect equality of incomes has never been achieved, not even in the Communist countries, because differences in aptitudes and talents make for differences in incomes even when individuals start off with equal opportunities. And this is as it should be. The important thing is that every individual must be given the fullest opportunity to develop his natural talents and that he should not be inhibited by an oppressive economic and social frame-work..."

# A Muslim Critically Examines the New Testament "The Kingdom of Heaven"

### The Qur'an and the Bible

Islam is the fulfilment of the Prophecies in the Gospels

By SYED MAQBOOL AHMED

The main mission of Jesus was to announce the Kingdom of God. That is why all his preaching is called in Latin "Evangelium" or in English "The Gospel". The fact that he himself did not bring the Kingdom of God stands out clearly from the records in the Gospels. When he taught his disciples how to pray, he started with the words "Our Father which art in heaven. Hallowed be Thy name. Thy Kingdom come," he must have meant by this prayer the coming of the Kingdom of God on the Day of Judgment through his vice-gerent on earth (Luke 1, 32-33). The fact that this Kingdom never came to Jesus in his lifetime shows that St. Luke was either doing wishful thinking or that he was expecting the second advent of Jesus in his own lifetime.

When the expectation of Luke was not fulfilled, it was left to St. John to make him deputise him for God on the Day of Judgment (St. John 5). It has remained a mystery why he did not choose the person of Paraclete to invest him with the royal dignity. After all, it was he himself alone who had reported about the Paraclete from the mouth of Jesus. Instead of doing that, he resorted to fiction — the fiction which the succeeding generations could never verify and which contradicts Jesus' own disclaimer, "Man, who made me a judge over you?" (Luke 12: 14).

Since the making of Jesus deputize for God by St. John was so audacious and blasphemous, it had to be contradicted in the very first chapter of the Qur'án. The Qur'án was so emphatic in its contradiction that the Muslims are made to repeat it seventy times every day throughout the world when they say in their daily prayers, "Máliki yaum al-Dín" (Lord of the Day of Judgment). Yaum al-Dín may safely be translated into "The Judgment Day" or "The Kingdom of Heaven", for Dín in the Qur'án means both "Law" and "Kingdom", i.e. Din al-Islam and Din al-Malik respectively.

The phrase "Kingdom of Heaven" was probably coined by the Hebrews for their own religion and kingdom. But it was very transitory. When the Jews lost both their religious and political power in the time of Jesus, the phrase must have been used by Jesus in the sense of "Kingdom which was yet to come". This promise indeed was for the Kingdom of God in Islam which would renovate religion with its fiery law, burning and destroying all superstitious accretions of the "People of the Book".

Jesus was a Jewish prophet — a believer and maintainer of the Jewish Law. Had his Gospel reached us intact, we would have found it nothing but a revelation in its pure form. Early Christianity did contend against both the anthropomorphism and the materialism of the Jews. It strove against their senseless ritualism, formalism and nationalism. But the only thing of Christianity that has come down to us is the Sermon of the Mount and a few references to the Kingdom of Heaven. Mixed with that is the unseemly fling at the prophets of old which has been unjustifiably attributed to Jesus. Worse than that are the misrepresentations of the verses of the Old Testament which could never have come from the mouth of Jesus.

The parable of Jesus for the Kingdom of Heaven is at once plain and obscure. Matthew has given it at length in 13:3, 34, 41, 44-47, 18:33, 20:1, 22:3 and 85:1, 14. These are practically repeated by all the synoptic Gospels and also by St. John. What is very strange is that the Qur'án itself has referred to one parable of the mustard seed. The difference, however, is that the Qur'án has used this parable in respect of the Prophet Muhammad and his companions. The fanatically-minded Christians, naturally, did not like this interpretation and declared it as the figment of the Prophet Muhammad.

### The Parables of the Vinevard and the Leaven

It is a matter for the Christian scholars or the orientalists to find out whether the Prophet Muhammad originally heard this parable from the Christian slaves of Mecca, the monks of Syria or from the Abyssinian Christians of Najran whom he met when they came to him in a deputation to learn of Islam. Even after a long and deep research they have not been able, as yet, to find a satisfactory answer to it. But from the Muslim's point of view, however, this research is entirely redundant in the light of the two parables of the Vineyard and the Leaven.

The parable of the Vineyard needs quoting at length. It has not only been repeated by all the synoptic Gospels, but an echo of it is also found in Isaiah (5:1-8):

"Hear another parable: There was a man that was a householder, which planted a vineyard, and set a hedge about it, and digged a wine-press in it, and built a

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tower, and let it out to husbandmen, and went into another country.

- "And when the season of the fruits drew near, he sent his servants to the husbandmen, that they might receive the fruits of it.
- "And the husbandmen took his servants, and beat one, and killed another, and stoned another.
- "Again, he sent other servants more than the first; and they did unto them likewise.
- "But last of all he sent unto them his son, saying, They will reverence my son.
- "But the husbandmen, when they saw the son, said among themselves, This is the heir; come, let us kill him, and take his inheritance.
- "And they caught him, and cast him forth out of the vineyard, and killed him, and when therefore the lord of the vineyard cometh, what will he do unto those husbandmen?
- "They say unto them, He will miserably destroy those wicked men, and will let out his vineyard unto other husbandmen, which shall render him the fruits in their seasons."
- "Jesus saith unto them, Did ye never read in the scriptures, The stone which the builders rejected, the same was made the head of the corner: this was from the Lord, and it is marvellous in our eyes?
- "Therefore say I unto you, the Kingdom of God shall be taken away from you, and shall be given to a nation bringing forth the fruits thereof.
- "And whosoever shall fall on this stone shall be broken to pieces; but on whomsoever it shall fall, it will grind him to powder.
- "And when the chief priests and the Pharisees heard his parables, they perceived that he spake of them" (Matthew, 21: 33-45).

No one, except those who are utterly ignorant of history and of the Old Testament (Daniel 2:34-35), will say otherwise than what is plainly meant here. The whole parable alludes to Islam and the early Caliphate. After all, what is the one great characteristic of Islam? It is its capacity to progress in the world — like a leaven which, when mixed in the flour, makes the whole mass spread by fermentation,

It may be added here that the Psalms of David which Jesus is said to have quoted finds its interpretation not only in Daniel but even in the Islamic Tradition (Hadith). There is a report from Abu Hurayrah in which he says, "Where the owner of a house finds the corner-stone missing he replaces it".

Now the mention of "stone" is very significant. It applies to the Arabian "Petra", which the Jews called "Paran". The Muslims call it "Bathá", or what is called in Isaiah "Beulah". The name of the mother of the Arab tribes, Kedar, also resembles the Arab word "Hajar", meaning "stone".

Muslims have no doubt about what Jesus meant by the Kingdom of Heaven, though the Christians have their own interpretation. It would need a very long dissertation to show them how wrong they were and how appreciably it applied to Islam. But suffice it to say, the literal meaning of Islam is "peace", while the Hebrew Shaalom is also translated in

English as "peace". It occurs not only in the New Testament but also in Isaiah, the Psalms and Zechariah. Everywhere they point to a religion strengthened with worldly power. And what the Qur'án has said for Auliyá Allah is the literal translation of the "Saints of God" in the Bible. It only means those who believe in God exclusively, who do not deny any prophet, who believe in the angels or good moral conduct, in Revelation and the Day of Judgment.

### The criteria of judging a book as Divinely inspired

"New Revelation" and "Tradition of the Prophets" are the terms about which dispute could arise among the believers and the non-believers. We must, therefore, find some kind of criterion to know one from the other. An average man, if he examines the Bible dispassionately, would never call it a book as inspired by God. It is just the anti-thesis of Revelation. One can hardly distinguish it from the books of history of Josephus (born 37 C.E.), Tacitus (115 C.E.) and the English historian Edward Gibbon (1737-1794 C.E.).

The Qur'an, on the contrary, shows the beauty of its Divine source in every word. Its very style is inspired. The very fact that, in its original form, its revelation was spontaneous and disjointed shows that it was not the product of human planning — arranged neatly into chapters and paragraphs. To take an example in nature, the beauty of a jungle is not in its array. It is just not the way of nature. It has its own beauty in the lush growth and tumble. It is man who plans it into a well-arranged garden and yet fails to compete with nature.

One has to appreciate this point of difference between a revelation and human writings to understand the true meaning of a Divine message. The famous Scottish essayist and historian, Thomas Carlyle (1795-1881 C.E.), in spite of being a great admirer of Muhammad, has called the Qur'an "unreadable" for the same reason. The criteria of a revelation, therefore, are that it is in the direct form of speech from the Most High to His servant, the Messenger. No one can imitate it in either its meaning or its phraseology. The most important of all is the fact that the text of a revelation is sometimes such that the recipient of the revelation himself does not know it. It is sometimes outside the scope of his knowledge.

Let us, for example, take two sets of a series of the Qur'ánic revelation. One set gives the past history of the nations which, though true, is not known to the nations concerned except within the limited circle of the scholars and the learned. The second set relates a phase of the Jewish history which is mentioned, before the Qur'án, only in the books of Josephus (born 37 C.E.). No Arab, unless he was a student of that history, could have known those facts. They are:

- "And We decreed against the Children of Israel in the Book: Certainly you will make mischief in the land twice, and behave insolently with mighty arrogance.
- "So when of the two, the first warning came to pass, We raised against you Our servants, of mighty prowess, so they made havoc in (your) houses. And it was an accomplished threat.
- "Then We gave you back the turn against them, and aided you with wealth and children and made you a numerous band.
- "If you do good, you do good for your own souls. And if you do evil, it is for them. So when the second warning came (We raised another people) that they

might bring you to grief and that they might enter the mosque as they entered it the first time, and that they might destroy, whatever they conquered, with utter destruction.

