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# CONSTITUTION OF THE QUR'AN AND ITS IMPLEMENTATION BY THE HOLY PROPHET OF ISLAM

Muhammad Yusuf Guraya

## (1) Fundamental Constitutional Principles in the Qur'an

Justice—A Divine Ordinance. Administration of justice has been given supreme importance in the Qur'ān. The Muslims have authoritatively been enjoined to regulate their affairs with justice: “Surely Allah enjoins justice (‘adl) and beneficence (ihsan).”<sup>1</sup> The term ‘adl (justice) or returning good for good and ihsān (beneficence) or goodness proper are basic judicial terms which are comprehended within the Islamic concept of justice. The lowest form of justice is ‘adl and the highest is ihsān.

Source of Justice. The main and prime source of justice in Islam is the Qur'an. It is its origin and fountainhead:

“Surely We have revealed the Book to thee with truth that thou mayest judge between people by means of what Allah has taught thee.”<sup>2</sup>

“So judge between them by what Allah has revealed, and follow not their low desires (turning away) from the truth that has come to thee.”<sup>3</sup>

The Qur'an has superseded the pre-Quranic sources and has rendered suprefluous those which do not conform to its fundamental principles: “Is it,

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<sup>1</sup> The gar-ān, xvi. 90.

<sup>2</sup> Ibid., iv. 105,

<sup>3</sup> Ibid., v. 48.

then, the judgment of ignorance, that they desire ?”<sup>4</sup> Here “ignorance” (al-jāhiliyyahyah) means the non-conformity with the Quranic teachings. It has also been held as an antonym of the Qur’ān and has been discarded as a source of justice. No judgment shall be made against “what Allah has revealed” is a fundamental provision laid down in the Qur’ān ; “And whoever judges not by what Allah has revealed, those are the disbelievers,”<sup>5</sup> “. . . the wrongdoers,”<sup>6</sup> “... the transgressors.”<sup>7</sup> Under this Divine constitutional law the Holy Prophet made the following regulation:

“Any house or land, which was divided in the jāhiliyyah, shall remain divided according to the division of the jāhiliyyah. Any house or land, which was not divided till the advent of Islam, shall be divided according to the Islamic rules of division,”<sup>8</sup>

Authority of the Holy Prophet. The Muslims were enjoined to seek justice from Allah in all their disputes. This injunction was revealed as early as the middle-Mecca period. Reference to Allah for seeking justice was meant to accept His Messenger as judge for adjudication of their disputes:

“And in whatever you differ, the judgment thereof is with Allah. That is Allah, my Lord ; on Him I rely, and to Him I turn.”<sup>9</sup>

The judicial and executive authority of the Holy Prophet has particularly been mentioned in the chapters revealed at Medina. The legitimacy of an Islamic State rests on the following fundamental injunctions of the Qur’ān:<sup>10</sup>

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<sup>4</sup> Ibid., v. 50.

<sup>5</sup> Ibid., v. 44.

<sup>6</sup> Ibid , v. 45.

<sup>7</sup> Ibid., v. 47.

<sup>8</sup> Malik b Anas, al-Muwatta’ (ed. Karachi), p. 312.

<sup>9</sup> The Qur’an, xlii. 10.

<sup>10</sup> Muhammad Asad, The Principles of State and Government in Islam (University of California Press, 1961), p. 34.

“O you who believe ! obey Allah and obey the Messenger and those in authority from among you ; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. This is best and more suitable to (achieve) the end.”<sup>11</sup>

Here the Holy Prophet has been invested with the supreme executive (atī'u al-Rasūl) and judicial(fa ruddūhu ila Allah Waal-Rasūl) authority The statement “and those in authority from among you” calls for obedience to Muslim authorities, representatives of the people, and a properly constituted Islamic government. The supreme executive and judicial authority of the Holy Prophet and obedience to his functionaries superseded all pre-Islamic authorities except where the Quranic revelation or the authentic saying of the Prophet provides otherwise.

Submission to the judgments and decisions of the Holy Prophet is a Divine obligation and the Muslims have no choice except to follow him in totality:

“And it behoves not a believing man or a believing woman, when Allah and His Messenger have decided an affair, to exercise a choice in their matter. And whoever disobeys Allah and His Messenger, he surely strays off to manifest error.”<sup>12</sup>

In another Divine ordinance the faith and reference of disputes by the believers to .the Holy Prophet have been equated. Any deviation from this course has been treated as disbelief:

“But no, by thy Lord ! they believe not until they make thee a judge of what is in dispute between them, then find not any straitness in their heart as to that which thou decidest and submit with full submission.”<sup>13</sup>

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<sup>11</sup> The Qur'an., iv 59.

<sup>12</sup> Ibid , xxxiii. 36.

<sup>13</sup> Ibid., iv. 65.

Here reference of their disputes to the Holy Prophet and sub-mission to his judgments does not simply signify the outward sub-mission of the believers. They are required to submit to his judgments wholeheartedly and they must not find any straitness in their hearts, “lā yajīdū fa anfusihim harajan.”

Duty of the Holy Prophet. Investing the Holy Prophet with the supreme executive and judicial constitutional authority, the Qur’ān has also laid down his duty as the judicial head of the Islamic State. His chief function is to administer justice in accordance with the Divine Revelation. He shall neither suppress anything from nor interpolate anything into the contents of the Constitution of the Holy Qur’ān:

“Say: It is not for me to change it of my own accord. I follow naught but what is revealed to me. Indeed I fear, if I disobey my Lord, the chastisement of a grievous day.”<sup>14</sup>

This ordinance lays down in unambiguous terms the duties of the Holy Prophet, the Sovereign of the Islamic State. The sole source of his authority for his executive, legal and judicial functions is the Qur’ān. A vivid distinction has been made between the person of the Holy Prophet and his status as a divinely-inspired servant of God. Such clear distinction between the person of the sovereign and his constitutional position does not exist even in the most modern and progressive constitutions of the world: “Say: I am only a mortal like you, it is revealed to me that your God is one God.”<sup>15</sup> This constitutional provision has further been elaborated in the following text:

“It is not proper for a mortal that Allah should give him the Book and the judgment and the prophethood, then he should say to the people: Be my

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<sup>14</sup> Ibid , x, 15.

<sup>15</sup> Ibid., xviii. 110.

servants besides Allah's ; but (he would say): Be worshippers of the Lord because you teach the Book and because you study (it).”<sup>16</sup>

This provision explains in the most emphatic terms that the function of a Prophet is to submit himself to the will of Allah and to apply Divine principles in cases of dispute and not to resort to his personal wishes or whims. Thus there is no room in the contents of the Qur’ān for the dictum “The king can do no wrong” in Islamic polity.

Non-Muslim Autonomy. The non-Muslims living within the territories of the Islamic State were guaranteed religious and social autonomy in the Constitution of Medina. Politically, they were components of the constitutional machinery alongwith the Muslim community. Political and inter-tribal disputes were to be referred to the Holy Prophet according to the provisions of the aforesaid Constitution. In religious and social matters the non-Muslims were given full freedom. They were free to decide their cases in accordance with their religious laws. The Qur’ān also approved the religious autonomy of the non-Muslims, particularly of the Jews and the Christians. Referring to the autonomy of the Jews, the Qur’ān provides:

“Surely We revealed the Torah, having guidance and light. By it did the Prophets who submitted themselves (to Allah) judge for the Jews, and the rabbis and the doctors of laws, because they were required to guard the Book of Allah and they were witnesses thereof. So fear not the people and fear Me, and take not a small price for My Messenger. And whoever judges not by what Allah has revealed, those are the disbelievers.”<sup>17</sup>

The last portion of the constitutional provision is important:

“And whoever judges not by what Allah has revealed, those are the disbelievers.” It approves the legitimacy of the religious law of the Jews who

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<sup>16</sup> Ibid., iii. 78.

<sup>17</sup> Ibid., v. 44.

were required to adjudicate their religious affairs according to it. In case they fall short of it they are the disbelievers.

The Christiana have been guaranteed their religious autonomy in the following fundamental ordinance of the Qur’ān:

“And let the People of the Gospel judge by that which Allah has revealed in it. And whoever judges not by what Allah has revealed, those are the transgressors.”<sup>18</sup>

This constitutional provision requires that the Christians should follow their religious law in their religious affairs. If they do not judge their cases according to the revelation, they are the transgressors.

Discretion of the Holy Prophet. Despite the autonomy of the non-Muslims, the Jews referred their cases to the Holy Prophet. In such cases they desired that the judgment should be of their liking. The Qur’ān provided that it was at the discretion of the Holy Prophet to admit their cases for hearing and trial or to reject them. In case he agreed to adjudicate he should decide them in accordance with law and justice and should not fear them. The Qur’ān provides:

“So if they come to thee, judge between them or turn away from them. And if thou turn away from them, they cannot harm thee at all. And if thou judge, judge between them with equity. Surely Allah loves the equitable.”<sup>19</sup>

The Jews knew the injunctions of the Torah and were fully conversant with its laws. Parallel to the contents of the Torah they had developed legal practice which was contrary to the law proper.

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<sup>18</sup> Ibid., v. 47,

<sup>19</sup> Ibid., v. 42.

They wanted to get recognition of their ultra-Torah practice for the Holy Prophet. The Qur'ān exposed their ulterior motives and informed the Holy Prophet in the following text:

“And how do they make thee a judge and they have the Torah wherein is Allah’s judgment? Yet they turn away after that ! And these are not believers.”<sup>20</sup>

Supremacy of Law and Justice. Enforcement of law against the offenders is the lowest degree of administration of justice according to the Qur'ān. The highest degree is to prepare the people on moral grounds and to uplift them spiritually so that they safeguard and watch the interests of others instead of violating them. With this moral uplift if an offence is committed by the enemy the Muslims are required to do justice and refrain from excesses. They are enjoined to uphold the cause of justice; “O you who believe ! be upright for Allah, bearers of witness with justice.”<sup>21</sup> Even in the face of aggressive and subversive activities of the enemy the Muslims must hold fast to the standard of justice: “And let not hatred of a people incite you not to act equitably. Be just ; that is nearer to observance of duty.”<sup>22</sup>

As regards offences committed by members of the community against one another, the Qur'ān lays down that in such cases the Muslims must submit to the Quranic injunctions instead of following their wishes and whims. This provision has been extended even to cases where someone has to appear against his relative: “And when you speak, be just, though it be against a relative.”<sup>23</sup>

Another ordinance has further elaborated this Quranic injunction and has extended it to oneself and the closest and nearest relatives:

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<sup>20</sup> Ibid., v. 43.

<sup>21</sup> Ibid , v. 8

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., vi 153.

“O you who believe ! be maintainers of justice, bearers of witness for Allah, even though it be against your own selves or parents, or near relatives—whether he be rich or poor, Allah has a better right over them both. So follow not your low desires, lest you deviate.”<sup>24</sup>

Knowledge of Law. “Ignorance of law is no excuse” is a dictum accepted by the upholders of the Roman and Common Law in the West. The Qur’ān rejects this dictum outright. According to the law of the Qur’ān, a person is held responsible for his offence only

when the law has been duly explained to him. The Qur’ān provides: “We do not chastise until We raise a messenger.”<sup>25</sup> For the convenience of the people and for their better understanding of the law, the Messengers were raised from among the people who explained it in their own language: “And We sent no messenger but with the language of his people, so that he might explain to them clearly.”<sup>26</sup> The People of the Book—the Jews and the Christians—have been warned for their excesses by sending a Prophet and by explaining to them the contents of the Divine Law so that they might not put up a defence that they were caught unawares:

“O People of the Book! indeed Our Messenger has come to you explaining to you after a cessation of the messengers, lest you say: There came not to us a bearer of good news nor a warner. So indeed a bearer of good news and a warner has come to you.”<sup>27</sup>

The main function of the Holy Prophet of Islam is to explain the contents of the Holy Book, the Qur’an, the Law of Islam:

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<sup>24</sup> Ibid., iv. 135.

<sup>25</sup> Ibid., xvii. 15

<sup>26</sup> Ibid., xiv. 4.

<sup>27</sup> Ibid., v. 19.

“And We have not revealed to thee the Book except that thou mayest make clear to them that wherein they differ . . .”<sup>28</sup> ; “. . . We have revealed to thee the Reminder that thou mayest make clear to people that which has been revealed to them, and that haply they may reflect”<sup>29</sup> ; “. . . may keep their duty”<sup>30</sup>; “. . . may ponder”<sup>31</sup> ; “. . . may be mindful”<sup>32</sup> ; “. . . may understand”<sup>33</sup> ; “. . . may be guided”<sup>34</sup> ; “. . . may give thanks.”<sup>35</sup>

Finally the limits of the law (hudūd) and punishments thereon are made clear so that the loyal and the obedient are distinguished from the traitors and the offenders and the punishments are applied after the law has been duly explained and made known: “And these are the limits of Allah which He makes clear for a people who know.”<sup>36</sup>

Law of Evidence. Evidence is the backbone of all judicial systems. No right can be established nor can justice be administered without evidence. The Qur’ān contains fundamental injunctions on this most important judicial matter. The Quranic law of evidence is given below.

Adultery. Priority has been given to evidence dealing with cases of adultery. The highest number of witnesses, four, have been prescribed to establish the charge of adultery:

“And as for those of your women who are guilty of adultery call to witness against them four (witnesses) from among you.”<sup>37</sup>

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<sup>28</sup> Ibid., xvi. 64

<sup>29</sup> Ibid., xvi. 44,

<sup>30</sup> Ibid., ii. 187.

<sup>31</sup> Ibid., ii. 219.

<sup>32</sup> Ibid, ii. 221.

<sup>33</sup> Ibid., ii. 242.

<sup>34</sup> Ibid., iii. 102

<sup>35</sup> Ibid., v. 89.

<sup>36</sup> Ibid., ii, 230

<sup>37</sup> Ibid., ii. 13,

“And those who accuse free women and bring not four witnesses, flog them (with) eighty stripes and never accept their evidence, and those are the transgressors.”<sup>38</sup>

Al-Sarakhsī, while giving reasons for greater number of witnesses in case of adultery, points out that God likes to protect privacy (yuhibbu al-satr) and does not like to spread indecency (la yard a bi ishāʿat al-f āhishah).<sup>39</sup>

Civil and Criminal Offences. Two witnesses are required in all other civil and criminal offences:

“And call to witness from among your men two witnesses ; but if there are not two men, then one man and two women from among those whom you choose to be witnesses, so that if one of the two errs, the one may remind the other.”<sup>40</sup>

The later Muslim jurists have made a distinction between civil and criminal cases requiring absolutely two male witnesses, and cases wherein mixed evidence of one man and two women is accepted. In cases of retaliation (qisās) and penal offences (‘uqūbāt) they hold that evidence of two men is necessary. In cases of family laws such as marriage, divorce, freeing of slave (‘itāq) and genealogy (nasab), they accept the mixed evidence of one man and two women,<sup>41</sup> although the Qur’ān, without making such distinction, has prescribed the above law in a matter of debt.

Mutual Dealings. Evidence, from judicial point of view, is valid only when it is produced in a court of justice. The Qur’ān has prescribed some measures which help facilitate the regulation of judicial procedure. The Muslims have authoritatively been directed to record the proceedings of their

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<sup>38</sup> Ibid , xxiv. 4.

<sup>39</sup> Shams al-Din al-Sarakhsī. Kitāb al-Mabsūt (ed. Egypt, Matbaʿat al-Saʿadah), VIII, 114.

<sup>40</sup> The Qur’ān, ii, 282.

<sup>41</sup> Al-Sarakhsī, op. cit., VIII, 114, 115.

private transactions and mutual dealings. Such agreements should be duly signed by at least two male witnesses or one male and two female witnesses. This procedure is necessary because it helps the courts in deciding such cases justly. The Qur'ān provides this procedure as follows:

“O you who believe ! when you contract a debt for a fixed time, write it down. And let a scribe write it down between you with fairness ; nor should the scribe refuse to write as Allah has taught him, so let him write. And let him who owes the debt dictate, and he should observe his duty to Allah, his Lord, and not diminish anything from it. But if he who owes the debt is unsound in understanding or weak, or (if) he is not able to dictate himself, let his guardian dictate with fairness.”<sup>42</sup>

The guardian of an orphan has also been directed to record evidence at the time he should hand over the property of the orphan: “And when you make over to them their property, call witnesses in their presence.”<sup>43</sup>

The spouses are directed to call two just witnesses in case they should not pull on as husband and wife and decide to separate by way of divorce: “And call to witness two just ones from among you, and give upright testimony for Allah.”<sup>44</sup>

Instructions to Witnesses. Decision of a case depends on evidence. Apart from the written and documentary evidence the uprightness and integrity of the witnesses play a vital role in establishing the right of the contending parties. In view of the key position of the witnesses the Qur'ān has laid down a procedure according to which the witnesses are duty bound to appear in court and give evidence: “And the witnesses must not refuse when they are summoned.”<sup>45</sup>

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<sup>42</sup> The Qur'ān, ii. 282

<sup>43</sup> Ibid., iv. 6,

<sup>44</sup> Ibid., Ixv. 2.

<sup>45</sup> Ibid.. ii. 282.

The Quranic law of evidence is unique in the sense that it debars a witness proved to be false and dishonest from appearing in a court of justice, ever after. Further, if an accuser cannot prove his accusation he is liable to be punished and is debarred for ever from becoming a witness

“And those who accuse free women and bring not four witnesses, flog them with eighty stripes and never accept their evidence, and these are the transgressors.”<sup>46</sup>

However, it is the duty of the Islamic State to protect and safeguard the honour and person of the upright and honest witnesses, so that they depose in court of their free will: “And let no harm be done to the scribe or to the witnesses.”<sup>47</sup>

Giving constitutional protection to witnesses, the Qur’ān has provided that the witness must speak out the truth and details of the facts without fear or favour. If he does not perform his duty honestly or conceals the facts he is a sinner: “And conceal not testimony. And whoever conceals it, his heart is surely sinful.”<sup>48</sup>

Execution of the Constitutional Provisions on Judiciary. The Qur’ān invested the Holy Prophet with supreme powers as judicial head of the Islamic State. Its citizens were under constitutional obligation to appear in his court for the adjudication of their disputes (*fa in tanāza’tum fī shai-in fa ruddūhu ila Allah wa al-Rasūl*).<sup>49</sup> This obligation is included in the covenant of their faith: *in kuntum tū’minūn bi Allah wa al-yawm al-ākhirī*<sup>50</sup> [If you believe in Allah and the Last Day]. In case they do not follow the constitutional and judicial requirements they cease to be believers: *Falā wa Rabbika lā yū’minū n haltā yuhakkimūka fī nzZ shajāra bainahum thumma lā*

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<sup>46</sup> Ibid., xxiv. 4.

<sup>47</sup> Ibid., ii. 282.

<sup>48</sup> Ibid., ii. 283.

<sup>49</sup> . Ibid., iv. 59.

<sup>50</sup> Ibid.

yajidū fī anfusihim harajan mimmā qadaita wa yusallimū tasl imā.<sup>51</sup> [But no, by thy Lord ! they believe not until they make thee a judge of what is in dispute between them, then find not any straitness in their hearts as to that which thou decidest and submit with full submission).

