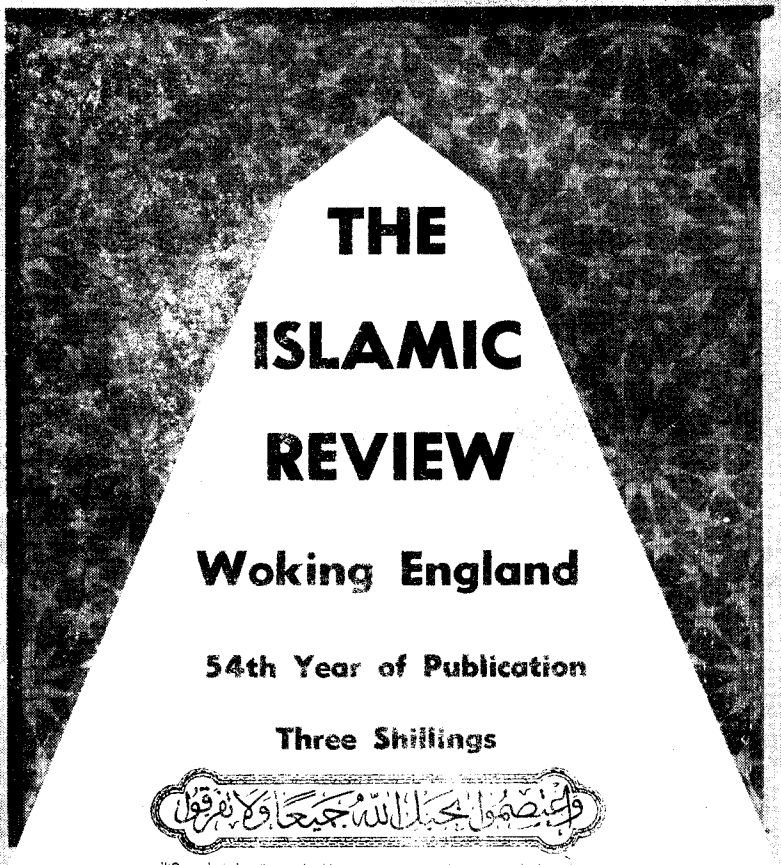
www.wokingmuslim.org

# *The Islamic Review* archive

## Large magazine format series, 1949–1971

Go to list of 1966 issues

July-August 1966



# THE ISLAMIC REVIEW

## Woking England

54th Year of Publication

Three Shillings

وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

"O ye who believe! ... and hold fast to the pact of God all together, and split not"
(The Qur'an 3:103)

## JULY–AUGUST 1966

# TO OUR SUBSCRIBERS AND CONTRIBUTORS

*The Islamic Review*, the official organ of the Woking Muslim Mission and Literary Trust (The Shah Jehan Mosque, Woking, Surrey, England, and Azeez Manzil, Brandreth Road, Lahore, Pakistan), is published monthly. In conformity with the objects of its publishers *The Islamic Review* is a cultural, non-political journal which takes no stand on political policies of the various Muslim countries. In publishing such articles as deal with the world of Islam, its sole aim is to acquaint the component parts of the Islamic world with their problems and difficulties. Its aim in presenting political issues is analytical and informative. All opinions expressed are those of the individual writers and not those of *The Islamic Review*, or its publishers.

The Editor will be glad to receive articles for publication. These will receive careful consideration and an honorarium arrived at by mutual arrangement will be paid for all manuscripts accepted for publication. Articles not accepted, if so requested, will be returned to their authors, but the Editor regrets he is unable to accept responsibility for their loss in transit.

**Annual subscriptions £1 10s. 0d.; single copies 3s. post free or the equivalent of this amount unless otherwise mentioned. Subscribers who remit foreign currency from abroad should kindly add bank charges to the amount remitted.**

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

**The cost of sending 'The Islamic Review' by Air Mail varies with its destination, e.g. Egypt 3'-, Pakistan 4'- extra per copy**

*Orders for yearly subscriptions or single copies may be sent to:*

**Australia :**
Islamic Society of South Australia, Box 1694N, G.P.O., Adelaide, S. Australia.
**British Guiana :**
H. B. Gajraj, Esq., 13 Water Street, Georgetown.
Hoosain Ganie, Esq., P.O. Box 232, 75 Breda Street, Werk-en-Rustm, Georgetown.
**Burma :**
Smart & Mookerdam, 221 Sule Pagoda Road, Rangoon.
**Ceylon :**
Ansara Book Depot., 106-108 Armour Street, Colombo.
**Dutch Guiana (S. America) :**
Alhadj-Abdr. B. Jaggoe, "Doekan," Saramacca Straat 115 P.O. Box 926, Paramaribo, Surinam.
H. W. Muhammad Radja, Prinsenstraat 33, P.O. Box 633, Paramaribo, Suriname.
**England :**
"The Islamic Review," The Shah Jehan Mosque, Woking, Surrey, £1 10s. 0d post free; single copies 3s.
**Fiji :**
The Desai Book Depot, Box No. 160, Suva.
**France :**
For name and address of the agent please apply to The Manager, "Islamic Review," as above. Annual Subscription. 18 N.F. post free; single copies 1.50 N.F.
**Holland :**
Mr. G. A. Bashir, Ruychrocklaan 54, The Hague, Holland.
NV Boekhandel Antiquariaat en Mitgeverij, C.P.J. van der Peet, Nwe Spiegelstraat 33-35, Amsterdam C.
**Hong Kong :**
Sambo's Library, P.O. Box 448, Hong Kong.
**Kenya :**
The City Bookshop, P.O. Box 1460, Fort Jesus Road, Mombasa.
**Nigeria :**
Messrs. Tika Tore Press Ltd., 77 Broad Street, Lagos.
**Malaya :**
Messrs. M. M. Alley & Co., P.O. Box 241, 103 Market Street, Kuala Lumpur.
Jubilee Book Store, 97 Battu Road, Kuala Lumpur.
N. Muhammad Ismail, Esq., P.O. Box 233, 13 Jalan Mosjid, Ipoh, Perak.
A. Abdul Rahim, Esq., 31 Jalan Ibrahim, Johore, Bahru.
**South Africa :**
Messrs. Union Printing Works, 91 Victoria Street, Durban, Natal.
**Bahrain :**
Messrs. Ashraf Bros., Import-Export, Bahrain.
**Kuwait :**
Messrs. Ashraf Bros., Import-Export, Kuwait.
**Tanzania :**
Messrs. Janoowalla-Store, P.O. Box 210, Tanga.
**The United States of America :**
Orientalia Inc., 11 East 12th Street, New York 3, U.S.A.
The International Muslim Society, Inc., P.O. Box 37, Manhattanville, Station J, New York, 27 N.Y. $5.00 post free; single copies 0.45 c.
**Western Germany :**
Der Imam, Die Moschee, 7/8 Brienner Strasse, Wilmersdorf, Berlin. D.M. 18.00 post free; single copies D.M.1.50.

## AGENTS IN INDIA

**Begum Sh. Muhammad In'aam-ul-Haque, House No. 100 — A Class, A'zampore, Malakpeth, Hyderabad-Deccan.**
Messrs. Usmania Book Depot, 104 Lower Chitpur Road, Calcutta.
Habibullah Badshah, Esq., c/o A. J. Modu Seminar, No. 1 P. U. Dyer Street, Madras, 1.
S. Ziya Karim Rizvi, Esq., Bhagalpur.
Islamia Book Depot, Newspaper Agent, New Market, Tattarpur Chowk, Bhagalpur City (Bihar).
Yacoob Ahmed Bros., Topiwala Mansion, 2nd floor, 128-134 Muhammadali Road, Bombay, 3.

## AGENT IN KASHMIR

'Aziz Shora, Esq., Editor, "The Roshni", Srinagar, Kashmir, via India.

## AGENTS IN PAKISTAN

### Eastern Pakistan

Messrs. News Front, 75 Jubilee Road, Chittagong.
Messrs. M. A. Malik & Bros., Court Road, Chittagong.
S. Masood Ahmed, Esq., Bookseller & Newsagent, P.O. Ghoramara, Rajshahi.
Messrs. M. Aslam Khan, Newspaper Agents, Khan Manzil, Chandpur, Dist. Tippera.
The Manager, Knowledge Home, 146 Government New Market, Dacca, 2.
Babul Library, Booksellers & Order Suppliers, Jinnah Avenue, Faridpur.
Book Centre, Station Road, Mymensingh.
The Manager, Setara News Agency, Paturkhali, Bakerganj.
Tawheed Stores, Sir Iqbal Road, Khulna.
The Manager, Current Bookstall, Jessore Road, Khulna.

### Western Pakistan

**"The Islamic Review", 'Azeez Manzil, Brandreth Rd., Lahore.**
The London Book Co., Edwards Road, Rawalpindi.
Victory Bookstores, Booksellers & Publishers, Rawalpindi.
Maktaba-i-Jadid, Anarkali, Lahore.

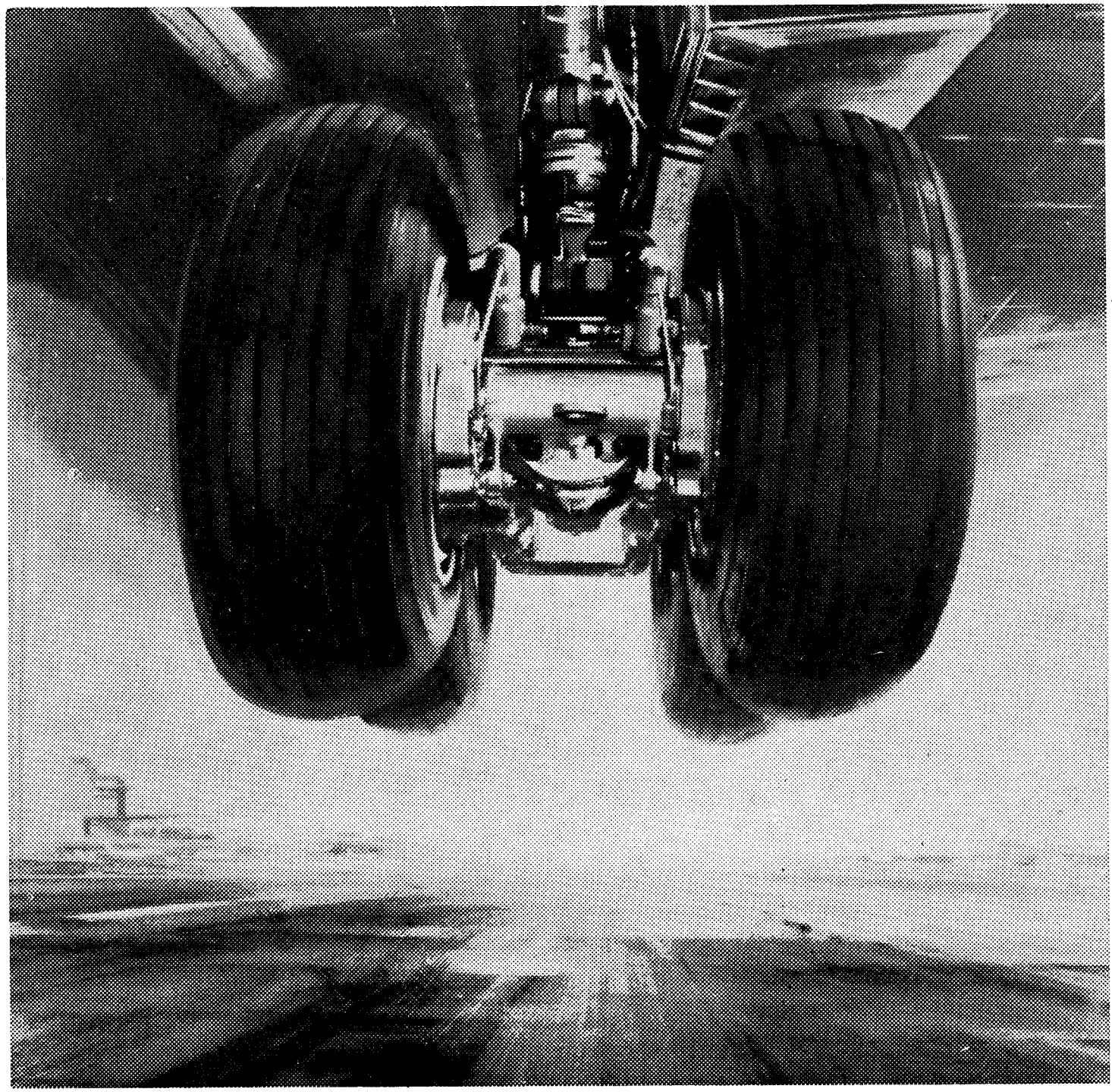
## OFFICE IN KARACHI (PAKISTAN)

**K. S. Mahmud, Esq., S.K.** (The Islamic Review), **3 Commercial Buildings, Bellasis Street, off South Napier Road, Karachi-1.**

**Subscribers in Pakistan can send their subscriptions direct to England through their bankers. Every Pakistani is entitled to buy books and journals in foreign currency worth Rs. 300 per annum.**

**Subscriptions may begin with any desired number.**

**Kindly quote your subscriber's number when corresponding.**



# PIA—right on time over 87% of the time

During 1964 PIA's punctuality record averaged 87.2% which is among the highest in the industry—and PIA have ninety scheduled departures every day. A record like this doesn't just happen. It results from the high standards which this modern and vigorous airline sets itself in an industry of high standards. This explains why last year PIA—a consistently profitable airline—carried over 25% more passengers, and why seasoned travellers say PIA are great people to fly with.

**PAKISTAN INTERNATIONAL AIRLINES**

**GREAT PEOPLE TO FLY WITH**

**UK-EUROPE-USSR-AFRICA-MIDDLE EAST-INDIA-AFGHANISTAN-PAKISTAN NEPAL-CHINA**

## Between Ourselves

**THE CONTRIBUTORS**

In'amullah Khan, B.A., LL.B., a Pakistani Muslim, is the Secretary-General of the Mo'tamar al-'Alami al-Islámí *(The World Muslim Conference)*, Karachi, Pakistan.

Dr. Fazlur Rahman, Ph.D., a Pakistani Muslim, is Director of the Central Institute of Islamic Research, Karachi, Pakistan.

Na'im al-Humsi is a Syrian Muslim scholar and author of several books in Arabic for the younger age-group, the best known being *al-Rá'id fí al-'Adab al-'Arabíy.*

Norman Lewis is an American Muslim.

Dr. Bahijah al-Hasani, Ph.D.(Cantab.), an Iraqi Muslim woman scholar, is a Professor in the College of Education, the University of Baghdad, Baghdad, Iraq.

Professor Dr. Muhammad 'Abdullah al-'Araby, an Egyptian Muslim scholar, is the Rector of the Islamic Studies Institute, and a member of the Islamic Research Academy in the Azhar University, Cairo, Egypt.

Dr. Muhammad Hamidullah, D.Litt.(Paris), Ph.D. (Bonn), an eminent Muslim scholar from Hyderabad-Deccan, India, is a Professor in the University of Istanbul, Turkey, and is at present residing in Paris. He is also the translator of the Holy Qur'án into French, entitled *Le Coran,* and author of a voluminous life of the Prophet Muhammad in French — *Le Prophéte de l'Islam.*

Professor 'Abdullah Kannoun, a Moroccan Muslim scholar, is a member of the Islamic Research Academy of Cairo and Secretary-General of Union of the Religious Scholars of Morocco *(al-Rábitah 'Ulamá' al-Maghrib,* Tangier, Morocco.


## PROPHECIES OF THE HOLY QUR'AN

**(third edition)**

**Warning to the Christians**
**Gog and Magog — European Christian Nations**
**Signs of the Appearance of the Anti-Christ**
**Nuclear War**
**Destruction of the Modern " One-Eyed " Civilization**
**Basic Dogmas of Christianity**

**By 'ALI AKBAR**

**Price 2s. 6d.**

**THE MUSLIM BOOK SOCIETY**
**The Shah Jehan Mosque, Woking**
**Surrey, England**



# The Islamic Review

Founded by THE LATE AL-HAJJ KHWAJA KAMAL-UD-DIN

**The Shah Jehan Mosque, Woking, Surrey, England**

*Telephone: WOKING 60679 — Telegrams & Cables: MOSQUE, WOKING*

*ALL CORRESPONDENCE TO LONDON OFFICE:*

**18 Eccleston Square, Victoria, London, S.W.1.**

*Telephone: VIC 2591*

**JULY — AUGUST 1966**

**54th YEAR OF PUBLICATION**

**Editors** { **ABDUL MAJID, M.A.** / *AL-HAFIZ* **BASHEER AHMAD MISRI, B.A. (Hons.)**


## Contents


**Editorial** ... 3

**Africa — The Muslim Continent** ... 5
by In'amullah Khan

**The Concept of Hadd in Islamic Law** ... 8
by Fazlur Rahman

**The History of the Idea of the Miracle (I'jaz) of the Qur'án** 14
by Na'im al-Humsi

**The Shaykh Ahmad of Sirhind Speaks** ... 18
by Norman Lewis

**Iran Emergent — Iran's Third Five-Year Plan** ... 19

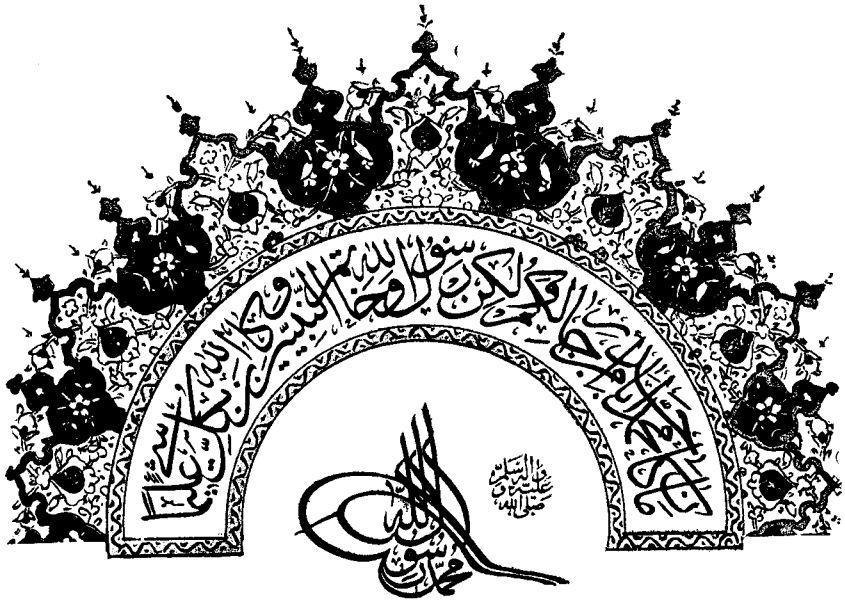
**Sidelight on the life of one of the great Commentators of the Holy Qur'án — al-Zamakhshari** ... 23
by Bahijah al-Hasani

**Private Ownership of Property: The Ethical and Moral Injunctions of Islam** ... 26
by Professor Dr. Muhammad 'Abdullah al-Araby

**Book Review:** " Islamic Law of Nations (Shaybani's Siyar) " 32
by Dr. M. Hamidullah

**Islam is the First Anti-Slavery Religious System of the World** 36
by 'Abdullah Kannoun

بسم الله الرحمن الرحيم



*" 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'án, 33 : 40)

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

VOL. 54 Nos. 7 & 8 JULY – AUGUST 1966 C.E. Rabi' al-thaani – Jumaad al-ulaa 1386 A.H.

# Imperialism and the Arabs

## SOUTH ARABIAN FEDERATION

### How the Imperialists seek to obstruct the God-ordained destiny of the Arabs

**Rich natural resources**

Oil, with which the Middle East, particularly the Arab and Muslim countries, is richly endowed, appears at present to be both a blessing and a curse, a source of potential strength as well as a source of weakness. Recent statistics show that the Arab and Muslim countries of this area possess tremendous reserves of oil, and that their royalties (the amounts they receive from the foreign oil companies operating oil concessions) will this year amount to approximately one thousand million pounds Sterling. But the real benefit which the Arab nation as a whole is deriving from all this seems to be very much less than this figure suggests.

The sad fact is that a good part of these oil resources is situated in the Arabian Peninsula in a part that has over the last century been divided by foreign influence (mainly British) into small sheikhdoms, sultanates, emirates, and so on. The division and virtual occupation of these territories by the British in the 19th century was on the pretext of ensuring the safety of the trade route to India and other British possessions in the East. Now, however, its justification is either defence purposes (its use as defence bases) or some other alleged pretext which in fact disguises a desire to maintain a strong hold on the rich oil potential of this region for the selfish benefit of the occupying power.

The military pretext, however, has recently become somewhat irrelevant. Thus Britain is evacuating in 1968 an area south of the Yemen known as the South Arabian Federation (70,000 square miles, population 850,000). That area had previously been coveted mainly for the significance of its strategic position. Now, with the advance in nuclear weaponry, military experts no longer attach any great importance to that position. Consequently, Britain has offered to leave this area. Before leaving, however, it has set up a Federation of a selected number of these small territories. Sultans, sheikhs or emirs who for one reason or another did not wish to join the Federation were conveniently " deposed " and exiled at the instigation of the British and replaced by rulers more prepared to toe the British line.

**Deceptive unity**

On the surface it might appear that there was nothing wrong with what the British were doing in this regard. After all, is not the prime need of the Arab world unity, and ought we not to be thankful that small territories are merged together to form bigger entities which eventually make it much easier to progress towards the ultimate goal of complete Arab unity? This would normally be true ; but in the case of the South Arabian Federation it is not. The reason is that the aim of the new federated entity was patently hostile to its neighbours (mainly the Yemen) and also to the general nationalist movement in the Arab world, particularly that led

by President 'Abd al-Nasir. It was quite obvious that the British creators of this Federation hoped it would be a thorn in the flesh of other Arab entities, and that its warring with the main body of the Arab world would realistically deprive the Arab world of the benefits of the incorporation of this region. Furthermore, this would further promote the isolation of the newly independent region, and cause it to seek even closer ties with the British. In other words, the British would make a show of leaving this area and complying with the principles of freedom and self-determination for people by granting the area formal independence ; they would come in through the back door, through defence treaties and military and economic aid, through what it now aptly called " neo-colonialism ". The British have tried to make sure of this result in two ways. They saw to it that the people placed at the helm of this new Federation were benighted and reactionary, and mere puppets of the British. They also ensured that the new Federation was made up of territories with little hope of sound economic viability, and consequently with a built-in dependence on Britain. Thus on more than one occasion the British press prominently reported statements from certain designated persons in the Federation urging Britain to have a defence treaty with the Federation and requesting it to establish military bases there. The local pronounced agitation against these bases and military ties was described as " subversion financed by foreign Arab quarters ". But when resistance by local national elements increased, this pretence about the people wanting closer ties with Britain was dropped, and the British have had to accept the stark fact that their physical presence in this area was undesirable.

**Unite and rule**

Another interesting fact about the South Arabian Federation is that Britain sought to promote the federal spirit only among territories which it was sure were not likely to acquire much strength by federation either politically (indeed, the opposite may be true where the Federation was placed by the British under the leadership of known reactionary elements), or economically, because of lack of natural resources. Territories in that area which Britain controlled as much as the federated territories were excluded from the Federation if they had, or were suspected of having, any economic potential. This was graphically illustrated recently when a foreign oil company that had been exploring in the Hadhramaut sultanates of Kathiri, Qu'aiti and Mahri decided to withdraw from the territories because no oil had been found there in commercial quantities. Reporting this, *The Times*, London, for 8 June 1966, blandly said that " it was the prospect of a big oil strike which kept the three sultanates from joining the Federation of South Arabia which was formed in 1959 and which has no known mineral resources . . . Hadhramaut . . . feared that the impoverished federation wanted Hadhramaut for her oil. The company's decision to move will most likely pave the way for Hadhramaut to join any future political arrangement in South Arabia." In plain and simple language, this means that the British, who were in full political control of the area, did not mind small territories federating and getting independence, as long as they were likely to remain poor and eventually dependent on Britain. If they had any resources Britain would compel them to stay separate and remain more readily amenable to British influence. Thus for the British it is not only " divide and rule " but also " unite and rule " !

**" Divide and rule "**

This clear and distinct British policy is also seen at play in another part of the Arabian peninsula, in the so-called Trucial Coast (area 32,000 square miles, population 100,000). There are seven so-called States in this area, with seven Sheikhs, Emirs or Sultans. All are in theory independent, with " treaties of protection " with Britain. In fact they are all under the full rule of Britain, and do not possess the slightest vestiges of real independence. Britain has never sought to federate these States. Because of the very rich oil resources of these territories Britain has not considered it advisable to experiment with federation, and has stuck to the old and well-tried method of maintaining their existence as separate and warring entities as a means of strengthening British control over them. It has very carefully tried to maintain obscurantist and reactionary rulers in power in these territories, and has enthusiastically sought to quarantine them from the main stream of Arab nationalism. Britain's methods in this are ruthless. A year ago, the ruler of one of these States, Sharjah, was deposed for developing what was said to be " too close a relationship with the Arab League ". Another method favoured by the British to promote the isolation of these small territories and prevent them from joining the Arab world is to make them identify themselves with reactionary movements against Arab nationalism.

**God-ordained destiny**

Whatever may be the state of the Arab world at present — and it is by no means a happy one — there is no doubt that the Arab masses, and some of the rulers, are beginning to realize that their salvation and progress lie in solidarity and unity. The Qur'án, the guiding book of Islam, says, " Verily this, your nation, is a single nation " (21 : 92) ; " And hold fast by the covenant of God all together, and be not disunited " (3 : 102) ; " The believers are brethren " (49 : 10) ; " And dispute not with one another lest you get weak-hearted and your power depart " (8 : 46) ; and the Prophet Muhammad says, " The believers are like a monolithic wall, every part of which strengthens the other " ; and " The believers are like one body, if any part of which is hurt the other parts rally to it by fever and alertness ". Slowly but surely the ordinary man-in-the-street in the Arab world is exerting his influence upon the leaders to realize the eternal truth about the Arab nation, namely, that it is but a single nation, intrinsically united and harmonious in every material aspect. The Arab people in the various parts of the Arab world profess in the main one religion, Islam ; speak one language, Arabic ; come from the same racial stock ; have had the same historical background ; have the same traditions and practise the same way of life ; are geographically and economically complementary to one another ; and have the same economic, social and military enemy — reaction, imperialism and Zionism. Because of these factors the Arabs have in the past had the same destiny ; and they will in future have the same destiny too. The truth of these phenomena has been demonstrated throughout Arab history. The Arabs were masters of their homestead only when they were united, and they were most dejected only when the number of their " independent States " was at its highest. The Western imperialists have skilfully carved out a large number of highly artificial " independent States " in the Arab world.

But with the old gun-boat diplomacy of the imperialists becoming outmoded, and with the rise in education and the crumbling of the barriers against ideas promoted through the radio and the press from quarters far and wide, it will not be long before the Arab masses find it possible to throw off the shackles and march towards the realization of their natural and God-ordained destiny — to be a single nation, united, proud, strong and prosperous.

# AFRICA—THE MUSLIM CONTINENT

## Past, Present and Future

### Out of 273 million, 170 million are Muslims

**By In'amullah Khan**

When at the Sixth World Muslim Conference of the Mo'tamar al-'Alam al-Islámí (the World Muslim Congress) held at Mogarishu, Somalia, in December, 1964—January, 1965, the slogan of *'Africa, the Muslim Continent'* was raised, many Western papers at the time called it an aggressive slogan, even though it was merely a statement of fact.

