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Bases of Revelatory Guidance

S. Abul Hasan Ali Nadwi

The view of life arising from prophetic teachings has equity and moderation as its two immutable bases. Speaking of the right-guided persons, the Qur'an says:

"And those who, when they spend, are neither prodigal nor grudging; and there is ever a firm station between the two."

(*Al-Furqan* : 67)

Again, the dominant characteristic of the followers of the Qur'an is stated to be their remarkable moderation:

"Thus we have appointed you a middle nation, that ye maybe a witness against mankind, and that the messenger may be a witness against you." (*Al-Baqarah*: 143)

The Prophet himself afforded an illustrious example of complete and ennobling moderation. The distinguishing feature of Islam too, described as "the straight path" and "a right religion", is natural temperance and moderation and refraining from the aberrations of excess and extremism. Addressing the Prophet of Islam, says. God Almighty :

"Say: Lo! As for me, my Lord hath guided me unto a straight path, a right religion, the community of Abraham, the upright, who was no idolater."

(*Al-Anam*: 162) ■

CONTENTS

1- The Prophet's Affection Towards Mankind	- S. Abul Hasan Ali Nadwi	7
2- Paradigm of Ultimate Piety	-S.M. Rabey Hasani Nadwi	10
3- Islam, The Trailblazer of Women's Rights	-Amatul Hakeem	13
4- New Philosophy of Despotism	-S.M. Wazeh Rasheed Nadwi	21
5- Administration of Justice in Umar Farooq's Caliphate	- Jamil Farooqui	26
6- Hijrah or Migration of Prophet Muhammad (PBUH)	- Sharafuddin B.S.	34
7- Conversion in Agra	- Obaidur Rahman Nadwi	38

Wisdom of Qur'an

“Those who were unjustly expelled from their homes for no other reason than their saying: ‘Allah is Our Lord.’ If Allah were not to repel some men through others, monasteries and churches and synagogues and mosques, wherein the names of Allah is much mentioned, would certainly have been pulled down. Allah will most certainly help those who will help Him. Verily Allah is Immensely Strong, Overwhelmingly Mighty. (Allah will certainly help) those who, were We to bestow authority on them in the land, will establish Prayer, render Zakah, enjoin good, and forbid evil. The end of all matters rests with Allah.”

(Al-Qur'ân – 22:40-41)

When power is bestowed on the believers, they concern themselves with such noble tasks like establishing Prayer and giving out Zakah, and use their power to promote goodness and extirpate evil.

It is, in fact, God Who decides to whom governance of a territory should be entrusted. People who are intoxicated with power are prone to misunderstand that it is they who decide the fate of people. But God, Who has the power to transform a tiny seed into a huge tree, and Who conversely, can turn a huge tree into a pile of ashes, also has the power to strike a fatal blow and make an example of those who, by their acts of repression, struck terror into the hearts of people making themselves appear too well entrenched to be removed from power. On the other hand, He can also raise the down-trodden to heights of power that none can dream of. ■

Pearls From the Prophet Mohammad (PBUH)

It has been narrated on the authority of Ibn Umar that the Holy Prophet (peace and blessings of Allah be to him) said: “Beware, every one of you is a shepherd and everyone is answerable with regard to his flock. The Caliph is a shepherd over the people and shall be questioned about his subjects (as to how he conducted his affairs). A man is a guardian over the members of his family and questioned about them (as to how he looked after their physical and moral well-being). A woman is a guardian over the household of her husband and his children and shall be questioned about them (as to how she managed the household and brought up the children). A slave is a guardian over the property of his master and shall be questioned about it (as to how he safeguard his trust). Beware, every one of you is a guardian and every one of you shall be questioned with regard to his trust.”

(Sahih Muslim)

Here, the government's responsibility towards the citizens has been put on a par with parents' responsibility towards their children. Just as the father is bound to ensure the maintenance and well-being of his family, the government is bound to ensure the moral, spiritual, social and economic well-being of its citizens, whose affairs it has undertaken to administer.

Like a shepherd, a father serves his family with a spirit of deep love, affection and self-sacrifice. Similarly, the rulers should serve the people of the State with the same emotions of love and sacrifice. ■

Emancipator of the Humanity

The third month of the Islamic Calendar is Rabiul-awwal. This has its significance because in this month last prophet of Islam Hazrat Mohammad was born in Mecca. He is the sixtieth branch of Prophet Ibrahim (PBUH) genealogical tree. His father was Abdullah who got married to Amina, the daughter of a well established family of Quraysh. Soon after Abdullah set-off for Syria on a business assignment. While returning from there he fell ill on way and passed away at Medina. Prophet's mother Amina was pregnant at this time. Later she gave birth to a boy who was destined to dispel darkness of the world and to bestow the message of guidance to the humanity. As was the practice in those days he was entrusted to Halima Saadia who got honour of suckling Mohammad (PBUH). He stayed with her for six years. Hazrat Amina took him to Medina when he was six years old. However, while returning from there she fell ill on way to Mecca and died at Abwa. She was laid to rest there. Now Mohammad's (PBUH) grandfather Abdul Muttalib took the responsibility of his upbringing. At the age of 10 or 12 along with other children he started taking out goats for grazing. This was a common practice in those days even from noble families. At the age of 12 he accompanied his uncle Abu Talib on his trading mission to Syria. Gradually he attained expertise in trade. At 25 years of his age he was engaged by a well established trader Hazrat Khadija to take his merchandise to far of places. Impressed by Mohammad's (PBUH) honesty she proposed to him for marriage. She was a widow and a bit elder to him. They were married happily.

By habit Mohammad (PBUH) always kept himself away from those events where polytheistic rituals were performed. He used to think of ways to eradicate evils. There was a cave at a distance of 3 miles from Mecca. Mohammad (PBUH) often stayed in this cave for hours meditating. One day while he was in the cave Allah sent an Angel to him. He was Jibril (PBUH). Mohammad (PBUH) was asked to "read". He replied that he was illiterate. On his insistence at third time he repeated:

"Proclaim! (or read) in the name of thy Lord and Cherisher, who created- created man, out of a leech like clot:

Proclaim! And thy Lord is the most Bountiful!

He who taught (the use of) the pen, Taught man that which he knew not. (Q.96:1-5)

This was the first revelation which was followed in the next 13 years in Mecca and over 10 years in Medina where he migrated when Meccan made his life hell because of his preaching.

Prophet Mohammad (PBUH) after getting himself established in Medina started sending his messages to other kingdoms inviting them to come in the fold of Islam. By his personal life and sayings he left a lasting impact on society. His nears and dears vowed to carry his message all around. Now in this month of Rabiul-awwal we should revive his message and spread his 'Dawa'. ■

S.A.

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The Prophet's Affection Towards Mankind

- S.Abul Hasan Ali Nadwi

Surely there has come to you a Messenger from among yourselves. Hard upon him is what bothers you, and who is concerned for you and is affectionate and merciful towards the believers. If then, they turn away, say: "Sufficient unto me is Allah. There is no god but He. In Him I put my trust, and He is the Lord of the mighty throne."

(al-Tawbah 9:128-129)

The overarching concept of mercy pervades the above account of the Prophet Muhammad (peace and blessings be upon him). Mercy consists in taking pity on someone, helping him, sharing his sufferings and striving to alleviate his misery. These are the qualities which characterise the conduct of every decent person. Allah is the Most Merciful of all those who show mercy. Allah has infused the virtue of kindness into human beings in varying degrees. The kindest person has been the Prophet Muhammad (peace and blessings be upon him), as is evident from the above Qur'anic passage. He is hurt by the slightest discomfort experienced by any fellow Muslim. He does not approve of anything which may prove hard for them. His concern for them is genuine and broad in range. All

along he is worried about their welfare: His kindness towards fellow believers knows no bounds.

It is common knowledge that parents are affectionate towards their children. A mother's love for her child is proverbial. If one claims that one loves someone more than their mother does, one's claim is dismissed outright. Such a claim is not entertained and is rejected in that it smacks of hypocrisy and falsehood. Allah has infused love between parents and children. This filial love has been there since the beginning of the world. It is part of the law of nature. By the same token, our spiritual training programme has always been taken care of by Allah's messengers. Their love for mankind is far greater than that of parents for their children. It is beyond one's capacity to relate the immeasurable love which messengers have for the believing members of their respective communities. They share their sorrows and sufferings. Every slight discomfort for their followers pains these messengers. They are disturbed if even a single member of their community is in trouble. We cannot measure their overflowing concern for their fellow human beings.