With the investiture of the constitutional and judicial powers the Holy Prophet executed and implemented the Quranic fundamental and basic principles. He worked out their details and laid down positive principles for efficient and impartial justice. He defined the duties of the judge trying all kinds of civil and criminal cases. The rules of production and admissibility of evidence in the trial of cases were framed and the procedure for the trial of offenders was chalked out.<sup>52</sup> With the establishment of this system, the tribal organisation of the Arabs, the decentralised rule of the shuyūkh in the desert regions and that of small princes and chieftains in more fertile areas gave place to a powerful central government with a single legal, moral and religious code.<sup>53</sup>

## (2) Judicial Procedure Adpoted by the Holy Prophet

Supremacy of Evidence. Under the judicial system set up by the Holy Prophet supreme importance was given to evidence produced in a court of justice. The disputants were given full freedom to present their cases and express their point of view. Detailed inquiries and investigations were conducted to bring to the knowledge of the courts the real circumstances leading to the commission of the offence. The ultimate reliance for the decision of a case was made on the apparent evidence. This procedure was based on the following judicial principle laid down by the Holy Prophet who, addressing some disputants in his court, said: “I am mortal. You bring your disputes to me. Maybe some-one of you presents his argument more eloquently than the other. Hence, I decide according to what I hear.

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<sup>51</sup> Ibid., iv. 65.

<sup>52</sup> Anwār Ahmad Qadri, Justice in Historicat Islam (Lahore, 1968), p. 10.

<sup>53</sup> S.A.Q. Hussaini, Arab Administration (Lahore, 1966). p. 19.

Therefore, the person in whose favour I decide the right of his brother (opponent) he should not accept it. Because in such a case I virtually award him a portion of Hell-fire. <sup>54</sup> In the above rule the words: *fa aqdi nahwa mā asma'* [hence I decide according to what I hear] and *fa ahsabu annahū sādiq* [and I think he is truthful]<sup>55</sup> are the crux of the rule. They determine that the cases were decided on the apparent evidence. Ibn 'Arabī, in explanation of the above rule, held that the decision would be taken on the apparent evidence and not on its hidden meanings: *ann al-qada innamā yakūn bizaāhir al-qawl la bi balm al-hāl fa in /can alhukm fī al-zāhir bi ma la yahillu lahū fa al-bātin.*<sup>56</sup>

The last portion of the above case, as reported by Abū Dāwūd, is important from the moral point of view. After hearing from the Holy Prophet that his decision based on apparent evidence does not make the lawful (halal) unlawful (harām) or the unlawful lawful (*fa innā qadā' al-hākim la yuhillu harāman wa lā yuharrimū halālan*),<sup>57</sup> both the disputants wept. They said to each other: 'My right is for you' Thereupon the Holy Prophet advised them: "If you have come to terms, then divide equally by casting lots."<sup>58</sup>

it may look strange to the legists that a judicial head should act as a moral teacher in the law court. It is pointed out that the foremost function of Muhammad (peace and blessings of Allah be upon him) was Prophethood. His primary duty was to educate the people and make them morality-

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<sup>54</sup> Muhammad b. Ismā'īl al-Bukhārī, al-Sahih al-Bukharī (ed. Mustafā al-Sabi, 1377 A.H.), Būb Maw'izal al-Imam bil-Khusūm, IX, 86.

<sup>55</sup> Ibid , IX, 90.

<sup>56</sup> Ibn 'Arabī al-Mālikī, Shark Sahih al-Tirmidhī (ed. al-Ma'ba'at al-Misriyyah bi al-Azhar, 1350/1931), Kitāb al-Ahhām, VI, 83. Ibn Hajar hās given a detailed explanation of the rule under reference : Fath al-Bārī, Kitāb al-Ahkāni, Bāb Man Qudiya Lahti Bihagqi Ahhihi fa hi Ya'khudh, XVI, 295.

<sup>57</sup> Al-Bukhārī, the heading of the case : Man Qudiya lahū Bihagqi Akhihi fa lā Yakhudhhu fa inna Qada al-Hākim lā Yahillu Harāman wa lā Yuharrimu Halalaa.

<sup>58</sup> I.Īfīz al-Mundhirī,- Muhhlasar Suuan Abi Dāwūd (Matb'at al-Sunnat al-Muhammadiyah. 1368/1949), V, 210.

conscious. During this process if dispute should arise among the people the Holy Prophet would act as justice among them. This integration and synthesis of the legal and moral aspects of life is the principal characteristic of the Islamic judicial system which distinguished it from all other systems. It may not be out of place to mention here that law devoid of morality induces people to further litigation, and judgments and decisions delivered on the basis of legal proceedings do not always satisfy the party whose right has been lost for want of evidence. Here in the case under reference legally the decision might have been taken in favour of the one who was more eloquent and who could advance convincing arguments. Morally his opponent might have been on stronger grounds. However, the judicial regulations framed by the Holy Prophet are very explicit. Judicial decisions and judgments shall be taken purely on the basis of the face value of the evidence. The litigants should,- however, be advised that, religiously speaking, the judicial decision cannot make the lawful unlawful and the unlawful lawful for which the offender would be account-able on the Day of Judgment.

One Witness Alongwith An Oath. Law of evidence as prescribed by the Qur'ān has been discussed in the constitutional part<sup>7</sup> of this paper. During the implementation of that law in courts the judicial procedure necessitated further legislation by the Holy Prophet himself. According to the Quranic law of evidence, four witnesses are required in adultery cases-<sup>59</sup> and two male witnesses or one male and two female witnesses are necessary for all other criminal and civil disputes.<sup>60</sup> Some cases were presented to the Holy Prophet where only one witness was available. To facilitate the judicial procedure and to enable the courts to decide a case more expeditiously the Holy Prophet laid down that one witness alongwith oath shall be sufficient evidence for the decision of a case. Thereafter, such cases were decided accordingly: “The Holy Prophet made judgment on the basis of an oath, alongwith one

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<sup>59</sup> The Holy Qur'ān, iv. 15.

<sup>60</sup> Ibid., ii. 282.

witness” [qadā bi al-yamin ma’ al-shāhid].<sup>61</sup> Equality of Muslims as Witnesses. All Muslims are treated equally as witnesses regardless of their religious, social, and political status. Evidence of a judge who happened to be a witness personally to an incident shall not be considered a sufficient

proof for the decision of a case. He shall be treated as one witness like other Muslims:

“ ‘Umar asked ‘Abd al-Rahmān b. ‘Awf what was his opinion about the evidence of a ruler who himself happened to be a witness of commission of adultery or theft by someone. He said: Your evidence shall be like the evidence of one person among the Muslims. He said: You have spoken the truth.”<sup>62</sup>

The best example on the subject under reference is the case wherein the Holy Prophet himself was party against a bedouin and was asked to produce a witness in support of his claim.

Khuzaimah b. Thābit bore witness for the Holy Prophet. Its details are as follows.

The Holy Prophet bought a horse from a bedouin, and asked him, to follow him for the receipt of its price. He was fast in his walk while the bedouin was left behind for his slowness. People began to meet the bedouin and started offering a higher price for his horse. They did not know that the Holy Prophet had bought it. The bedouin called the Holy Prophet and asked: Would you buy this horse or should I sell it (to someone else) ? The Holy Prophet stopped on his calling and asked: Have I not bought it from you ? The bedouin replied: No, by God, I have not sold it to you. The Holy Prophet exclaimed: Why not? I have bought it from you. Thereupon the

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<sup>61</sup> Malik b. Anas, al-Muwatla’, Kitāb ul-Aqdiyah, Bāb al-Qad’ bi al-Yamin ma’ al-Shāhid ; al-Tirinidhī, al-Sahīk, Kitāb al-Ahkām, Bāb mā jā’a fi al-Yawin ma’ al-Shāhid, Sunan Abi Dāwūd, s.v.

<sup>62</sup> Al-Bukharī, Sahih, Bāb al-Shahādah Takūn ‘Inda al-Hākim.

bedouin started asking: Bring any witness. Khuzaimah b. Thābit said: I bear witness that you have bought it from him. The Holy Prophet moved forward to Khuzaimah and asked: On what basis do you bear witness ? He replied: On the basis of your confirmation, Messenger of God! The Holy Prophet treated the evidence of Khuzaimah equal to the evidence of two men.<sup>63</sup>

The Qurʾān has desired that the \_ scribes of transactional documents and witnesses of cases should not refuse whenever they are called.<sup>64</sup>

The Holy Prophet declared that the best witnesses were those who bear witness even before it is asked for: “Should I inform you about the best of the witnesses? It is he who comes to bear witness before it is asked for.”<sup>65</sup>

Witness of a Bedouin Against a City-dweller. Abū Dāwūd and Ibn Mājah, in their Sunans, have reported that the Holy Prophet did not allow the evidence of a bedouin against a settler: “Abū Hurairah heard the Holy Prophet saying: Evidence of a bedouin is not allowed against a settler.”<sup>66</sup> Abū Sulaimān al-Khattābī, in his Maʾālim al-Sunan, has commented upon this rule of evidence as follows:

“He (the Holy Prophet) disallowed the evidence of the bedouins because of their aversion to the faith (d In) and their ignorance of the Shariʾah laws. For mostly they do not recollect evidence exactly and do not bear it accurately due to their lack of knowledge which intervenes and changes its face value.”<sup>67</sup>

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<sup>63</sup> Hafiz al-Mundhirī, op. cit., V. 223-24. Ibn al-Qayyim has refuted the view of those who held that the Holy

<sup>64</sup> The Qurʾan, ii. 282.

<sup>65</sup> Muslim, al-Sahīh. Kitāb al-Aqdiyah, Bāb Khair al-Shuhfad.

<sup>66</sup> Hafiz al-Mundhirī, op. cit, Bāb Shahādat al-Badawī ʿala Ahl al-Amsār; Ibn Majah, Sunan, Kilāb al-Ahkām, Bab Man ta Tajuzu Shahadatahū.

<sup>67</sup> Ibn Sulaimān al-Khattābī, Maʾālim al Sunan, printed on the foot-note of Mundhirī. op. cit.

However, majority of the jurists held: “Evidence of the bedouin, if he is capable of hearing it on its face value, shall be acceptable.”<sup>68</sup> It seems that the Holy Prophet had not disqualified Prophet decided the case on the basis of his personal knowledge of the issue and Khuzaimah’s witness was a sort of confirmation, He held that the Holy Prophet in fact decided the case on the witness of Khuzaimah, which Was treated equal to two witnesses. Khuzaimah bore witness because he had heard from the Holy Prophet about the purchase of the horse. On the basis of the Prophet’s truthfulness and on the basis of Khuzaimah’s faith in his Prophethood, his witness was treated equal to the witness of two men (al- Tandhib, on the footnote of Mukhlasar Sunan Abī Dāwūd, V, 223-24).the bedouin as such. It was because of his antipathy to the faith and his ignorance of the Shari’ah laws that no value was attached to his statement in that particular case; on the removal of such deficiency his evidence would be acceptable.

Evidence of a Woman. According to the prescription of the Qur’ān, testimony of two women has been treated as equal to the testimony of one man.<sup>69</sup>, While applying this constitutional provision in law courts some relaxations were allowed in certain cases.” ‘Uqbah b. Hārith reports his own case in the following terms: “I married Umm Yahyā hint Abī Ihāb. A black woman called upon her, who maintained that she had suckled both of us together. I stated this to him. 1 he Holy Prophet turned away his face from me. Thereupon, I said: Messenger of Allah! she is a liar. He said: What makes you realise it while she has said what she has said? Keep her away from you.”<sup>70</sup>

The Quranic prescription on the issue of a female witness is not unqualified. Its cause has specifically been mentioned in the same verse of

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<sup>68</sup> Ibid., Shakādal al-Badawī idhā Kan’adlam Yuqīmu al-Shanādah alā Wajhiha Ja’izah,

<sup>69</sup> The Qur’an, ii. 282.

<sup>70</sup> Hāfiz al-Mundhirī, op. cit., pp. 219, 220. It has also been reported by al-Bukhārī, al-Tirmidhī and al-Nisā’ī.

the Qur'ān: An tadilla ihdāhumā fatudhakkira ihdāhuma al-ukhrā<sup>71</sup> [so that if one of the two errs, the one may 'remind the other.]

The cause of dalālah is not perhaps the inherent and intrinsic disqualification. It may be compared with the disqualification of a bedouin as discussed above and al-Khattābī's opinion thereon.

Disqualified Witnesses. Integrity and honesty of witnesses play a vital role in the Islamic judicial system. Such a provision, perhaps, does not exist in the modern Western legal systems.

The Qur'an has laid down a broad principle against false testimony: "So shun the filth of the idols and shun false statement (qawl al-zūr)."<sup>72</sup> Under this Quranic provision the Holy Prophet disqualified the liar as a witness. Khuraim b. Fātik al-Asadī reports that the Holy Prophet, after a morning prayer, held an assembly session and announced the following provision in the law of evidence:

"False testimony has been equalised with setting up of associates to God.' He repeated the announcement thrice, and then recited the verse: 'So shun the filth of the idols and shun false statement.'<sup>73</sup>

Dishonesty, punishment under Divine law and personal enmity, if established, debar a person from being a witness. The relevant provision has been reported in the following words of the Holy Prophet:

"The testimony is not allowed of faithless man and the faithless woman and not of the one punished under Divine law, and not of the carrier of enmity against his brother."<sup>74</sup>

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<sup>71</sup> The Qur'an, ii. 282.

<sup>72</sup> Ibid., xxii. 30.

<sup>73</sup> Ibn Majah, Sunan (ed. 'īsā al-Bābī, 1373/1953), Kitāb al-Ahkām. Bāb Shahādat al-Zsūr II, 794; Sunan Abi Dāu,ūd, Kitāb al-Aqdiyah, Bāb fī Shanādat al-Zūr.

<sup>74</sup> Ibn Mājah, Sunan, Kitāb al-Ahkām, Bāb man lā Tajuzu Shahādathu.

According to a report in the Sunan of Abū Dāwūd the testimony of the adulterer, man or woman, is also not acceptable.<sup>75</sup>

Circumstantial Evidence. The Islamic judicial system set up by the Holy Prophet admits circumstantial evidence for establishing the commission of certain offences. For the vindication of Joseph's character the Qur'ān has referred to a circumstantial evidence suggested by a member of the king's family as follows

“And a witness of her own family bore witness: If his' shirt is rent in front, she speaks the truth and he is a liar. And if his shirt is rent behind, she tells a lie and he is of the truthful. So when he saw his shirt rent behind, he said: Surely it is a device of you women. Your device is indeed great.”<sup>76</sup>

Cases have also been reported wherein the Holy Prophet admitted circumstantial evidence. The famous case regarding the paternity of a disputed child was decided on the basis of such evidence.

It is, however, important to note that the Islamic judicial system has not admitted the circumstantial evidence indiscriminately. It is admitted only in cases wherein the Qur'ān has not fixed the number of witnesses explicitly. But the grave offences committed against life, honour, property, religion and State which in return involve capital punishment, stoning, amputation of hands, flogging and banishment from the Islamic State, *hudūd* and *ta'zīrāt*. have not been allowed to be decided and punishments awarded merely on the basis of circumstantial evidence. This is a unique distinction of the Islamic judicial system which makes it more progressive and advanced than other systems. A murder case is quoted below as an illustration. ‘Abd Allah b. Sahl and Muhayyisah went to Khaibar due to poverty which overpowered

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<sup>75</sup> Abū Dāwūd, Sunan, op. cit.

<sup>76</sup> The Qur'an, ii. 26-28. For further discussion on the subject see ‘Abd al-Qādir ‘Awdehi’s work: *al-Tashrī’ al-Junā’i al-Islāmi* (Cairo, Egypt, 1379/1959-60).

them.<sup>77</sup> Later on Muhayyisah was informed that ‘Abd Allah has been killed and thrown into a stream or a water-way. He approached the Jews and accused: By God, you have killed him. They said: We have not, by God, killed him. Then he proceeded and reached his people and mentioned it to them. He, his elder brother Huwayyisah and ‘Abd al-Rahman b. Sahl proceeded to report the case and to explain it. The Holy Prophet directed Muhayyisah that his elder brother should speak first. Hence Huwayyisah gave his statement, then spoke Muhayyisah. Thereupon the Holy Prophet announced: Either they (the Jews)<sup>78</sup> should pay blood-money of your companion or they should get ready for war. The Holy Prophet sent this to them in writing. They replied in writing:<sup>79</sup> We have not killed him. Then the Holy Prophet asked Huwayyisah, Muhayyisah and ‘Abd al-Rahmān: Do you solemnly declare on oath and establish the right of the blood of your companion? They declined. He then asked: Should the Jews declare solemnly on oath for you? They said: They are not Muslims, The Holy Prophet gave one hundred camels as his bloodwit by himself<sup>80</sup> (from State treasury, *min ibil al-sadaqah*).<sup>81</sup>

The above details of the case show that an elaborate judicial procedure was adopted for its trial. Preliminary investigation was conducted by a party of the Muslims. They inquired from the Jews in whose territory the murder had been committed: *We qālū lilladhī wujida fī him*, and accused them for the murder: *Qatalrum sāhibana*. On the basis of the investigation report, the

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<sup>77</sup> *Al-Kirmānī*, *Sharh al-Bukhārī* (135611937), XXIV, 231.

<sup>78</sup> *Ibn Hajar al ‘Asqalānī*, *Fath al-Bārī*, *Kitāb al-Ahkām*, *Bāb Kitāb al-Hāhim ilā ‘Ummālhi* (ed. 138711956), XVI, 3C8 : *Kalab Rasūl Atlak ilaihim* means *Ahl Khaibar*. *Kirmānī*, *op. cit.*

<sup>79</sup> In the text of *al-Bukhari* singular form of the verb *kataba* (he wrote) has been used. *Ibn Hajar* has preferred it and has meant thereby the scribe of the letter. The plural form of the verb *katabu* (they wrote) *hās* also been read. It has further been pointed out by *al-Kirmānī* that singular form may mean the clan of the Jews. (*op. cit.*).

<sup>80</sup> *Al-Bukhārī*, *al-Sahīh*, *Kitāb al-Ahkām*, *Bāb Kitāb al Hākīm*.

<sup>81</sup> *Ibid* , *Kitāb al-Diyah*, *Bāb al-Oasāmah*.

case was submitted to the court of justice at Medina. Proper trial was held. Statements were heard and the testifiers were cross-examined. Written order of the court was sent to the accused who was also warned of the severe consequences of the offence (*immā an yu'dhinu bi harbin*). Their written statement was also obtained. According to Imām al-Bukhārī, the Holy Prophet sent his written judicial order to his district magistrate appointed at Khaibar for investigation into the case. Al-Bukhārī's view is reflected in the topic of the chapter under reference: *Kira al-Hākim ilā 'Ummālihī* (letter of the ruler to his governor-judges). In the absence of the eye-witnesses, the claimant and the testifiers (investigators) were asked to take oath or accept the oath of the accused which they declined.

