

# THE FRAGRANCE

OF EAST

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# The Fragrance of East

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## **Editor's Note:**

### **Terrorism - Islam - Madrasa**

There is a general feeling among scholars that a section of a 'mainstream' media, ever on the prowl for stories of terrorism linking it with Islam and Madrasas as a stick to beat Muslims with, has sensationalised the issue.

We are not aware of the condition prevailing in religious institutions of other countries but certainly in India these madrasas are the cradles where main emphasis is laid on character building and growing up as God fearing citizen. There are thousands of madrasas which do not have even roof over their heads so imparting any closed door training is just a myth.

Madrasas in India have had a history of staunch nationalism. They have lived in an atmosphere of liberalism and tolerance - the natural result of uninterrupted secular democracy and adherence to constitutionalism. We have in India particularly in cow-belt two powerful but rival Islamic schools: The Deobandis and the Bareilvis. Both have their own networks of madrasas but their conflicting ideologies do not disturb the public order. The world famous seminary was established in Deoband (distt. Saharanpur) in 1876 by ulema who actively participated in war against British control in 1857. Their aim was to safeguard traditional Islamic learning and values and liberating India from the clutches of British control. Ulema of Deoband supported the Indian National Congress in its struggle for freedom.

According to a report among the Asians in England, Indians including Muslims, came out on top in terms of education and employment. The question which must be disturbing foreign authorities as to why madrasas continue to be nationalists and carry a positive mindset in India.

To link Indian Islamic schools (called madrasas) with terrorism is not justified by any means. Roots of terrorism

must be looked for elsewhere. Prime Minister Manmohan Singh has aptly advised that a collective strategy needs to be evolved to free the world from the scourge of terrorism, which is now a global phenomenon.

Recent blasts in London, Ayodhya and Egypt are proof that the so called war against terrorism is not working. It can not be tackled by conventional security measures. The only solution, albeit a long term one is to eliminate the root cause of terrorism: unemployment and discontented youths who are swayed by ideologues of hate and xenophobia. In response to an internet statement by a terrorist group which said that blasts in London and Egypt were to warn "the global evil powers which are spilling the blood of Muslims in Iraq, Afghanistan, Palestine, Chechanya" Al-Ghad, a Jordanian newspaper said: "killing innocent people will not contribute to the liberation of Palestine and the killing of innocent Iraqis will not accelerate American withdrawal."

Many Islamic scholars and clerics of international repute including Maulana S.M. Rabey Hasani Nadwi, President of All India Muslim Personal Law Board and Rector of world known Islamic university, Nadwatul Ulema have come out with the statements that: "They forbid barbaric acts against innocents who have nothing to do with the political demands; these are not the martyr operations but barbaric suicide attacks and the culprits deserve only God's punishment."■

*Hindustan Times*  
August 13, 2005

### **The Clergy did condemn!**

Khushwant Singh in his 'Malice towards one and all' July 30, laments that recent terrorist acts were not condemned by religious leaders. Terrorist attacks in Ayodhya, London and in Egypt, were vehemently censured and damned by the President of the All India Muslim Personal Law Board, Maulana Rabey Nadwi who is also the rector of Nadwatul Ulema, Lucknow and Maulana Asad Madani, President Jamiatul Ulema Hind and chief trustee of Darul Uloom Deoband.

The Shahi Imam of Jama Masjid, Delhi, too, joined them in condemning these inhuman acts. Their statements were prominently reported in almost all Urdu newspapers of the country but strangely, no national newspaper of English and Hindi reported these.

Even on July 28, speaking at a meeting of Muslim intellectuals called by the National Commission for minorities in Delhi, Maulana Rabey Nadwi, condemning the recent incidents of terrorism, has urged Muslims to help remove misunderstandings about the religion. He said: "It hurts Muslims when terrorism is linked with Islam.

The terror attacks are individual actions and should not be linked to Islam." The Maulana has described these acts of terrorism barbaric, anti-Islamic and against the teachings of Quran and Sunnah.

Except one English national daily, the media in general ignored this important statement. What does it show Mr Khushwant Singh?

*Shariq Alavi*

*Times of India*  
July, 29, 2005

### **AIMPLB Chief for dialogue to promote tolerance**

Condemning the recent terror acts, All India Muslim Personal Law Board president Maulana Rabey Hasan Nadvi on Wednesday called for a dialogue between representatives of different religions to remove misunderstandings and create awareness about each other.

He was speaking at a meeting of Muslim intellectuals called by the National Commission of Minorities (NCM) to discuss the situation after the terror attacks in Sharm-el Sheikh, London and Ayodhya.

Urging Muslims to help remove misunderstandings about the religion, Maulana Nadvi also urged the community to develop an understanding of the Hindu religion.

"It hurts Muslims when terrorism is linked with Islam. The terror attacks are individual actions and should not be linked with Islam," Nadvi said.

Asking the media to play a responsible role, he said the Indian median media should not follow the "biased" role of the foreign media and work towards maintaining the secular fabric of the country.

## **SAYINGS OF THE HOLY PROPHET (PBUH) ON KNOWLEDGE**

- To seek knowledge is the duty of every Muslim woman and man.

Maja, Darmi

- Who walks in the way of knowledge, God makes the way to Paradise easy for him.

Muslim

- A scholar excels over a devout worshipper as the full moon excels over the stars.

Muslim

- A scholar is heir of the Prophets. The heritage of the Prophets is not money but knowledge of which a scholar is the heir, so who so acquires knowledge gains the complete faith.

Ahmed, Trimizi, Maja, Dawood

- Impart knowledge to others, be kind, make them take interest, do not tire them off; if you get angry remain quiet.

Mishkat



# DISTINGUISHING FEATURES OF ISLAMIC CULTURE DURING LATE ERA

Syed Abul Hassan Ali Nadwi

The prevailing scenario over almost the entire globe is of society engrossed in pursuit of worldly gains, stark materialism, carnal frenzy, treating this life as the ultimate, with no consideration for the hereafter. Movements proclaiming themselves as harbingers of progress and amelioration, provide little space for the pure and subtle basics of humanity and have no consideration for mutual welfare. Equality among humans, in thier philosophy, has limited scope, overridden by tyranny of self-designed mundane regulations, bereft of scruples.

Genuine concern for each other, the very life and blood of humanity, which ebbs in its veins and arteries, is no concern for systems like Socialism, Communism *et al.*, which in fact have actually engendered the deprivation and degradation of humanity. The entire action is aimed at espionage, fraud, fabrication of documents, culminating in subversion of legal and judicial setup, the humankind sinking to the level of animals. Under communist rule, government remains the absolute authority, claiming to be the guardian of all assets and liabilities, rendering the individual a mere robot with no will of ones own.

Juxtaposed to the above are the Islamic message, teachings and spirit. As against man-made tenets which have hardly any consideration for piety and morals, Islam not only prescribes but also guides humanity along a path illuminated with innate radiance ushering in mutual brotherhood, affection, satisfaction, urge to delve deep into the brighter aspects of life and realising of duties with awareness to rights. The early Islamic society (*ummah*) was fully seized of and functioned in accordance with the principles described in the preceding lines. This was all too evident in every walk of life. To them, a tear shed from the

eye as a symptom of a grieving heart was far precious than all rubies and diamonds.

Islamic society, all prevailing decadence notwithstanding, is still heads and shoulders above any other contemporary culture, in as much as adherence to moral values is concerned. The reasons are attributable, mainly, to the unrelenting efforts of the reformers, who never demitted their duties of thwarting, as much as feasible, the external incisive evil influences. Persons charged with devotion and zeal for preserving real Islamic spirit are still not extinct and their presence is felt all the time. The outcome is a marked tendency to abstain from avarice greed and unscrupulous action towards indulging in unfair practices and foul play. Needless to mention that the preachers and reformers have forever derived their knowledge from the Holy Quran and Traditions of the holy prophet pbuh.

However such reforms and winds of change are not confined to the present era. Every succeeding generation of *ummah* that walks in all commandments and justifications follows Divine light and ministrations of holy prophet (pbuh) always acknowledges and bears witnesses to the piety and moral standards handed down as legacy from predecessors. It is for such people that divine saying stands:

And those who came after them say: "Our Lord! forgive us and our brethren who came before us into the faith and leave not in our hearts rancour (or sense of injury) against those who believed. Our Lord Thou art indeed full of kindness, Most Merciful [59 Al-Hashr: 10]

Guidance provided by the holy prophet (pbuh) encompasses all aspects: mutual concern, solace for one another. It penetrates into the most intricate crevices of human life, depicting true and healthy human feelings.

Some of the Traditions (*Hadeeth*) which lay emphasis upon and elucidate the nuances of propitiatory offering (*sadqa*) are:

administer justice between two individuals;

assist a person to climb his mount;  
lift the luggage for someone;  
utter just a noble sentence of advice;  
endeavour towards offering of prayers (*salah*);  
removal of hinderances and clear a pathway of thorns,  
rubble.

The prophet (pubh) advised help to anyone in distress and if unable to do so exhort the person towards good deeds, failing which even abstinence from evil deeds would also be a propitiatory offering.

Rendering help to any person, or enabling one who is a sloven, or simply avoiding harm to others, would be propitiatory offerings.

Pleasantness of countenance, encouragement of good deeds, prevention of evil, affording to stray persons, specially those whith impaired vision, guidance along the proper path, to fill for someone a pitcher of water, are all acts tantamount to propitiatory offering.

In Islamic culture each person is a mirror unto the other and likes for others the same as for himself, as God the Almighty, asks, (as it were):

Why did not believers - men and women - when ye heard of the affair - thought well of their people and , "This charge is an obvious lie"? [12. *Al-Noor*:24]

The holy prophet pbuh, has summed up this situation in pious in - imitable manner:

"The Muslims are akin to one single body; if one organ ails, the entire person is afflicted with fever, insomnia.

"This is a society wherein each and every member is a custodian, noble, endowed with integrity and reliability.

"Everyone is like a brother for the other, indulges not in breach of trust, tells no lie, does not denigrate him or abandon him helpless. Dignity, possessions and blood of one muslim is not to be desecrated by another."

As against this, the life in several communities, countries, is a virtual hell with each new regime or a ruler

hurling accusations of treason and dishonesty, betrayal of trust, upon the predecessors, so much as to perpetrate atrocities as revenge over the entire opposition.

.....Every time a new people enters it curses its sister-people (that went before)..... [7 *Al-Aaraf* : 38]

When he turns back, his aim everywhere is to spread mischief through the earth and destroy crops and progeny but Allah loveth not mischief. [2-*Al-Baqra* : 205]

However for those that wish to traverse a tortuous route, bitter and unsuccessful ventures, the words of Holy Quran should suffice as an admonition:

....."Will ye exchange the better for the worse? Go ye down to any town, and ye shall find what ye want! ..... [2 - *Al-Baqrah* : 61]■

Original Urdu : Tameer-i-Hayat, January 25, 2005  
English Rendering : Mashhoon Ahmad

# 'UMAR' ACCESSION TO THE CALIPHATE

Shibli Numani

## Early Life and Training

Little is known for certain about 'Umar's life before his conversion to Islam. However, we can be sure that at least some of his great qualities - notably, his sense of personal authority, his daring and physical strength, and his political acumen - derived from his family background and early training. 'Umar was a 'born leader', a direct descendant of 'Adiy, chief of one of the ten clans of the wealthiest and most prestigious tribe in Arabia, the Quraysh. 'Adiy was the principal negotiator for the Quraysh in any inter-clan or inter-tribal dispute. Among those of his descendants who held the same office, 'Umar's grandfather, Nufayl b. 'Abd al-'Uzza, was specially renowned. He arbitrated a dispute over leadership of the tribe between 'Abd al-Muttalib and Harb b. 'Umayyā in favour of the former, the grandfather of the future Prophet.

The pre-eminence of the Quraysh over the other tribes of the Arabian Peninsula rested largely upon their role as guardians of the Ka'ba, the holy shrine in Makka. Since this shrine was dedicated to the worship of idols, the authority of 'Umar's family was vested in preserving that worship. It is remarkable, therefore, that 'Umar's cousin, Zayd, also a grandson of the famous Nufayl, should have been an ardent monotheist who preached a return to the religion of Abraham, traditionally recognized (and confirmed by the Qur'an) as the founder of the Ka'ba. Persecuted by his own family, Zayd was finally driven from the city. Some say he took refuge in the mountain caves of Hira where, years later, the revelation of the Qur'an began. The most zealous of Zayd's persecutors was his uncle, 'Umar's father, Khattab.

Khattab's dedication to the pagan values of the Quraysh is clear from his severity with 'Umar. It was normal for Makkan nobles to send their sons out to the desert to

pasture camels, and 'Umar endured this disciplining in Dajnan, a plain about ten miles from Qudayd near Makka. When, long afterwards, as Caliph, 'Umar passed by Dajnan, he glorified God and commented: 'There was a time when I roamed this desert as a camel-herd, dressed in a felt jacket, and whenever I sat down tired, my father would beat me. Now I live a time when I need reckon none as my superior save God' (Ibn Sa'd, 3:266-7).

'Umar is known to have taken part in wrestling and equestrian competitions in the fair held each year at 'Ukaz, near the 'Arafat hills—he can hardly have done so if he did not excel in these sports. Expert knowledge of the genealogy of the Arab tribes 'Umar inherited from his father and grandfather. He was, again like them a formidable negotiator and public speaker: he served the Quraysh in the role of ambassador before his conversion to Islam made him their enemy. Also before that event, 'Umar had developed a sophisticated ear for the poetry in which the Arab peoples took such pride, and had memorized the best of it. Poetry at that time was largely an oral performance but, exceptionally among his contemporaries, 'Umar had learnt to read and write.

'Umar's breadth of mind and capacity to understand and assimilate the ways of other peoples, a feature of his rule as Caliph, may have developed during his extensive and frequent journeys out of Arabia into Syria and Persia. He travelled for business but was always keen to meet the distinguished persons in the places where he stayed. Sadly, detailed accounts of 'Umar's travels, once extant, have long since disappeared. We know for certain only that he travelled much and was a successful trader.

### **'Umar's conversion to Islam**

By the time Islam began to be preached among the Quraysh, 'Umar, then about twenty-seven years old, was already a public figure highly esteemed by his peers among the Quraysh. However, in opposition to the tide of Islam, all

his virtues worked against themselves-his sense of honour was expressed as arrogant tribal pride, his power of conviction as narrow-minded stubbornness, his physical courage as determined lack of feeling. Conversely, once he moved with the tide of Islam, all of his qualities found the sufficient reason (and the scope) to grow into their true and full forms.

Just as his father had persecuted Zayd, 'Umar persecuted converts to Islam with a violent ardour. Zayd's son, Saïd, was among the first to become Muslim and his wife Fatima, 'Umar's sister, converted also. Neither revealed their conversion to 'Umar. Labina, a female slave in 'Umar's household, failed to conceal her conversion from him and he beat her harshly on many occasions in a vain effort to make her recant. He also failed to beat the faith out of others.

In frustration 'Umar made up his mind to kill the Prophet, buckled on his sword for the purpose and set out. On the way he met with a fellow clansman, Nu'aym b. 'Abdullah, another secret convert. When Nu'aym realized 'Umar's intention, he diverted him by advising that he deal first with his own near family, his sister and brother-in-law. Enraged at this news, 'Umar turned back to his sister's house. She had been reciting passages of the Qur'an but stopped on hearing 'Umar approach. He asked her what she had been reciting. When she tried to evade telling him, he accused her and her husband of heresy. He then set upon his brother-in-law, Sa'id. Fatima tried to intervene but 'Umar struck her with such force she bled. She then said: "Umar, do whatever you will, Islam cannot be forced from our hearts."

Those words and the sight of his sister bleeding stilled his anger. He asked to see what she had been reciting. His sister provided the fragment of writing she had hidden. He read from it words whose meaning is: 'Whatever is in the heavens or the earth glorifies God, the powerful, the wise' (57.1-7). Not for the first or last time, an admirer of Arabic poetry was overwhelmed by the literary miracle of the Qur'an.

On reaching the words 'Believe in God and His Messenger', 'Umar uttered the creed: 'I believe that there is no god but God and that Muhammad is His Messenger.'

'Umar made his way to the house of Arqam, at the foot of the Safa hills, the meeting-place of the Muslims at that time and the Prophet's refuge. 'Umar was still wearing his sword. When the Prophet asked him the reason for his visit, 'Umar said simply: 'I come to embrace Islam.' The Prophet responded with *Allahu akbar* ('God is greatest') and the assembly of Muslims repeated the cry. This event took place in the sixth year after the Revelation began (Baladhuri, *Ansab*, 5:346-50; Ibn Sa'd, 3:267-9; Ibn Athir, *Usd* 4:54-5; Kamil, 2:84-6).

'Umar's conversion was a grave loss to the Quraysh. He was now as militant on behalf of Islam as he had been against it. He argued for the Muslims' right to worship at the Ka'ba, a right hitherto denied them. His courage and persuasive skills defeated the vindictiveness of the Quraysh on this point-'Umar's first public triumph as a Muslim.

### **Emigration to Madina**

The guardians of the Kaba, the Quraysh, could not foresee that the victory of Islam would make their shrine the greatest centre of pilgrimage in the world. Therefore, as more of their own number converted to Islam, their enmity intensified. They cruelly persecuted those Muslims who had no association of kinsfolk to defend them, and maintained a six-year economic and social boycott against all the Muslims together. In consequence, the Muslims' public worship was most severely constrained, and the social, economic, and legal dimensions of a full Muslim life could hardly evolve at all in Makka. However, the numbers of Muslims inside Makka continued to grow and, precisely because the Ka'ba was a focus of pilgrimage, so too did the numbers outside of Makka.

From Yathrib, an oasis township some 265 miles north of Makka, a substantial number of believers came to pledge



their allegiance to the Prophet, and offered, under his leadership, to support and protect the Muslim community. The Prophet then ordered the Muslims to abandon their homes in Makka and settle in Yathrib. The great Emigration or *Hijra* began. 'Umar was among the earliest Emigrants, travelling in a group of about twenty including several of his own close relatives. As accommodation was not available in Yathrib, 'Umar settled initially a few miles away in the village of Quba'.

The Prophet himself made the *Hijra*, in the company of Abu Bakr, in the year 632, the thirteenth year after the Revelation began. He too stayed for a time in Quba. Soon after arrival in Yathrib-subsequently known as the City of Light, Madina al-Munawwara-the Prophet concluded a treaty with all the tribes in the township, including the prosperous Jewish tribes who dominated its commercial life, pledging them to mutual defence and cooperation under his overall authority. He also arranged formal ties of brotherhood between the Emigrants (*Muhajirun*) from Makka and the Muslims of Madina. The latter, called the Helpers (*Ansar*), shared their wealth and property with their brothers-in-faith and generally took responsibility for their welfare. 'Umar's Ansari brother was 'Utban b. Malik, the chieftain of the Banu Salim. While 'Umar continued to live in Quba', he could not attend on the Prophet every day. He made an arrangement with 'Utban whereby each would be in Madina on alternate days and report to the other what he had heard from the Prophet.