The Qur'anic passage quoted above should give us some idea of the Prophet's affection and concern for his fellow Muslims. The same was practically demonstrated throughout his distinguished career in that he was anxious about their ultimate end and displayed the utmost sincerity and affection to them. What made him more sensitive to their cause was his descent from the same tribal origin. He knew well their suffering and shared it with them. Had he been from another tribe, culture or country, he would not have readily sensed their plight. It goes without saying that those with a common bond of fraternity share mutual sorrow. The closer the ties, the keener the realisation of the pain suffered by them. Otherwise, people living in the same locality turn indifferently to the problems staring them in the face. We know well that provinces and countries are very broad in size. People living in the same village often fail to learn about one another's misery. This is not, however, true of the Prophet (peace and blessings be upon him). Being one of them he recognised their problems and felt disturbed at whatever tormented them. Out of this affection and concern for them he was pained by their every discomfort. Their suffering made him restless. He was always keen to ensure their welfare. His main concern was that all those around him should turn into sincere servants of

Allah and accordingly enjoy His mercy and forgiveness. Their negligence in matters of faith hurt him. He was averse to their disbelief lest it land them in Hellfire. He tried his level best to keep them away from Satan's spell. Rather, he instructed them all along to draw closer to Allah which would help them win His mercy.

He was immensely kind and affectionate towards believers. It is hard to measure the depth of his concern for them. It was much more intense than filial love for an only child. An instance in point was the Prophet's anxiety over the suffering of the disbelieving Makkan prisoners of war who had come to Madinah as invaders during the Battle of Badr. He felt restless on their count even while he prayed. It is on record that he offered prayers with total devotion. He derived immense pleasure and satisfaction from performing prayers. He would often summon his Companion, Bilal to recite the *adhan* which brought him much joy and tranquillity. This he did while he was engaged in the work of Islam, deliberating on the ways and means to spread the message of Islam and to elucidate the Qur'an and *hadith*. His request to Bilal for *adhan* bears out his dedication to Prayer. At the same time he had an overflowing love and affection for his community members.

It is related on the Prophet's authority: "At times while I lead prayers, I hear a child crying. My fervent desire is to offer a prolonged prayer, immersing myself in the recitation of the Qur'an and turning wholly to Allah by way of invoking Him and crying for Him, yet I stop myself from prolonging my prayer, thinking of that crying child. For I realise that his mother, saying prayers behind me in congregation will be in distress." It is worth clarifying that at that time women visited mosques to offer prayers, for it was a time marked by social harmony and moral excellence. Since the level of behaviour was good, women were allowed to visit mosques along with their male relatives such as their father, husband or children. The Prophet, while engaged in prayer, originally planned to make extensive supplications to Allah but the cries of the child led him to shorten his prayer and supplication. For this would enable the mother of the crying child to give succour. Being restless she could not concentrate on her prayer, thinking of her child crying. In view of her condition the Prophet (peace and blessings be upon him) concluded the prayer at the earliest opportunity. Those who appreciate the spirit of prayer will readily recognise the great sacrifice so made by the Prophet (peace and blessings be upon him). For during prayer he turned totally indifferent

to his surroundings. While offering prayer he profusely cried and earnestly invoked Allah. Yet he cut short his prayer in view of a crying child so that his mother would not be disturbed. This reflects his caring attitude towards his community. On another occasion the Prophet (peace and blessings be upon him) used the following parable to illustrate his relationship with the believing community: "The parable indicating the relationship between you and me is as if someone lit up a fire, visible at a distance which attracts people. On rainy nights moths crowd around light in large numbers and are soon consumed by fire. Your example is of moths that surround fire. You are on the brink of falling into Hellfire. O men! You draw too close to Hellfire. I drag you by your waist in order to keep you away from Hellfire." This brings into sharp relief the Prophet's role regarding his community. His concern for the Hereafter is recorded thus in the Qur'an: *You are, as if going to kill yourself over their footsteps out of sorrow, for they do not believe in this discourse.* (al-Kahf 18:6)

Essentially, the Prophet was very keen that no member of his community should ever be consigned to Hell. Rather, he wanted that each one of them be admitted to Paradise. ■

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-aswad* (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 balck 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-aswad* to the actual site. The procedure not only provided equal honour to all groups, but earned all round acclaim.

When Muhammad (pbuh) was chosen by God as His Prophet and pronounced the Divine message publicly, he maintained an attitude as if he was not even aware of such an admonition.

Once the Prophet (pbuh) aimed a whipcord 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 reverence, saying that he had long been looking forward for such rare opportunity.

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 complied with and that he would rule

* Rector Nadwatul-Ulama, Lucknow-7.

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 world 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 occurred 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 occurrences 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 deep sorrow 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 idiotator'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 voice 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)

The Essence of the Surat-ul-Kahf

'*There is no strength save in Allah*' carries the essence of the *Surat-ul-Kahf*. The Prophet of Islam and every believer reciting the Quran has been called upon to place implicit reliance in God in every affair instead of relying on his own resources. Every intention and hope for the morrow has thus to be made dependent on the will and pleasure of God.

"And say not of anything: Lo! I shall do that tomorrow, "Except if Allah will. And remember thy Lord when thou forgettest, and say: It may be that my Lord guideth me unto a nearer way of truth than this."

(*Al-Kahf*: 24-25)

One would verily not bow in submission before the outward material causes, nor rely on those who appear to possess the means nor even on his own whims, desires and caprices if he ascribes every favour to the beneficence of the Merciful Lord. *Except if Allah wills or whatsoever Allah may will* might appear to be two commonplace traditional phrases often repeated mechanically by force of habit, but these are really very significant, pithy and meaningful expressions which cut at the very root of blind faith in one's own capacity or material resources. ■

Islam, The Trailblazer of Women's Rights

-Amatul Hakeem

"Show your pretty faces and let your beautiful hair fly in the wind", was the slogan of a campaign introduced by the Chinese government in 2011 called project beauty. This was mainly to win over or lure the Uighur women. Uighur is a Muslim community of Chinese-Turks, and this was an attempt made to discourage them from wearing veils and head scarves. Chinese officials claim the campaign promotes female empowerment while nurturing a local fashion and cosmetic industry, which is estimated to be \$480 million worth. The campaign also used films, fashion shows and state controlled media to drive the message of gender equality along with the hidden message that veils cause depression and scare children.

In yet another attempt recently, they have banned men with beards and women with head scarf and veils from riding the public buses. However, despite all these propaganda they have never been able to empower women in the real sense, and this has been true with all the other countries of the world as well, where women are being used as a tool for achieving long set goals.

The status of women in the society has always been one of the most complicated and controversial issues.

Barring the early Islamic epoch and the rule of righteous caliphs, throughout history she has been oppressed. Any attempt to revive the position of women, both by the modernist and the conservatives, has been futile. This has been so because one group (the modernists) burden women with extra responsibilities in the name of empowerment and emancipation, while the other (the conservatives) assumes the position of woman to be confined within the four walls of her house which, in turn, deprives her of educational opportunities curtailing her intellectual growth.

Like jumping from the frying pan and landing in the fire, when a woman works her way out towards exit from the clutches of her conservative home, she falls prey to the bait laid by the modernists in the name of empowerment, which, in fact, is just a pacifier in the mouth of modern feminists. According to Dr. Usman Mohammad Bugaje the Secretary-General of – "Islam in Africa Organization", the globalization of gender equity was a campaign started by United Nation in 1975, by declaring that year as the International Women's Year. Subsequently they declared the decade 1976-1986 as the 'Decade for Women.' During this time,

many conferences were held to discuss the women's issues. These conferences, conventions and activities even extended into the next decade which involved a host of international agencies. However, it was in the famous Beijing conference of 1995 that the topic of women's empowerment took a strong hold and was made an indispensable condition for world progress and development. Apparently it was during these two decades that the UN was a tool more than ever in the hands of Western powers, which were using UN to achieve their own selfish political motives.

This vicious campaign has had many serious repercussions all over the world since then, leading to many social problems, and political unrest especially in the developing countries. It not only prevents the assimilation of the practicing Muslim minorities with the mainstream, by marginalizing them as ignorant and victims of repression but has also lately been proved as a wrong *mantra* for progress.

Morphology of the term 'Empowerment'

Analyzing the term empowerment in connection with the women's issue, Dr. Usman Mohammad Bugaje said:

"The word 'empowerment', seems to be of very recent etymology, it became widely used and popularized by the 'Draft Platform of Action' of the Beijing conference of

1995. Though the etymology appears recent, the morphology of the word betrays a deep root in the psyche of a civilization which had been born out of conflict and remains ridden with conflict. For empowerment suggests the giving of power to someone who has been deprived of it, someone who will remain vulnerable without that power, someone whose hope for justice and fairness seem to hinge on the possession of that power. This power, which is held to be the solution to all the problems, has to be wrested from some despot, presumably, in this case, man."

Therefore, setting women against men in competition for wealth and power in the name of equality, is similar to the communist ideology where every human being is mistakenly perceived to be the same. Moreover, here the focus is only on materialistic growth – i.e., making money and pleasure the only objective of life. The inevitable repercussions of this ideology have already been noticed in the West, with their family system crumbling like the proverbial house of cards. This notion as it has been conceived in the society only aggravates the war of the sexes as women are made to compete with men in all respect, and they are kept away from complementing the roles they are supposed to play for a healthy society. The followers of this ideology are obstinate to acknowledge that other

social issues like confusion of roles leading to identity crises which in turn give way to violent crimes, depression, mental illness, increased suicidal cases and lack of ethics among the youth sprout from this very perception of life.