We are living in a democratic era and in a democracy it is the majority of the people which counts. Now the overall population of the African Continent according to the latest figures is 273 million of which 170 million are Muslims, namely 62 per cent of the total population. The pagans, clining to primitive beliefs and superstitions having no formal religion as such, number 65 million (25 per cent). As to the Christians, in spite of all the Christian missionary efforts of the past couple of centuries, backed by the effective support of colonial powers, their population numbers only 38 million (14 per cent), inclusive of about 5 million white settlers, as for instance, those in South Africa. The native Christian population is thus only 12 per cent.

Thus, when we look at the political map of Africa, we find that of the 38 African countries which are members of the United Nations, 23 are Muslim majority countries.

**Looking back**

In the seventh century C.E. Islam began to fasten its feet in the soil of Africa. Islam went there as a civilising force. Ever since then for centuries Africa has been known as the Muslim Continent. The history of the Muslim North Africa, the Muslim regions in West Africa south of the Sahara and the Muslim territories in East Africa down to what now is Tanzania is all too well known to be repeated here. But one thing must be pointed out here: The two salient facts that emerge from a study of this history are: the Muslims were neither colonialists; nor did they have any organized Muslim missions. Indeed, it was the simple tenets of Islam and its practical brotherhood that lifted, as it were, the people of Africa from the morass of tribalism, polytheism, pantheism, etc.

Then stepped on the African scene the White Man with his proverbial "burden". In the fifteenth century started the Portuguese quest of finding a sea-route to India which resulted in the discovery of the un-Islamized and uncivilized territories in the west and south of Africa. They soon became a hunting ground for slaves. The slave hunters were followed by explorers, traders and missionaries and last but not least the colonialists. The sixteenth, seventeenth and eighteenth centuries saw the growth of cold-blooded trade in slaves. Hundreds of thousands were shipped to America. The ignominious trade gradually smote the Western conscience which awoke at long last and slavery was abolished by Britain in 1833 and by the United States of America in 1865. The findings of the explorers and missionaries resulted in a scramble for occupation and parcelling of Africa. Even the most hideous methods were not spared by the European colonialists to usurp the land of the Africans. Signatures secured from innocent and illiterate tribal chiefs became the legal instruments for possession, and where this ruse did not work, there was always the armed conquest. All this imposed a new political geography on the African Continent. Arbitrary lines drawn across different areas at conferences in Europe by the colonialist powers, gave rise to British, French and other territories in Africa. By the eve of the first World War, of the 11,500,000 square miles of Africa, France had acquired nearly 4,000,000 square miles, Britain about half that amount plus special status in Egypt and the Sudan, Germany around 900,000 square miles, Portugal about 800,000 square miles, Belgium 900,000 square miles,

Italy 870,000 square miles and Spain 80,000 square miles. Only 400,000 square miles remained free from colonial clutches.

Not only did the European powers create a political geography to suit their colonial policy, but the educational and economic programmes carried out in these territories were also pressed into the service of that policy. In certain rich territories like South Africa, the whites settled to establish their minority rule but in other areas which did not suit them climatically, they maintained their domination by pursuing the " divide-and-rule " tactics among the various tribes and by creating a class of Christianized African yes-men to be their loyal servants. Education was made the monopoly of Christian missionaries and as Christianity became the passport to education, jobs or contracts, Christianity began to spread, though to the surprise of the Christian missionaries and the colonial powers that patronized them, Christianity did not make the headway they had expected. On the other hand, even without organized missionary work, Islam continued to spread in some places at a rapid pace, and in some rather slowly. As against this in proportion to the enormous efforts, both at missionary and governmental levels to Christianize the Continent, the progress of Christianity was not very marked.

Meanwhile, the first World War saw the end of German colonialism, and with the second World War consequent changes in the world situation brought the end of British, French and Italian colonialism. Although a few patches of the anachronistic colonialism still exist, Africa, by and large, is coming into its own. The long-sleeping giant is at last waking up and the contemporary world has already started hearing the roars of the African lions.

**Africa today**

Africa is a continent of great potentialities. Even though the land has not yet been fully surveyed, and even as it is today, it produces 98 per cent of the world diamond production, 55 per cent of the world's gold, 22 per cent of copper, 60 per cent of uranium, 20 per cent of tin, 10 per cent of graphite, 74 per cent of cobalt, 100 per cent of columbite, 27 per cent of chromite, and 16 per cent of platignum. These and other minerals are all exported in the raw form, the African merely getting the lowest possible remuneration for his labour. Moreover, thanks to the economic policy followed during the colonial régimes, Africa's exports of agricultural produce are only 3 per cent of the world's exports. Even agricultural development was directed by colonial policy. Though deficient in food, Africa produces 65 per cent of the world's cocoa and 60 per cent of palm oil because they were needed by the colonialist powers. According to experts, Africa possesses 40 per cent of the world's water power resources, and if a sizeable portion could be harnessed, it could change the face of the continent. While the areas which are still under alien yoke like South Africa, Zimbabwe (Rhodesia), Mozambique, etc., have yet to achieve political freedom, the areas which are free from colonial fetters are now re-orientating their economies to build their future.

**Currents and cross-currents**

Though colonialism in its old form has ended in most of the African countries, a new form of colonialism is now emerging. The colonial powers, though they have relinquished their political hold, still control the economies of those areas to a considerable extent. Moreover, it is the educated Christian élite who are manning the administrative machinery and the governments of the newly independent countries are being run by Christian African minorities, even though the overwhelming majority of the population is Muslim.

The tactics of neo-Colonialism are not to conquer a territory or to hoist its flag but to make an ideological conversion of groups of people in the first place, or, failing this, to purchase them, finance them, train them, arm them and make them seize power so that they would rule and yet serve the ends of their patrons. Neo-colonialists, even those who profess democracy, have now become champions of group rule (fascism); for according to them " Government of the people, by the people and for the people " is not meant for Africa. And as the economic potentialities of Africa have become manifest, the skilful devices to control or influence African governments and the ruling groups have been put into operation from many directions. This has resulted in the play of many currents and cross-currents in Africa. It is these which, in point of fact, are behind the many turmoils in the Continent. The Christian missionaries who played their part as vanguards of colonialism are busy fomenting trouble in some areas to suit the neo-Colonialist plots and conspiracies.

*The Sudan and the Christian missionaries*

The Sudan is a case in point. During the British rule, not only was the Southern Sudan closed to Muslims of the Northern Sudan, every possible help was given to the Christian missionaries to Christianize the pagans in the Southern Sudan. This effort, however, did not bear much fruit and, when the Sudan became independent, a secessionist movement made its appearance in the Southern Sudan, which, as is now firmly established, was engineered by Christian missionaries, by using their Christian converts.

A few months ago there were the military take-overs in Dahomey, the Republic of the Upper Volta and the Central African Republic. Now all these three countries are Muslim majority areas which had the misfortune of being under the French colonial domination. French had become the official language; the French Christians manned posts in the civil administration and the army. The termination of French colonialism in these countries did not result in governments of the people. Constitutions with dictatorial powers were given and the countries made independent under the dictatorial rule of cliques of civilian officers. Now the army cliques have taken over. French papers at the time alleged that the American Central Intelligence Agency (C.I.A.) was behind these take-overs. Whoever influenced the army leaders, the fact remains that fascism (group rule) is continuing to exist in those three countries.

*Nigeria*

The worst play of these currents and cross-currents has been witnessed in the tragic happening in Nigeria ever since last January. The initial blame of the Nigerian Tragedy rests, no doubt, with the British who, during the days of their colonial rule, had sowed the seeds of discord exploited by the conspirators who caused the present upheaval. The British had first colonized the south and created an educated Christian class chiefly from the Ibo tribe of Eastern Nigeria. The Youruba pagans and the Hausa Muslims of the North were then enslaved and the map of Nigeria as it is today was drawn by the British. Playing off the Ibos and the Yourubas against the Muslim Hausas and the Fulanis of the North was the basis of the British policy of divide-and-rule in those days. Taking advantage of their advance in

English education, the Ibos, twenty years ago, agitated for a unitary state because then the administration of the whole counry would have been manned by the Ibo Christians. The North, sensing the danger, speedily improved its educational condition and refused to accept a unitary form of government. The British, therefore, set up a federal government, which continued after independence. Its Prime Minister, the late Sir Abubakr Tafawa Balewa of lamented memory, was successful in leading Nigeria in such a balanced way that Nigeria had come to be regarded as the show-piece of the successful working of democracy in Africa. But in January last there was an upheaval brought about by a group of conspirators each one of whom hailed from the Christian Ibos. Cold-blooded murders were committed, there was a military take-over by General Ironsi, an Ibo Christian, and the democratic order of things was thrown overboard overnight. Who were behind this gruesome conspiracy will one day be disclosed by historians. But for the present one thing is certain ; it was not a Communist conspiracy because Communism had failed to penetrate into Nigeria. The only currents and cross-currents playing in Nigeria were the British, the American and their Christian missionaries and Israel, the last being the handmaiden of the West. Whosoever's hand behind the conspiracy, I was surprised indeed to read prominent Western journals asserting that the upheaval was inevitable because of the increasing domination of the Muslim North. These journals of the democratic West conveniently forget that in a democratic set-up, whether unitary or federal, there cannot but be Muslim domination because Muslims form 75 per cent of the over-all Nigerian population. At any rate, the way the journals in the West began to justify and praise General Ironsi's régime and connive at the murderous ways in which the upheaval took place, were to say the least plainly nauseating.

In taking over the reins of government, General Ironsi said that it was a temporary measure and promised to punish the culprits who savagely murdered the great Muslim leaders, Ahmedu Bello and Abubakr Tawafa Balewa. But barely had a few months passed when he announced his intention of perpetuating his dictatorship in the name of creating a unitary government. The people in the North rose in revolt and the uprising subsided only after promises that no change would be made without ascertaining the will of the people through a referendum. His subsequent moves showed clearly that his promises were not designed to be kept. Thus it was that in the later part of July, 1966, there was another army mutiny that has brought Col. Yakubu Gowon to the fore as the head of the military government. The new Nigerian ruler has promised to return to a civilian rule as soon as possible and has assured that he will not force upon the people anything which is not liked by the people. We have to wait and see how a new order emerges out of the chaos.

Colonialism has had its day. Even the remnants of colonialism have to go. And so also neo-Colonialism and the fascist governments (group rules) it tries to create as its stooges. Government of the People, by the People and for the People is as much the right of the African peoples as any other continent. The triumph of democracy in Africa would mean Africa becoming in fact a Muslim Continent because the vast majority of its population is Muslim.

We also know that, apart from the struggle for economic and political control, a greater struggle is on between the various ideologies. And the Muslim ideology has not only survived the test of time ; it has a great future not only in Asia but also in Africa, ' the Muslim Continent '.

# THE CONCEPT OF *HADD* IN ISLAMIC LAW

## A Study Aiming at Removal of Anomalies and Contradictions in the *Fiqh* Literature on God's rights and Men's rights

By Dr. FAZLUR RAHMAN

*Note:* This short article does not seek to cover all the details of the problem of *hadd* as discussed by Muslim jurists but confines itself to the question of its definition. The Hadith material on this has not been discussed because it does not yield any explicit definition, because it runs parallel to Fiqh and is radically different from the Qur'án and because this, in turn, creates a strong presumption at any rate that the Hadith on the subject is essentially a result of Fiqh development.

I

### THE SEMANTICS OF THE WORD "HADD" AS USED IN THE QUR'AN

**The phrase** hudud Allah **in the Qur'án refers primarily to the regulation of human behaviour rather than to punishment**

The word *hadd* in the Arabic language, when used as an infinitive, means "to separate" or "to prevent (one thing from intruding into another)." Therefore, when used as a noun, it means "that which separates" or "that which prevents (something or someone from intruding into another)".[1] The idea of a "limit" (which separates one thing from another) is, therefore the most basic meaning of *hadd*. As we shall presently see, it is this very idea that has been repeatedly expressed in the Qur'án in a moral sense when the Qur'án speaks of *hudud Allah* or "limits (prescribed by) God" which "you may not transgress". When, however, we compare this Qur'ánic usage with the use of the term in Islamic law and legal Hadith, we notice that a basic development has taken place: we find that the term *hadd* has been reserved to signify a punishment of an unchangeable quantum primarily laid down in the Qur'án. The concept of the "separating or preventing limit" of the Qur'án is thereby replaced by the idea of "fixed punishment". In order to gauge the importance of this legal development, it is first necessary to study more closely the use of the term in the Qur'án.

The Qur'án 2, 229-30, says, "Divorce (may be given) twice; thereafter either retain (the wife) according to good custom or let (her) go with good treatment. And it is not lawful for you to take anything you had given them (i.e. to your wives)—except in cases where they (i.e. the husband and the wife) fear that they would not be able to observe the limits of God (*hudud Allah*). Thus, if you fear that they will not be able to observe the limits of God (*hudud Allah*) there is no harm if she surrenders something to him. These are God's limits (*hudud Allah*): do not transgress them; and whosoever transgresses God's limits (*hudud Allah*), those are the unjust ones. But if he (the husband) divorces her, she will not be lawful to him thereafter until she marries another husband. If he (the second husband) divorces her, there is no harm if the two return to each other if they think they can observe the limits of God (*hudud Allah*). These are the limits of God (*hudud Allah*) which He explains to people who know". It will be obvious to any reader that the term *hudud Allah*, employed six times in these two verses, does not have the same meaning except when that meaning is generalized to mean "good" and "bad" acts and attitudes. Whereas this term has been employed, in its uses 3 and 6 above, to refer to the specific injunctions contained in the body of these two verses themselves, uses 1, 2 and 5 do not refer to anything specifically stated, let alone enjoined either here, or, indeed, elsewhere in the Qur'án. That is to say, when the Qur'án speaks of "observing the limits of God" in these verses, it states neither here nor elsewhere specifically what precisely these "limits" are. When talking of husband-wife relationship, the Qur'án often demands a conduct which is *bi'l-ma'ruf*, i.e. in accord with good custom. We are not asserting that the Qur'án nowhere makes any statement or lays down any injunction about any aspect of marital life; what we are saying is that such statements and/or injunctions cannot be the referent of the term "*hudud Allah*" under discussion here, for the term here is something general and must refer to the total conduct of marital life which is comprehended only by the term "*ma'ruf*" or "good custom." The content of good custom, then, constitutes the content of *hudud Allah* for the conduct of marital life.

*The Qur'ánic usage of the word* Hadd *refers to a moral situation only*

Before we go any further, let us pause to consider some of the consequences that follow from this position. First, it will be noticed that the term *hadd* or *hudud* in this context has not only no reference to punishments — let alone any which may be "quantitatively invariable" — but not even to any legal injunctions. Indeed, it does not refer to any statements at all. The Qur'ánic usage refers, therefore, to a *moral* situation which, of course, may have legal implications. Secondly, and equally importantly, the content of "good custom," far from being invariable, is very variable, indeed. The "good custom" of the seventh century Arabia is certainly not identical with the "good custom" of the present-day Java, for example. The content of *hudud Allah* will, therefore, be something manifestly variable although the universalized principles of "good" and "bad" are, of

1. See, for example, *al-Hidayah*, by Burhan al-Din al-Marghinani, chapter on *Hudud*; also major philological words like *Lisan al-'Arab, s.v.*

course, constant. The same conclusion that the term "*hadd Allah*" refers to a general distinction between "good" and "bad," flows from 9, 112: "Those who repent, worship (or serve) God and praise Him, those who go forth (in *Jihad*) and perform *ruku'* and *sujud* (in prayers), command good and forbid evil and preserve the limits of God (*hudud Allah*) . . ." Here, again, *hudud Allah* obviously refers to that which is generally good and righteous for whatever is good and righteous may be assumed to be ordained by God whether it has been explicitly stated or not. In the same chapter, the Qur'án, severely criticizing the perfidy of certain Beduin tribes who had unilaterally broken defence pacts with Muslims at a critical stage, declares, "The Beduins are the most intense in their infidelity and hypocrisy and are the most unfit to know the limits that God has sent down (*hududa ma anzala Allahu*) to His Prophet . . ." (9, 97). Although the phrase "the limits that God has sent down to His Prophet," must still have a general meaning here, since it refers to the whole complex of the Qur'ánic-Prophetic teaching, nevertheless, in this verse there must be seen a strong allusion to the Beduin tribes' non-participation in *Jihad*, despite definite arrangements to this effect (which, however, are nowhere stated in the Qur'án). For, in the very next verse, the Qur'án explicitly mentions this: "Among Beduins there are those who regard expenditure (in *Jihad*) as a fine and look forward to the fortunes of war turning against you" (9, 98).

**The four instances where the phrase** Hudud Allah **refers to definite and stated injunctions about the regulation of human behaviour**

We now come to the four instances where "*hudud Allah*" refers to definite and stated injunctions about the regulation of human behaviour. The first of these four cases (2, 187) occurs after the Qur'án has laid down certain regulations about the observance of fast and more particularly about sexual behaviour during fast. The Qur'án then says, "These are the limits of God, do not approach them. So does God explain His signs to people that they may guard themselves (against wrong)". Again, in 65, 1, after giving instructions in connection with the procedure of divorce and admonishing that people should "fear God" and should not maltreat divorced women by turning them out of their homes during the waiting period, proclaims all these instructions to be the "limits of God" the violation of which will bring harm to the violator himself. But a very interesting example of the use of this expression occurs in 4, 12-13 where, after giving general admonition about being kind to the orphans and the needy and giving certain specific instructions about the apportionment of inheritance, the Qur'án goes on, "These are the limits of God; whosoever obeys God and His Prophet, God will give him entry into Paradise underneath which rivers flow — and this is a great success. But whosoever disobeys God and His Prophet and transgresses His limits, He will make him enter the Fire wherein he shall abide and (this) for him is a humiliating torment". The point to note about these verses is that although the greater part of the injunctions preceding them is specific, nevertheless, their disobedience is threatened with punishment *in the hereafter and not in this world*. Conversely, obedience to them entails reward in the hereafter. These facts should compel us to pause and think how little concerned the Qur'án is about the purely legal side and how much more and primarily with setting the moral tone of the Community. The legal side has undoubtedly to be done justice to and an adequate law has to be developed. But it is left to the Community to formulate this law in the light and moral spirit of the Qur'án which itself shows little tendency to lay down hard and fast laws. And doubly mistaken are those who claim to take the law of God into their own hands and seek to implement it literally. First, it is obvious that they understand little of the Qur'án; secondly, the formulation of the law is not vested in any individual or a group but in the Community as a whole through the institution of the *Shura*.

The fourth example is the only one in the Qur'án where the term "*hudud Allah*" is accompanied, among other things, by specific forms of what might be called punishments but which are, strictly speaking, only *kaffarah* or atonement. The question under discussion is the pre-Islamic practice of *zihar* whereby a husband declared his wife to be sexually illegal for him "as his mother". The Qur'án (38, 2), declares the utterance of *zihar* to be a "reprobate falsehood" and, after adding that God, however, is Gracious and Pardoning, continues, "Those men who make a declaration of *zihar* about their wives and repeat the utterance, must emancipate a slave before the two can touch each other (again). This is what you are being admonished to do and God is well aware of your deeds. If someone does not have (a slave to emancipate), he should fast (from dawn to sunset) consecutively for two months before the two touch each other. But if he is unable to do so, he is to feed sixty poor people. This is in order that you may (properly) believe in God and His Prophet; and these are God's limits and for disbelievers is a painful torture".

Hudud Allah **do not signify punishments of invariable and fixed quantity**

There are certain points which must be considered with regard to this verse which is the only one, we repeat, mentioning any sanctions in connection with "*hudud Allah*". First, these sanctions are not properly legal but constitute *kaffarah* or atonement. In fact, this question is to be raised generally about all Qur'ánic "legislation" and punishments connected with them, since it is obvious throughout the Qur'án that its real concern is with the religio-moral health of the Community. The employment of such concepts as *tawbah* even where specific punishments are mentioned makes the character of the Qur'ánic "legislation" all the more religious rather than legal. This means once again that law proper has to be deduced from the Qur'án rather than this law being found there ready-made. Secondly, by suggesting alternative punishments for *zihar*, the Qur'án seems to remove the ground from beneath the legal theory that "*hudud Allah* signify punishments of invariable, fixed quantity". Indeed, from these verses of the Qur'án the conclusion is inevitable that Muslims are being shown the way to vary punishments to suit conditions. For, if the Qur'án has said that the punishment of emancipating a slave, if not applicable, may be substituted by a sixty days' fast which, if not feasible, may itself be varied to the feeding of sixty poor persons, then, surely, this can be further varied; for it is equally possible that a person guilty of *zihar* may not be in a position to feed sixty people. The nature of the case demands that the punishment should be further variable.

## II

## CHANGE IN THE CONCEPT OF HADD IN THE 2nd CENTURY A.H. (8th CENTURY C.E.)

**Definitions of the terms** Hadd Allah, Haqq Allah **and** Haqq al-'Ibad **unsatisfactory in classical law-works**

In the earliest extant Fiqh-Hadith literature which dates from the second century A.H. (8th century C.E.), however, we already find the use of the term "*hadd Allah*" as

well-established in the sense of certain " prescribed punishments " primarily fixed in the Qur'án. It would seem that the *Fuqaha'* wanted to mark off the punishments laid down in the Qur'án — as having been ordained by God — from all other punishments by giving them the respective names of " *hadd Allah* " and " *ta'zir* " and declaring the former as invariable in quantity. There is a Tradition quoted by Malik in his *al-Muwatta'* which lends support to this view and wherein the Prophet is reported to have spoken of these punishments (more specifically, the punishment of a hundred lashes for adultery) as " prescriptions or ordinances of God (*Kitab Allah*) ":

" O people! restrain yourselves from (violating) the 'limits of God' . . . Whosoever brings his crime to our notice, we shall implement the prescription of God on him."[2]

The picture, however, is not as simple and clear-cut as this. Indeed, there are few topics in the classical law-works wherein definitions are so unsatisfactory and unclear as that of *hadd*. From the earliest times the concept of *hadd* was bound up with quite a different question and it is this which has primarily complicated the issue. This question concerns the division of the obligations of a person to God and fellow-men. The former are called *haqq* (plural, *huquq*) *Allah* and the latter *haqq al-'ibad* or " rights of God and rights of men ". The earlier texts seem to identify *haqq* with violation of a " right of God " and oppose it to " injustices done to men (*mazalim al-'ibad*)." Muhammad al-Shaybani says: " If they (i.e. rebels) ask for peace on the condition that no claims shall be made against them on that score (i.e. about the property of Muslims they may have confiscated), the Muslim ruler may not make peace with them on that condition. Even if he does, he may not fulfil his promise but should order them (after surrender) to return the property of a Muslim or a power in treaty with Muslims that may be found intact on them. He can only forgive them the *hudud* which pertain to God (but not the violations of the " rights of men " i.e. like confiscation of property). In the same category is the case of an apostate who violates the rights of men (*asaba shay'an min ma fihi mazalim al-'ibad*), fortifies himself in a fortress of the enemy and seeks peace (amnesty) on the condition that he will throw open the fortress to the Muslims if property (confiscated by him from Muslims) is left intact (i.e. the Muslim ruler cannot give him peace on this condition). However, if such a person has already spent the property but has not killed anyone, the ruler may, considering the welfare of the Muslims, grant him that, provided the ruler then restores the property of the Muslims from the booty. But the ruler may not forgive retaliation or punishment due to a false accusation of adultery (which the peace-seeker may have been guilty of), for the ruler cannot compensate the Muslims for injustices done to their rights (*mazalim al-Muslimin*) in these cases ".[3]

We meet the same distinction between " *hadd*-for-God (*hadd l'illah*) and private claims in Malik's *al-Muwatta'* : " If a person confesses adultery against himself but then retracts from his confession saying, 'I had confessed because of such-and-such circumstance' (and he specifies the reason), then this plea shall be accepted from him and *hadd* shall not be inflicted on him. This is because *hadd*-which-is-for-God can be inflicted only in two ways, either . . .".[4]

It is clear, then, that from the very beginning a fundamental division regarding punishments was at work — those, namely, for violation of the claims of God and those for private injuries. Al-Shaybani, indeed, employs even the term " right of God " (*haqq l'illah*) " Granting of amnesty means undertaking to desist from killing or capturing them (i.e. the enemy) as a right of God."[5] There are thus " rights of God " and " rights or claims of men " and *hadd Allah* is a punishment given for violation of a *haqq Allah* or the right of God. This division obviously cuts across the categorization given by us earlier, viz. that punishments prescribed by God in the Qur'án are *hudud Allah*. For, to begin with, there are crimes and their punishments mentioned in the Qur'án, which, according to the second division belong not to the sphere of God's rights but men's rights — for example, the crime of murder and its punishment. Conversely, there are punishments which, according to the *Fuqaha'*, rank as " *hudud Allah* " *par excellence*, such as the punishment for drinking or becoming intoxicated, which were not only not fixed or mentioned by the Qur'án but were not fixed even by the Prophet's *Sunnah*.

Before enquiring into the possible basis of this division, it should be noted that in early literature there is a great oscillation concerning the actual classification of individual crimes and punishments. On the basis of somewhat lengthy quotation from al-Shaybani cited above, taking away of property (whether by violence or not), murder and false accusation of adultery appear as infringements of human rights and hence unpardonable by the Muslim State, since the State may pardon only violations of God's rights under certain circumstances. But in the following statement of al-Shaybani, the taking away of property by stealth or violence is declared to be a claim of God and hence pardonable like adultery or drinking and intoxication: " If a Muslim commits a crime against God (*hadd l'illah*) like adultery, theft or robbery . . . then comes back repenting, all these crimes shall be forgiven him . . . If a Muslim is guilty of drinking and intoxication . . . he shall not be punished for this." [6]

**Confusion**

It is clear that unless the basis of the division of crimes into those against the rights of God and the rights of men becomes clear, there can be no satisfactory answer to this confusion. For the answer that theft and false accusation of adultery are both crimes against God and against men is itself unsatisfactory unless it is clarified as to what exactly constitutes a crime against God's rights and human rights respectively. It is here, indeed, that the root of the confusion lies, for there is absolutely no satisfactory definition of what is a right of God and what a right of man and hence what constitutes their violation. This confusion appears in a typically concentrated form, for example, in the standard Hanafi law-work *al-Hidayah* of Burhan al-Din al-Marghinani (d. 593 A.H. — 1196 C.E.). " *Hadd* in Shari'ah means a quantitatively fixed punishment (in violation) of a right of God — so that retaliation for murder cannot be called a *hadd* because it is a right of human contract, nor can *ta'zir* (be included in *hadd*) for it is not quantitatively fixed. The real purpose of the ordaining of *hudud* is to deter from such acts as harm people ".[7] 'Ayni', the famous commentator of *al-Hidayah*, elaborates further, saying that " harm to people " means " harm to their persons as in adultery, or to their honour as in false accusation of adultery or to their property as in the case of theft." [8]

2. *Al-Muwatta'* (of Malik), Cairo, 1951, Vol. II, p. 825.
3. Al-Shaybani: *al-Siyar al-Kabir*, Hyderabad, 1335 (A.H.), vol. IV, pp. 212-214 (also pp. 204-210).
4. *Al-Muwatta'*, II, p. 826.
5. Al-Shaybani, *op. cit.*, vol. I, p. 189.
6. *Ibid.*, vol. IV, pp. 209-10.
7. Al-Marghinani, *al-Hidayah*, loc. cit.
8. Commentary published on the margin of *al-Hidayah*, loc. cit.