"It may be that your Lord will have mercy on you. And if you return (to mischief), We will return (to punishment). And We have made hell a prison for the disbelievers.

"Surely this Qur'an guides to that which is most upright, and gives good news to the believers who do good that theirs is a great reward" (The Qur'an, 17: 4-9).

Neither the Muslim commentators nor those outside students of the Qur'án have made a correct guess as to whom those verses refer. To me they plainly refer to the two revolts of the Jews in the periods of Titus and Hedrian (70 and 135 C.E. respectively). That God decreed it in the Book is rather puzzling; for we do not know of any Jewish scripture where this decree is mentioned. But we do find it mentioned by Josephus. Speaking of the Zealots during the first rebellion of the Jews, he says:

"For there was an ancient saying of the inspired men that the city would be taken and the sanctuary burnt to the ground by the right of war. . . . The saying that Zealots did not disbelieve; yet they let themselves as instruments of its accomplishment" (Jewish War Book, ch. 4, p. 388).

The second passage of the Qur'an makes a reference to the Christian crusaders in the following verses:

- "And it is forbidden to a town which We destroy that they shall not return.
- "Even when Gog and Magog are let loose and they sally forth from every elevated place.
- "And the true promise draws nigh, then lo! the eyes of those who disbelieve will be fixedly open: O woe to us! surely we were heedless of this; nay, we were uniust" (The Qur'án, 21:95-97).

It is the eruption of Gog and Magog that gives the key to this prediction. They are the Mongols who overran the world under Jenghis Khan (1162-1227 C.E.). The prediction meant that after the conquest and destruction of the city, its original inhabitants (i.e., the Christians) will not regain its possession till the Crusaders invade it at the time of Jenghis Khan. It does not refer to the Jews because the Qur'an does not call them infidels. It is only the Christians who have been called infidels on account of their worship of Jesus and his mother. This prediction has been echoed in the Revelation of St. John the Divine (20: 7-10). Since it is a prediction of the future events, it is necessarily spoken of in the strain of a prophecy and is open to different interpretations.

### A few examples to show the Gospels contain some misstatements

Some misinformed Christians talk of the Qur'án as composed by Muhammad, who based it on hearsay of the Jews and the Christians. At the same time they claim that the traditions of the Old and the New Testaments are the revealed truth. The attention of such people need be drawn to the writings of Josephus, which prove the absurdity of their beliefs. When the Zealots revolted twice against the Romans, in the times of Titus and Hadrian, they committed many barbarities and atrocities. Other than Josephus, it is the

Qur'an only that has mentioned and condemned them. Josephus has this to say of the misdeeds of the Zealots:

"Having now come to loathe indiscriminate massacre, the Zealots instituted mock trials and courts of justice. They had determined to put to death Zechariah, son of Barkis (520 B.C.), one of the most eminent of the citizens . . ." (Jewish War Book, ch. 4, p. 332).

Let us see how Matthew confuses it. He has put this statement in the mouth of Jesus (24:35), telling us that this Zechariah was put to death in the temple, as the last of the series of Jewish murders beginning with that of Abel. Obviously Matthew has confused Zechariah, son of Jehoiada (2 Chron. 16) with the Prophet of Restoration, Zachariah, sor, of Barachias. This prophet was never killed by the Jews, nor was there any Temple of the Jews in his time.

Equally confusing is the massacre of the babes in Bethlehem mentioned in the second chapter of Matthew. When Herod was dying he told his courtiers the Jews would celebrate and not mourn his death. So he asked them to invite all the prominent Jews to a feast and to massacre them so that there would be a general mourning after his own death. Either this was the basis of the massacre of babes in Bethlehem or that Herod had killed almost all his children and his wife before his death suspecting them to be in league with his enemies. Incidentally, Herod died in the year of Olympiad, i.e., four years before the birth of Jesus.

Luke has even exceeded Matthew in misstatements. He has recruited one of these Zealots among the disciples of Jesus — Simon al-Ghaiyyúr — or the Zelote (Luke, 6:15; Acts, 1:13, Zelotes). As he was captured by the Romans and hanged at Rome for his crimes, it is possible that it was he whom the Popes made their Patron Saint. For the Galileean fishermen, Simon Peter never visited Rome.

It is such contrasts in authenticity that prove that the only Book which can be called pure revelation is the Qur'án, and that the rest, in their present form, are mere traditional lores with a few gleanings of revelation here and there. This assertion is not confined to the Bible only, it includes the Vedas, the Upanishads and the Avesta (known as Zend-Avesta of the Zoroastrians).

Let us take, for example, a few passages from the Qur'an to the effect that:

None but God knows the Day of Judgment.

or

There are pleasures in heaven which no eye has seen.

Blasphemy against the Holy Ghost is an unpardonable sin, which in the Qur'anic words would mean "Associating God with His creatures".

When the Christians read such passages in the Qur'án, they think that the Qur'án is only a rehash of the Bible. But Muhammad never knew or had never heard of the Hindu Vedas, and yet there is so much in the Qur'án that exists in identical terms in them. Take, for example, the following hymns of the Rig-Veda:

"He who fixed fast and firm the earth that staggered, and set at rest the agitated mountains" (7:11-12).

Or in the Svetra Upanishad:

"That Bhagwat exists in the faces, the heads, the necks of all, He dwells in the cave (of the heart), He is

all-pervading, therefore He is the omnipresent svetra " (3 Adhya, 2).

Compare the above passages with the following verses of the Our'an to the effect that

- "We are nearer than the jugular vein" (50:16)
- "God manipulates in the heart (8:24).

Thus I submit that in our discussion of the religion of the future, we have necessarily to confine ourselves to a Book which is an authoritative Revelation and not a tale, tradition or folklore.

### All signs point towards a great future for Islam

To the fanatical and the fundamentalist Christians the parables of Jesus of the Leaven and the Vineyard may not apply to Islam in the sense of "power". But to a Muslim the inference is so plain and clear that he feels no hesitation in quoting the following verses of the Qur'an, which seem to be a commentary on Daniel (2:34-35).

"He it is who sent His Messenger with guidance and the Religion of Truth, that He may cause it to prevail over all religions, though the polytheists are averse" (The Qur'an, 9:33).

This is not an isolated remark in the Qur'án. It has been repeated at least five times. The importance of this promise could be adjudged from the fact that it has been inscribed on the coins of all the early Caliphs as well as of nearly all the potentates of the Muslim world.

All new movements start with a minority, and so did Islam. It spread and over-reached Christianity in spite of the fact that Christianity was not handicapped by natural growth and was already in the field with its proselytizing zeal and missionary activities. This became possible only by the pro-

cess of absorption by Islam of other religions which served for it the purpose of leaven.

If we could trust Emanuel Swendenborg (d. 1772 C.E.), he estimated the Muslim population of the world in the 18th century as more than that of the Christians. Although it was guesswork, in the absence of any other statistics we have to believe him.

The latest Year Book of the United Nations Educational, Scientific and Cultural Organization has clearly shocked the Christian world by giving the following figures:

Total population in millions		N	o. of Sta	utes
666	Muslims		48	
300	Catholics	-	24	
300	Protestants	<b>3</b> -	13	
300	Buddhists	-	10	
300	Hindus -	-	14 (i	n India & Nepal)
200	Greek Chu	ırch		
	or Commu	ınists		
Less than				
100 million	Pagans -	-		

Before the publication of these figures it was generally estimated that the Muslims were not more than 300 million.

Even if one works out on the basis of combining all the Churches of the Christians, they hardly equal the Muslims. Also we should not forget a very large number of those who are sitting on the fence — the Free Thinkers, the Rationalists and others — among the other religions. These are the people who are there in the garb of deism, agnosticism or pantheism. Hinduism, for example, comprises anyone who is not a Jew, a Christian or a Muslim. Any census report will show that nearly all tribal animists and fetish worshippers are listed as Hindus.



# The Relevance of Muhammadan Law in Pakistan and India in the Twentieth Century<sup>1</sup>

By A. A. A. FYZEE

# In the Libraries of Turkey and India some $300,000\ MSS$ are Preserved which have not yet been Studied Scientifically

In Comparative Law, Western Universities pay little attention to Islamic Jurisprudence

"It is, therefore, incumbent upon us to understand Islam, its 'way of life' and its culture. The modern world has to come to terms with Islam; and Islam has to come to terms with the living present.

The Arabs have a saying: 'A man is closer to his age than to his father'"

## The importance of the world of Islam in the context of world affairs

Lieutenant-General Sir John Bagot Glubb ends his work, The Great Arab Conquests (London, 1963, p. 371), with the following words:

"The relations between Christianity and Islam today justify a brief comment. As Muhammad himself declared, Judaism, Christianity and Islam are three related religions. If we consider them alone, their differences may appear profound, but when compared to Hinduism, Buddhism or Communist atheism, they appear by contrast closely connected with one another. Yet many people regard Christianity and Islam as the great rival religions. This illusion takes its origin, I believe, from political rather than religious causes.

"As our narrative has shown, the first Arab conquerors regarded Byzantium as their principal enemy. In the subsequent Arab conquests of North Africa and Spain, in the Crusades, in the invasion of the Balkans by the Turks, and in their long hostilities with Czarist Russia, nearly all Muslim wars have been directed against Christians. Conflicts between Hindus and Muslims in India have been on an altogether smaller scale and Muslims have scarcely ever been involved in hostilities against Jews except in the last forty years in Palestine.

"This long-standing rivalry between Christians and Muslims has been due to political and geographical accident rather than to basic religious differences. Now that materialist atheism is challenging all spiritual values, the two religions might well make common cause against those who deny the existence of God altogether. There is, I believe, an immense field in which the two could co-operate.