Where Do We Seek the Solution?

Our contemporary world is similar to the period of *Jahiliyyah* (the pre-Islamic period) in many aspects. During both these periods there is absence of balance between the mundane and the spiritual life, money and pleasure form the only purpose of life, human rights are violated either due to ignorance or to fulfill the selfish motives, and women are treated as mere objects present to gratify the lust of men, blanketed in the name of modernity in the present world. However, when Islam rose amidst *Jahiliyyah*, it expounded balance in every aspect of life, be it mundane or spiritual. It obligated both men and women to recognize the rights of each other on them and live by it. This is when people began to recognize that women are a part of human race. It further exalted the position of women in the society and prescribed a set of rights which governed their welfare and security. To begin with – it condemned, threatened and declared female infanticide as a punishable crime. Women were given financial rights, educational rights; they had the right to be treated with dignity and honor. They were given right to choose their

husbands and had freedom to express their opinion in all spheres of life - religious, social, political, and economical.

Financial Right

This one of the most crucial and important rights which Islam vouch women. No other religion or law of the state upholds it as Islam does. In accordance with this right, the basic requirements of a woman like food, shelter and clothing has to be provided by her guardians, which includes her father, brothers and other close *Mahram* in absence of her father before marriage, and after marriage, it is the responsibility of the husband to provide her with food, shelter and clothing. Guardians have to fulfill this responsibility with due respect without considering it to be a burden on them. The details of this have been well documented in the books of Islamic jurisprudence. Apart from their maintenance, women have a share in the property of their father, brothers, husband and sons. They enjoy the sole ownership of *Mehr*, or dowry, which they get from their husband at the time of marriage. They can utilize the *Mehr* amount as they desire, they are free to invest their wealth in a business venture or they themselves can under-take the business dispositions using the wealth. Many western scholars have acknowledged this Islamic right of Muslim women. Dr.

Gustav Le Bon, who is a social psychologist comments in his book, *Civilization of the Arabs*:

“Islam developed the social position of women a lot. For example, the law of inheritance introduced by the Qur’an as compared to that of Europe, is more useful for women.”

Right of Dignity, Honor and Self-Esteem

Imam *Bukhari* has recorded a narration in his *Sahih*, [*hadith* (#5843)], where Umar (*ra*) has said:

“We would regard women as mere objects in the pre-Islamic period of ignorance. With the advent of Islam and Allah Almighty’s commands concerning women that we realized the rights of women over us.”

Islam, indeed, cleansed the pre-Islamic Arab society of its unjust man-made dogmas. It commanded (commands) the followers of Islam to shun all the discriminating rules against women. It commanded men to respect women and consider them as a trust from God, this instilled a sense of fear in the hearts of early Muslim men, they were very careful even while interacting or talking with their women folks, so as not to say anything which would hurt or disrespect them. During the period of *Jahiliyyah* any mistake from the woman was not tolerated nor was any leniency shown, whereas Islam urged Muslim men to appreciate women for

the good qualities they possessed instead of focusing on their weakness, since nobody in this world is error-free. This has been very well explained by our beloved prophet when he said [narrated by Abu-Hurairah, *Sahih Muslim* (*hadith* #1469)]:

“No believing man should curse a believing woman, for she must have some good qualities, if she possesses some undesirable ones.”

This attitude evinced by Islam towards women was not just restricted to the wife, but it did cast an overwhelming effect over all relations involving women like sister, daughter and mother.

The Companions of our holy Prophet competed with each other to adopt orphan girls, they took good care of them and kept them under their guardianship until the girls got married. They did this not to extract favors from the orphans later on, or to exhibit their piety, but to please Allah(*swt*) and get reward from Him alone. Islam made brothers legal guardians of their sisters in the absence of their parents. The responsibility of upbringing education, moral training and maintenance of an orphan girl is on her brother.

There are many injunctions in the holy Qur’an establishing good treatment and kindness towards parents as an obligation over their children, but the relation of mother has been high-lighted

for special honor in the Hadith. Abu Hurairah (ra) narrates that someone asked the Prophet, "O Messenger of Allah, who deserves my good treatment the most?" The Prophet replied, "Your mother." he asked again, "And then?" The Prophet said, "Your mother." On repeating the question the third time he got the same reply from the Prophet. However for the fourth time, the Prophet said, "Your father and then those who are nearer to you." [1]

Right of Education

Narrated by Abdullah b. Masood [Takhrij Mishkatul Masabih lil Albani, hadith #268], the Prophet said:

"Acquire knowledge and teach it to others, learn the IlmulFaraid and teach it to others and learn the Qur'an and teach it to others, for I'm destined to leave".

Therefore, Islam not only commands to acquire knowledge but also emphasizes on teaching the acquired knowledge to others, and apparently it makes no distinction between man and woman in the process of learning and teaching of the Ilm or knowledge. During the early Islamic period women acquired knowledge and were on equal footing with men, some even excelled in jurisprudence of Islamic Shari'ah. According to Majma'uz Zawajid lil Haithimi [9/245], Urwah b Zubair (ra) says:

"I did not find anyone with more knowledge about the Qur'an, the Qur'anic law of inheritance, ordinance and prohibitions, Islamic jurisprudence, poetry, medicines, history of Arabs and lineage than Ayesha (ra)."

Umm Salmah (ra) has been mentioned in *Isabah* as: "A woman of perfect wisdom and sound judgment." Allamah Ibn Qayyim writes in his *I'lamulMuwaqq'een*, "If her judicial verdicts were to be compiled, a booklet will come out of it."

Apart from Prophet's (saws) wives there were many women who were highly knowledgeable and cognizant. There was a custom of being well-read among the early Islamic women; therefore, many of them could read and some had mastered the art of writing.

Right to Live and Choose

Islamic law allows the adult woman irrespective of whether she is a virgin, widow or a divorcee, to choose her life-partner staying within the limits of the *Shari'ah*. According to the directives of the *Shari'ah*, the girl's guardians should seek her permission and consult her for her choice of groom for the marriage. Narrated by Abdullah b. Abbas [Sahih Muslim, #1421]:

The Prophet said, "A grown-up woman who is not yet married or who is a divorcee or a widow, has more right over herself than her

guardian. And a virgin's permission will be sought in matters concerning her, and her silence will be considered as her permission, if she does not speak up."

If the girl is forcefully married to a man against her will, she has the right to reject the marriage. If for some valid reason the marriage does not work, the wife has the right to end the marriage by following the directives prescribed by the *Shari'ah*, which are '*Khula*,' '*Tafreeque*' and '*Faskh*.' These are similar to the divorce rights which the man possesses. Clearly Islam does not force a woman to uphold the relationship of marriage if she is undergoing endless sufferings, inflicted on her by her husband, just because she has no other means of livelihood and protection.

Nevertheless, it does not imply that woman should seek divorce on every trivial matter. This is why the Prophet (*saws*) said:

"Any woman who demands divorce from her husband on every trivial matter will not smell even the fragrance of the *Jannah*." [*Sunan Abu Dawood*, # 2226]

Right to Freedom of Speech and Action

Women of early Islamic period were well-aware of their rights, be it financial, social, political or one governing their freedom of expression.

They used them diligently and at right time. Once, Umar (*ra*) said: "O people! Do not determine the *Mehr* of your wives excessively, because if it were a matter of greatness in the world and piety before Allah, then the Prophet (*saws*) would deserve it more." On hearing this, a woman interrupted Umar right in the assembly and said, "How do you say this, O Umar, while Allah says in the Qur'an: 'And you have given her plenty of wealth, then do not take any of it back [HQ, 4: 21].'?"

The courage and freedom to express their opinion was not just confined to free men and women of the early Islamic period, even the maids and servants had the right to express themselves. Women had the freedom to take appropriate action when in need. Islamic history has innumerable stories of brave and courageous women who took strategic action against the danger to save themselves and others. The brave and courageous act of Safiyah (*ra*) in the Battle of the Trench, where she successfully defended hundreds of Muslim families is worth reading. The early Islamic women were tough enough to volunteer in battles. They encouraged the soldiers, provided them with water and nursed their wounds. They even carried the martyred and wounded soldiers back to Madinah.

The psychological processing which happened in the minds of early

Muslims with the advent of Islam has to be emulated by all the Muslims in every age. Islam made the early Muslim women confident and brave; it enhanced their inherent virtues of compassion and love. It made them sincere in their devotion towards Allah (*swt*) and made them appreciate His mercy on them.

When Imam Al-Ghazali, a noted educationist of the Muslim world during the thirteenth century said the following, he was quite right:

“In every age, there are women who are talented and advanced in learning, who are well-read and endowed with knowledge who can turn their homes into much visited places of worship, abundant with goodness.”