**Mahmud Shaltut's view on the rights of God and rights of men**

From this it appears that the *hudud* or " fixed punishments " are given in violation of those rights of God which are automatically violated when certain rights of men are violated and that violation of these rights of men *ipso facto* constitutes violation of the rights of God. From this account it emerges that the rights of God in question are not something distinct from rights of men but are identical with them. This view is supported also by the type of theory succinctly stated, for example, by the late Rector of al-Azhar, the Shaykh Mahmud Shaltut, that God's rights are to be understood as meaning those human rights which belong to the society as a whole in contradistinction to rights which belong to individuals as such and that violation of society's rights *ipso facto* constitutes and means violation of God's rights entailing quantitatively fixed punishments.[9] This theory is attractive because it declares that punishable *hudud* are only those crimes which are committed against society and that if there are rights exclusively belonging to God, they cannot be punished by men. In the first place, however, this contradicts what the *Fuqaha'* have actually held for, although it is impossible to arrive at any plausible definition of the rights of God or the limits of God from what they have stated, yet the *Fuqaha's* statements make it absolutely clear that rights of God are different from rights of men. Secondly, prayer, for example, is universally recognized by them as a right of God exclusively the violation of which must be punished. It would be extremely far-fetched to argue that not praying is a crime against society. Thirdly, the " *hudud Allah* " *par excellence* for the *Fuqaha'* are adultery, wine-drinking (or being drunk), theft and robbery. Now, while theft and robbery are genuine crimes against society, it is difficult to see how wine-drinking, for example, is a crime against society in general or even against any individual (unless, of course, being drunk creates a positive danger for others).

But the most peculiar situation created by the classical legal interpretation of the Qur'án and apparently equally accepted by the school represented by the Shaykh Shaltut is that murder is supposed to be exclusively a violation of an individual's rights — not of " God's rights ", to use the classical legal terminology or, to use the Shaykh Shaltut's terminology, against society. On this question, the Qur'ánic statement (in 2, 178 ff.) has been taken as exclusively relevant, which essentially confirms the pre-Islamic tribal custom and allows either retaliation for murder or settlement in terms of blood-money (*diyah*) or pardon (which is even encouraged by the Qur'án). The important Qur'ánic statement (5, 3) which makes of murder a crime against entire humanity was conveniently forgotten: " It was because of this (i.e. the wilful murder by a son of Adam of his brother) that We laid it down for the children of Israel that whosoever kills a person who has not committed a murder or without war, it is as though he has slain all mankind and whosoever restores one life it is as though he has restored the life of all humanity." It is one of the strangest facts of Muslim legal history that such a categorical statement of the Qur'án was never even discussed in the context of the crime of murder. It cannot be said that this was only for the Jews, for the Qur'án is explicitly linking up its statement with the first murder ever committed on earth. How can, then, murder remain only a private claim ?

We have thus seen that the definitions of *hadd* and *haqq Allah* given in the *Hidayah* and also accepted by a large number of jurists and rationalized as crimes against society by the type of theory represented by the late Shaykh Shaltut in our own time cannot stand as they are. The Shaykh Shaltut's interpretation, if accepted, would, of course, constitute an excellent point of departure for a reform of this legal doctrine and a complete reclassification of all crimes. This theory, let us repeat, says that God's rights, where their violation is punishable, are to be identified with the rights of society as against the rights of an individual. If this view were accepted, several crimes which have been regarded as *hudud Allah* since the dawn of Fiqh, would cease to be so regarded since they can hardly be described as crimes against society and, conversely, some crimes — for example murder — which have been regarded by the *Fuqaha'* as a matter for private settlement, would have to be re-identified as crimes against society. We shall continue our search for such a basis in the Fiqh itself.

**'Izz al-Din 'Abd al-Salam Sulami's views on** hadd**-punishments**

The common run of jurists, no doubt, make a radical distinction between the rights of God and the rights of men without defining what a right of God is, as we have said before. However, a far more rational line on the question is adopted by 'Izz al-Din 'Abd al-Salam al-Sulami, a bold and original jurist of the Shafi'i school (d. 660 A.H.) in his work *Qawa'id al-Ahkam*. In so far as he bases his entire theory of law on the principle of " preventing harm to people and bringing welfare to them *(daf' darar* [or *mafsadah*] *'an al-nas wa jalb manfa'ah* [or *maslahah*] *lahum*)," his approach is thoroughly humanitarian and in this he can be definitely regarded as a predecessor of Shah Waliy Allah. Since all *hadd*-punishments are meant to deter from mischief and harm to people, rights of God must be construed as rights of society. His discussion of murder is illuminating. He regards murder as the highest of crimes and says that inflicting punishment for murder was left to the next of kin because it is most unlikely that the murderer would be left unpunished in that case since it is the next of kin who feel most hurt by this heinous crime. He adds that what shows that murder is not simply a crime against an individual is the fact that no individual can make his own life lawful for others (let alone other people's lives to himself). Again, forgiveness on the part of the next of kin of the murdered person is allowed simply because its chances are negligible. The fact that infliction of the punishment for adultery is not left to the relatives of the woman offended against, nor that of theft to the person whose property has been stolen (but the state has been made responsible for this) — says our author — is because the former may not even raise the question out of a sense of shame and the latter may mercifully forgive the thieves out of pity for them as they are wont to do.[10] (A society where property-owners are merciful to poor thieves does not exist today, of course !).

---

9. Mahmud Shaltut, *al-Islam — 'Aqidah wa Shari'ah*, Cairo (n.d.), p. 300 (also the whole discussion, pp. 292 ff.). Noteworthy is also *al-Tashri' al-Jina'iy al-Islami* by 'Abd al-Qadir 'Awdah, Cairo, 1963, pp. 204-206, particularly p. 206 where the author states a slightly variant view that in a sense all rights are are rights of God because the Shari'ah has been ordained by Him and thus its acceptance is obedience due to God while in another sense all rights are rights of men because all are for human welfare. That is to say, all rights are *formally* rights of God and *materially* rights of men.

10. 'Izz al-Din 'Abd al-Salam al-Sulami, *Qawa'id al-Ahkam fi Masalih al-'Anam*, Cairo (n.d.), part I, p. 163.

'Izz al-Din Ibn 'Abd al-Salam's views on certain crimes are daring in the history of Sunni law. He rejects the punishment by stoning to death of a married person guilty of adultery and rejects the traditional material regarding it as unreliable. Similarly, he rejects certain alleged forms of interest accepted unanimously by the *Fuqaha'* as utterly unintelligible: "I do not understand the kind of mischief *(mafsadah)* which might necessitate the stoning to death of a married adulterer. On this question things have been alleged which I cannot accept. Similarly, I have not found anything reliable concerning the mischief wrought by (certain forms of) *riba* which might necessitate considering them among the grave sins (*kaba'ir*). A person who sells one thousand (gold) *dinars* for a single (silver) *dirham*, his transaction is considered valid . . . but a person who sells one measure of barley for a thousand measures of wheat . . . or sells a *dinar* or *dirham* each with its equal but, may be, only on a very short-term loan, his transaction is considered invalid. In none of these forms (of prohibition) there appears any intelligible meaning which may be considered worthwhile." [11]

## III

## HUQUQ ALLAH AND HUDUD ALLAH ARE REALLY MEN'S RIGHTS OR SOCIETY'S RIGHTS

### Al-Taftazani's views

We have seen above that the theory which interprets God's rights and rights of men simply as rights of society and rights of individuals respectively faces several formidable difficulties. This theory, of which we took the Shaykh Shaltut as a neat modern representative, is itself, of course, not modern. Al-Taftazani (d. 660 A.H. — 1261 C.E.), among others, propounds it very explicitly: "By a right of God is meant that which is concerned with common good without being particular to an individual. It is attributed to God because of its great importance and its universal benefit. Otherwise, in so far as their creation is concerned, all rights (i.e. whether social or individual) are attributable to God, while as far as their harm or benefit is concerned, God is beyond all (and hence all are really human rights)." [12] On this view, of course, even prayers — which one would think was God's right *par excellence* — becomes society's right and enforceable by the society. But the most lethal objection to this stand arises from the fact that, if it is attached to the *materials* of *hudud,* purely arbitrary distinctions come to be drawn between certain comparable crimes. For example, theft is regarded as essentially a violation of a right of society while illegal possession or usurpation (*ghasb*) as a crime only against an individual. This dilemma is highlighted by al-Qaraafi by saying that most *hudud Allah* or God's rights are really for the betterment and moral health of the individual, like those of adultery, theft and false accusation of adultery and yet it is not up to the individual offended against to forgive them and thus they are regarded as God's rights i.e. rights of the society (as distinguished from an individual). "If the individual person (affected by these crimes) were to forgo his claim in all these (cases), his condonement will not be taken into account and his forgiveness will not be effective. Now, all these punishments and their likes are for the welfare of men but they are claims (or rights) of God because they cannot be forgiven because of the forgiveness (of the individual [s] offended against), although these contain welfare of men and ward off evil from them. Most of the Shari'ah-*hudud* are of this type (i.e. although it is for the individual's protection, it cannot be forgiven by him)." [13]

### The right of God consists in providing effective deterrence against violation of men's rights

Under the light of this criticism, the entire question of *huquq Allah* and *hudud Allah* assumes a new complexion. First, God's rights are really men's rights or, strictly speaking, rights of society as a whole. This much is stated by other medieval purists also and restated by the modern *Fuqaha'* like the Shaykh Shaltut. But, in the next place, what does "a right of society" mean ? It means that there are certain offences whose nature is such that the particular person offended against is no longer in a position to forgive the offender. (We have, of course, pointed out above the anomaly of the position of the crime of murder in Islamic law). This is the real reason behind the *Fuqaha's* insistence on the invariability of the so-called *hadd*-punishments, since they are afraid that if these are interfered with, their *deterrent* force might be dissipated. There is, of course, the added force this stand draws from the fact that certain punishments have been revealed in the Qur'án. But this is not the real reason ; the real consideration is the idea of deterrence. That the *Fuqaha's* essential concern is with deterrence and not with the carrying out of *hadd*-punishments is also attested by 'Izz al-Din Ibn 'Abd al-Salam when he says that the Prophet Muhammad had ordered, when a certain woman's commission of adultery had been reported to him, that the woman in question should be interrogated — not because the Prophet was very anxious to punish her for this crime but because he wanted to give her the opportunity to prove her innocence and save her reputation. In all alleged crimes, the jurist insists, which affect the reputation of a person, the person in question must be informed (and not merely the court) so that the accused can clear his reputation.[14] This is the basic consideration too, behind Ibn al-Qayyim's (d. 1200 C.E.) view that punishments for *all* crimes lapse when the culprit sincerely repents,[15] for real repentance can occur only after the efficacy of deterrence or reformation. Finally, this also explains the apparent contradiction that we noted in the definition of *hadd* in the *Hidayah.* For the *Hidayah* tells us that *hadd,* which is a *right of God* and consists of an *invariable quantity of punishment,* is intended to protect people from mischief by providing effective *deterrence. The right of God, then, consists in providing effective deterrence against violation of men's rights — i.e. with regard to their selves, honour and property.*

This is the most hopeful line to approach the question of *hadd* and *haqq Allah* which has needlessly become confused by the entry of several extraneous strands of thought, the essential idea being that of deterrence and reformation. It is because of this fundamental notion that crime of murder was classified by Muslim jurists under an entirely separate concept, viz. that of *qisas* or retribution (and compensation, *diyah*). What the *Fuqaha'* were really saying was that whereas retribution or retaliation may be pardoned (*'afw*) or compounded (*musalahah*), deterrence and reformatory motives are not amenable to this process but only to punishment or repentance. However, as we have pointed out, this classification is not correct and the crime of murder cannot be treated

11. *Ibid.*, p. 164.
12. Al-Taftazani, *al-Tawdih 'ala'l-Talwih,* Cairo, 1951, Vol. II, p. 151.
13. Al-Qaraafi, *Kitab al-Furuq,* Cairo, Vol. I, p. 181, quoted by Dr. Muhammad Yusuf Musa in his *al-Fiqh al-Islami,* Cairo, 1958, p. 214.
14. 'Izz al-Din, Ibn 'Abd al-Salam al-Sulami, *op. cit.,* p. 159.
15. Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in,* Vol. II, Delhi, 1314 A.H., p. 17.

adequately by retribution (retaliation) or compensation alone unless the deterrent-reformatory objective is also, and indeed primarily, fulfilled. Similary, the contention that punishments revealed in the Qur'án are, for that reason, to be taken as "fixed, invariable *hudud*" while the rest is all *ta'zir* (discretionary punishment), cannot be accepted. To begin with, the Qur'án never calls these punishments "*hudud*" as we have demonstrated in detail. Nor, indeed, does it apply this term with reference to punishment at all. Secondly, as is known to us, the punishment for being drunk was laid down neither in the Qur'án nor yet in the Sunnah but was fixed by 'Umar and yet it is included among the foremost *hudud* by 'the *Fuqaha'* (and, significantly, given equal importance in the Hadith). Thus, the revelatory basis of the concept of *hudud* stands demolished.

**Conclusion**

But if we apply the principles of deterrence and reformation, principles which the *Fuqaha'* themselves have enunciated as being basic to the Islamic concept of punishment, we not only restore the original moral position of the Qur'án on *hadd* but avoid all confusion arising from extraneous considerations and would be able to reclassify and systematize the Islamic structure of crime and punishment which would do real justice to the demands of the Qur'án and the Sunnah. This system would be entirely rational as well, which is also something demanded by the Qur'án and the Sunnah. Anomalies and contradictions now teeming in the Fiqh-literature would be removed. Among other consequences, the idea of the invariability of *hadd*-punishments would be abandoned since it is absolutely extraneous to the concepts of deterrence and reformation which is the declared purpose of the Qur'án. The crime of murder and allied crimes would be reclassified. The unbridgeable, inordinate and utterly unjustified chasm between the so-called *hadd*-punishments and other punishments will be removed. The greasy fictions or devices (*hiyal*) with which the *Fuqaha'* — first having needlessly imposed on themselves compelled to restrict and, indeed, neutralize *hudud* will be unnecessary. Such common devices, both legislative and procedural, as tend to render punishments ineffective and encourage crime to go by default, cannot fail to produce an ugly moral laxity in society and moral laxity does not become any the less ugly or injurious because it is concealed. We are not here interested in describing these devices which anyone may find out from the Fiqh-literature. We have been concerned only with discovering a viable and acceptable basis whereupon to build an adequate Islamic structure of punishment. The *Fuqaha'* have given us such a basis in the principles of deterrence and reformation.

---

*THE HISTORY OF THE IDEA OF THE MIRACLE* (I'JAZ) *OF THE QUR'AN—**Continued from page 17*

has said. The *mu'jizahs* offered by the Qur'án were perceived by the intellect, and for this reason a greater number of people believe in the Qur'án ; tangible *mu'jizahs* are evidence only to those who see them, while *mu'jizahs* in the mental sphere remain evidence for all times.

In all this Ibn al-'Arabi is not original. He in fact merely accepts the views of previous scholars with little change or adaptation, sometimes preferring one view to another but on the whole not formulating any original idea nor offering any convincing reason why they preferred one view or rejected another.

*Al-Amidi*

'Ali Ibn Abi 'Ali al-Amidi (631 A.H. — 1235 C.E.), in his treatise *Abkar al-Afkar*, discusses the *i'jaz* of the Qur'án, and explains and analyses the views of previous scholars on the subject. In this respect he followed in the footsteps of several scholars of this age, who went into great detail in arguing a particular point about the *i'jaz*. His views on this subject have been summed up by al-Alusi in the Introduction to his *Tafsir*, namely that the *i'jaz* of the Qur'án is evidenced in the combination of its style, rhetorical qualities, and knowledge of the unknown. In the opinion of al-Alusi this view of al-Amidi has been accepted by many scholars *(al-Tafsir* by al-Alusi, Vol. I, p. 29). The view expressed by al-Amidi to the effect that the *i'jaz* of the Qur'án is a combination of all these characteristics is supported by subsequent writers on this subject. This is a moral liberal outlook, and is in contrast with the narrow and restricted views hitherto expressed by scholars on *i'jaz*.

*Hazim al-Qartajanni*

Hazim Ibn Muhammad al-Qartajanni (d. 684 A.H. — 1285 C.E.) is the author of a well-known treatise on *i'jaz* — *Minhaj al-Balaghah*. 'Abd al-'Alim al-Hindi says that the manuscript of another work by the same author, entitled *Al-Burhan al-Qasif 'An I'jaz al-Qur'án*, is found in Medina. But perhaps this latter work is in fact *Minhaj al-Balaghah* itself.

The views of al-Qartajanni on *i'jaz* have been summarized by al-Suyuti *(al-Itqan,* Vol. II, on *I'jaz),* as follows : "The *i'jaz* of the Qur'án lies in the fact that rhetorical quality and style are excellent throughout. These qualities could not be matched by any human being at any time. The speech of the Arabs, and of all those who spoke the Arabic language, cannot possess high qualities all the time. There are thus times when the quality is inferior, and good speech rare." It would appear from this that Hazim al-Qartajanni merely copied the views of al-Baqillani on *i'jaz,* namely that the rhetorical quality of the Qur'án is excellent throughout. He amplified on this view, without in fact adding anything substantial to it.

To sum up the 7th century A.H. on *i'jaz,* it can be said that the scholars of this period were in the main adaptors of the views of earlier scholars or mere repetitors or collectors. Perhaps one scholar in this century, al-Amidi, is typical. He accepted the views of the scholars of earlier periods and reinforced them with new arguments. He views the Qur'án from a more comprehensive angle and considers that its *i'jaz* lay in its qualities in various spheres — rhetoric, style, wisdom and knowledge of the unknown. One scholar in this period, Fakhr al-Din al-Razi, discusses the theory of *surfah,* rejecting it at one time and subsequently accepting it, thereby in fact contradicting views he had previously expressed about the *i'jaz* of the Qur'án on the ground of its rhetorical excellence.

*(To be continued)*

*The writer of the article*

# THE HISTORY OF THE IDEA OF THE MIRACLE *(I'JAZ)* OF THE QUR'AN

## The 6th century A.H.—12th century C.E.

### The Views of al-Zamakhshari, Ibn 'Atiyyah, Ibn Rushd, al-Razi, al Sakkaki, Ibn 'Arabi, al Amidi

By NA'IM AL-HUMSI

(IX)

Two *mutakallims* achieved eminence and distinction for their writings on the subject of the *i'jaz* of the Qur'án in the 6th century A.H. (12th century C.E.), al-Ghazzali, who was a philosopher, and al-Qadhi 'Iyaadh, who wrote on the life of the Prophet Muhammad. There were also two *mufassirs,* one al-Zamakhshari, the *mu'tazilite,* and the other Ibn 'Atiyyah. Also eminent in this sphere was the philosopher Ibn Rushd (Averroes), who tried to harmonize between Greek philosophy and the principles of the religion of Islam. I shall deal with each one of these scholars separately.

*Al-Ghazzali*

Al-Ghazzali held the view that the Qur'án aimed at a single purpose, namely, to urge mankind to be at one with God the Creator, and to induce them to prefer the affairs of the spirit and the Hereafter to the material things *(al-Itqan* by al-Suyyuti, Volume II, pp. 198 *et seq.).* In his view the Qur'án contained all the knowledge there was, whether religious or material, and that this knowledge was subtly hidden and could not be perceived except by those with the gift of discovering it. He almost considered this fact one of the aspects of the *i'jaz* of the Qur'án, because he mentioned it by way of illustrating the great qualities of the Qur'án. The Egyptian scholar Amin al-Khuli says that in al-Ghazzali's opinion the Qur'án contains all the sciences, whether spiritual or physical, and adds : " Al-Ghazzali was more emphatic and detailed on this point than anyone before him (see *al-Ihya',* chapter IV, pp. 259-264). He adds that in the Qur'án there are to be found signs and clues concerning everything ever disputed by people, whether theories or facts. The Qur'án, according to him, refers to all the sciences. Al-Ghazzali lists all the sciences, and says that some of these sciences remain while others have become obsolete. He adds that the beginnings of all sciences are to be found in the Qur'án, because they are all to be derived from one source, namely the unbounded sea of knowledge of the Almighty. He also says that if he were to give details of the sciences to be found in the verses of the Qur'án this would be a very long task indeed." Al-Ghazzali is the first scholar to deal seriously with the theme that the Qur'án contained all the elements of knowledge, whether it be in the religious sciences or in worldly matters. Later, other scholars took up this point and discussed it in detail.

*Al-Qadhi 'Iyadh*

Al-Qadhi 'Iyadh (544 A.H.—1149 C.E.), in his book *Al-Shifa',* pages 216-237, propounds a view on *i'jaz* on which al-Suyuti comments in his book *al-Itqan* (Volume II, chapter on *I'jaz).* Briefly, this is to the effect that the *i'jaz* of the Qur'án lies in its brevity, rhetorical qualities, unique style, news about the unknown and information about history, all of which must also be evaluated in the light of the fact that the Prophet Muhammad was illiterate. He places great emphasis also on the effect which the Qur'án has upon the hearts and minds of people, and mentions the case of Jubayr Ibn Mut'im, who decided to embrace Islam when he heard the Prophet Muhammad recite during afternoon prayers the *Surah* of *al-Tur.* The Qur'án, in his opinion, contains knowledge and information which no other book has ever contained or is likely to contain, and all this is in the most brief and concise form.

Al-Qadhi 'Iyadh's views on *i'jaz* are not in fact new or original. He merely summarized the views of al-Baqillani and added the theory that the Qur'án contained information and knowledge not contained in a book of a similar size before. He also discusses the view of *Surfah,* which he does not reject. But he does not in fact confirm it or support it strongly or unequivocally ; he merely refers to the theory of *Surfah* as yet another proof of the *i'jaz* of the Qur'án.

*Al-Zamakhshari*

The Imam al-Zamakhshari (538 A.H. — 1143 C.E.), in his treatise *al-Kashshaf,* bases the theory of the *i'jaz* of the Qur'án on the special characteristics of the words used in the Qur'án and its style of expression. He indirectly supports the views of al-Jurjani. In his opinion, the *i'jaz* of the Qur'án arises from the nature of the meaning of the words used and in the manner in which they were used. Dr. Muhammad Khalil al-Khatib, in his introduction to the *Husn al-Sani'* of al-Basyuni, says that the Imam al-Zamakhshari ranks next to 'Abd al-Qahir al-Jurjani in regard to the theory of the *i'jaz* of

the Qur'án on the basis of its literary style. He mentions on this occasion the views of Ibn Khaldun that " the result of the art of *Bayan* (rhetoric) is to understand *i'jaz* in the Qur'án, and the *mufassirs* are the ones most in need of this art, and most of the explanations given by the Qur'án in the past had ignored this until Jarullah al-Zamakhshari wrote his book on *tafsir* and examined the verses of the Qur'án in the light of this art, thereby illustrating the *i'jaz* of the Qur'án. He alone has the credit for such interpretation."

It is in fact true that the Imam al-Zamakhshari can be considered the first *mufassir* to devote serious attention to the aspect of rhetoric in the Qur'án and who sought practical application of the various aspects of the science of rhetoric in order to demonstrate the *i'jaz* of the Qur'án.

Another theory which he propounded was that the *i'jaz* of the Qur'án is incompatible with its being uncreate. He refers to the views expressed by certain scholars and says : " It is illogical to claim that the Qur'án existed since the beginning of time and is uncreate, with the theory that it is a *mu'jizah*. *I'jaz* can only be claimed where there is capacity to create. Thus it is said, for example, that God is capable of creating human beings and things, while men are not. Things which are impossible and uncreated cannot be the subject of a challenge in *i'jaz*." The Shaykh Nasir al-Din Ahmad Ibn Muhammad al-Iskandari al-Maliki (683 A.H. — 1284 C.E.) replies to this argument by saying that the belief of former scholars on the *i'jaz* of the Qur'án was based on the uncreated nature of the words used rather than the meaning they portrayed, but that both were in fact *mu'jizahs*. Al-Zamakhshari's argument indicates that the question of whether the Qur'án was created or uncreate was a subject of great importance engaging the minds of scholars at that time. Al-Zamakhshari emphasizes that the science of rhetoric is of vital importance for appreciating the nature of the *mu'jizah* brought about by the Prophet Muhammad. He affirms that the Qur'án is a *mu'jizah* by the standards of all times and places, and that one proof of this quality is the fact that the Arabs were not able to match it, although they had been repeatedly challenged to do so. These views of al-Zamakhshari were given in his treatise on *tafsir* — he did not, as far as I know, write any special treatise on the subject of *i'jaz*.

*Ibn 'Atiyyah*

Ibn 'Atiyyah, the *mufassir* (542 A.H. — 1147 C.E.), wrote a treatise on *i'jaz* which was reported by al-Suyuti *(al-Itqan,* Volume II, p. 198) as follows : " Ibn 'Atiyyah says : ' The truth, which is accepted by the majority of ordinary people and the wise, in regard to the theory of the *i'jaz* of the Qur'án, is that the Qur'án represents a *mu'jizah* in its style, its profound meaning, and the eloquence of its text. God possesses knowledge of everything and masters all words, so that God chose and arranged the words in the best manner that would express the meaning. This is true of the Qur'án from beginning to end. Mankind is ignorant, forgetful and incapable. Naturally, no one person possesses all knowledge. The style of the Qur'án thus had the qualities of supreme rhetorical excellence of a nature that is absolutely unique. The argument that the Arabs could match it but that they were prevented from doing so by *surfah* is absurd having regard to the unique quality of the Qur'án. No one could match the Qur'án in this respect. While a learned man may keep changing and improving a speech or a poem for a long time, without there ever being a stage beyond which no improvement would be possible, in the case of the Qur'án it is simply impossible to change one word or one letter and keep it at its high standard. The excellent quality of the Qur'án is easy to appreciate in many respects, but is hidden and imperceptible in others due to the fact that the Arabs of today do not possess the superior literary taste of their ancestors particularly in the early days of Islam. The proof of the *i'jaz* of the Qur'án for the Arabs was in the rhetorical aspect, in the same way as the proof of the prophethood of Moses was in magic and that of Jesus in medicine, for God designs the *mu'jizahs* to suit the time and place they appeared in '."

This clearly shows that the theory of *surfah* is not accepted by Ibn 'Atiyyah as explanation of the *i'jaz* of the Qur'án. He holds the view that the Arabs could not possibly master words and meanings as given in the Qur'án and as mastered by the Almighty. He considers the style of the Qur'án as evidence of its *i'jaz*, and says that the excellence of the Qur'án in this respect is proof of the fact that it is the word of God. He thus does not compare the words of the Qur'án with the words of human beings generally. It must be pointed out here, however, that there is something of a circular argument in all this. He considers that man is incapable of perceiving the excellence of the Qur'án in some respects because of his innate weakness and incapacity. But he does maintain that the Arabs at the time of the Prophet Muhammad possessed higher rhetorical and literary qualities than they did subsequently or at the present time, and that this is one reason why they cannot appreciate the qualities of the Qur'án. This is perhaps a doubtful proposition.

*Ibn Rushd (Averroes)*

In his treatise on *i'jaz*, al-Rafi'i says : " The philosopher of Islam, al-Qadhi Abi al-Walid Ibn Rushd, died 595 A.H., says beautiful things at the end of his book—*Fasl al-Maqal* — which have never been said by any other scholar before. He shows how the Qur'án contained the methods of logic as a whole. The philosopher says this is part of the *i'jaz* of the Qur'án. This is indeed a subject in which he would have excelled if he had given it thorough consideration and examined it meticulously. He had, however, God have mercy upon his soul, merely referred to this subject in passing and did not tackle it specifically." *Al-Rafi'i* further considers this point at page 281 of his treatise.