### **The adhan or call to prayer**

As the Muslims at last enjoyed some measure of security, it was possible to develop the institutions of worship denied them in Makka. The obligatory prayers of each day, congregational prayers on Fridays, fasting in the month of Ramadan followed by the '*Id al-fitr* festival, and *zakah* (the alms tax), could now be regularly and fully observed. The method of summoning believers to prayer remained to be decided. Many of the Prophet's Companions favoured the

use of some musical instrument, the practice of the Jews and Christians. While the matter was still under discussion, 'Umar suggested appointing a man to call people out. The Prophet accepted this suggestion straightaway and appointed Bilal as the first *mu'adhdhin*. It indicates how profoundly 'Umar was attuned to Islam that he had such a decisive part in the institution of the *adhan* or call to prayer: to this day, no other element of Muslim public life so clearly signals or characterizes a place as belonging to Islam.

### **After the Hijra**

From the Hijra onward, 'Umar was actively involved in every significant development in the formative period of Islam until revelation of the Qur'an ended and the religion in its great essentials was complete. No battle was fought, no treaty negotiated, no administrative measure put in place, without 'Umar being consulted and his advice influencing the outcome. Even so, the major events of this period, their meaning and rationale, belong in a study that must make the Prophet's life its focus, not the life of his Companion, 'Umar. Here we can only review a few key incidents from the years 1-11 AH (i.e. after the Hijra). For a full, connected narrative, the reader should consult detailed biographies of the Prophet.

### **The battle of Badr**

In the month of Ramadan, 2 AH, the Quraysh sent out a force of 950 armed men and cavalry in order to protect a returning trade caravan of theirs due to pass near Madina. The caravan of about forty men was led by Abu Sufyan. The Prophet urged the Muslims to go out and face the armed threat. As the Qur'an (8.5-7) records, some Muslims, awed by the imbalance of the opposing forces and fearful of death, were reluctant to leave Madina, and some were keener to attack the caravan:

When your Lord caused you to leave your safe abode (Madina), a faction of the believers were averse to the action. They quarrelled with you about the truth after it was brought to

light, thinking they were facing death and being driven to it. And whereas God promised you victory over one of the two hosts, [some among] you desired to get the upper hand over the undefended host [i.e. the caravan].

Battle was joined at Badr, some eighty miles from Madina. Out of 313 Muslims who took part, 83 were Emigrants (Muhajirun) and the rest Ansar. Out of the Emigrants, no less than twelve were from 'Umar's clan, the Banu Adiy. And, no doubt, it was out of respect for 'Umar that Banu Adiy were the only clan of Quraysh not represented on the enemy side. 'Umar fought at the Prophet's right hand throughout the affray, his freedman, Mihjd, being the first Muslim killed. 'Umar faced and slew his maternal uncle, Asi b. Hisham b. Mughira. As we shall have occasion to record again, neither on this battlefield, nor upon any other, nor in any affair of government and administration, did family attachment ever take precedence over 'Umar's duty to Islam.

The Quraysh were utterly routed. Fourteen Muslims were killed at Badr. On the Quraysh side seventy were killed, including several nobles, and a similar number were taken prisoner. Among the prisoners too, there were eminent Quraysh nobles, such as 'Abbas, and 'Aqil the brother of 'Ali. When consulted by the Prophet, Abu Bakr advised that, as the prisoners were kinsfolk, they should be released against ransom. 'Umar advised that they should be beheaded and the execution carried out by each prisoner's Muslim relative. The Prophet followed the counsel of Abu Bakr. The following Qur'anic verse (8.67) may allude to this occasion: 'It is not [fitting] for a Prophet to hold captives until he has made slaughter in the land. You desire the attractions of the world and God desires [for you] the Hereafter.'

### **The battle of Uhud**

Several of the Jewish clans in Madina, despite their treaty of mutual defence with the Prophet, sent secret embassies to the Quraysh to coordinate action against the Muslims. The Quraysh scarcely needed incitement: they were

determined on revenge for their recent humiliation. The death of Abu Jahl at Badr left Abu Sufyan as the chief instigator of war against the Muslims. Within a little over twelve months he was able to send out a well-armed force of 3,000. In the month of Shawwal, 3 AH, this army positioned itself in two flanks below Mount Uhud, three miles out of Madina, where they confronted a Muslim force of 700. Again the Quraysh were out-fought and began to retreat with the vanguard of the Muslims in pursuit. Victory was within the Muslims' grasp. However, as they passed through the enemy camp, some of the Muslims laid aside their weapons to secure spoils. Archers stationed by the Prophet to defend against any cavalry attack from behind the Muslims' main position deserted their posts to do the same. Seeing this opening, the commander of the Quraysh second flank, Khalid b. al-Walid, led a swift charge from behind. The Muslims were ill-prepared to withstand the attack and scattered in disorder. The Prophet himself was wounded, suffering injuries to his head and face. He fell and was briefly hidden from sight. The cry arose that he had been slain.

Some Muslims ran from the battlefield. Others stayed and fought on, not caring to survive the Prophet. Still others stayed on the field, but in a state of such shock at the enormity of their loss that they could make no effort even to defend themselves. 'Umar was among those who suffered the extreme of shock. One narrative of these moments in the battle is attributed to 'Umar himself 'Umar says that Anas b. Nadar approached him and asked how it was with the Prophet. 'Umar answered that he thought the Prophet was slain. Then Anas said it was his duty to God to continue fighting and God was living still and watching him; then he, Anas, fought on against the unbelievers until he was killed.

'Umar and Abu Bakr were among the first to race to the Prophet when he rose and called his Companions. They formed a defensive wall about him. The Muslim forces generally rallied and, fighting with an even greater commitment than before, drove the unbelievers back until they quit the

field.

At Uhud the skill and presence of mind of Khalid b. al-Walid almost won a battle that had been lost for the Quraysh. Though neither side could claim actual victory, and though the losses of the Muslims were far more numerous, with many great men (including Hamza, the Prophet's uncle) slain, the moral triumph belonged to them. The Quraysh had failed to contain, still less reverse, the growing power of the Muslim community. And in a very short time indeed the military skills of Khalid b. al-Walid would be in the service of Islam, not against it.

### **Expulsion of the Banu Nadir**

In 4 AH, 'Umar accompanied the Prophet and Abu Bakr to the settlements of the Jewish clan, the Banu Nadir, to ask for a loan, needed to pay compensation due from two Muslims for whom the Prophet took responsibility. By the terms of their treaty with the Muslims, the Banu Nadir were bound to assist the Muslims. Not only did they not do so, they attempted, during this mission, to have the Prophet 'assassinated. They were forthwith ordered to leave the city, taking all their movable wealth with them except arms and armour. The Banu Nadir at first resisted the order. However, after a brief siege while they waited in vain for help from other Jews and the Quraysh, they complied. Many settled in Khaybar, where they also held extensive lands. From there, their nobles openly sent emissaries to the Quraysh and other tribes across the Peninsula to persuade them to make a joint (and final) attack on the Muslims. An army of 10,000 was assembled and put under the command of Abu Sufyan, who marched once more on Madina in Shawwal of the following year (5 AH).

### **The battle of Khandaq (the Trench)**

The Prophet did not go out to engage this large army. Instead, he elected to defend Madina from within. He ordered a wide trench to be dug around the city, positioning distinguished Companions at various points along the lines

to prevent any breach. This tactic, used for the first time in Arab warfare, wholly baffled the attackers. They maintained a siege and blockade against the city for a full month, attempting now and then to cross the trench. The position along the trench for which 'Umar was responsible is now marked by a mosque bearing his name.

The morale of the besiegers was gradually worn down. In single combat, their champions were invariably beaten; the lines of defence they faced seemed impregnable; and their Jewish allies within the city proved untrustworthy, failing to come to their aid. In fact, Nu'aym b. Mas'ud, one of their trusted emissaries, having secretly converted to Islam, had very skilfully created mistrust between the Jews and the Quraysh. In the end, having achieved nothing at all, the Quraysh and their Arab allies had little choice but to withdraw.

### **The truce of Hdaybiya**

Towards the end of Shawwal in the following year, the Prophet set out for Makka with about 1,400 Muslims, intending pilgrimage. As they neared Makka, they learnt that, contrary to established custom, the Quraysh were resolved to prevent the entry of the Muslim pilgrims. Taking a roundabout route, therefore, the Muslims halted just outside the city boundary at Hdaybiya. The Prophet asked 'Umar to go and negotiate the rights due to them from the guardians of the Kaba. 'Umar pointed out that the Quraysh were his bitter enemies and that there were none of his clan present in Makka to support him. At his suggestion, 'Uthman, several of whose relatives and friends were in Makka, was deputed instead.

Some days passed without the return of 'Uthman. The Muslims had to presume that the Quraysh had killed him. The Prophet made all the Muslims individually take an oath of allegiance by which they vowed to fight the unbelievers. 'Umar was already arming himself when he learnt of this and hastened to the Prophet to make his pledge.

This demonstration of absolute resolve must have inclined the Quraysh to reflect and, after reflection, to negotiate. The negotiations were both tense and protracted. Their outcome was a ten-year truce between the two parties.

According to the terms of Hdaybiya, normal contacts between the Muslims and the Quraysh and their respective allies were henceforth permitted and acts of war prohibited. However, the Muslims had to turn back from Makka, not being permitted to make the pilgrimage until the following year. Also, during the period of the truce, any associate of Quraysh who defected to the Muslim side must be returned to them, but any Muslim who defected to the Quraysh would not be returned. The apparent inequity of this arrangement incensed 'Umar, who felt that the Muslim side had been slighted. He discussed his feelings with Abu Bakr, who assured him that whatever the Prophet decided must be for the best. He then took his reservations directly to the Prophet:

'O Prophet of God, are you not the Messenger of God?'

'Without doubt I am.'

'Are not our enemies idol-worshipping polytheists?'

'Without doubt they are.'

'Why then should we suffer our religion to be humiliated?'

'I am God's Messenger and I do not act in contravention of His commands.'

(Ibn Hishani, 3:331)

'Umar could not have imagined that any convert to Islam would return to unbelief if returned to the Quraysh. What troubled him, knowing well the arrogance of the idolaters, was that they could present the terms of Hdaybiya as a victory over Islam. He repented for the rest of his life that he had questioned the judgement of the Prophet and strove to expiate the sin by prayers and fasting, alms-giving and emancipating slaves. On the way back to Madina, the Prophet received revelation of sura *al-Fath* (Victory) and recited its verses to 'Umar and so eased his heart: 'We have opened wide for you the gates of victory...' (48.1) (Ibn

Hajar, 7:560).

The renewal of normal contacts between the Muslims and the unbelievers provided, for the first time, an opportunity to present Islam in practice as well as precept, and without the background of belligerence. more people accepted the faith in the next two years than had accepted it in the previous eighteen.

### **The battle of Khaybar**

The terms of the truce did not embrace all the Arab tribes, and the same Jews who had instigated the failed battle of the Trench sought and found other allies than the Quraysh. In 6 AH they persuaded the Banu Sa'd to make war on the Muslims: this effort, too, failed. The Jews then allied with the clans of Ghatafan, whom they urged to the battlefield while themselves preparing war from behind the substantial towers and fortifications of their strongholds around Khaybar.

In 7 AH, the Prophet led out a force of 1,600 against Khaybar. Abu Bakr and 'Umar on separate occasions commanded valiant but unsuccessful assaults on the fortifications. A breach, and decisive victory, were finally achieved by Ali. The Prophet distributed the lands of Khaybar among those who had fought in the battle. 'Umar set aside his share as a *waqf* or charitable endowment-the first such endowment in Islamic history.

### **The conquest of Makka**

Two feuding tribes, Khuza'a and Bakr, had stopped fighting under the terms of Hdaybiya. In the year 8 AH, the Banu Bakr, allies of the Quraysh, re-opened hostilities. The Quraysh abetted them in their war to the extent of even harrying Khuzaa refugees who sought sanctuary in the precincts of the Kaba. Since the Banu Kbuza'a were under the protection of the Muslims, the Quraysh realized that they had broken the terms of Hdaybiya. Abu Sufyan travelled in person to Madina to plead with the Prophet to renew the treaty. The Prophet listened to him but gave no answer. Abu



Sufyan then appealed to others including Abu Bakr and 'Umar. The latter cut his plea short with stern implacability.

The Prophet made swift preparations to march on Makka. He set out in Ramadan at the head of a force of 10,000, making a halt a little way from the city. 'Abbas, who had been sent on ahead to offer terms, met with Abu Sufyan and persuaded him to accompany him back to the Prophet where he, 'Abbas, would plead for him. 'Umar saw the two approach and, guessing 'Abbas' purpose, asked the Prophet's leave to 'behead this enemy who has after so long fallen into our hands' (Ibn Hisham, 4:45). But the Prophet granted Abu Sufyan his life, entered Makka unopposed and extended amnesty to all his former enemies. Inside Makka, he climbed the mount of Safa and delivered a magnificent, moving speech that enabled bitter enemies to become reconciled to each other within the embrace of Islam. The people came in throngs to swear allegiance to him. The idols in the Ka'ba were destroyed.

### **The battle of Hunayn**

The Hawazin were a numerous and wealthy tribe, settled mostly to the east and south of Makka. They were related and allied to the Thaqif, who were the guardians of the shrine to the goddess al-Lat in the fertile and temperate city of Ta'if. The woman who had been a foster-mother to the Prophet when he was an infant came from a sub-clan of Hawazin, the Banu Sa'd b. Bakr. In spite of this connection, all the clans of Hawazin were hostile to Islam and observed the Muslims' growing strength with jealous alarm. Perhaps because they mistakenly supposed that the Muslims' march south from Madina was directed at them, perhaps for some other motive, the Hawazin had assembled a large, offensive force even before the conquest of Makka. The willingness with which about 2,000 Makkans joined the 10,000-strong Muslim force implies that they saw the Hawazin preparations as an opportunistic venture to take Makka.

The Muslims marched southwards from Makka to face

the Hawazin who awaited them in the valley of Hunayn and in the ravines bordering it. After initial success when, once again, some Muslims were distracted into gathering spoils, the Muslims were caught in a well-prepared ambush and caused to retreat in considerable disorder, suffering heavy losses. 'Umar was prominent among the Emigrants who remained steadfast beside the Prophet, as did the Prophet's Makkan kinsmen, Abu Sufyan among them, so recently his bitter enemies. Eventually, the sheer authority of the Prophet's being among the Muslims rallied them and they fought back vigorously. A defeat was, quite incredibly, turned into a victory. The Qur'an (9.25-6) refers explicitly to this battle:

God has given you victory on many fields and on the day of Hunayn when you exulted in your great numbers but they were of no avail to you and the earth, though so spacious, was made narrow for you, and you turned back in flight! Then God sent down His peace upon His Messenger and upon the believers, and sent down hosts you could not see, and punished the unbelievers.

In terms of scale, this was certainly the Muslims' greatest victory so far-as many as 6,000 prisoners were taken.

Following a brief campaign against Ta'if, the Prophet returned to Madina: he had promised the Ansar that Madina was to be his city, not (as they feared) Makka.

### **Epistles; battle of Mu'ta; expedition to Tabuk**

In the year 6 AH, the Prophet had conveyed to neighbouring rulers and kings written letters inviting them to accept Islam. His emissary to the Persian court was treated with great arrogance. The Persian Emperor regarded all Arabs as his vassals. Outraged at being offered advice by 'a slave', he tore up the Prophet's letter and issued an order to his governor in Yemen that the Prophet should be arrested and brought to the imperial court. However, shortly thereafter, the Emperor was murdered by his son and no attempt was made to carry out this threat.

The Prophet's emissary to Heraclius, the Roman emperor, was waylaid, abused, and robbed on his return journey, in the territory of the Syrian Arab tribe Jadhah. The emissary to the territory of Basra was also put to death. In all, some fifteen of the Prophet's emissaries were killed by tribesmen belonging to the Ghassan tribe or their associates and allied clans. To check these abuses, the Prophet in 8 AH sent out an army of about 3,000 against them, no doubt aware that they could at any time call on the armies of their patrons, the Romans. On the march, the Muslims became aware that the Arabs had indeed been reinforced in strength by regular troops of the Roman army. Nevertheless, they pressed on towards the Dead Sea, where, against overwhelming odds, they faced annihilation. Three of the closest and most distinguished of the Prophet's Companions were slain: Zayd h. Harith, Ja'far Tayyar and Abdullah h. Rawaha. When command passed to Khalid b. al-Walid, now a believer, the Muslims were able to organize and effect a retreat with few further losses. After this, the battle of Mu'ta, Khalid was honoured with the title (*Saiful-lah*) 'Sword of God'.

The threat from the Ghassanis and their allies persisted. Indeed, a rumour spread among the Muslims that the Roman emperor, following successful campaigns against the Persians in Syria and Palestine, was preparing an invasion of Arabia. The Muslims had witnessed at Mu'ta the organization and depth of power in men and equipment of the Roman forces. The Prophet urged the believers to provide and equip an army capable of responding to this danger. Most of the Companions who had means contributed large sums of money, 'Umar donating no less than half of all his wealth. In 9 AH, the Prophet marched the Muslims out at great speed in the hottest season of the year. At Tabuk, they awaited the Roman invasion: it never came—possibly the Romans had been deterred by the demonstration of resolve and discipline, or the rumour of invasion had been ill-founded.

## **The Prophet's farewell pilgrimage**

In the following year (10 AH), the Prophet received deputations from all parts of Arabia and people embraced Islam in their thousands. Also in this year, the Prophet made his last pilgrimage to the House of God in Makka. For the first time in centuries, only God was worshipped at this shrine, according to the tradition of Abraham. During the rites at 'Arafat, the Prophet delivered his last sermon, urging the Muslims to unity, equality, and brotherhood, to hold fast to the Qur'an and his example, and to secure each other's rights.

## **The Prophet's illness and death**

The Prophet completed preparations for a military expedition against the Romans in the month of Safar, 11 AH, and appointed the very young Usama, son of Zayd b. Harith who was killed at Mu'ta, to command it. However, this expedition had to be postponed when the Prophet fell ill. He suffered an intense but intermittent fever. Sometimes he was too unwell to attend prayers in the mosque—he indicated that Abu bakr was to take his place and lead the worshippers. At other times, including the very morning of his death, he was well enough to watch the people at prayer—his profound contentment at this sight was reflected on his face.

The Prophet's illness lasted some thirteen days in all, during which time, when well enough, he was often able to summon his close Companions to console and counsel them. Only two days before his death, he had recovered sufficiently for Abu Bakr to return to his home, two miles from Madina. 'Umar was near the Prophet up to his last moments.

The Prophet died at about midday on Monday, 12 Rabi' I Avval, in the apartment of his beloved wife, 'Aisha. He was buried in the same place a little after noon on the next day. The most widely accepted tradition is that 'Umar could not bear, and therefore would not believe, news of the

Prophet's death. He is reported to have gone to the Mosque and threatened to slay anyone who said that the Prophet was dead.

'Umar will have understood better than most what the implications of the event were. It meant that the Muslims must now carry the responsibilities of Islam without the support of direct Divine guidance if a new situation arose, and a new situation would arise. It meant that, in a rapidly expanding community, unity and equity and justice must somehow be maintained between individuals and tribes without the arbitration of a man whose judgement was informed and supported from the Unseen. Bearing in mind also 'Umar's moments of near paralysis at Uhud and given that his intense love for the Prophet might not, for a few moments at least, allow him to endure the certainty of separation, it is possible that he did make such a threat.

Another way to construe what 'Umar is reported to have said is not to regard it as an outburst but as a warning, from one whose opinion carried great weight. 'Umar may have feared that those whose allegiance to Islam was shallow or even false could use the occasion of public disquiet and uncertainty to create disorder. Therefore, he forbade the news to be carelessly publicized until the question of where overall authority now rested had been settled.