Even in this era of *Jahiliyyah* where ignorance and inconsideration form the two important characteristics of men and women alike leading to their ruin, we do find a few exceptions. These women have not only been enlightened, but have also helped and inspired others to assert their Islamic rights. Candidly, there are many more in this league but the limitation of my knowledge has rendered me to pick a few from the list.

Zainab al-Ghazali (1917-2005):

Born in Cairo to an Azhari scholar, she was a strong, devoted, knowledgeable and courageous woman who swam against

the *Jahiliyy* currents of her times. She founded *Jama'ah al-Sayyidat al-Muslimat* while she was barely 20 years old. The association she made gave rise to a new generation of Muslim women who fought against poverty, caring for the orphans, widows, divorced and other weak elements of the society, besides having been groomed to become best mothers, sisters and daughters of their respective families. She strongly supported the Muslim Brotherhood of Egypt in its effort to establish an Islamic state. She refused to accept the ministerial post offered to her by the agents of the West in return for a favor which they demanded from her.

Maryam Jameelah (1934-2012):

Born as Margaret Marcus in New York, she was a fourth generation American with German Jewish roots, her conversion to Islam was the West's gift to Islam in the middle of the 20th century. After having read many books on Islam, including Qur'anic translations, she became a vocal spokesperson for the faith, defending Muslim beliefs against Western criticism. She also campaigned for the Palestinian causes which lead to much tension in her personal life, but nevertheless, she pursued her campaign. She saw Islam as the most comprehensive and satisfying religion. There are about seventeen books written by her which have been

published.

Yvonne Ridley:

A British journalist who wrote for the *Sunday Times*, the *Independent on Sunday*, the *Observer*, *The Mirror* and *The News of the World*. She worked as Chief Reporter with *Sunday Express* when she was sent to Afghanistan after 9/11. She converted to Islam after her release from the Taliban. While the West relates her conversion to 'Stockholm Syndrome,' she invariably denies it. She converted to Islam after having read the Qur'an and its teachings. Since her conversion to Islam, she has been defending the rights of Muslim women and supporting the Islamic dress code. She has been very outspoken about Western policies towards the Middle East by criticizing them openly and has been actively participating in uplifting the Muslim community all over the world.

Locally too, we have a number of Muslim women who have dedicated their lives for a noble cause:

Dr. Rokhiya Jaferi is the founder of 'Bazm-e-Swalihaat' a multi-purpose organization for Muslim ladies. She gave up her career as a doctor and devoted herself fully to the social cause of Muslim community, in general, and women, in particular. She is also the editor of '*The Reforms*' an e-magazine. This organization also caters to the improvement of the vocational skills of women apart from teaching

them *Deen*. Many deserving women have benefitted from this organization.

Mrs. Sophia runs an NGO called *Rifa Home for Destitute and Orphan Girls*. The *Rifa Home* provides a loving and caring environment to the resident girls apart from educating and training them to live a decent and respectful life, under the motherly supervision of Mrs. Sophia. Since girls are often in their pre-teens when they get into *Rifa Home*, it's sometimes challenging to mould these girls to adopt a decent life. However, Sophia herself being the mother of three daughters, has handled it quiet efficiently. Many of the '*Rifa Home*' girls are happily married and well-settled in their respective homes, while many others are pursuing their dreams of being well-educated.

Oasis International School is one of the first Islamic schools with an international curriculum. To have a school of this standard was a vision which a group of mothers shared. It did not take long for this dream to become a reality with their undeterred determination. The perception took off with Mrs. Maimoona Maqsood Ali, Nishwan Junaid and Shahtaaj as pioneers, and later it was taken further ahead with persistent endeavor of Dr. Amber Qayyum, Mrs. Azeeza and Ayesha Masood. This school is now at the 34th position among the best day-schools of India and at the 16th position among the South Indian schools. ■

(YMD)

New Philosophy of Despotism

-S.M. Wazeh Rasheed Nadwi*

An epoch making event, the decline and disintegration of Soviet Union and consequent emergence of United States of America as the sole dominant power, rendered a large number of countries almost completely dependent upon USA and among these were some which themselves had been world powers, having ruled long over several other countries whose cultural and linguistic characteristic had been annihilated.

The event brought in its wake multifarious philosophies, with new fangled terminology. Two of these terminologies viz.: "new world order" and "globalisation" have engendered a vehement discussion, especially among Arabic print media. The layman, already at a loss to grasp the real significance, finds that the debate among analysts and critics has rendered the issue worse confounded. It is besides the point whether the philosophy preceded the formulation of terminologies or vice-versa. Some of the elucidations put forward by the analysts and experts defining implied intentions can be summarised as follows:-

- purposeful interference in political, social, economic and cultural affairs of any country without pinpointing it;
- imposition of limitations upon societies, institutions or organisations;

- establishing supremacy over the entire world;
- simply an economic, political cultural or social movement;
- instrument of despotism.

While embarking upon establishment of supremacy, declaring itself the greatest power on earth, USA became aware of Islamic danger. The apprehension emanated from the knowledge that Islam, being a well defined faith, with codes of conduct and a way of life, would not fall in line with the libertine culture and agnostic thinking and mode of life, intended to be promulgated by the protagonists the "new world order" or "globalisation". The western intellectuals had full knowledge of Islamic outlook and termed the phenomenon as "clash of civilisations".

The western thinkers, intellectuals, historians and literateurs have a complete insight of Islamic message and teachings, as a result of which their own libraries are treasure houses of Islamic topics. They know fully well about the fruitful and healthy contributions of Muslims, spread of their teachings and culture, which just missed encompassing the whole of Europe, and also the rich heritage and their grasp over the pulse of nations. By and large, however, there is a blatant effort to malign

Islam and present to the world a distorted, abominable image of its followers. One principal vendetta was directed towards convincing the world, posterity included, of the fact that Islam owed its spread and sustenance to the sword. The obvious reality that Islam was embraced both, by the people where Islam was the conqueror as well as in lands where not a single crusader ever ventured, has tacitly been circumvented in a majority of writings. Historians of the world, irrespective of their affiliation, are fully aware of the fact the message of Islam, with a healthy way of life and faith, appeals directly to minds and hearts of men.

Muslims in most of their habitats, whether in a minority or majority, are the victims of persecution on multifarious counts, rather pretexts. Their endeavour adhere to their avowed faith, and sustenance of culture is treated as a retrograde step. Demand for a rightful status and role in the life of their country even in accordance with the law of the land, earns the label of "terrorism". All under the contrived phenomenon of "Islamic danger". Currently two trends exist in the world. One is an objective view directed towards a study of positive, healthy role of Islam, moral conduct, rich contribution to world culture. The other is directed to undermine Islam, with the sole purpose of removing a purported stumbling block from the path of ushering in an era of depravity, uninhibited leachery and absolute liberty from all codes and

norms.

The present scenario is that Islam is spreading, even in Europe. The phenomenon is that markedly prominent in countries, where Muslims, whether in majority, are culturally, economically and politically in a state of deprivation, as described in the preceding lines. Acts of suppression of rights and ill treatment of women folk has perpetually been attributed to Islam, which as Justly negated by the women in Europe embracing Islam continuously, affirming that their new faith has bestowed upon them a bliss as against the moral bravity of their previous religion. This is corroborated in no uncertain terms by the world media which is eloquent, (statistics, figures in support), upon the fact that Islam is the most rapidly spreading faith, organised vendetta not-withstanding. And to think that by and large Muslims are ill-equipped, as far as means go, for propagation and co-ordination of their mesage when compared to America and western powers.

Hardly any wonder if the spread itself is categorised as Islamic danger, being more pronounced in the face of organised hindrances.

The modernists intentionally seem to avoid accepting the fact that progress is not defined merely as scientific and industrial development, but encompasses the entire way of life, morals and culture.

During the era of ascendancy of Islam, eminent and capable philosophers

and men of learning made several discoveries, and Europe benefited greatly from them. So much so that western thinkers accepted them as teachers of Europe. No culture is bereft of a faith and philosophy of its own, requiring its followers to act accordingly. The need of the hour is for the protagonists of the new world order and globalisation to understand the trends and nature of the followers vis-a-vis the code of conduct and make concessions accordingly, rather than impose a libertine culture and label the followers of such code as retrogrades.

Islam Condemns Corruption And Malpractice

In Islam there is no such thing as an inherited or inherent disposition to a life of sin. This is so when man constantly suppresses his first natural response to any situation when he is called upon to act or move.

Sharia'h is generally, in the common parlance, taken to be the divinely revealed or canonical law of Islam. The verb *Shara'a* means to introduce, enact, prescribe, give or make laws. Literally, the right or correct way of life, *sharia'h* is the path or road to the watering place. It is the right way of life of equality, brotherhood, honesty, freedom, justice, goodness and struggle against forces of evil and injustice.