The views of Ibn Rushd in this respect are similar to those of al-Ghazzali, who maintains that the Qur'án contained all the elements of the sciences. This is also one aspect of the scientific concept about *i'jaz*. Some scholars do not accept this as a valid justification of *i'jaz*, and the view is held that the Qur'án did not come to explain the sciences or give theories on science or logic. True, the Qur'án did use methods of proof which logicians have analysed and explained ; but these methods were not used simply to illustrate the science of logic.

To sum up the 6th century A.H., it can be said that the scientific theory about *i'jaz* was mentioned for the first time by al-Ghazzali. He was followed by al-Qadhi 'Iyadh and Ibn Rushd. Other scholars of that period either imitated these views or deliberated on the views of the scholars of earlier periods on this subject. One scholar of this period, al-Zamakhshari, had a new idea. He said, in his treatise *al-Kashshaf*, that the Qur'án is a *mu'jizah* from the point of view of its rhetorical style, but added that the Qur'án was created and that otherwise it would not be a *mu'jizah* because it would not be feasible to make a challenge to match the

Qur'án if the Qur'án can be uncreate and this would be a challenge to do the impossible.

**The seventh century A.H.**

The most leading scholars on the *i'jaz* of the Qur'án during the 7th century A.H. were Fakhr al-Din al-Razi', the *mufassir* and *mutakallim,* al-Sakkaki, the *litterateur* and one of the leading scholars on Arabic rhetoric, and Ibn al-'Arabi al-Sufi, 'Ali al-Amidi and Hazim al-Qaratjanni, the *mutakallims.*

*The Imam Fakhr al-Din al-Razi*

The Imam Fakhr al-Din al-Razi (606 A.H.—1209 C.E.) discussed the *i'jaz* of the Qur'án in several treatises. 'Abd al-'Alim al-Hindi says that al-Razi did not in fact bring forth any new theory but merely summarized two works by al-Jurjani — *Dala'il al-I'jaz* and *Asrar al-Balaghah* — and reproduced them in a more manageable form in his book *Nihayah al-Iyjaz fi Dirayah al-I'jaz,* which in fact put forward the views of al-Jurjani in a clearer way. Al-Razi also discusses these views in his treatise on *tafsir* and in his two works on the science of *kalam* — *Ma'alim Usul al-Din* and *Afkar al-Mutaqaddimin.* His treatise, *Nihayah al-Iyjaz fi Dirayah al-I'jaz,* can be summarized as follows :

1. Al-Razi maintains that proof of the *i'jaz* of the Qur'án is the fact that the Arabs were not able to match it, although they had been repeatedly challenged to do so.

2. He says that there are four schools of thought on the aspects of the *i'jaz* of the Qur'án. The first is the theory of *surfah,* which he explains according to al-Nazzam. He rejects this theory and maintains that if it were true the Arabs would not have been impressed with the excellent rhetorical and other qualities of the Qur'án — for they would have been deprived of the capacity to appreciate them — and that this fact would have implied that the Arabs had become mentally deficient after the challenge was made; but in fact there is no evidence for this at all. The second school believes that the *i'jaz* of the Qur'án lay in the difference between its style and that of poetry and speech generally. Al-Razi rejects this view for five reasons : (a) the introduction of a new literary style is not a *mu'jizah,* otherwise the first poetry would have been a *mu'jizah* ; (b) the fact that a particular style is new does not mean that it cannot be matched ; (c) the Qur'án of Musaylamah would be a *mu'jizah* because of its apparent similarity to the real Qur'án ; (d) the verses of the Qur'án such as " There is life for you in punishment " would be similar to such verses in Musaylamah's Qur'án as " death prevents death " in meaning, and would be a *mu'jizah* because it differs from other writings ; and (e) the description given by the Arabs to the Qur'án — namely that its style was beautiful and elegant — would be inappropriate if it were completely unfamiliar and unprecedented in all respects. The third school of thought to which al-Razi refers is that the *i'jaz* of the Qur'án lies in the fact that it is free of contradiction. He does not accept this theory, and says that if it were true a lot of writing or speech free of contradiction would be symptomatic of *i'jaz.* Finally, al-Razi refers to the school of thought on the *i'jaz* of the Qur'án which considers this to be centred on the Qur'ánic reports about the unknown. Al-Razi also rejects this view because he considers that this is not true of every verse of the Qur'án. Thus, in al-Razi's view the only valid aspect of the *i'jaz* of the Qur'án is its rhetorical quality.

Al-Razi criticizes and rejects all the views hitherto expressed on the *i'jaz* of the Qur'án and confines proof of the *i'jaz* solely to the rhetorical excellence of the Qur'án. In his *Tafsir,* however, he appears to contradict this view. He considers the *i'jaz* of the Qur'án predominantly, and perhaps exclusively, from one angle, and makes the same mistake as that made by previous scholars on this subject by adopting one view and ignoring all others on the subject. He does not examine the Qur'án from all angles and aspects. If he did that he would have seen that the *i'jaz* is demonstrated in the combination of the qualities of the Qur'án in several respects, all of which are impressive on their own but are more cogent and convincing when viewed together as part of the same subject. Al-Suyuti has referred to the views of al-Razi on the *i'jaz* of the Qur'án and reported this to be rhetorical excellence, unique style of expression and freedom from defects. An examination of the original work of al-Razi reveals, however, that he did not attach any importance to freedom from defects, and it would appear therefore that al-Suyuti has not correctly reported al-Razi on this aspect.

Al-Razi, in his well-known treatise on *tafsir,* the *Mafatih, al-Ghayb,* considers the verse of the Qur'án which made the challenge to the Muslims : " And if you are in doubt as to that which We have revealed to Our servant, then produce a chapter like it and call on your helpers besides God if you are truthful. But if you do it not — and you can never do it — then be on your guard against the fire whose fuel is men and stones ; it is prepared for the disbelievers " (2 : 23-24). He makes the following comments on this verse :

1. The occurrence of this verse in the Qur'án is proof of the genuine nature of the prophethood of Muhammad.

2. This verse strengthens the evidence about the Qur'án being a *mu'jizah* in two ways. One is that it excels all previous literary masterpieces in a very distinct and dramatic way, and this was demonstrated by the fact that the Arabs felt incapable of matching it although they were repeatedly challenged to do so. The interesting fact in this respect is that there were many reasons why the Qur'án should not have excelled from the rhetorical point of view, but that it did in fact achieve the highest level in this respect. Facts which militated against the Qur'án being of high quality were the following : (a) that the Arabs had been known to be rhetorical solely in regard to things which were tangible to them and familiar, such as the camel and the horse , but the Qur'án did not in the main discuss these things ; (b) that the Qur'án avoided untruths, and nevertheless achieved a high quality Arab poetry's excellence was known to be in ratio to its untruth, and that was why the poetry of such post-Islamic poets as Hassaan was not considered to be of high quality because it meticulously sought to be truthful) ; (c) that excellence in rhetorical quality is not known to run right through all the works of poet or writer, while the superb quality of the Qur'án characterizes the whole of it without any exception ; (d) that rhetorical quality is always reduced by repetition on one and the same subject, while the Qur'án, despite repetition in some respects, did not lose its quality ; (e) that the Qur'án deals with such matters as worship, prayer, religious rites, the Day of Judgment, and similar matters which do not lend themselves easily to rhetorical excellence, but nevertheless is excellent ; (f) that every writer or poet achieves excellence in one respect, while the Qur'án's excellence is in many respects and on many occasions ; (g) that the Qur'án is the source of all sciences (but al-Razi in fact mentions the sciences of *kalam, fiqh,* logic, language, grammar, knowledge of the Hereafter, and manners). In the first six reasons given above, al-

Razi merely repeats what al-Baqillani had said before. In the last reason he gives he adopts the views of al-Ghazzali. Amin al-Khuli says that al-Razi can be considered an authority on the scientific aspect of the question of *i'jaz* (see al-Khuli, *al-Tafsir wa Ma'alim Hayatihi wa Manhijuhu al-Yaum*, p. 20). The other way in which the verse advances the theory of the *i'jaz* of the Qur'án is that if the Qur'án were presumed not to be a *mu'jizah*, then the fact that the Arabs did not find it possible to match it, although they had been repeatedly challenged to do so, does appear to be a very mysterious thing, and itself a *mu'jizah*. In my opinion this appears to contradict al-Razi's rejection of the theory of *surfah* which al-Razi stated in his work entitled *Nihayah al-Iyjaz fi Dirayah al-I'jaz*.

3. Al-Razi considers the contention by the Arabs during the days of the Prophet Muhammad that the Qur'án is of the same kind as their ordinary language, and Muhammad's reply to them that they are challenged to match it if they thought it possible.

4. Al-Razi says that the challenge to match the Qur'án came in various forms, and analyses the way in which it gradually crystallized. He says that the Qur'án first challenged the Arabs to match the whole or a larger part of it, then a much smaller part, and finally to match a single *surah* (chapter). Al-Razi says that some people may claim that to match the *surah* of al-Kawthar, for example, would not be a *mu'jizah*, and that this would be well within the capacity of people. As regards such a claim al-Razi says he prefers to believe in *surfah*, and that he would combine the two views — *surfah* and the rhetorical excellence of the Qur'án — to prove the *i'jaz* of the Qur'án. Such a view, and the views expressed by al-Rummani, are among the earliest examples of how scholars on the *i'jaz* of the Qur'án combined two apparently contradictory reasons to demonstrate the fact that the Qur'án was a miracle.

5. Al-Razi discusses the theory of *Jabr* (constraint — i.e., that man is constrained to do what he does and has not free will in the matter) in connection with the theory of *i'jaz*. He refers to the views of a Qadhi — but does not mention the name of this Qadhi — to the effect that the theory about the challenge made to the Arabs to match the Qur'án denies the theory of *Jabr*, because a genuine challenge can only be made in those cases where man is capable of doing the thing. Thus, if according to the theory of *Jabr* the actions of man are not within his power and control but are prompted by the Almighty, the validity of the challenge would be undermined, because otherwise it would be implied that God is challenging Himself. The proof offered by the Prophet Muhammad in regard to the *i'jaz* of the Qur'án is that it was the work of God ; and the believers in *Jabr* say that all acts are in reality the work of God. In this way an act which is a *mu'jizah* and an act which is not are both equal and one and the same as regards their source and doer, for they all come from God. Al-Razi gives a very formalistic answer to this argument, denying the validity of the theory of *Jabr* in regard to the *i'jaz* of the Qur'án. But this answer, like all answers based on presumption and unproven premises, leads to prolix argument and grave complexities.

6. Al-Razi emphasizes that the Qur'án said that the challenge cannot be met (2 : 23-24), and says this gives the reason for the supreme confidence which the Prophet had in his mission and in his conviction that the Qur'án could not be matched. He also mentions that further proof of the *i'jaz* of the Qur'án lies in the fact that despite serious attempts since the days of the Prophet Muhammad the Qur'án remains unchallenged and unmatched in any respect.

*Al-Sakkaki*

Al-Sakkaki al-Khawarizmi (626 A.H.—1228 C.E.), in his treatise *Miftah al-'Ulum*, follows the lines adopted by 'Abd al-Qahir al-Jurjani, adding only a few new topics on *badi'* (literary style) which had not been dealt with by al-Jurjani, and giving greater attention and detail to an examination of the science of rhetoric as part of the science of philosophy. He systematized the study of rhetoric and gave it fixed rules. Scholars of later times followed al-Sakkaki's example in this respect. In *Miftah al-'Ulum* al-Sakkaki says that the Qur'án is a *mu'jizah* from the point of view of its style (following in this the views expressed by al-Jurjani), and maintains that this quality can be appreciated by good taste and skill. Al-Sakkaki at first maintains that the *i'jaz* of the Qur'án can be perceived and demonstrated by scientific argument and examination, but subsequently abandons this view. He says : " You must realize that the question of *i'jaz* is a very mysterious one which can be perceived but not described, and the *i'jaz* can be appreciated by good taste and nothing else " *(Miftah al-'Ulum* by al-Sakkaki, p. 176).

Al-Sakkaki examines the various theories advanced hitherto on the *i'jaz* of the Qur'án, and rejects them all, and says : " There are thus four views, and a fifth, according to those with good taste, to the effect that the *i'jaz* of the Qur'án is in the realm of rhetoric and good style. The only way to appreciate this fifth ground of *i'jaz* is to have long experience in the sciences of rhetoric and style, and a gift from the Almighty which in His wisdom He gives to certain individuals and not to others " *(Miftah al-'Ulum*, p. 216).

From this it would appear that al-Sakkaki had found a way of proving the *i'jaz* of the Qur'án without resorting to dry and rigid rules which are often not generally acceptable and not infrequently contradictory. The quality of good rhetoric and style must of course be related to the taste prevalent at that time, which perhaps is not in all respects that of today when the language and culture of the Arabs have become affected by Western life and thought.

*Ibn al-'Arabi*

Ibn al-'Arabi (d. 628 A.H. — 1230 C.E.) formulated views on *i'jaz* which were reported by al-Suyuti *(al-Itqan* by al-Suyuti, p. 198 *et seq.)* and summarized as follows :

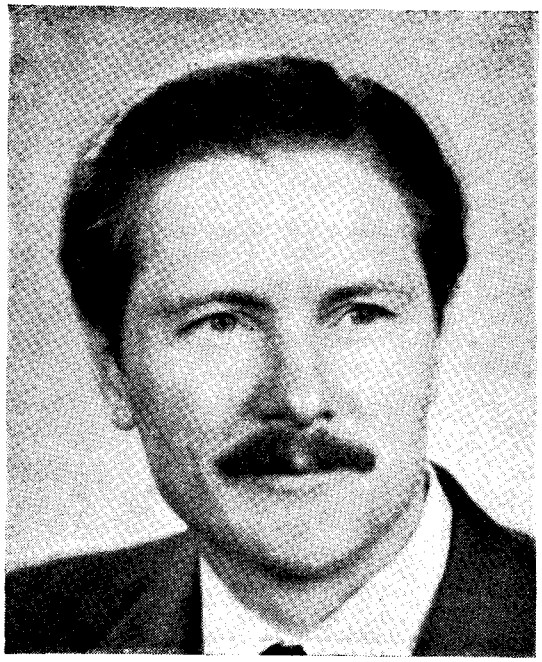
1. He defines a *mu'jizah* (miracle) as an unusual occurrence, coupled by a challenge. This is of two kinds — physical and mental. The *mu'jizahs* demonstrated to the Jews were physical, in view of the slow-thinking and short-sightedness of this people, while those demonstrated to the Arabs were mental in view of their sharp intelligence.

2. The *mu'jizah* of the Qur'án is immortal and everlasting, because the Shari'ah of Islam is everlasting. In this respect he quotes a Saying by the Prophet Muhammad : " There is no Prophet who has ever been anything like what I have been given and who was not believed by the people ; and what I have brought forth is a revelation from God, and I hope that because of this I shall have the greatest following — reported by *al-Bukhari*."

3. In its style, its rhetorical qualities, and its information about the unknown the Qur'án is unique. Not a single era has passed without there being proof of something that the Qur'án

*Continued on page 13*

# The Shaykh Ahmad of Sirhind Speaks



*Norman Lewis*

Here in Lahore, where Jahangir rules
And rides his elephant above the crowds,
The prostrate multitudes who do his will,
God placed me for a reason I know not.

But this I know :
Jahangir's slaves, with curving swords,
May lop my head and cast it to the ground
Before I place it there by my own will,
Bowing that low to any house of clay.

I know the reason why he proclaims
That all men reverence him.
It is because he, less than a man,
Is but a puppet for that wife of his.
Her name is on our currency, and civic deeds
Are in her hands. What we call a man,
Not quite a man, ruled by his wife,
Must somehow compensate to save his pride,
And this is how he balances his life.

Yesterday in the public square
When thousands fell prostrate before the king
I alone stood, like a tree in a storm-struck wood
The only one spared by God
The only tree among the multitudes
Storm-stricken, no longer trees,
But logs now for the saws of men.

I know not why God placed me here,
But this I know : He did not place me here
To bow before a man no different from myself.
I bow to God, and He alone
Receives my worship. Let them come,
The minions of the emperor,
The unmanned slaves.
Are they all eunuchs that they bow
Before a man? Have manhood, Slaves !
Arise ! Declare your rights !
Fear not the swords. This man
Can do to you what God alone,
Throned high above the heat of Hindustan,
Has planned for you.

So cringe no more, ye Slaves !
Slaves of God, that is your proudest name !
Bow but to God, and let men go
Into the Indus before your knees will bend
To pay them homage.

Come what may, God is my Defence ;
I work His will. I will not bow
Before a man ruled by a woman,
A mere slave, not quite a man,
Seeking to lord it over men.

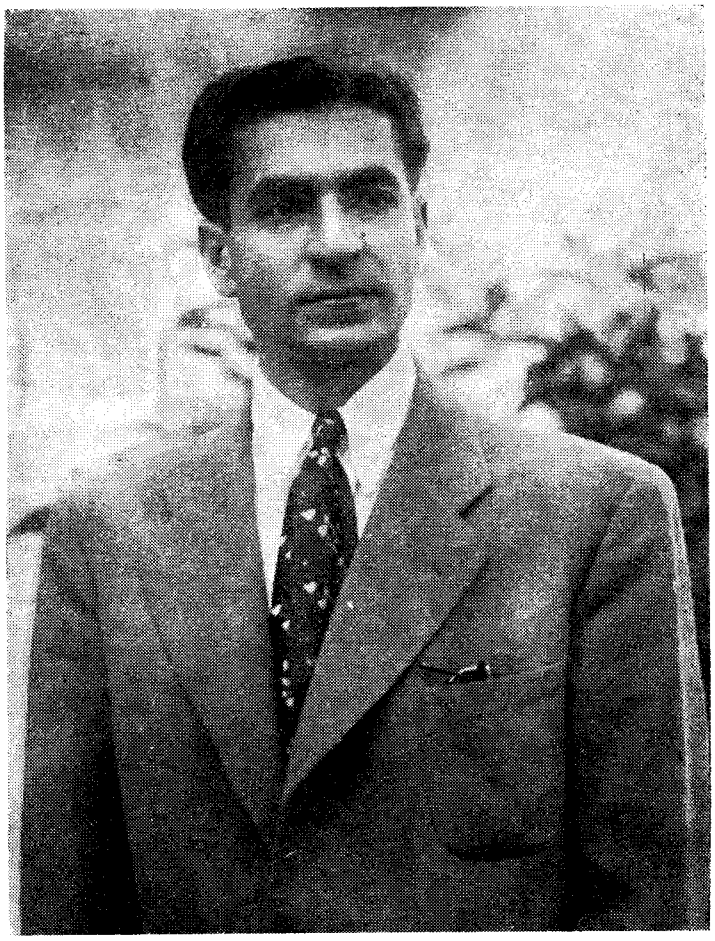
And there be those
Who say that all is God.
We do not bow to All.
If all were God,
Then would there be no God.

Oh, thou lacking in perception !
God is God, and there is none beside Him.
He is transcendent.
Did not all prophets teach
That He is Sovereign?
The universe is not He ;
What He hath made, He can destroy.

And that destruction comes upon us soon
If men will bow to men and say that all is God.
Come to your senses ! Where are your wits?
There is a God, and that gives life its worth.

And so, in fair Lahore
I'll take my stand, defying kings,
Men that are men, as well as men
Ruled by women. They are but men.
I'll never bow before a king.
Let weaklings bow ; I am a man.

NORMAN LEWIS.



# Iran Emergent

## Iran's Third Five-Year Plan

### (SEPTEMBER 1962—MARCH 1967)

*His Imperial Majesty the Shah of Iran, to whom the Irani nation has proffered the honorific title of* Ayra-Mehr *(the Sun of Iran) to show its gratitude for his devotion to Iran and the Irani people*

*Introduction*

Iran is now implementing its Third Plan, which began in September 1962. During the period 1955-1962, the Government of Iran was engaged in the execution of the Second Plan, which involved a public investment of Rls. 75.4 billion ($992 million) on development activities.

The Second Plan period was marked by a high rate of public and private investments. This was due to rising oil revenues as well as a high level of credit expansion. During the Second Plan, the national income of Iran in money terms rose from Rls. 220 billion ($2,895 million) to Rls. 307 billion ($4,039 million), or an annual average rise of about 5%. With an annual rate of population growth of about 2.5%, *per capita* income rose by about 2.5% each year.

Agricultural production increased during the Plan period by an annual average of 3-4%, while industrial production rose by 6% annually. During the Second Plan, 2,700 kms. of roads and 895 kms. of railroads were built and three major hydro-electric dams were constructed. School facilities expanded, resulting in an expansion of school students from 893,000 to 1,720,000 during the Plan. In the field of health, important achievements were the control of malaria and smallpox, the construction of 18 hospitals and a large number of clinics. In the field of municipal development, 27 cities got water systems and 134 had electricity.

*Objectives of the Third Plan (September 1962—March 1967)*

The primary objective of the Third Plan, which covers a period of 5½ years, is to raise the national income by an average of at least 6% per year. In order to obtain this annual rate of growth Iran has to invest approximately 18% of its gross national products. Since the rise in population is about 2.5%, the *per capita* income is expected to rise during the Plan by about 3.5% annually.

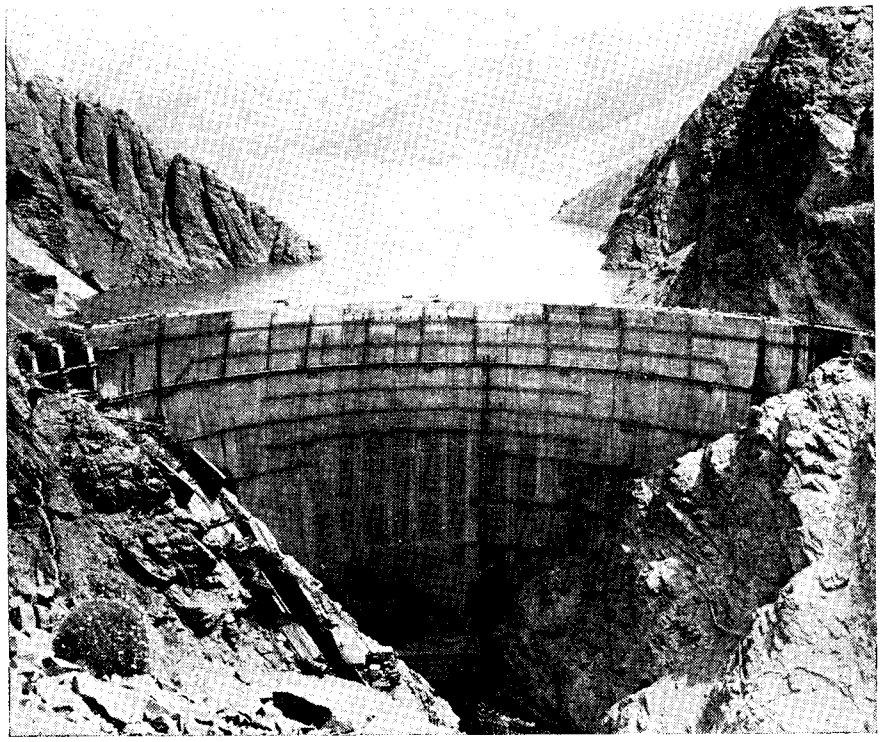
*Investment target*

The Plan aims at a total investment of Rls. 358 billion ($4,710 million). In order to meet this expenditure, the Government has allocated about 70% of the oil revenue to the Plan. (The oil revenue allocated to the Plan was 55% in 1962, but each year there is an increase of 5%, so that by 1967 the share of Plan Organization from this revenue will reach 80%.) Since these oil revenue allocations would not be adequate to meet the anticipated costs, the Plan Organization intends to receive advances from the Central Bank, mobilize the surplus of public enterprise and make foreign borrowing of about Rls. 33 billion ($434 million).

*Agriculture and irrigation*

The main objective in the field of agriculture is to increase the production of food and industrial raw materials needed to support a 6% growth in national income while maintaining reasonable price stability, improving rural living standards and the distribution of agricultural income. The secondary objectives such as increasing employment, raising productivity, increasing exports and reducing food and fibre imports, is to pursue to the extent of compatibility with the primary objective.

## Natural Resources
### of Iran are being steadily harnessed



*A view of the Karaj Dam, about 36 miles from Teheran*

## Education

*To wipe off illiteracy the army is being pressed into the service of teaching children to read and write.*

# IRAN E

*Population :* 21,000,000.

*Area :* 628,000 square miles.

*Flag :* Equal horizontal ban
arms (Lion and Sun) in the c

## Unity of the
### The Beginn
### Architects of the E

*For the first time in the lo
monarch of Iran received a
the middle of 1965, to disc
interest but also the problen
picture shows His Majesty
giving presents to his illustr
Faysal of S*

# MERGENT

of green, white and red with
tre.

**Muslim Peoples**

**g of the end**

**fice of Islamic Unity**

*g history of Islam a Shi'ah Sunni monarch on its soil in s not only things of common of Muslim solidarity. Our he Shahanshah* Arya-Mehr *us guest, His Majesty King 'udi Arabia.*

**The scarcest commodity in the world — LAND—**
**is no longer in the possession of the privileged few in Iran**

*A peasent, once a tenant of a landlord, is receiving from the Shahanshah* Arya-Mehr *the title-deeds of a piece of land. In Iran land distribution amongst landless owners is proceeding apace.*

**Afforestation**

*The idea of increasing the forest wealth of Iran is being instilled in children of tender age by practical means.*

The target for agricultural production is a rate of growth of 4% per year. The target assumed an annual 1.3% rise in *per capita* food consumption ; the projected increase in production is not enough to satisfy all demands for food at constant prices. The increase in rural demand in agricultural products is likely to be more as a result of a more even distribution of the rural income. Thus the general level of food prices during the Plan may be expected to rise, while prices of livestock products are expected to rise rather sharply.

Major reliance has been placed on agricultural credit as a means of helping farmers to increase their productivity. The credit resources of the Agricultural Bank have been increased by Rls. 8.8 billion ($116 million) and the number of credit co-operatives has been expanded rapidly.

The production of meat and livestock products during the Plan is expected to rise by about 2.5% per year, while a 14% expansion of milk production is expected through upgrading cows by artificial insemination, better feeding, etc. In this connection programmes for forage production and range management have been anticipated.

The target in the water development programme is to increase the irrigated area by 140,000 hectares and to improve the supply of water to 260,000 hectares already under irrigation. The emphasis in the Third Plan is placed on small irrigation projects, such as shallow and deep wells and small dams.

*Industry*

With regard to industries and mines, the main objective is to develop and expand those industries which contribute to a maximum increase in national income. With regard to new industries, the Plan envisaged the construction of a steel mill with a capacity of 300,000 tons a year and the establishment of petro-chemical industries. The Plan provides for the encouragement and expansion of medium and small-scale industries in the private sector and the development of coal, iron ore, lead, zinc, sulphur, potash and chrome ores.

*Fuel and power*

In the field of electricity the primary objective during the Plan is to assist the general industrial growth of the country. To this end capacity has been installed in anticipation of demand in major centres where significant industrial potential exists. In smaller towns and villages where the industrial potential is low, the objective is to improve the welfare of inhabitants.

In the field of fuel, allocations are made for investment in the oil sector and for exploration of non-basic investments by the National Iranian Oil Company and the contingent liability of the Government to finance 50% of the cost of investment. The major projects in this sector during the Plan are as follows :

(1) a second trans-Iranian oil pipeline of 16 in. diameter from Ahwaz to Teheran ;

(2) an oil refinery in Teheran with an initial capacity of 4.7 million cubic metres per year ; and

(3) construction of an oil port at Khormusa.