"The Arabic-speaking world, after four centuries of obscurity, is once again playing its part in history. It is both our duty and our interest to study more

thoroughly the history and mentality of this group of races, which have to their credit so long and illustrious an historical record."

It will probably be agreed, by and large, that Glubb Pasha is correct; and there are additional reasons. First, the recent attempts made by President Nasser, and those who think alike, to create a "Commonwealth of Arab Nations" are worthy of close study. Whatever be the time-lag between intention and achievement, there are clear indications that the principles enunciated in 1945, leading to the formation of the League of Arab States, are being widely accepted and implemented by the Arabs, and speaking for myself I see clearly the signs of ultimate success, sooner rather than later.

Secondly, the great increase in the production of oil and the consequent investment of substantial funds by the United States of America and various other international agencies, makes it all the more necessary that we should know the people and their mores. And thirdly, the steady rise of dynamic political leaders in the Middle East and Southern Asia is also worthy of note: 1910-25, Kemal Atatürk (Turkey); 1945-50, Habib Bourguiba (Tunisia); 1940-47, Muhammad 'Ali Jinnah (Pakistan); 1925-50, Abul Kalam Azad (India); 1950 onwards, Jamal Abdel Nasser (Egypt); and 1962, Ben Bella (Algeria) are not isolated individuals. These leaders are not desert mushrooms, destined to be born one day, to subsist overnight, and to be dead and forgotten the next day. They are clear portents that Islam is asleep no more; its political leadership is not extinct; its true spirit is not entombed in book and grave", and its thinkers are no longer addicted to hashish or opium to enjoy the day-dreams so graphically described by de Quincey. It is, therefore, incumbent upon us to understand Islam, its "way of life" and its culture. The modern world has to come to terms with Islam; and Islam has to come to terms with the living present. The Arabs have a saying: "A man is closer to his age than to his father."

<sup>1</sup> Courtesy, the Editor, Cambridge Law Journal for November 1963, London.

### The importance of a working knowledge of the Sacred Law of Islam — the Shari'ah

In order to have an adequate appreciation of Islam as a world phenomenon, a working knowledge of the shari'ah, its sacred law, is a sine qua non. The first and foremost witness is Ghazálí:

"The law (shari'ah), according to Ghazálí, is the indispensable daily bread of life for all Muslims, because it contains the rules which are binding on everyone. He who denies the validity of the main regulations of the law is a káfir (unbeliever) and deserves death as an apostate (but not otherwise). The required measure of knowledge of the law varies from person to person; because it has value only as a guide to right living, the study of fine distinctions is in itself worthless. There must, it is true, be a class of scholars who make a study of the law beyond their individual needs. . . . It is an error to believe that a preoccupation with law beyond the actual needs of the community is pleasing to God. The figh is a science of this world, since a man who observes all its rules most meticulously may give the outward impression of being a true Muslim; but what is within, whether he possesses the belief necessary for salvation, is another question."2

Ghazálí is supported by a modern scholar, Professor Joseph Schacht (Columbia University, New York), who rightly says:

"Islamic Law is the epitome of the Islamic spirit, the most typical manifestation of the Islamic way of life, the kernel of Islam itself. For the majority of Moslems, the law has always been and still is of much greater practical importance than the dogma. Even today the law remains a decisive element in the struggle which is being fought in Islam between traditionalism and modernism under the impact of Western ideas. It is impossible to understand the present legal developments in the Islamic countries of the Middle East without a correct appreciation of the past history of legal theory, of positive law, and of legal practice in Islam."

But it is not only *legal* matters which are regulated by the shari'ah or fiah. The shari'ah, to use modern terminology, embraces not only law, but religion and ethics as well. An illustration will make this clear. In addition to purely legal matters, such as marriage, divorce, gift, waqf and inheritance, which are dealt with fully in the classical works, we also have Praver (saláh), Fasting (Sawn), Poor Tax zakáh), Pilgrimage to Mecca (hajj) and Holy War (jihád). And further, almost all texts contain moral injunctions; well-known examples are the chapters of "The Duties of the Cadis" to be found in almost all the classical authorities, such as the Hedayah,4 the Minháj3 and the Da'a'im al-Islam.6 And for this reason, in India the danger of confusing moral injunctions with binding rules of law has been the subject of discussion in numerous decisions and textbooks, following the classic dictum of Mr. Justice Mahmood in the leading case of Gobind Dayal v. Inayatullah.<sup>7</sup>

During the Golden Age of Islam, the Abbasid Caliphate of Baghdad and the Fatimid Caliphate of Cairo, and also in Spain and Samarkand and Delhi, the Muslim rulers were known to be great patrons of culture and learning. This glorious chanter of Islamic history has been the subject of a number of books and articles, which need not be mentioned. Likewise it has been the occasion of grandiose utterances by Muslim writers, extolling their historical glory, gloating foolishly over the dead past, and neglecting even more

foolishly the living present. But the Muslim scholars of antiquity gave the greatest importance to the study of the law. The Sháfi'í doctor Nawawí begins his classical Minháj with the words:

"Now, the best way to manifest obedience towards God and make use of precious time is assuredly to devote oneself to the study of the Law."8

And it is estimated that a considerable portion — perhaps the major portion — of the ancient heritage of Islamic literature consists of the law (shari'ah, fiqh) and its numerous offshoots, the shari'ah sciences ('ulúm al-shari'ah).9

Here, it may be validly asked, "Who are the Muslims that we should bother about them? And how many are there?" According to the usual estimates, the Muslims constitute the third most numerous religious group in the world: Christians 900 million, Buddhists 700 million, Muslims 400-425 million, about one-seventh of the world's population. Roughly their provenance is as follows:

Indonesia		-	-	-	70 million
Pakistan	-	-	-	-	65 million
India	-	-	-	-	45 million
Nigeria	-	-	-	-	36 million
Arabia (F	rope	er)	-	-	30 million
China and	1 Řι	ıssia	-	-	30 million
Egypt	-	-	-	-	25 million
Persia	-	-	-	-	25 million
Turkey	-	-	-	-	20 million

Muslims are to be found also in the Balkan States in Europe, Central Asia, Madagascar, Ceylon, and the computation of their numbers in Arabia and Africa presents difficulties to the demographers.10

#### The phrase "Muhammadan Law" defined and its sources

One fact, however, remains firmly established. In the Indian sub-continent there is a compact and homogeneous group of Muslims, 110 million strong, of the Hanafi school of Sunnite law, who are to a large extent united in language. race and religion. Their social life is guided by uniform principles and they possess what may be called their "cultural" lingua franca, which is Urdu, a language of Indian origin, derived from Western Hindi, with infiltration of vocabulary from Arabic, Persian, Hindi, and even English and Portuguese. It possesses a large and growing literature, particularly strong in Muslim law, theology, history and poetry. The law relating to this large and interesting group is known as "Muhammadan law". Apart from a sprinkling of the shi'ah, the vast majority of Muslims in India and Pakistan are Hanafi (Sunnite).

The bracketed words are added by me.

3 Law in the Middle East. Edited by Májid Khaddurí and H. J.
Liebesny, Vol. I, Origin and Development of Islamic Law
(Washington, D.C., 1955), p. 28.

4 Of Burhán al-Din al-Marghínání. Translated from a Persian

rendering by Ch. Hamilton (London 1870). Reprinted in Lahore, Pakistan, 1957. Book XX, p. 334. Hanafi Sunnite School.

5 Of Nawawi. Tr. into English by L. C. W. van den Berg and E. C. Howard (London 1914), Book 65, p 500 Sháfií Sunnite School.

- Of Abu Hanifa al-Nu'mán Ibn Muhammad. Edited by Fyzee. Vol. II (Cairo, 1961), Book 26, p. 525. Fatimid Shi'ite School.
- See Fyzee, Outlines of Muhammadan Law (2nd ed.), p. 16. Minháj Et Talibin (Minhaj al-Tálibín). Translated by van den
- Berg and Howard, op. cit. Introduction xi.

  S. Mahmassani, Philosophy of Jurisprudence in Islam (Leiden 1961). Preface by Professor Nabih Amin Faris.
- 10 Fyzee, Outlines, p. 28 (revised figures in the 3rd edition, in course of preparation).

<sup>2</sup> C. Snouck Hurgronje, Selected Works (Leiden, 1957), pp. 100-101.

Muhammadan law in India (and Pakistan) may be defined as "that portion of the Islamic law (shari'ah) which is applied in India to Muslims as the personal code under the Constitution of India". It is based upon the fiqh: the Qur'an, Sunnah (tradition), Ijmá' (consensus), Qiyás (analogical deduction); it was influenced by the English doctrines of common law and equity or, as the earlier English statutes put it, by "Justice, Equity and Good Conscience". Secondary sources are custom, statute law and treaties between sovereign powers. It is thus not a distinct system as to its origin (and constitution), but there can be no doubt that the changes in the social life of the people during the last three centuries and the influence of Western culture by the advent of the English language have modified it beneficially in certain respects.

The literature of this system of law is almost wholly to be found in English. First comes the case law; there are 78 volumes of the decisions of the Judicial Committee of the Privy Council, known as Indian Appeals; there are the official series of reports of the High Courts established by Royal Charter at Bombay, Calcutta and Madras, each over 50 volumes; there are the other reports of High Courts established later, such as Allahabad, Lucknow, the Punjab, Nagpur and other places; and now we have the reports of the Supreme Courts of India and Pakistan established at Delhi and Karachi respectively.