In view of the above proceedings, the court did not find any substantial evidence in the absence of the eye-witnesses; therefore, the chief justice decided not to award any punishment to the accused merely on circumstantial evidence. The bloodwit was paid from the State treasury so that the blood of a Muslim was not wasted: *Fa kariha Rasūl Allah an yubtila damahu*.<sup>82</sup> It appears from the proceedings of the criminal and civil cases referred to and decided by the Holy Prophet that adequate administrative machinery existed for their investigation, prosecution and judicial decisions.

Investigation and Prosecution. The preliminary stage of a case is its investigation. It is certain that police stations on modern pattern were not set up by the Holy Prophet. The cases and disputes were directly reported to the chief justice at Medina or to his deputies appointed at various district headquarters. It emerges from the historical record that the Holy Prophet had appointed certain persons who acted as police officers whenever it was necessary. A report of Anas b. Mālik in *al-Sahīh* of al-Bukhārī shows that Qais b. Sa'd from among the Ansār<sup>83</sup> of Medina was assigned the function of

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<sup>82</sup> Ibid.

<sup>83</sup> Selection of an Ansārī for this post is significant, for he could perform such duties more effectively than an Emigrant who was a new-comer and did not know the details of the city and its surroundings.

the head of the police force: “Qais b. Sa’d used to perform his duties before the Holy Prophet in the capacity of the head of the police appointed by the ruler.”<sup>84</sup> Al-Kirmānī, commenting on the report, has pointed out that the repetition of the word *kawn* indicates the continuity of his office (*al-istimrār wa al-dawām*), i.e. Qais remained in his office and was not appointed on ad-hoc basis.<sup>85</sup> *Al-shurat*, plural of *al-shurtah*, indicates that there was a force of which Qais was the head (*sahīb al-shurat*). Ibn Hajar says: *Sāhib al-Shurat* means the head of the force (*kabīruhum*).<sup>86</sup> Qais in his capacity as the head of such a force was marching before the Holy Prophet at his arrival in Mecca and was enforcing his orders (*mā yanfudhu fi-umūrihī*).<sup>87</sup>

Some other names belonging to such a force have also been reported. *Unais*, diminutive of *Anas b. al-Dahhāk al Salamī*<sup>88</sup> was appointed as an investigation officer in an adultery case entrusted to him. *Abū Hurairah* and *Zaid b. Khālid al-Juhanīyy* have reported this case as follows:

“A bedouin came to the Holy Prophet and requested: Messenger of Allah! decide among us in accordance with the Book of Allah. His opponent stood up and said: He has spoken the truth, so decide among us in accordance with the Book of Allah. Then the bedouin stated: My son was his servant, who committed adultery with his wife. They told me that my son was liable to be stoned. Hence, I gave one hundred goats and one slave as his bloodwit. Then I inquired from the learned who informed me that my son was liable to one hundred s-tripes and exile for a year. Thereupon the Holy Prophet said: I shall certainly decide among you in accordance with the Book of Allah. As regards your goats and slave they are returned to you. Your son

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<sup>84</sup> Al-Bukhārī, *al-Sahīh*, *Kitāb el-Ahkām*, *Bab al-Hākīm Yahkumu bi al-Qatal*.

<sup>85</sup> Al-Kirmānī, *Kitāb al-Ahkām*, p. 203,

<sup>86</sup> Ibn Hajar, *op. cit.*, p, 254. He has pointed out that regular police force was raised under the Umayyads and *Anas* explained the position of *Qais* to his audience in terms intelligible to them (*op. cit.*, p. 255).

<sup>87</sup> Al-Kirmānī, *op. cit.*, p. 203.

<sup>88</sup> *Ibid.*, p. 233.

is liable to one hundred stripes and exile for one year. As for you, O Unais, you proceed towards the wife of this person (investigate into the matter). If she confesses her guilt, then stone her.”<sup>89</sup>

In this case Unais was entrusted with the inquiry of the case and was also empowered to execute the order of the court in case the accused pleaded guilty.

Abū Burdah b. Niyar was also employed by the Holy Prophet.

for investigation and inquiry purposes. Al-Tirmidhī and Ibn Mājah have recorded that he was the investigation officer in the following case reported by al-Barā’ b. ‘Āzib:

“My uncle Abū Burdah b. Niyar passed by me. He was carrying a flag arranged for him by the Holy Prophet. I asked him: Where do you intend to go ? He replied: The Holy Prophet has sent me to a man who has married the wife of his father after his death. He, therefore, ordered me to behead’ him.”<sup>90</sup>

This case shows that as soon as some offence was reported to the Holy Prophet he immediately entrusted its inquiry to a responsible person.

Qurrah father of Mu’āwiyah was entrusted with the inquiry of a case wherein a man had married the wife of his father.<sup>91</sup>

In the following case of highhandedness a party was sent by the Holy Prophet for the arrest of the offender. Ibn Sharahbīl reported: I came to Medina with my uncles. I entered an orchard and took from them some ears of grains and rubbed them. There appeared the owner of the orchard who

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<sup>89</sup> Al-Bukhārī, al-Sahīk, Kitāb al-Ahkām, op, cit., Kitāb al-Hudūd. Bāb al-’Iṭirāf al-Zinā’.

<sup>90</sup> Al-Tirmidhī, al-Sahīh, Abwāb al-Ahkām, Bāb fī-man-jazawwaja Imrata Abihi ; Ibn Mājah, al-Sun an, Kitāb al-Hudūd d Bāb Man Tazawmaja Imrata Abihi.

<sup>91</sup> Ibn Mājah, al-Sunan.

took away my clothes and beat me. I came to the Holy Prophet seeking his support (justice). He sent (a party) to the offender who brought him along. He asked him: What made you attack him ? He said: Messenger of Allah! he entered my orchard, took from there some ears of grains and rubbed them. The Holy Prophet admonished him: You did not teach him if he were ignorant, and you did not provide him food if he were hungry. Return his clothes. He ordered for me a wasq or half a wasq.<sup>92</sup>

Judicial Proceedings. On the basis of the investigation reports and preliminary inquiries the cases were formally submitted to the court of justice for their proper adjudication. The Hādīth and Fiqh books contain detailed rules and principles on the conduct of a judge in the law courts, of which the Holy Prophet himself was the embodiment par excellence. The judge should not be in angry mood at the time of decision.<sup>93</sup> He must strictly follow the Book of Allah and always decide in accordance with its contents. Decisions and judgments of the Holy Prophet were also binding on the judges. In case of silence of these sources, the judges were allowed to exercise their own judgment.<sup>94</sup> The litigants should be seated<sup>95</sup> equally and should be given opportunity without any discrimination. Both the parties must be heard and judgment must not be announced until the other party has been heard in the same way as the first one.<sup>96</sup>

Obligations of the Litigants. The Holy Prophet framed rules and regulations for establishing a right in a claim, and also the responsibility of the plaintiff and of the defendant. A broad principle has been reported from the Holy Prophet by Muslim in his al-Sahīh: "If the claimants' assertions

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<sup>92</sup> Al-Nisā'ī, al-Sunan (ed. 1383/1964), Kitāb Adab al-Qudāt, Bāb al-Isti'da, VIII, 210-11.

<sup>93</sup> Al-Bukhārī, al-Sahīk, Kitāb al-Akkām, IX, 82.

<sup>94</sup> Al-Tirmidhī, Sahīh (ed, 1350/1931), VI, 68 ; Abū Dāwūd, al-Sunan, Kitāb al-Aqdiyah.

<sup>95</sup> Abū Dāwūd, at Sunan (Mukktasar), op. cit., V, 211 ; al-Tirmidhī, al-Sakīk, Ahkām, VI, 72.

<sup>96</sup> *ibid.*, p. 208.

were accepted (without proof) they would demand the blood of men and their properties: but the onus of oath is on the defendant.”<sup>97</sup> On the basis of the above general rule a specific regulation was formulated by the Holy Prophet: “Onus of proof(al-bayyinah) is on the plaintiff, and the oath is on the defendant,”<sup>98</sup>

This regulation was put into practice by the Holy Prophet in the following judgment. A man from Hadramawt and another from Kindah came to the Holy Prophet. The Hadramī stated: This man has encroached upon my land. The Kindī stated: That is my land and in my possession. He has no right over it. The Holy Prophet inquired from the Hadramī: Do you have any proof (bayyinah) ? He said: No. He said: Then you accept his oath. He stated: Messenger of Allah ! the man is libertine. He does not care for his oath, and does not refrain from anything. He said Nothing is for you from him except that. The other man proceeded to take the oath. When he went away the Holy Prophet said to the plaintiff: If he takes a false oath to swell on your property unjustly, then he would meet Allah while He had turned away his face from his.<sup>99</sup>

Confession. Confession by the offender of his offence was considered to be sufficient evidence for the decision of a case. Some important decisions made by the Holy Prophet on the basis of confession are given below for illustration. Mā’iz b. Mālik al-Aslamī committed adultery. He confessed his guilt in the court of justice and was awarded punishment. Abū Hurairah has reported this case as follows: “A man came to the Holy Prophet. He was in the mosque. He addressed him: Messenger of Allah! I have committed

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<sup>97</sup> Al-Muslim, al-Sahīh, Mushkul, (ed. Muhammad ‘Ali Subayah, 1334 A.H). Kitāb al-Aqdiyah, V. 128.

<sup>98</sup> Al-Tirmidhī, al-Sahīh, al-Ahkam, p. 87; al-bayyinah ‘ala al-Mū (“da wa al-yaminu ‘ala al-nauddā’a ‘alaih).

<sup>99</sup> Ibid. pp. 86, 87. Abū Dāwūd, op, cit., p. 235, Ibn ‘Arabī, commenting on the statement of the plaintiff that the defendant is a libertine, said : It was an abuse from him without proof, and the Holy Prophet could not keep himself silent on that vital issue (Shark al-Tirmidhī, VI, 89).

adultery. The Holy Prophet turned his face away from him. He went to the side of his face and stated: Messenger of Allah! I have committed adultery. He turned his face away from him. He moved to the side of the Prophet's face and made confession. In this way when he had made his confession' of guilt four times, the Holy Prophet called him (for cross-examination). He asked him: Are you suffering from madness? No, he said to the Holy Prophet. He asked him. Are you married ? He said: Yes, Messenger of Allah! Thereupon he ordered the people: Take him and stone him."<sup>100</sup>

Ibn 'Abbās has reported some more questions and answers during the cross-examination: "He (the Prophet) asked him: Perhaps you only kissed her or touched her or looked at her ? No, he said to the Holy Prophet. He concluded: You positioned her for the sexual act, without leaving any doubt. Thereupon he passed his judgment for his stoning,"<sup>101</sup> Here the confession of the offender was so unambiguous that it needed no corroborative evidence or witness for establishing the guilt. Hence the court passed judgment for the award of punishment.

No discrimination between a man and a woman has been made in case of confession. Confessions of women were also taken as sufficient evidence for the proof of commission of an offence and judgments were passed on their basis without asking for corroborative evidence. A woman from the Juhainah confessed her guilt of adultery before the Holy Prophet. She also disclosed that she had become pregnant. The Holy Prophet summoned her guardian and directed him: Treat her well. When she gives birth report it to me. He acted accordingly. He passed order for her stoning.<sup>102</sup> Confession in

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<sup>100</sup> Al-Bukhārī, al-Sahīh, Kitāb al-Hudūd, Bāb Su'āl al-Imām al-Muqirr, VIII, 207.

<sup>101</sup> Ibid.

<sup>102</sup> Al-Timirdhī, al-Sahīb, Hudūd, Bāb Tarabbus al-Rajm bi al-Hubla, p. 211. It has also been reported that the Holy Prophet returned her after the birth till the weaning of her child (hatt taftīma waladuha). She came with the child having a piece of bread in his hand. Then he ordered for her stoning (Ibn 'Arabī, Sharh al-Timmidhī, al-Hudūd, VI, 212-13).

case of theft was also accepted as sufficient proof. Ibn Mājah has recorded a case of theft reported by Abū Umayyah. A thief was produced before the Holy Prophet. Stolen property was not recovered from him. However, he pleaded guilty and made two confessions before the chief justice. Thereupon the Holy Prophet passed order for cutting off of his hand, which was done.<sup>103</sup>

Compromise. Cases were also referred to the Holy Prophet wherein weight of proof and argument was equal on both sides. In such cases the actual possession played a vital role in their decision. The following case reported by Jābir is given as an illustration. Two men brought a dispute over a she-camel before the Holy Prophet. Each of them stated: This she-camel be-longed to me, and. produced evidence. Therefore, the Holy Prophet decided in favour of the person who had her actual possession .<sup>104</sup>

In cases where no evidence was produced from either side, the court brought the litigants to terms and effected compromise between them. Abū Mūsā al-Ash'arī reported the following cases. Two litigants filed a suit with the Holy Prophet. They had a dispute over an animal. Neither of the two had evidence. The Holy Prophet decided (that the animal be divided) half-and-half between the two.<sup>105</sup>

Two persons were working together in digging a well. One of them raised his pickaxe, hit with it the head of his companion and killed him. The brother of the murdered man filed .complaint in the court of the Holy Prophet. From the statement of the plaintiff and the evidence produced, the Holy Prophet reached the conclusion that it was an unintentional murder. He, therefore, urged upon the plaintiff for compromise. Thereupon he

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<sup>103</sup> Ibn Mājah, al-Sunan, Kitāb al-Hudūd, Bab Talqin al-Sāriq (ed. 1373/ 1953), II, 866.

<sup>104</sup> 'Alī b. 'Umar al-Dāraqutnī. al-Sunan (ed. Cairo, 1386/1966). Kitāb fi al-Aqdiyah wa al-Ahkām, IV, 209.

<sup>105</sup> Ibn Mājah, al-Sunan. (ed. 1373/1953), II, 780.

forgave the accused and the Holy Prophet decided the case on compromise.<sup>106</sup>

Execution of the Judicial Decisions. Expeditious disposal of cases, correct decisions and execution of the judicial judgment are the fundamental principles of the most progressive and efficient judicial system. The cases quoted above abundantly make it clear that the judicial set-up established by the Holy Prophet fulfilled the requirements of the most progressive judicial system. Speedy disposal of legal cases and their correct decision fail to produce positive results until they are efficiently enforced by the executive machinery. The Holy Prophet took special care to ensure that his legal decisions and judgments were duly executed. He had set up executive machinery which was immediately moved for the implementation of his judgment. Qais b. Sa'd was the head of the enforcement party. Abū Burdah b. Niyar, Unais and Qurrah were employed for the execution of different judgments of the Holy Prophet.<sup>107</sup> The cases cited above for illustration under different heads show that all judgments of the Holy Prophet were duly executed. The adulterers were stoned, hands of the thieves were cut off, decisions on civil disputes were implemented. For further discussion on the subject another judgment is given below as reported by Samurah b. Jundub. He (Samurah) had a palm-tree in the orchard of a man from among the Ansār who was living there with his family. Samurah used to go to his palm-tree in the orchard which annoyed the Ansārī and created inconvenience for him. He asked him to sell it to him. He refused. He asked him to exchange it. He refused. He came to the Holy Prophet and stated the case to him. The Holy Prophet asked him to sell it to him. He refused. He asked him to exchange it. He refused. He asked him to give him as a gift. He refused

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<sup>106</sup> Al-Nisā'ī, al-Sunan (ed. 1383/1964, Cairo), Kitāb al-Qasāmah, Bāb al-Qawad, VIII, 14.

<sup>107</sup> Abū Dāwūd, al-Sunan, Abwāb min al- (Qadā' (ed. Mukhtasar), V, 239.

Thereupon he passed his judgment: You are causing harm to him. Then he addressed the Ansārī and ordered: Go and cut down his palm-tree.<sup>108</sup>”

The following case is also a pertinent reference to the subject. Al-Zubair b. ‘Awwām had a dispute with a man from the Ansār (Hātib b. Abī Balta’ah) who was present at the battle of Badr, over a water-way by which both of them watered their fields. The Ansārī said: Let the water flow without hindrance. Al-Zubair refused his request. The Holy Prophet asked al-Zubair: Water your field, O Zubair, then leave it to your neighbour. The Ansārī became furious and said: Messenger of Allah! because he is your cousin? The colour of the Holy Prophet’s face was changed. Thereupon he ordered: Water your field, then hold the water until it follows a more suitable course.<sup>109</sup> The judgment was executed immediately. Defiance of the judicial decision by the Ansārī entailed punishment for him. To prevent any such thing happening in future the following Divine law was revealed: “But no, by thy Lord ! they believe not until they make thee a judge of what is in dispute between them, then find not any straitness in their hearts as to that which thou decidest and submit with full submission.”<sup>110</sup>

Judiciary Free from Fear and Favour. The most conspicuous characteristic of the judiciary set up by the Holy Prophet was its impartiality. Without fear or favour it adhered to the fundamental principles of justice and scrupulously maintained the rule of law. High social, political and religious status of any individual never influenced the administration of justice at Medina. The following case as reported by ‘Ā’ishah is given as an illustration. The Quraish became worried about the position of a lady of the Makhzūm who had committed theft. They discussed as to who would talk about her to the Holy Prophet. They said: Who can dare it except Usāmah b. Zaid, the

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<sup>108</sup> Ibn Kathīr, *al-Tafsīr* (ed. Suhail Academy, Lahore). I, 521.

<sup>109</sup> Al-Bukhārī, *al-Sahīh*, *Kitāb al-Sulk*, *Bāb idha Ashara al-Imām bi al-Sulh*, fa Aba (ed, Mustafā al-Bābī, Egypt), II, 71, 72 ; *Kitāb al-Musāqah*, *Bāb Sharh al-A’la qabl al-Asfal*, Abī Dāwūd, *al-Sunan*, *Abwāb Min al-Qadā’* (ed. Mukhlasar), V, 24.

<sup>110</sup> *The Qur’ān*, iv. 65.

favourite of the Holy Prophet ! Usāmah talked about her to the Holy Prophet. The Holy Prophet reprimanded: Do you mediate in a punishment of the law of Allah? Then he stood up and addressed: O people! those who were before you were destroyed because when a person of high social status committed theft they left him off; and when a weak one among them committed theft they inflicted on him the punishment (hadd). By God, if even Fātimah hint Muhammad has committed theft, Muhammad would have her hand cut off.”<sup>111</sup>

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<sup>111</sup> Al-Bukhārī, al-Sahīh; Kitāb al-Hud ūd, Bāb al-Kirāhiyat al-Shafa’ah; Al-Tirmidhī, āl-Sahih, al-Hudūd, VI, 851.

# ISLAMIC RESURGENCE-A BRIEF APPRAISAL

M. Moizuddin

Professor Arnold Toynbee, a renowned contemporary historian and sociologist, praising the spirit of Muslim unity and resurgence of Islam writes: “The extinction of race consciousness as between Muslims is one of the extraordinary moral achievements of Islam, and in the contemporary world there is as it happens a crying need for the propagation of this Islamic virtue.”

Geographical boundaries are no obstacle to Muslim unity as the source of spiritual and intellectual moorings of Muslims all over the world is one and the same. The concept of one God and love for the Holy Prophet (peace be upon him) is common and universal for all Muslims. Imam Ghazālī, Ibn Rushd, Ibn ‘Arabī, Jamāluddīn Afghani, Sayyid Ahmad Khan and ‘Allāmah Iqbāl coming from different regions are common stalwarts of Islam. All these luminaries contribute in their own way towards the revival of Islam, a religion overpowering all evils.