For the Qur'an, thus righteousness and piety do not lie in observing external rituals only without adhering to the higher values of life-equality, freedom, justice,

helping the needy, the poor and the oppressed, telling the truth, forbearance, perseverance, patience, courage and fortitude.

The concept of *Sharia'h* in the Qur'an, is the original or revolutionary concept in the sense of higher values which are the chief character or ethos, spirit or moral essence of the original Muslim Community, the deals, the normative principles which guide and lead it a good, balanced and perfect social life. In the literal sense, *Sharia'h* is the way or path to the watering place without which human life cannot subsist and survive.

Higher Values:

Similarly, without the higher values, and normative ideals no society can survive. The principles of goodness, equality, courage, freedom, justices honesty and sincerity are the sources of a balanced and good life. They constitute the correct way of life. This is the concept which the Holy Prophet (PBUH) and the Prophets preceding him implemented in their contemporary communities by giving concrete laws, rules, commands and prohibitions within the parameters and paradigms of these broad values, principles and ideals.

In the juristic conception of *Sharia'h* as a ritual, a legally prescribed rule or regulation, the nexus between rituals and higher values was cut off because social control under feudal hierarchical order meant ritualistic and legalistic facade

under which the social differences, inequalities and antagonisms were concealed. This created tension between higher ideals of Islam (equality, freedom) and the actual, concrete reality of everyday laws and rules under the regime of feudal relations between kings and subjects, lords and serfs, masters and slaves.

The tension tends to disrupt the moral fibre of the Muslim community because it leads to a situation in which more emphasis is laid on the, legalist performance of rituals than on the essential moral values of truth, social equality, human freedom, courage, honesty and fellow feeling, the value for which Islam stands. But in modern day Islamic world it suits the interests of the ruling elite which interprets Islam as a ritual for social control of the general masses, women and weaker, lower classes and not as an egalitarian principle for emancipating them from an exploitative social and economic system, such as semi-feudalism and neo-colonism.

Only Lip Service:

The term "Welfare of the People" is on everybody's lips. But the business community, the industrialists, the multinationals the utility corporations, the budget framers, the directors the wholesalers, the money commodity, the stock exchanges, the tradesmen and professionals do not put the welfare of the people above self-interest. The very

important aspect of modern life, collective as well as individual, viz., commercial malpractices are so much rampant in our society as, or more than, the rest of the world.

Whatever the form of taking excess profit and exploiting the people's needs, the devices, ancient or modern, of corruption and of commercial malpractice fall under the ban imposed by the Holy Book against "*Short measure and weight*" and "*with holding*" people's dues and "*committing mischief on earth as corrupters*".

It is obvious, that the misdemeanour and mischief here described, has forms, methods and ramifications which in the modern commercial and even political aspects and context, boggle one's imagination. It will cover not only profiteering, hoarding, black-marketing, speculation, betting, gambling, discriminatory taxation, bribery, nepotism and every imaginative form of corruption.

Is not what the modern ideas hold as prosperity and development full of such pitfalls as excess in commercial, industrial, financial and even in political societies of the world. Do Pakistanis as Muslims ever realise that their society is becoming notorious for corruption and malpractices of every sort, not only acknowledged by the leaders/politicians but given world wide publicity themselves to spite each other.

The people of Madyan who indulged in corruption and commercial malpractices have their story related in

Surah "Hud" the eleventh Surah of the Holy Qur'an. The general scheme of the Surah can be summarised as follows:

"Peoples who have rejected the teaching of their Prophets had come to a disastrous end. So, establish your obedience to the doctrines preached by the Prophets and a sense that every individual and nation is countable, in the hereafter, for deviations from that teachings. The present is the time to reflect and reform and if neglected dire consequences are to follow even in this world."

This is specially deplorable in Pakistan for the very simple reason that Allah in His Book has shown that corruption, commercial malpractice, self-interest and temptation is not a natural response between two human beings who deal with each other unless their natures have become warped and distorted. The Ever Watchful Allah will see the innermost motive of the corrupter and profiteer.

In Islam there is no such thing as inherited or inherent disposition to a life of sin. This is so when man constantly suppresses his first natural response to any situation when he is called upon to act or move. Sin is a habit formed by oneself through weakness and if one is a little alert on this score to hear his first natural response he can never be tempted out of natural, reasonable and good intentioned reaction in any set of circumstances calling for this positive response. *Insha Allah.* ■

Crime Against Women

-Obaidur Rahman Nadwi

The Supreme Court has done well by awarding death sentence to a 53 -year old man from Maharashtra after he was found guilty of raping a four year old girl and stoning her to death. A three -Judge bench of Justices Dipak Misra, Rohinton Nariman and U. U. Lalit held the crime as 'the rarest of rare' as the child had always addressed' the man from her neighbourhood as uncle and trusted him. They further stated that" The rape of a minor girl child is nothing but a monstrous burial of her dignity in thethe darkness. It is against the holy body of a girl child and the soul of the society and such a crime is aggravated by the manner in which it has been committed," Such incidents have become the order of the day. According to the National Crime Records Bureau 2013 report, 24,923 rape cases were reported across India in 2012. Out of these, 24,470 were allegedly committed by relative or neighbour. In other words, the victim knew the alleged rapist in 98% of the cases. Why there is so much eruption in this crime. There are so many reasons behind it. (1) Immodesty, (2) Parents negligence in upbringing of their children, (3) Alcohol and (4) Ineffective law in respect of it appear to be the causes of such odds. Immodesty: It is such a menace which leads one towards adultery, fornication, rape, molestation and other obscene acts. Both male and female are responsible of allowing such circumstances to crop up. In past they were rare. Ever since the western culture has its effects situation has taken an ugly turn. This is western culture which has dampened Indian culture and smashed its social fabric. It is modesty that keeps us away from indulging in a host of evil deeds and absurd acts. There is much emphasis in Islam on observing modesty holy Prophet says: "Every religion has a distinctive quality and the distinctive quality of Islam is modesty". (Muwatta). He again says: Modesty and faith exist together and when one of them goes out, the other, too, goes out. "(Baihaqi)" Modesty brings nothing but good" (Bukhari and Muslim).

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Administration of Justice in Umar Farooq's Caliphate

-Jamil Farooqui

Governance is defined as administering and managing the affairs of a state in such a way as to provide the people with better life conditions, directing them to the appropriate path and achieving the purpose for which the state is formed. It generally refers to the government, the principles on and for which it works and the strategy it adopts to create conducive conditions for leading a peaceful and dignified life.

Oliver Williamson explains governance in two ways: one is 'good order and workable arrangements', the other is based on John R. Commons' view and alludes to 'the means by which order is accomplished in a relation in which potential conflict threatens to undo or upset opportunities to realise mutual gains'.

In a broad sense, governance appertains to the entire social order, the purpose for which it is constructed and the way it works. Though the principles on which governance is based differ according to space and time, there are certain criteria universally accepted and taken into account to evaluate the process of governance and on which there is a consensus among men of knowledge.

The basis of governance is the well-being of all. The concept of well-

being is explained in different ways. In Western context, it is mostly concerned with material gain and development. In Islamic perspective, it is a comprehensive term and refers to overall benefit of mankind. It includes both spiritual and material welfare and development with emphasis on the spiritual one. It is denoted by the word *flah*. This is why Islam, being a distinct system of life based on high standards of morals and norms, proclaims the well-being of humankind in this world and in the hereafter.

The Islamic way of life is grounded in 'the unity of God', meaning that God is One, the Most Powerful, Sovereign, Master and the Ultimate Source of the animate and inanimate objects of the universe. Every object gets strength and vitality to exist and work according to His plan. Humans have been given freedom to choose how they have to lead life. If they want to live in peace and harmony, develop their potentiality, get prosperity and success, they have to plump for the righteous way, the way God has shown and commanded them to follow. Hence, humans have to surrender to the will and commandments of God, manifest His sovereignty and suzerainty in their thoughts and actions as well as in all aspects of their lives. They have to

evolve and mould social arrangement, organise social institutions according to the will of God.

In this perspective, governance in Islam is founded on the cardinal principle that sovereignty and suzerainty are the domains of God and not of any organisation or person. He is the only source of all power and authority. He revealed a certain set of guidance according to which delegated power and authority should be exercised, affairs of the state and society should be administered, and humans should lead life accordingly. On this account, governance in Islam means to administer the affairs of the state and society according to Divine will and guidance. Any decision and act that, according to Iqbal and Lewis, 'contravenes or fails to conform with the revealed blueprint of social order' is neither valid nor appropriate.

Justice is the core of governance because without which governance in its true sense is not at all possible. It is generally said that a ruler without justice is a large-scale robber. Justinian, the Byzantine emperor, explains justice as 'the constant and perpetual will to render to everyone his due'. It also indicates the maintenance of equality in dealing with everybody or the distribution of privileges of the state to everyone at equal level. Justice in Islam is most important as it is the most virtuous act and covers all aspects of human life. It is a comprehensive term

and encompasses all the goods and virtues necessary to lead a moral, righteous and dignified life. It is the most appropriate and desirable act in a particular situation and in establishing relations with animate and inanimate objects.