Secondly, there are the textbooks written by British officers in the 18th and 19th centuries, such as those of Sir William Macnaghten (first and foremost) in 1825, and later, translations by Hamilton (Hedaya), Baillie (Fatáwa 'Alamgíri), and Sutherland, and the works of Rumsey, Morley, Wilson and Rankin. These early authors were followed by Indians, namely, Ameer 'Ali, Sircar (a Bengali Hindu, Tagore Lecturer, of great authority and distinction), 'Abdur Rahim, Tyabii and Mulla (a Parsi solicitor, who ultimately became a prolific author, was a Judge of the Bombay High Court and Member of the Judicial Committee of the Privy Council).

It will thus be seen that the law known as "Muhammadan law" in India and Pakistan is the joint product of the intellectual activities of Englishmen, Muslims, Hindus and a Parsi. By far the largest part of the law as administered in the courts can easily be studied in the English sources; but there is a considerable literature of fatawa (formal replies to legal questions) in Urdu, for instance, the fatáwa of the Deoband Academy and the fatawa of 'Abd al-Hayy of Farangí Mahall, Lucknow, and Ashraf 'Alí Thánawí (Thána Bhawan, U.P.). It may be remarked in passing that Indian Muslim scholars writing in Arabic, Persian and Urdu have made notable contributions to the religious sciences of Islam, and particularly in hadith literature, law and biography (rijál). And India has given to the Muslim world at least one classic on the Hanafi exposition of Islamic Law, the Fatawa 'Alamgiri, a collection of the opinions of juriconsults prepared in Delhi by the order of the Emperor Awrangzeb 'Alamgir (d. 707 C.E.) (Arabic, 4 vols., now also translated in English and Urdu).

# Unstudied treasures of MSS in the libraries of India and Turkey

There is general agreement among Western scholars that Islamic civilization was the link between the classical age of Greek and Latin culture and the modern Western civilization. The Arabs possess no drama, and are generally speaking singularly devoid of humour. But in classical poetry, the legal sciences, theology, history, medicine and the mathematical sciences, they have left a vast literature, only a fraction of which has been studied systematically. Professor Hell-

mutt Ritter (Frankfurt and Istanbul) has estimated that some 200,000 MSS. are preserved in Turkey, of which 124,000 exist in Istanbul itself. 11 No capital can boast of such immense treasures, but there are good collections in some of the European libraries, such as Bibliothèque Nationale (Paris), the British Museum and the India Office Library, and the magnificent autographs and illuminated MSS. in the Chester Beatty Collection in Dublin; also in Cairo, Damascus, the Yemen; and the collections made by noblemen and emperors in India, such as those at Delhi, Rampur, Patna, Aligarh, Lucknow, Hyderabad and Calcutta, make an impressive heritage of Islamic civilization. It can, therefore, be safely asserted that there exist some 300,000 MSS. which have not been studied scientifically and offer a virgin field for the research worker in the fields of Arabic, Persian, Turkish and Urdu. The scientific study of Islamic law and related topics is therefore an important source for modern research and investigation. Students of the Roman and Greek classics who do not find sufficient material for their insatiable scholarly thirst can therefore be induced to turn their attention to this valuable source of untapped material. The mosques of Istanbul, the madrasahs of Damascus and Cairo and Fez and Tunis, and the numerous libraries in India and Pakistan, may contain blue diamonds of the finest lustre, hidden under heaps of rubbish — who knows?

It is also necessary to emphasize that for the study of the Muhammadan law as received and administered in India, a knowledge of Arabic or Persian is not absolutely necessary in the early stages. Most of the important points have been dealt with in the decisions of the courts, which in many instances place reliance on translations made for the courts by official experts, and which are on the whole fairly reliable. The Law Reports of India and Pakistan are in English. The chief textbooks of "Muhammadan Law" are in English. Few if any of the "old masters" of Muhammadan law in India and Pakistan were competent scholars of Arabic or Persian. Neither Ameer 'Ali, nor Wilson, nor Tyabji, nor Mulla was proficient in Arabic, and most of the earlier English authors, except Baillie (who translated the Fatáwa 'Alamgirí) and Hamilton (who translated the Hedaya), were absolutely innocent of classical Arabic; and after some fifteen years of teaching experience in Bombay and elsewhere it is my firm conviction:

- (a) that Arabic is not a sine qua non for an elementary study of Muhammadan law in India and Pakistan, although for an expert knowledge it is highly desirable;
- (b) that a wide reading in Islamic history, religion and civilization is essential;
- (c) that at the stage of specialized research, or, as a qualification for a Readership or Professorship, as distinguished from a Lectureship, a knowledge of Arabic and one other Urdu, Persian or Turkish should be deemed as absolutely essential; and
- (d) that in view of the numbers involved, the contributions made in the religious sciences by Indian scholars, and the numerous learned journals devoted to the religious subjects, Urdu should be deemed an indispensable instrument of research in matters relating to the religion, law and ethics of Islamic peoples in India and Pakistan. The Catalogues of the Hindustani books and manuscripts in the British Museum

<sup>11</sup> H. Ritter. "Autographs in Turkish Libraries," Oriens VI (1953), pp. 63 and 65.

and the India Office libraries would bear ample testimony to the material which is accessible to British and European scholars of the subject.

### The sources of Islamic law

In Islamic law, God is the fountainhead of the law; and the Qur'an the primary source. Next in importance is Tradition, as handed down from the Prophet of Islam. These two constitute the nass (binding ordinance). On the foundations of primary and secondary revelations, the mind of man and his reasoning faculty has created the superstructure of fiqh or shari'ah, the names given to the science of sacred law by the Muslims. The shari'ah is the name given to the whole of the religious, legal and ethical body of rules developed systematically by the jurists of Islam. The adherents of this faith do not call these laws "Muhammadan Law", for Muhammad the Prophet is believed to be only a man, not an incarnation. The Prophet was called to his high office by inspiration, and the revelation he received is called wahy. The Our'an specifically asserts that he was absolutely the equal of Adam, Noah, Abraham, Moses and Jesus, all true prophets of God. All these faiths are true in their own spheres and all are to be equally respected. As the shari'ah is a body of rules leading to the spiritual and material uplift of man, it is an analogue of the dharma in Hinduism and the Torah in Judaism. Its study would therefore be of great value for purposes of comparison and a critical examination of the affinity between the three Semitic faiths, Judaism, Christianity and Islam.

In recent years, these four foundations of the law have been greatly affected by custom, by English law and equity, by statute law, and by treaties between sovereign powers. In all these branches a good deal of work remains to be done, and more especially it is necessary to investigate how far the Imam Muhammad al-Shaybání (d. 805 C.E.) may be the precursor of Hugo Grotius as the real father of International Law.

## A matter of surprise that in modern Western universities little attention is paid to Islamic jurisprudence. Some suggestions

A word may also be added as to Comparative Law. If the content of the syllabus in the subject is examined in a modern Western university, we generally find that Roman law is made the chief basis of comparison. The French and German systems are studied as having developed from Roman law, and a comparison is instituted. It is surprising, however, to find that so little attention is paid to

Islamic Jurisprudence, applicable to 425 million persons in some 20 different countries; and to

Hindu Law, applicable to 300 millions in the Indo-Pakistan sub-continent.

And the surprise grows to amazement when we realize how considerable was the influence exercised by doctrines of the common law and equity on these two systems; how great was the contribution made by British writers writing in the English language; by Indian authors writing in the English tongue, and by decisions reported in the English language.

It is hoped that all over the Western world, and especially in English universities, the importance of the study of Islamic Jurisprudence will be realized and its recognition will lead to further inculcation of its study.

In general terms, it is suggested that the universities would do well to amend their syllabi to make room for Islamic law in the following manner:

- (1) that a text like Qudúrí or the Risálah of the Imam Sháfi'í be prescribed for the degree courses in Arabic, and a book like S. Mahmassani's Philosophy of Jurisprudence in Islam (translated by F. J. Ziadeh) be set for compulsory reading;
- (2) that Islamic Jurisprudence be prescribed as an alternative to Roman law in the degree examinations;
- (3) that, particularly in Cambridge, greater emphasis should be placed on the study of "Muhammadan Law in India and Pakistan", as most of the text-books are available in English; and
- (4) that in courses for sociology and medieval history some general reading in Islamic Jurisprudence be prescribed, for instance, Ibn Khaldún's *Muqaddimah* (translated by F. Rosenthal), Volume III, pp. 1-32, in addition to other material easily available to readers of English, examples of which are portions of *Selected Works* by C. Snouck Hurgronje, Leiden, 1957.<sup>12</sup>

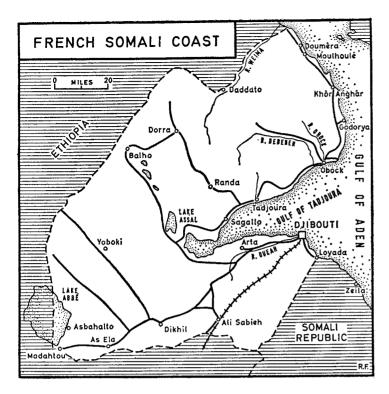
### WHAT OUR LEADERS ARE SAYING-Continued from page 24

"We never wanted to do this or aspire to do it. We have always recognized the rights of the Jews of Palestine origin who did not come from abroad and who lived with their brothers the Arab citizens.

"But Israel aggressed upon the Arabs in their land, driving them out of their homes, occupying their property, throwing them into refugee camps and replacing them with aliens who have no links with the Jews of Palestine. These aliens come from many countries and have no roots whatsoever in the country they now occupy.

"For this reason we do not consider them as Palestinians but rather as aliens who occupied the country by force and drove its legitimate people out of it. This in our view is a flagrant aggression on human rights."

<sup>12</sup> An elementary treatment of this topic will be found in the Introduction to my *Outlines of Muhammadan Law* (2nd ed.), Oxford University Press, 1955; reprinted 1960; 3rd edition in the course of publication.