*Transport and communications*

The major objective in the field of transport and communications is to meet the needs of the economy so that the development of industry, agriculture and commerce may not be hampered by lack of these facilities.

The Plan has allocated Rls. 50 billion ($658 million) to this sector, of which 50% is to be used for the construction of major roads, 14% for feeder roads, 13% for post, telegraph and telephone, 7% for railroads and the rest for ports, airports, meteorology and tourism.

The Plan envisages the construction of about 4,000 kms. of highways and 7,000 kms. of feeder roads. The railroad from Tabriz to Qutur, being part of the CENTO project joining Turkey and Iran, will be completed by the end of the Plan and 11 airports are to be expanded. A port built at Bandar Abbas with an annual capacity of 300,000 tons for goods and 100,000 tons for mineral ores, and another port at Busher with an annual capacity of 200,000 tons.

A domestic microwave system will supplement and extend the CENTO Ankara-Teheran-Karachi microwave line and will utilize it for domestic purposes. There are also programmes for expansion of postal and telephone equipment. Funds have been provided for the promotion of tourism, so that the economy can benefit from the significant contribution which an increase in tourist travel can make to the country's foreign exchange earnings.

*Education and manpower development*

In the field of primary education, the aim is to bring into the compulsory education system 60% of the 7-13 age group by the end of the Plan. There is also a literacy programme which aims to reduce illiteracy to 45% by 1967. This means that during the Plan about 4,000,000 adults would have to be taught. The Literacy Corps conscripted by the Army will help the expansion of education to the rural areas.

There are also programmes for secondary education, teachers' training and university education as well as programmes for vocational training in agriculture, engineering, urban and industrial trades. A major strategy will be to decentralize education to encourage local participation and to raise local funds for this purpose.

*Health*

In the field of health the primary objective is to provide an integrated health service which will lay the foundations of good health for all Iranians. The Ministry of Health will gradually transfer its operating functions in medical care and will concentrate on planning and co-ordination instead.

The health programme envisages the continuation and intensification of the campaign against the endemic diseases and will give special emphasis to environmental sanitation and training activities. There are also programmes for construction of hospitals, clinics, etc.

*Municipal development and housing*

The programme in this field envisages the construction of water systems, municipal health schemes, schemes for protection of cities against floods and master plans for towns. The Plan also provides for the construction of office buildings and houses for government employees and low income groups. The allocation of the government construction activities is Rls. 6.5 billion ($86 million).

By 1967 Iran completes its third Five-Year Plan which is part of a Twenty-five-Year Plan aimed at raising the standard of living of the Iranians to that of today's Western Europe.

Sidelights on the life of

## one of the great Commentators of the Holy Qur'an

# al-Zamakhshari[1] (467-538 A.H.—1075-1144 C.E.)

## The Reasons that led Zamakhshari to adopt an Ascetic Life

By BAHIJAH AL-HASANI

" Blessed is the servant who binds himself with God's rope,
Whose feet are established on the straight path,
With torn garment but renewed heart,
Whose name is unkown on earth and told above the firmament ;
When eyes are turned to his squalid appearance,
They are averted and pass him by.
He is careless of the world in his thought,
His cares are so much on the next,
For this is greater than the enthroned (prince)
Reclining on his cushions, surrounded by his retinue."[2]

Al-Zamakhshari's sensitivity of feelings and the harshness of his environment led him to a life of dissipation. However, he was getting older, indeed he was past forty, and age demands respectability ; there are limits to any resistance.

He lived all these years feeling himself unappreciated. He was tossed from hope to disappointment ; then despair following long, bitter waiting overwhelmed him. He realized that life was not worth all this toil and struggle and this realization broke down the glory he imagined for himself and shook him with a deep sense of loss.

What could an intelligent man do in such a case ?

He gave up the struggle and fled to a life of asceticism in order to escape from the pains of ordinary life and wiles of men, to take refuge in God, the supreme Helper, and Who never disappoints one who trusts Him.

When did al-Zamakhshari announce that he was becoming an ascetic? Taash Kopra Zadeh[3] gives us the following information :

" He was already past forty-one and still attended the courts of ministers and kings, writing eulogies for them and enjoying his world. But then God gave him a dream which caused him to cut himself off from them and embrace religion. He mentions this dream at the beginning of his book called *Maqaamaat*, or " The Assemblies ".[4]

These are the fifty *Maqaamaat*, which he wrote in self-reproach when he saw the dream in a severe illness at the beginning of the month of Rajab, of the year 512 A.H. — 1118 C.E., when he was forty-one. This was the reason for his repentance ; he called that year " the year of warning ".

Let us examine what al-Zamakhshari set down in his *Maqaamaat* in order to discover the rules he imposed on himself. These pages throw light on his motives for fleeing from society and changing his philosophy of life to take refuge in a life of asceticism and worship of God.

" When he was afflicted at the beginning of Rajab in the year 512 A.H. — 1118 C.E. with that exhausting illness known as ' the warner ', it caused him to change and reproach himself, brought about a transformation in his state and appearance and induced him to enter into a covenant with God. This was to the effect that if recovery was granted him, he would never again tread the threshold of the Sultan nor gather the folds of his garments in his service, but would restrain his mind and tongue from composing poetry about the Sultan and reading aloud his eulogy in his presence. He would refrain from receiving his gifts and accepting his marks of favour as he was obliged to do whether they were given officially or spontaneously, or obtained falsely or otherwise ; and would take care to have his name removed and erased from the *diwan*. He would blame himself so severely that he might vomit forth what had been consumed in the time of his ignorance ; content himself with two loaves and two rags ; grip the rope of trust in God and hold fast to it ; and take refuge with his Lord and be an ascetic. He would make his dwelling a prison for his soul that he might reproach himself ; and not relinquish his decision so long as a good motive did not oblige him to do so, for the virtuous find no escape from

1 His full name is Abu 'l-Qasim Djar Allah Mahmud Ibn 'Umar Ibn Muhammad Ibn Ahmad al-Zamakhshari, the great master in the science of Qur'ánic interpretation, tradition, grammar, philology and rhetoric. For his life and references see *The Encyclopaedia of Islam*, pp. 183-184.
2 *Al-Maqaamaat*, pp. 30-31.
3 *Miftaah al-Sa'aadah*, Vol. 1, p. 433.
4 This book bears two titles, *Al-Maqaamaat* and *al-Nasaa'ih al-Kibaar* (The Great Admonitions).

the acceptance of responsibility ; nor would he study the sciences with which he was concerned except those that impel the student by way of awe to right guidance, restrain him from indulging the passions. He would derive benefit from the different branches of knowledge set forth in the Qur'án from tradition and the different schools of law. He would seek out Almighty God through his studies and be determined to serve religion, irrespective of those who sought knowledge from him in order to use it as a subject for boasting and a tool for rivalry."[5]

Al-Zamakhshari's spirit overcame the flesh. He restrained his passions and lived thenceforth the life of an ascetic, satisfied with little to eat and drink, as he summed up the ascetic life in the verses quoted above. He nourished his spirit with study and writing. But what kind of writing was it?

" Many kinds of sciences are useless, and many works unprofitable. They cause only weariness of mind and body. Blessed is the man who devotes himself to religious knowledge and does his work in all sincerity."[6]

How long could al-Zamakhshari observe and follow the obligations which he imposed upon himself?

**Zamakhshari travels to Mecca**

It seems true that al-Zamakhshari could not observe all that he demanded of himself, such as keeping to his house since he begged God to help him and take him far from his native country, " the home of the wretched," where he had committed his sins, and to help him to go to Mecca and settle by His House :

" I would bring you my complaint, who am frantic and distraught ;
I complain, O Lord, of the dealing of the only and Everlasting Lord.
I complain to you of the sins which beset me
Show kindness by healing my heart.
The love of being near the Sacred House (is in) my blood,
Of being near ' al-Djmar ' and the desire to be distant from my country.
There are two wishes if, O Lord,
You relieve me of their burden,
I will thank You while life remains in my body."[7]

Al-Zamakhshari travelled to Mecca, composing on his way the following ode, which is a picture of the feelings which overcome those who spend themselves in pursuit of pleasure, then the hope of forgiveness returns to the hope that they may escape the Day of Reckoning.

" Walk where you will, Tumadir, and declare that I am
Travelling to the plain of Mecca, until I couch (my camel)
And that beneath my worn rags is a youth
Travelling to the Ka'bah,
To live in the shade of the sacred House.
The youths who would take refuge at the corner of the House
Of God and call upon the Lord and bewail sins upon sins ;
Bewail sins more numerous than the pebbles
Yet great as the mountains,
Yet God is most Merciful, most Gracious, Generous and Powerful.
Of all of wail that man complains it is most fitting he should bewail
His sins, and most fitting that he should bewail
Them to the All-Forgiving ;
Perhaps the Sovereign in his excellence and greatness
Will clothe the profligate with righteousness.
O you who travel through the world in hope,
I am travelling to the Sacred City.
If a man should emigrate from his homeland,
By God the worthiest is he who emigrates to Him.
The trade of the righteous is this,
That a man sells this world's goods for the next,
Then the trader is most blessed ;
By God no bargain is profitable except that which is sealed
In piety, and every bargain is a loss.
I have destroyed this life, all but a remnant,
It may be that you, O remnant, will be restored.
You would find me first in every evil,
I might be last in good deeds.
In obedience to the All-Powerful I will strive my utmost,
Perhaps in this obedience I will make amends for my shortcomings.
I will travel destined among those destined for Mecca,
Yet when they depart I will not depart.
In the courtyard of God's house I shall pitch my tent,
Until the entombing grave is my lot.
I shall dwell between " al-Hateem " and Zamzam,
Neither brother nor tribe shall invite me ;
A guest of the Lord, who never fails His guest,
And gives him his desire in full
It is enough for me to be the neighbour of God,
Enough for me is He alone,
A glory above every glorious boast,
There I shall live and there my bones will be buried
And there will the Resurrection see me rise."[8]

**Zamakhshari's stay at Mecca**

Al-Zamakhshari reached Mecca in 516 A.H. — 1122 C.E., and was warmly welcomed by *al-'Allamah* Ibn Wahhaas,[9] to whom he was tied by a close friendship.

The youth of Mecca gathered round him to benefit from his learning, and because of their respect for his abilities and merits.

He devoted himself to the writing of religious works. He even pleaded with the Prophet for his intercession (in his books *The Kashshaaf* and *The Faa'iq).* That God might forgive him for the sins and transgressions he had committed.

---

5 *Al-Maqaamaat,* pp. 7-10.
6 *Atwaaq al-Dhahab,* p. 184.
7 *Ms. Nafahaat Ash'aar Rabi' al-'Abraar,* fol. 12.
8 *Ms. Diwaan al-Adab,* fol. 43.
9 Abu 'l-Hasan 'Ulay Ibn 'Isa Ibn Hamzah Ibn Sulayman Ibn 'Abd Allah al-Hasani al-Sulaymani, Amir Makka, the friend and the protector of al-Zamakhshari, at whose instance al-Zamakhshari compiled his book *al-Kashshaaf* .For his life see *Taaj al-'Arus,* Vol. 3, p. 243; the Introduction of *al-Kashshaaf.*

" Will I meet with the intercession of Ahmad (the Prophet) and (Divine) forgiveness,
Generous in diminishing sins?
Will *The Kashshaaf* and *The Faa'iq* be brought forward as proof,
Of goodness when the Day of Judgment brings sentence?
The book *(The Kashshaaf)* will shed light,
And the Sunnah *(The Faa'iq)* glory when they are valued by the two angels of reckoning."[10]

Much of his time was spent in the House of God, praying continually in the observances of the greater and the lesser pilgrimages :

" My standing in the plain of the Mount of 'Arafat
Would welcome my return to stand there again.
My standing is a precious memory,
Drawing never-ending tears.

. . . . . .

I wish for a City (Mecca) where I was known,
As the performer of circumambulations,
The Prayer, the dweller by the Venerable House ;
To stay in the courtyard of the protecting sanctuary,
Where I do not fear any disparager."[11]

We can see from the poems and the *Maqaamaat* of al-Zamakhshari that he withdrew from society and isolated himself from his friends and the court of the sultan for four years (512-516 A.H.—1118-1122 C.E.), which he spent in purifying his conscience and soul and in writing *al-Mufassal, Atwaaq al-Dhahab,* the *Faa'iq fi Gharib al-Hadith* and the *Maqaamaat*. He ended this isolation by journeying to Mecca, where he rejoined society and began to serve it sincerely by his writing and teaching. These four years were a transitional phase between two completely different ways of life.

10 *Ms. Diwaan al-Adab,* fol. 66.
11 *Ms. Nafahaat Ash'aar Rabi' al-Abraar,* fol. 13.

BIBLIOGRAPHY


Abu 'l-Fa'id : *Taaj all-'Arus* (ed. Cairo, 1306 A.H.).

Al-Zamakhshari : *Atwaaq al-Dhahab,* edited and translated by C. Bashier de Meynard, Paris 1876 ; *Al-Kashshaaf 'an Haqaa'iq al-Tanziyl* (ed. Nassar Lees, Calcutta, 1856-1858); *Maqaamaat* (Cairo 1312); *Ms. Nafahaat Ash'aar Rabi' al-Abraar* (Patna, India, the Khuda Bakhsh Library 2607) ; *Ms. Diwaan al-'Adab* (Dar al-Kutub al-Misriyya Adab 529).

Taash Kopru Zadeh : *Miftaah al-Sa'aadah wa Misbaah Dar al-Siyadah* (ed. Hyderabad, 1911); *The Encyclopaedia of Islam* (Leiden, 1st edition 1913-1938, 4.i, 151-154).


*ISLAM IS THE FIRST ANTI-SLAVERY RELIGIOUS SYSTEM OF THE WORLD—**Continued from page 40*

favour of slaves that he told his followers not to refer to them as " my slave boy " or " my slave girl " but as " my boy " and " my girl ".

No wonder, then that the Muslims were so magnanimous and merciful in treating their slaves. They were only following the recommendations of the Prophet Muhammad and the teachings of Islam. No wonder that the attitude of Islam, past and present, towards slavery was that it was not allowed by Islam except as a temporary necessity. Therefore when such necessity ceased to exist, all Muslims and their governments hastened to accept and approve the resolutions of the Brussels Conference to abolish slavery. No protest against these resolutions came from any Muslims. The Muslim governments that ratified them knew that they were a necessity and prerequisite of civilization and the progress of humanity and that they were in line with the teachings of Islam. One might say, Islam and Muslims had been waiting for such resolutions to be issued from those who were really responsible for bringing about slavery and maintaining it until its abolition.


**Some Aspects of the Constitution and the Economics of Islam**

**by NASIR AHMAD SHEIKH, M.A., LL.B.**

**with Foreword by**

The Late ZAHID HUSAIN, Ex-Governor, State Bank of Pakistan

*A book on political and economic aspects of Islam as compared with the present-day theories and practices answering a universal demand in these two fields.*

**256 PAGES**

*Price, Excluding Postage :* **Cloth Bound Edition, sh. 17/6d.** **Paper-Back Edition, sh. 12/6d.**

**— Can be obtained from —**

The Woking Muslim Mission and Literary Trust, Woking, Surrey, England

*The writer*

The Uniqueness of the Islamic Concept of Private Ownership

# Private Ownership of Property: The Ethical and Moral Injunctions of Islam

By Professor Dr. Muhammad 'Abdullah al-Araby

PART I

**" The serious** malaise **affecting Western society in the economic, social and moral spheres has been attributed by serious scholars to the concept of uncontrolled private ownership accepted by the West, and to the fact that property is considered to be the social scale for evaluating achievement. This leads to something like the worship of property, and to the pursuit of private wealth by all means, not necessarily legal nor beneficial to the community at large. The principles of Islam inculcate in the Muslim completely different ideas. Islam allows private ownership of property, but subjects the owner to restrictions preventing him from using property except to the common good. It encourages the acquisition of private property, but requires that this should be by means conducive to the good of the community as a whole. In brief, while Islam allows the individual to promote his own good it exhorts him not to forget that he is part of the group, and reminds him of the need to protect and promote the interest of his fellows "**

**The moral injunctions about ownership to create a sense of responsibility and a conscience**

The ownership of property is the cornerstone of the economy in every society, and Islam, as a religion which seeks to regulate comprehensively the spiritual and material aspects of life, has made thorough provisions on this subject. These provisions are of two kinds — one is ethical or moral, seeking to act on the conscience and to inspire and guide the Muslim to voluntary action, and the other is more mandatory and specific, and normally translated into commands by the governmental authority of a country. In this article I shall deal with the ethical and moral injunctions.

The Islamic system of property ownership is unique in every respect. Islam recognizes the right of the owner of property to derive benefit from it, and to use and dispose of property as he wishes in his lifetime and after his death ; and it protects the owner of property from unjustifiable interference by others. In this respect the Islamic system is different from Communism, which does not recognize the concept of private ownership and in this contradicts one of the natural instincts of human beings and disregards one of the most potent incentives for economic activity. The Islamic system likewise differs from the pure capitalist system, in that it does not recognize that the owner of property has any absolute rights regarding it, and that he can act as he wishes without any restriction whatsoever. Islam imposes several restrictions on the use of property by the owner, all designed to serve the general interest of society. These restrictions are relaxed or increased as circumstances require, and the general idea controlling the ownership of property is that such ownership is akin to a social duty to be meticulously fulfilled towards society by the owner of property.

The ethical and moral injunctions imposed by Islam on the ownership of property seek to inspire in the Muslim a sense of responsibility and a conscience which would guide his actions and make him comply without the need of overt compulsion. The main basis of this idea is that all property belongs originally to the Almighty, the Creator of all things,

and that in regard to any property which a person may possess for the time being that person is merely holding it on trust. All property has been created by God in order that human beings may benefit from it, and the benefit here intended is not confined to single individuals but to the community as a whole. In other words, the individual may use property for his own benefit, but must not thereby inflict harm or injury upon others. This theory is illustrated by several provisions of the Qur'án, including the following: "And He it is Who has made you successors in the land and exalted some of you in rank above others, that He may try you by what He has given you . . ." (6 : 166); "He it is Who created for you all that is in the earth . . ." (2 : 29); "That is God, your Lord. There is no god but He, the Creator of all things; therefore serve Him, and He has charge of all things" (6 : 103). The creator of a thing is naturally its owner, and God has created everything, and human beings are incapable of originally creating anything at all. Of this the Qur'án says: ". . . And God's is the kingdom of the heavens and the earth and what is between them. He creates what He pleases. And God is Possessor of power over all things" (5 : 17); "God's is the kingdom of the heavens and the earth and whatever is in them; and He is Possessor of power over all things" (5 : 120). God, the possessor of all, appoints mankind as heirs to property with authority to use it. The Qur'án puts it this way: "And to Thamud We sent their brother Salih. He said: O my people, serve God, you have no god other than Him. He brought you forth from the earth and made you dwell in it, so ask forgiveness of Him, then turn to Him. Surely my Lord is Nigh, Answering" (11 : 61); "And He it is Who has made you successors in the land and exalted some of you in rank above others, that He may try you by what He has given you. Surely thy Lord is quick in requiting evil, and He is surely the Forgiving, the Merciful" (6 : 166); "He it is Who made you successors in the earth. So whoever disbelieves, his disbelief is against himself . . ." (35 : 39); "See you not that God has made subservient to you whatever is in the heavens and whatever is in the earth, and granted to you His favours complete ouwardly and inwardly? And among men is he who disputes concerning God without knowledge of guidance or a Book giving light" (31 : 20); "And He has made subservient to you whatsoever is in the heavens and whatsoever is in the earth, all, from Himself. Surely there are signs in this for a people who reflect" (45 : 13).

**Ownership of property in essence remains that of God, the individual succeeding to some rights on specific conditions**

The property which the individual holds is in Islam property with which he has been endowed by God. Ownership remains in essence that of God, with the individual succeeding to some of the rights of ownership on certain specific conditions. The following provisions of the Qur'án emphasize this view: "Believe in God and His Messenger, and spend of that whereof He has made you heirs. So those of you who believe and spend — for them is a great reward" (57 : 7); "And let those who cannot find a match keep chaste, until God makes them free from want out of His grace. And those of your slaves who ask for a writing of freedom, give them the writing, if you know any good in them, and give them of the wealth of God which He has given you . . ." (24 : 33); "Say: Whose is the earth, and whoever is therein, if you know? They will say: God's. Say: Will you not then mind? Say: Who is the Lord of the seven heavens and the Lord of the mighty throne of Power? They will say: This is God's. Say: Will you not then guard against evil? Say: Who is it in Whose hand is the kingdom of all things and He protects, and none is protected against Him, if you know? They will say: This is God's. Say: Whence are you then deceived?" (23 : 84-9); "Moses said to his people: Ask help from God and be patient. Surely the land is God's — He gives it for an inheritance to such of His servants as He pleases. And the end is for those who keep their duty" (7 : 128). Those who had been given the trust over property would be asked to give an account of their trusteeship: "Then on that day you shall certainly be questioned about the boons" (The Qur'án, 102 : 8), and "Successful indeed are the believers . . . who are keepers of their trusts and their covenants" (The Qur'án, 23 : 1-8).

**Two eminent Egyptian scholars on the right to private ownership of property**

*Mahmud Shaltút*

The late Rector of Azhar, the Shaykh Mahmud Shaltút, in his book "Islam — a Creed and a Law" *(Al-Islam 'Aqídah wa Shari'ah)*, page 272, says: "In view of the fact that the benefit of property embraces the whole of society, and since society needs property . . . God has sometimes referred to property as belonging to Him and the worldly owners as trustees in regard to its keeping, development and utilization in the manner indicated by the verse 'Believe in God and His Messenger, and spend of that whereof He has made you heirs. So those of you who believe and spend — for them is a great reward'.[1] At other times God says property belongs to the group, as in the verses 'And swallow up not your property among yourselves by false means, nor seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know',[2] also 'And make not over your property, which God has made a means of support for you, to the prodigals, and maintain them out of it, and clothe them and give them a good education'.[3] God ordains that violation or abuse of property would thus be violation or abuse of society, and this follows logically from the fact that Islam considers property the means of promoting the general good of the community, by which land is developed, industry promoted, and commerce encouraged. Property could supply the needs of people, and could be used to promote useful projects. If this could not be prompted by a spirit of kinship and co-operation then it would be commanded by the duty which God imposed upon the rich towards the poor in regard to property, and through the taxes which the government deems appropriate to impose in accordance with the need of the community for projects for reform, progress and security. . . . The Qur'án strongly encourages expenditure for the benefit of the poor and the needy and in the way of God. The term 'in the way of God' (Arabic: *fi sabíl Allah)* is one of the most expressive terms used in the Qur'án . . . and it implies expenditure for the promotion of every kind of good, whether public or private".

In another treatise, "The Qur'án's Method of Strengthening Society" *(Minháj al-Qur'án fí Biná al-Mujtama')*, p. 98, the Shaykh Shaltút says: "If property be the property of God, and all people the servants of God, and if the life they live and build is with the property of God, then everything is God's. And it follows from this that property, although attributed to a particular person, in fact belongs to all the servants of God, and should be protected and utilized by all.

1 The Qur'án, 57 : 7.
2 *Ibid.*, 2 : 188.
3 *Ibid.*, 4 : 5.

God ordains this in the verse, ' He it is Who created for you all that is in the earth. And He directed Himself to the heavens, so He made them complete seven heavens ; and He is Knower of all things '.[4] God attributes the ownership of property to the group and dedicates it to their benefit -- ' And swallow up not your property among yourselves by false means, nor seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know ' ;[5] and ' And make not over your property, which God has made a means of support for you, to the prodigals, and maintain them out of it, and clothe them and give them a good education '."[6] Explaining the last verse, the late Shaltút says : " This verse illustrates the solidarity and monolithic nature of the nature. It ordains that property in the hands of individuals is in fact in trust for the group as a whole, to be utilized in public projects and for the relief of need through the practice of *zakah*, co-operation and the exchange of benefits. This is the law in regard to property in the *Shari'ah* of Islam. No one may say, ' This is mine, and mine alone, and I alone derive benefit from it '. Property belongs to all, and is the property of God, with everyone entitled to benefit from it in the manner which God has ordained for the relief of need. Property belongs to an individual not in order that he may use it in the manner he pleases without restriction, but so that he can use it in the way which God has made clear in His Book. And if the individual deviates from this, as by being extravagant or stingy, property would be taken from him, by force, in the manner in which the ruler sees fit " (" Interpretation of the Qur'án " *(Tafsir al-Qur'án al-Karim)*, p. 191).

*Abú Zahrah*

The eminent scholar, Muhammad Abú Zahrah, of Egypt, explains this concept of the communality of ownership and interest in property. In his treatise on " Social Solidarity " *(al-Takaful al-Ijtima'i)*, page 15, he says : " The rights exacted from the ownership of property can sometimes be so high as to negative altogether the concept of private ownership. This is especially true in the case of travel or hunger. Abú Sa'íd al-Khudrí reports : ' We were travelling, and the Prophet said that those who had provisions to spare should give them to those who did not have enough . . . and he mentioned all kinds of property, so much so that we thought we did not own of our property more than what was sufficient for us '." In another context, Abú Zahrah says : " Islam's system is neither individualist nor collectivist in the senses used by the capitalist and communist systems, and is neither close to any of these systems nor intermediate between them. It has a social characteristic of its own, based on the idea that all property belongs to God, that God has regulated all rights, that He has given the individual certain rights and the community certain other rights, that God has not severed the individual from the community nor the community from the individual, as symbolized by the Saying of the Prophet Muhammad that ' the believers, in their friendship and compassion for one another, are like one body : if one organ is in pain the other organs respond by sleeplessness and fever " (' Studies in Problems of Fiqh " *(Dirasat li-Masa'il Fiqhiyyah)*, p. 30).

**Provisos of the Qur'án on the attribution of property to individual owners**

Before examining the specific ethical or moral injunctions of Islam in regard to the ownership of property the following provisos of the Qur'án on the attribution of property to individuals as owners should be noted : " And swallow up not your property among yourselves by false means . . ." (2 : 188) ; " You will certainly be tried in your property and your persons . . ." (3 : 185) ; " And give to the orphans their property, and substitute not worthless things for their good ones, and devour not their property adding to your own property. This is surely a great sin " (4 : 2) ; "Take alms out of their property — thou wouldst cleanse them and purify them thereby -- and pray for them. Surely thy prayer is of relief to them. And God is Hearing, Knowing " (9 : 103) ; " And covet not that by which God has made some of you excel others. For men is the benefit of what they earn. And ask God of His grace. Surely God is ever Knower of all things " (4 : 132) ; " Surely God has bought from the believers their persons and their property — theirs in return is the Garden . . ." (9 : 111) ; and " And in their wealth there was a due share for the beggar and for one who is denied good " (51 : 19).