### **The question of the succession**

The potential for disorder and disunity was considerable. The issue of who was to carry the responsibility for the future of Islam and the Muslim community was urgent. While there were, no doubt, many individuals who might have desired power for its own sake, those who could be believed to seek that responsibility in order to serve Islam fell into three groups. There were, first, the Emigrants, of whom the most senior figures were Abu Bakr and 'Umar, and who could command the allegiance of the Quraysh tribe as a whole; second, the Ansar, the Muslims of Madina, who had supported the Prophet's

mission from before the battle of Badr and whose spokesman was Sa'd b. Ubada, the chief of the Banu Sa'ida; third, the Banu Hashim, the Prophet's own clan, led by 'Ali, who was respected for his piety as well as his heroism on the battlefield and who enjoyed the distinction of being the father of the Prophet's beloved grandsons, Hasan and Husayn.

It could not be expected from the senior figures of any of these groups that they should indulge in personal lamentations for the Prophet when the future of the mission to which the Prophet had devoted his life might be jeopardized by their doing so. What is troubling is that any of them should have reflected upon the discharge of their responsibility separately from the others. Even before the Prophet's body had been buried, the Ansar gathered in the meeting-place of the Banu Sa'ida, and Zubayr, 'Abbas and others who supported Banu Hashim met with 'Ali in the house of his wife, Fatima, the Prophet's daughter.

Different narratives of the events in the traditions give different perspectives, further complicated by looking back upon those narratives through the troubled history that followed them. Here, it is only fitting to give special place to the perspective of 'Umar, insofar as records of it are available.

Abu Bakr hastened, as soon as the news reached him, to the apartment of his daughter Aisha. 'Umar was already there or was admitted subsequently. According to the account in the Musnad of Abu Ya'la, a man called from outside asking 'Umar to come to him. 'Umar asked to be left in peace as they were busy in making arrangements for the Prophet's funeral. On the man's insistence 'Umar did go out and learnt that the Ansar were gathering in force at the hall of the Banu Sa'ida. Lest the Ansar should do something that might lead to war, 'Umar persuaded Abu Bakr to accompany him to their gathering. Other senior Emigrants also attended (Ibn Hajar, 7:36).

There, they duly acknowledged the very great sacrifices that the Ansar had made for the cause of Islam but explained also that there were now many and diverse Arab tribes who had embraced Islam and who, for generations past, had not accepted the pre-eminence of any tribe except the Quraysh. Likewise, the Quraysh as a whole would not suffer to be led by anyone from the Ansari tribes. Thus, if the Ansar claimed to succeed to the authority of the Prophet there was bound to be disunity. 'Umar then praised Abu Bakr, whom the Prophet himself had chosen to accompany him in his Emigration from Makka and whom he had appointed to lead them all in prayer. Who would consent to pray behind any other person if Abu Bakr was one of the assembly? Finally, 'Umar put his hand in the hand of Abu Bakr and swore allegiance to him, other senior Emigrants followed his example and then the Ansar likewise.

The narrative of these events as recorded in Bukhari, where it is attributed to 'Umar himself, very particularly notes the threat of political factionalism at this time, with the Ansar and Ali, Zubayr and their followers forming two distinct groups so that, thereafter, the Emigrants formed a third (Bukhari, 8:541).

Though 'Ali was profoundly saddened by the way that the election of Abu Bakr had been presented to him, namely as a fait accompli, eventually he too was reconciled to it. Following his decision to accept Abu Bakr, others of the Banu Hashim and their supporters acquiesced also. For the time at least, 'Umar's forceful and decisive conduct had prevented discord.

### **Abu Bakr and the succession of 'Umar**

The rule of Abu Bakr lasted just two years and three months (10-12 AH). These years were marked by campaigns against apostates and false 'prophets', and the launch of expeditions, as intended by the Prophet before his death, in the direction of Iraq and Syria.

Abu Bakr was certain in his own mind that he wished

'Umar to succeed him. However, he consulted with senior figures before making his choice known. No one doubted that 'Umar was the most able man for the task. However, several of those consulted expressed the reservation that 'Umar's severity of temperament might cause conflict. Abu Bakr argued that the perceived severity of 'Umar was a proper counterbalance to the perceived gentleness of his own style, and that, once in office, they would find 'Umar's manner much changed. A document of testament was duly prepared and read out in public. Abu Bakr then asked the assembly if they accepted his nomination of 'Umar. They did.

Abu Bakr died in the month of Jumada II in 13 AH. Before his death, he called 'Umar to him and offered him much impressive and valuable advice to serve him in the discharge of his responsibilities as Caliph. At one time one of the chief persecutors of the believers, 'Umar had now become their supreme commander. ■



# PARADIGM OF ULTIMATE PIETY

S.M. Rabey Hasani Nadwi\*

The holy Prophet (pbuh) was deputed by the Almighty as His messenger, preacher, guardian for the entire humankind upon earth, and their leader with unparalleled qualities of casting an instant and lasting influence upon anyone, except for those harbouring deep rooted grudge. Just as much as a glance upon his glowing visage or a few of his invaluable utterances would suffice for anyone to become his devotee. Examples of persons embarking upon his (pbuh) annihilation, more out of ignorance than enmity and ending up as devout muslims, simply upon hearing a few words of the prophet (pbuh), abound in recorded history.

Ever since a young age, he was reputed to be a trustworthy custodian of whatever people left to his care. This was much before bestowal prophethood, his counsel was considered reliable in solving problems or in matters of dispute.

During a renovation of the holy Ka'aba, a difference among Qureish arose about the privilege of placing *hajr-i-asvad* (the revered black stone) to its appointed site. A senior citizen among them suggested that whosoever reached the precincts of Ka'aba first the next morning, should be assigned the job. By dint of chance, it was none other than Mohammad (pbuh) who made it first and hence was accepted as the unanimous choice for the coveted task. He (pbuh) devised a unique methodology; arranged for a sheet of cloth and placing the black stone upon it, asked one representative of each clan to hold it aloft, simultaneously, and carry it to its assigned spot. He then himself lifted *hajr-i-asvad* to the actual site. The procedure not only provided equal honour to all groups, but earned all round acclaim.

When Mohammad (pbuh) was chosen by God as His prophet and pronounced the Divine message publicly, the

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\*Rector Nadwatul Ulema Lucknow.

maintained an attitude as if he was not even aware of such an admonition.

Once the Prphet (pbuh) aimed a whipchord towards his mount but it, advertantly, struck the back of one of the associates. Without as much as offering an explanation for the act to be unintended and hence excusable, He (pbuh) exposed his back for the associate to take revenge. The associate, for from going ahead, kissed the back in profound revrence, saying that he had long been looking forward for such rare opotunity.

A lady was once accused of theft and her kin sought exemption from punishment, to which the Holy Prophet (pbuh) replied that the edict of Allah has to be compiled with and that he would rule the same even if it were for his own beloved daughter, Fatima (rah).

The same daughter, under hardships of domestic chores, with callous on her palms and fingers, requested for one house-maid from among those being provided to muslims at large. The Prophet (pbuh), his extreme love and affection not with standing, surmised that the bounties in the here after shall far out weigh the comforts in this wold and advised for her to pray and recite eulogy to Allah, continuously.

An infant son of the Prophet (pbuh), named Ibrahim, passed away and perchance, a solar eclipse occured simultaneously, which some persons of infirm belief, attributed to the sorrowful demise. The Prophet (pbuh) declared promptly and unequivocally, that such phenomenon have no relevance and both occurences are separately willed by God and despite his extreme personal grief, brooked no infringement in Oneness (*tawheed*) of God. The only outward symptom of his deepsorrow were the tears that welled up from his eyes but not a word beyond the pleasure of Allah was uttered: "Your departure, O Ibrahim, grieves me no end."

His daughter Hazrat Zainab (Raz) sent words about

entire population turned hostile to him (pbuh) to the extent of subjecting him to hardships. Yet, such was the reputation of his integrity that those who had entrusted their valuables to his custody had not the slightest doubt about their safety. Ultimately when the holy prophet (pbuh) migrated from Makkah, under trying circumstances, each and every person received his possession intact.

While expounding the message of God and inviting people to the fold of Islam, the holy prophet (pbuh) never used by any harsh words or recourse to coercion. He would explain to them the concept of *tawheed* (unity of God) and elucidate the Divine message amicably that it sank in smoothly, obviating the slightest show of offence from any quarters.

During one of the confrontations with combatant non-believers, he (pbuh) suspended his sword from a tree and relaxed in its shadow, dozing off a bit. An opponent sensed the opportunity and, sword unsheathed in hand, accosted the Prophet (pbuh) as to where was any power on earth to protect him at this stage. Prompt reply from prophet was "Allah". The opponent trembled, his sword slipping off was picked up by the Holy Prophet (pbuh) who repeated back the idotator's question. There was no go for the latter but to beg for pardon. The Prophet (pbuh) inquired whether he would embrace Islam, to which the reply was in negative but a promise never to harm or oppose the Prophet (pbuh) was made. He was let off without any chastisement or compulsion.

The holy Prophet (pbuh) always treated his associates (*Sahaba*) most affectionately and in a brotherly manner, sharing with them, both turmoils and joy, seeking advice, without any ostentation of the superiority which was bestowed upon him, in explicit terms, by the Almighty, who in his Holy Book advises all and sundry to keep their vice lower than that of the Prophet (pbuh) and guard against any act which might aggrieve or inconvenience him. While the associates complied scrupulously, the prophet himself

her infant child being in the throes of death. The Prophet (pbuh) reached the place, took the child in his lap and upon seeing the soul take flight could not control his tears. Questioned by an associate, he replied that the tears represented the tenderness ingrained by the Almighty, who Himself was kind to those who are kind of heart.

The visit to Taif was described by himself (pbuh) as one of the most tortuous incidents of his life. He pleaded with Allah for protection against a most cruel enemy, yet would not deter from the venture as it was His will and for remedies looked up only to Him.

Such was the character of the Prophet (pbuh) (*uswa-i-hasanah*), that given all frailties and strength as integral to human nature, he would on no account demit faith in God and path of contentment: a shining and eternal beacon for all human kind.

May the Almighty shower all his blessings upon the Prophet (pbuh), his household, his associates and the true believers. ■

English rendering: Mashhoon Ahmad.

# 'TAQLID' IS INEVITABLE

S. Abdur Rahim Lajpuri

**Question:-** Will Maulana Mufti Abdur Rahim be pleased to guide us in the following matters:

(1) That a person in Bharuch city claims to have adopted 'Ahle Hadith'(\*) school of thought, raises both of his hands while performing *salaat* (at various steps) and says "Aameen" aloud. Our Hanafi brothers call the act an innovation in religion (*Bid-'ah*) Do such acts form Sunnah OR *Bid-'ah*? Please explain with reference to books of Hadith.

(2) He also claims that the act of raising both hands during *salaat* is established from the Sunnah of the Prophet (*sallallaho 'alaihi vasallam*) and four Orthodox Caliphs. It is reported in Hanafi Book '*al-Hidayah*' (Vol-1/Page-379) that the Prophet (*sallallaho 'alaihi vasallam*) performed this act till his death and the act of saying 'Aameen' aloud is also found in the same book on page-362. Therefore, please guide us about the legal position of these two acts with references. {a letter from BHARUCH}

**Note:-** Later inquiries revealed that the guidance-seeker too joined the group of non-Muqallids. He himself has been addressed in the reply.

**Answer:-** The question penned down by the guidance-seeker in Urdu language contains 13 lines with 25 linguistic mistakes. It was later learnt that he too joined the group of non-Muqallids. The standard of letter written in his own language speaks volumes about the knowledge he possesses. How can such a person read, Arabic language? Anyone can guess it. The revered scholar of Islam Imam Ghazali says: "The masses should strongly hold unto the Islamic faith, discharge their religious duties and sincerely attend to their livelihood-related obligations. They should not engage in arguing Shariah-law matters and better leave

it for the scholars (Ulema). Such meddling is a more heinous crime than committing a robbery or adultery. A person who does not possess perfect and comprehensive knowledge of religion but makes an attempt in a sea, full of tidal waves. "(1) The faithful in general should know their duties, attend to them and avoid discussing the intricacies involved.

It is reported in a Hadith that once a person approached the Prophet (*sallallahu 'alaihi wasallam*) and asked about the peculiarities of knowledge. The Prophet is reported to have inquired: (1) How much do you know about Allah? (2) How many rights of Allah you have attended? (3) Have you acquired knowledge about death? (4) Are you prepared to face death? Finally, the Prophet (*sallallahu 'alaihi wasallam*) told him to go and strengthen his foundation (of faith) and come back to learn about the peculiarities of knowledge. (2) Prophet (*sallallahu 'alaihi wasallam*) is reported to have foretold that a period will come, the people will take the illiterates as their leaders and seek their guidance in religious matters. Not possessing the desired knowledge, they will deliver religious decrees (Fataawa) and lead the masses away from the path of Allah. Such being the situation, becoming a non-Muqallid by discarding the FOUR truthful schools of Islamic theology viz. Hanafi, Shaafa'i, Maliki and Hambali, describing the act of *Taqlid* by the scholars as untruthful and alleging these prominent Imams of Jurisprudence to be forming their own opinion against that of Quraan and Hadith amounts to an unjustified, illegal and un-Islamic act, and exhorting the faithful to stray away from the truthful path of Allah. It is also not correct to call such people '*Ahle-Hadith*', just like calling the group of persons discarding Hadith as '*Ahle-Qur-aan*' is wrong. Such claims tantamount to misleading themselves and the common faithful at large. The leader of non-Muqallids Mohammed Hussain Batalwi writes: "There is no escape-route for and absolute non-jurist common individual from the Islamic jurists under any circumstances."

He has further explained it in page-53 of the same

book as under: "During the past twenty-five years we have seen several persons who have declared themselves as absolute Jurist-scholars and discarded *Taqlid* finally saying 'good-bye'; the others, became absolutely free from religion and finally atheists. They see nothing wrong in behaving playfully with shariah laws. While some of these self-declared righteous neglect important heavenly obligations like *salaat*, fasting in Ramadhan month, congregation and Friday prayers, some do not hesitate from engaging themselves in serious forbidden acts like usury, liquor etc. A few though safe from such open rebellious acts, get themselves involved in hidden forbidden acts such as soliciting of women etc. There are various acts liable to become a source for moving away the religious one from the truthful path of religion. Discarding of *Taqlid* due to ignorance is the main reason why the faithful become devoid of religion.' One of the reformers of 'Ahle-Hadith' group Nawab Siddiq Hassan Khan writes about his people as follows:-

"A section among the people has emerged these days interested in putting up pomp and propaganda; ignorant of religion but claim to be the beholders of Qura'n and Hadith. The fact is they are awkwardly devoid of religious knowledge, deed and righteousness. It is surprising that non-Muqallids proclaim themselves to be puritans but label the Muqallid as polytheists and innovators in religion. The truth is these non- Muqallids themselves are most intolerant fanatics. They practice no religion and are instead spreading hatred, discord and destruction."

### **Spiritual Leaders- on Non-Muqallids:-**

Renowned scholar of Hadith and spritual leader Shah Waliullah Mohaddith (*Rah*) of Delhi has very authoritatively discussed the subjects as follows:

"There is a great amount of sagacity for the Ummah in *Taqlid* and destruction in its denial. Prophet (*sallallaho 'alaihi vasallam*) is reported in a Hadith as having ordered the faithful to follow the larger section of the Ummah. Since

the Muqallid form a very large section, the act of *Taqlid* is in total means helpful in safeguarding one's faith and everlasting future".

It is amply clear from the above referred quote that Shah Waliullah of Delhi is calling the Muqallid, those following any of the FOUR schools of Islamic theology as belonging to the 'larger section of Ummah' while the non-Muqallid have been treated as free birds and followers of their desires. Prophet Mohammed (*sallallahu 'alaihi wasallam*) has set a clear path of guidance on the subjects through the following Ahadith (as explained below):

- (1) Ensure, you are with the larger section of Ummah (in observance of religion).
- (2) You must always be with the congregation.
- (3) Verily Allah will not let my Ummah reach consensus in matters leading towards their straying away from the truthful path.
- (4) There will never be a consensus in my Ummah in adopting systems leading them towards straying away from Allah.
- (5) Be cautious during dispute among the faithful in religious matters. Ensure that you are with the group of Ulema and the ritheous as Allah's help will be only with the congregation (of rihteous) always. Those parting their way will be landing in the fire of Hell.
- (6) Satan is a wolf for human-beings (looking for a chance to pounce at once) in the same way as the wolf is for the sheep. A sheep separated from the herd is an easy prey for it. So be sure that you are always with the congregation of righteous or else you are bound to perish.
- (7) Whosoever distances himself from the main-stream of the faithful (even as little as a foot) mind that he has got himself out of the Islamic fold.
- (8) Two persons (coming together on a decision in religious



matters) are better than one, three are better than two and four are better than three. You should indeed always be with the majority (of the righteous as Allah ensures such agreement only on truthful path).

(9) Who-so-ever frees himself from the obedience (of Allah); distances himself from the gathering (of the faithful) will die like a pagan (Nisai through Abu Hurairah(raz.)

(10) Who-so-ever is liked by the faithful, will surely be liked by Allah.

### **Shah Waliullah (Rah)-on Non-Muqallids:-**

Shah Waliullah Mohaddith Dehlavi (Rah) had been a great scholar of Hadith, Juriprudence and shariah laws. The leaders of Non-Muqallids Maulana Siddiq Hasan Khan places Shah in high esteem and says: "Had Shah Waliullah happened to be born during the start of the Islamic era he would have been declared as Imam and leader of Islamic jurists and an expert of shariah laws." Stressing the relevance and importance of *Taqlid*, Shah Waliullah (Rah) has written thus:

- (1) "Till the formal launch of four schools of Islamic theology in the post-Companions (of Prophet) era the faithful used to follow the contemporary Islamic jurists and had never overlooked its importance. Had the *Taqlid* been irrelevant, it would have surely been opposed by the scholars then."
- (2) He also quotes from Imam Baghawi (Rah) as under: "A person who does not qualify to be a jurist in Islamic law must follow a jurist in all his affairs and problems."
- (3) He adds: "And the wisdom warrants one should observe any one of the FOUR schools these days to be more specific, as the submission to (divine injunctions) is becoming difficult day by day than meekly surrendering to self-desires. This rebellious behavior for them is rather becoming a matter to boast upon."

- (4) He adds further: "The faithful started following any one of the four schools of thought after the second century (AH). Quite a few people remained out of this mainstream.
- (5) He adds further: With a formal compilation of the books under the FOUR distinct schools of Islamic shariah laws, the faithful were unanimous in following these scholars. The unanimity continues till this day (and any deviation from the accepted system is only to stray away from the path of Allah)."
- (6) Adherence by the faithful to any of the schools organized by the FOUR distinguished Jurists viz: Imam Abu Hanifa, Imam Malik, Imam Shaafa-'i, and Imam Hambal (Rah) carries inherent reasons as it." It is irrelevant whether those great scholars themselves were aware of the secret and wisdom behind the divinely arranged consensus on *Taqlid*.
- (7) "A person not well-versed in *shariah* matters and living in a place like the Indian sub-continent (where a majority follow the Hanafi school) where either the relevant books nor any acholar of Shaafa-'i, Maliki or Hambali schools are available to guide, must follow Imam Abu Hanifa (RAh) only. It is unlawful for him to discard *Taqlid* of Imam Abu Hanifa in such a situation.
- (8) Though Shah Waliullah was himself a Jurist, he was directed by the Prophet (*sallallaho 'alaihi vasallam*) to adopt *Taqlid* path, as narrated by Waliullah himself in his book "*Fuyoozul Harmain*" thus: "I did receive clear directions on my own. The second of these three issues is I was directed to be within the *Taqlid* of any of the FOUR Imams."
- (9) Prophet (*sallallaho 'alaihi vasallam*) enlightened me about one system adopted in Hanafi school which is comparatively more in conformity whth one of his traditions as compiled and projected by Imam al-Bukhare (Rah).