# The Problem of French Somaliland

Ethiopian claims to Djibouti on Ethnic Grounds Unfounded

By JOHN DRYSDALE

### The historical background of French Somaliland

It is a curious fact of our times that a Western leader can still command compelling interest and respect from the Afro-Asian and Latin American world. Since John F. Kennedy's tragic death, his brother Bobby seems to be capturing the same irresistible attention from the southern hemisphere. On this side of the Atlantic, General de Gaulle stands apart from his European contemporaries with the reputation of a non-conformist, pragmatic statesman who believes that the interests of France are best served by his own brand of "positive neutralism", and by his anti-imperialist posture.

It is all the more surprising, therefore, that the French President should have risked tarnishing this reputation, during his recent world tour, by staging a "restful stop-over" among discontented people on the French Somali Coast — France's last remaining colony in Africa. His officials in Djibouti were deceived by the outward political calm and by the fraternal euphoria which most French-speaking Africans so readily espoused in the presence of the General. But there was too much unhappiness with French policy in this little port to permit the General and the world press to enjoy a "restful stop-over". Thousands clamoured for independence and forced the General to concede a referendum before next July to ascertain the people's wishes.

The reason for France's hesitation to grant independence is founded on history, and, to understand it, one must go back some 80 years and look at Djibouti as it was then. It was only a coral island about 40 feet high and connected with the mainland at low water. It had two houses of stone and a few huts. France wanted to acquire Djibouti so that she, like Britain in Aden, could have a coaling station for her steamships plying to and from the Far East. France had already concluded treaties with the Danakil (or "Afar" as they are sometimes called) who owned the northern shores of the Gulf of Tadjoura; but the southern shores of the Gulf, including Djibouti, were owned by the Somali Issa clan, with whom Britain had concluded treaties of protection. The traditional

home of the Issa clan, and indeed, the main port along this section of the coast, was Zeila, some 40 miles south-east of Djibouti in the present-day Somali Republic. Britain had by then occupied Zeila, and France wished to develop Djibouti as an alternative port with a possible railway linking her possessions in Equatorial Africa.

France's first move was to extend her occupation over the Gulf of Tadjoura by concluding treaties of protection with the Somali owners of the port of Djibouti and of territory about 40-50 miles on either side. This she did in 1885. Article II of the Treaty states that "the chiefs of the Issa hand over their country to France that she may protect it against all foreigners". But it was not until three years later that France and Britain could agree on their respective boundaries — both countries having signed treaties of protection with the Somali Issa clan.

### France, Great Britain and Abyssinia

It was not, of course, the moral conflict between the respective treaties that brought France and Britain face to face. It was commercial and political rivalry, for Britain sought to protect her trade with Harar through the port of Zeila, which would otherwise have been threatened by France's control and development of Djibouti. Earlier, in 1884, on the withdrawal of the Egyptians from Harar, King Menelik of Abyssinia had offered France support in the acquisition of Harar, then under the shadowy jurisdiction of Britain, provided France would secure for him a port on the Red Sea.

The confrontation between Britain and France reached Gilbertian proportions as France encroached more and more upon the environs of Zeila. It is vividly described in E. Starkie's book Arthur Rimbaud in Abyssinia. The French Consular Representative on the Somali Coast was M. Henri, a cheerful man, full of sparkle and vigour. Britain was represented by Major Hunter, of the Indian Army, who was

upright and honest, had a fidgety sense of his own importance, and no sense of humour.

Hunter stuck to constitutional means for settling his country's dispute, whilst Henri preferred to plant the French flag provocatively on the wrong side of the imagined boundary. Hunter would protest but would not go beyond the letter of his instructions. Henri would simply slip along the coast a little further, then still a little further, until Hunter could stand it no longer and would race from one end of the sweltering coast to the other, chasing the French flag from palm tree to sand dune, and doing everything to preserve the honour and dignity of his country, but losing Djibouti at the same time.

The subsequent treaty between the two countries in 1888 provided for a boundary starting about half-way between Djibouti and Zeila and then followed a caravan road to Harar which both governments agreed not to annex. Harar, the 16th-century independent city state, former capital of the Muslim Sultanate of Adal, and the richest centre of commerce and Islamic learning in East Africa, had been captured by King Menelik of Abyssinia in 1887, the year before the Franco-British treaty was concluded. Menelik thus took revenge for the conquest of Abyssinia in 1529 C.E. by the Sultanate of Adal. By 1896, the Abyssinian armies had routed the Italians at the battle of Adowa in Eritrea, and this unexpected victory turned King Menelik into a new and formidable figure.

Aware of this, the three rival powers in the Red Sea and Aden Gulf, namely France, Britain and Italy, sent their representatives, within a few days of each other, on a fourweek mule journey to Addis Ababa to obtain Menelik's formal recognition of their mysterious frontiers with Abyssinia. King Menelik, with firearms previously provided by France and Italy, had begun to expand his own frontiers which threatened the territorial interests of the inhabitants and their protectors. None of the Europeans wished to take him on. None wished to abandon territory to the other. In brief, they were in pursuit of deserts which they already held. They were on a second scramble for the same arid lands within a decade. France was still anxious to develop the port of Diibouti; Italy wanted to colonize Somalia and Eritrea; and Britain wished to retain the northern Somali Coast to ensure the continuity of meat supplies for her garrison in Aden. King Menelik's friendly recognition was necessary. After hard bargaining, all three powers retracted their frontiers in the direction of their respective coastlines, which now constitute, with one notable exception, the present-day boundaries of the Somali Republic and of the French Somali Coast. The exception is the still unresolved boundary between the southern regions of the Somali Republic and modern Ethiopia. The territories thus abandoned by all three European powers in 1897 belonged to the Somali and Danakil peoples, with whom the powers had previously concluded treaties of protection.

### Claim of Ethiopia to Djibouti on ethnic grounds unfounded

For France, the new treaty with Ethiopia assured the peaceful development of Djibouti; and the development of a railway line, not to former French Equatorial Africa, but to Addis Ababa. This 500-mile railway was completed in 1915. It is of vital economic interest to Ethiopia, providing Addis Ababa with its shortest and cheapest route to the sea. Compared with Ethiopia's port of Assab, freight transhipments through Djibouti are in the ratio of 3:2. A Franco-Ethiopian treaty of 1959 provided for equal ownership and control of the railway and gives Ethiopia almost unrestricted port facilities in Djibouti. The port handles 700 ocean-going vessels

a year and France is spending Frs. 40m. on expanding wharf and other port facilities. A little over half the vessels serve Ethiopia's import/export trade and the remainder compete with Aden for bunkering services. Moreover, France has granted Ethiopia Frs. 55m. to extend the railway to the rich granaries of Sidamo, a province bordering on Kenya.

France's close economic relations with Ethiopia have been extended to the political field, where Ethiopian Consular representation is permitted in Djibouti. France refuses to accept a Somali Consular representative in Djibouti, in spite of France's diplomatic representation in Mogadishu, on the grounds that the presence of a Somali Consul would further excite Somali nationalism.

According to statistics issued last month by the French authorities in Djibouti, the port has a population of about 62,000 people, of whom 40,000 are Somalis, 8-10,000 are Arab, 6,000 are Europeans, 4,000 are Danakil and 1,000 are Asians. The population of the rest of the Territory lies between 42,000 and 46,000, the majority of whom are Danakil. The total indiginous population of the Territory is officially stated to be just over 80,000, almost equally divided between the Danakil and Somali. The former live to the north of the Gulf of Tadjoura and overlap into modern Ethiopia and its recently acquired territory of Eritrea, and the latter extend from the south of the Gulf of Tadjoura into Ethiopia and the Somali Republic. Both ethnic groups, unlike the ruling Christian Amhara of Ethiopia, are Muslims of Hamitic origin and speak two similar languages within the linguistic group classified as Cushitic. The distinction needs emphasis only because Ethiopia claims, on ethnic, and on other grounds, that the territory and peoples of this region form an "integral part" of Ethiopia. There is no social or cultural affinity between the Danakil and Somali inhabitants of the French Somali Coast, on the one hand, and the governing Amhara peoples of the Ethiopian Empire on the other.

At a press conference in Addis Ababa on 16 September this year, Emperor Haile Selassie said: "When we say that the Diibouti Territory (he does not refer to it as the French Somali Coast) has always historically formed part and parcel of Ethiopia and that we are not claiming somebody else's territory, we are fortified by the memories of recent history and by historians who seek the truth. . . . " The historian Dame Margery Perham, in her authoritative work The Government of Ethiopia, observes that "up to about 1880 the southernmost projection of Abyssinian power was not much more than a hundred miles from Addis Ababa". Certainly Gastaldi's 16th-century map of North Eastern Africa, together with the texts of Alvares' travels, testify to the independent states of the countries of the Somali and Danakil littoral and hinterland at that point in history. Thereafter there is still no historical evidence that the Danakil and Somali coasts formed "part and parcel" of Ethiopia. Nevertheless, the political future of the French Somali Coast is understandably of vital economic interest to Ethiopia, but an editorial in the Ethiopian Herald ominously commented on 18 September that the Emperor at his press conference "made no secret of the fact that Ethiopia will take all necessary measures to regain her lost province", adding that Ethiopia "has never failed to rise in arms to prevent the slicing away of any part of the motherland".

Ethiopia afraid of Somalia using Diibouti as a lever for the right to self-determination for Ogaden, Adel and Issa provinces now occupied by Ethiopia

The Somali Republic's wish, as expressed by the Somali

Prime Minister, Mr. Abdirizak Haji Hussein, on 19 September, is for the people of the French Somali Coast "to have unity, to decide their future collectively, to struggle for their independence and hoist the flag of their own choice". The possibility that France may permit the French Somali Coast, if it so elects, to unite with the Somali Republic, has given Ethiopia a sudden and unexpected shock. Her reaction has been to make an outright claim to the Territory and thereafter physical intervention if France does anything of the kind.