It may appear that there is contradiction between the attribution of the ownership of property to God and to the group, on the one hand, and its attribution at other times to individuals. This apparent contradiction ceases, however, if one remembers the limitations imposed by Islam upon the concept of private ownership of property. The attribution of the ownership of property to God implies that property should be used for the benefit of the children of God, while the attribution of ownership to individuals implies that property should be used for the benefit of individuals within the limits imposed by God. Ownership in the latter sense means the right of utilization in the permitted manner. Another relevant factor here is that Islam as a whole can be described as a religion of responsibility, as illustrated by the following verses of the Qur'án : " Every soul is held in pledge for what it earns " (74 : 38) ; " Say : shall I seek a Lord other than God, while He is the Lord of all things? And no soul earns evil but against itself. Nor does a bearer of burden bear the burden of another. Then to your Lord is your return, so He will inform you of that in which you differed. And We have made every man's actions to cling to his neck, and We shall bring forth to him on the day of Resurrection a book which he will find wide open " (17 : 13). For this reason Islam's injunctions regarding the use of property are not vague and general, but specific. Private ownership in this sense makes possible the imposition of clear-cut duties upon individuals. It must also be noted in this connection that the provisions of Islam in regard to property ownership are in line with the essential characteristic of this religion as near to nature and in harmony with the natural instincts of man. Human beings naturally seek to possess property, and it was reasonable, therefore, that Islam should recognize this instinct by attributing the ownership of some property to individuals, subject to guidance and restriction in some respects. Private ownership of some kind of property provide stimulus to increasing this property and developing it, and Islam has effectively recognized this fact. In regard to other property, communal ownership is ordained and private ownership prohibited, as in the well-known provision of the Islamic *Shari'ah* that " People are partners in three things : water, pasture and fire ". In brief, God's ownership of property can be termed " original ownership ", while ownership by the community or the individual can be termed " *de facto* ownership ".

4 *Ibid.*, 2 : 29.
5 *Ibid.*, 2 : 188.
6 *Ibid.*, 4 : 5.

**The positive and negative injunctions imposed by Islam in regard to ownership of property**

The ethical injunctions imposed by Islam in regard to ownership of property either enjoin on the owner to do something positive in connection with that property, or to abstain from the doing of something. In both the positive and negative manners these injunctions involve restrictions upon the owner's use of the property. Disobedience of these injunctions is a violation of the laws of Islam and is punishable in the Hereafter, and their fulfilment is a good deed also rewarded in the Hereafter. But Islam's injunctions regarding property are not confined to mere exhortations in the spiritual sphere. They are reinforced by mundane and realistic laws which the government is authorized to make, and violation of these laws is punishable by ordinary enforcement measures. Thus, Islam's injunctions seek first to get the Muslim to act voluntarily, and where the individual's co-operation is not forthcoming the laws of the State enforce these injunctions in a realistic manner.

*The three positive injunctions about private property*

The positive ethical injunctions of Islam in regard to property ownership are three. The first is that the owner of property should apply all his energies to exploiting and utilizing the property in the permitted manner to meet the needs of himself and his dependants to the fullest extent, and without adversely affecting the interests of the community. Islam, unlike other religions, dislikes poverty and privation and actively combats them. It calls upon the Muslim to seek prosperity in this life, and the more prosperous he is materially the more he would be able to fulfil his religious duties as a Muslim. The acts of worship which the Muslim is required to fulfil are not permitted to be used as pretexts for disregarding the actvity of procuring and collecting wealth in the permitted manner. If the owner of property does not use his property in a manner beneficial to himself and to others, and if this is purposeful and prolonged, the ruler (i.e. the State) may intervene should the interests of the community so require. If the owner of property resorts to unlawful means for amassing or utilizing property, or if he uses property during his life, or earmarks uses for it after his death, in a manner not permitted, the ruler can likewise intervene in the national interest.

The second positive ethical injunction regarding the use of property by a private owner is that the owner is required to give a fixed share of his property to the needy members of the community. This is known as *sakah*. and is a positive duty upon owners of property of a certain value. This tax can be levied by the authorities by force. The purposes of *zakah* in Islam are twofold. One is to purify the soul of the giver, by training him in giving and in denying himself things for the benefit of others. The second purpose is to foster in the community a sense of unity and solidarity by making the various classes feel compassion for one another, and particularly by making it possible for the under-privileged sections of the community not to have a sense of grievance and injustice as well as envy and perhaps hatred towards the privileged members of the community. Another objective is to prevent too heavy a concentration of property in the hands of a small number of individuals, which in the end harms the community as a whole.

The third positive injunction ordained by Islam in the matter of the private ownership of property is the requirement that the Muslim should " spend in the way of God ". This requirement imposes a duty over and above that imposed by the requirement to pay *zakah* which is a fixed portion of the value of the property. To " give in the way of God " means to give for all purposes beneficial to the public at large, and to an unlimited degree. It is reported that the Prophet Muhammad said that " there are upon property duties other than *zakah* ", and that he illustrated this by quoting the verse of the Qur'án, " It is not righteousness that you turn your faces towards the East and the West, but righteous is the one who believes in God, and the Last Day, and the angels and the Book and the prophets, and gives away wealth out of love for Him to the near of kin and the orphans and the needy and the wayfarer and to those who ask, and to set slaves free, and keeps up prayer and pays the poor-rate ; and the performers of their promise when they make a promise, and the patient in distress and affliction and in the time of conflict. These are they who are truthful ; and these are they who keep their duty " (2 : 177). This clearly shows that *zakah* and expenditure for the benefit of other members of the community are two distinct duties imposed upon the Muslim owner of property. The proportion of the property which the Muslim must apply to the good of others is not rigidly fixed by any specific rule. It is left to the conscience of the Muslim, who is repeatedly exhorted to spend in this manner, and constantly reminded that such activity is pleasing to the Almighty and rewarded by Him. Two verses of the Qur'án illustrate the nature of the exhortation to the application of property to the general good : ' And spend in the way of God and cast not yourselves to perdition with your own hands, and do good to others. Surely God loves the doers of good " (2 : 195) ; and " Go forth, light and heavy, and strive hard in God's way with your wealth and your lives. This is better for you, if you know " (9 : 41). This shows that spending " in the way of God " is obligatory, but only the rate of such expenditure or its proportion to the property concerned is left to the discretion of the individual. But it must be noted in this respect that the Muslim is not entirely free as regards expenditure and contribution " in the way of God " for the benefit of the community. The government, which represents the public interest, is responsible for ensuring that this exhortation is fulfilled. If the people do not respond, the Government can specify the amount of the contribution to be made and take steps to make the people comply. This, in fact, is the basis of taxation in Islam. The payment of such taxes is, in other words, tantamount to spending " in the way of God ". A Muslim community is an integral and indivisible unit, and Islam requires of the Muslims that they should feel compassion for their fellow citizens. The Muslim would be required to pay a fair share of the cost of projects and enterprises for the benefit of the community as a whole. The fact that the basis of taxation in Islam is the commandment that the Muslim should " spend in the way of God " has tremendous psychological significance, and makes the Muslim feel more at ease in the matter of shouldering his responsibilities to contribute towards the promotion of the general good. The religious basis of taxation makes it less likely that its burdens would be avoided by subterfuge.

**Some restrictions on the use of property by the owner**

*A Muslim should abstain from any use of his property likely to harm the community or the individual*

I shall now deal with the injunctions of Islam restricting the use of property by the owner — the so-called negative injunctions. The first of these injunctions is that the Muslim should abstain from any use of his property likely to harm any specific individual or the community at large. This injunction is contained in the famous dictum pronounced by the

Prophet Muhammad that in Islam one is not permitted to inflict harm upon others whether one benefits from this or not (Arabic : *lá darara wa lá dirára fi al-Islám).* In a later article I shall deal with practical legislation in Islamic society giving effect to this principle which is rightly considered one of the most fundamental pillars of Islam. This principle prohibits altogether the infliction of harm upon others, and requires that steps should be taken beforehand to safeguard agains the infliction of harm.

*Restrictions on the method of developing and increasing property*

Another negative injunction imposed by Islam on the use of property concerns the method of developing and increasing property. It likewise prohibits fraud in business dealings, and hoarding or monopoly. In regard to usury[7] the Qur'án's provisions are clear and unambiguous. although the prohibition of this usury came gradually, as is the case in other matters where Islam was faced with a rigid and well-established system or habit which it sought to alter, and preferred to achieve this by the gradual method as the more acceptable to its followers. There was first this verse, " And whatever you lay out at usury, so that it may increase in the property of men, it increases not with God ; and whatever you give in charity, desiring God's pleasure — these will get manifold " (30 : 39).

This simply said the usury is not praiseworthy and would not be rewarded ; but it did not prohibit it. Then came the two verses, " So for the iniquity of the Jews, We forbade them the good things which had been made lawful for them, and for their hindering my people from God's way. And for their taking usury — though indeed they were forbidden it — and their devouring the property of people falsely. And We have prepared for the disbelievers from among them a painful chastisement " (4 : 160-161). This implied indirect prohibition of usury. Later there was more direct prohibition of the practice of excessive usury — " O you who believe, devour not usury, doubling and redoubling, and keep your duty to God, that you may be successful " (3 : 129). Finally came forthright and uncompromising prohibition of the practice of usury in every form : " O you who believe, keep your duty to God and relinquish what remains due from usury, if you are believers. But if you do it not, then be apprised of a war from God and His Messenger ; and if you repent, then you shall have your capital. Wrong not, and you shall not be wronged " (2 : 278-9).

*Islam prohibits deceitfulness in one's dealings with others*

Islam further prohibits the Muslim from being deceitful in his dealings with others. The Prophet Muhammad is reported as saying, " He who deceives is not of mine," and " Sale is by free will, and if both parties are truthful their transaction would be blessed, but if they conceal and lie the blessing for their transaction would go ". Another saying of the Prophet Muhammad on this subject is this : " Flesh that grows on deceit is destined for the fire of hell." The Muslim is also enjoined to pay a fair wage to his employees and not to cheat them of what is their due. The Qur'án says : " Woe to the cheaters : Who, when they take the measure of their dues from men, take it fully ; and when they measure out for others or weigh out for them, they give less than is due. Do they think that they will be raised again, to a mighty day? The day when men will stand before the Lord of the worlds. Nay, surely the record of the wicked is in the prison " (83:1-7).

*Prohibition on hoarding and monopoly and condemnation of extravagance, prodigality and stinginess*

The Muslim is also commanded not to engage in monopoly and hoarding. The Prophet Muhammad is reported to have said : " Only the wrongdoer monopolizes " ; " He who trades in things wanted by the Muslims in order that he may raise the price for them would be tortured in hell in the Hereafter " ; " He who hoards a commodity so as to raise its price for the Muslims is doing wrong " ; " He who brings is blessed, and he who monopolizes is cursed " ; and " He who hoards food for forty days is forsaken by the Almighty ". Some scholars hold that the prohibition of hoarding and monopoly is confined to victuals. The better view, in my opinion, is that it is not so restricted, and I prefer the view of the Chief Judge of Baghdad, Abú Yúsuf (d. 798 C.E.), who said that " if the withholding of something is harmful to people that would be monopoly, irrespective of whether it be gold or clothes ".

Another ethical injunction imposed by Islam upon the owner of property is that he should abstain from both extravagance, squandering or prodigality, on the one hand, and parsimony, tenacity and stinginess on the other. Stinginess, and the hoarding of money which it involves, prevents the free circulation of money and handicaps the economy by denying finance for development projects and other enterprises useful to the community. The Qur'án says : " O you who believe, surely many of the doctors of law and the monks eat away the property of men falsely, and hinder them from God's way. And those who hoard up gold and silver and spend it not in God's way — announce to them a painful chastisement " (9 : 34). Stinginess also conflicts with the general Islamic theory that man should enjoy life and the gifts of God in it, and should make it possible for others to do likewise. The Qur'án says : " And the favour of thy Lord proclaim " (93 : 11) ; and the Prophet Muhammad is reported as saying : " If God gives you wealth, then let the grace and bounty of God be seen upon you ". Thus, to be stingy, where God has given generously, is to deny the grace and gifts of God. On the other hand, squandering, extravagance and prodigality generate hatred among the various classes in the community, particularly among those who are deprived and needy, and this weakens the feeling of solidarity among the members of the community. The government has authority in Islam to seize the property of the prodigals — the Qur'án says : " And make not over your property, which God has made a means of support for you, to the prodigals, and maintain them out of it, and clothe them and give them a good education " (4 : 5). Islam's way is a compromise between prodigality and stinginess, a moderate and reasonable way clearly enunciated in this verse of the Qur'án : " And make not thy hand to be shackled to thy neck, nor stretch it forth to the utmost limit of its stretching forth, lest thou sit down blamed, stripped off " (17 : 29). Extravagance is condemned by Islam because it induces lethargy and lack of energy. The Qur'án says : " And when a chapter is revealed, saying, Believe in God and strive hard along with His Messenger, the wealthy among them ask permission of thee and say : Leave us behind, that we may be with those who sit at home. They prefer to be with those who remain behind, and their hearts are sealed so they understand not " (9 : 86-7) ; also, " And those on the left hand ; how wretched are those on the left hand ! In hot wind and boiling water, and shadow of black smoke, neither cool nor refreshing.

7 On usury and interest see my article in *The Islamic Review* for May 1966, entitled " Contemporary Bank Transactions and Islam's Views Thereon ".

Surely they lived before that in ease. And they persisted in the great violation " (56 : 41-6). The Qur'án condemns not only the individual who is extravagant and prodigal but also the community which allows him to be so, and which does not take steps to remove the causes which lead to extravagance and easy living : " And when We wish to destroy a town, We send commandments to its people who lead easy lives, but they transgress therein ; thus the word proves true against it, so We destroy it with utter destruction " (The Qur'án, 17 : 16).

*The property owner must use his wealth to exploit others*

There is another injunction by Islam regarding the use of property by the owner. It is that wealth should not be utilized for the purpose of procuring illicit benefits or for exploiting others. The Qur'án says : " And swallow up not your property among yourselves by false means, nor seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know " (2 : 188). This means that the owner of property should not use it for bribing judges or any other officials, or for inducing people to vote for him or elect him to a position of authority. This latter prohibition prevents the wealthy from monopolizing governmental power as happens in certain Western countries at present.

There is yet another ethical injunction by Islam restricting the owner in the method of dealing with private property. The owner is not absolutely free to dispose of his property after his death. He can dispose of his property by will only in the manner permitted. The *Shari'ah* of Islam allows the testator unrestricted freedom in regard only to a third of the value of his property, and the rest is to be distributed fairly among all the heirs. There are also other restrictions of the disposition of property by will, all intended to secure fairness of treatment for all the heirs of the deceased. On the whole, the Islamic system of inheritance is designed to prevent the heavy concentration or accumulation of property in the hands of a minority, and to ensure fairness in the distribution of the estates of deceased persons.

*A Muslim should seek to earn and possess property by working for it in the right manner*

The injunctions we have discussed are all ethical and seek to act on the conscience of the Muslim, inspiring him to voluntary compliance. If the Muslim does not voluntarily comply he commits a wrong which at times may be punished by the governmental authority as custodian of the interests of the community. In addition to these injunctions there are exhortations addressed to the Muslim and indirectly concerned with property and with the promotion of the right attitude towards it by the owner. These exhortations are numerous, and I shall only list a few here. The first is the requirement that the Muslim should seek to earn and possess property by working for it in the right manner. The Muslim must make the best utilization of his potentialities and skill, and must seek every opportunity to advance and progress. Islam requires that the Muslims be given equal and free opportunities in this respect. But it does not require that the reward for all kinds of effort should be the same, because the value of work differs. Work is an honourable thing, and indolence and inactivity dishonourable. In Islam work is a virtue, and this requires that its purpose should be beneficial to others and within the framework of the general good, as well as in compliance with the other principles of Islam. This Islamic idea of evaluating work and effort by reference not only to the benefit derived from them by the individual but also by reference to the good they promote for the community as a whole checks in a very effective manner the tendency to selfishness which is characteristic of materialist capitalist systems of economy in the West.[8] Another exhortation which Islam addresses to the owner of property is that he should compete with others in good deeds. This has the effect of promoting healthy activity and vitality in the community which benefit all its members by producing things more cheaply and abundantly. Competition in this respect is not, however, uncontrolled and unrestricted. It must comply with the general spirit of Islam, and must not seek to harm any member of the community or the community at large.

One of the most cardinal principles of Islam has been summed up in the doctrine, " Religion is advice — religion is conduct ". This means that compliance with the teachings of Islam requires the Muslim to render advice to his fellows in their best interest. Thus if the Muslim considers that because of a discovery he has made, or because of something he is going to do, a competitor is likely to suffer inordinately heavy loss, he must advise the competitor of this and seek to minimize the harm. The doctrine also means that the acts of a Muslim should comply with the religion he professes, and should make his religious beliefs manifest. In other words, the religion of Islam must not be considered to be merely a question of conscience, but must orientate the whole conduct of the Muslim and demonstrate itself clearly.

The serious *málaise* affecting Western society in the economic, social and moral spheres has been attributed by serious scholars to the concept of uncontrolled private ownership accepted by the West, and to the fact that property is considered to be the social scale for evaluating achievement. This leads to something like the worship of property, and to the pursuit of private wealth by all means, not necessarily legal nor beneficial to the community at large. The principles of Islam inculcate in the Muslim completely different ideas. Islam allows private ownership of property, but subjects the owner to restrictions preventing him from using property except to the common good. It encourages the acquisition of private property, but requires that this should be by means conducive to the good of the community as a whole. In brief, while Islam allows the individual to promote his own good it exhorts him not to forget that he is part of the group, and reminds him of the need to protect and promote the interest of his fellows.

8 *Economics*, by John Ise, Kansas University, 1949, p. 531.

*(To be continued)*

*Book Review*

A Review of Professor Majid Khadduri's

# "Islamic Law of Nations (Shaybani's *Siyar)*"

By Dr. M. HAMIDULLAH

## Some Misstatements

**Muslims were the first in the world to separate international law from politics and discretion and rendered it part and parcel of law where even the enemy has the right to appeal to the Muslim court**

**Muslims were the first 1400 years ago (and they are even today the solitary exception) to declare that all peoples of the world, Muslims and non-Muslims alike, were equal in worldly affairs and made no distinction of religion, race or power**

**A new addition to the literature on Islamic International Law**

Professor Majid Khadduri, of the University of Washington, has just published (Baltimore 1966) a very useful book under the title *Islamic Law of Nations,* Shaybani's *Siyar.* On perusal, a few remarks have come to my mind.

Its 312 pages are priced at £3 4s. 0d. Without being the fault of the author, it occurs to me that the notion of " untouchability " is gaining ground in the " civilized " West, and this on no other ground than that of poverty. People in economically poor countries are denied access to knowledge, that sacred trust of God.

Mr. Jessup, Judge, International Court of Justice at The Hague, has written a foreword of 10 pages. Then follow the 74 pages of the translator's introduction, before the work of Shaybani, in which paragraphs are profusely numbered. Paragraphs 1-1739 cover pages 75-292, being the translation of about 50 folios.

Professor Khadduri has translated the chapter on " International Law " contained in the *corpus juris* of the Imam Muhammad Shaybani, contemporary of Harun al-Rashid (809 C.E.) and Charlemagne (814 C.E.). The original work of Shaybani, *Kitab al-Asl* (alias *Kitab al-Mabsut)* is still in *Ms.,* but its editing is in hand and the first volume has just been published by the Da'irat al-Ma'arif of Hyderabad-Deccan.

It is now well known that Muslims were the first in the world to separate international law (i.e. the laws of war, peace and neutrality) from politics and discretion, and rendered it part and parcel of law, where even the enemy has the right to appeal to the Muslim court.

The oldest notion is perhaps Jewish. It is contained in the Bible (see I Samuel XV, 1-3). Among the Westerners, Aristotle *(Politics,* I, ch. 7) taught " nature intends Barbarians (i.e. non-Greeks) to be slaves " of the Greeks. A " world war " to the Greeks was the one fought between some city-states of their tiny peninsula. Naturally their international law was restricted to the inhabitants of the Greek cities, the rest of humanity having no " right ". The Romans were a bit better, and wielded power over a much greater portion of the globe. They conceded rights to those non-Romans who had treaty relations (of friendship) with them. As late as 1856, European international law was limited to white Christian nations, and it was a sheer political and materialistically practical necessity which obliged them to overlook injunctions of the Pope and recognize Muslim Turkey as an equal partner in the rights and obligations under international law. Even after this formal act of the Treaty of Paris, the diehards continued to refuse it even later (for instance Wolsey in his *International Law,* New York 1889). Even today, not all humanity is considered fit to become members of the UNO in its own right, but only if other members of the UNO decide by majority that the candidate is civilized enough to partake in international rights and obligations.

**The beginnings of Muslim International Law coeval with the Prophet Muhammad**

Muslims were the first, 1,400 years ago (and they are even today the solitary exception), to declare that all peoples of the world, Muslims and non-Muslims alike, were equal in worldly affairs (see, for instance, Dabbusi, *Kitab al-Asrar,* ch. " International Law "), and made no distinction of religion, race or power. The book under review is a very useful addition to the literature on the subject, although it is neither the oldest nor the most exhaustive treatment of the theme by classical Muslim jurists.

Siyar *is the name given by Muslims to International Law*

International law, as the set of rules applied in the relations of the Muslim State with foreign States, has perforce been used by the Muslims from the time of the Prophet Muhammad himself, and many of its rules are found recorded in the Qur'án and in the Hadith. Yet its separate and independent treatment in codes of law could begin only later on. We do not know exactly who the first writer on Muslim law was. Zayd Ibn 'Ali is certainly not the earliest, yet his is the oldest book that has come down to us. He died in 120 A.H. — 738 C.E. or 122 A.H. — 740 C.E. In his *Kitab al-Majmu'*

*fi 'l-Fiqh* there is a whole chapter on *Siyar,* the name given by Muslims to international law. But the earliest independent work on *Siyar* is attributed to Abu Hanifah (d. 150 A.H. — 767 C.E.). In fact in his *Tawali' al-Ta'sis,* Ibn Hajar reports : " It was Abu Hanifah who first wrote a book on *siyar* ; Awza'iy wrote a refutation to it ; then Abu Yusuf defended his teacher Abu Hanifah against Awza'iy in a special book (now published) ; later on Shafiyy scrutinized the opinions of all the three in his animated discussion, and his book, under the title *Siyar al-Awza'iy,* has been incorporated in his grand work *Kitab al-'Umm* as a chapter." Our author Shaybani is contemporaneous with this controversy. We shall revert to it later.

The work is important from more than one point of view. With the exception of the first chapter, consisting of the sayings of the Prophet Muhammad learnt from sources other than Abu Hanifah, all the rest has been transmitted as opinions of Abu Hanifah given in reply to questions asked by Abu Yusuf. Here and there Shaybani adds some comment or gives his own opinion, but essentially it is a work of Abu Hanifah (Professor Khadduri should reconsider his opinion, given on page 50, that the present work represents Shaybani's ideas and methodology). As said, we have here a chapter of *Kitab al-Asl,* but not all the *Kitab al-Asl* is compiled in this manner. In fact, few are the chapters having this feature, all the rest are given as Shaybani's. To solve the riddle, we venture to suggest the following :

First, let us keep in mind the fact expressly mentioned by Sarakhsi *(cf. Mabsut,* Vol. 30, p. 287, and also 209, and this book is not to be confused with the *Mabsut* of Shaybani) that Shaybani wrote his *Kitab al-Asl* twice, and few are the parts which remained intact. (The *Asl* will take about 20 volumes to print, being a huge work.) It seems that in the beginning he thought sufficient to include the brilliant tract of Abu Hanifah in the grand compendium *Asl* ; in the second edition he added to it the part dealing with the traditions of the Prophet and did not touch the rest, chiefly because he had in the meantime produced an independent and very voluminous book *Kitab al-Siyar al-Kabir.* Another point to note is that the *Mabsut* of Sarakhsi is the commentary of *al-Mukhtasar al-Kafi* of al-Hakim, which in turn is an abridgement of the *Asl* of Shaybani.

Yet there is absolutely no resemblance between the chapters of *Siyar* of the *al-Mukhtasar al-Kafi (Ms.* Istanbul) and of the *Asl.* Sarakhsi at the end of his commentary of the chapter " Siyar " says in so many words that it is the commentary of the *Kitab al-Siyar al-Saghir.* (Two separate books are attributed by biographers to Shaybani, *Siyar Saghir* and *Siyar Kabir.)* I conclude from these facts that the chapter translated by Professor Khadduri is from the first draft of the *Asl,* the one in the works of al-Hakim and Sarakhsi comes from the second draft, which was no more than the reproduction of the tract of Abu Hanifah, but an original work wholly Shaybani's. As a passing remark, I would mention the fact that in order to codify Muslim law, Abu Hanifah had founded a Law Academy, with 40 members ; and chapter by chapter all topics were compiled (which does not exclude revision or addition, when new material or new problems came to notice during the lifetime of Abu Hanifah), as I have described in detail *(The Islamic Review,* April 1957). In this connection it is related that after the discussion of a point came to an end, it was Abu Yusuf who took down, so to say, the proceedings. It is significant that the chapter translated here has this same feature : the whole book is couched in this way : " Abu Yusuf said : I asked Abu Hanifah . . . and he replied . . .", and there are over 860 questions and as many answers. Professor Khadduri (p. 25) does not discuss this in detail, and seems perplexed.

**Some of the shortcomings in Professor Khadduri's statements**

We have cited above the important extract of Ibn Hajar, long since known to Heffening and others. Professor Khadduri does not seem to have known that. At least half a dozen times he repeats that the earliest work on *Siyar* is that of Awza'iy, and even affirms that it was an independent work, and that the " entire text " is still available (p. 24, line 10, etc.). Six lines earlier he says that the *Siyar* of Awza'iy has failed to reach us except in extracts. Although he recognizes that Awza'iy wrote his book just to refute the book of Abu Hanifah, he repeats again and again that Awza'iy is the first writer on international law, and even speaks of Abu Hanifah after having spoken of Awza'iy (p. 25). I am sure Awza'iy never wrote a special book on *Siyar,* but only a refutation of the book of Abu Hanifah. Anyhow, priority must go to Abu Hanifah, who is also senior in age to Awza'iy.

According to Professor Khadduri (p. 23) the Imam Malik was not much interested in the subject and content with a very short chapter in his *Muwatta.* He does not seem to know that an entire book on *Siyar* is attributed to Malik by his biographers. There are also books on the topic by Fazari, Waqidi, Zufar and many others, all contemporaries. In later centuries there is silence. Why this agitation at a particular time? The question does not occur to Professor Khadduri. The late Professor Manazir Ahsan Gilani, of the 'Osmaniyah University, Hyderabad-Deccan, has put it, and has furnished a brilliant answer. In fact, there were uprisings against the Umayyads at that time, on account of their misrule. Abu Hanifah was of opinion that when all other means had failed to reform the regime, it was lawful to use the sword, to resort to armed rebellion ; and Awza'iy's remark is famous : " We supported everything from Abu Hanifah until he brought the sword." Awza'iy was of Damascus and Beyrouth, and as such more sympathetic to the Umayyads than to the Shi'ites, who were brandishing the sword. As pious Muslims, Malik and others also did not like bloodshed. Abu Hanifah did not change his opinion even at the arrival of the Abbasids to power, hence his imprisonment by order of al-Mansur (775 C.E.), hence also the book of Waqidi, the Qadi of Baghdad at the time of al-Ma'mun. We see clear proofs of this discussion in the constant reference to the tradition " no obedience to the creatures in the disobedience of the Creator", from the book under review.

**Neutrality**

In his foreword, Judge Jessup asserts (p. ix) that " neutrality was not recognized " in Muslim law. It is true there are no special chapters on the subject in the books of *Fiqh,* yet it is frequently mentioned in the course of the laws of war. Sarakhsi speaks of it at least a dozen times. See, for instance, *ZDMG* 1935, Die Neutralitaet im islamischen Voelkerrecht.

Professor Khadduri says (p. 2) : " The history of the contemporary law of nations can be traced back through the renaissance . . . to even earlier times." He is silent on Islamic contribution, even though he is writing on Muslim international law. Many authors, such as Walker, Nys and others have showed the general influence of Muslim lawyers on Grotius and even on his predecessors in Spain and Italy. Baron de Taube has in particular showed this influence on Eastern Europe.