The Qur'ân uses three terms: *adl* (justice), *qist* (equity) and *meezan* (balance) to signify justice and equity, and impresses upon humans to do justice in dealing with fellow humans (Qur'ân, 4:58). The Qur'ân elucidates justice as such: "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you that you may receive admonition" (Qur'ân, 16: 90).

Prophet Muhammad (peace and blessings of Allah be to him), his companions and the rightly guided caliphs adopted all the canons of justice and exhibited them in all aspects of their lives. The most significant aspect of the administration of justice we find in the governance of caliphs is that they strictly followed the revelation, the Divine guidance, and the precepts of the Prophet (peace and blessings of Allah be to him). Here, some glimpses of the administration of justice done by Caliph Umar Farooq, the second Caliph, are presented to understand the nature and significant features of governance in Islam.

Caliph Umar was a man of numerous abilities and full of virtues. He had a sharp mind, high degree of piety, morality, frugality, humility and political insight. He had a high degree of courage and valour and used them to follow the right path and create resistance against evil. He was an epitome of simplicity, commitment and dedication to the injunction and commandment of God. He loved truth and justice and never hesitated to implement them in personal and social life. He had strong conviction in his faith and dedicated his entire life to implement it.

The other feather in his cap was he received training and guidance of the Prophet (peace and blessings of Allah be to him). In a nutshell, he was a true servant of God and a staunch follower of His Messenger (peace and blessings of Allah be to him). During his last days Abu Bakr, the first Caliph, observed Umar's talents, capabilities and devoutness to the faith and nominated him as the second Caliph and decided to leave the reign of the Islamic state in his capable, strong and safe hands. Caliph Abu Bakr told the people who gathered there of his decision and they approved of the Caliph's verdict.

Umar assumed the office of Caliphate with all humility and modesty and after that he addressed the people assembled there. In his address, along with other things, he promised the

people that he would, to the best of his ability, perform the onerous duties of the office according to the injunctions of Islam and in this attempt he would take guidance from the Qur'ân, follow the precepts of the Prophet (peace and blessings of Allah be to him) and examples set by the first Caliph. He declared that the people would follow him if he had followed the right path. If he had deviated, the people should correct him so that they would not go astray.

ADMINISTRATION OF JUSTICE

Caliph Umar knew that justice is the backbone of administration without which it is not possible to run the state properly and perform its functions in an authentic and bona fide way. Officials often cross their limit and go beyond their jurisdiction of power if their actions are not subject to scrutiny and judicial evaluation. Similarly, dominant and strong persons take advantage of their position, deprive the poor and the weak of their rights and usurp their properties. It is necessary to safeguard the interests of such persons, provide them with full opportunity to live respectfully and restore their rights. They should have the right to get redress of unfairness and suffering from the court. In view of this situation, Caliph Umar tried to enhance and rejuvenate the entire judicial administration to make it more effective, fair and speedy. His purpose was to administer justice according to the strict cannons of Islamic principles.

SEPARATION OF JUDICIARY FROM EXECUTIVE

The first significant step Caliph Umar took to revitalise the judicial system was to separate it from the executive. At the time of the first Caliph, the officials and the Caliph himself used to act as judges. In the beginning, Caliph Umar retained the arrangement as the government machinery was not settled and was in fact in the process of development. But he separated the two departments soon after the government was settled, and its departments began to work smoothly and sufficiently. This was a momentous act and an important aspect of Islamic civilization whereby judiciary was independent, separated from the executive and worked freely and fairly without any influence. He was the first in history who introduced this idea that, after long duration, was adopted by other civilizations and now is considered an essential ingredient of governance.

RECRUITMENT OF JUDGES

Judicial system cannot work and deliver properly if judges are not of high calibre, men of integrity and have deep knowledge of law, man and society. Caliph Umar realised this fact and thereby took great precautions in the appointment of judges (*qadis*). He developed certain criteria for the appointment of this important position. In particular, this person should be a man of integrity, have high moral

character, committed to the Islamic doctrine and command public respect.

Shibli Numani with reference to *Akhbar-ul-Qudat* of Muhammad b. Khalf states that the Caliph wrote to Abu Musa Ash'ri, the governor of Kufa, asking him not to appoint any person who did not command public respect. He abided by this rule and forbade Abdullah b. Mas'ud to hear suits. Second, the person should have high knowledge and deep understanding of Islamic law and is well-versed of the legal position on different issues. This is why he appointed learned persons famous for their intelligence, knowledge and character as judges. For instance, Zaid bin Thabit, the Qadi of Madinah, was considered an expert in civil law and had command over Syriac and Hebrew. Ka'b b. Sur al-Azdi, the Qadi of Basra, was a man of great insight and his judgments became very famous. Ibada b. al-Samat was the Qadi of Palestine; he was one of the five persons who had memorised the Qur'ân at the time of the Prophet (peace and blessings of Allah be to him). Shuraih, the Qadi of Kufa, regarded as a model judge due to his intelligence, interpretation of law and commitment. Ali called him 'Aqd-ul-Arab' or the most judicious of all the judges of Arabia.

The third criterion was that the Qadi should be well-to-do and of high social status so that he would not be influenced by a person of high position and have no temptation of money and

wealth. Further, Qadis were not allowed to involve in business and trade or other profitable work so that they could wholly devote themselves to their duties and perform them honestly and to the best of their endeavours. Besides these criteria, the Caliph himself tested the abilities and calibre of the candidates before recruitment. He used to appoint judges after due consideration and becoming sure of their capabilities.

NUMBER OF JUDGES

The Caliph appointed sufficient number of judges to provide speedy justice for people. Almost every district had a Qadi to dispose cases and settle disputes. The number in view of the population structure was sufficient. He had also given high salaries to the judges so that they would not be tempted to money from other sources; for instance, Salman Rabi'ah and Qadi Shuraih used to get five hundred darham a month as salary, which was quite sufficient according to the economic condition of the period.

GUIDELINE AND JUDICIAL PROCEDURE

The memorable contributions of Caliph Umar in the development of judicial system were to lay down the broad principles and establish the judicial procedures that should be followed in deciding the cases and pronouncement of judgment. He used to send instructions called *farman* from time to time to Abu Musa Ash'ri, the

Governor of Kufa, in which he set down fundamental principles that should be observed in the courts of justice. These served as guidelines for the judges to be followed in the adjudication of justice. These principles are the backbone of justice and later adopted in the modern system of justice. In one of the *farmans* issued to the judges, Caliph Umar laid down the following principles to be observed in the courts:

1. Justice is an important obligation to God. This responsibility is given to you, and you have to discharge it with all sincerity and ability to get the pleasure of God and earn the goodwill of the people.
2. All people are equal, treat them alike so that the weak are not deprived of justice, and the well-placed persons are not favoured.
3. Onus of proof in a suit lies on the plaintiff. He has to present proof for his claims. The claims are denied only on oath.
4. Compromise is possible in case it is lawful and does not turn unlawful into lawful and vice-versa.
5. You can change your previous decision if you think after due consideration that the previous decision was not correct.
6. When you are in doubt on certain issue and do not find any explanation in the Qur'ân and the Sunnah of the Prophet (peace and blessings of Allah

be to him), think over it again and again, consider thoroughly the precedents and analogous cases, and then decide by analogy.

7. A date should be fixed for a person who wants to produce witnesses. If he proves his case, decide in his favour, otherwise dismiss the suit.

8. All Muslims are eligible to give witness except those who are punished or have given false witness or their integrity is doubtful.

These are valuable principles necessary to adjudicate justice and make courts function impartially as well as in a just and equitable way. All civilizations, in one way or the other, have adopted these principles to enrich the judicial system and deliver fair and speedy justice to their people. There are three factors upon which a substantial judicial system rests. First is the comprehensive and perfect law according to which judicial decision should be made and disputes be settled. Second, judges should be capable and of high character and integrity and decide cases with all fairness. Third, there should be a code of conduct that prevents judges from favouring one and doing injustice to the other.

Caliph Umar applied these principles in the judicial system in the true sense. Islamic law is based on the Qur'ân according to which cases should be decided. If it is silent on a certain

issue or requires some explanation or interpretation, one has to recourse to the Sunnah or the way the Prophet (peace and blessings of Allah be to him) interpreted and acted upon it. Even when the matter is not clear, one should rely on *Ijma* or the consensus of jurists. It is obvious that the interpretation of law on which the majority of the jurists agree will be more reliable. Failing all these alternatives the judge should use his own wisdom and decide cases on *qias* or analogy.