Ethiopia's fears are understandable. Her economic independence on the port of Djibouti could be used as a lever by the Semali Republic to satisfy the Republic's unceasing demands that Somalis in the neighbouring Ogaden, Adel and Issa provinces of South-Eastern Ethiopia be granted the right of self-determination. Ethiopia is therefore determined to ensure that, if France withdraws, no one but herself will control Djibouti's destiny. France, too, would wish to safeguard her substantial investments in the port and railway, and the French Government has therefore placed before the peoples of the Territory a hard choice. Either the Territory may continue as a French overseas dependency with increased autonomy, or vote for total independence, in which case France will withdraw her defence forces and all technical and economic aid. France knows that such a withdrawal would invite economic chaos and an immediate threat to the territorial integrity of Diibouti from Ethiopia and a counterthreat from the Somali Republic. France presumably hopes to ensure that the peoples of the Territory, faced with the prospects of instant annexation on independence, will vote for a continuation of French sovereignty during the forthcoming referendum.

### A purview of the present political set-up in French Somaliland

What of the attitude of the Danakil and Somali peoples of this Territory? A referendum in 1958 showed that some 75% of the population were in favour of a continuing association with France; but the Somalis have always maintained, rightly or wrongly, that the referendum results were rigged. They complain that resident French troops and the French community inflated the vote for a continuation of French rule. The results certainly reflected old Danakil fears, in spite of their close cultural affinity, that Somalis in Djibouti would dominate them. With a ratio of ten Somalis to one Danakil in the capital, these fears were not unrealistic. Moreover, the political structure of the Territory before 1963 gave the Somalis more seats in the legislature than the Danakil. This was changed by the French authorities in time for the 1963 elections, in which the Djibouti (largely Somali) constituencies

were reduced from 18 to 14 and the Danakil rural seats were increased from 5 to 11, giving the Danakil, for the first time, a majority over the Somalis in the Legislature. The present 32-members chamber has 16 Danakil, 11 Somalis, 4 French and 1 Arab. The Territorial Council, presided over by the French Governor, has 4 Danakil Ministers, including Mr. Ali Arif (Vice-President), 3 Somali Ministers and a Frenchman (Minister of Finance).

Whilst these statistics express the formal political representation of the Territory, the collective views of these representatives do not necessarily, after three years of continuous colonial rule, reflect the mood of the electors. Indeed, it is evident from the unexpectedly fierce reception accorded to President de Gaulle, that the Territorial Council failed to provide the French Governor with a correct evaluation of the strength of public opinion in Djibouti. But then, how can African politicians, who are dependent on the goodwill of an apparently enduring colonial administration, also retain the confidence of the electorate? A general strike was threatened in Diibouti unless the Ministers resigned. Four did so, and the Territorial Council has been dissolved. A new alliance has been formed by the two national parties, the Popular Movement Party (PMP) and the Afar Democratic Union (UDA). Their leaders, in public statements, have welcomed the forthcoming referendum, declared their desire for independence, but have also asked that French troops and continuing French technical and economic aid be maintained. Both parties have rejected Ethiopia's claim to the Territory and have said that they do not intend to unite with either of the neighbouring countries. The pro-French Afar Democratic Rally (RDA), whilst also rejecting Ethiopia's claim, have made no commitments upon independence.

An evaluation by a correspondent for Le Monde of Paris concludes that the Danakil still wish to preserve French authority and are therefore unlikely to vote for independence. The more urbanized Somalis, on the other hand, appear to favour independence and a continuation of French defence and economic support. But France is obviously unwilling to get politically involved with the Territory's neighbours and will probably refuse to be shifted from her present policy of complete withdrawal if the Territory votes for independence. There seems to be a clear case, before the referendum, for an internationally secured guarantee from Ethiopia and the Somali Republic that they will respect the territorial integrity of the French Somali Coast if the inhabitants decide to become independent. Likewise a guarantee from the government of an independent Somali Coast that Ethiopia's economic interests are properly secured.

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# Some Aspects of the Muslim Faith

### By S. M. TUFAYL

"In Islam art, literature, philosophy, psychology, science and all branches of learning, revolve around one object and serve one purpose — the purpose of fulfilment of the Divine Will. They have no separate value of their own. They must be subservient to the welfare of humanity"

### An illustration of Egalitarianism in Islam

A prince acknowledged Islam in the days of the Caliph 'Umar (d. 644 C.E.), the second successor of the Prophet Muhammad, and came to Medina to pay homage to the Caliph. He entered Medina with all the pomp and show of a royal heritage. An incident occurred during his stay with the Muslims which shook his whole personality. Whilst going round the Ka'bah, the sacred house of God at Mecca, another humble pilgrim quite accidentally dropped a piece of his dress over the royal shoulders. This made the prince, whose name was Jabalah, furious. How dare a poor Bedouin touch his garment, and in such an insolent manner! In his prince-like arrogance he turned round, and without hesitation struck a blow at him which knocked out the poor man's teeth. The Bedouin went straightway to the Caliph and prayed to him for redress. The Caliph immediately sent for Jabalah and, when he came, said:

- "Why have you so ill-treated a brother Muslim?"
- "This man insulted me," replied Jabalah, "and were it not for the sanctity of the place, I would have killed him on the spot."
- "Listen, Jabalah," said the Caliph, "your words now add to the gravity of your offence, and unless you ask for pardon from the injured man I shall have to impose the usual penalty of the law."

Jabalah was stunned.

- "But you know I am a prince," he said after a moment, "and the other fellow is only a common man."
- "Prince or no prince," said the Caliph, "both of you are Muslims and equal in the eyes of the law."

This put Jabalah in a dilemma. He was neither willing to ask pardon from the poor Bedouin nor accept the penalty of the law. Then something struck his mind.

- "But will you kindly delay the penalty until tomorrow?" he asked.
  - "Yes," said the Caliph, "if the aggrieved party agrees."

And the Bedouin gave his consent.

Jabalah thought it an opportune moment and escaped at night and renounced Islam — the Islam which did not recognize any distinction between man and man, between a prince and a slave; the Islam which gave as much right to the so-called lower strata of humanity as it gave to kings, princes and

priests; the Islam which only believed in the fraternization of humanity; the Islam to which all mankind was one nation, and according to which all peoples of the world had the same origin; the Islam to which family, tribal, national or racial superiority was meaningless. This type of Islam did not appeal to Jabalah, and it would never appeal to anybody who seeks distinctions among human beings on grounds of wealth, colour or descent. The Arabs believed that they were the only cultured and civilized people in the world. They were simply intoxicated with feelings of national or tribal superiority over all the non-Arab world. They called other people 'ajam, meaning a mute people, or people who could not express themselves well. But the Prophet Muhammad sounded a death-knell to this belief. He openly declared that:

"Neither had an Arab any superiority over a non-Arab nor a non-Arab over an Arab."

And to the headstrong people of his country he commanded:

"Hear and obey, even though a Negro whose head is like a raisin is entrusted with authority" (Al-Bukhari, 10:54).

The Holy Qur'an declared:

"O mankind, surely We have created you from a male and a female and made you tribes and families that you may know each other. Surely the noblest of you with God is the most dutiful of you" (49:13).

### The Islamic conception of retribution

The incident which I have just narrated about Jabalah points to one more important aspect of Islam. Why did not the Caliph 'Umar punish him for his offence without giving him the choice of asking pardon from the other man? This makes an important departure from the law of punishment of previous scriptures. The law of Moses said:

"And thine eye shall not pity, but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot" (Deuteronomy, 19:21; Exodus, 21:23-24).

This was the Mosaic law of retribution — an effective check against criminality — a sheer necessity to save society from lawlessness and chaos. No order in a society could exist without such penal measures against offenders. Justice and administration make the need of such laws indispensable for the safeguard of human life and property. But then came its

abuse. Jesus Christ saw the Israelites, having forgotten the spirit, worshipping the letter of the law of Mount Sinai. Moreover, he wanted to save his disciples from being victims of oppression and suppression by their entries. And in these peculiar circumstances he addressed his disciples, saying:

"Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth: But I say unto you, that ye resist not evil but whosoever shall smite thee on thy right cheek, turn to him the other also. And if any man will sue thee at the law and take away thy coat, let him have thy cloak also; and whosoever shall compel thee to go a mile, go with him twain" (Matthew, 5:38-41). (Italics are mine.)

But this law of mercy and forgiveness was not all truth for all ages. Such modes of action may be good for a short time, under particular conditions. However noble such precepts may be, they cannot form a permanent basis of human civilization and legislation. Even in Christian countries, so far, no law of magistracy has been founded on these noble axioms of extreme love and forgiveness. There are instances when forgiveness ameliorates the crime and reforms a culprit, but when crime becomes habitual to man, stern measures must be adopted to stem it. But as Jesus said:

"I have yet many things to say unto you, but ye cannot bear them now. Howbeit when he, the SPIRIT of truth, is come, he will guide you into all truth" (John, 16:7-13).

The task of guiding humanity into all truth was destined to another person. If, on the one hand, indiscriminate mercy and forgiveness have not proved practicable in human society, cold and crude punishments also have not been able to reform the criminals and kill their evil propensities. The law which is given by the Qur'an provides a golden mean which upholds the law of Mount Sinai and at the same time maintains the spirit of the law of the Mount of Olives:

"And the recompense of evil is punishment like it; but whoever forgives and amends, his reward is with God. Surely, He loves not the wrongdoers" (The Qur'an, 42:40).