We are bound to each other because of our religious belief as stated, not on account of economic, linguistic and territorial affinities. The patriotic and territorial national feelings are but natural for the inhabitants of a particular country; however, they are bound together with one centre of worship, i.e. the Ka’bah, leading to universal brotherhood or Islamic universalism. ‘Allāmah Iqbāl emerges as an exponent of universal brotherhood decrying territorial nationalism. He once said; “I have been repudiating the concept of Nationalism since the time when it was not known in India and the Muslim world.”

‘Allāmah Iqbal envisaged a worldwide Islamic unification when he said that Islam was “neither nationalism nor imperial-ism, but a commonwealth of nations.”

In a letter to Maulānā ʿafar Ahmad Siddiqi in 1932, ‘Allāmah Iqbāl wrote: “If in the past Muslim thinkers and statesmen had carefully reflected on the contents of the Qur’ān, a League of Nations in the Muslim world would have come into existence centuries ago. Thus history of the League of Nations, which has been created in the twentieth century, is a living testimony to the fact that unless the ego of a nation is hedged around by Divine laws, there is no way by which peace of the world can be assured.”

Today it seems more relevant. We are proud of the fact and it is a matter of great satisfaction that we recognised this admonition and are working on the dictum outlined and envisaged by Iqbāl much earlier.

The followers of Muhammad Ibn ‘Abd al-Wahhāb in Arabia, Muhammad al-Sanīsū in North Africa and Sayyid Ahmad Brelvī and Maulānā Muhammad ‘Alī Jawhar in India, to name a few, were noted crusaders against imperialism and a source of a unifying, force to all brothers in Islam. Midhat Pāshā in Turkey, Muftī ‘Ālamjān in Russia, Shaikh Muhammad ‘Abduhū in Egypt and Sayyid Ahmad Khan in India, these were personalities who worked for Islamic puritanism.

Their efforts for Muslim unity and solidarity through the pas-sage of time had ultimately emerged as a great Muslim bloc striving for its rejuvenation.

In the second half of the nineteenth century, the doctrine of Pan-Islamism of Jamāluddīn Afghānī after the dismemberment of the Ottoman Empire actually took the shape of universal Muslim nationalism. ‘Allāmah Iqbāl too had faith in the concept of universalism of the Muslims of the world.

According to Iqbal, Jāmaluddīn Afghānī in many respects was the greatest Muslim and certainly one of the greatest Asians of our times. Unlike his predecessors, ‘Allāmah Iqbal wanted a political reconstruction of society as a whole by character-building and sincerity of purpose.

In 1918, the late Āghā Khān wrote in his book *India in Transition*: “There is a right and legitimate Pan-Islamism to which every sincere and believing Muslim belongs . . . the real spiritual and cultural unity of Islam must ever grow for the followers of the Holy Prophet, it is the foundation of the life of the soul.”

With this background of process, the Muslim reawakening, the present resurgence of Islamic forces in almost every Muslim country is the same unifying force which the above-mentioned stalwarts of Islam endeavoured for. In *The Reconstruction of Religious Thought in Islam* ‘Allāmah Iqbal Writes: “For the present every Muslim nation must sink into her own deeper self, temporarily focus her vision on herself alone, until all are strong and powerful to form a living family of republics. Islam is neither nationalism nor imperialism but a League of Nations which recognizes artificial boundaries and racial distinctions for facility of reference only and not restricting the social horizon of its members.”

In 1931, ‘Allāmah Iqbal attended the historic conference of al-Mu’tamar-i Islām at Bait al-Maqdis. He discussed the sinister move of the Zionists with the then Muftī-i A’zam of Palestine, the fate al-Hij Muhammad Āmīn al-Husainī. He addressed the conference and warned the Muslims of the dangers of parochial and narrow nationalistic outlook and exhorted them to remain united. He reiterated that the future of Islamic world is linked with the future of Arabs and the future of Ārabs depends on the unity and solidarity of the Ārabs. If Arabs are united, certainly the Islamic world will emerge dominant.

It is encouraging that Pakistan, the ideological state, is at the moment a nucleus of revival of Islamic values. In the recent past the congregation of

the Foreign Ministers of Islamic countries who pledged themselves to-fight against the imperialist and Zionist forces is of great historic significance.

The representation of the President of Pakistan in the United Nations to voice the feeling of ninety million Muslims of the world is indeed a matter of great pride and privilege for Pakistan. It is an epoch-making event. Let us pray for the unity and solidarity of the Muslims of the world and that they may sink their regional differences and iron them out.

# THE TRADITIONAL RATIONALISM OF ASHRAF 'ALI THANVI

Saeeda Khatoon

The impact of the West, on the one hand, and the socio-economic conditions, on the other, created a crisis for the Indian Muslim scholars from the second half of the eighteenth century onwards. This socio-intellectual crisis reached its climax after the 1857 war of independence. The Muslim scholars of the subcontinent reacted to and approached the problematic situation from two different angles, that is, the rationalistic/naturalistic and the orthodox fundamentalistic. (This has been characteristic of Islamic thought as can be easily discerned from its history.)

Sayyid Ahmad Khan is the embodiment of the first approach, who said:

“If people do not shun blind adherence, if they do not seek that Light which can be found in the Qur’an and the indisputable Hadīth and do not adjust religion and the sciences of today, Islam will become extinct in India.”<sup>112</sup>

As a possible solution he again said:

“Today we are, as before, in need of a modern theology (‘ilm al-kalam), whereby we should either refute the doctrines of modern sciences, or undermine their foundations, or show that they are in conformity with Islam. If we are to propagate those sciences amongst the Muslims, about which I have just stated how much they disagree with the present-day Islam, then it is my duty to defend as much as I can the religion of Islam, rightly or wrongly,

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<sup>112</sup> Quoted in Fazlur Rahman, *Islam* (London: Weidenfeld and Nicolson, 1966), p. 217.

and to reveal to the people the original bright face of Islam. My conscience tells me that if I should not do so, I would stand a sinner before God.”<sup>113</sup>

The second approach was that of the orthodox ‘Ulamā’ who looked at the same situation from the point of view which is, if not exactly the opposite, at least very different from that of Sayyid Ahmad Khān. Ashraf ‘Alī Thānvī is a stalwart of the orthodox camp. Just as Sayyid Ahmad Khān’s approach seems to be an echo of the Mu’tazilah and the philosophers, especially Ibn Rushd,<sup>114</sup> Ashraf ‘Alī Thānvī champions the Ash’arite and Ghazālīan cause,<sup>115</sup> with the assertion that:

“The nature of modern research and inventions is not universally rational and experimental, a great variety of these is probable and doubtful or illusionary, nor are most of these new or modern, but present in the works of medieval philosophers. And the Mutakallimīn (theologians) have discussed them.”<sup>116</sup>

However, in the introduction to his Islām our ‘Aqliyyat, he does agree to the novelty of the doubts raised by the development of modern science, the clarity of which he undertakes with the help of the traditional medieval kalām, which he considers sufficient and perfect for the purpose.<sup>117</sup>

According to Ashraf ‘Alī’s analysis, wisdom is of two kinds, practical and theoretical.<sup>118</sup> He uses the word “wisdom” in its traditional connotation, comprising all sciences including the Sharī’ah or religious sciences. It is the knowledge of the reality of the unīverse. Practical wisdom, according to this

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<sup>113</sup> Ibid. Italics in original.

<sup>114</sup> See Ibn Rushd. Fasl al-Maqāl.

<sup>115</sup> See Ghazālī, Tahāfut al-Falāsifah.

<sup>116</sup> Ashraf All Thānvī, Islam Aur ‘Aqliyyat, p. 21.

<sup>117</sup> There are others who hold similar views, for example, Shiblī Nu’mānī ; see his Kalām Aur ‘Ilm al-Kalām.

<sup>118</sup> See, for comparison, Plato’s Republic and Parmenides and Aristotle’s Metaphysics.

definition, is of three kinds. At personal level it is Ethics (Tahdhīb al-Akhlaq), in case of the family it is Domestic Planning (Tadbīr-i Manzil) and at the level of a city or State it is Politics or Political Economy (Siyāsāt-i Madan). Theoretical wisdom, in its purely abstract form, is Metaphysics (‘Ilm Ilāhiyāt). Mathematics is partly material. Natural science is material in its full connotation.

This definition of wisdom is not only conceptually but literally very similar to that of al-Fārābī, Nasīruddīn Tūsī and other medieval thinkers and scholars.<sup>119</sup>

Ashraf ‘Alī excludes natural science and mathematics from religious matters on the ground that they have no role in man’s relations with God and his fellow-men. The Sharī’ah refers to physical science only as a means of explanation of the meta-physical. The proper field of the Sharī’ah includes metaphysics and all kinds of practical wisdom. The metaphysical issues, i.e. Revelation (Wahī), Prophethood (Nubuwwah), life after death or Hereafter (Ma-ād), are termed as ‘Ilm al-’Aqā’id (the science of belief). The Sharī’ah deals with practical wisdom in the form of prayers (‘ibādāt), business and social interaction (mu’āmalāt) and conduct (akhlāq). These encompass the three kinds of practical wisdom, that is Ethics, Domestic Planning and Politics.

This preliminary discussion leads to the conclusion that the Sharī’ah includes the five branches of knowledge or behaviour. Ashraf ‘Alī proposes to take up those issues about which the modern educated man has doubts in his mind. In his address to the students of Aligarh University he said:

“You people should ask the ‘Ulamā’ about the doubts raised in your minds and keep on asking till the solution is reached. You should not consider your own opinions final and in case of issues which remain doubtful

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<sup>119</sup> See Fārābī’s ‘Irā’ Ahl al-Madīnat al-Fadīlah, and Nasīruddīn Tūsī’s Akhlāq-i Nāsiri.

in spite of research, you should acknowledge your own drawbacks. And depend on the solutions offered by the ‘Ulamā’.”<sup>120</sup>

With this objective Ashraf ‘Alī illustrates seven principles (usūl-ī mahd) with the help of which he tries to dispell the doubts of the educated Muslims, created in their minds by modern philosophy and science. He applies these seven principles of kalām to problems arising under three categories: (a) creation of matter, (b) unlimited power of God, and (c) Prophethood.

He thinks that the doubts of modern Muslims <sup>121</sup> pertain to these issues. The seven principles are the following:

(1) Ambiguity or difficulty in understanding an issue does not prove its falsehood.

(2) If a thing is rationally possible and there is valid traditional proof (dalīl naql saḥīh) about its being, it must be accepted, and if traditional proof negates its being, its non-being has to be accepted.

(3) Rational impossibility is one thing and ultra-natural or supernatural another, something being against reason is one thing while the supernatural extraordinary or against habit is another and is not anti-rational. As the nature of reason and habit is different, both should not be assimilated. The impossible never occurs, the extraordinary or supernatural can occur, as possibility is not excluded from its nature.

(4) Observation and testimony are not necessary for proving existence.

(5) Solid rational proof (dalīl, ‘naql mahd) cannot be inferred from solid tradition (manqūlāt-i mahd), so such proof should not be asked for.

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<sup>120</sup> Thanvī, op. cit., p. 35.

<sup>121</sup> Ibid. See Introduction.

(6) Proving (*dal īl*) and citing examples (*nazir*) are two different things, so a claim should be supported by a proof, not an example.

(7) The relation between the rational (*‘aqlī*) and traditional (*naql ī*) can be of four kinds: (a) Certainty of both, which is impossible because conformity amongst valid narrations is not possible. (b) The probability of both: in that case the rules of grammar give more weight to the traditional. (c) The third position is that of a certain tradition and a probable rational proof: in this case the tradition will be definitely considered more authentic. (d) In case of the certainty of the rational and the probability of the traditional, the rational will be accepted and the traditional interpreted (*ta’wīl*).<sup>122</sup>

Ashraf ‘Alī argues that adherence to modern science and reliance on the rational have led some of the Muslim thinkers to two fallacies with regard to the concept of the unity of God (*Tawhīd*) and, as a result of these two fallacies, they hold a position which is neither scientific nor religious. These fallacies are similar in form to the fallacies committed by some of the rationalists of the past, e.g. the Mu’tazilites. They are (a) including another entity (matter as eternal along with the unique quality of God, and (b) affecting God's attributes of perfection by limiting His power of creating the world *ex nihilo*. In this way the advocates of modern science fall back upon the Aristotelian concept of the eternity of matter as the only possible way of explaining the origin of the world. Ashraf ‘Alī argues against the position by applying his first principle, i.e. that ambiguity and non-clarity about the concept of the existence of a thing does not prove its non-existence. He draws a parallel with other phenomena and things that are neither clear nor understood but still believed to be existing and useful, e.g. the swiftness and exactness of machines and other scientific equipment, so the quality of not being understood by all is common to eternal and created objects, but in case

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<sup>122</sup> *Ibid.*, pp. 55-162,

of the eternal there is textual (*nasūs*) and traditional proof, while human creations lack any such proof.<sup>123</sup>

In his refutation of the idea of the eternity of matter, Ashraf ‘Alī just gives a rational argument from change and movement. Regarding the concept of formless matter, he argues that movement requires the capacity of movement and the capacity can only be in the existent ; the existent has a body, that is form, so the idea about formless matter involves a contradiction. This, he thinks, is the position of modern science. In so far as the belief of ancient science in matter is concerned, he argues that existence requires the existence of species and species cannot be established without personal form, so every form of it changes into another form. All the forms are, therefore, changeable, which is a characteristic of created things, while the eternal is changeless. So matter is created and not eternal. He first assumes that eternity cannot be rationally proved ; there is probability in its favour and against it. But since the reliable testimony of a truthful reporter, that is the Prophet Muhammad himself, testifies against it, its reputation should be accepted on the basis of his sayings.

This argument proves creation *ex nihilo*, not as a possibility, but as a certainty on the basis of the maxim that, in case a certain tradition and probable rational proof differ, the tradition will be definitely considered true [principle (c) The second fallacy which Ashraf ‘Alī attributes to the “newly educated” is the denial of the unlimited power of God (*Taira m-ī Quḍrat-i Haqq*). Leaving out other details about causation and natural laws, he concentrates mainly on the possibility of the supernatural to prove the authenticity of miracles. In this instance his argument is much more specific which may be because of Sayyid Ahmad Khān’s denial of miracles.<sup>124</sup> Ashraf ‘Alī refers to this denial as something against the very spirit of Islam. He

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<sup>123</sup> Ibid., pp. 55.88.

<sup>124</sup> Sayyid Ahmad Khan, *Maqālat-i Sir Sayyid*, XIII, 89 ; also see *Tafsir al-Qur’an*, Vol. I.

repeats the arguments of the modernists against miracles (as Ghazālī did in the *Tahāfut*) citing examples such as the modernists' argument that:

“Fire always burns and children are born of parents, no deviation has been observed. So anything against this established law is impossible.”<sup>125</sup>

Ashraf ‘Alī argues that all such arguments of the modernists are based on the assumption that extraordinary or supernatural (*istihālah*) is against Nature. To establish this assumption concrete proof is required ; merely saying that such and such has not been observed is induction, and induction, being based on the observation of parts only, leads to probable conclusions and generalisations. The probable argument will be valid only when there is no strong argument to the contrary, but even then its probability should not be mistaken for certainty. Even for the negation of probability, valid and sufficient proof is required.

Ta’wīl or interpretation, Ashraf ‘Alī argues, should not be adopted unless it becomes absolutely necessary. Ta’wīl, as is practised by modernists, would create a situation where no testimony or tradition can be valid.

Here Ashraf ‘Alī quotes from the Holy Qur’ān<sup>126</sup> ( الله تبديلا ولن تجد ) (لسنة) and explains that from this verse of the Qur’ān inference is possible in two ways: firstly, that Sunnah means every sunnah, secondly, the verb in *tabdīl* (تبدیل) is general including God and other than God. Though there is no proof of such assertion, it is in fact probable that sunnah by way of reference to the contact means particular issues which are referred to in this verse of the Qur’an, the meaning of which is the supremacy of truth over falsehood, whether it be by *burhān* (reason) or *lisām* (grammatical or verbal).

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<sup>125</sup> Thanvī, op. cit., pp. 224-25.

<sup>126</sup> xlvi. 23.

If generalised the verb of *tabdīl* would mean no God. That is, the laws of God cannot be superseded by any but Himself.<sup>127</sup>

it is interesting to note that Sayyid Abmad Khān has, twice in his Essays, quoted the same verse to prove his point of view, once with reference to Shāh Waliullah's Hujjat Allah al-Bālighah, and at another place explaining the views of the naturalists, for supporting his argument.<sup>128</sup>

Sayyid Abmad Khan and Ashraf 'Alī derive the conclusions desirable for their points of view. Both conclude that the ways of God cannot be changed. Sayyid Ahmad Khan uses the point in support of his theory of necessary causation and impossibility of miracles and the supernatural. Ashraf 'Alī uses it as an argument in favour of the miraculous. It becomes evident that both have interpreted (*ta'wīl*) and Ashraf 'Alī's stress on avoiding the same is superfluous.

Ashraf 'Alī also challenges Sayyid Ahmad Khān's principle of the "word and work of God". He quotes Sayyid Ahmad Khan that Nature being the habit of God is an active promise, and textual change in the promise is not possible, without reference<sup>129</sup> and argues that here the first premiss is rational and the second traditional. He further expresses his views declaring the second premiss undoubtedly valid and the first incorrect. He draws parallels from the phenomena of Nature such as rainfall and thunder and their first occurrence in support of his refutation.

The third point of difference between Ashraf 'Alī and those whom he calls the "newly educated" is Prophethood. In this respect again, he refers to Sayyid Ahmad Khan's view without mentioning names, saying that the adherents of *ijtihād* explain the nature of revelation by saying that:

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<sup>127</sup> Thānvi, op. cit , pp. 246-4S, 255.

<sup>128</sup> Maqālāt-i Sir Sayyid, XIII, 81 : "Mu'jaze Kī Haqiqat" ; III, 183 : "Namī Dānam",

<sup>129</sup> Ibid., III 2234.

“Some people are by nature sympathetic and reformative towards the welfare of their community (qawm) and, due to this natural tendency, they have strong imagination. In the force of their imagination certain issues are presented by their imagination and in the same state of ecstasy voices are heard and the same can lead to seeing some figure as speaking. While the voice and the figure have no external existence, their nature being ideal. (khiyāliyah.)”<sup>130</sup>

The rationalistic explanation of revelation by Sayyid Ahmad Khan and its refutation by Ashraf ‘Alī is not original; the medieval philosophers and Mutakallimīn have discussed this issue again and again. Zakariyā Rāf, al-Farābī, Ibn Sīnā and Ibn Rushd have all attempted at rationalising revelation. In fact Ibn Sīnā’s doctrine of revelation is so much similar to the view ascribed to “modern rationalists,” by Ashraf Alī, that it clearly portrays the lack of originality of the modern Muslim rationalists and traditionalists.