These are the basic sources of Islamic law and should be taken into consideration in the application of law to concrete situation and pronouncement of judgment. Caliph Umar instructed the judges to follow this procedure in deciding cases and interpreting the Qur'ânic injunctions. In one of the *farmans* to Qadi Shuraih, the Caliph elaborated this procedure and instructed him to follow it strictly. In addition to these *farmans*, he used to send the written judgments or fatwas on complex and sensitive issues to the judges so that they might take guidance from them and decide cases accordingly.

ADMISSIBILITY OF EXPERT EVIDENCE

Caliph Umar took drastic steps and introduced many innovations to make the judicial system more relevant, effective and accessible. One of the remarking innovations he introduced in the law of evidence was the requirement

and admissibility of the evidence of the experts. In some suits, questions of technique or matter of expert knowledge are involved and require expert opinion without which it is difficult to deliver the judgment. The Caliph allowed and invited experts to clear the matter and help the court to decide the case judiciously. Many such cases were reported during his period. Two among them were important. In one case, the Caliph himself invited Hassan B. Thabit, a poet of eminence, to explain poetic terminology and delivered judgment according to his expert opinion. In another case, an expert of physiognomy was called to give evidence in a case of disputed heredity.

ACCESSIBILITY TO JUSTICE

One of the important features of efficient justice is that it should not be expensive and should easily be accessible to all persons; prince and peasant alike. The Caliph was very much particular about this fact and made the judicial procedure so simple that everybody could present their grievances to the court and seek justice. Mosques were used for the adjudication of justice where judges heard the cases and decided them on merit. No money was required to file the case; anybody can go and present his case. Instruction was given to the judges to treat the common man and the poor properly so that they should not have any inhibition to state their case.

MAINTENANCE OF EQUALITY

Caliph Umar took special care and precaution to maintain equality in the administration of justice. He wanted everybody, irrespective of his socio-economic background, to be treated equally in the court of law. He was conscious that the basis of justice is equality in the eyes of law. He wanted to see it in the court as well as in the attitude of the judges. This is the reason that he himself went to the court on several occasions as a party to suits to observe whether the required equality was maintained at the court. Once Ubayy b. Ka'b filed a suit against the Caliph in the court of Zaid b. Thabit. The Caliph appeared in the court. The judge showed him honour; the Caliph expressed his displeasure and told the judge that that was his first injustice. The Caliph sat with the plaintiff as an ordinary man. Further, Ubayy, the plaintiff, wanted the Caliph to follow traditions by taking an oath. Zaid, in view of the highest position of the Caliph, requested Ubayy to waive the right of oath. The Caliph disapproved the idea and said, "If Umar and any other man are not equal in your eyes, you do not deserve for the post of judge."

SOME GLIMPSES OF MOMENTOUS ACTS

Caliph Umar's governance spread over a decade from 634 C.E. to 644 C.E. and is considered exemplary in human history. He established various landmarks in governance of the state, administration

of justice, public affairs and in serving people, which are still memorable and affect the mind and heart of people. His simplicity, devotion to the faith, commitment to his duties, service to God and His people are no match in history. He was the embodiment of virtues, simplicity and equality. He used to eat coarsest food, wear coarsest of clothes and led a simple life without any pomp and show.

Once he was late for the Friday congregation (prayer) because he had to wash his clothes that took time and delayed his departure to the mosque. He had only one shirt in his wardrobe and that too was patched. This was the specimen of the head of an Islamic state, the strongest and largest nation of that time. The kings and rulers of the adjoining countries expected that the head of an Islamic state would have magnificent and splendid living but when they came to know the reality, they were greatly amazed. When the envoy of the Byzantine emperor came to Madinah to see the Caliph, he found the Caliph sitting in the mosque in ordinary clothes with ordinary people.

The most glorious and precious aspect of his life was the maintenance of justice and equality in his action and in his entire behaviour. He practised what he believed and considered good. He applied his thoughts and the principles he cherished to his practical and day-to-day life. It was exhibited at the time of the surrender of Jerusalem.

The patriarch of Jerusalem desired that Caliph Umar should go to Jerusalem and receive the surrender of the city because it was written in their holy books that the city would surrender to a man who was the best among the Muslims. The Caliph decided to proceed to Jerusalem. He was accompanied by only one slave. There was one camel with them, and it was decided that they would take turns riding the camel. When they reached Jabia, it was the turn of the slave to ride. The slave requested the Caliph to ride the camel, but he refused because it was a violation of the previous decision. As they entered Jabia, the world witnessed the most auspicious and splendid act of fairness whereby Caliph Umar's slave was on the back of the camel while the Caliph was walking on foot, holding the reins of the camel. This paragon of justice, equity and fairness can only be found in Islamic governance and not in any other system.

The momentous and historic acts done by Caliph Umar Farooq were based on the cardinal principle that human beings are servants of God, and they have to establish the sovereignty of God on earth. They are not rulers and have not built their own empire, but they are the trustees, and 'they have to render back the trust to those whom they are due'. As such, they have to set up the government on Divine principles, run the state according to the Divine will and serve the people to seek His pleasure. ■

Hijrah or Migration of Prophet Muhammad (PBUH) and Major Accomplishments

-Sharafuddin B.S.

New Islamic year of Hijri Calendar has commenced which marks the great event of migration of Prophet Muhammad (peace and blessings of Allah be to him) from Makkah to Madinah. This gives us an opportunity to learn about some of the great tasks accomplished by the Prophet after reaching Madinah and establishing a new society. Prophet Muhammad performed nine important tasks, while establishing the first Islamic society in Madinah that are very much relevant for us even today. If we analyse these nine tasks, it was focused on the religious, cultural, educational, economic and social development of the community. He enlightened us to care for overall development of the society.

The nine tasks he performed after migration to Madinah were as follows:

1. Construction of Masjid Quba;
2. Establishment of a School by the name of Ashab Al Suffa;
3. Agreement of brotherhood between migrants and inhabitants;
4. Peace treaty and interfaith relations;
5. Cleaning the city of Yathrib and converting it into the new city of Madinah;
6. Addressing water scarcity;
7. Promoting agriculture and gardening;
8. Poverty eradication; and
9. Establishment of safety, security, law, and order.

CONSTRUCTION OF MASJID

Prophet Muhammad established the first Masjid of Madinah 'Quba Masjid' as an Islamic centre. It was a place of worship for the entire family, including women and children. People go to Masjid to get guidance for addressing community issues, learning, solving their disputes and so many other things. In the Gulf countries, we find that many Masjids play similar multifarious roles. Masjid Al Kabir of Kuwait or Masjid Al Fateh of Bahrain can be quoted as an example in this regard. Many multidimensional activities are going on in these places of worship under one roof. Even non-Muslims visit the masjid for the cultural understanding and this has paved way for great understanding of Islam among non-Muslims. We still miss this kind of activities in Masjids in India in general and the coastal districts of Karnataka in particular. Wherever possible, it is necessary to develop the masjids as Islamic Centres and to utilise the infrastructure and venue of the Masjids for the betterment of the community and interfaith understanding.

ISLAMIC SCHOOLS

The Prophet (peace and blessings of Allah be to him) established

a learning centre called 'Ashab Al Suffa' and facilitated boarding and lodging for the students to encourage learning. Schools and learning centres are the pressing need of Muslim community even today. When I was scanning for a good school for girls in Mangalore City, I found that none of the CBSE schools except the Muslim management schools allows Muslim girls to wear *hijab*. The scenario in other parts of coastal district may not be different. We are badly in need of more and more schools where Muslim students may avail themselves of basic Islamic teachings coupled with modern quality education. This is necessary to develop efficient future leaders for the community.

UNITY AMONG MUSLIMS

In order to bring unity the Prophet established treaty of brotherhood among Muslims who migrated from Makkah (*Muhajirs*) and resident Muslims of Madinah (*Ansars*). This is relevant even today as unity among Muslims is a pressing need in today's society. Muslim organisations and movements should ensure that in the process of reformation and enlightenment of Muslims they are not dividing the community. Division of the community is disastrous while it is facing so many social, economic and political challenges. Unity and tolerance of various viewpoints is basic requisite of the community. Religious scholars

and community leaders need to play a role in this regard.

INTERFAITH RELATIONS

The Prophet also arranged a peace treaty between people of various faiths living in Madinah, which is another relevant initiative for us to emulate. We are living in a multicultural and multi-religious society. It is a fact that the majority of the non-Muslims in our region are peace-loving and tolerant people. However, a small number of communal elements are trying their level best to spread hatred and polarise society based on religion. Developing constructive and peaceful relationship and mutual appreciation between people of various faiths are very important for the peaceful coexistence and development. Muslims should lead by example by contributing positively to the society and living with harmony in achieving the interfaith understanding in the society.

CLEANLINESS

Cleanliness is among the primary teachings of Islam and it admonishes that cleanliness is half of faith. Our beloved Prophet ordered to cleanse the city of Madinah, which was very unclean while Muslims reached there after migration. Muslims converted the city of Yathrib into a clean, green and progressive city and renamed it as 'Madinah Al Nabi', the city of the Prophet. However today, Muslim

localities and areas are not known for their cleanliness, which was supposed to be the integral part of their faith. It is a great accomplishment for us when we acquire these qualities and when people start recognising Muslims for this kind of attributes.