Following is a brief assertions made by Shah Waliullah (Rah):-

- (1) *Taqlid* was wide spread during the periods of the Companions of Prophet (*sallallaho 'alaihi vasallam*) and then among their followers.
- (2) To be with any one of the FOUR schools is absolutely like being with the larger section of the Ummah. Disregarding these groups is discarding the mainstream and destined to result in straying away from the path of Allah.
- (3) The act of observing *Taqlid* started during the second century A.H.
- (4) Observing of anyone of the FOUR Imams is a divine secret known to Allah only (as it was so systematically arranged by these great, pious souls).
- (5) *Taqlid* enjoys unanimity in the Ummah.
- (6) *Taqlid* is binding on every common faithful who lacks expertise in the Islamic Jurisprudence.
- (7) *Taqlid* possesses in itself numerous advantages and benefits related with religion for the common faithful.
- (8) Prophet Mohammed (*sallallaho 'alaihi vasallam*) has ordered me to adhere to any one of the FOUR schools of Islamic law.
- (9) The Hanafi school is more in conformity to the known procedures and traditions of Prophet and this was confirmed by the Prophet himself.
- (10) It is prohibited for a common faithful to step out of the fold of *Taqlid*. It may even become a precursor for stepping out of the fold of Islam as sternly warned by the spiritual leader of non-Muqallids Mohammed Hussain Batalvi earlier. Thus these assertions are important like 'the Ten Commandments' for the faithful.

The non-Muqallids deceitfully make the common man

believe that the learned scholars of Hadith belong to their tribe and that they were also not following any of the FOUR schools of Islamic law. The truth is barring a few, a vast majority of these scholars were strong followers of any one of the FOUR schools, as evident from the following summation:-

### **Scholars of Hadith were Muqallid:-**

The greatest of the scholars of Hadith Imam al-Bukhari (Rah), a Jurist by himself is reported to be a Muqallid and follower of Shafa-i school. The spiritual leader of non-Muqallids Nawab Siddique Hassan Khan (Rah) of Bhopal has written in his book "al-Hitta Fi Zikre Sahaah al-sittah" quoting Imam Abu 'Aasim (Rah) that the Imam al-Bukhari was a Shaafa-i. He further writes in the same book (in chapter 6 Page-127) about another great scholar of Hadith Imam Nisaa-i as follows:

"Imam Nisaa-i was a stalwart in religion, pillar of the sciences of Hadith and leader of his contemporaries. His exemplary capabilities in the field of Islamic law were most trustworthy among the scholars of Hadith. He was a follower of Imam Shaafa-i (Rah). He further writes about another scholar of Hadith, Imam Daood (Rah) as under:" Imam Daood had memorized sayings of Prophet (*sallallahu 'alaihi wasallam*) and attained total mastery over their authenticity. He was a perfect blend of piety and knowledge, well known for his expertise and skills in Islamic jurisprudence and enjoyed a high esteem. Though people disputed about the specific school of thought he followed, nevertheless it is established, he observed *Taqlid*." The other scholar-compilers of Hadith viz; Imam Muslim, Imam Abu 'Eisa al-Tirmidhi, Imam Daar Qutni, Imam al-Baihaki and Imam Ibn-Maajah (Rah) were all Muqallid and to be precise Shafa-i. Similarly Imam Yahya ibn Mo'een, Yahya ibn Sa'eed al-Qattaan, Yahya ibn abi Zayeda, Waki'e ibn al-Jarraaah, Imam al-Tahhaawi, Imam al-Zailwi (Rah), all scholars of Hadith were Muqallid and followers of Hanafi school. Further, great scholars like Ibn Zahabi, Ibn Taimiyyah, Ibn

**Qaiyyim, Ibn al-Joozi and Sheikh Abdul Qadir Jeelani (Rah)** all belong to Hambali school of theology.

### **Renowned Spiritual Leaders, Saints were Muqallid.**

Most of the great men of knowledge and piety were well known Muqallid, following anyone of the schools of Islamic law. Had '*Taqlid*' been an innovation in religion and a prohibited act as alleged by the opponents how come it was so widely adopted by them? But for a few (like Daood Zahri, Ibn Hazm etc.) all the scholars and spiritual heads have been *Muqallid* of any one of the FOUR Imams. The distinguished Ulema, experts in Hadith, spiritual heads and great saints of the past in India, all had been strong Muqallid and almost all were the followers of Imam Abu Haneefa. To name a few among them are:- Shaikh' Ali Muttaqi, author of '*Kanz al-'Ummal*' (expired:975 A.H.); Shaikh Abdul Auwwal Jaunpuri, author of '*Faiz al-Bar*', a commentary on *Saheeh al-Bukhari*, Shaikh Abdul Wahab Burhanpuri (exp.1001 A.H.); Sahikh Mohammed Taher Patni Guajrati, author of '*Majma-'ul-Bihar*' (exp.987 A.H.); Mulla Jeevan Siddiqi Mohaddith of Delhi, author of '*Ashi-'atul Lama'aat*' (exp.1052 A.H.); Mohaddith Shaikh Noor al-Haq, author of '*Taiseer al-Qaari*', and '*Hisn-e-Hisseen*'; Mohaddith Shaikh Salamullah, author of '*al-Mohalla*', a commentary on '*al-moattaa*' (exp.1229 A.H.); Shah Abdul Rahim Mohaddith of Delhi; Shah Waliullah Mohaddith of Delhi (exp.1239 A.H.); Shah Abdul Qadir Mohaddith of Delhi, author of commentary on Qur-an (exp.1232 A.H.); Shah Abdul Ghani Mohaddith of Delhi (exp.1296 A.H.); Shah Ishaq Mohaddith of Delhi (exp.1262 A.H.); Shah Ismail Shaheed (exp.1246 A.H.); Shah Qutbuddin, author of '*Mazaaher-e-Haq*' (exp.1289 A.H.); Shah Rafiuddin, Mohaddith of Delhi (exp.1282 A.H.); Qazi Mohibbulah Bihari (exp.1119 A.H.); author of the famous book on fundamentals of Islamic jurisprudence '*Musallim al-Tuboot*'; the eminent Mohaddith Qazi Thanau-ullah of Panipat (exp.1225 A.H.); Imam Nooruddin Ahmedabadi Hanafi Gujarati, author of '*Noorul Qari*', commentary on '*alBukhari*' (exp.1155 A.H.); Saikh

Wajihuddin 'Alawi Gujarati Hanafi' (exp.998 A.H.); Mohaddith Mufti Abdul Karim Naharwani Gujarati, author of '*Nahral-Jaari*' a commentary on '*al-Bukhari*' (exp.1041 A.H.); Mohaddith Mohiuddin Abdul Qadir Ahmedabadi Gujarati (exp.1038 A.H.); Mohaddith Khairuddin ibn Moahammed Zahed al-Soorati (exp.1206 A.H.); 'Allama 'Abdul 'Aali of Lucknow, author of commentary on '*Musallim al-Thuboot*' (exp.1225 A.H.);Abul Hasanaat' Allaama Abdul Hye of Lucknow, author of several books (exp.1304 A.H.); Mohaddith Ahmed 'Ali Saharanpuri, author of foot-notes on *al-Bukhari* (exp.1297 A.H.); founder of Darul-Uloom at Deoband, Moulana Qasim Nanotvi (exp.1298 A.H.); the eminent scholar of Hadith Rasheed Ahmed Gangohi (exp.1323 A.H.); Mohammed Yaqub Nanotavi Mujaddadi (exp.1302 A.H.); Mohaddith Faqrul Hasan Gangohi (exp.1307 A.H.); Shaikhul Hind Mahmood Hasan Deobandi (exp.1399 A.H.); the eminent scholar of Hadith, 'Allaama Anwar Shah Kashmiri (exp.1352 A.H.); Mohaddith Khaleel Ahmed Mohajir Madani, author of '*Badhlul Majhood*' a commentary on 'Abu Daood' (exp.1346 A.H.); Mohaddith Shabbir Ahmed Othmani, author of '*Al-Muslim*' a commentary on '*Saheeh al Muslim*' (exp.1369 A.H.); (Rah) etc.

### **Ulema from Sind Region:**

Mohaddith Shaikh Abul Hasan Sindhi (exp.118 A.H.);Shaikh Hashim Sindhi, Abu al-Tayyab Sindhi (exp.1140 A.H.); Shaikh Mohammed Moin Sindhi (exp.1180 A.H.); Shaikh Mohammed Abid Sindhi(exp.1257 A.H.); Shaikh Hayaat Sindhi (exp.1163 A.H.); the prominent writer of foot-notes to the six most prominent and several other books in Hadith and teacher in Madina al-Munawwara (*Rah*) etc.

### **Prominent Saints (Aulia) of India:**

Imam Syed Ahmed Mujaddid al-Alf al-Thani al-Naqhbandi (*Rah*) (exp.971 A.H.); Mohaddith Mirza Mazhar Jaan-e-Jaanan (exp.1195 A.H.); the head of Indian saints

Khwaja Mo'eenuddin Chishti (exp.632 A.H.); Khaja Bakhtiyar al-Ka'aki (exp.633 A.H.); Khaja Fareeduddin Ganj Shakar (exp.644 A.H.); Khwaja Nizamuddin Auliya (exp.735 A.H.); Khaja 'Alauddin Saber kaleeri (exp.690 A.H.) (*Rah*) etc. were few among the thousands of highly learned scholars, commentators of Qur-aan, masters of Islamic laws and the spiritual leaders who adopted *Taqlid*. For more details the reader may refer books like '*Nuzhatul Qawatir*', '*Hadaaiq-e-Hanafiyyah*', '*Tazkira Moahaddithin*', and part-II of the fore-word to '*Anwaarul Baari*'.

### **What is common between Non-Muqallids & Shia?**

The system of *Taqlid* among the faithful, its getting confined to the FOUR eminent Imams and its endorsement by great majority of truthful scholars is a great boon from Al-mighty Allah. The Ulema and scholars have been making it clear for the faithful all the time that none should try to distance himself from *Taqlid* and adopt self-explained systems in life as it is tantamount to an act of innovation in religion. It can never be an act of *Ahle-Sunnah*. Certainly it was the Shia who were the first to contest *Taqlid* and call it an innovation (*Bid-'ah*) in religion. The Non-Muqallid are no doubt following the foot-steps of Shia by calling *Taqlid* an act of innovation in religion and endorsing their opinion in several matters as under:-

\*The Shia do not consider companions of the Prophet (*sallallahu 'alaihi wasallam*) as exemplary personalities like a touchstone for the muslims in life. The Non-Muqallids too hold the same opinion.

\* The Shia do not accept the triple *Talaaq* in one sitting as a valid divorce, so do the Non-Muqallid.

\* The Shia call the offering of 20 Rak-'aat *sallat-e-Taraaveeh* in the month of Ramadhan as an innovation in religion. The Non-Muqallids too do not offer the *Salaat* and allege that it is an innovation made by the second Caliph 'Omar ibn al-Khattab (Raz).

\* The saying of first Adhan (call for prayer) on Friday from the Minaret of the mosque is considered as an innovation by the Shia, opinion endorsed by the Non-Muqallid and alleged to be started by the Ottomans.

\* Caliph 'Omar ibn al-Khattab (Raz) saw Muslim women moving outside their houses freely during the period of his caliphate and men gradually getting closer to undesirable acts in the society. Alarmed by this he consulted other companions and decreed that women should not visit Mosque for offering *salaat*. When the mother of faithful 'Aayesha Siddiqah (Raz) learnt this, she said that had the Prophet (*sallallahu 'alaihi wasallam*) witnessed this condition of women, he too, would have ordered the same. This noble decree is not acceptable to the Shia. The Non-Muqallid too agree with the Shia on the issue.

Thus, apart from the Shia and a few of the Non-Muqallid ulema, a great majority of the ulema agree fully that *Taqlid* is very much necessary. They have favorably discussed its inevitability in commentary on '*Musallim al-Thuboot*'.

"After a great deal of study and hard work, the Islamic Jurists and Imams have simplified and very carefully classified all the material under various chapters, sub-chapters for the convenience of common faithful. Eminent scholar of Hadith 'Allama ibn Salaah has cautioned the faithful against following the advice of any other person other than the known prominent FOUR schools. No other school can offer the guidance in religious affairs to the faithful as these four schools can do. May Almighty Allah reward the FOUR great Imams in abundance from His grand treasures for their noble and exemplary service in religion, Aameen!

The eminent Islamic scholar from Egypt 'Allama ibn Nujaim (exp.970 A.H.); writes in his book '*Al-ashbah wal-Nazair*' that any legal decree pronounced in contradiction to the spirit of the FOUR Imams is violation of consensus reached by the Islamic Jurists. (It is thus not acceptable).



## Taqlid-preferred by Scholars & Saints:

'Allaama ibn Humam (Rah) (exp.861 A.H.) has pointed out about the relevance of the *Taqlid* in his book '*Al-Tahreer Fi Usool al-Fiqh*' thus: "The Ulema of later priod are convinced that there is absolutely no alternative for the Ummah to follw the declared and universally accepted four schools of Islamic jurisprudence and theology. All the religious and social problems have been discussed and to the point guidance rendered for the faithful by these Jurists." (page:552)

Shaikh Ahmed *alias* Mulla Jeevan(exp.1130 A.H.); the eminent Islamic jurist and teacher of Indian Emperor Aurangazeb, writes in his book "*Tafseerat-e-Ahmediyah*" as follows: "A consensus has been reached that it is imperative to follow the set of laws compiled by the four renowned Imams only. Any similar advice put forth by a new Islamic jurist-scholar in contrast to it is not permissible". He further adds: "The act of shariah laws getting covered by and confined in the *Taqlid* and its getting endorsed by all concerned is a great blessing from Allah for the Ummah. No futher arguments and discussions are needed for strengthening it".

Eminent Mohaddith and commentary writer on Qur-aan, Thanaaullah of Panipati (exp.1225 A.H.); has written as under: "At the end of 3rd or 4th century after Hijrah, the world saw four prominent schools in Islamic jurisprudence emerge for the Ummah with total consensus. Any act or opinion in defiance of these is null and void. Almighty Allah has admonished the faithful in Qur-aan in verse thus:-

*"And who-so-ever follows the path of other than the followers, we shall take him to his desired destination, and then (finally) to the Hell."*

Imam Ibrahim Sarkhari Maleki Mar-'ie writes inhis book '*al-Futoohaat al-vahabiyyah*', a commentary rendered on '*Arba'ieen Nova-viyyah*' as under: "After the peroid (of companions) and as also said by ibn Salaah, *Taqlid* of none

is valid but that of the FOUR prominent Imams: Imam Malik, Imam Abu Hanifa, Imam Shaafa'ie and Imam Ahmed ibn Hambal (Rah). The rules and regulations have been perfectly classified and codified by these Ulema and later developed by their able students." (page-199) Mohaddith ibn Hajar Mecci (exp.852 A.H.); writes in his book '*Fat-hul-Mubeen*', a commentary on '*al-Arb'aieen*' thus: The religious and spiritual leaders of our times are convinced that *Taqlid* of none else but anyone of these FOUR Imams is valid." (page-196)

The renowned scholar-saint Khaja Nizamuddin Auliya of Delhi (Rah) has written in his book '*Raahatul-Quloob*' thus: "Khaja Syedul 'Aabideen Shakarganj (Rah) declaired on 11<sup>th</sup> of Zul Hajja, 655 A.H. that all the FOUR schools of Islamic theology are truthful and on the right path. The school of Imam Abu Hanifa is the most prefered one and it is the blessing of Allah that we are following it."

"Allama Jalaluddin Mahalli, writes in the commentary on 'Jam-ul Jawaame'a' as under: "It is compulsory for every faithful to adopt any one of the FOUR schools of Islamic jurisprudence and stick to it." Shaikh Mohiuddin Novawi (Rah), the author of commentary on '*Saheeh al- Muslim*' in the book '*Rauzatul Taalibeen*' writes as under: "According to Islamic scholars (Ulema) the work of interpretaion and judicious application of Islamic laws universlly was complete with the FOUR Imams. In fact they were forthright in declaring that following of any one of these four Imams is compulsory for the faithful. The Imam of Harmain too declared that the *Taqlid* of any one of these Imams is a must for the faithful."

The author of '*Nehaayatul Muraad*' has written as under "*Taqlid* has got confined to the four Imams now and there is no alternative for it. No Qazi (Judge) or Mufti (Jurist) can issue any advice in contradiction to the decree of any of the four Imams."

Imam 'Abdul Wahaab Sha'araani writes in his book '*Meezan al-Shariah al-Kubra*' thus: "When asked whether

a particular school of theology should be followed now, my leader 'Ali Khauwas (*Rah*) would say that you must invariably follow particular school of theology till you reach the top most position of sainthood and piety through strictly observing the religion truthfully. It is a must for all now and any distraction from the path shown is fraught with danger of losing the right path."

The famous Jurist of Islam and scholar of Quran and Hadith Syed Ahmed Tahtaawi (*Rah*) (exp. 1233 A.H.); says: "O group of Muslims! It is a must for you all to follow the group called "*al-Sunnah wal-Jama'ah*" which is eligible to reach salvation. Allaah's backing is indeed on following this group consisting of the four schools of theology viz; Hanafi, Malaki, Shaafa'i and Hambali. One who is out of this fold these days is surely from the innovators in religion and destined to failure."

On being asked whether following the four schools of Islamic theology is an innovation in religion and whether it is good or bad, the scholar of Hadith, Shah Ishaq of Delhi has written in his book '*Me-ath Massa-e-I*' as follows: "Following the instructions and law framed by the four prominent schools are neither good innovation nor bad. It is rather the following of Sunnah of the Prophet (*sallaho 'alaihi vasallam*). Whatever differences among these schools exist are a continuation of the same since the days of the companions. (The four Imams have simply passed them on to the faithful in general in an arranged and organized form). The Prophet (*sallaho 'alaihi vasallam*) is reported to have said that: "My companions are just like bright stars (for guidance-seekers). Whosoever follows any of them, is certain to get the right path." The basics of differences between the four schools are directly linked to the differences in the approach of the concerned scholar in interpreting the phrases in pursuit of seeking pleasure of Allah; a quality and virtue inherited directly from the companions of Prophet (*sallaho 'alaihi vasallam*). Thus the following of different interpretations with honest intentions

are above any suspicion and certain to receive Divine acceptance. Moreover, the differences between these schools are at times due to following of a particular Hadith either by its letter or by the spirit. To cite an example; in one such Hadith narrated by both Imam al-Muslim and Imam al-Bukhari, Prophet Mohammed (*sallaho 'alaihi vasallam*) while dispatching companions (Raz) towards the tribe of Bani Quraiza once told them that none of you should offer the '*Asar salaah*' but in Bani Quraiza. Some of the companions offered the *salaah* at its appointed time during the journey itself, thinking the idea behind the instruction was to travel fast so as to reach the destination before fall of the day. The remaining companions offered the *salaah* only after reaching the destination, thus following the instruction by its letter. When Prophet (*sallaho 'alaihi vasallam*) knew, he did not express his disapproval to either of the two groups. By this, the faithful concluded that both the actions were correct. When the differences among the FOUR schools are of this nature how come it is an innovation in the religion, and result into the faithful going astray?