Further (p. 3) he affirms: "Islam . . . (also) failed to recognize the principles of legal equality and reciprocity which are essential to any system if it is to become world-wide." This seems to be in contradiction of the other statement (p. 6): "Some rules, necessarily the product of reciprocity, such as the exchange of prisoners, diplomatic immunity, and customs duties were mutually acceptable to Muslims and their neighbours." The first of these two statements is repeated again and again. (Citing Dabbusi, we have already shown that Muslim law is the only law which makes no discrimination between various foreigners. As to the point that laws to be binding should be mutually and internationally agreed to, it is doubtful if the greater part even of the modern international law could successfully pass this test. Postal convention and the like are but an infinitesimally small part of international law, the rest is opinion of writers, not the product of international conferences. There are so many differences in the textbooks of American, Russian, French, German, English and other countries.)

Professor Khadduri (p. 4) knows that every code of Muslim law, every book on *Fiqh* contains invariably a chapter on international law *(siyar),* but he fails to seize the significance, and is content to remark that it is a local, one-sided law, not international. The inclusion of *siyar* in the books of Fiqh means that it is a law, and not merely politics left at the discretion and whims and fancies of kings, ministers and commanders. It is law, that is to say, even the enemy has the right to appeal to the Muslim court if any of his rights is violated by the Muslims. Belligerents, at actual war, come under safe conduct to the Muslim camp or Muslim territory, and the state of war does not take away their right to lodge a complaint against and sue Muslim subjects, and the Muslim court is bound to administer justice. This lofty notion is yet to come to the West, where, as soon as war breaks out, enemies who had come in peace before the declaration of war are imprisoned, and during the war they have no right to be heard even in civil cases by the court. The next part of the remark, that it is a local law, is only partly true, as is also law of any and every modern Western State: part of international law comes from multilateral treaties and part from national legislation. Take but one burning case, the territorial waters, whose limit varies from 3 to 12 miles depending on national legislation, encroaching on open sea, which is a question of international law. There are hundreds of such points on which local legislation is in force everywhere even in our present days.

Several times (p. 7, etc.) he affirms that the Muslim law schools do not recognize the territoriality of Muslim law, but assert that it is personal, binding on the Muslim wherever he may be, and adds that only the Hanafi school has begun the notion of the territoriality. It is not true. It is based on incomplete investigation. Moreover, had the territoriality been mentioned in Hanafi books as a deduction by *Qiyas,* one could accept the statement of Professor Khadduri, whereas the Hanafi books always refer to earlier practice, even to the express sayings of the Prophet Muhammad. I shall quote only one instance (Sarakhsi, *Sharh Siyar Kabir,* IV, 108): "Then Shaybani mentions on the authority of 'Atiyyah Ibn Qays al-Kilabi that the Messenger of God said: Whoever commits murder or fornication or theft (in our country) and escapes, and then returns with permission, shall be tried and punished for what he wanted to escape from. Yet if he has committed murder or fornication or theft in the territory of the enemy and came with permission, he will not be tried for what he committed in the enemy territory." In such conditions, one cannot say that the Hanafis have introduced these notions in Muslim law. Muslim law is "personal" in certain cases, but Muslim courts are not competent to hear them if they were committed on a foreign soil.

Professor Khadduri says (p. 9) that Muslim international law "was derived from custom and reason, in great degree, more than from the other conventional sources". The writer of these lines is in a position to affirm that the greater part of the rules mentioned in classical books of Fiqh is based on the practice of the Prophet Muhammad, and very little on custom and reason of later times. One should not forget that the Prophet was the head of the State, had scores of times led armies, entertained diplomatic relations with foreign countries, and details of his life, from the point of international law, fill up hundreds of pages.

It is not true when he repeats (pp. 11, 47, etc.) that the only people of revealed books, real or presumed, are tolerated as *Dhimmis.* All kinds of non-Muslims are tolerated as subjects. In his *Kharaj,* p. 73, Abu Yusuf is formal: "The capitation tax is accepted from all non-Muslims whether the Magians, the worshippers of idols or fire or stones, the Sabaeans, the Samaritans, except the apostates from Islam and the idolaters of Arabia."

Further (p. 12), Professor Khadduri states that the Hanafi jurists do not recognize the foreign territories in peace with Islam, besides the Muslim territory and the belligerent territory. Instead of personal research he takes his stand on a baseless affirmation of a modern Orientalist. If he reads himself Sarakhsi's *Sharh Siyar Kabir,* he will see that he is wrong scores of times.

There seems a contradiction (pp. 12-13) in affirming on the one hand that Islam does not recognize non-Muslim States as possessing sovereignty but merely living in the state of nature, and on the other hand, the recognition that when Muslims go to those countries under safe conduct they should scrupulously observe local laws and not betray. We have quoted that, according to Muslim jurists, in the affairs of this world Muslims and non-Muslims are alike.

On page 15 and elsewhere there is a remark that *Jihad* is equivalent to the conception of "crusade". This is not correct, for *jihad* concerns the entire non-Muslim world, whereas the crusades were limited to the conquest of the tomb of Jesus Christ, at best solely against Muslims by all non-Christians.

*The word* Brazil *is to be traced to the name of a Berber tribe,* Birzalah

In talking of early Muslim conquests, Professor Khadduri limits the discussion to Islam and Africa, whereas he ought to have included Europe. I would say that even America should be included. It may be recalled that Columbus encountered black tribes fighting with red ones, that is, the black men were there prior to Columbus. Also Brazil, which is neither an American nor a European word, is to be traced to the Berber tribe, Birzalah *(Brazil* is the Arabic plural for the members of this tribe) who had taken part in the expedition sent from West Africa, as explicitly recorded by Ibn Fadlullah al-'Umari. For those interested in more details I refer them to my article "L'Afrique decouvre l'Amerique avant Christoph Colomb" (revised edition of *Pensee Chite,* Paris, for February 1958).

It is alleged that new converts to Islam were "often discriminated against in such matters as taxation" (p. 20), but

unfortunately no proof is adduced. If it concerns the tyrannical al-Hajjaj Ibn Yusuf, you cannot say " often ", nor " Islam ". It is said (p. 21) that leading jurists and theologians rejected the possibility of several Muslim States at a time. One wonders how the author could be so categorical. The rulers of Spain, from 'Abd al-Rahman al-Nasir onwards, claimed to be caliphs. The jurists of the 'Abbasid period ungrudgingly admitted the possibility. Dabbusi, for instance, is precise when he says : " The distinguishing factor between the Muslim and non-Muslim territories is the difference of authority and administration. The same is true of the different principalities even within the Islamic territory which are distinguished from one another by the domination and the application of authority ".

Professor Khadduri had better not use the term " sophisticated " for the legal reasoning of Abu Hanifah (p. 31), which is easy to affirm, but difficult to prove.

It should be pointed out that at Baghdad there was always a chief *qadi*. The fact is that generally there were two *qadis*, one on the east side and the other on the west side of the Tigris. Further, the person who was the chief *qadi* was really the one who accompanied the caliph. For instance, when Harun al-Rashid preferred Raqqah for residence (Shaybani was there with him), and later when he moved to Rayy (Teheran), Shaybani accompanied him. He even died there in harness. Thus it is difficult to deny Shaybani the dignity of chief *qadi* (after the death of Abu Yusuf). Incidentally, I recall that among the works of Shaybani there is also the *Raqqiyat*, apparently a collection of his decisions when he was *qadi* at Raqqah.

Shaybani was a great friend of Kisa'iy (p. 36). According to Sarakhsi *(Siyar Kabir,* ch. 42) it is al-Kisa'iy, but according to Ibn Khallikan, it is al-Farra', who was a cousin (son of the sister of the mother) of Shaybani. Grammatical discussions do not imply friendship but rather rivalry.

On p. 37 it is affirmed that the works of Shaybani, outside the group of Zahir al-Riwayah, " are not regarded as authentic ". The expression is not well-chosen. They are authentic, but less known, less resorted to; not necessarily that there is conflict between the two groups.

*The difference betwen the usages of the Arabic words* Siyar *and* Sirah

I think there is a misapprehension (pp. 38-39) when *siyar* is confused with *sirah*. The former is international law, the latter the life of the Prophet Muhammad. They are not interchangeable. It is not true that " *siyar* had gained two meanings ". I do not think that either the jurists treated the international law under the heading of *maghazi*, which term is used in the biographies of the Prophet Muhammad, or in the works of Hadith, to designate the wars of the time of the Prophet Muhammad.

Speaking of Sarakhsi (pp. 43-44) the author says : " He spent some fifteen years in the prison of Uzjand, it is said, and from memory, since books were unavailable, dictated his commentaries on Shaybani's works to his disciples who had heard his lectures outside the prison." According to his biographers, the oldest being Ibn Fadlallah al-'Umari, he was thrown in a pit, and that the students heard his dictation on the brink. " Outside the prison " does not give a clear idea. It is true that according to the biographers, and even an autobiographical note in *Mabsut*, he had no books. But if the students could hear him, he could also hear them, the distance being the same in both directions. There was no restriction on the students, and in fact there is evidence that many of them brought the books, so that they read passages therefrom, whereupon Sarakhsi dictated the commentary.

Harbi *and* Muwada'

I am afraid that *harbi* is not a simple alien (p. 47) but a belligerent. A non-belligerent alien is usually called *muwada'*. Again (p. 53), *harbi* would be subject to killing if he entered the " dar al-Islam " without a permit ; this is not the general rule. Ordinarily he is subject to capture and enslavement or ransom. What jurists say is that if someone kills him, no retaliation could be applied, on the ground of the rights of belligerency ; but such a step without reference to the authorities is disapproved of.

It is suggested (p. 53) that Abu Hanifah and his disciples have introduced the principle of reciprocity. It is very much older ; without going as far as the Qur'án and the Hadith, 'Umar's instructions are well-known : " Impose on the foreign merchant as much customs duty as is taken in his country from Muslim merchants."

Historically speaking, Turkey and Iran were not the only large Muslim States (pp. 60-62, etc.), the Indian Empire of the Great Mongols was no less great, if not actually greater.

The author suggests (p. 54) that peace with non-Muslims should not be contracted for more than ten years. There is no interdiction, since Sarakhsi *(Sharh Siyar,* IV, 47) cites Shaybani's expression " permanent peace " *(muwada' al-mu'abbadah).* A definite and short period, like ten years, is preferred in order to avoid recourse to denunciation, but it is difficult to say that even according to Sarakhsi it is unlawful to go beyond this limit.

*Some orthographical mistakes*

Now some orthographical mistakes. I think on p. 43 Hasiri is correct (not Husayri) ; on p. 13 Shamsul-A'immah (not Shamsuddin, apparently from the misprint on the title of *Mabsut*) ; on p. 56 Muhammad Munib (not Mahmud Munib) ; on p. 59 n. Hámid (not Hamíd) ; the date of the death of Ibn Sa'd is not 320 A.H. (as on p. 27); *Ikráh* is not " usurpation " (p. 20) but " coercion ", and it has nothing to do with *makruh* (p. 299), the which latter comes from *karáhah* (" disapprobation ") ; it is not *baghí* (p. 298) but *bághí*, which means " rebel " ; mutilation is not *mithla* but *muthlah* (p. 300); on the same page *qimah* is not " price " but " value ", and (p. 301) *thaman* is not " value " but " price " ; on the same page, " manumission " is *'itq* and not *'utq* ; *Zakah* is not " alms ", since alms is neither obligatory in time and subject nor fixed in quality, all these being the characteristics of a government tax ; *Zakah* really means all such taxes as a Muslim pays to his government, in contradistinction to taxes paid by non-Muslims.

To end, it is said (p. 64) that partial abolition of *jizyah* dates from the Turkish treaty with the king of France. The matter goes to very ancient times. In his *Kharaj,* Abu Yusuf is explicit to say that the Caliph 'Umar " abolished the *jizyah* from Banu Taghlib ". That he accepted from them double the *zakah* of Muslims on herds and agriculture, etc., should not mislead, since that was normal with all *Dhimmis* ; the only concession of 'Umar was that he used the term *zakah* with regard to Banu Taghlib, nothing more, and yet renounced the *jizyah* completely for political reasons.

# Islam is the First anti-Slavery Religious System of the World

## Slavery lasted in Europe and the Americas throughout the Middle Ages down to the 19th century C.E.

*The writer*

### The Prophet Muhammad set free 39 of his slaves

By 'ABDULLAH KANNOUN

**" Let us here recall the famous story told about 'Umar (d. 66 C.E.), who punished the son of the Governor of Egypt, 'Amr Ibn al-'As, and asked him, ' Since when have you enslaved those who were born free ? ' — a sentence never spoken before in the known history of man by any man in any part of the world "**

[In Arabic : *Mundh kam ista'bad-tum al-Nás wa qad waladat-hum Ummahátu-hum Ahráran*]

**History of slavery**

Islam has been and is being accused of sanctioning slavery as an institution. I propose to look into this question with a view to finding out the nature of the outlook of Islam on it and instituting in the first place a comparison with that of the bygone social systems and the development that came about after the Declaration of the Rights of Man in modern times. For this purpose, an historical introduction is necessary to cover briefly the history of different systems (or types) of slavery, and the opinions of thinkers, ancient and modern, thereon. Such introduction would clarify the nature of the issue, enabling us to appreciate and evaluate the reforms instituted by Islam to combat this social ill.

Slavery was known in remote times ; for it came into existence as a result of wars, a feature coeval with the history of man. It is mentioned in the Old Testament more than once. For instance, Hagar was an Egyptian slave of Sarah, who gave him to Abraham. Slavery was also practised by the ancient Egyptians, Persians, Indians, Greeks and Romans. It was allowed by Christianity, as stated in the Epistles of Paul and Peter and other scriptures. It retained its legal status in Christian societies until it was abrogated by the French Revolution in 1789. Nevertheless, most European and American countries kept practising it until the end of the 19th century, i.e., over a century after the French Revolution which declared the " liberty and equality and fraternity " of all men.

The manner of treating slaves varied from nation to nation. Egyptians used to keep slaves either as servants or for prestige purposes. While they maltreated their servant slaves as if they were insensate tools, the slaves kept for prestige were, on the other hand, treated well enough. Potiphar said to his wife about Joseph, " Treat him well so that he may be of use to us or we may adopt him as a son." Ancient Egyptians kept slaves for showing off. This practice was not confined to kings. It was practised by priests, notables and dignitaries.

*The Persians*

The Persians, who were given to a life of luxury, kept many slaves. It must be said that they were rather considerate in their treatment of slaves. However, the penalties stipulated in their laws for punishing slaves for misbehaviour were so drastic that they even gave the owner the right to kill his slave in some cases. As for the Indians, they believed that slaves were created for the sole purpose of serving the Brahmins. They had their slaves from a certain caste of their society, the members of which were considered as born slaves to remain slaves all their lives, and even if some of them were given away by their masters, they had to remain as slaves for the rest of their lives and were destined never to enjoy personal liberty. Their laws laid it down that the slave could be killed for a minor mistake, let alone the cruel treatment meted out to them.

*The Greeks*

The Greeks, whose social life was based on slavery, inflicted every possible humiliation on their slaves. Wars were the main source of their acquiring slaves and prisoners of war and the people of the vanquished countries were treated as slaves. They were sold along with the land they tilled. Another source of acquiring slaves was piracy. In Athens there was a flourishing slave market. The Greek pirates abducted travellers and peaceful harmless people from the African and European coastal areas and sold them in public market places openly.

Spartans, in particular, used to hire out their slaves to anyone requiring their services. They used them in wars and

battles in addition to their labour in the mines, farms and other jobs demanding strenuous labour.

In spite of the severity of the penal laws governing slaves they sometimes did succeed in regaining their freedom, either by being freed or given away to some temple. But such liberty was only nominal because in such cases the sovereignty of their masters did not end completely.

A type of enslavement practised in Greece spread over to Rome and to other European countries in the Middle Ages. The type we refer to is that which allowed the creditor to enslave the debtor if the latter failed to pay his debt and also the equivalent sum of the interest. While criminals and revolutionaries were slaves of the State, religious renegades were slaves of the temples.

*The Romans*

The Romans, like the Greeks, also enslaved people on a much wider scale. They kept slaves for servitude and for pleasure. The slave market at Rome did a roaring trade in slaves, who had no rights or privileges whatsoever. What is more, the master had the life of the slave in his hand, and could kill him at any time. The slaves owned by the State were used for public cleansing and as watchmen. Strangely enough, the State had the right to enslave any individual for reasons such as abstaining from paying the taxes or failing to appear where he was ordered to report.

As the owners of slaves went too far in maltreating them, the slaves, 70,000 strong, rose in revolt under the leadership of Spartacus. There was fierce fighting and Rome was about to fall into their hands. To be exact, the revolting slaves waged three wars against their haughty and cruel Roman masters : the first took place in Sicily in 5 B.C., lasting for two years, the second was also in Sicily and continued from 105 to 102 B.C., while the third covered all Italy and lasted from 73 to 71 B.C. Those revolts, no doubt, were the result of the coercive treatment of the slave-owners.

During the Middle Ages, the Europeans were no less cruel to their slaves than their predecessors, the Greeks and Romans.

**Europe and America did not abolish slavery till the later half of the second half of the 19th century C.E.**

All the countries of Europe practised the serf system, under which the slaves attached to the farming land were sold and bought with it. This system was abolished only in name by Russia in 1865 by the Czar Nicolas II. Consequently slave markets boomed in Europe, while the harbours of Genoa, Venice and Leghorn were crowded with ships carrying Negroes, male and female, captured and kidnapped from Africa. Mostly those engaged in this nefarious trade were Jews.

It was at that time that there came into being a law called the " Black Law ", regulating the affairs of slaves all over Europe. According to that law any slave assaulting one of the " whites " was given the death sentence or some other physical punishment. For absconding he was executed, or had his ears cut off or tortured with a heated iron. In England a runaway slave was always killed.

It was in such circumstances that the slaves of the North and South Americas lived. However, in North America attempts were made to abolish slavery as early as the middle of the 18th century. In 1861 the civil war broke out between the Northern and Southern States for the declaration of the freedom of slaves, which was never achieved until the North had won the war in 1865. Nevertheless, the hatred is so deeply rooted that it has lasted to this day in the heart of every white American towards Negroes and other coloured races, giving way to racial discrimination and bringing in its trail so much misery. In England slavery was abolished in 1833.

To cite an example of the cruelty inflicted on slaves in America we quote from the French scholar Gustave Le Bon's *The Civilization of the Arabs*. He says : " In the mind of the European reader of the American stories of thirty years ago, the term slavery evoked pictures of miserable human beings, driven in shackles under the point of the whip, badly fed and living in dark cells " (Paris 1886 C.E.).

Any American marrying a slave woman was not allowed to hold any public office in South America, lest he should be sympathetic to the Negroes. That is to say, such person lost some of his civil rights as if he had committed a crime. The attitude of the Franks, the early French, towards a free man who married a slave girl was so stern that he lost his own freedom.

Those laws remained in force in most of the countries mentioned until the Brussels Conference passed a resolution in 1890 prohibiting slavery and slave trading.

**Types of slavery prevalent in the world before Islam and after Islam**

From the aforesaid it appears that slavery, as known and practised in ancient times and by the Europeans in the Middle Ages, had different forms or types. One type resulted from wars and consisted of war prisoners ; another was the outcome of piracy and abducting the inhabitants of African and European coastal areas, a third type was the result of depriving certain people of their freedom according to one law or another. Besides, we know that some people, e.g. the Chinese, were forced by poverty and starvation to sell their children.

*Slavery as viewed by some ancient and modern thinkers*

Aristotle, who is the acme of ancient philosophical thinking, considered the slave as a machine with a soul. In his opinion mankind consisted of two categories — the free and the slaves — and to him some people were slaves by their very nature.

A different opinion was expressed in the French *19th Century Encyclopaedia*. It is opined therein that wars have been of great benefit to mankind, even their worst result, that of enslavement, was not without great advantages. One need not be astonished at such a statement ; for the progress of mankind comes about sometimes from unexpected sources. By enslavement some women were liberated from the miserable captivity of their husbands, from their homes where they were considered and treated as mere animals. Enslavement also relieved them of some of the heavy tasks they were burdened with and raised their status in the eyes of men, for the members of a family are wont to treat each other with respect when a stranger enters their house.

All these advantages benefited women considerably and gave them the chance and the means to advance and get some education. It is true that the advancement of women has improved mankind and, consequently, opened new vistas of progress and advancement. Now enslavement is no longer necessary ; for people have been relieved of much of the hard work which is now being done by machines.

The aforesaid are the two theories on slavery separated by a long span of time, yet not far from each other. For, despite his sublime intellect and philosophical mastery that has survived, Aristotle could not see slavery from the point of view of the common people, and did not suggest anything to remedy its evils or correct the people's ideas about it. On the other hand, the French *19th Century Encyclopaedia* maintains that the liberation of women from the sovereignty of men and the progress of mankind were due to slavery and the effects it had on the relations between man and woman. What a strange reasoning from a modern encyclopaedia! Wars, as we know, started in ancient times, and slavery was their by-product. Then why, one may ask, did it not bring about its alleged effect of liberating woman and the consequent improvement in the conditions of mankind before modern times? The true cause of the advancement of women in modern times, one would suggest, is no other than the wide expansion of education and liberal ideas in an unprecedented manner.

As a matter of fact, all the thinkers who viewed slavery, ancient and modern, were narrow-minded and egoistic in their outlook. This observation holds good for the ancient times and medieval Europe until the end of the 18th century, with the exception of the Muslim world, where things were different, as we shall see in the remarks that follow.

*Islam and slavery*

Islam came when the world was groaning under the yoke of servility and forced labour. It came as a universal call to humanity at large, invoking them towards liberation and the upkeep of human dignity. Among its fundamental principles was the brotherhood of all human beings and the casting off of colour and race differences which were, and still are, taken as a pretext for racial discrimination between human beings, collectively or individually. Unlike other reformers, each of whom claimed the superiority of his own people to others, Islam did not give Arabs any superiority or advantage to others, but rather asserted that the best people with God are those who are most pious.

To cite but one verse from the Qur'án (49 : 11) : " O mankind ! We have created you male and female ; We made you nations and tribes that you may know each other. The noblest of you in the sight of God is the best in conduct."

The Prophet Muhammad said : " No Arab is better than any non-Arab, or a red-skinned (white) man better than a black man, except by his piety."

As for slavery, which was widely practised all over the Arabian peninsula in all sorts of forms and ways, we have outlined, Islam abolished all forms except the enslavement of prisoners captured in wars. In the case of this latter form of enslavement there were certain reservations dictated by transitory necessity.

*Two great Moroccan scholars who raised their voices of protest against slavery arising from piracy and abduction*

Islam abolished slavery arising from piracy and abduction, as well as the slavery caused by depriving a man of his liberty for failing to pay a debt, the slavery resulting from such practices as the selling of one's children, the collective slavery due to the subjugation of enemy countries. None of these types of slavery was allowed. All three types were abolished and strictly prohibited. No Islamic text or legislation gives even a hint, however vague, to the effect that any of the said kinds of slavery was sanctioned.

In the case of slavery due to piracy and abduction, custom had the upper hand over the law, as this practice spread among the Muslims from other nations. All Muslim thinkers kept clamouring all the time condemning it and asserting its unlawfulness. One such was a Moroccan thinker, the Shaykh 'Abd al-Salám Jassous, who met his death as a martyr to his beliefs when he defended the freedom of liberated slaves and their children whom the Sultan Isma'il al-'Alawy (d. 1727 C.E.) wanted to force into military service on the plea that the State had captured and owned them in the time of the Sa'diy Kings of Morocco (1550-1668 C.E.), who had reduced them to slavery as a result of their conquest of the Sudan in the 10th century C.E.

The governors of the various provinces ordered the recruitment of the liberated black-skinned Negro slaves into the army. This action elicited a strong attack from the said Shaykh. He published pamphlets against this high-handedness and wrote letters to the Sultan protesting against this step. Thereupon the governor of Fez put the Shaykh into prison and ultimately liquidated him in 1709 C.E.

At the middle of the 19th century, by which time the movement for abolishing slavery had spread all over Europe. the Shaykh Muhammad Kannoun continued to condemn this kind of slavery in his lectures and asserted that the Sudanese ex-captives were fully free people. He even went further to say that if any man took to bed one of his women, his marriage would be illegal and the children illegitimate. Such a man, the Shaykh insisted, must give the woman her freedom and marry her in the ordinary legal manner. His sayings reached and angered the notables and governors, who used to practise that unlawful manner of marriage. They tried to ask him to retract his views but he was as firm as ever. The nobles found no way to silence him but to get him consigned to prison. The whole population of Fez rose in protest, demanding his release. The governors could not but give way to the demands of the angry masses.

Those Shaykhs and other learned scholars of Islam would not have taken this attitude and held on to it so firmly had they not known it for certain that Islam prohibited the enslavement of free peaceful people by unscrupulous traders.

During the time of the Prophet Muhammad there were slaves thought to have been enslaved through abduction, rather than as a result of war. However, it is certain that the Prophet Muhammad set all his own male and female slaves free, setting the example for the line of action that should be taken in the matter of such slaves and not to give room even to a doubt under the pretext of which they could keep them as slaves. Although it was beyond doubt that some of them were really captured in wars, yet he freed also those along with the others whose origin of enslavement was dubious. The number of male and female slaves set free by the Prophet Muhammad amounted to thirty-nine — thirty males and nine females.

*Enslavement of a man by compulsion is unknown in Muslim documents*

As to the enslavement of a man who was deprived of his personal liberty by compulsion, it was non-existent in Islam and there is no mention of it in Muslim documents.

The same prohibition applied to the enslavement of children sold by parents owing to a famine and lack of food. Islam denied this form of enslavement and ruled against it. In evidence we cite the denunciation and prohibition in the Qur'án (81 : 9) of the vile custom practised by some Arab tribes who used to bury their newly-born babies alive.

As to collective slavery, when a conquering country took possession of the countries of the vanquished enemy, the vanquished people were taken into captivity and made slaves. We all know that the Islamic *Shari'ah* could by no means allow such tyranny. Muslim conquests were a source of salvation to the peoples of the conquered countries from the injustice done to them by their conquerors. The people of Homs, Syria, said to the Muslim troops, when the latter, not able to defend the town, returned the tribute money they had collected from them, " We surely prefer your rule to what we have been through and we will fight on your side against the Byzantines." Let us here recall the famous story told about the Caliph 'Umar who punished the son of the Governor of Egypt, 'Amr Ibn al-'As, and asked him, " Since when have you enslaved those who were born free? " — a sentence never spoken before in the known history of man by any man in any part of the world.

*Islam envisaged the enslavement of prisoners of war as a provisional necessity*

To take the subject of the enslavement of prisoners of war, we know Islam allowed wars only for self-defence and protecting the faith of Islam and places of worship, Christian or Jewish. The Qur'án says : " Sanction is given unto those who fight because they have been wronged and God is indeed able to give them victory, those who have been driven from their homes unjustly only because they said : Our Lord is God — for had it not been for God's repelling some men by others, cloisters and churches and oratories and mosques, wherein the name of God is oft-mentioned, would assuredly have been pulled down. Verily God helpeth one who helpeth Him. God is Strong, Almighty " (20 : 40).

From these verses it is evident that in the first place the legislation of fighting in the Qur'án was only meant to protect the new faith and to defend the persecuted Muslims, that is, as a defensive and not an offensive measure and as a means to a noble and honourable end. Also, that such fighting was considered as the most effective way to establish peace, and as a saying has it, " Killing is the most effective way to annul killing ". Therefore, it was meant for the maintenance of peace and the preservation of common liberties. There is yet another most interesting fact mentioned in the above-quoted verse. It is that the wars waged by Muslims to protect their faith were also meant to protect faiths other than Islam. Muslims stand out as a result thereof as advocates of religious tolerance ; their countries were the refuge places of many creeds and sects. In some Islamic countries there are almost as many Christian churches and Jewish synagogues as mosques.