DEVELOPING WATER RESOURCES AND PROMOTING VEGETATION

While Prophet Muhammad (PBUH) reached Madinah there was severe scarcity of water. Prophet Muhammad (peace and blessings of Allah be to him) addressed this problem by requesting people to dig as many water wells as possible. When someone asked Prophet Muhammad what can he do for his deceased parents, the Prophet advised him to dig water well on their behalf. Even today, we can see that the people of Gulf countries are paying large amount as charity to dig wells in so many countries including India, motivated by this Prophetic injunction.

As per the advice of Prophet Muhammad, his companion Uthman Ghani purchased a famous water well of Madinah known even today as 'Bi'arUthman' (Water well of Uthman) and donated it for charitable purposes. It is considered the first 'wakf' (endowment) from where the concept of endowment originated. Today there are ministry of wakf in every Muslim and non-Muslim country.

Likewise, the Prophet introduced a new law stipulating that the ownership of the land will be given to the one who cultivates a bare land. This was an important step to boost agrarian economy. Thus severe scarcity of water and food grains in Madinah was addressed. It is a responsibility of the Muslims to care for the basic humanitarian issues, which may lead them towards collective leadership.

POVERTY ERADICATION

Poverty eradication was another important task performed by the Prophet in Madinah. Islam is the only religion on earth which makes it a compulsion for its followers who are affluent to pay 2.5% of their wealth as poor due (*Zakat*) for poverty eradication. The Zakat money can be spent only on eight predefined heads and this careful categorisation is mainly for the purpose of poverty eradication. There are instances in Islamic history that when well-organised system of collection and distribution of Zakat was implemented, poverty was completely eradicated from Muslim societies. Even today, if an organised system of Zakat is implemented at least in a humble way, we can address the issue of poverty, which is a major problem today.

SAFETY SECURITY AND LAW AND ORDER

Prophet Muhammad (peace and blessings of Allah be to him) ensured

safety and security of Madinah by establishing first written constitution of the world and ensuring rights of non-Muslim citizens of land in particular. This is again a relevant example for us to follow.

Muslims need to strengthen their image as law abiding and positively contributing community. It is a religious obligation and a need of the community. Globally there is an ongoing organised effort to malign the image of Islam and Muslims in the name of fight against terrorism. As a part of this conspiracy, thousands of innocent Muslim boys are victimised in the name of terrorism. One of the ways to address this issue is to play a responsible role in safeguarding safety, security, law, and order of the society at large and the Muslim community in particular.

For Muslims, being religious is definitely not a mere change in their attire and looks or following certain rituals. The Prophetic example of being religious opens an array of responsibilities before us. Caring for these nine tasks is a part of our religious obligations and heeding to this may definitely make a difference in our society. ■

(Radiance)

Religious Way of Thinking

-S. Abul Hasan Ali Nadwi

The friend of this wayward man had been endowed with a sublime faith and was armed with the intuitive knowledge of all-embracing divine attributes. He knew that God alone is the Master and Maker of the universe, Fashioner of all causes and effects and has power to alter the situations and circumstances according to His will. He therefore came out with a reply which adumbrated the fallacy of his friend's materialistic outlook. The overlordship of God is a fundamental and incontrovertible truth but, unfortunately, it is also a fact evaded by all those conceited fellows who disbelieve in the existence of that which is beyond human perception. The very mention of the fact is distasteful to these persons.

"And his comrade, when he (thus) spake with him, exclaimed: Disbelievest thou in Him Who created thee of dust, then of a drop (of seed), and then fashioned thee a man?" (Al-Kahf: 38)

One can imagine how unpalatable and annoying was such a talk to a purse-proud self-admirer. His friend, however, was a confident believer without any obsession produced by the materialistic outlook. He declared:

"But He is Allah, my Lord, and I ascribe unto My Lord no partner." (Al-Kahf: 39)

The owner of the gardens was then reminded by his friend of the living reality which is the pith and substance of *Surat-ul-Kahf*. This was a truth, absolute and profound, but also sickening for the grasping spirit of the materialist. He was told that the apparent causes have no importance at all: all power belonged to the Creator and Master of all causes and effects. He was warned that the estate and effects on which he prided rested on hollow foundations; his affluence was neither brought about by the tangible, outward causes nor was it due to his own merit, intelligence or industry. It was all, in truth and reality, owing to the beneficence of the Wise, Omnipotent Lord, Who has fashioned everything in the best proportion. His attention was thus invited by his comrade toward the imperative need of restoring his faith in the omnipotence and beneficence of the Lord.

"If only, when thou enteredst thy garden, thou hadst said: That which Allah willeth (will come to pass) ! There is no strength save in Allah!"

(Al-Kahf: 40)

Conversion in Agra

- Obaidur Rahman Nadwi

Recent conversion of Muslims to Hinduism by the Dharma Jagran Manch and the Bajrang Dal Wings of Rashtriya Swayamsevak Sangh (RSS) in Agra is indeed a blot in a secular country. According to Haji Jamiluddin Qureshi, president of the Rashtriya Sarvdaliya Muslim Action Committee of Agra "It was a planned exercise targeting poor Muslims who were lured in the name of ration cards and water supply. Armed Bajrang Dal activists surrounded the venue, leaving no scope for Muslims to leave."

Such incident is not a good omen for a secular democratic country. Ms. Mayawati, former Chief Minister of U.P. has rightly said: "They (Muslims) were lured. They (organisers) took advantage of their poverty to convert them. If it is not stopped, it will cause communal tension across the country. The centre must take strict action."

The claim that present Indian Muslims were formally converted from Hinduism is a blatant lie. As regards Islam, there is specific diktat. The Holy Quran says, "There shall be no coercion on matters of faith."(2:256) Suffice it to say that almighty Allah Himself addressed the Prophet to say, "O Muhammad, say to people: To be your

religion, and to me mine."(109:6) That is why Prophet Muhammad never compelled Jews or Christians to accept Islam. Even he never said to his uncle under whose guidance he was brought up to accept Islam.

What to say forceful conversion to Islam, the Holy Prophet strictly prohibited to harm or to hurt non-Muslims in any way. He says: "Whoever torments the Zimmis (non-Muslims) torments me."

We may recall when the Prophet settled down in Madina, he constituted a civil state, in which Muslims, Pagan Arabs, Jews and Christians, all entered into a stable organism by means of a social contract.

In latter days wherever Islam spread, this trend was, kept alive by Muslim rulers too. Accordingly Muslims had ruled more than 800 years over Spain. But not a single incident of forceful conversion occurred. Such cases are also seen in other countries under the sway of Muslim rulers including a longest period of Mughals rule in India.

Being citizens of a democratic country our role becomes highly crucial. Moreover, we have a pluralistic society,

people of different caste, creed, religion, language and culture live together as one nation. A vast country, India's main plank is its national integration: all initiatives in the country should, therefore, focus on this reality and be done irrespective of any parochial consideration.

In his book "India's Foreign Policy" Pandit Jawaharlal Nehru writes: "The Preamble of our constitution states: we, the people of India, having solemnly resolved to constitute India into a sovereign Democratic Republic and to secure to all its citizens: Justice, social, economic and political; liberty of thought, expression, belief, faith and worship, assuring the dignity of the individual and the unity of the nation".

Despite this fact minorities are confronted with a host of difficulties and problems regarding their religious issues and affairs. In a democratic country, if people's feelings are hurt and they are deprived of their fundamental rights and basic amenities of life, it is nothing but a travesty of democracy.

It is unfortunate that India's democratic values and norms are fading day by day. Regionalism, castisms, favouritism and groupism raising their ugly heads to distort the social fabric of our beloved mother land. No doubt, these are negative tendencies that cause conflicts, clashes and communal riots in the country. ■

Muslims can progress only through education: Nadwi

Azamgarh: Stressing on the need to carry forward revolutionary efforts made by Muslims in the past, the Chairman of the All India Muslim Personal Law Board (AIMPLB) Maulana Rabey Hasani Nadwi said the community could progress only through education.

Addressing an international seminar here on 29 November on the 100th foundation day of Darul Musannefeen Shibli Academy, Nadwi said education was the key to remove the backwardness among the community. The community could progress only through education and for that revolutionary efforts made earlier should be taken forward, he said.

Maulana Nadwi said the country is once again facing a situation similar to 1857. At that time Sir Syed and Shibli Nomani saw that Muslims and Islam are being defamed and Muslims are looked down upon as a backward community. They thought that only through education the community can progress. Hence they laid the foundation of revolutionary institutions like Aligarh Muslim University and Shibli Academy. Shibli, in particular, attracted personalities which brought change in the community and changed minds. Now since the country is facing a situation like 1857, their heritage should be expanded and the light of education. ■

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