In Ashraf ‘Alī’s view the rationalistic interpretation of Prophethood is theoretically against valid textual assertions which explain that revelation is a gift of God, which comes through the intermediacy of an angel, the angel at times uses *ilqā’* (putting the speech in the Prophet’s mind), at other times the voice of the angel is heard, sometimes the angel appears in figurative form. The modernists’ denial of this form of revelation is in consistency with their denial of angels and all other supernatural entities. Again, in the same way they reject miracles as proofs of Prophethood. Ashraf ‘Alī tries to refute this position in the manner of the medieval Mutakallimīn by using two kinds of arguments, one rational and the other pragmatic. In the argument he refers to the freedom of God’s will and His Omnipotence, concluding with the remark that anything against “order” and “habit” cannot be construed as something against reason.

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<sup>130</sup> Thānvi, op. cit., p. 291 ; also see Maqālāt-i Sir Sayyid, III. 68.

The pragmatic approach necessitated a reference (though he tried his best to avoid it) to the Prophet's denial to produce miracles, when demanded. He, however, refers to the Prophet's position as regards the masses who can be convinced only by the extra-ordinary and supernatural.

Ashraf 'Alī is not in agreement with the view of the modernists about the dual function of the Sunnah of the Prophet, i.e. the real and the temporal. The contingent instructions and legal part of it are considered temporary and the moral and meta-physical as real. It would not be out of place to refer to Sayyid Ahmad Khān's position on this issue before considering Ashraf 'Alī's criticism of it:

“What the Prophet said by way of religious injunctions is all revelation and obligatory for all followers. But what he said in worldly matters were only his opinions as a man. This is what I believe in.”<sup>131</sup>

Ashraf 'Alī draws a parallel with the temporal rules in support of his criticism of the dual nature of the Prophet's Sunnah, saying that even ordinary rulers interfere with our private affairs, so why should this right be denied to the rightful ruler (Prophet) ? In my opinion this argument seems to be appealing to the loyalties and faith of the believers rather than reason. Nevertheless, the point of difference with the modernists is extended to their view of *ijtihād*, that is the need of adaptation of the *Sharī'ah* pertaining to social issues (*mu'āmalāt*). This, however, he dismisses summarily, on the grounds that if the position of these laws is reduced to personal opinion, then they would be changeable, but since he has already denied that position there is no basis to argue upon. According to Ashraf 'Alī, every word of the Prophet's Sunnah is revelation and it is obligatory upon believers to follow it. Further, he observes that the validity of the law on socio-empirical grounds is questionable only if adhered to and adopted as a whole system by all in the community. But the *Sharī'ah* is followed partly and by a few people only (at

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<sup>131</sup> Maqālat-i Sir Sayyid, VIII, 36-37.

the present time) ; therefore its validity cannot be accurately judged. The few people who follow the Sharī'ah live among nonconformists, the social issues (mu'āmalāt) are neither based on the Sharī'ah—nor can its uses and abuses be attributed to the Sharī'ah.

In Ashraf 'Alī's view personal interpretation of religious laws is liable to change its objectivity to subjectivity; therefore it should not be allowed.

The obvious fact he maintains is that the law is not to be questioned, neither can examination or change modify or deny the law. Only the creator of the law has the power to do so. At this point his tone takes an apologetic turn inconsistent with his defence of the right of the Mujtahīdin to interpret the law. He argues that the Mujtahīdin affected the interpretation where necessary, which is a very shallow argument without any ration-ale. His loyalty to the orthodoxy may be a strength to Ashraf 'Alī's position as a Muslim but as a thinker and rationalist his logic and reasoning is weakened by it.

He asserts that the core of all the mistakes of the modernists is the assumption that since the Prophet's aim is the promulgation of Tawhīd, so where Tawhīd can be followed without guidance of the Prophet, that agency can be left out. The answer to this, Ashraf 'Alī argues, is present in the “text,” where denial of Prophethood is equal to denial of religion and the rational argument is that denial of Prophethood is denial of God, hence it is the denial of the Quranic verses.

This last argument seems to be a statement and refutation of the view of the small and ineffective group of the Ahl-i Qur'an, who denied Sunnah and Hadith. Sayyid Ahmad Khan and his associates never categorically denied the Hadīth. Even in case of the Ahl-i Qur'ān, the denial of Prophethood seems to be an inference of the critics. What they actually denied was adherence to the Hadīth on dual grounds, of the questionable nature of oral tradition and

the perfection and completeness of the Qur'ān.<sup>132</sup> The criticism of Ashraf 'Alī, however, though weak in logic, is neither base-less nor superfluous. If the premisses of the Ahl-i Qur'an and even Sayyid Ahmad Khān and his associates are accepted unconditionally, its logical and consistent conclusions can lead to the position he attributes to them. At the most it can be asserted that Ashraf 'Alī, like Ghazālī and other orthodox theologians, is on the defensive.

It is evident that Ashraf 'Alī on the whole relies upon the traditional kalām. It is not only the principles to which he con-ceded in the introduction to *Islam Aur 'Aqliyyat* that are traditional and medieval, but the issues taken up, the arguments advanced and the style of reasoning, as a whole, is traditional. Though he starts with the presumption that he will explain and analyse the new doubts, he falls back on the traditional controversy about the eternity of matter and creation of the world. The doctrine of the eternity of matter, though Aristotelian in its origin, the Muslim Peripatetics adopted and reshaped it in accordance with their own requirement. In an attempt to rationalise the dogma, the Muslim rationalists at the outset faced difficulty in explaining creation *ex nihilo* (in accordance with the Hellenic theory of causation). In their enthusiasm to preserve God's unity on the one hand and their firm belief in causation on the other, they adopted the Aristotelian eternity of matter combining it with the neo-Platonic theory of emanation. The orthodox refutation of this doctrine, particularly al-Ghazālī's *Tahāfut al-Falāsifah*, shows that the core of the philosophers' problems is their reliance on necessary causation; therefore Ghazālī employs all his skill to refute the theory of causation. He asserts that:

“The relation between fire and burning is not a necessary relation, for it does not belong to the realm of necessity but to that of possibility, such as may or may not happen depending on the will of God; it is only when something possible is repeated over and again that its pursuance of a uniform

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<sup>132</sup> Sec Fazlur Rahwan, *op, cit.*

course in accordance with the norm in the past is indelibly impressed upon the minds.”<sup>133</sup>

Ashraf ‘Alī, though his argument and even the issue chosen for his disputations with the “newly educated” are evident, for reasons best known to himself, does not touch upon the theory of causation, though implicitly it is all the time the base of his argument. As far as Islām Aur ‘Aqliyyat is concerned, his argument would have been logically stronger if he had explicitly discussed the theory of necessary causation. When he asserts in the introduction that he is going to apply the principles of medieval kalām to new doubts, the assertion seems quite reasonable, but in course of the actual argument he goes too far. He does not rely on medieval principles only, but adopts the medieval arguments as a whole, which weakens his position. Citing examples and aiming to refute the views of nineteenth-century rationalists with the arguments of the tenth and eleventh centuries is an impossible task for anybody to attempt. His position would, however, have been stronger if he had, at the start, refuted the theory of causation, because its denial and refutation ‘could lend weight to his arguments. The doctrine of the eternity of matter can hardly be refuted without refuting necessary causation. The same would apply to denial of miracles and nature of revelation.

At the time of al-Ghazālī, Ibn Rushd and others, the disputations on these matters had their significance, but in recent time their value is at the most historical. Ashraf ‘Alī’s argument as well as his methodology seems behind time. Though his opponents are not intellectually in touch with the whole of modern philosophical development, they at least have an awareness of these developments. Ashraf ‘Alī lacks both, as far as his works are concerned. If he is not totally unaware of the theories of Descartes, Hume, Kant and others, he is not inclined to keeping these developments in his

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<sup>133</sup> Sabih Ahmad Karnali, Tr., al-Ghazālī, *Tahāfut-al-Falāsi fah*, (Lahore: Pakistan Philosophical Congress, 1958), p. 189.

mind, at least when he is attempting to say something against modern theories. His vision and the scope of his work seem to be confined to the sub-continental scene of his time. He is trying to defend traditional views of the Muslim orthodoxy against modern attitudes, but that too in a limited way. As his weapon of defence he relies on the medieval Mutakallimīn and their principles, undermining his opponents by examining their views without proper context. The Western influence on Sayyid Ahmad Khān and his associates, though superfluous, has to be kept in mind and its nature and context understood by all those attempting to evaluate and criticise their views. Because modern Western philosophy was a part of the emotive force which led to the development of the views of the Muslim modernists and liberals. Even the situation, that is the intellectual crisis which Ashraf ‘Alī and his contemporaries had to face, could not be grasped without access and reference to modern Western thought.

As Ashraf ‘Alī conveys himself to the reader as a traditional orthodox scholar of the school of al-Ansarī or al-Maturīdī, who is refuting the Hellenistic views of the Mu’tazilites and the philosophers, by using their own essays of Aristotelian logic against them. This reliance on Aristotelian logic was one of the drawbacks of Muslim philosophers at that period of history, but in their case it can be attributed to the lack of other methods. In Ashraf ‘Alī’s case it falls too heavy on the reader’s mind, because of the modern reader’s awareness of the theories of Hume, Kant, Mill and the Logical Positivists.

Islam Aur ‘Aqliyyat is Ashraf ‘Alī’s only strictly philosophical work. In his other more popular works, the Bahishtī Zaiwar, (Hayāt al-Muslīmīn, Islāh-i Rusūm, his essays and his answers to the numerous letters inquiring about the Sharī’ah laws pertaining to personal and social problems, the style he adopts is expedient and workable. But one expects a difference of style in Islām Aur ‘Aqliyyat, when he is addressing himself to the educated class and not the lay public. But he is portrayed even in this particular work as a teacher of Ma’qūl and Manqūl and at no place as a philosopher or theologian.

Ashraf ‘Alī’s seven axioms, put forward in the above mentioned work, are dialectical rather than logical. Axiom seven which is the most important of all because it deals with the relative status of reason and tradition (‘aql our naql) in the author’s view, leaves room for validity or authenticity of the rational argument only in case of the tradition being uncertain. This would have been enough for practical purposes, if the ‘Ulamā’ had not taken pains to prove the certainty of probable traditions in favour of their own theories and probability of certain and clear ones. Accusing opponents and forbidding ta’wīl, they are ever ready to make concessions for their own points of view. This is what Ashraf ‘Alī does. Refuting the use of ta’wīl by the modernists, he allows it to medieval Mujtahidīn. He even goes against this rule in his own argument in defence of miracles and other supernatural entities as well as the traditional way of life. For example, he gives an elaborate interpretation of the verse, *ولن تجد لسنة الله تبديلا*,<sup>134</sup> to prove this view of miracles. In the Bawīādīr al-Nawācdīr he makes full use of interpreting the allegorical verses of the Qur’ān in favour of the literal nature of the “Balance” (Mīzān), Antichrist (Dajjāl), God seating Him-self on the Throne and several other issues.

On the whole the lack of originality and the limitation of its scope ‘reduce the philosophical importance of his work. Their importance is as indicators of views of a particular approach of scholars of the subcontinent as regards the modernisation and westernisation of society. As a resistance to the new ways and the defence of the old, Ashraf ‘Alī is one of those scholars for whom the salvation and reformation of the contemporary Indian Muslim society is dependent on return to the traditional ways. Just as Sayyid Ahmad Khān is motivated by the socio-economic conditions, so is he, but as for the former the solution is to catch up with modern development, to learn and utilise modern ideas and inventions. To Ashraf ‘Alī, on the other hand, anything new seems to be unwelcome. He seems to be anxious to preserve the bygone Islamic society and its values.

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<sup>134</sup> Ashraf ‘Alī Thānvī, Bawādir al-Nawāair, p. 383.

One might agree with him as far as consciousness and awareness of the uncritical adaptation of reason is concerned ; he is even right in his criticism of the moderns, to some extent. Because what started as a reformative measure with Sayyid Ahmad Khān was carried out to an extreme by others, wittingly or unwittingly, which threatened to shake the very foundation of religion. So the criticism of Ashraf ‘Alī is justified in the circumstances, so is his defence, which was a part of the mission of all contemporary thinkers including Iqbal. What is objection-able and undesirable in case of Ashraf ‘Alī and other conservative ‘Ulamā’ is the narrow scope of their works, their total disregard of the dynamic and progressive nature of human nature and society.

As such the merit or utility of Ashraf ‘Alī’s work lies, not in any positive contribution, but as a part of the check on unnecessary innovations and interpretations in religious matters. Philosophically, he is a typical example of traditionalism in modern India. In practice his work can serve to impart moral values to the general public. As far as the frequently mentioned “new educated” are concerned, they hardly notice these works.

# THE THEORY OF STATE AND BLENDING OF THE CALIPHATE AND THE SULTANATE

S. Rizwan All Rizvi

Nizām al-Mulk's<sup>135</sup> theory of the State is based on the Qur'ān, Sunnah, Fiqh and history. He draws great inspiration from the Islamic State and from the conventions of the Khilāfat-i Rāshidah. The "Medina Charter" was drawn up laying down the details of the compact between the Prophet and various communities resident in Medina at the time of his settling down there. Nicholson observes about this document that "Ostensibly a cautious and tactful reform, it was in reality a revolution. Muhammad durst not strike openly at the independence of the tribes, but he destroyed it, in effect, by shifting the centre of power from the tribe to the community; and although the community included Jews and pagans as well as Moslems, he fully recognised, what his opponents failed to foresee, that the Moslems were the active, and must soon be the predominant, partners in the newly founded State."<sup>136</sup>

Thus Nizām al-Mulk had a good model before him. It is a well-known fact that the affairs of the nascent State were ordered from the beginning in accordance with the Qur'an and the Prophetic guidance.

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<sup>135</sup> Nizām al Mulk Tūsī was born in 1017 and was assassinated in 1092 by a Fidāī.

<sup>136</sup> R.A. Nicholson, A Literary History of the Arabs (Cambridge, 1962), p. 173.

Nizām al-Mulk, throughout his treatise *Sib āsat Nāmah*, uses the term *Dīn* for Islam. Therefore, “Islam as a *Dīn* involves the whole being.”<sup>137</sup> It should be remembered that Malik Shah had commissioned Nizām al-Mulk to produce a book for “the *dīnī* and *dunyāwī*”<sup>138</sup> guidance of the State. Being thus commissioned, Nizām al-Mulk, as a devout<sup>139</sup> Muslim, naturally based his theory of the State on the Qur’ān as well as the Sunnah which furnishes guidance regarding the precedents set up by the Prophet in ordering the affairs of the Muslim State.<sup>140</sup> In other words, Nizām al-Mulk’s theory of the State was grounded in the *Sharī’ah*.<sup>141</sup> It was not only the life of the individual that was to be transformed through a sequence of divinely-ordained actions, but the Muslim community also as a whole was to be transformed into a State. Therefore, the State is conceived, by Nizām al-Mulk, as a moral institution for the good of the *Millār*. In this connection the political theory of Nizām al-Mulk bestows authority on the State out of the individual.

The *Siyāsat Nāmah* fully recognises the Islamic principle of the supremacy of the *Sharī’ah*.<sup>142</sup> Nizām al-Mulk held that prayers<sup>143</sup> form the basis of the training for complete obedience to the *Sharī’ah*. Therefore, he laid great emphasis on a proper organisation of the mosques by the State.<sup>144</sup> The exercise of authority under the *Sharī’ah* was delegated to the Prophet Muhammad who was to be followed by no other prophet. The Divine

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<sup>137</sup> Muhammad `Azīz Ahmad, “*Dīn—Basis of Political Organization in Islam*,” Proceedings of the Fourth All-Pakistan Political Science Conference, 1966 (Karachi : Technical Printers, June 1968), p. 56.

<sup>138</sup> Nizām al-Mulk, *Siyāsat Nāmah*, ed. M. Qazvinī (Tehran, 1334/1965), p. 2 Here *dīnī*—religious and *dunyāwī*—worldly.

<sup>139</sup> Ibn al - Athīr, *Kāmil* (Būlaq, 1290/1874), X, 7.

<sup>140</sup> Nizām al-Mulk, *op. cit.*, p. 265.

<sup>141</sup> *Ibid.*, p. 68.

<sup>142</sup> *Ibid.*, p. 51. Nizām al-Mulk uses the term *Sharī’ah*.

<sup>143</sup> *Ibid.*

<sup>144</sup> *Ibid.*

communication in the form of wahī<sup>145</sup> being cut off,<sup>146</sup> the affairs of the Muslims had to be ordered by successors to the Prophet for worldly affairs to be elected by the Ummah. Nizām al-Mulk considered the Caliphate as the best form of State both for religious and historical reasons, because it was founded in the Sharīʿah. He believed that there should be no racial or tribal discrimination in the State. His view was based upon the following tradition of the Prophet: “The Arab has no superiority over the non-Arab nor the white man over the black. The most pious among you is the best.”<sup>147</sup>

Nizām al-Mulk agrees that the Sultanate<sup>148</sup> had also become a necessary institution. As such it could continue as circumstances had changed. Therefore, he expounded a separate theory of the Sultanate under the Sharīʿah.<sup>149</sup> He is of opinion that the most powerful means of preserving the Sultanate is the Sharīʿah.<sup>150</sup> The establishment of a Sultanate could be fruitful only if it continued to uphold the supremacy of the Shārīʿah.<sup>151</sup> The authority under the sovereignty of law was bestowed upon man as vicegerent of God on earth, but it was limited by the Shari oh. Under it the monarch is responsible for the well-being of the people as well as the peace and security of the land.<sup>152</sup> He should also be God-fearing.<sup>153</sup> The form known to the Sharīʿah of a legitimate State is the Khilāfat. But then there had arisen. the Sultanate as well and, so far as the people were concerned, the more palpable

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<sup>145</sup> Ibid., p. 109,

<sup>146</sup> The Qurʾān, xxxiii. 40 (Tr. Mirmaduke Pickthall [Karachi, 1974], p, 274).

<sup>147</sup> Qurʾan, xlix. 13: ‘ The noblest of you, in the sight of Allah, is the best in conduct.’

<sup>148</sup> Nizām al Mulk, op. cit., p. 11.

<sup>149</sup> Ibid., p. 265,

<sup>150</sup> Ibid., p. 69.

<sup>151</sup> Ibid., is. 6K.

<sup>152</sup> Ibid., p. 8.

<sup>153</sup> Haroon Khan Sherwani, Studies in Muslim Political Thought and Administration (Lahore: Sit. Muhammad Ashraf, 1945), p. 131.

reality was Sultanate.<sup>154</sup> How was the Sultanate to be reconciled with the Khilāfat? Thus a curious position came to hold the field. The universal nature of the Shari'ah was maintained by its content, not by its extent of jurisdiction. It was the same Shari'ah within each Sultanate, but the Shari'ah was not sovereign in the aggregate of the political units. True Caliphate remained a venerable institution; it could or could not issue letters patent in favour of the Sultān, but it had no effective authority. Nizām al-Mulk as a practical statesman knew that any theoretical solution that he developed would remain unapplied and he possessed no means to enforce any theory, however sound, beyond the Saljūq territories. He, therefore, devised the method of demonstrating within his jurisdiction how the local sovereignty of the Shari'ah could be integrated into the universal supremacy. The sovereignty of the Shari'ah was recognised because it embodied the injunctions of the Qur'ān, the Sunnah of the Prophet and their interpretation. But interpretation involves an agency which forms part of the Muslim Millat. And the sovereignty of the Shari'ah would be meaningless without its application to the affairs of men. This means enforcement which, in its turn, demands power and authority. These are provided by the State ; that is the reason why the State has been held to be a canonical necessity. The Shari'ah recognises that this canonical necessity cannot be met without the involvement of the Millat. This involvement naturally would lead to diversification in accordance with the time and its peculiar needs having arisen out of human actions over a period of time. Hence it must allow the Millat to establish any form of State or government suiting its needs according to the time and circumstances, but in doing so it must not transgress the dictates of the Shari' ah.