In reply to another question whether it is correct to call a Muqallid '*Bid-'ati*' or an innovator in religion, he further writes as under: "The followers of FOUR schools of theology can not be labelled as innovators in religion as following these organized and truthfully interpreted forms of Hadith means observing the Hadith in letter and spirit. And calling a truthful follower of Hadith as '*Bid-'at*' in itself is grossly unjustified, unfortunate and may cause loss of truthful path of Allah."

The eminent scholar-saint Mujaddid al-Alf al-Thaani (*Rah*) while paying his tributes to the Imam Abu Hanifa and describing the distinct position occupied by him in the field of Shariah laws writes in one of his letters as under:-

"It can be declared without any hesitation and reservation that the Hanafi school is the most enlightened, broadened and detailed one compared to other schools like an ocean against the rivers and ponds. While a very

large majority of the pious and righteous follow it, Imam Abu Hanifa's way of sourcing and finding out solutions for various problems from Qur-aan and Hadith is the most unique. He keeps himself abreast of others in following the traditions of Prophet (*sallaho 'alaihi vasallam*) and is considered highly pious, knowledgeable and God-fearing. He has always considered the Hadith and then the narration of companions superior to his opinion in that order despite some people calling him imposter of his own opinion. May Allah give faithful nursing such an opinion a better sense to understand the truthful stand taken by the leader of Islamic theology. Allah has rightly described such people in Quran thus:

"Their intention is to extinguish Allah's light with their mouth."(Ch.61/V.8)

These people (the Non-Muqallid) believe that the four prominent Imams, founders of distinct schools of theology (after rendering a long research, deep study and wide consultations) were committing the mistake of following their personal opinion in religious matters and discarding the path set by Quran and Sunnah. Perhaps they want others to believe that these Imams and their followers for centuries, forming a great majority of the Ummah are innovators in religion, a misled lot and out of the fold of Islam. Only an atheist or fool will cultivate such belief and harm the lives of the faithful by making himself and others believe a few of the Ahadith known to him alone constitute religion. As rightly described by a Persian poet:

"People nurturing such beliefs are like an insect confined within a stone which believes that the entire universe is just the shell he lives in." Similarly for the non-Muqallid, the entire religion is confined to the few of the Ahadith known to them and the meaning and spirit behind it as understood by them alone is correct. Jealousy has destroyed them completely."

The renowned scholar and saint Shah Mohammed Hidayat 'Ali Naqshbandi Mujaddadi Hanafi of Jaipur has

written in his book '*Durr-e-Laa-Thani*' thus: "Taqlid is not compulsory for such faithful who have achieved total knowledge of religious science like Qur-aan (and its related sciences like language, grammar, proverbial usage, its abrogate and abrogated verses etc.) Jurisprudence, Hadith and complete knowledge about its *Asnaad* (authenticating analogical references, uninterrupted chain of the sources and the grade of their dependency etc.) besides piety and capability to extract solution judiciously for any problem. If one does not have these capabilities, *Taqlid* is compulsory for him. If a person having all the capabilities still observes *Taqlid*, he is praise-worthy. Far from having expertise in the above referred religious sciences, we find some people now a days, unable to read Quran or Hadith properly in the absence of vowels, do not follow the Imams and instead call the act of a *Taqlid* an innovation in religion (Bid-'ah). It is a pity that they have lost the common sense. They ignore the fact that the most distinguished of the Ulema in India like Shah Abdul Haq Mohaddith, Shah Waliullah and Shah Abdul Aziz of Delhi (*Rah*) observed *Taqlid* and were Hanafi. Some of the Non-Muqallid call themselves as '*Ahl-e-Hadith*' (followers of Hadith), most of them do not know even the Urdu language properly and prefer to follow the advice of illiterate or semi-literate among themselves. They call the followers of *Taqlid* polytheists (*Mushrik*) for their act of *Taqlid*. When they are asked that you claim yourselves to be *Ahl-e-Hadith*, do you derive solution for a problem directly from Hadith and Quran by yourselves, their reply is we took the help of a certain scholar (of their choice). Doesn't that constitute *Taqlid*? Do they want to say that the religious scholars of these days are more knowledgeable, wise and pious than of those days? Certainly it is untrue." He further adds in his another book '*Ahsan-al-Taqwim*' thus: "The act of observance of *Taqlid* of the FOUR Imams for a person who does not possess total and perfect knowledge of Arabic language, commentary on Qur-aan, Hadith, Jurisprudence and its principles, abrogates and abrogated of the Quranic verses

and capacity to derive solutions for problems is compulsory. Allah has ordered the faithful in Qur-aan thus:-

*"And you ask those who possess knowledge, if you do not know."*

Thus, *Taqlid* is an obligatory act for a person who does not possess knowledge from the relevant sciences. If a person observe *Taqlid* despite having all these capabilities it is admirable. We know that some of the prominent scholars of recent past like Shah Abdul Haq Mohaddith, Shah Waliullah Mohaddith, Shah Abdul Aziz, Mojaddid al-Alf-al-Thaani, Mirza Mazhar Jaan-e-Jana Shaheed and Qazi Thanaaullah of Panipat enjoy a very high esteem with their perfection in the religious sciences. We can not find today a matching personality not even to reach one-tenth of their level in knowledge. And it is well known that they belonged to the Hanafi school, practiced and worked for it. Anyone claiming today of having reached even one-third of their position will only be branded as insane or will be ridiculed for considering himself *"I am better than him"* (a proverbial saying of Satan). It is a pity that certain Muslims today freely condemn *Taqlid*, though they themselves possess no proper basic knowledge of the half-educated as their guides and mentors. The author of '*Tafseer-e-Haqqani*' famous book '*Aqaa-id al-Islam*' as follows:-

"Should individuals introduce their opinion in the religious matters, it will certainly lead to a chaotic situation in the religion. The companions used to seek guidance in such affairs directly from the holy Prophet (*sallallahu 'alaihi vasallam*). A period of three centuries witnessed several incidents resulting into eruption of differences and discussion on several issues in religion. Faced with such a grave situation, the great men of knowledge and piety compiled and penned down the tenets of Islamic jurisprudence through the scriptures. The faithful have been following these FOUR Imams all over the world since then. Those who now try to strike a new route will only be deserting

the path adopted by great majority of the faithful through centuries. It is very sad that certain people have started misleading the faithful today by defaming Imam Abu Hanifa by saying that he advocates in contravention to the spirit of Hadith. Such allegations are either without a backing or go against the Hadith. If one is unable to find the chain of narrator it is his seakness and fault. The fact of its universal acceptance and continuation for ages till this day in itself is the evidence that his style of interpretation and theology carries the stamp of Allah's endorsement and validation. Had *Taqlid* meant straying away from the truthful path of Allah, then the entire Ummah has been committing this mistake for centuries including the numerous pious, noble souls (Allah forbid). It rather amounts to say that all the glorification and respect promised for the Ummah as revealed in Qur-aan and Hadith have gone wrong."

The noted scholar of Hadith Shaikh Abdul Haq of Delhi writes in his Persian commentary on '*Safar-al-Sa'adah*' as under: "The situation is like the religion having four houses with one door each and outside routes leading towards it. Who-so-ever takes any of these routes, and doors, is sure to reach the destination. It is foolish for him to look for any other route and door. It is nothing but forgetting the path of practice and going astray."

While referring to the group of faithful who call themselves '*Ahl-e-Hadith*' Shah Waliullah Mohaddith of Delhi writes as follows: "The group fo *Ahl-e-Hadith* resort to quote from the narration, collect supportive instruments and pick-up isolated, odd from among the Ahadith. They cite Ahadith mostly out of context and stick to it. They do not follow the meanings of the words, the description and spirit behind it. Efforts are never made to interpret the sayings as desired therein, and problems are never attempted for a solution. Instead, they defame the Isalmic Jurists and seniour scholars and call them as opponents of Sunnah. Certainly they are no match to these scholars and instead, they commit sin by blaming the learned Jurists."■



# ISLAMIC LAW, QADHIS' COURTS AND MUSLIM WOMEN'S LEGAL STATUS: THE CASE OF KENYA

Beverly B. Brown

## Introduction

Since 1950's, the jurisdiction of Islamic law in Kenya has narrowed steadily: a diminution fostered by governmental policies which have deep roots in British colonial attitudes as well as in the historical consciousness and political struggles of that nation's dominant ethnic groups. But that reduction in judicial status and authority has not been matched by a decrease in litigation. In contrast to the *qadhis'* (judge)shrinking powers during the last twenty-five years, their case loads have mushroomed, marked most dramatically by women's emergence as key plaintiffs in their courts. These two trends-the politically-mandated restricting of the *qadhi's* judicial powers and the expanding legal activity of women-are inextricably linked.

To evaluate the status of Islamic law in Kenya today, one must understand that the religious court has become primarily a legal battleground where women bring suit against men. In order to explore that linkage, this paper will focus on legal developments in Mombasa, which is home both to Kenya's premier Islamic court as well as to the nation's Chief Qadhi. By examining the altered status of that court and the shifting pattern of cases initiated by Mombasa's Muslim women since 1958, I will attempt to demonstrate that many of the social and political changes which have rendered Islamic law vulnerable to restrictive policies in Kenya have also thrust or drawn women into overt legal struggles to dissolve their marriages, secure their rights to maintenance, gain custody of their children and protect their property interests. Today, Mombasa's Muslim court must be seen as a "women's court"-stripped of old prerogative and limited in its jurisdictional mandate but

increasingly a source of new perspective on women's status under the *shariah*.

### **The Colonial Legacy**

At the onset of British rule in 1895, the *qadhis* on Kenya's coast assumed an anomalous role in the new judicial system. The protectorate agreement, which established British control over a 10-mile wide coastal strip from Vanga in the south to Kipui in the north, affirmed the Zanzibar sultan's influence in that region, recognized the authority of Islamic judges, and guaranteed that the *shariah* would be maintained. The initial, relative strength of the Muslim legal position in the protectorate government derived from those specific commitments for Zanzibar but even more so from British colonial officials' experience with Islamic jurisprudence in the Middle East and India and their strategy of co-opting coastal leaders. Despite official affirmations of Islam's significance in East Africa, the *qadhis'* powers were clearly circumscribed: first, by the colonial authorities' right to oversee judicial appointments; second, by an appeal process that led to a non-Muslim, British dominated high court which was not bound to apply Islamic law; and, third, by a restriction on the application of the *shariah* to questions of personal status, thus eliminating a wide range of civil and all criminal cases from the *qadhis'* jurisdiction. Throughout the colonial period, the restrictions increased. Limitations on the rights of *vakeel* (or *wakili*, who were traditional legal representatives on the coast) to represent clients in court became more stringent. Pressure mounted on the *qadhis* to follow British-inspired laws of procedure and evidence rather than traditional Muslim practices. Also child custody cases were assigned to the High Court where there was no obligation to apply the *shariah*.

### **Legislative Unification**

Ambivalent attitudes toward traditional African laws and the *shariah* profoundly influenced British efforts to create an effective judicial system in Kenya. In the resulting clash

of legal principles and practices, the official government position fluctuated from a policy of separation, centered on a tripartite division of unequally ranked courts designed to serve different ethnic and religious communities, to a policy of partial unification. In retrospect, the distorting effects of this intervention and indecision impacted more disastrously on the integrity of customary law than on the application of the *shariah* largely because the latter was at least recognised as true law whereas traditional African legal practices were often stigmatized as superstitious customs. As Ghai and McAuslan have noted, this differential treatment during the protectorate period evoked contradictory reponses among African political leaders in the interior and Muslim leaders on the coast.

The Muslim community regarded their own systems as separate but equal, and a guarantee of their special status in Kenya: Africans increasingly regarded their own system as an overt indication of the second-class justice meted out to them by the colonial authorities, and the English system available to the immigrant communities as another unjustified privilege for the immigrants. The desire to end racial discrimination in Kenya was therefore an important driving force behind reform of the courts in the sixties, just as the desire to retain a separate identity and status in Kenya was a driving force behind the Muslim community's policy of obtaining special safeguards in the independence constitution for the cotinued existence of their courts.

After independence in 1963, the legal reform movement achieved a major restructuring of judical system through legislative unification of the courts and abolition of the separate hierarchy of African tribunals and *liwali* and *murdir* courts. Despite these changes, the government continued to recognize the special standing of Islamic law. The *qadhis'* courts Act of 1967, formally established the six existent Muslim couts in Mombasa Malindi, Lamu, Nairobi, Kisumu, and Garissa and allowed these courts to apply the Muslim law of evidence, although it did impose a

sepecific reservation forbidding discrimination on the basis of witnesses, sex or religion. The legislation also instituted a right of direct appeal from the *qadhis'* courts to the High Court but did not require the appellate judges to base their decisions on the *shariah*. Before its passage, the bill provoked a turbulent debate as Muslim M.P.'s generally praised this legislative endorsement of the *qadhis'* courts but condemned the appeals process that would permit non-Muslim judges, who had never studied Islamic Law, to rule on Islamic legal questions. Opponents of the bill complained that it was a retrograde move toward separation when the nation needed a uniform system.

However all the elements in that *qadhis'* Courts Act debate recurred in larger measure during subsequent legislative struggles to unify the country's multiple family laws and create one basic code for marriage, divorce and succession. During the past fifteen years, four clearly-defined patterns have emerged from the political confrontations stirred by that reform effort: first, an identification of unification with modernization and westernization; second, a tendency for the most assertive reformers to be Anglo-philes who equated advancement with the adoption of British legal forms and principles; third, the development of a strong traditionalist opposition that defended the relevancy of customary laws; and fourth, an increasingly fervent Muslim reaction against further incursions on the *shariah*. It is this fourth factor which has particular relevance to the issues raised in this paper, because the success and failures of Muslim opposition to legal reform have altered the legal environment in Mombasa.

## Muslim Reaction

In 1967, Kenyatta established two commissions of inquiry - one to study the country's numerous marriage and divorce laws and then to recommend reforms, the other to similarly address the question of testate and intestate succession. Muslim coastal politicians immediately

expressed amazement and danger that Islamic law would be included in those national reviewss. They argued that the *shariah* was central to their faith and any family law reforms would represent a violation of their constitutionally protected religious freedom but both commissions rejected that contention. For example, the Commission on Marriage and Divorce claimed that, "marriage and divorce and the structure of the family are matters which vitally concern the State and we do not think that the fact that they are also intimately bound up with religion would justify or excuse the State abdicating its responsibility....we do not think any of our recommendations, if accepted, would have the effect of compelling any person to do anything contrary to the Holy Qur'an, although some of them would be restrictive of the wide personal liberty enjoyed by men under Islamic law...."

Both commissions, after months of petition reviews and community gearing which triggered hostile, dramatic confrontations with Muslim opponents on the coast, submitted proposals for unified national laws on marriage and succeesseion. Although two attempts to gain passage of the marrige and divorce bill in 1976, and 1979, were crushed by overwhelming voice votes, the inheritance bill was passed in 1972, but no implementation date was announced. Kneller, who served on the Succession Commission, claimed that spokesmen in many communities protested against expanding the inheritance rights of wives but endorsed greater protection and property shares for their children. He credited this amdbivalent sentiment plus strong government support for the legislation's passage. In contrast the Marriage and Divorce bill stirred much greater protest. It was denounced as a women's rights law and a blow against traditional family life. In this case, the government offered ineffective leadership, while the opposition was unified and powerful. He depicted Muslim leaders as central figures in both campaigns.

The law recognizes the right of every citizen over the age of eighteen to issue a written or oral will that adheres to

the traditional inheritance rules of his or her community. But the provisions for interstate succession diverge sharply from most of Kenya's customary laws as well as Islamic law, since it calls for an equal division of the inheritance among all children - male and female, married and unmarried - trust for offspring who have not yet attained the age of majority. If a deceased male is survived by more than one wife, the inheritance will be divided aequally among all of his children and wives. This principle of equal shares with its stress on the rights of spouses and immediate descendants runs absolutely counter to fundamental Muslim practice and represents what J.N.D. Anderson labelled "a wholesale abandonment of Islamic principles."

Organized opposition by coastal politicians and religious leaders helped delay implementation of the inheritance law for ten years, but 1982, it was in force. Since the law had been condemned so publicly, so often and so fervently on the coast as anti-Islamic, its activation was inevitably interpreted as an expression of the government's disdain for Kenya's Muslim community. As one irate Mombasa advocate complained, "What should we have expected from a Christian president and a Christian attorney-general who spend their weekends at *harambee* parties for churches?"

The law has sharpened a sense of minority status and wary chagrin particularly among those Mombasa Muslims who have studied its provisions and fear that large numbers of devout but uninformed or illiterate elderly will die without making a will and thereby trigger widespread government-endorsed violations of the *shariah*. Expressing this political and personal anxiety, one unhappy Arab advocate asked how she could possibly reverse traditional familial roles and assume the prerogatives of "a legal advisor who would urge my father to reflect on death and the division of his property." Despite these fearful perspectives, the long term consequences of this legislation are difficult to determine. Initially it is quite possible that enforcement will be slack in

areas where minimal public support exists. But the law does create new grounds for old struggles over property, opening the possibility of complex family splits as kin claim civil rights against religious rights.

### The Qadhi's Dilemma

From the *qadhi's* perspective, the succession law portends a probable expansion of his role as informal mediator and legal consultant but a definite encroachment on the *shariah* and his traditional judicial responsibilities, since most inheritance disputes will be lodged in the civil courts. This new restriction underscores once again the uncertain position of an Islamic court in a secular state with a predominantly non-Muslim population. In Mombasa, that marginal status was spatially and bureaucratically symbolized in many ways: by housing the *qadhi's* court in small, cramped, rented quarters two blocks from the city's historic main courthouse, where judges reflected on the law in air-conditioned offices; by withholding guarantees that the *qadhi's* would have space in a new court complex under construction and by inducing the nation's chief *qadhi's* to also serve as the city's *qadhi* while government officials languidly searched for a new Islamic judge for Mombasa. The impact of these legislative developments and socio-legal attitudes significantly reduced the official status of the *qadhi's* court during a period when accelerated social and economic changes in Mombasa generated a greater need for judicial remedies to conflicts over family and property rights.

Although the Islamic court's jurisdiction has diminished over the last twenty-five years, its work load had increased significantly from 45 cases in 1958, to 218 in 1982. Of course, an expansion of litigation would be expected in a city whose population has more than tripled from 145,000 to 400,000 plus during that time period. A significant portion of that growth has been caused by non-Muslim urban migration, so the increase in litigation has not simply mirrored demographic changes. Although the expansion in

numbers of cases is a major development, the most important shift has occurred in the type of suits and identity of plaintiffs. For example, the cases initiated by women increased from 18 in 1958 to 190 in 1982, representing a jump from 40 per cent of the court's case load to 87 per cent of that total. In contrast to that development, male-initiated cases only increased from 25 in 1958 to 25 in 1982, an insignificant numerical increase that actually represented a major percentage decrease from 56 per cent to less than 13 per cent of the year's total cases.