Prisoners of war always lost their freedom the moment they were captured and became slaves to be sold and bought just like any merchandise anyone can freely own and possess. Although Islam allowed this practice as a measure of self-defence necessitated by the circumstances, it aimed at terminating it when the *raison d'ètre* therefor ceased to exist. The attitude of Islam towards the enslavement of war prisoners was hedged by strict reservations. It is to be regretted that scholars of Islam failed to detect or grasp these reservations.

*Islam allowed, but never ordered, Muslims to enslave their war prisoners as a retaliatory measure*

Islam allowed, but never ordered, Muslims to enslave their war prisoners as a retaliatory measure. It was only fair that Muslims enslaved the enemy prisoners of war in view of the fact that the enemy enslaved the Muslim prisoners. As there were no laws at that time protecting prisoners of war from enslavement or from maltreatment, which could be worse than enslavement in some cases, Muslims had no way to compel the enemy to treat the Muslim prisoners of war well and treat them in the same manner as the enemy's treatment of the Muslim prisoners. Sometimes an exchange of prisoners would be effected, sparing the captives of both sides the slavery and torture they might have been subjected to.

Muslims practised reciprocity in enslavement. But as to tortures and other methods of afflictions inflicted by non-Muslims on their slaves, it can safely be said they were always denounced and never allowed by Islam. Nor were they practised by Muslims, as we shall explain later.

It should, however, be emphasized that to Muslims reciprocity in enslavement as such was only a temporary measure. That is why we have said that Islam did not order the enslavement of war captives. Even in the worst cases when the enemy enslaved the Muslim captives, the Muslim authorities had the choice of either freeing the enemy prisoners against ransom or of releasing them from magnanimity without ransom according to the following verse : " When you have defeated them, tie up your captives, then you may release them later out of magnanimity or against ransom ".

Muslim history abounds in incidents where the above verse was applied. Saláh al-Din-Ayúbiy (Saladin) released thousands of captured crusaders who attacked Muslim countries and had brought with them much destruction and death. His Andalusian contemporary, the Caliph Ya'qúb al-Mansúr al-Muwahhidiy, released without ransom more than 20,000 persons captured in the famous battle of Tours (732 C.E.) in Andalusia. Such instances give evidence that Muslim conscience, inspired by the teachings of the Qur'án, was always against slavery.

I submit that the reason why Muslims kept practising this form of slavery was only as a temporary measure till such time as and when humanity would have developed enough to understand more clearly the nature of Islam's teachings, which condemn all unjust practices and which emphasize the dignity of man and proclaim that all men are equal in rights and duties when necessity demanded it. Such conception of man would of course forestall any possibility of slavery except when necessity demanded it. The concept of equality as enunciated by Islam is also bound to obliterate differences of race and colour.

**Some of the methods employed by Islam which opened ways for slaves to regain their freedom**

However, during the period when Muslims practised this form of enslavement temporarily, they also opened many ways for slaves to regain their freedom. Thus the slave in the Muslim world got the chance to get free. Some of the ways can be summarized hereunder :

First, the *Mukátabah* (the document of emancipation), a peculiar instrument by which the slave can buy his freedom from his master at a said price which the slave could pay from what he earned from his free work. Every slave can avail himself of this arrangement, which no master has the right to refuse. The following verse of the Qur'án reads : " And such of your slaves as seek a writing of emancipation, write it for them if you are aware of aught of good in them and bestow upon them of the wealth of God which He hath bestowed upon you " (24 : 33).

The above-quoted verse appeals to the Muslims who own slaves, not only to accept the offer of their slaves who want to buy their freedom but also to help them financially.

Second, there were such laws stipulating the release of slaves as an atonement for an unfulfilled vow or pledge, or for deliberately breaking the Ramadan fast or manslaughter. For any of the aforesaid offences or (sins) the Muslim had to set free a slave to atone therefor. In such cases the Muslim was either given the choice between setting free a slave and another way of atonement, unless he had to take the other way, being unable for some reason or another to set free a slave. This choice between two alternatives was probably meant for the day when slavery would be completely abolished, so that any Muslim wanting to atone for some offence, wrong or sin could use the other way of atonement, slaves being no longer available.

As a result of this method of atonement Muslims have through the ages freed thousands and thousands of male and female slaves. For the more wrongs they committed, the more slaves they freed, wrongdoing being part of human nature. There are still some devout Muslims who adhere to this way of atonement.

Third, the payment of the annual *Zakah*-tax provided an opportunity for emancipating slaves. God has decreed in the Qur'án that every Muslim pay a certain amount of his income at *Zakah,* which should be spent on certain specified purposes. One such purpose is the freeing of slaves, Muslim and non-Muslim. Some scholars would even say that non-Muslim slaves should be given priority over Muslim slaves in this respect. Considering the huge amount of *Zakah* paid out every year in the Muslim world, one can imagine the great number of slaves set free.

Now that slavery is prohibited, the proceeds collected under this item of *Zakah* can be spent in helping nations that groan under the yoke of imperialism to gain their liberty and achieve independence.

Fourth, persuading Muslims to give slaves their freedom as an act of piety to win the grace and reward of God. The Prophet Muhammad says: " He who spares a slave will be spared as many parts of his body of hell fire as the slave's body has ". The Qur'án 90 : 12-13 also persuaded Muslims to give slaves their freedom by saying, " But he has not attempted the ascent, but what will convey to you what the ascent is? It is to free a bondman." In this respect there was the custom known as *Tadbeer, i.e.,* a declaration by the slave owner that he (the slave) would be set free after his (master's) death. It is interesting to note that in such cases the slave-owner could not go back on his decision or enslave the man again. This procedure resulted in the release of millions of male and female slaves, as the Muslims knew well that the aim of Islam was to secure the freedom of all human beings.

In the second half of the 18th century the Moroccan Sultan Sidi Muhammad Ibn 'Abdullah al-'Alawiy was eager to liberate the captives enslaved in Europe. He spent millions of pounds as ransom money to set free Moroccans, Algerians, Turks and others. Some of them were released in exchange for captive Christians, the rest were ransomed, as there were more Muslim captives than Christians due to the fact that Christian pirates were very active and Europe was more infested than the Muslim world with slave trading.

**The Muslim legislators' eagerness for the principle of freedom**

The Muslim jurists started off with a great and noteworthy principle, i.e., that the Islamic legislation posits freedom. Thus every possible chance that could secure the slave his freedom was provided. When a slave woman bore her master a child, she was entitled to her freedom and her master lost his right to sell her or give her away. What a departure from the practice of other nations who enslaved a man or deprived him of some of his civil rights for marrying a slave-girl ! Also, if a man set his slave free, even in jest, the slave became fully free. If a man, who owned a slave in partnership with another owner set the part he owned free, then the slave became fully free. Instances to illustrate this aspect can be multiplied. They all follow the same principle, i.e., that all possible ways that can enable the slave to regain his freedom should be opened.

Can there be any doubt, then, that Islam laid down the foundations for the abolition of slavery thirteen centuries ago, pending the right and convenient opportunity for the implementation thereof and ending that atrocity from the life of human beings to whom the Prophet Muhammad was sent as a messenger of God to enable them to evolve themselves morally and ethically.

**Why did not the Muslims take the initiative in abolishing slavery?**

If what we have stated above is the attitude of Islam towards slavery why, then, some people may wonder, the Muslims did not take the initiative in declaring the abolition of slavery in the world?

The answer is that with the efforts made by Muslims during the thirteen centuries and the best part of the present century towards the liberation of male and female slaves, and with the attempt to abolish it by using practical means rather than by mere talk, the Muslims had no need to make such a declaration ; particularly as slavery as practised in the Muslim world was completely free from the atrocities, severe laws and the maltreatment that went with slavery as practised in the ancient world and in Europe and America. As proof of this we quote the French writer Gustave Le Bon, who said in his book *The Civilization of the Arabs* that the slaves of the East lived in better circumstances than the servants in Europe, and that slavery as practised by Mulims was different from the slavery practised by Christians. In the East, he further says, the slaves are considered as members of the family; a slave could marry his master's daughter in some cases, or could reach a high position in society. In the East slavery was not a cause of shame ; the slave was nearer to his master than a hired man in France.

Then he quotes a European author who says that " Muslims do not disdain slaves ; the mothers of the Ottoman sultans who are the revered leaders of Islam were slave women, and they see no cause for shame in that ".

He quotes another European writer as saying that the slaves in the Muslim East might prefer to remain slaves, as they enjoyed enough freedom and knew that, if set free, they would face difficulties that would make them less happy.

One need hardly say that the good circumstances enjoyed by the slaves in Muslim countries were the outcome of the Prophet Muhammad's recommendations to his followers to treat their slaves gently and take good care of them. He said, " Your servants are your brethren put under your hands, let him who has his brother under his hand feed him from what he eats, clothe him from what he clothes himself, and do not charge them with any work beyond their power, and when you charge them with some work, help them do it ; for they are made of flesh and blood like you." The Prophet Muhammad even went so far in his merciful exhortations in

*Continued on page 25*

# Books on Islam and Allied Subjects

**Customers are advised not to order books by Air Mail. Air Mail Postage is expensive. It costs approximately 16'- per lb.**

**Books marked * are specially recommended — Postage Extra**

## The Holy Qur'an

| | £ | s. | d. |
|---|---|---|---|
| *The Holy Qur'án with Arabic text. English translation and commentary. (The best and the most authentic work on the market Indispensable for students and scholars.) By the *Maulana* Muhammad 'Ali. LXX+1256 pp. Cloth bound — 2nd Quality ... ... ... ... ... | 2 | 10 | 0 |
| *The Holy Qur'án with Arabic text. English translation and commentary by 'Abdullah Yusuf 'Ali (three-volume edition) ... | 3 | 10 | 0 |
| The Meaning of the Glorious Qur'án, being the English translation of the Holy Qur'án by A. Yusuf 'Ali, a-zx+xxiii+845 pp. | | 15 | 0 |
| The Holy Qur'án with Arabic text. English translation and commentary by the *Maulana* 'Abdul Májid Daryabádi ... ... | 3 | 10 | 0 |
| *The Meaning of the Glorious Qur'án (without Arabic text) by Muhammad Marmaduke Pickthall Library Edition ... ... ... ... ... ... ... | 1 | 10 | 0 |
| Paperback Edition ... ... ... ... ... ... ... | | 7 | 6 |
| *The Tarjumánul Qur'án Vol. 1. English translation of the commentary on First Chapter of the Qur'án by Abdul Kalám Azád. (Edited and rendered into English by Syed Abdul Latif.) | 2 | 0 | 0 |
| *The Qur'án Interpreted. English translation of the Qur'án in verse by Professor A. J. Arberry. In two volumes. Library Edition ... ... ... ... ... ... ... ... ... | 2 | 10 | 0 |
| The Running Commentary of the Holy Qur'án with Arabic Text, Translation and Brief Comments with a unique Index by Dr. Khádim Rahmáni Núri, of Shillong, India ... ... ... | 3 | 0 | 0 |
| Do. without Arabic Text ... ... ... ... ... ... | 2 | 0 | 0 |
| Do. 30th Part (Arabic Text and complete Index) ... ... ... | | 15 | 0 |
| The Holy Qur'án. Translation by Professor A. J. Arberry. World Classics edition ... ... ... ... ... ... ... ... | | 12 | 6 |
| Baidáwí's Commentary on Chapter 12 of the Qur'án. Text, accompanied by an interpretative rendering and notes by A. F. L. Beeston ... ... ... ... ... ... ... | 1 | 15 | 0 |
| *Selections from the Holy Qur'án (pocket edition) dealing with the salient points of the life of man and of his relation to God. For ready reference the Qur'ánic verses are arranged under various headings, *viz* Divine Love, Divine Goodness to Man, Position of Women, Work and Labour, Inter-communal Relations, Unity of Human Race, etc. A must for every English-speaking Muslim home ... ... ... ... ... | | 5 | 0 |
| The Holy Qur'án on one page (Arabic text only) ... ... | | 10 | 0 |
| The Holy Qur'án amulet with necklace (miniature Qur'án) ... | | 12 | 6 |

Note: Other translations of the Qur'án by non-Muslim scholars, although not recommended for general study for the beginners, could also be supplied on request. Information could also be obtained about translation in other languages.

## Hadith, Fiqh (Jurisprudence) Etc,

| | £ | s. | d. |
|---|---|---|---|
| *A Manual of Hadith, by the *Maulana* Muhammad 'Ali ... | 1 | 0 | 0 |
| The Sahih of al-Bukhari, English translation of the first four books by Aftab-ud-Din Ahmad, 244 pp. ... ... ... ... | | 12 | 6 |
| Ditto. Books 5-8 (bound) ... ... ... ... ... ... | | 15 | 0 |
| Islamic Jurisprudence — *Shafi'is Risala*. Translation with introduction by Majid Khadduri, 376 pp. ... ... ... ... | 2 | 14 | 0 |
| Muhammadan Law by Professor A. A. Fyzee ... ... ... | 1 | 17 | 6 |

## The Prophet Muhammad

| | £ | s. | d. |
|---|---|---|---|
| *The Ideal Prophet, by Khwaja Kamal-ud-Din, 274 pp. ... ... | | 10 | 0 |
| *Muhammad, the Last Prophet. (This could be profitably read by all the English-speaking boys and girls and, of course, newcomers to the faith of Islam.) By Imam Vehbi Ismail ... | 1 | 10 | 0 |
| Heroes and Hero-Worship, by Thomas Carlyle. Contains an article on the Prophet Muhammad ... ... ... ... | | 10 | 6 |
| Muhammad, Prophet and Statesman, by W. Montgomery Watt | 1 | 5 | 0 |
| Anecdotes from the Life of the Prophet Muhammad, by Mumtaz Ahmad Faruqi ... ... ... ... ... ... ... ... | | 6 | 0 |
| *The Eternal Message of Muhammad (translated from Arabic) by 'Abd-al-Rahman 'Azzám ... ... ... ... ... ... | 2 | 5 | 0 |
| The Finality of Prophethood, by the Manlana Muhammad 'Ali, translated by S. Muhammad Tufarl. Cloth-bound ... ... ... ... ... ... ... | | 6 | 0 |
| Paperback ... ... ... ... ... ... ... ... | | 4 | 0 |

## Muslim History

| | £ | s. | d. |
|---|---|---|---|
| *A Short History of the Saracens, by Syed Ameer Ali. With maps, illustrations and genealogical tables, 640 pp. ... ... | 1 | 7 | 6 |
| The Arabs: A Short History, by P. K. Hitti, 236 pp. ... ... | | 15 | 0 |
| History of the Arabs, by P. K. Hitti, 822 pp. ... ... ... | 3 | 5 | 0 |
| History of the Islamic People, by Carl Brockelmann, 566 pp. ... | 2 | 0 | 0 |
| The Near East in History, by Philip K. Hitti ... ... ... | 3 | 0 | 0 |
| A Literary History of Persia (from earliest times to 1502 C.E.), four volumes, by Edward G. Browne ... ... ... ... | 6 | 10 | 0 |

## General Books

| | £ | s. | d. |
|---|---|---|---|
| *The Religion of Islam. (A comprehensive discussion of its sources, principles and practices. The author's best work after the translation of the Qur'án.) xxvii+784 pp. by the *Maulana* Muhammad 'Ali ... ... ... ... ... ... ... | 1 | 10 | 0 |
| Encyclopaedia of Islam. New Edition. Edited by H. A. R. Gibb and J. H. Kramer. Prepared by a number of leading Orientalists The work will consist of 100 parts of 64 pages each. On the completion of each 20 parts a binding case will be furnished, so that the complete work will consist of 5 stout volumes. PARTS 1-38 NOW READY. Each part | 1 | 4 | 0 |
| Shorter Encyclopaedia of Islam. Includes all the articles contained in the first edition and supplement of the Encyclopaedia of Islam which relate particularly to the religion and law of Islam. S. Roy. 8vo, 671 pp. ... ... ... ... ... | 4 | 10 | 0 |
| *The Spirit of Islam, by Syed Ameer 'Ali. History of the evolution and ideals of Islam with the life of the Prophet. 6th imp., 8vo, 71+513 pp., with frontispiece ... ... ... | 1 | 10 | 0 |
| Ditto, paperback edition ... ... ... ... ... ... | 1 | 1 | 0 |
| *Islam Our Choice (illustrated and unabridged) by Dr. S. A. Khulusi. Deals with a short history of Muslims and fundamentals of Islam. Also includes stories of various Europeans accepting Islam ... ... ... ... ... ... ... | | 12 | 6 |
| An Arab Philosophy of History. Translated and arranged by Charles Issawi ... ... ... ... ... ... ... ... | | 7 | 6 |
| Mohammedanism, by H. A. R. Gibb. 206 pp. ... ... ... | | 8 | 6 |
| Jinnah, by Hector Bolitho, 244 pp. ... ... ... ... ... | 1 | 5 | 0 |
| A Grammar of the Arabic Language, by W. Wright, 2 vols. 767 pp. ... ... ... ... ... ... ... ... ... | 3 | 12 | 6 |
| English-Arabic, Arabic-English Dictionary, by E. S. Elias (school size), 692 pp. ... ... ... ... ... ... ... ... ... | 1 | 10 | 0 |
| *Qur'ánic Arabic. (An elementary course in Arabic for non-Arabs.) 92 pp. By Dr. Omar Farrukh ... ... ... ... | | 10 | 0 |
| Teach Yourself Arabic, by Prof. A. S. Tritton. 294 pp. ... | | 8 | 6 |
| The Triumph of the Holy Qur'án, by the *Maulana* Sadr-ud-Din 213 pp. ... ... ... ... ... ... ... ... ... | | 8 | 0 |
| Bridge to Islam, by Eric W. Bethmann. Study of the religious forces of Islam and Christianity in the Near East. 240 pp. ... | | 15 | 0 |
| Muslim Devotions, by Miss Constance E. Padwick. A study of prayer-manuals in common use ... ... ... ... ... | 1 | 15 | 0 |
| *The Quintessence of Islam, by Ashfaque Husain ... ... ... | | 10 | 6 |
| *Jesus in Heaven on Earth, by K. N. Ahmad. Royal 8vo. 500 pp. Jesus's journey to and death in Kashmir, with a comprehensive discussion about Son-God theory and other Christian doctrines ... ... ... ... ... ... ... | 1 | 10 | 0 |
| The Message of Islam, by A. Yusuf 'Ali. Résumé of the teachings of the Qur'án with special reference to the spiritual and moral struggles of the human soul ... ... ... ... | | 6 | 0 |
| Message of Islam. Demy 8vo., 74 pp. By Khwaja Kamal-ud-Din | | 5 | 0 |
| Islam and Socialism, by K. N. Ahmed. 16 pp. ... ... ... | | 1 | 0 |
| The Persian Mystics. The invocations of Sheikh 'Abdullah Ansari of Herat (1005-1090 C.E.). Translated by Sardar Sir Jogendra Singh. Foreward by Mahatme Gandhi ... ... | | 6 | 0 |
| A Muslim Saint of the Twentieth Century — Shaikh Ahmad al-'Alawi, by Martin Lings ... .. ... ... ... ... | 1 | 8 | 0 |
| Islamic Art and Architecture. Concerned with the art and architecture of Islam from its beginnings into the eighteenth century. By Ernst Kühnel ... ... ... ... ... ... | 2 | 2 | 0 |
| Sir Muhammad Iqbal. Javid-Nama. Translated from the Persian with introduction and notes by A. J. Arberry ... ... ... | 1 | 7 | 0 |

**"The Islamic Review" monthly.** Single Copies....3s. Annual Subscription....£1.10.0

# Books on Islam and Allied Subjects (Continued)

| | £ | s. | d. |
|---|---|---|---|
| Arabic Thought in the Liberal Age (1798-1939-59), by Professor Albert Hourani. Cloth-bound, 404 pp. ... ... ... ... | 2 | 2 | 0 |
| *The Sacred Journey, by Ahmad Kamal. (The Pilgrimage to Mecca. A guide and companion for the pilgrims.) By Ahmad Kamal ... ... ... ... ... ... ... ... ... | 1 | 5 | 0 |
| *Aspects of Islamic Civilization. (A vivid and fascinating picture of the richness and variety of Islamic civilization from its origins down to the present times.) By A. J. Arberry ... ... | 2 | 8 | 0 |
| *Futuh Al-Ghaib (The Revelation of the Unseen). World famous collections of the utterances of the Saint of Baghdad Sayyid 'Abdul Qádir of Jilán, rendered into English by the *Maulana* Aftab-ud-Din ... ... ... ... ... ... ... ... | | 7 | 0 |
| Islam, Its Meaning for the Modern Man, by Sir Muhammad Zafrullah Khan ... ... ... ... ... ... ... ... | | 18 | 0 |
| Mysteries of Selflessness A Philosophical Poem by Dr. S. Muhammad Iqbal. Translated with notes by Professor A. J. Arberry ... ... ... ... ... ... ... ... ... | | 6 | 0 |
| *Prophecies of the Holy Qur'án. (Warning to the Christians, Discussion about Gog and Magog, Signs of the appearance of the Anti-Christ, Nuclear War, Destruction of the Modern One-Eyed civilization, etc.) By 'Ali Akbar ... ... ... | | 2 | 6 |
| Political Thought in Medieval Islam, by E. I. J. Rosenthal. Paperback, 333 pp. ... ... ... ... ... ... ... | | 17 | 6 |
| Some Aspects of the Constitution and the Economics of Islam, by Nasir Ahmad Sheikh, M.A., LL.B. 256 pp. Cloth Bound Edition ... ... ... ... ... ... | | 17 | 6 |
| Paperback Edition ... ... ... ... ... ... | | 12 | 6 |
| The Middle East in World Affairs, by George Lenczowski, Med. 8vo. 596 pp. ... ... ... ... ... ... ... | 2 | 15 | 0 |
| A History of Urdu Literature. (A scholarly appraisal of Urdu literature from its inception towards the beginning of the seventeenth century down to Iqbal and Hafiz, setting a new standard in criticism ... ... ... ... ... ... ... | 2 | 15 | 0 |
| Studies in Islamic Culture in the Indian Environment, by Aziz Ahmad. The book covers an extremely wide range of religious and cultural activity over the last 400 years ... ... ... | 2 | 5 | 0 |
| Three Centuries, Family Chronicles of Turkey and Egypt. (An extraordinary panorama of riches and revolutions in the years before the First World War.) By Emine Foat Tugay ... ... | 2 | 2 | 0 |
| Islam in East Africa. (Most complete treatment of the subject.) By J. Spencer Trimingham ... ... ... ... ... ... | 1 | 8 | 0 |
| A History of Medieval Islam. (This is an introduction to the history of the Muslim East from the rise of Islam to the Mongol conquests. It explains and indicates the main trends of Islamic historical evolution during the Middle Ages and will help to understand something of the relationship between Islam and Christendom in those centuries.) By J. J. Saunders. | 1 | 12 | 0 |
| Qur'ánic Advices. (Selections from the Holy Qur'án of guides for a better way of life.) Arabic text with Urdu and English translations ... ... ... ... ... ... ... ... | | 10 | 0 |
| The Islamic Conception of Freedom, Trust and Responsibility, by S. Muhammad Tufail .. ... ... ... ... ... | | | 6 |
| Barriers Between Muslims Must Go. (There are no sects in Islam.) By S. Muhammad Tufail ... ... ... ... ... | | | 6 |

## Art, Crafts and Architecture

| | £ | s. | d. |
|---|---|---|---|
| *Islamic Architecture and its Decoration A.D. 800-1500. (A photographic survey by Derek Hill with an introductory text by Oleg Grabar. Derek Hill photographed nearly every important example of early Islamic architecture in Turkey, Persia, Afghanistan and Russian Central Asia, paying particular attention to their decorative features.) ... ... ... ... | 6 | 6 | 0 |
| Early Islamic Pottery; Mesopotamia, Egypt and Persia, with 214 half-tone illustrations, four of them in colour, by Arthur Lane ... ... ... ... ... ... ... ... ... ... | 2 | 2 | 0 |
| Later Islamic Pottery; Persia, Syria, Egypt and Turkey, with 190 half-tone illustrations, four of them in colour, reproductions of marks and a double-page may, by Arthur Lane ... | 2 | 5 | 0 |
| Islamic Pottery; from the ninth to the fourteenth centuries A.D. in the collection of Sir Eldred Hitchcock, with 70 halftone illustrations, eight of them in colour, by Arthur Lane ... | 1 | 10 | 0 |
| Islamic Pottery and Italian Maiolica in Private Collection, with five colour halftone plates, 478 monochrome halftone reproductions and a page of line diagrams, by Bernard Rackham ... | | | |
| Icons. English translation revised by Professor Talbot Rice, with 151 reproductions in colour, 28 monochrome halftone illustrations and four diagrams in line, by Konrad Onasch | 12 | 12 | 0 |
| Oriental Rugs. (An illustrated guide edited and translated by George and Cornelia Wingfield Digby, with eight colour plates, 36 monochrome halftone illustrations, 38 drawings and a folding map.) By Hermann Haack ... ... ... ... | 1 | 15 | 0 |
| Byzantine Icons. (Introduction and notes on the plates. 10 colour halftone illustrations.) By David Talbot Rice ... ... ... | | 15 | 0 |
| Byzantine Painting. (Introduction and notes on the plates. 10 colour halftone illustrations.) By Rev. Gervase Matthew ... | | 12 | 6 |
| Persian Painting of the Fourteenth Century. (Introduction and notes on the plates. 10 colour halftone illustraions.) By Douglas Barrett ... ... ... ... ... ... ... ... ... ... | | 12 | 6 |
| Persian Painting of the Fifteenth Century. (Introduction and notes on the plates. 10 colour halftone illustrations.) By R. H. Pinder-Wilson ... ... ... ... ... ... ... ... | | 15 | 0 |

## Prayer Books

| | £ | s. | d. |
|---|---|---|---|
| *Islam and the Muslim Prayer. Illustrated with Arabic text, transliteration and translation by Kh. Kamal-ud-Din ... ... | | | 6 |
| *Muslim Prayer Book with Arabic text, transliteration and translation by the *Maulana* Muhammad 'Ali ... ... ... | | | 3 0 |
| Prayer in Islam, with transliteration and translation by Muhammad Yakub Khan ... ... ... ... ... ... ... ... | | | 2 0 |
| Islamic Conception of Worship. (A companion to any of the above prayer books.) By S. Muhammad Tufail ... ... ... | | | 1 0 |

**Prices subject to change** **CAN BE OBTAINED FROM** **Postage and Packing Extra**

**THE MUSLIM BOOK SOCIETY**

**The Shah Jehan Mosque, Woking, Surrey, England**

# Anecdotes from the Life of the Prophet Muhammad

*compiled by*

## Mumtaz Ahmad Faruqi

**Pen-portrait of the Prophet, Faith and Persecution, The Flight, The Battles, The Conquest of Makka, How Islam was Propagated, The Story of the Blind Men, Love for Children, Kindness to Animals, Sin and Salvation, Sanctity of Human Life, Jews and the Prophet, The Prophet's Treatment of Christians and many other subjects are discussed.**

Price Rs. 3.00 Sh. 5, can be obtained from:

**The Islamic Review, Azeez Manzil, Brandreth Road, Lahore 7, West Pakistan**

Printed by A. A. Verstage, Ltd., of Basingstoke and Published by the Woking Muslim Mission and Literary Trust, Woking, Surrey, England. REGD. L3016