The classical Caliphate constituted the golden period of the Islamic State which provided only one centre of power and was unitary in form and essence. It was impossible to restore that element to the Caliphate during

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<sup>154</sup> E I.J. Rosenthal, *Political Thought in Medieval Islam* (Cambridge: University Press, 1962), p. 43.

Nizām al-Mulk's time. Nizām al-Mulk realised that the Saljūq power was a reality and could not be obliterated because of its strength. The best method, there-fore, to strengthen the Caliphate was by bringing about an alliance between it and the Saljūq Sultanate. In this alliance Nizām al-Mulk took care to get the legal supremacy of the Caliphate not only recognised but also to make it the dominant factor, He was able to do this because it was not only the Caliphate that gained strength in this alliance but also the Sultanate because of its status as an agent of the Caliphate. To demonstrate the loyalty of the Sultanate he did utilise its resources against the heretics, who challenged the legal supremacy of the Caliphate.<sup>155</sup> The Ismā'īlīs were bent on siezing power to dominate the Muslim world.<sup>156</sup> But since the idea of the unity of religion and politics was implicitly accepted, a practical solution was worked out by Muslim administrators and maintained and strengthened by Nizām al-Mulk.<sup>157</sup>

Though the Islamic concept is radically different, yet some of the basic concepts of the modern theory of State are not necessarily contradicted. For instance, the Western political concept defines the State having four elements: population, territory, government and sovereignty. The composition of these four elements brings the State into being. If sovereignty is interpreted as effective authority without further examination, all the elements put forward are so basic that Nizām al-Mulk practically admits the above-mentioned material State structure since it conforms to some basic phenomena which are not opposed by Islam. But Nizām al-Mulk, in contrast to the Western theory, develops the idea of a State structure within the framework of Islam which is wider in its horizon and deeper in its humanitarian approach. He evolves the theory that the State is a political

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<sup>155</sup> J.A, Boyle, *The Cambridge History of Iran* (Cambridge : University Press, 1968), V, 428,

<sup>156</sup> A. J. Arberry, Ed., *The Legacy of Persia* (London ; Oxford University Press, 1953), p. 84.

<sup>157</sup> Nizām al-Mulk, *op. cit.*, p. 69.

institution with strong moral, social and humanitarian attributes.<sup>158</sup> The moral attributes of the State arise inevitably from the idea of the sovereignty of Allah. An institution that was to serve the interests of the Millat as an agency of God's commands in the Sharī'ah had to reflect His moral attributes of justice and universal benevolence. A strong outcome of this benevolence is the guidance vouchsafed to all creation in some form, but particularly to human beings in the shape of the discrimination between right and wrong, good and bad. This discrimination was strengthened through prayer and education. Hence Nizām al-Mulk put so much emphasis on the organisation of the mosques<sup>159</sup> and education.<sup>160</sup> Nizām al-Mulk, therefore, insists on the provision of equal opportunities to all the people in the State.<sup>161</sup> As a corollary, Nizām al-Mulk is of opinion that social equality is meaningless unless equality of economic opportunity<sup>162</sup> is provided to all the inhabitants of the State. According to Islam, property is a trust to be administered by the owner for the good of the entire community. An outcome of this concept is the institution of Zakāt to the benefit of the needy classes in the community<sup>163</sup> without distinction of caste or creed. The Prophet himself says:

“It shall be taken from the rich and distributed among the poor and the needy.”<sup>164</sup> He gives the following principle which has also been followed by

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<sup>158</sup> Tamara Talbot Rice, *The Seljuks in Asia Minor* (London : Thames and Hudson, 1961), p. 97.

<sup>159</sup> Nizām al-Mulk, *op. cit.*, p. 51.

<sup>160</sup> Hamilton A.R. Gibb, *Studies on the Civilization of Islam*, p. 24,

<sup>161</sup> Nizām al-Mulk, *op. cit.*, p. 23.

<sup>162</sup> *Ibid.*, p. 186. *The Encyclopaedia Britannica* (1911 edn.), XXIV, 609 : “He immortalized his name by the foundation of several universities, observatories, mosques, hospitals and other institutions of public utility.”

<sup>163</sup> *The Encyclopaedia Britannica*, XXIV, 265.

<sup>164</sup> Sayyid Abu'l-A'jā Maudūdī, *First Principles of the Islamic State*, ed. and trans. Khurshīd Ahmad (Lahore: Islamic Publications Ltd , 1974), p. 70, quoting Bukhārī and Muslim.

Nizām al-Mulk in his theory of State: “The ‘Government is the guardian (helper) of everyone who has no guardian.’”<sup>165</sup> This economic precept was implemented by Nizām al-Mulk through vast-scale distribution of alms<sup>166</sup> and gifts. The benevolent activity of the State included the building of inns and poor houses and the provision of employment to the people according to their capacity and worth<sup>167</sup> in the State.

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توخذ من اعنياه هم و  
تردالى فقراء هم

<sup>165</sup> Ibid., p 70, quoting Abū Dāwūd, Tirmidhī.

<sup>166</sup> ‘Abd al-Razzāq, Nizām al-Mulk Tūsi (Karachi, Nafees Academy, 1968), p. 139.

<sup>167</sup> Nizām al-Mulk, op. cit., p. 8.

# MYSICISM IN MODERN CONTEXT

C. A. Qadir

Allamah Iqbal speaks of the three periods of religious life, which he calls the periods of “Faith,” “Thought,” and “Discovery”.<sup>168</sup> He does not lay much stress on the first two, as the first is the doctrinal, while the second is the metaphysical aspect or period of religion. He, however, emphasizes the third one in which according to him.

“Religion becomes a matter of personal assimilation of life and power; and the individual achieves a free personality, not by releasing himself from the fetters of the law, but by discovering the ultimate source of law within the depths of his consciousness. . . . Religion in this sense is known by the unfortunate name of Mysticism, which is supposed to be a life-denying, fact-avoiding attitude of mind directly opposed to the radically empirical outlook of our times. Yet higher religion, which is only a search for a larger life, is essentially experience and recognized the necessity of experience as its foundation long before science learnt to do so.”<sup>169</sup>

Again, while recounting the main characteristics of mystic experience, he says: “The first point to note is the immediacy of this experience.

. The immediacy of the mystic experience simply means that we know God just as we know other objects. God is not a mathematical entity or a system of concepts mutually related to one another and having no reference to experience. . . . The third point to note is that to the mystic the mystic state is a moment of intimate association with a unique other self,

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<sup>168</sup> Reconstruction of Religious Thought in Islam (Lahore, 1965), p. 181.

<sup>169</sup> Ibid., pp. 181-82.

transcending, encompassing, and momentarily suppressing the private personality of the subject of experience.”<sup>170</sup>

Path to God from these excerpts it becomes clear that Iqbal holds religious or mystic experience a ground or, better still, the ground, for the existence of God. In his lecture: “Knowledge and Religious Experience,” he examines the traditional proofs, namely, the ontological, the cosmological and the teleological, for the existence of God and comes to the conclusion like Kant that as proofs they fail miserably. Iqbal did not examine ethical arguments advanced by Kant, Sidgwick and Taylor, nor did he examine the existential arguments advanced by thinkers like Kierkegaard, Berdyaev and Tillich. He simply exposed the hollowness of the oft-discussed arguments and prepared a way to “inner intuition or insight which, in the beautiful words of Rumi, feeds on the rays of the sun and brings us into contact with aspects of Reality other than those open to sense-perception,”<sup>171</sup> In this respect Iqbal will find himself in good company, for mystics of all denominations, Christian, Jewish, Hindu or Buddhist, have claimed, in unmistakable terms, the immediate knowledge of the Ultimate Reality, whatever its nature be. It is, however, alleged that the Reality with which they come in contact, in moments of ecstasy or spiritual illuminations, is the Immense, the Supreme Value, the Highest Good, and the Personal God. Rudolf Otto has described it as the Numinous, which as value fills us with bliss, but at the same time evokes an awareness of our own nothingness.

Besides Rudolf Otto (vide his book *The Idea of the Holy*), another thinker of great eminence who has furnished a foundation for faith in religious experience is Schleiermacher (vide his book *On Religion: Speeches to Its Cultured Despisers*). If these thinkers are right, then, Passmore says, we

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<sup>170</sup> Ibid., pp, 18-19.

<sup>171</sup> Ibid., pp 15-16.

do not need rational demonstrations. Man in his own sense of creatureliness and dependency has a direct awareness of the Divine Presence.<sup>172</sup>

From the above it would be obvious that a mystic has no need to take recourse to reasoning and to get himself entangled in philosophical controversies, for he has direct access to Reality. Indian philosophers have designated six systems of their philosophy as six darsanas, meaning thereby that they are six ways of having direct and immediate knowledge of the Ultimate Reality. The Muslim philosophers often use the word shahada to designate the same attitude. Shahada means observation, inspection or perception. A Muslim has to testify on the basis of shahada that there is no god but God and that Muhammad (peace of God be upon him) is the Prophet of God. And, since in the higher stages, a religion ceases to be doctrinal or discursive but becomes an experience or a testimony—a darsana or a shahādah, the only evidence worth considering for the existence of God or the certitude of religious verities would be the personal experience of the devotee.

None can deny the mytic or religious experience as such. Many psychologists like William James and Otto have given vivid descriptions of religious experience, from the literature of various races and the experience of mystics belonging to different climes and countries. Edward Sapir, an anthropologist, says:

“Religion in some sense is present everywhere. It seems to be as universal as speech itself and the use of material tools. It is difficult to apply a single one of the criteria which are ordinarily used to define a religion to the religious behaviour of primitive people, yet neither the absence of specific religious officers nor the lack of an authoritative religious text nor any other

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<sup>172</sup> A Hundred Years of Philosophy (1st ed.), p. 95.

conventional lack can seriously mislead the student into denying them true religion.”<sup>173</sup>

What is, however, doubtful is that if the knowledge of God can be grounded in the feeling, then that feeling is an index of the existence of God. It is quite conceivable that one may have the feeling that one is in the presence of God and yet there may be no God at all. The question, therefore, is: Does the feeling that one is in the presence of God a sufficient or undeniable ground for holding that one is in the presence of God? For there is no logical contradiction involved in saying that one has a feeling that one is in the presence of God and that there is no God as a matter of fact.

Some psychologists, among whom Freud's name can be included, hold that mystics, religious visionaries and Prophets have been neurotics, and therefore their reports cannot be trusted. Not all psychologists, however, subscribe to this view. In-deed, there are plenty of them who observe that many religious mystics lived normal lives and devoted themselves to works of public interest. Accordingly in their mode of thinking or living they did not exhibit any such deviation as to warrant their being called neurotics. Besides, before condemning the mystics as neurotics, what is needed is to agree on the criteria of neurosis and then to study the behaviour of mystics with a view to finding out whether in fact the characteristic feature of their every-day conduct is peculiar enough to distinguish them from the so-called normal individuals and to place them in the category of neurotics. On the basis of a few resemblances which mystic behaviour may have with that of a neurotic, it would be in-correct to conclude that the mystics are neurotics. Logically, it would be a bad use of analogy. For, in the first instance, the analogy in this case is not grounded on significant resemblance and, in the second, analogy, being a weak type of inference, cannot entitle any person to say with confidence that this is in fact the case. Again, as George Godwin says:

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<sup>173</sup> Culture, Language and Personality.

“But even when it can be demonstrated that such mystics as St Paul, St Augustine, St Teresa and St Francis of Assisi, of the Catholic Calendar ; the post-Reformation founders of sects, such as George Fox, Jacob Boehme and Emanuel Swedenborg ; and the mystical poets, such as George Herbert, William Blake and Francis Thompson, were emotionally unbalanced in some way, or even diagnosable victims of neurotic or psychotic disorders, the validity of their mystical experiences is not thereby necessarily explained away.”<sup>174</sup>

Philosophically speaking, the origin of a thing has no bearing on its validity. An experience does not stand condemned simply because it arose from a diseased mind. A proposition has to be judged on its own grounds, and the fact of its origin has nothing to do with its validity or invalidity.

Those people who call mystics as neurotic have usually in view some unusual religious experience of the mystics and also perhaps some unusual bodily manifestations accompanying such experiences. But the unusualness of the religious experience can-not be made a ground for adverse judgment. The religious experience at its height is bound to be unusual. Indeed, all intense and emotionally surcharged experiences are unusual in a way. Even a poetic experience and sometime the bodily behaviour accompanying it is not the usual or the customary one. If a mystic is unusual in his religious experiences but is normal otherwise, that is to say, conducts his daily activities in the usual manner, it would be unjust to call such a person as neurotic. So far as mystic experience is concerned, since it touches the ultimates of one’s being and swamps one’s personality as a whole, it has to have characteristics which deviate substantially from the so-called normal one. And in this lies its distinction.

The psychoanalysts, relying on their theory of the Unconscious and the Sex, very often say that the mystic experience is a product of repressed sexual desires. The psychoanalysts trace, directly or indirectly, all activities of life, be

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<sup>174</sup> The Great Mystics; London : Thinkers Library, 1946,

they religious or otherwise, to sex. But Freud and his followers make very sweeping generalisations and allege, more often than not, what exceeds or what is not warranted by the facts of evidence. People other than the mystics may have the same sexual predicament and yet they may not have the religious experiences of the mystic. Sex may be a part of the causative factors of religious experience, but it is by no means the whole of the cause. Accordingly, to point out the sexual repression or urges under-lying a religious experience is, logically speaking, not a correct way of describing the religious experience in all its facets and dimensions.

The critic may, however, say that in leveling his attack on the veracity of religious experience he is not simply relying on the psychological origin of such experience but that he can marshal facts from life to show how from a very early date a child is indoctrinated and initiated to a religious mode of thinking and to a religious style of life. Coupled to this practice are fears and rewards, earthly and heavenly, which induce a child to believe and to conduct his life under the all-comprehensive shadow of gods and goddesses, benign or evil. This conditioning goes on receiving occasional reinforcement from various quarters until it becomes perfectly natural to believe unquestionably the so-called truths of religion, and also to practice such spiritual, exercises as are required and enjoined by a particular religion.

The sociologists can indeed point to much brain-washing that goes in the name of religion in every society. From cradle to grave, not a single moment is lost to impress the need and significance of religious doctrines, incantations and practices. But the point is that the sociological facts are as much facts concerning the origin of religious experience as psychological are and are consequently open to the same charges. It has been shown that the origin of a belief is one thing, and its validity quite another. If, however, the psychologists and the sociologists succeed in showing that religious experiences can be explained completely, that is to say, without a remainder in their own terms, then their charges can be accepted as true. But this claim is never made. What is, however, said is that if the so-called mystic

experience is capable of being explained in simpler terms of Psychology and Sociology, then why bring in metaphysical entities like that of God or angels and offer explanation in abstruse terms? It is a well-known principle in the field of Philosophy that of two explanations for the same phenomenon, that one is to be preferred which uses fewer and simpler categories. This principle is known as Ockham's principle. In the case of mystic experience the psychological or the sociological explanation uses a fewer number of categories and is also much simpler than the meta-physical one, which uses occult and trans-empirical categories. Hence it goes against the spirit of Ockham's principle if the religious explanation is accepted in preference to the scientific one. It is also contended that there are a good many mystics who do not claim encounter with some Super-sensible Reality. They do not say that they are aware of God or a Divine Presence in their religious experiences. As Kai Nielson says:

“Like Matthew Arnold, Thomas Hardy, and George Eliot they have feelings of alienation, creatureliness and dependence, but they remain secularists utterly unaware of the presence of something infinite upon whom they can depend.”<sup>175</sup>

In defense of the religious standpoint, it may be held that the religious categories need not be reckoned as abstruse, or metaphysical; their logical status resembles that of scientific categories, such as ether and energy, for both are posited when facts under consideration cannot be adequately described or explained without their help. Scientists take recourse to such categories when they find there are certain facts which need explanation and cannot of themselves offer any reason for their mode or manner of occurrence. And if a scientist is permitted to use categories in the interest of scientific knowledge, why can't a religionist be allowed to use categories if he finds that such categories are required in the interest of religious knowledge? The religionist very often says that without positing God he cannot explain

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<sup>175</sup> Reason-and Practice (New York, 1971), p. 201.

mystic experience and, therefore, he is within his rights if he invokes such categories which the logic of his arguments require. This line of argument is taken both by Kant and Sidgwick while advancing ethical arguments for the existence of God. They have contended that the requirements of morality cannot be met without belief in a good and just God. Therefore, such a God should exist. Sidgwick maintains that just as scientists make postulates to explain facts of Nature, like-wise a religionist makes postulates to explain religious truths. An inductive logician postulates or presupposes the law of causation and the uniformity of Nature to explain facts of empirical sciences. Likewise a religionist can take as postulate the existence of God, for without this presupposition the fact of religious experience cannot be understood.

Kant and Sidgwick try to establish a pragmatic ground for the acceptance of God as a sort of hypothesis, but it seems doubtful if the religionists would agree to it. If God is an hypothesis, like any other scientific hypothesis, then God would stand on very shaky grounds. An hypothesis in science can be modified, amended or rejected in the light of fresh facts. As an example we can take the law of causation and the principle of the uniformity of Nature which were once regarded as postulates of Induction but have now been replaced by the Keynesian Principle of Limited Independent Variety. Keynes points out in his book, *A Treatise on Probability*, that inductive generalisations can be justified on the ground “that the objects in the field, over which our generalisations extend, do not have an infinite number of independent qualities ; that, in other words, their characteristics, however numerous, cohere together in groups of invariable connections which are finite in number.” Keynes suggests that, in addition to the Principle of Limited Independent Variety, another principle which he calls the Principle of Atomic Uniformity is needed as a postulate for scientific enquiry. Like the law of causation and uniformity of Nature the hypothesis of ether has also been given up by physicists as it is no longer required. Thus hypotheses in science stand on precarious grounds. They can maintain their identity provided they fulfil certain conditions and, when those conditions

are no longer fulfilled, they lose their identity. If God is treated as a hypothesis, it shall have to present itself for authentication at the court of facts and the moment it fails to secure certification or authentication from facts it shall have to change or to cancel itself. Moreover, if we concede for the sake of argument that God is a hypothesis, it will not be the religious God, Who as a Person possesses all those virtues and qualities which comfort and inspire human beings.

Despite the fact that psychological and sociological considerations, being concerned with the origin of religious or mystic experience, have no bearing on the validity or otherwise of such experiences, it remains a fact that the feeling that one is in the presence of God is no guarantee for saying that there is in fact God. Besides, belief in God requires bringing in categories not needed at the scientific level and would thus violate the spirit of Ockham's principle. It has also been seen that religious categories cannot be held at par with scientific hypotheses. It, therefore, seems that those people who rely on mystic experience for God's existence have no good ground to stand upon.