Judgments over the twenty-five year span follow several distinctive patterns, indicating a notable increase in judicial decisions based on compromise settlements (from less than 5 per cent to more than 25 per cent), a major decline in the success rate of male plaintiffs (a drop from 47 per cent to 18 per cent of suits filed by men against women), and a recent, sharp jump in the rate judgments for female defendants. During the five years from 1978 to 1982, only 1 per cent of the cases initiated by women ended in a judgment for the male defendant, whereas, 12 per cent of the suits filed by men concluded with decisions explicitly favoring the female defendants. This last statistic reveals an unusual shift in a court tradition that has tended to dismiss weak case rather than order reversals which actually reward the defendant. For example, during the 1958-1977 period, only 7 out of the more than 1300 cases filed in those years concluded with such a decision.

Throughout those years, most cases involved marital disputes. A depressing repetitiveness links the complaints: a husband who disappeared years ago, a wife who has run away, a father who refuses to provide for his children's food and clothing, a husband who has divorced his wife but refuses to pay *iddat* (eda) maintenance. Burdened with hundreds of these suits, the *qadhi's* court emerged as a central arena for Muslim conflicts over marital rights and responsibilities. The ungainly numbers reveal a dramatic increase and reversal of women's roles in the *qadhi's* court,



where they have predominated as plaintiffs since the mid-1960's.

### **Myths and Realities**

In light of prevailing stereotypes about coastal Muslim women as well as Islamic ideals of the good woman, their increasing litigious assertiveness seems particularly remarkable. These women have been on interpersonal skills in female-to-female relationships, on cooking ability, childbearing, modest demeanor, and loyalty to kin and friend. From that stereo-typical perspective, Muslim wives were coyly, covertly manipulative, influencing men's behavior by pretending to be submissive, illogical, and emotional. Marc Swartz, who studied Mombasa's Swahili family life, affirmed this view of women's separate roles and values when he noted that, "Women are viewed, and view themselves as best I can tell - as emotionally freer, less logical and less tied to the practical concern of life (especially money) than men are." That kind of approach accepts the poetry, tales and songs of the coast as conveying sociological truths, and so a 19th century poem such as *Advice of Mwana Kuponu upon the Wifely Duty* should be considered as a relevant commentary on faith, avoids disputes, prepares her husband's meals, and then caresses, cools, perfumes, bathes and shaves him, and always remains gay and amusing.

Margaret Strobel's work, *Muslim Women in Mombasa*, helped undermine this simplistic image of dutiful, submissive wives by demonstrating the complex interaction of class and ethnicity in shaping women's lives. Her study exposed the existence of a vibrant female sub-culture that was segregated from men's public lives. Mombasa's court records extend this challenge against women's reputation as subordinate and domestic, because the files are dominated by those who did go public and question male authority. Obviously those women represent a minority, who out of desperation and anger, moved into that very public,

male legal sphere known as the *qadhi's* court. Despite the popular stereo-types, they were most definitely concerned about money and hardly felt "gay and amusing." These women defied a code of silence by reaching past informal communal mediation to public confrontation. The feeling that family troubles should be kept within the family is still very strong in Mombasa. For example, the descendant of a long line of *qadhis* and *wakili* praised his brother, who is *qadhi* of Kisumu, and then declared flatly that he would never take any problem to a *qadhi's* court.

Clearly there is loss of face in filing suit, but obviously there are also increasing numbers of women willing to risk the opprobrium. Why? Perhaps the sense of risk-taking has altered in very fundamental ways in Mombasa. First, more women feel that they and their families are endangered. As the city's population has increased, economic opportunities have shrunk, and as neighbourhood and community networks have weakened, marital problems have expanded. Women can no longer depend exclusively on kin or friendly mediators to ease the pain of abandonment, inadequate maintenance, and needy children. Necessity is forcing them to approach the *qadhi's* court. But also, in recent years, undertaking legal initiatives has been rendered less painful by a growing grudging sentiment of acceptance. That is women increasingly believe they can take the legal risk without losing face. This confidence stems in part from the reduced status of the *qadhi's* court. Since it is no longer intimately identified with political establishment or the power elite, it has become more accessible to women and also less inviting to men. Also there is greater optimism regarding a court victory. That is, women increasingly believe they can lodge a plaint and win. Because they need help and so have to take a chance because they believe that there is a good chance that they will win, growing numbers of women are filing suits against men in the *qadhi's* court.

It must be remembered that the victory is often small -

a divorce granted after years of desertion, some shillings for the children, a partial payment of overdue doctor's bills. But that kind of judicial desision makes it easier for the next woman. In 1982, Mombasa's *qadhi* was intensely conscious of these shifts within his court. As he faced an increasingly remote national overseer and reflected on the tenuous position of the *shariah* in Kenya, he made a commitment to his female palintiffs. Publicly and privately this Islamic judge called himself "a woman's *qadhi*" and so began to build a new constituency. In dealing with this rapid expansion of female litigation, he has been pushed into viewing the law in new ways. The result has been the initiation of *de facto* reforms of Islamic law. The combination of positive local pressure from female plaintiffs and negative pressure from Nairobi has encouraged the *qadhi* to limit guardians' rights to deny permission to marry, to financially penalize men for unreasonable divorces, and to sympatheticlaly consider women's petitions for divorce on the grounds of unhappy marital relations. Calling himself the women's *qadhi*, he is helping to alter women's legal options and the meaning of the *shariah* in Kenya. ■

## PEACE HAS GIVEN VOICE TO DISSENT: AIMPLB CHIEF

The Chairman of All India Muslim Personal Law Board, Maulana Rabey Hasni Nadwi came down heavily on promoters of separate law boards for sending a wrong message which is liable to harm the interests of the community.

"Gairon ke saamne picture achhi nahin aayi hai", the Law Board chairman remarked.

Since December last, four separate personal law boards, the All India Muslim Personal Law Board (Jadeed) headed by Maulana Tauqeer Raza Khan of Bareilly School of Islamic thought, the All India Shia Personal Law Board of Maulana Mirza Mohd. Athar, the All India Muslim Women's Personal Law Board headed by Shaista Amber and All India Shia Women Personal Law Board led by Kahkashan Bano, have been formed, all ostensibly in protest against the dominance of AIMPLB headed by him which was not a "siyasi party" (political party).

"The Law Board's primary objective is to defend shariat and bring it into action in the Muslim society", Rabey Hasni said. "Yet, if someone failed to conduct himself within the frame work of Shariat laws, the Law Board had no powers to take action against the offenders", he added. Incidentally, the All India Muslim Women's Law Board had threatened to press for the excommunication of Muslim males who failed to adhere themselves to Shariat:

Stating that those who formed the other law boards have never been members of the AIMPLB and neither did they approach him for becoming its members. Maulana Rabey made a telling observation when he said that "these are relatively peaceful times, which is why voices of dissent have suddenly surfaced. When there was a danger to the Muslims, all were united for a common cause".

(The Indian Express-09-02-05)

## RELIGIOUS THOUGHT OF MAULANA AZAD

S.G. Mohiuddin

Muhiyuddin Ahmad, later known to the world by his pen-name Abul Kalam Azad, was born in Makkah in 1888. His mother was an Arab belonging to a high esteemed family of scholars, though his father was an Indian who had migrated to Arabia after the British had consolidated their hold over India. Azad's mother tongue was Arabic; piety and learning were his heritage. He grew up in the tradition of an old style theological family. He was taught by his own father and a few of his trusted scholars according to the traditional curriculum, the *Dars-i-Nizamiah*, which was completed by him by the time he was 15 years of age.

Abul Kalam Azad was precocious and possessed of an independent and critical mind. By the time he was 14 years of age, he began to be assailed by doubts in his traditionally inherited faith. His father was furiously hostile towards the Wahabis, intolerant of Sir Syed Ahmad Khan's modernism and disliked even the study of English by his son. Azad's critical mind could not put up with the shackles of such unyielding orthodoxy. In spite of his great reverence for his father, Azad developed sympathy for the Wahabis and Sir Syed's rationalism, and developed a great respect for the great medieval scholars and reformers Al-Ghazzali and Imam Ibn Taimiyah who were not very popular in the then religious circles of India. Both had been great critics of Greek logic and philosophy which were regarded as the bases of Islamic theological dialectics.

"This was a period of great mental crisis for me", writes Maulana Azad in the *India Wins Freedom*. "I was born into a family which was deeply imbued with religious traditions. All the conventions of traditional life were accepted without question and the family did not like the least deviation from orthodox ways. I could not reconcile myself with the prevailing

customs and beliefs and my heart was full of a new sense of revolt. The ideas I had acquired from my family and early training could no longer satisfy me. I felt that I must find the truth for myself. Almost instinctively I began to move out of my family orbit and seek my own path.

"The first thing which troubled me was the exhibition of differences among different sects of Muslims. I could not understand why they could be opposed to one another when all of them claimed to derive their inspiration from the same source. Nor could I reconcile myself with the dogmatic assurance with which each sect branded the other as mistaken and heretical. These differences among the orthodox schools began to raise doubts in my mind concerning religion itself. If religion expresses an universal truth, why should there be such differences and conflicts among men professing different religions? Why should each religion claim to be sole repository of truth and condemn all others as false?

"For two or three years, this unrest continued and I longed to find a solution of my doubts. I passed from one phase to another and a stage came where all the old binds imposed on my mind by family and upbringing were completely shattered. I felt free of conventional ties and decided that I should chalk out my own path. It was about this time that I decided to adopt the pen name 'Azad' or 'Free' to indicate that I was no longer tied to my inherited beliefs."

the scepticism of Azad led him to undertake a critical examination of not only the creed of Islam but the validity of religion itself. At first he was inclined to reject it altogether. As stated by him in his biography, the *Tadhkira*, his mind was enveloped with doubts about the truth of a higher unseen controlling power of man's emotions and mortality correlated with the natural phenomenon. He himself says that he had reached the stage of heretics, wandering in the dark valley of scepticism and disbelief and bearing the burden of unrelieved mental anguish and spiritual restlessness. The

period of his mental crisis lasted for four or five years.

At last his mental uncertainty and spiritual struggle gave way to faith and conviction. It was a new found certitude through his own efforts, studies and contemplations. His faith in Islam was now more firm which was never to be shaken again throughout his life. Azad says that he had reached the stage "where nothing is acceptable except abundance of pain, dedication of heart and renunciation and consecration of life." Azad's inimitable style of expression combining elegance with poetic imagery in describing the periods of his spiritual unrest as well as its recovery can mislead anyone not conversant with that form of expression. Azad was, however, now satisfied both intellectually and emotionally about the truth of Islam from which he drew inspiration in all trials and tribulations, no matter to what sphere of life they belonged. It was an 'emotional transformation which had roots in the deepest recesses of the soul' for it was not based merely on reason which can always be shaken. His independence of mind has enabled him to take an objective, broadminded view of religious truths and respect for all religions as enshrined in the teachings of the Qur'an.

Azad wrote about his re discovery of Islam"

"I am a born Muslim but you would be surprised to know that I was not content with the religion inherited by birth from my ancestors. I cast it away as soon as I was mentally mature enough to discard what I did not want, and tried to search out my own way impartially and with an open mind. I had to pass through different stages and had to face successive intellectual crises. As last I found what I wanted, and this is where I now find myself. Undoubtedly this is Islam but not the Islam that was made up of customs and usages and following the lead of others that which I had inherited as one born in a Muslim family. I am not a Muslim just because I ought to follow the path of my parents, but I am a Muslim because I have discovered it through my own efforts and researches. The credence,

conviction and peace of mind I was after, i have now found for myself."

Azad undertook a journey abroad in 1908, after the death of his father, and traversed Iraq, Syria, Egypt and Turkey. There he came in contact with the reformatory religious and political movements initiated by Jamaluddin Afghani, Shaikh Muhammad Abduh, Saeed Pasha and the Young Turks. He returned to India filled with the aspirations of revival in religion, political revolution and liberation of the country. But he was still interested chiefly in religion and literature. He had also been convinced that the independence of the Muslim world depended on independence of India, the brightest jewel in the crown of British Sovereign. Before Azad went abroad, he had made a place for himself in Urdu journalism through his own papers like *Nairang-i-Khiyal* (1899), *Al-Misbah* (1900), *Lisan-us-Sidq* (1903) and the articles written for *Makhzan* and *Ashan-al-Ikhbar*. Maulana Shibli had by that time started bringing out *Al-Nadwa*, as the official organ of famous seminary, Darul Uloom Nadwatul Ulama. He invited Azad to join the editorial board of the *Al-Nadwa*. Azad was perhaps seventeen at the time when he responded to the call of Shibli. Azad worked with Shibli from October 1905 to March 1906. Most of the articles he wrote for *Al-Nadwa* were of literary character, yet a few of them like *Al-Mirat al-Muslimah* and *Al-Qadha fil Islam* clearly indicate his religious learnings. He took moderate and rational view in these articles.

Azad seems to have been undergoing another inner struggle, an intellectual unrest, which demanded something more from him than pursuit of literature. He had been deeply impressed by Sir Syed Ahmad Khan but never agreed with his political views. Sir Syed had been a witness to the great hardships of Indian Muslims had to undergo at the hands of the British rulers who had held the Muslims, particularly the religious-minded among them, whom they had nick-named as Wahabis, responsible for the uprising of 1857. After the



rebellion was over, a witch-hunt of all those associated with the reformist movement of Saiyid Ahmad Shaheed had been initiated all over India. Then followed the great trials of 1864-71. A mere suspicion of anybody being a Wahabi was then considered enough to implicate him in some treason or conspiracy case. Indian Muslims had, in these circumstances taken to heart the advice of Sir Syed to remain quiescent, aloof from politics and devote their energies to educational uplift of the community, although there was still an influential section of religious scholars which had never reconciled itself to the alien rule.

Azad had thus never subscribed to the political views of Sir Syed. He had, at one stage, even established contact with the terrorists. But the time was fast approaching which afforded Azad an opportunity to utilize his religious learning and literary talents for the service of his country. Disillusionment of the Muslims with the British government was boosted by a renewed surge of emotion by the attacks of colonial powers upon the Muslim countries. The Italians attacked Libya, then a part of Ottoman empire, in 1911. The French declared a protectorate over Morocco in the same year and the Balkan war of 1912 practically extruded the Ottoman empire from the European mainland. The British and the Russians had already divided Persia into their spheres of influence by the Anglo-Russian agreement in 1907, and in 1912 the Russians bombarded Meshhad. Azad took the lead in calling for the support for the Ottoman Caliph, not merely as the head of the greatest surviving independent Muslim state, but also as the Caliph of all Muslims. He commenced publication of his famous Urdu journal *Al-Hilal* in 1912. Azad was then only twenty-four years of age. His greatness lies in catching a glimpse of the positive character of the age which was coming. Though younger in years, his decision was mature for he had realised that freedom could be had only by creating a mass upsurge in the people rather than by terrorism or hatching conspiracies. He was also perhaps the first man to proclaim

that his goal was to liberate his country from the foreign yoke, cost what may.

He denounced the British rule, urged the Muslims to fight it to the finish; but the reasons he gave for it were purely religious. He appeared to be holding the Quran in his hand, instead of the sword. The community which acknowledged One God and His Prophet Muhammad, argued Azad, must model its life on the pattern prescribed by them. Muslims should take obedience to the mandates of Islam their only aim in life. Islam will open the way to political life for Muslims and transform their conduct and morals. He normally began his articles with some verses of the Quran or used them in support of his arguments. In one of his articles he wrote: "For the Hindus struggle for freedom may be a patriotic demand, but for Muslims it is religious obligation, a *jihad* in the way of God. Muslims are obliged to fight for God and it includes every effort made for restoration of truth and justice and breaking the bonds of slavery." Again he wrote: "O you who claim to be believers and followers of Islam, mere assertion on your part is not enough. If you want to live (righteously) enter into Islam completely and follow not in the foot-steps of Devil, for he is an open enemy unto you." In yet another article he exhorted Muslims in these words: "O Muslims, your friend is Allah, His Apostle and those who have given their faith to Allah and His Prophet, who establish prayer, spend their wealth in His way and, what is more, always submit to the commands of Allah."

"*Al-Hilal* was primarily devoted," writes Safia Muzzammil, "to the interpretation and promotion of the appreciation of the Qur'anic ideology. A portion of it was dedicated to the elucidation of Qur'anic verses and for the discussion of various problems, in the light of the Qur'an. All the articles were supported by quotations from the Qur'an and in each and every matter it projected the Qur'anic view. 'Al-Hilal' was also equally interested in the struggle for national freedom. Maulana was convinced that it was

religious duty of every Indian Muslim to strive hard for it." At the same time, Azad provided justification for Muslim cooperation with non-Muslims on the ground that the Qur'an disapproved of only those disbelievers who committed aggression, harassed them or created obstacles in the performance of their religious obligations. He argued that the Britishers had usurped their freedom while Hindus were their friendly neighbours who bore no ill-will to them. The Qur'an permitted cooperation with those who were not inimical to them. Azad went further and cited the practice of the Prophet in support of common citizenship in a country jointly owned by the Hindus and Muslims. He reminded that in the first Islamic State of Medina established by the Prophet, he had recognised equal rights and obligations of the Jews and Muslims and those tribes which were allied to them, whether Muslims or not. Earlier Muslim jurists have based their political theories on the concept of *Dar-ul-Islam* (the land of Islam) and *Dar-ul-Harab* (the land of war) to which some had added the concept of *Dar-ul-Aman* (the land of peace) where Muslims could live undisturbed according to their faith. Azad put forth a new concept of common citizenship of Muslims and non-Muslims and provided it the validity of religious law which was necessary for the satisfaction of the community which recognised *sharia* as the sole standard of its individual and common behaviour. As a matter of fact, such a justification was necessary not for the Muslims alone but also for Azad himself since his political philosophy shows unmistakable sign of having its roots in his religious convictions on which he remained firm to the end of his life. Take for instance the issue of non-cooperation. Azad first presented this concept in his presidential address to the Khilafat Committee held in the Town Hall of Calcutta early in 1920. In June 1920, after an all parties Hindu-Muslim conference at Allahabad, he formulated a detailed programme of non-cooperation with the government along with other national leaders. Azad drew inspiration from the Qur'anic command "enjoin upon each other" with "truth and steadfastness" and a *hadith* of

the Prophet which said: Stop the evil being committed with force, but if you do not possess the strength to do so, condemn it openly. If you do not even have that much courage, consider it an abomination for this is the last stage of faith." It was in pursuance of this pronouncement that the khilafat conference passed a resolution in July 1921 that it was *religiously unlawful* for Muslims to serve the British. As a matter of fact, we find this constancy in Azad's life even in purely political matters; there may have been apparent shifts in the stand taken by him on different occasions according to the exigencies of the situation, in his chequered political career, yet the underlying thought and motive can be traced to his religious beliefs and concepts.

Azad's new idea of drawing inspiration from religion even in political matters must not be confused with the western experience of papal system which was based on the supremacy of Roman Catholic Church in the whole of Christendom. Azad only meant to deny metaphysical dualism of spirit and matter inherent in the concept of separation of Church from the state. It meant affirmation of moral values in all matters whether political or not. Islam was from the very beginning a civil society with laws civil in their nature though believed to be revelational in origin. Islam had never brought into existence any organised church to supervise the state but required all affairs to be conducted in accordance with the moral consciousness of the people. In reply to an objection raised by someone to the mixing up of religious and political issues, Azad wrote in the *Al-Hilal*:

"You have raised a fundamental issue on which we want to raise the entire edifice of *Al-Hilal*. Were you to suggest that the arch is not attractive, we might consider altering its design, but if you demand that the very foundation stone be replaced, then excuse me, this is not at all possible. We cannot abide by your wishes. Whatever be the aspect of human behaviour, we have to consider it from the viewpoint of religion. If we have anything with us, it is the Qur'an

only, for we do not know anything besides it. We have closed our eyes to everything else; shut our ears to every voice. If we require light to see anything, then believe me, we have the light coming only from that luminous lamp. If you take it away from us, we would become blind.