Evil should be punished, according to the law of the Qur'an, but the punishment should be proportionate thereto. For a trifling fault severe punishment should not be given, and if forgiveness may amend matters, it is recommended.

### Family sentiment

Leaving aside these minor details of change or improvement in the law of Moses or of Jesus, the object of Islamic faith can be described, broadly, as something which is intimately connected with the betterment of mankind. Man's relation with God in Islam is just another name for man's relation with man. Islam claims to infuse and revive in the heart of man love and a sense of duty towards his parents, family, friends, neighbours, orphans, widows, travellers and strangers. If we disbelieve in all that religion teaches us. if we deny all the absolute truths and values, still we are faced with the hard problem of our own existence. We exist in this world whether we like it or not. We have been living among people since the day of our birth; we have friends, relatives, wives and children; all this happens just naturally. We have our ambitions, jealousies and hatreds, good or bad, but there they are. The point is, what should our attitude be towards them. For a Muslim the spring of all moral and religious life is a perfect belief in the beneficence of the Almighty, the All-Wise, the Guardian over His servants, the Shelterer of the

orphans, the Friend of the bereaved, the Consoler of the afflicted, the Gracious and the Compassionate, Merciful and Forgiving God. A mere belief in a certain doctrine or dogma of religion does not carry any person nearer salvation in this life or in the hereafter.

"Every soul is held in pledge for what it has earned" (The Qur'an, 74:38).

"God imposes not on any soul a duty beyond its

ability" (The Qur'án, 2:286).
"And they give food, out of love for Him, to the poor and the orphan and the captive. (Saying) We feed you for God's pleasure only - We desire from you neither reward nor thanks. Judge between men justly and follow not desire, lest it lead thee astray from the path of God" (The Qur'an, 38:26).

Worship God alone; be kind to kindred and servants, to orphans and the poor; speak righteously to men, pray and pay alms." The Holy Qur'an is full of such injunctions:

"And serve God, and associate naught with Him, and be good to the parents and to the near of kin and the orphans and the needy and the neighbour, and the companion in a journey and the wayfarer" (4:36).

"And thy Lord has decreed that you serve none but Him and do good to parents. If either or both of them . . . reach old age with thee, say not 'Fie' to them, nor chide them, and speak to them a generous word. And lower to them the wing of humility out of mercy and say 'My Lord, have mercy on them, as they brought me up (when I was) helpless " (17:23-24).

The four Gospels are strangely silent about love and respect to parents. There is no mention of the joy and bliss of family life in them, and this ultimately proved destructive to family sentiment and disastrous to European society. It has been aptly said by a Christian scholar that the New Testament is a "Bachelor's Book". Whatever sanctity was attached to home and family life, even in the Old Testament, is consistently missing in the Gospels.

### **Equality of sexes**

Woman in Islam is not considered as the "quintessence of sin", a "painted ill", an "organ of the devil" and the 'road of iniquity", etc. God's favours and rewards are meant both for men and for women alike:

"Surely the men who submit, and the women who submit, and the believing men and the believing women, and the obeying men and the obeying women, and the truthful men and the truthful women, and the patient men and the patient women, and the humble men and the humble women, and the fasting men and the fasting women, and the men who guard their chastity and the women who guard, and the men who remember God much and the women who remember - God has prepared for them forgiveness and a mighty reward" (The Qur'án, 33:35). (Italics are mine.)

Whether they are married or unmarried, they can be as chaste and pure as ever. Marriage according to Islam is not a defilement of pure life. Women who are married, as Tertullian (d. 230 C.E.) described it, are the women of the second degree of modesty.

"Single life is more angelical and divine" according to Richard Hooker (d. 1600 C.E.) in his Laws of Ecclesiastical Polity (Book V, Sec. 73), but the Prophet Muhammad condemned celibacy in the strongest terms: "Marriage is half

the faith," he declared. "It is my practice, whoever does not follow my practice is not of me.

The Holy Our'an declares:

"God hath given you mates that ye may foster love and tenderness between you" (30:21).

'For men is the benefit of what they earn and for women is the benefit of what they earn " (4:32). (Italics are mine.)

This was revealed 1400 years ago, long before the passing of the Married Women's Property Act in England.

### General moral principles

The Holy Qur'an touched on other aspects of moral life too. It asks you to abandon the old barbarities, bloodvengeance and child-murder, and be united as one flesh. It says:

"Be of those who enjoin steadfastness and compassion on others" (90:17).

"Woe to them that make show of piety and refuse help to the needy "(107:6).

Such were the teachings of the Holy Qur'an, to which the people of Arabia and the world listened with great esteem. They were revealed at a time when all the old cultures had lost their hold. The weak were oppressed and there was nobody to redress their wrongs. The rights of widows and orphans were trampled upon; women were only regarded as slaves of their husbands. If there was any code of morality, it was tribal and crude.

Within a span of twenty-three years the change occurred through the whole of Arabia. This was the greatest miracle of the Qur'an and the Prophet Muhammad.

And the message of Islam was the greatest shock to the Meccans, who had persecuted the Prophet Muhammad and his followers for thirteen years. But at last the cause of Islam triumphed during the lifetime of the Prophet himself, which makes him the most successful of the prophets of the world.

The faith of Islam is intimately connected with the betterment of humanity. This can be achieved only by the development of an individual personality, which in Islam is done by cultivating human faculties in the right direction.

The cultivation of human faculties is to make a man all that he is capable of being. But it must be a harmonious blending of various aspects of human nature. Human personality must be developed as a complete whole, and the welfare of a distinct individuality must be in accordance with the welfare of society, with the welfare of mankind.

According to Islam this development is effected under the guidance of Divine law, under the guidance of the Holy Our'an and the sacred practice of the Prophet Muhammad. Faith in God and good conduct, these are the two springs of Muslim culture. The Holy Qur'an lays great stress on them.

On faith, because "much knowledge of divine things escapes us through want of faith". Philosophy may tell us what is evil, but the will to shun it springs from faith.

On good conduct, because faith apart from good conduct is barren.

This moral tone of the Holy Qur'an is the basis of development of the human faculties. The Holy Qur'an says God loves the righteous, the patient, the just, the doers of good; He hates the treacherous, the extravagant, the proud,

the arrogant boaster, the mischief-monger, the transgressor of limits.

Again the Muslims are enjoined "to turn aside evil with what is better". They "must not conceal testimony and whoever conceals it is surely sinful " (5:106).

"And help one another in virtue and piety, and do not help one another in sin and transgression "(5:2).

'Lo, God enjoins justice and kindness and the giving to kinsfolk, and forbids lewdness and abomination and wickedness" (30:19).

"Surely God is with those who guard against evil and those who do good (to others)" (91:121).

Evil and good have their absolute values in Islam. This aspect of Islam is universal in its spirit. Islam is far above the narrow, hide-bound nationalism of the present-day world. If the interests of a nation are at stake, anything may be considered good, however evil it may otherwise be. These nations subordinate morality to the interests of their national struggle. Their theories rest on unlimited power, on force and violence. not on law and order.

The Prophet Muhammad is reported to have said: "Help your Muslim brother when he is doing right and when he is doing wrong."

His Companions were astonished at this. "What! should we help him when he is doing wrong?

"Yes," was the reply, "especially when he is doing wrong, drag back his hand (from doing wrong)."

The first successor of the Prophet Muhammad, Abu Bakr, declared: "My fellow men, I have been elected as your Caliph, but I claim no superiority over you. The strongest among you is the weakest with me, until I get the rights of others from him, if they have been encroached upon in the least, and the weakest among you is the strongest with me until I get all his rights. My brothers, I have to obey the law, as you have, and I cannot impose upon you any new law. I need all your advice and all your help. If I act rightly, then lend me your support. If I commit any mistake, correct me."

To a Muslim, religion stands supreme in all spheres of human activity. It is thus that the cultivation of human culture under Islam is beneficial to the whole of mankind.

In Islam art, literature, philosophy, psychology, science, and all branches of learning, revolve around one object and serve one purpose — the purpose of fulfilment of the Divine Will. They have no separate value of their own. They must be subservient to the welfare of humanity.

In Muslim society a man or woman of licentious habits is not tolerated. There is no room for sensually exciting activities in Islam. Gambling and alcoholic drinks are strictly prohibited.

Equal opportunities are offered to all to rise to their natural greatness, but not at the expense of others. In the Islamic State everybody must work.

"Surely We have created man to struggle with difficulties" (The Qur'an, 20:4).

"And exalted is the reward of the labourer" (The Qur'án, 3:135).

"Surely, nothing is for man except his labour" (The Qur'án, 53:59).

"Never has anyone eaten a better thing than when he eats of the work of his own hands" (al-Bukhari's Sahih).

# What Our Readers Say . . .

IS THE *TASMIYAH*, OR THE RECITATION OF THE NAME OF GOD WHEN SLAUGHTERING AN ANIMAL, ESSENTIAL?

13 Shari'a Qal'ah al-Roda, Cairo, U.A.R.

Sir.

I read with interest Mr. Rashid Ahmad Jalandhari's article, "The Lawfulness or otherwise of the consumption of the meat of the animals slaughtered by Jews and Christians," in *The Islamic Review* for May 1966. His views on the *Tasmiyah* are supported by an Egyptian scholar who, by the way, writes regularly in the English quarterly *Minbar al-Islam*, Cairo, published by the Supreme Council for Islamic Affairs in Cairo. In its issue for November 1964 he deals with the question of the *Tasmiyah* put to him by some students of Islam.

### **QUESTION**

The 'Ulama in Burma forbid Muslims to eat the meat of animals killed by non-Muslims. They base their argument on the Our'anic verse:

"Eat not of that on which the name of God had not been pronounced" (6: 121).