The religionists of course would say that "the feeling that I am in the presence of God" may not be a good ground for making an inference that there is God, but that the mystics never make any inference at all. The mystic is not a logician, making his feeling a ground of inference. The point is that the immediate and non-inferential knowledge that he has of the Ultimate Reality is enough for him to say that there is God. Now, though it would be hard to deny this claim, yet it is a matter of observation that perceptions can be vitiated by one's own common imaginings and that there are cases of hallucinations so that it becomes difficult to accept every feeling as genuine, that is to say, as indicative of an actual existent referend. We may not agree with C.D. Broad when he says "that the whole religious experience of

mankind is a gigantic pure delusion,”<sup>176</sup> yet there is no gainsaying the fact that experience as such is not a guarantee of its genuineness.

Mysticism and Existentialism. Let us now turn our attention to another group of thinkers who, though not mystics and would even strongly repudiate the epithet of mysticism if ascribed to their mode of thinking, nevertheless take their stand on some sort of experience and make it the basis of their attitude to Reality. No doubt, these people are averse to transcendentalism, if transcendentalism is taken in the old traditional sense of the Idealistic philosophy; but they would welcome transcendental-ism in the sense of self-transcendence and also God-transcendence. I am alluding to Existentialism—a powerful intellectual movement of the present-day world. In our country there is a general tendency to draw parallels between our own authors and those of other lands, indicating thereby that what is presented by others, in a new diction, under the garb of modernity, is already possessed by us. People have tried to discover in Iqbal the salient features of Existentialism, implying thereby that Iqbal’s thought is repository of what is essential to this new mode of thinking. While there is no harm in discovering similitudes in the thoughts of our own thinkers and those of others, the motive behind this effort may not be laudatory. Existentialist strands may be present in sufistic and other thought but that does not provide a sufficient ground for saying that sufism or Iqbal’s philosophy is existentialistic.

For a religionist and a mystic the Ultimate Reality, by what-ever name it is called, is spiritual, but for an existentialist this is not the case. While Iqbal says: “Personally, I believe that the ultimate character of Reality is spiritual,”<sup>177</sup> and that “the facts of experience justify the inference that the ultimate nature of Reality is spiritual, and must be conceived as an ego,”<sup>178c</sup> for Sartre, an arch-existentialist, there is no Reality as such and hence the question of its being spiritual or otherwise does not arise. Sartre is a Nihilist,

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<sup>176</sup> Religion, Philosophy and Psychological Research.

<sup>177</sup> Op. cit., p. 38.

<sup>178</sup> Ibid., p. 61.

for he believes that all existence leads to nothingness ; but even those writers who lean towards religion and theism regard man as thrown into this friendless world in all his forlornness as the primary reality and pass on to God to safeguard individuality, freedom and existential dialectic of man. Thus the ultimate and primary category being the predicament of man, it is futile to raise the question whether Reality is spiritual or material. As a matter of fact, there is no “Reality” for existentialists ; if at all, it is absurd—hardly comfortable to religionists.

The concept of absurdity, so prominent in existentialist thought, marks off mysticism from existentialism. If, as Frithjof Schuon says that sufism is the “kernal” of Islam, and that for sufism “the cosmos is the manifestation of Reality” is a cardinal principle,<sup>179</sup> then it is evident that the cosmos can, by no stretch of imagination, be regarded absurd, irrational or purposeless. In one of his earlier books Iqbal says:

“Beneath this visible evolution of forms is the force of love which actualizes all strivings, movements and progress. Things are so constituted that they hate not-existence, and love the joy of individuality in various forms. The indeterminate matter, dead in itself, assumes or, more properly, is made to assume by the inner force of love, various forms, and rises higher and higher in the scale of beauty.”<sup>180</sup>

In opposition to Bergson who looked upon Reality as a free creative impulse of the nature of volition, serving no purpose, Iqbal, with the tradition of purely teleological evolutionary theory as evolved by Muslim thinkers before him, and the clear Quranic statement “We have not created the heavens and the earth and whatever is between them in sport. We created them not but with truth ; but most of you know not<sup>181</sup> could not conceive of Reality as an aimless and blind impulse. And this is more or less the case with

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<sup>179</sup> Understanding Islam, London, 1963.

<sup>180</sup> Development of Metaphysics in Persia (London, 1908), p. 39.

<sup>181</sup> xtiv. 38-39.

every religion, particularly so with the Semitic ones. Whereas the concept of absurdity is like an article of faith for the existentialists, the converse of it is true for the religionists. Thus it is evident that existentialism as a movement in human thinking has a standpoint which is hardly identical with that of religion. It may perhaps be said at this point that religion is to some extent “absurd” ; since it accepts the non-applicability of rational considerations in so far as God, after-life, soul and human destiny are concerned, and leaves its votaries in a state of wonder when questions of ultimate significance are raised. But there is an important difference in the attitude of a religionist and that of an existentialist. While a religionist acknowledges the incompetence of reason in the domain of ultimate religious truths, he never doubts their existence. An existentialist simply believes that such truths do not have ‘the ultimate significance that is claimed for them, and therefore as truth existentially apprehended their nature vastly differs from that of the religionists. For Albert Camus the world is’ not absurd, because no rational explanation can be offered of its existence; it is absurd, for when such an explanation is demanded as it is by the curious nature of man, then none can be offered. Now this is not the position of a religionist. He always depends upon the wisdom of God and, where explanations are not available to him, he does not believe that there are none whatever. He simply waits, and hopes that God in His infinite mercy will one day reveal what is hidden at the moment.

Another point of contact between mysticism and existential-ism is found in the importance that they attach to the phenomenon of anguish. Both in mystic and existentialistic literature, a good deal of emphasis is given to anguish. But this, again, is a superficial resemblance. In one case it is the anguish of being, in the other it is the anguish of the soul. Maulānā Rum does talk of the pangs of separation in the opening verses of his great *Mathnavī*. He describes how the soul laments because of its separation from the primal source and is yearning all the time for a return to or absorption in that source. Behind the lamentation and yearning of the soul lies a

metaphysical theory regarding the creation of this universe, the nature of God, the relationship of man to God—all against the background of neo-Platonic philosophy current then. The object of this anguish is to make a man conscious of his predicament as a result of soul's separation from its source and the supreme necessity of making an all-out effort for reunion with it. Thus the mystic urge is teleologically oriented, inasmuch as its objective is the deliverance of the soul from the clutches of material environs, and its return to its source. When, however, the existentialists talk of anguish, they are primarily concerned with the plight of man, thrown as he is in a hostile world, with limitless possibilities and limitless freedom but surrounded on all sides by forces ready to deprive him—of all the freedom that he possesses and to squeeze out, in the bargain, the soul or the very basis of his existence. Man is accordingly a victim of self-alienation, he has lost his identity and he goes about, in the world, like a corpse which willy nilly he has to carry himself. In olden days whosoever was condemned to death had to carry his own guillotine to the scaffold. The modern man is likewise condemned to death by present-day technology and science and is required to carry his dead body himself to the scaffold. Thus both in the case of mysticism and existentialism, the feeling of anguish is there, but the meaning of anguish is not the same.

The difference that is obvious in the case of anguish is obvious in the case of inner dialectics as well, for in respect of mysticism the dialectics is motivated by spiritual considerations, while in respect of existentialism it is motivated by existential requirements of one's being. A Sufi traverses the path of piety, going from one stage to another, till he reaches the final one which may be called the absorption of the soul in the Ultimate Reality. In this path each succeeding stage excels the previous one, because of the greater depth as well as the greater height of its spiritual experiences: The yardstick in each case is the spiritual proximity of the human soul to the Ultimate Source. In existentialism, too, there is a path to be traversed as is evident in Kierkegaard, but the path has no extraneous object to achieve; it is, on the

other hand, directed to the unfolding of one's possibilities towards greater creativity and subjectivity. Kierkegaard traces the evolution of one's existence, starting from the stage of irresponsibility which he calls the aesthetic stage and reaching ultimately the religious stage which is that of commitment and dedication. In between the two is the ethical stage where one is bound to a code of life of which one is not the author. Thus there is an upward movement, both in the case of mysticism and existentialism, but the motive and goal of this movement are not identical.

The differences worked out above are mainly due to the fact that mysticism is by and large a God-oriented movement, while existentialism is an earth-oriented movement. That accounts for the fact that, while mysticism is a purposeful and optimistic movement, existentialism is a purposeless and pessimistic movement. The words "purposeful" and "purposeless" are a little misleading. All that is meant is that, while a mystic strives to achieve reunion with the Ultimate Reality and hopes to realise this state one day, either through his own efforts or through the grace of his spiritual guide, the existentialist has no such ambition. He has no spiritual heights to achieve. What he is striving for is "authentic existence," that is to say, an existence in which one lives to the ultimate possibilities of one's being. In one sense existentialism is as much purposive as mysticism is, for in both there is an objective to be achieved, though the nature of the objective is not identical but in another sense, if by purpose is meant a predetermined purpose which pulls life either from behind or from front, then existentialism is non-purposive, for it believes only in such purposes as are created by the free choices of human beings and which are this-worldly and not other-worldly. In short-existentialism is a secular, humanistic movement, which mysticism is not.

There is no denying the fact that existentialism has been appropriated and made use of by Christians, both Protestants and Roman Catholics. They feel that existentialism is a product of Christian thinking and supports Christian truths. It is said that existentialism arose by the efforts of

Kierkegaard who raised the question; “How to be Christian in a Christian world?” and in answering this question, laid the foundation of existentialism. There is a lot of truth in this assertion, but the fact that existentialism arose in answering a Christian question does not imply that it is suited to Christian truths alone. In some Muslim countries the Muslims are trying to interpret Islamic truths with the help of existentialism. It seems to me that truth, whether Christian or Islamic, is essentially truth and if existentialism has proved a helping hand to Christianity it can render the same service to Islam, but imitation in this respect would be of no avail. It should be understood that the character of the Islamic faith is not identical to that of the Christian faith and therefore the applications and interpretations of existentialism for Christianity may not be true for Islam. That, however, does not mean that a Muslim should not countenance modern movements of thought. On the other hand, if the Muslims have to be in the vanguard, as they once were, it is essential that they should grasp the full significance of modern thought and incorporate it in their own thinking. Followers of other religions, particularly Christians and Jews, do not spurn the fruits of modern thinking. They taste them and spurn them only if they upset their stomach. The Muslims have a horror of everything modern, and reject it without trying it. The result is that there is hardly any movement in the religious thought of Muslims, though other religions are experimenting with all sort of ideas and adapting their religion to the demands of the present-day world.

Though existentialism is not necessarily religious, yet there is a theistic brand of existentialism, of which Kierkegaard is the forerunner and Gabriel Marcel, Jacques Maritain, Nicolas Berdyaev, Martin Buber and Paul Tillich, typical representatives. Their thinking, though religious in a sense, differs from the characteristic religious thinking, for it does not present itself as an elaboration of revealed truth but as the conclusion of a philosophical reflection and analysis. Further, it starts from the “human situation,” from the uniqueness of the existing individual and the primacy of the enacted being over the mere concept of being, rather than from the concept of the

Creator and His supposed or actual relationship with the creation. Hence the “experiential concreteness” that we meet in the existential religious thinkers can hardly be placed alongside of the mystic experience. In what follows my endeavour will not be to place mystic experience at par with the existential experience. What I am concerned with is to show that the experience of the existentialists, whatever its nature be, has been made a basis for the knowledge of God and the theistic existential thinkers have very often alleged that the facts of human existence oblige them to seek God and to acknowledge His existence. In the Journals, Kierkegaard says that, though a belief in God is a scandal to the intellect, a manifest absurdity, yet to ward off despair and to give sense to our lives we must take the leap of faith, we must believe in some-thing that, intellectually speaking, we recognise to be absurd. Religious knowledge, according to him, is completely beyond the limits of human understanding. But we are, he believes, hounded by heaven; our very human condition drives us to faith if our lives are to have any meaning. Our wills are free and we can turn away from God out of pride. But if we do so, we lose all meaning of life.

A mystic has also the same feeling. He too feels that his life will be devoid of all significance if his soul remains separated from its Primal Source. Both the mystic and the existentialist are, therefore, warriors waging war, one against the flesh and the other against the absurdities of human existence, with the object of finding meaning for their own lives. The starting point in both cases is “human situation,” though viewed differently. I therefore guess that, in spite of very material differences between the experiences of an existentialist and those of a mystic, there is a common element, as it leads in both cases to God and also because both start from the same basis. Moreover, as the mystic abhors reason and resents its intrusion in the sacred precincts of religion, so does an existentialist. When Kierkegaard calls God a “manifest absurdity” he does not take the literal sense of the absurd ; what he means to imply is that the categories of discursive reasoning do not apply to Him and further that the Christian conception of God is riddled with such

contradictions that He has to be taken on trust. As an example he takes the idea of Incarnation and shows that it defies all rational attempts at explanation. To think that one might discover God through reason or revelation is illusion for Kierkegaard. It is a kind of evasive “double-mindedness” that enables one to postpone indefinitely making the leap of faith. There is nothing to be discovered. One must simply act, for there are and can be no rational grounds for Christian belief. A Sufi also feels that God cannot be under-stood through reason, but he would not call Him absurd. God is certainly incomprehensible to him, because of the fact that a finite intellect cannot comprehend the Infinite, but incomprehensibility is not equivalent to absurdity.

It seems to me that the whole difficulty about God’s know-ledge arises from the fact that we recognise only one type of criteria which can lead to truth and these are the criteria of reasoning as laid down by Aristotle and his followers. It was held by early logicians that truth could be achieved through the employment of the principles of deductive logic alone. In deductive logic, the type of reasoning, unless it is strictly tautological, assumes the shape of “If-Then,” that is, to say, given the pre-misses, this must follow as a matter of necessity. The relation of “If-Then” is that of entailment. The conclusion, so to say, is entailed by the premisses. Aristotle wanted all other types of reasoning to be thrown in the form of “If-Then” so that their validity be checked. Later, when inductive logic came into existence, it was demanded by philosophers that inductive arguments should justify themselves at the bar of reason, implying thereby that induction had to transform itself into deduction so that its conclusions be granted the official sanction of validity. Nowadays with the rise of the philosophy of language it has been recognised that there is not one way in which truth can be reached. Accordingly, induction has no need to metamorphosise itself in order to be treated a first-class citizen. What is true of induction is true of other sciences. Each science has its own criteria which are suited to its requirements. Likewise, religion can have its own criteria and the fact that the criteria of discursive reasoning

fail to apply to its findings cannot make it absurd. Now, it is for the religionists to work out the criteria of religious knowledge to lend meaning and significance to religious discourse. The point to be stressed is that not in all domains of human knowledge can the same principles be applied. Religion is distinct from all other disciplines and as such it must have its own principles and procedures.

While Kierkegaard is wrong in calling God absurd, there is no gainsaying the fact that the principles of deductive meta-physics cannot apply to God or to other religious truths. The reason for this inapplicability is not to be found in the so-called absurdity of God but in the peculiar nature of the data a religionist is called upon to examine and to report. Kierkegaard feels that the absurd nature of God is the way to the knowledge of God. But if God is a pack of contradictions, as Kierkegaard would have us believe, it may not lead to His knowledge but to His rejection as was shown by Bradley—an English meta-physician, who in his famous book *Appearance and Reality*, finding contradictions in the nature of God relegated Him to the world of Appearances. I agree with Kai Nielson who says: “If belief in God is so absurd, why believe in God ?”<sup>182</sup> Kierkegaard thinks that, in order to escape from fear of death and human vanity, it is necessary that one should believe in God. This line of argument is similar to that of Kant. Whereas in the case of Kant, it was the ethical requirements of human beings which led to God, in the case of Kierkegaard it is the existential requirements of the human beings which call for a belief in God. And if the existential requirements are also moral requirements, as some existentialists have held, it can be said that Kierkegaard repeats the argument of Kant though in a different diction and with a different motif. “I believe,” he says, “the time is not far off, when one will experience, perhaps dearly enough, that one has to start, if one wants to find the Absolute, not with doubt, but with despair.” Starting with despair, his problem became, how again to become oneself? His solution was *redintegratio in station pristinum*. He coined for it the term

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<sup>182</sup> Op. cit.

“repetition,” and meant by it “becoming again oneself before God”. In his book *Repetition*, he shows how his hero, after his entanglement in the world, regains himself ; that the split in his personality is healed ; and that he reunites all forces; that is what he means by repetition. The idea behind repetition is that one has to become what one once was. Kierkegaard feels that as man journeys through life he is assailed by destructive forces which destroy the unity of his self and, therefore, raise the problem of putting the pieces together and integrating the forces of life once again. In essentials the process resembles what Jung calls individuation. But it is a process familiar to mystic thought. A mystic feels that the worldly forces have reduced him to nothingness and that, in order to become his real self, he has to muster all his conscious and unconscious forces, and this is not achievable without the grace of God. Kierkegaard starts from the feeling of despair and flies to faith in order to become once again his original self.

Kierkegaard advances no argument, for he does not believe in discursive thinking, and regards it blasphemous to prove the existence of God under His very nose. He depends upon choice and says that the existential dialectic of one’s life pushes the individual from the aesthetic stage to the ethical one, and the same dialectic pushes him beyond the ethical to the religious one. This dialectical movement is urgent to fulfil the existential demands of one’s life. For Kierkegaard, the existential demand is the choice of truth. But truth, for him, is not the truth of philosophers, something transcendental, abstruse and logical ; it is, on the other hand, the truth of one’s own being. To be true means to be true to one’s self, but not to the momentary one. It is to be true to one’s eternal self, and, therefore, to be true to God.

As for Kierkegaard, so for sufis, truth is subjectivity. Like-wise, as Kierkegaard chooses God to liberate himself from despair, so do sufis choose God to become their own self once again. I, therefore, feel that Kierkegaard has not broken fresh ground. Indeed, his statements are more open to doubt, than those of the mystics.

Mysticism and Fragmentation. It may be observed in passing that existentialism arose as an antidote to the poison of the present-day technology and scientifically-grounded civilisation. But it took its stand on despair and remained to the end a philosophy of despair. There has consequently been a sharp reaction against this movement on the Continent in recent years. This is evident in what is called the "Philosophy of the Living Spirit," championed by philosophers like Friedrich Otto Bollnow, Wilhelm Dilthey, and Fritz-Joachim Von Rintelen.<sup>183</sup> Bollnow feels that existentialism, in emphasising the feelings of despair alone, indicates its shortsightedness. Hence he counteracts the onesidedness of the existentialistic attitude of anxiety and despair by explicating the value of the open-hearted, exultant and elevated moods or dispositions, which are just as genuine to man as are the dispositions analysed by existentialism. Likewise in making an assessment of Heidegger's philosophy, Von Rintelen says:

"But Heidegger knows only the basic human disposition of anxiety and seems to disregard the basic disposition of joy which inclines towards value and is as original and fundamental as anxiety."<sup>184</sup>

Existentialism is thus a matter of history and the Philosophy of the Living Spirit which seems to have superseded it on the Continent has reintroduced the virtue of hope, joy and love by which human beings live and sustain their otherwise miserable existence. This philosophy, I feel, is more akin to mysticism and also to Islam.