'This is a scripture which We have revealed unto thee that thereby thou mayst bring forth mankind from darkness to light. (Q. 14:1)'

In fact, Azad's commitment to nationalism was the sequel of this conviction that Islam was sent down by God for establishing equality and unity of man, freedom of conscience and extermination of all types of exploitation. He expounded his theory of nationalism in a pamphlet entitled *Islam aur Nationalism*. He discussed in it the evolutionary process of social development. The society, he says, passes through three main stages. In the first stage it comes into existence on the basis of matriarchy which is later transformed into paternalistic family, clan and tribe. The second stage of society begins with its organisation on the basis of territory, which replaces kinship, and unites the groups into a state of a region or country to which allegiance is paid by the nation. The third and the final stage is that of universalism on the basis of a common ideology. This is, his view, the stage of religious ecumenication or Islam and world-wide humanism. Azad pleads that before society reaches the religious universalism and humanism it must pass through the stage of nationalism. Thus, he says, both religion and sociological evolution of society indicate the necessity and desirability of nationalism. He rejects aggressive nationalism and favours one that has the material and moral welfare of the individual as its objective. He also justifies his view by insisting that the principle underlying faith in God is brotherhood and unity of mankind, not differences and hatred amongst them.

It is not surprising that Azad drew inspiration from his religious convictions since a number of political leaders of the time, both Hindus and Muslims, were profoundly

religious. Mahatma Gandhi, Tilak, Bipin Chandra Pal, Aurbindo Ghosh, Madan Mohan Malviya and Lajpat Rai were all deeply religious men who had tried to awaken the zeal of the people for freedom through religion. Mrs. Annie Besant, who founded the Theosophical Society and exercised much influence on Hindu youth led the Home Rule movement in the second decade of the twentieth century.

*Al-Hilal* marked a turning point in Urdu journalism. It achieved unprecedented popularity within a short time. The people were attracted not only by Azad's amazing resource of literary expression and its superior printing but even more by the new note of religious zeal in purified Islam and nationalism preached by it. It urged Muslims either to live in freedom or to destroy themselves for there was no third alternative in Islam. It kindled a revolutionary stir among the Muslim masses and its demand was so great that within the first three months, all the old issues had to be reprinted as every new subscriber wanted the entire set. The British rulers were taken aback by the clarion of *Al-Hilal*. Cash securities were first demanded and then *Al-Hilal* press was confiscated in 1915. Azad started a new press called *Al-Balagh*. The British Government unable to stop Azad, externed him from Bengal under the Defence of India Act; Punjab, Delhi and U.P. had already prohibited his entry and so he went to Ranchi where he remained till the end of 1919.

Azad's activities at Ranchi have been thus described by Syed Sulaiman Nadwi:

"During his stay at Ranchi, Azad delivered lectures in Jama Masjid of Ranchi for one year in which he elucidated and explained the Quranic verses. He spent a greater part of his time in writing and completed the *Tarjumanul Quran* or the exegetical translation of the Scripture during that period. Another comprehensive commentary on the Quran by the name of *Al-Bayan* covering 23 parts of it was also written by him. He also wrote different brochures like *As-Salat*, *Az-Zakat*, *Al-Haj* and *An-Nikah* on Islamic fiqh in which he explained the

issues impartially, disregarding the views of different schools of jurisprudence, keeping in view only the Quran and the *sunnah*. He also wrote biographical accounts of eminent renovators of faith like Ibn Taimiyah, Ibn Qayyim and Shah Waliullah. He also wrote a brochure on logic and a few other literary articles."

It was at Ranchi that Azad also wrote a part of his biography, *The Tadkhirah*, in which he shed light on Akbar's Decree of Infallibility, Makhdum-ul-Mulk Abd-un-Nabi, Shaikh Dawud, Syed Muhammad Jaunpuri, Shaikh Niyazi, Shaikh Alai and Shaikh Ahmad Mujaddid Alf-Thani. He also wrote brief biographies of Imam Ahmad b. Hanbal, Imam Malik, Imam Dhahabi, Hafiz Asqalain, Imam Abu Haiyan, Shaikh Abu Hafz and Hafiz Asli in which he undertook a critical review of different theological issues of medieval thinkers. He held the view that philosophical discussions which give rise to scepticism find a most satisfying answer in the Quran itself.

Azad had announced his intention of writing the *Tarjumanul Quran* in the *Al-Balagh* of 26th November, 1915. By that time he had already completed the work upto the fifth part of the Quran. When he was externed from Calcutta in March, 1916, all of his writings were seized. He again worked on translation which was completed by 1918, but once again his arrest and confiscation of paper by the police, which were either destroyed or returned in a torn and shabby shape, frustrated his efforts. He again started work on it by the end of 1927 and completed it by July 1930, but it could not be printed beyond the 18th part. Later on, he further revised the work and after his death in 1958, Sahitya Academy published four out of five volumes in which he had divided it. The first part contains the exegesis of the opening chapter of the Quran, consisting of only seven brief verses but its elucidation by Azad covers 460 pages. The remaining give an explanatory translation of other chapters in Urdu with notes, where necessary.

In the introduction to this work, Azad stresses the need

of recapturing the original meaning of the Quranic idiom by skipping the unwarranted comments of later exegetes or resorting to one's guesswork. Although Azad was a rationalist like Sir Syed, with whom he was greatly impressed, he rejected Sir Syed's view that the revelation should be compatible with scientific discoveries. Scientific knowledge was, according to Azad, based on ephemeral findings which could undergo a change at any time, but the revealed truth was abiding, everlasting. The spheres of the two were also different; one was concerned with the observable facts, the other with those mute realities which were beyond the ken of human perception. Azad's commentary, in fact, opens the way to new theological dialectics (*ilm-i-kalam*) which relies on *tafakkur* (contemplation) rather than on quibbling and ratiocination. "His was an approach", writes Khaliq Ahmad Nizami, "characterised by rejection of hairsplitting and caustical philosophic disputations and artificiality (*wazi'ai*) in exegetical studies and dogmatic exclusivism in the theological approach. He believed in direct, unsophisticated approach to religion which he interpreted in terms of humanism, benevolence, charity and human origin. His discussion of the divine attribute of *rububiyat* (benevolence) is extremely fascinating and from the basis of his approach to religion."

In his exegesis of the first chapter of the Quran, the *Surah Fatiha*, Azad shows a remarkable knowledge of comparative religions. He cites from the scriptures and scholars of different religions to substantiate his view that all great religions insist on the belief in one God. His treatment to divine attributes contains a wealth of knowledge on the subject. His concept of Unity of God leads to other two unities: the unity of all Religions in the faith in God and unity of Mankind. Some of his comments on other verses, as, for instance, about Dhul-Qarnain, are pieces of original research and show his extensive knowledge of world history. However, certain passages of Azad's commentary raised



the controversy that he did not subscribe to the finality of the Prophet Muhammad, considered the *shariah* as unimportant or did not consider the *ahadith* as one of the ingredients of Islamic law. Azad, however, rebutted these allegations and said that when he speaks of faith, he means conviction in God, His Prophets, the Day of Judgement, the Quran and all its commandments. Azad propounded the Quranic view of religion: God revealed His guidance to the peoples of other countries through His Prophets. The faith was common to all, for truth is one and ever-abiding. When in the course of time people corrupted the message another prophet was sent, Muhammad being the final messenger of God. Azad also explained that besides the faith (*din*), the Quran also laid down the law (*shariah*) which regulates man's behaviour and morals. It also prescribes the moral standard to discriminate the good from the evil. The law of the earlier prophets was according to their social circumstances and capability of the people, but the faith has always remained the same. Therefore, there ought to be no ground for dispute in the matter of rituals and worship so long as the faith in oneness of God remains intact. God could have made all to follow one religion, if He had so wished. The Quran expressly says that God has made for every group and nation a different law and standard so that He may put them to test. "The principle underlying faith of God", wrote Azad, "is brotherhood of the human race, not difference and hatred. All the prophets of God who appeared on earth gave the same teaching i.e. all human beings are one people, and the Lord and Provider of all of them is one God." And again: "The way of belief is to accept the truth of all the prophets and not to deny any one of them. The way of falsehood lies in denial of any one or all of them."

Azad, in fact, never denied the validity of either the *hadith* or the *shariah*. He continued to give juristic opinions even when he held the charge of Ministry of Education, which go to show that his opinions were based on the Quran and the *hadith*. The questions referred to him pertained to a

variety of issues like pre-requisites of creed, religious performances, marriage, divorce, inheritance, awqaf, meaning of any passage of the Quran or a particular *hadith*, views of different schools of jurisprudence on any specific issue, mysticism etc. Azad promptly sent replies to the questions. His answers were always concise yet clear. There juristic opinions indicate that he was able to find time amidst his multifarious responsibilities for the study of religious literature. Azad, however, did not subscribe to one or the other recognised juristic schools, but preferred to formulate his own solutions to legal problems in the light of the Quran and the *sunnah*. He was fully capable of it, owing to his extensive study and insight into the sources of Islamic law. Some of the replies given by Azad on the questions posed to him are interesting enough to be mentioned here.

In a letter dated November 16, 1956 he writes "It is true that religious conviction should be based on one's own researches rather than blindly following others or inherited ideas. But the question is what would be the deciding factor of such a quest. Human knowledge has not yet crossed the stage of negation, that is, the science tells us that it knows nothing about God, nor it is the sphere of its exploration. In other words, it is unable to say anything positive, while we need a positive affirmation to get rid of the restlessness of our heart and soul. And this positive stand can be had from the religion and revelation. It is abiding also. Religion does not say that it does not know: it says it has been bestowed certitude by its Lord. It affirms that it possesses the knowledge, it hears and sees a Being beyond the phenomenal world who can guide humanity by His light.

"Now the question is whether we should respond to one which acknowledges its ignorance or the other which lights the way to knowledge and certitude.

"Great thinkers of the modern times had to adopt this very course. You might go through the latest writings of Bertrand Russel."

One, Dayanand Sharma of Delhi, inquired whether the concept of human equality was God-given or product of human mind. Azad wrote in reply: "What one finds from the Quran is that it stresses human equality and brotherhood and opposes the idea that any group of persons can claim any superiority on the basis of race or culture. The concept of human equality is a natural human tendency which has been endowed by God. As for the effort to attain this ideal, it depends on man's intellectual faculties. The natural tendency inherent in man has shown him the right path, and it now depends on him to betake it or not".

After Gamal Abdul Nasir took over the reins of government in Egypt, the chief juris-consult of Al-Azhar University gave the opinion that it was not permissible for women to take part in politics. A press reporter approached Azad to express his views about the juristic opinion of the Egyptian scholar. Azad replied: "I do not think that Islam imposes any such restriction." He further said that Aisha, the widow of the holy Prophet had led her army in the battle of Jamal, but nobody has questioned her right to leadership during the past fourteen hundred years, nor raised the question for permissibility of her leadership. He elucidated the point further by pointing out that if Islam permits a woman to engage in business, she can earn her living, purchase and sell property, manage her estate, travel and accept an employment, take part in the development and defence of her country, teach and participate in reformatory endeavours like men and fight for her rights without infringing the laws of Islam, then how can she be debarred from taking part in politics? Why should then the doors of parliament be closed to her and why should she be deemed unfit for holding any administrative or ambassadorial post simply because she happens to be of the fair sex?

Azad's juristic opinions (*fatawa*), his *Tarjumanul-Quran*, *Tadhkira* and numerous other articles written for *Al-Hilal* and *Al-Balagh* leave no doubt that he was a reformer and revivalist from his early life and remained so to the end.

The noted religious scholar Syed Sulaiman Nadwi who wrote an article on Azad in the *Ma'arif* of March 1919, remarked that while describing the literary works of Azad he was led to think as if he were writing about Ibn Taimiyah and Ibn Qayyim or Sarakhshi and Ummiyah b. Abdul Aziz Andlusi. Azad tried to present the true content of faith and practice in Islam, which in his view, taught good behaviour and morals, perfection of conscience, good relationship among the people, regard for one's neighbours, kindness to the poor and needy, liberty, equality and fraternity to man irrespective of differences of colour, creed and race, opposed discrimination and exploitation in every form and fostered justice and fairplay, both at the individual and social levels.

Azad has never conceived Islam as a static religion. His world-view was based on the Quran and the *Sunnah* and a sincere commitment to it. He endeavoured to understand the integral interrelatedness of the traditional *aqli* (intellectual) and *naqli* (transmitted) branches of knowledge in order to evolve a new tradition out of that so as to be able to solve the new problems of life: he analysed Man and Man relationship and Man and Nature relationship with reference to God-Man relationship given in the Quran and the *sunnah*. He interpreted Islamic values in a way that other religious groups also realised the universality and essentiality of absolute values common to all religions and formulated a system whose basis was faith in God and expressed it through eternal values signified by the Absolute Qualities of God. At the spiritual level his referential framework was *iman* whose constituent elements were *tawhid* (Unity of God, Unity of Creation and Unity of Religion), *risalat* (prophethood) and *akhirah* (accountability of man in the hereafter). It is true that his concept of *tawhid* included *risalat* and *akhirah*. He stressed the Quranic concept of Divine Unity in a way which could draw man to worship of the Unique, Incomparable God and thus deliver him from the bondages of the self, home, community, country, race and

colour. He derived his moral values from Divine Qualities and considered truth, justice, righteousness, mercy, and creativeness to be absolute and not changing phenomena determined by society. His faith in *risalat* (prophethood) provided him with the perfect human frame of reference. The belief in *risalat* implied belief in the scriptures sent down by God and hence ultimate belief in the Quran, which was for him *huda* (guidance). It also implied belief in the *sunnah* (the practices and instructions of the last Prophet) as the elucidation of the Quran and the ultimate norm of conduct. In the interpretation of *Shariah* Azad's approach was to apply the Quran and *sunnah* through reason and spiritual-cum-intellectual insight. He was, however, never, dogmatic on any issue and preferred reinterpretation of the Quran and *sunnah* in the light of modern life.

Azad's religion was to him his faith as well as patriotism. He was zealous to protect the frontiers in his faith. He declared: Islamic education, Islamic history, Islamic arts, Islamic sciences and Islamic culture constitute the elements of my wealth, and as a Muslim, it is my duty to preserve it." But, he possesses the intellectual breadth and spiritual expansion inculcated through the Quranic dictum that "Mankind were but one community," which enabled him to appreciate and esteem all forms of faith other than his own. As he had himself said: "The soul of Islam is not a barrier to this belief; in fact, it guides me in this path. I am an integral part of this unified and impartial nation." This was in fact the inevitable outcome of the religious thought of a spiritually powerful man who had realised that the only way to Indian nationalism lay in a genuine tolerance and respect for all cultural entities of the country through the interaction of which alone India could evolve a rich and enduring culture.■

## 'IMRANA ISSUE OUTSIDE AIMPLB PURVIEW'

The All-India Muslim Personal Law Board (AIMPLB) has clarified that since the board considers the Imrana rape case as merely a local matter, therefore it is neither the board's responsibility to give its opinion on this issue nor it is under its jurisdiction to intervene in such kinds of matters.

AIMPLB general secretary Maulana Syed Nizamuddin, in a signed press release said that such cases occur in every society but an attempt to highlight them through media is nothing but to defame Islam and Muslim Personal Law. He has advised the members of the board to desist from making any comment on such issues which involve interpretation of Shariat rules.

The Maulana said that the board was constituted to safeguard Shariat from any interference and the same had been guaranteed by the Shariat Application Act, 1937. "The rules of Shariat are inviolable although there exist some differences among the clerics belonging to different maslaks (schools of thought). The board has representation of different maslaks but just on the basis of differences among them, no attempt has ever been made to thrust the opinion of one maslak over the other," he said.

Referring to the edict issued by Darul Uloom, Deoband on the Imrana issue, Maulana Nizamuddin said that it (Deoband) is an important centre of Hanafi maslak and it only gave its opinion on the issue of Shariat referred to it. There is no justification to raise objection on its opinion, he added.

Strongly criticising the role of some intellectuals and media on the Imrana episode, the Maulana said that Imrana would not have undergone mental agony had these people kept away from interfering in this matter.

Taking strong note of highlighting social evils like rape through electronic media, the AIMPLB general secretary clarified that the board has so far not issued any statement on Imrana rape issue and whatever statements have been published in the media were the individual opinions of the board members. He said that when the police has filed a chargesheet in the court in connection with the offence of rape, the court verdict should be awaited.

Lambasting the people who are making hue and cry over the Imrana rape case to create conditions for reforms in Muslim Personal Law, the Maulana said: "These so called reformers should understand that the Muslims will neither accept any change in their personal law nor a Uniform Civil Code will be acceptable to them."

# THE SIGNIFICANCE OF THE RIGHTS OF HUMAN BEINGS - MORAL CONDUCT AND BEHAVIOUR

S.Sulaiman Nadwi

After beliefs and *Ibadat*, the third thing which the Holy Prophet (peace and blessings of Allah be upon him) taught is moral conduct and behaviour. It implies recognition and fulfilment of mutual rights and obligations which we as human beings owe to each other and to the humanity. When a man comes to this world, he has some attachment with the inmates of this world, he has relations with his parents, his family, his kith and kin, his friends and companions etc.. To fulfil the obligations he owes to them in the best possible manner and to deal with them rightly and fairly is called good conduct and behaviour. As human being, he has some kind of relationship with the other human beings, he may be belonging to his *mohalla*, his country, his nation or caste or creed. This relationship is not confined to human beings but to the animals as well. These relationships also entail some moral duties and obligations which he is bound to discharge.

The peace, prosperity and harmony of this world depends upon this moral discipline. If it is wanting in the people Govt. has to formulate laws to enforce it. If the people or parties realize their moral duties and obligations and fulfill them of their own accord, there is no need to enforce these coercive laws. So the best religion of the world is that which exerts moral influence on its followers to such an extent that they do not go astray from the right path.

All the religions of the world have endeavoured as far as possible, to lead its followers to the right path and Islam has also done the same. In the following chapters we shall give a detailed review of the efforts made by Islam in this direction with special reference to the teachings of the Holy Prophet (peace and blessings of Allah be upon him).

## Good Manners and Islam

This is an undeniable fact that the essence of all the regions of the world is 'ethic'. Hence all the reformers and prophets stressed on moral and spiritual purification of man. They exhorted him to speak the truth and not tell a lie as the former is a virtue and the latter a sin. To do justice is a good act and injustice is and evil. To give something in charity is a virtue and to steal is bad. But the last of the Prophets (peace and blessings of Allah be upon him) was not only the perfect model personality to be emulated by all in so far as moral conduct, manners and behaviour are concerned but he gave perfect moral code of life to humanity. He said: I have been sent to (teach) perfect good manners.

The above Hadith has been narrated in *Muwaata'* of Imam Malik. In Masnad Ahmad, Bayhaqi and Ibn Sa'ad it has been narrated that the Holy Prophet (peace and blessings of Allah be upon him) said: I have been sent to (teach) the best of conduct.