They hold that only Muslims mention God's name when killing animals. On telling them that the Almighty has allowed Muslims to eat the meat of the animals killed by the People of the Book in the Qur'ánic verse:

"The meat of those who have received the Scriptures are allowed to you, as your meat is to them,"

their reply is: "The People of the Scriptures whose meats have been allowed to us are not the present Christians or Jews." Accordingly we are forbidden to eat the meat of the animals killed by non-Muslims. Moreover, students at schools and colleges are compelled, due to pressing social circumstances, to prepare their food by themselves. We should therefore like to know if Muslims could eat the meat of animals killed by non-Muslims or not, as our 'Ulama maintain.

#### ANSWER

If we examine the relevant verses of the Holy Qur'an, we will find the following facts:

- 1. The Qur'an mentions some rules for the Arab polytheists and others for the "People of the Scriptures". The latter are the non-polytheists, e.g., Jews and Christians, who believe in the recognized Holy Books revealed by God to His messengers. These are all considered the People of the Scriptures, and Islam allows Muslims to eat their meat and to marry their women. This is contradistinct from the attitude of Islam to polytheists. We read in the Qur'an (5:5):
  - "This day, all good things are legalized to you, and the meats of those who have received the Scriptures are allowed to you, as your meats are to them, and you are permitted to marry virtuous women who are believers, and virtuous women of those who have received the Scriptures before you, when you have provided them with their dowries, living chastely with them without fornication, and without taking concubines. . . ."
- 2. The Holy Qur'an mentioned rules for the People of the Scriptures, without imposing any restrictions that would exclude any of them, although it condemns those among them

who had distorted their Holy Books. Had God willed to discriminate in the rules between one group and another, surely He would have done so. Describing those who distorted their Holy Books, the Qur'án says (30:31):

- "The Jews say, Ezra ('Uzair) is the son of God; and the Christians say, The Messiah is the son of God. Such sayings are of the disbelievers of old! God did battle with them! How misguided are they!
- "They take their teachers, and their monks, and the Messiah, son of Mary, for Lords beside God, though bidden to worship but one God only. There is no God but He! Far from His Glory is what they associate with Him."

The distortion of a group of the People of the Scriptures of the contents of their Holy Books does not exclude them from the ranks of the 'People of the Scriptures', nor does it put them on a par with the polytheists. In the rules stipulated by both the Holy Qur'án and the Sunnah, there is a distinction between the two. Perhaps this is so because they are believers in a Book revealed by God to one of His messengers. The position of the group that had distorted its Holy Book is similar to that of the disobedient Muslim. Just as the disobedience by a Muslim does not sever his link with Islam, so a group of the People of the Scriptures are, due to its disobedience, not accorded a different treatment from the rest of its community. The same rules should apply to them about the Muslims eating their meat and marrying their women.

- 3. The Holy Qur'án has prohibited the meat of animals killed under the invocation of any other name than that of God. We read in the Our'án (5:3):
  - "That which dieth of itself, and blood, and swine's flesh, and all that has been sacrificed under the invocation of any other name than that of God, and the strangled, and the killed by a blow or by a fall, or by goring, and that which hath been eaten by beast of prey unless you make it clean by giving the death stroke yourselves, and that which hath been sacrificed on the blocks of stone, is forbidden you."

Thus, among the foods forbidden to Muslims is the meat of an animal killed under the invocation of names other than that of God, such as that of an idol, or of an image or of anything else. In the pre-Islamic days the Arab polytheists used to mention the names of their idols when sacrificing animals for an offering to them. They used to invoke the names of such idols as al-Lat and al-Uzza.

Muslims are forbidden to follow the practice of the pre-Islamic era. They are forbidden to eat the meat of all animals killed under the invocation of names other than that of God, so that they would not worship other gods as the polytheists of Mecca used to do. The reason for the prohibition of such meat is that killing animals under the invocation of any name other than that of God is tantamount to the worship of gods other than God. This is the polytheism for the complete destruction, elimination and prohibition of which Islam has come. Thus if any Muslim comes to know that the meat offered him was the meat of an animal killed under the invocation of a name other than that of God he must abstain from eating it; for it is prohibited to him by the Holy Qur'án. I do not know of any difference among the 'Ulama about this. The Prophet is reported by the Imam 'Ali to have said:

"God's curse be upon him who kills animals under the invocation of any name but that of God, upon him who curses his parents, and upon him who changes the boundaries of the land."

This *Hadith* was reported by the Muslim scholars Ahmad, Muslim and al-Ni'sá'i. Al-Shawkany also quotes in his book *Nay al-Awtar* the Prophet's saying:

"God's curse be upon him who kills animals under the invocation of any other name but that of God."

This would mean, for instance, invoking the names of an idol, of Jesus, of the Church, etc. Muslims are forbidden to do this, and any animal killed in this way is prohibited to them, no matter whether the killing was done by a Muslim or by an unbeliever. Al-Shafi'i and his associates hold the same view.

Moreover, killing an animal under the invocation of any other name but that of God, with the intention of glorifying or worshipping the owner of the name invoked, is an act of disbelief.

### 4. The Qur'án (6: 121) says:

"Eat not therefore of that on which the name of God has not been named, for that is assuredly a transgression: the satans will indeed suggest to their votaries to contend with you; but if you obey them, you will indeed be of those who are polytheists."

Interpreting this verse the Imam al-Baydawy says: "The verse explicitly prohibits the meat of the animal on the killing of which God's name was not mentioned, whether intentionally or unintentionally." The same view was held by Dawud and Ahmad. But Malik and al-Shafi'i had a different view which they based on the Prophet's saying:

"Muslims are allowed to eat the meat of an animal killed by a Muslim, even if God's name was not mentioned when it was slain."

Abu Hanifah, on the other hand, differentiated between the intentional and the unintentional omission of God's name. He says that "those who believe that any animal killed without God's name being mentioned were of opinion that such an animal would be like the one which dies of itself, or that at the killing of which other names than that of God were mentioned, and based their view on the words of the Qur'an (6:121), "it is a transgression". That is, killing animals under the invocation of any other name than that of God is a transgression. He continues to say that in his book Nayl al-Awtar, al-Shawkany quotes a Hadith reported by 'Ayesha. She said, "Our people said, 'O Messenger of God. Some people bring us meat, and we do not know whether the name of God was mentioned on it or not'. In reply, the Prophet said, 'Mention the name of God on this meat yourselves and eat it'." Those people were new converts. This Hadith is reported by al-Bukhari, al-Nisa'i and Ibn Majah. Al-Shawkany points out that this Hadith indicates that people's conduct and deeds are to be considered as sound until there is evidence to the contrary. Al-Muhallab, on the other hand, says, "This Hadith shows that the invocation of God's name is not an injunction, because the invocation of His name by the Muslims eating the meat instead of the people who killed the animal proves that the invocation of God's name is of the Sunnah. since the Sunnah does not substitute the injunction. Those who asked the Prophet about the meat of animals killed in that way were actually asking about something that had occurred to others

and the Prophet Muhammad explained to them how to act in such circumstances.

On the same question Ibn al-Qayyim says: "The invocation of God's name on the meat of animals killed by others is not an injunction, and the meat would be prohibited only if it was established that God's name was not invoked when the animal was slain." It may be concluded from this that all the meat available in the markets of Muslims is considered to have had the name of God mentioned on it when the animals were killed, and also the meat of animals killed by Muslim bedouins, for most probably they too knew that they should invoke God's name when killing animals. The latter view was stressed by Ibn 'Abd al-Barr, who said: "The meat of the animals killed by a Muslim may be eaten and it is to be assumed that God's name has been invoked at the time of slaughtering it should always be thought well of."

Contrary to this is al-Khattaby's view. He said: "Such meat may be eaten by Muslims because the aforementioned Hadith shows that the invocation of God's name when killing the animal is not a condition for its being lawful for Muslims to eat. Had it been a condition, Muslims would not have been allowed to eat such meat when there is doubt as to whether God's name was invoked when the animal was killed or not. as is the case when there is doubt whether the animal was killed in the prescribed way or not and whether the stipulated "cleansing" (tazakka) was performed or not. This is what comes to our minds when we read the Hadith of the Prophet, whose reply was: "Mention the name of God on such meat yourselves." He meant to say, "Don't worry about this. What matters to you is that you should mention the name of God on the meat before you eat it." This, as al-Tayyibi says, is the wise procedure. Another evidence that the invocation of God's name when killing animals is not a condition is contained in the words of the Our'an (5:5):

"And the meats of those who have received the scriptures are allowed to you."

Thus Muslims are allowed to eat the meat of the animals killed by the People of the Scriptures, though there may be a doubt as to whether they invoked God's name when killing them or not.

We may conclude that it should be assumed that God's name has been mentioned on the meat of any animal killed by any Muslim, and so Muslims are allowed to eat such meat. Muslims are also allowed to eat the meat of animals killed by the People of the Scriptures so long as it has not been proved that they were killed under the invocation of any other name than that of God. If it is not known whether the person who killed the animal mentioned the name of God when killing it or not, be the person a Muslim or one of the People of the Scriptures, Muslims are allowed to eat the meat of such an animal; they have only to mention God's name when eating it, in compliance with the Prophet's instructions.

In this matter there ought to be no differentiation between the People of the Scriptures of the time of the Prophet and those of later periods, for the verse explicitly states that Muslims are allowed to eat the meat of the animals killed by the People of the Scriptures, without discriminating between one group and another, namely:

"The meat of those who have received the scriptures are allowed to you" (The Qur'an, 5:5).

Yours sincerely,

M. A. DARWISH.

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