So the Holy Prophet (peace and blessings of Allah be upon him) had begun to perform this duty in the very beginning of his Prophethood. When Abu Dharr heard about the advent of the Prophet (peace and blessings of Allah be upon him) in Makkah, he said to his brother: ride in the valley and bring me information about the person who claims that there comes to him information from Heavens. Listen to his words and then come back. So he rode on until he came to Makkah, and he heard his words (the sacred words of the Holy Prophet) and then came back to Abu Dharr (Allah be pleased with him) and said: I have seen him exhorting (people) to develop good morals.

On emigration of the Muslims to Abyssinia, when Negus, the king of that country asked about Islam, Ja'far stood up and replied: O king, we were an ignorant people; we used to worship idols and eat dead bodies, and we committed indecencies and cut our own uterine relations. We trespassed on our neighbours and the strong amongst us devoured the weak.



We were in this condition when God sent us a messenger of our own whom we know to be noble by descent; truthful, honest and chaste. He called us to God that we might declare His Unity, serve Him and leave all those deities made of stone. He commanded us to speak the truth, to pay back our trusts, to unite our relatives, to treat our neighbours with kindness and to restrain from things forbidden and from bloodshed. He forbade us all indecencies, lies and misappropriation of the property of the orphans and the slandering of the virtuous women.

In the same way, Abu Sufyan (who was still a disbeliever) was sent for at the court of Hercules who questioned him: What does the Holy Prophet (peace and blessings of Allah be upon him) preach! He answered: He (the Holy Prophet) preaches: Worship One God, join no partners with Him, carry out your prayers, be chaste, speak the truth and keep union among uterine relations.

Praising the Holy Prophet (peace and blessings of Allah be upon him) it has been said at various places of the Holy Qur'an:

It is He Who has raised among the unlettered ones a messenger of their own, to recite unto them His revelations, to purify them and to teach them the Book and the wisdom. (62:2)

The two words used in the above verse need elucidation, the first is *tazkia* which means purification-and the second is *hikmah* or wisdom.

*Tazkia* means purification; to make a thing neat and clean and to remove dust and filth. It also signifies the purification of heart and soul from all evil and sinful thoughts and fancies. It is said in the Holy Qur'an:

By the soul and that which He perfected,  
And inspired (with the consciousness of) what is  
wrong for it and (what is) right for it;  
Surely who purifies it succeeds,  
And surely he who stunts it fails. (91 : 7-10)  
Surely successful is he who purifies himself, and  
mentions the Name of his Lord and prays. (88 : 15)

The sense in which the word *tazkia* is used is amply clear from the above verses. It was a special characteristic quality of the Holy Prophet (peace and blessings of Allah be upon him). It is also evident from the above verses that the most important mission of his prophethood was to purify the hearts and souls of men from evil and sinful thoughts and fancies and reform their actions and deeds and conduct and behaviour. His friend and foes both spoke highly of this salient quality of the Holy Prophet's (peace and blessings of Allah be upon him) character.

### Wisdom

The second word is that of *hikmah* or wisdom. Although this word has been explained in the previous volume, it is sufficient to say here that this word stands for knowledge, perception, insight or *ma'rifah* which is a Divinely inspired knowledge in the heart of a Prophet (peace and blessings of Allah be upon him) and which finds its expression in Allah's commandments translated into his actions and deeds called the *sunnah*. The word wisdom also implies the practical results and consequences this knowledge, the major part of which includes morals and manners. In the surah "Bani Isra'il" stress has been laid on following things. *Tauhid* (worshipping none save One God), obeying the parents, helping the near kith and kin and the poor and the needy, abstinence from squandering of wealth, avarice, infanticide, adultery, slaying anyone wrongfully, oppressing and devouring the wealth and property of orphans. It is decreed to keep ones covenants, to give full measure and not to walk in the earth haughtily. It has been said in the Holy Qur'an:

These are the revelations of the wise Scripture, a guidance and a mercy for the good. (31 : 2,3)

And verily we gave Luqman wisdom saying: Give thanks to Allah. (31 : 12)

In the terminology of the Holy Qur'an wisdom lies in kindness to parents: Say not fie unto them, nor repulse them, exhortation to do good and refraining from evils, showing patience and steadfastness in adversities and speaking

not harshly.

The importance of moral conduct and behaviour in the *Shari'ah* of Muhammad (peace and blessings of *Allah* be upon him) can be judged from the fact that the *wahi* (Divine commands, revelations) received from *Allah* has been named Book and Wisdom. It is, therefore, quite evident that the significance of moral conduct and behaviour is not less than that of *Ibadat* (acts of worship) and other commandments. The Holy Qur'an says.

O ye who believe! Bow down and prostrate yourselves, and worship your Lord, and do good, that haply ye may prosper. (22 : 77)

### **The Significance of the Rights of Human Being**

If we consider the other aspect of the matter, fulfilment of the rights of human beings is more important than that of the rights of *Allah*; *haququl 'ibad* (human rights) is, in fact, another name of our mutual relations and dealings with other human beings and consists of discharging our duties, obligations and responsibilities which we owe to members of our family, relatives, society and State. The rights of *Allah* comprise *'Ibadat* (acts of devotion, worship). *Allah* is most Compassionate and His mercy knows no bound. The door of mercy is open to all good and bad. Excepting those who set partners unto Him and disbelieve in Him, the sins of all are pardonable according to His will and decree. But so far as *haququl 'ibad* (human rights) are concerned *Allah* has not taken upon Himself the responsibility to forgive or pardon the inequity and oppression committed by one person on the other. It is obvious that the oppressed person will not show such large-heartedness as to forgive and pardon the aggressor. It is *Allah* only, the Compassionate Who forgives the sins of all, as He is free from all sorts of human weaknesses. Therefore, the Holy Prophet (peace and blessings of *Allah* be upon him) said: Whosoever has wronged his brother should ask for his pardon in this world as (in the Hereafter) there will be neither a Dinar or Dirham (He should secure pardon in the life) before some of his

good deeds are taken and paid to his brother, of if he has done no good deeds, some of the bad deeds of his brother are taken to be loaded, on him.

In another *Hadith* it has been said that in the *nama-i-a 'mal* (Book of actions) three kinds of sins will be registered. The first about which Allah will take little notice and the second on every word of which Allah will give His judgement and the third that none of them will be forgiven by Allah such as polytheism (ascribing partners unto Allah). The sins about which Allah will take little notice include the wrong done by a person to himself by not fulfilling the rights of Allah such as prayer, fast, as in this case, the matter is between Allah and His servant.

But the kind of sins on every word of which Allah will give his judgement relate to the wrong done by one person to another.

It is evident that exploitation and injustice in mutual dealings is not permissible in Islam. Therefore Hajj is obligatory on a person who can bear its expenditure after defraying the household expenses such as food and lodging of the members of his family and *Zakat* is leviable on the surplus income of a person on which full year has passed after meeting with his household expenses which means that the rights of Allah (the obligatory duties of Hajj and *Zakat*) cannot be fulfilled unless and until the moral obligations of providing household necessities of life to the family are fulfilled.

### **The Five Articles of the Faith**

According to some *Ahadith*, after Iman, the edifice of Islam is built on four pillars i.e. prayer, fast, Hajj and Zakat. It is, however, wrong to say that no space has been set apart for moral conduct and behaviour in this Islamic structure. While exhorting the Muslims to observe prayer, it has been said that it forbids indecency and repugnant things (29 : 45). Fast teaches us piety and self-control. Similarly Zakat inculcates in us the sentiments of sympathy, cooperation with our brothers who are in need or difficulty. Hajj is also a means of cooperation and help for our companions of Hajj

and reforms our character by enforcing discipline in us without which the *Manasik-i-Hajj* (rituals of Hajj) can not be performed accurately. It is clear that the main aim behind these fundamental articles of Faith is to reform the morals in the believers and foster the sentiments of mutual love and cooperation and sense of realization for each other's help in need.

### **Iman and Good Conduct**

The most important point about *Iman* is that it relates to the inner state of mind and no one else can know about it. Anyone can profess or reaffirm his faith through his tongue. It is through his actions and moral conduct and behaviour that one can have cognizance of one's *Iman*. So in the surah Mu'minun, moral conduct and behaviour has been called as a salient characteristic quality of a believer in addition to the essential quality of *Iman*. The success of the Muslim in this world and his salvation in the Hereafter depends on both.

Successful indeed are the believers  
Who are humble in their prayers,  
And who shun vain conversation,  
And who are payers of poor-due,  
And who guard their modesty ..... (23 : 1-5)  
And who are shepherds of their pledge and their  
covenants,  
And who pay heed to their prayers. .... (23 : 8-9)

### **Taqwa and Good Conduct**

In the terminology of Islam *taqwa* is the name of that state of heart and mind which is the main-spring of all good and pious deeds. In the Holy Qur'an, the virtues of *Muttaqin* (God-conscious people) have been enumerated as given below:

Those who believe and put their trust in their Lord.  
And those who shun the worst of sins and indecencies  
and when they are wroth, forgive.

And those who answer the call of their Lord and  
establish worship, and whose affairs are a matter of counsel

and who spend what We have bestowed on them.

And those who, when great wrong is done to them, defend themselves.

The guerdon of an ill-deed is an ill the like thereof. But whosoever pardoneth and amendeth, his wage is the affair of Allah. Lo! He loveth not wrong-doers.

And whose defendeth himself after he has suffered wrong for such, there is no way (of blame) against them.

The way (of blame) is only against those who oppress mankind and wrongfully rebel in the earth. For such there is a painful doom.

And verily who so is patient and forgiveth-Lo! that, verily, is (of) the steadfast heart of things. ....(42 : 36-43)

And vie one with another for forgiveness from your Lord, and for a Paradise as wide as are the heavens and the earth, prepared for those who ward off (evil);

Those who spend (of that which Allah hath given them) in ease and in adversity; those who control their wrath and are forgiving toward mankind; Allah loveth the good. (3:133, 134)

These will be given their reward twice over, because they are steady and repel evil with good, and spend of that wherewith we have provided them.

And when they hear vanity they withdraw from it and say: unto us our works and unto your your works. Peace be unto you. We desire not the ignorant.(28 : 54, 55)

And feed with food the needy, the orphan and the prisoner, for love of Him. (76 : 8)

The interpretation of these verses of the Holy Qur'an in the sacred words of the Holy Prophet (peace and blessings of Allah be upon him) is contained in the literature of *Ahadith* which is still preserved. We quote here such *Ahadith* under different headings so that the people should know the true significance of moral conduct and behaviour in the teachings of the Messenger of Allah (peace and blessings of Allah be upon him).

## **The significance of Good Conduct in Islam**

The importance which the Holy Prophet (peace and blessings of Allah be upon him) gave to good morals and good manners can be judged from the fact that he recited in his prayers:

O Allah! Behold, I seek refuge in Thee from evil morals, deeds and desires.

O Allah! Guide me aright and make me straight forward.

O Allah! purify thou mine heart from hypocrisy, my conduct from dissimulation, my tongue from falsehood, and mine eyes from treachery. Thou knowest the treacherous glance of the eye and that which bosoms conceal.

O Allah! Behold I seek refuge in Thee from anxiety and grief, from inability and sloth, from faint heartedness, niggardliness, from the burd of indebtedness and domination of men.

The integral part of the religion of Islam is *Iman* but it can be perfected only with the best conduct. Abu Huraira (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: The most perfect of believers in faith is the best of them in moral excellence, and the best of you are the kindest of you to their wives.

Abu Huraira (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: One who manages the affairs of the widow and poor man is like the one who exerts himself hard in the way of Allah, or the one who stands up for prayer in night and fasts in the day.

Abu Huraira (Allah be pleased with him) said: A man came to the Messenger of Allah (peace and blessings of Allah be upon him) and said: O Messenger of Allah! Who has the greatest right that I should keep company with him with goodness? He said: Thy mother. He said: Who then? He said: Then thy father. Anas said: I heard the Messenger

of Allah saying: Whomsoever it pleases that his sustenance should be made ample to him or that his life should be lengthened, let him be kind to his relatives.

Ibn 'Umar (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: A Muslim is the brother of a Muslim; he does him no injustice, nor does he leave him alone (to be victim of another's injustice); and whoever does the needful for his brother, Allah does the needful for him; and whoever removes the distress of a Muslim Allah removes from him a distress out of the distress the day of Resurrection; and whoever covers (the faults of) a Muslim, Allah will cover his sins on the day of Resurrection.

Anas (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: Help thy brother whether he is the doer of wrong or wrong is done to him.

They (his companions) said: O Messenger of Allah! We can help a man to whom wrong is done, but how can we help him when he is the doer of wrong? He said: Take hold of his hands from doing wrong.

Abu Musa (Allah be pleased with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: Believers are (parts of) a structure, one part of which strengthens the other. And he inserted his fingers of one hand amid those of the other (so as to conjoin his two hands).

Anas (Allah be please with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: Do not hate one another and do not boycott one another, and be servants of Allah (as) brethren; and it is not lawful for a Muslim that he should sever his relations with his brother for more than three days.

Jarir (Allah be pleased with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: Allah has no mercy on him who is not merciful to men.

Al Bara' b. 'Azib (Allah be pleased with him) reported



that a bedouin came to the Holy Prophet (peace and blessings of Allah be upon him) and said: Direct me to a deed which draws me near to Paradise and takes me away from the Fire (of Hell). Upon this the Holy Prophet (peace and blessings of Allah be upon him) said: You worship Allah and never associate anything with him; emancipate a person from slavery freeing his neck from the burden of debt. Take hold the hand of the tyrant relative. If you can no do this, then provide food to the hungry and drink and if you cannot do even this, then you should either speak good or better remain quiet.

Abu Huraira (Allah be pleased with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: Anybody who believes in Allah and the Last Day should not harm his neighbour, and anybody who believes in Allah and the Last Day should entertain his guest generously and anybody who believes in Allah and the Last Day should talk what is good or keep quiet (i.e. abstain from all kinds of evil and dirty talk).

Anas b. Malik (Allah be pleased with him) reported: A man asked the Prophet (peace and blessings of Allah be upon him): When will the Hour be established, O Allah's Messenger? The Prophet (peace and blessings of Allah be upon him) said: What have you prepared for it? The man said: I have not prepared for it much of prayers or fasting of alms, but I love Allah and His Messenger. The Prophet (peace and blessings of Allah be upon him) said: You will be with those whom you love.

Jabir b. 'Abdullah (Allah be pleased with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: enjoining all that is good is *Sadaqa* (charitable gift).

Abu Huraira (Allah be pleased with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: A good, pleasant, friendly word is a *Sadaqa*.

Abu Huraira (Allah be please with him) reported that the Holy Prophet (peace and blessings of Allah be upon him) said: Whosoever does not give up false statements,

and evil deeds and speaking bad words to others, Allah is not in need of his (fasting) leaving his food and drink.

Abu Huraira (Allaah be pleased with him) reported Allah's Messenger (peace and blessings of Allah be upon him) as saying: The worst among the people is double-faced one; he comes to some people with one face and to other with the other face.

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (peace and blessings of Allah be upon him) saying: Verily, Allah would say on the Day of Resurrection: Where are those who have mutual love for My Glory's sake. Today I shall shelter them in my shadow when there in no other shadow but the shadow of Mine.

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (peace and blessings of Allah be upon him) saying: Avoid suspicion, for suspicion is the worst of lie in talk and do not be inquisitive about one another and do not spy on one another and do not feel envy with the other and nurse no malice, and nurse no aversion and hostility against one another. And be fellow-brothers and servants of Allah.

(Sahih Muslim, Kitab Al-Birr wa's Salat-i-wa'l Adab)

### **The Characteristics of Iman**

Besides the above Ahadith there are many Ahadith in which the Holy Prophet (peace and blessings of Allah be upon him) has said that such and such good action and deeds are the characteristics of Iman. They are indicative of intense devotion of man to his Creator and his enthusiasm for virtue and piety. The excellence of our Iman can be judged from our thoughts and actions. If they flow from the fountainhead of devotion and love of Allah we are true to our Iman. Its light will not only purify our hearts and souls; but this conviction of ours will create in us a sense of piety to do good and avoid evil to please our Lord and not to displease Him.

The Holy Prophet (peace and blessings of Allah be upon him) said:

- 1) *Iman* has over seventy branches, and modesty is branch of *Iman*.
- 2) *Iman* has over seventy branches or over sixty branches, the most excellent of which is the declaration that there is no god but Allah, and the humblest of which is the removal of what is injurious from the path.
- 3) There are three qualities for which anyone who is characterised by them will relish the sweetness of faith. He to whom Allah and His Messenger are dearer than all else; he who loves a man for Allah's sake alone; and he who has a great abhorrence of returning to unbelief after Allah has rescued him from it as he prefers to be thrown into fire than to unbelief.
- 4) There are three qualities of which anyone who is characterised by them will relish the flavour of *Iman*; not to dispute about the truth; not to tell a lie despite pressure and to believe that what had happened could not be averted.
- 5) There are three ingredients of *Iman*; spending in the cause of Allah despite poverty; restoring peace and security and to decide justly even if it is against you.
- 6) It is narrated on the authority of Anas b. Malik (Allah be pleased with him) that the Prophet (peace and blessings of Allah be upon him) observed; None amongst you believes (truly) till one likes for his brother, whatever he likes for himself.
- 7) Abdulla b. Amr b. al-'As (Allah be please with him) is reported to have said: Verily a person asked the Messenger of Allah (peace and blessings of Allah be upon him): Who amongst the Muslim is better? Upon this (the Holy Prophet) remarked: From whose hand and tongue the Muslims are safe.
- 8) It is narrated on the authority of 'Abdullah b. 'Amr (Allah be pleased with him) that a man asked the Messenger of Allah (peace and blessings of Allah be upon him): Which of the merits (is superior) in Islam? He (the Holy Prophet) remarked: That you provide food and pay

salutations to one whom you know or do not know.

- 9) A man said: Prophet of Allah, (tell me) what is Islam. He (the Holy Prophet) observed: Good talk and providing food. Then he said: (Tell me) what is *Iman*. He (the Holy Prophet) observed: Showing patience and moral courage.
- 10) A believer is he who loves other and he who does not love the other nor anyone loves him has no goodness in him.
- 11) Every Muslim is a brother of another Muslim. He does not oppress or abuse him. Abusing a Muslim is an outrage and fighting against him is unbelief. Allah will help him who helps his brother. He who alleviates the suffering of a Muslim, Allah would alleviate his suffering.
- 12) A believer is he whom the people consider as Amin (honest, trustworthy). A Muslim is he from whose hand and tongue the Muslims are safe. A *muhajir* (emigrant) is he who refrains from evil. The Holy Prophet (peace and blessings of Allah be upon him) observed: By Him in whose Hand is my life none of you will enter Paradise unless his neighbour is safe from his anger.
- 13) He who believes in Allah and the Last Day should treat his neighbour with kindness and show hospitality to his guest.
- 14) Abu Huraira (Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: Three are the signs of a hypocrite: When he spoke he told a lie, when he made promise he acted treacherously, and when he was trusted he betrayed.

We must study and ponder over all these *Ahadith* to know exactly what the Prophet Muhammed (peace and blessing of Allah be upon him) has done for the moral and spiritual elevation of the people. He not only preached but translated these precepts into practical reality by acting upon them throughout his life. His is, therefore, a model personality to emulate. Anyone who follows him will not only succeed in the present life but also in the Hereafter. ■