The philosophers of the Living Spirit have felt that existentialism has failed in re-establishing the disrupted relation of trust between man and his world. In this respect, one can say mysticism is better suited than the philosophy of the Living Spirit. Before one can appreciate the service which mysticism can render in this connection, it is necessary to understand what the precise nature of this disruption is and how it has come about.

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<sup>183</sup> Contemporary German Philosophy, Bonn, 1970.

<sup>184</sup> Ibid., p. 143.

A.W. Levi says:

“There is in the climate of the modern world a sense of impending danger, a rootlessness of the person, a pervasive tenseness which point to certainties dissolved and emotional centres displaced. It is not accidental that the two most novel philosophic positions of the time—Logical Empiricism and Existentialism—should contribute to this massive effect—the one by narrowing the region of authentic knowledge to a point where it is no longer adequate to the breadth of human concern, the other elevating into ontological principles the human emotions of cal e, anxiety, anguish, abandonment and despair. Clearly the sense of integration has been lost. . . , The faith in a real future has been destroyed. . . . The consciousness of belonging to a great human enterprise seems to be withering away.”<sup>185</sup>

No wonder T.S. Eliot says:

“We are the hollow men,

We are the stuffed men;

Leaning together

Headpiece filled with straw. Alas !

Our dried voices, when

We whisper together

Are quiet and meaningless

As wind in dry grass,

Or rat’s feet over broken glass

In our dry cellar.

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<sup>185</sup> *Philosophy and the Modern World*, Indiana University Press, 1950,

Shape without form, shade without colour,

Paralysed force, gesture without motion.”

Karl Jasper also says: “The insecure human being gives our epoch its physiognomy.”

How has this disruption come about? Why this rootlessness, insecurity, and forlornness? The existentialists have made a philosophy out of this mood. They attribute the modern predicament of man to technology and to its twin offspring, bureaucracy and urbanisation. Marcel maintains that the growth in technology and bureaucracy is creating in Europe a cult of mediocrity, conformism and loss of individuality, with the inner life of the individual sacrificed to external forms. Heidegger, too, sees the individual as threatened by impersonality. On the philosophical side it was Hume whose empiricistic standpoint led ultimately to the rejection of soul, mind or self—call it by whatever name you like.

Till the end of the Middle Ages, in Europe, the heart of the common man beat in unison with that of Nature. But in the seventeenth century—which Whitehead calls the “century of genius,” when the success of the science of the physical world became assured—the human mind, through which that science was obtained, began to be in doubt. First, Descartes doubted it and then philosophers of empiricism, one after the other, till Hume arrives and, with one stroke, he laid the idea of personal identity to rest. If personal identity goes, it means that there is no hard core of reality behind the perpetual flux of ideas. He says quite bluntly:

:I may venture to affirm of the rest of mankind that they are nothing but a bundle or collection of different perceptions, which succeed each other with an inconceivable rapidity and we are in a perpetual flux and movement.... The mind is a kind of theatre, where several perceptions

successively make their appearance; pass, repass, glide away and mingle in an infinite variety of postures and situations.”<sup>186</sup>

Thus what for the Greeks constituted the unity of the rational self and for the medievals the unity of the God-given soul disappeared altogether. For Kant who was awakened from his dogmatic slumber by the onslaughts of Hume on the citadel of knowledge, Soul, Mind or Self became a regulative principle for the ordering of natural knowledge and the connections between the different items of experience had to be made as if there was a mind doing this job. Mind so considered had merely fictional unity.

After dismissing the unity of mind and its permanent nature, there came the social category in prominence, and the functions which mind used to perform in the Middle Ages were relegated to culture. David Riesman, an American sociologist, has traced the economic process of the Western civilisation through three stages: handicraft production, early industrialisation emphasising work and productivity, late industrialisation emphasising leisure and consumption. Corresponding to these are three types of character-formation: the tradition-directed individual of the Middle Ages, the inner-directed individual of the seventeenth century, the other-directed individual of contemporary America and Europe. The first type is dominated by traditions, the second by a system of motivation implanted by parents and directed towards clear goals and the third by the approvals and disapprovals of others. Since in the other-directed civilisation the source of inspiration ceases to be one's inner self, there is a grave danger of our discovering one day that we are mere accumulation of the debris around us and that we have no authentic self at all. This has been brilliantly expressed by F.S. Fitzgerald, a novelist, in the following words:

“So there was not an ‘I’ any more not a basis on which I could organize my self-respect save my limitless capacity for toil that it seemed I possessed no more. It was strange to have no self to be like a little boy left alone in a

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<sup>186</sup> A Treatise of Human Nature, Oxford : Clarendon press, 1928.

big house, who knew that now he could do anything he wanted to do but found that there was nothing that he wanted to do.”

Cultural basis, however, could not last long. The industrialisation of modern life and the growth of modern science tended towards specialisation, leading inevitably to fragmentation. Accordingly a civilisation torn within itself came into being, and this division had its source in technology. Both urbanisation and bureaucracy have resulted from the growth of scientific knowledge and technological appliances. They have made man to live a fraction of what man is destined to live, they have imposed routine and artificiality on human existence and have also made man rootless and insecure. The real culprit is, therefore, technology and science which have robbed man of the glory of his existence. There is a saying attributed to an ancient sage, Chaung-tze:

“I have heard my teacher say that whoever uses machines does all his work like a machine. He who does his work like a machine grows a heart like a machine and he who carries the heart of a machine in his breast loses his simplicity. He who has lost his simplicity becomes insecure in the strivings of his soul. Uncertainty in the strivings of the soul is something which does not agree with honest sense. It is not that I do not know of such things; I am ashamed to use them.”

Likewise Gerald Sykes says: “Man rushes first to be saved by technology, then to be saved from it.”

But are we justified in condemning technology and science? Is science really responsible for our fragmentation and soulless existence? In the past, science has been denounced so much that its real function has been ignored. To rectify this mistake, William Kuhns has stressed the changing conceptions of technology.<sup>187</sup> He says that technology is not so much a phenomenon of

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<sup>187</sup> *The Post-Industrialist Prophets—Interpretations of Technology*, New York, 1971.

energy transformations or work or even applied science, but a way of doing things—a state of mind and being. Whereas, he says, the people of the nineteenth century and the early twentieth identified technology with the work-performing, energy-transforming machines, we are learning to identify technology with media and other forms of information control. The distinction between a machine-dominated or mechanistic interpretation of technology and an information-control interpretation leads to a major new consideration. The most important of these is the way in which one conceives of technology in relation to man.

In the eighteenth century when the whole universe was regarded as being knit in a vast chain of causal relationships with no break anywhere, the machine was taken as a model by which philosophers and scientists tried to understand the universe and man. The machine was interpreted as a principle of its own, opposed to man. It was held that machine worked on physicochemical principles which failed to apply to man, since he was spiritual, teleological and free. The critics who were mostly religious saw the action of the machine as imposing its own mechanised pattern upon man, degrading and dehumanising him. It is this image of science which has mostly been presented by existentialists in Europe and by Iqbal in our country. But this conception has been superseded by a new one, in which the emphasis is on media and which has consequently led to a different conclusion about the relationship of man to technology. As William Kuhns says:

“Where the mechanized conceptions of technology led almost inevitably to a polarization of man and machine, the media or information-control interpretation leads to a conception of organic continuity between man and his techniques. All media are ‘extensions of man’ and modern technologies from the automobile to the electric light are ‘extensions of media’. A principle of organic continuity between man and his technology, not only

posits a new harmony, but provides an entirely different set of values, by which man can judge his technologies and their effects.”<sup>188</sup>

If, instead of regarding technology as inimical to human purposes, one regards it as an extension “of man” and if, instead of regarding Nature as a hostile force, “red in tooth and claw,”

one regards it as a challenge and as an opportunity, a different conception of the relationship of man to himself and to Nature arises. It will stress the fundamental cooperativeness of all the elements of Nature including man and will make a strong plea for harmony and unity. And this is nothing but mystic attitude to life and the universe around. According to Russell, one chief characteristic of mysticism is its belief in unity, and its refusal to admit opposition or division anywhere.<sup>189</sup> In the same strain William James says:

“Looking back on my own experiences, they all converge to-wards a kind of insight to which I cannot help ascribing some metaphysical significance. The keynote of it is invariably a reconciliation. It is as if the opposites of the world, whose contradictions and conflict make all our difficulties and troubles, were melted into unity. Not only do they, as contrasted species, belong to one and the same genus but one of the species, the nobler and better one, is itself the genus and so soaks up and absorbs the opposites into itself.”<sup>190</sup>

The mystic attitude, therefore, requires that a sense of unity be cultivated, and that the forces of Nature, instead of being regarded as hostile to man, should be taken as challenges and opportunities for the expansion and enrichment of man. This view cannot lead to inertia or passivity since the world, if it meets’ us as a challenge, has to be understood and met on its

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<sup>188</sup> Ibid.

<sup>189</sup> *Mysticism and Logic*, Ponguin Books, 1953.

<sup>190</sup> *Varieties of Religious Experience*, p. 388.

own grounds. The unity has to be achieved by the planned activity of the individual. It is a fruit which cannot simply drop into one's mouth from above but has to be won by each person through his own efforts.

# Book Review

“Hafiz Aur Iqbal” by Dr Yusuf Husain Khan

Hāfiz Aur Iqbāl by Dr

Yūsuf Husain Khan is a scholarly treatise dealing with a comparative study of Hāfiz and Iqbāl. Khwājah Hafiz Shirāzī and Muhammad Iqbāl are two great lyricists of Persian. In so far as the diction of their poetry is concerned, there is a lot common in both. But Iqbāl’s adverse criticism of Khwājah Hāfiz in his mathnavī entitled .Asrār -i Khudī, that appeared in 1914, led his readers including Akbar Allahābādī and Khwājah Hasan Nizāmī to misconstrue—and the impression still persists in some literary quarters in India and Pakistan —that the views of Khwājah Hāfiz on “Love” and “Ecstasy” are not accept-able to Iqbāl and Hāfiz’s poetry being on the whole a specimen of “art for art’s sake” does not come up to the purposeful standard which Iqbāl has set forth while pro-pounding his concept of literature. This was a myth t hat has been gaining ground in the Indo-Pak subcontinent since 1914. During the past three or four decades some writers on Iqbāl including Dr Sayyid 'Abdullah, Professor Yūsuf Salim Chishtī and the present writer have made pointed references to this myth in their writings. It has, however, been vehemently and most successfully exploded by Dr. Yūsuf Husain Khan in his book under review.

Dr Yūsuf Husain Khan’s analytical study of the points of similarities and dissimilarities between Hāfiz and -Iqbāl is thought provoking. He has undertaken this remarkable study under various heads including Knowledge, Faith, Intuition, Greatness of Man, Predestination and Free Will, Renunciation, Sermons, Asceticism, Mysticism, Theory of Action, Mortality and Immortality, Feeling of Loneliness, Tulip as a symbol, and Mansūr Hallāj. He has also dealt with at length the impact of the style of Khwājah

Haft's lyrics on Iqbāl's lyrics. That Iqbāl was impressed by the style of Hāfiz and has tried to imbibe his diction is clear from a statement which Iqbāl gave to Miss Attiya Fyzee in London in 1907 and, later, to Khalīfah Abdul Hakīm in Lahore saying: "When I am in the mood for Hāfiz, his spirit enters into my soul and my personality merges into the poet and I myself become Hāfiz." It is not difficult to understand and appreciate Iqbāl's approach to Hāfiz having two aspects which outwardly look contradictory to each other. Iqbāl who believes in Action lashed out at Hāfiz for inaction and the state of drunkenness "preached" through his poetry. In spite of this Iqbāl could not remain unimpressed and uninspired by the charm and bewitching influence of Khwājah's poetry and the magical impact it makes on his reader.

Iqbāl was impressed by Hāfiz both consciously and unconsciously, and this fact is clearly revealed by those of Iqbāl's Persian ghazals in which Iqbāl has followed the pattern set by Khwājah Hāfiz. Actually in a number of issues including "Love with all its sweep" both the poets have a common outlook in spite of their minor differences here and there. An in-depth study of both Iqbāl and Hāfiz divulges the secret that both differ on vital points only to agree. Love is the source of inspiration for both Hāfiz and Iqbāl with the only difference that in Hāfiz Love either relates to Reality or is a trope, while for Iqbāl Love has a set purpose before it. But, again, for both Love is a moving force to bring about a revolution with-in the Self and outside the Self.

Dr Yūsuf Husain, while dealing with Iqbāl's scathing criticism of Khwājah Haft's poetry and also Iqbāl's indebtedness to Khwājah Hāfiz, thoroughly discusses the two periods in which Hāfiz and Iqbāl lived, their approach towards politics of their periods, their concepts of love both individual and universal, art of symbolism as handled by each and their concepts of Self. In the course of this discussion the learned author has brought out for the first time the differences between the poetic imagination of Hāfiz and that of Iqbāl and the role their imagination has played in the

growth and development of the poetry of each which is, in both cases, a happy blend of thought-content and emotion.

Dr Yūsuf Husain Khān does not agree with 'Allāmah Shiblī Nu'mānī who says that wine in the poetry of Hāfiz cannot be interpreted as spiritual wine. The present writer is inclined to accept Yūsuf Husain Khān's view in spite of what Shiblī and Iqbāl have said about Hāfiz, for the obvious reason that the high spiritual status enjoyed by Hāfiz is a fact established by history. He was equally interested in what was happening in his country and the Middle East before his eyes and also in the restlessness of the human spirit for the search of something higher, subtler and more real.

In the realm of inner experiences the line of demarcation between transcendental-ism and objectivity almost disappears. But objectivity does not necessarily mean in-carnation of the Absolute in an individual being. It is quite plausible that in the case of a genuine mystic, experiences beyond his inner self can take the shape of objective reality. The author has scholarly discussed this issue in the light of the poetry of Hāfiz and made it a culminating point for a comparative study of the two poets.

Hāfiz Aur Iqbāl is a valuable addition to the literature already in existence on Hāfiz or Iqbāl. The present writer agrees with Professor Nazeer Ahmad of the Aligarh Muslim University, Aligarh, that, in view of its literary merit, the book deserves to be translated in English.

—Jagan Nath Azad

### **“Dana-i Raz” —Biography of Dr Muhammad Iqbal (Urdu)**

Compiled by Syed Nazir Niazi, Lahore: Iqbal Academy Pakistan, 1979. 452 pp. Foreword by Dr Muhammad Baqir Rs. 56.00

The book under review is one of the publications selected and prepared under the auspices of the National Committee for Allama Iqbal Birth Centenary Celebrations. It was originally the first volume of a comprehensive project, initiated and sponsored by the Government of Pakistan, on the life of the great national poet-philosopher, Dr Muhammad Iqbal. The project was assigned to Nazir Niazi, one of the associates of Iqbal in his later life. The present volume covers the poet's life from his birth in 1877 to 1905, when he left for Europe for higher studies. The book is designed with a view to delineating Iqbal's early life, which is quite little known, in as much detail as may be available. The author has undertaken research and study in order to uncover the formative period of Iqbal life, which has hitherto been shrouded in mystery and guess-work, and has done it with some success.

The book is divided into two parts. Part One deals with Iqbal's life at Sialkot, his parentage and predecessors, his lineage, early education and schooling, and particularly his contact with his guide and teacher, Allamah Mir Hasan who, the biographer holds, was mainly responsible for setting the directions which his fertile mind was to take in later years. Iqbal's first teacher was his own father who embodied saintly qualities and had good knowledge of Islam but it was under the inspiring guidance of Mir Hasan that the latent potentialities of his genius flourished. The kind of Sufism, which Iqbal took from his father, had its origination in the teachings of Imam Ghazali (p. 26) ; it was, according to Iqbal himself, the only kind which was free of any Persian colouring and tinge ; it had a "reformative" character which he appreciated. Iqbal joined

the Qadarites under the impact of Qazi Sultan Mahmud, a renowned sufi of his time, though his respect for Khwajah Naqshband and Sh. Ahmad of Sirhand never diminished. He was very much impressed by his German contemporary Goethe who once advised the young people: "Have recourse to art when spiritually perturbed," though he replaced the word "religion" for

“art” and advised his younger compatriots to have recourse to religion in mental and spiritual perturbation (p. 32). It is re-ported that when Iqbal told his guide that his heart was in “grief” and restless, Mir Hasan told him that it was a great treasure which he should guard carefully and that he needed nothing else (p. 43). Iqbal’s love for Persian, Arabic, Islam, and literature again he owed to his revered father and to his illustrious teacher, Mir Hasan. However, his mind was divided into māny directions and had a tendency to scattering of attention, which is so common with the geniuses of the world. According to Syed Nazir Niazi, his early life at Sialkot was not only propaedeutic to his later development ; it was rather the very foundation for that (p. 104).

Iqbal started writing poetry quite early in life. His early poems are not available ; how-ever, his first poem was published in 1893 in an Urdu magazine Zubān, Delhi, and the second in 1894, i.e. before he came to Lahore for education (p. 83). He deified Dagh Dehlavi for his teacher in ghazal and Syed Niazi guesses that he might have met Dagh between 1904 and 1905, a little before his death. Iqbal became a mature poet before completing his education. He was very fond of music, and masters like Rafiq Ghaznavi and Sajjad Sarwar often sang the poet’s ghazals to him at his residence. On many occasions he expressed his opinion on the difference between local and Western music, and believed that the. Muslim musicians could have easily removed this difference and brought about a harmony between them (p. 81). He referred to George Sarton and H. Farmer that “Western music had accepted much impact from the Muslim

music” (p. 81). It is said that Iqbal once played sitar him-self, though not beyond a novice. He was particularly interested in instrumental music. As he grew in years, though a poet of the first order, poetry assumed a secondary role and the thinker and metaphysician started taking’ ascendancy in him.

Part Two of the book deals with the period of Iqbal’s maturity when he had shifted to Lahore for college education till his departure for Europe for

higher education, i.e. from 1895 to 1905. Iqbal joined Government College, Lahore, did his B.A. in 1897 and took Master's degree in 1899. During his studies he is said to have stayed in the Quadrangle (now Iqbal Hostel after his name) in present Room No. 1, where an inscription of his name has been put up. But, according to A History of Government College Lahore (1864-1964), ed. H.L.O. Garrett, and made up to date by Dr Abdul Hamid in 1964, the North Wing (lower storey) and "gating" of the Hostel were completed in 1899 (p. 108), which means that the present wing of the hostel on which Iqbal's name is inscribed was not yet built during his stay in the college. I pointed out this fact to the author in one of our informal talks, and I also wrote a letter to a local newspaper to that effect, Again, the author writes that Iqbal either failed to do his M.A. in 1898 or missed the examination ; and that he did it in 1899 (p. 112). He then writes that Iqbal took admission to the first examination of Law (F.E.L.) in 1899, and failed in Jurisprudence (pp. 133-34) ; though on the records of the High Court of Judicature at Lahore (File No. XIII A 284), Iqbal was a regular Law student in 1898 and took his Preliminary Examination in Law in December 1898 and failed in the said paper. This shows that Iqbal missed his M.A., or failed to pass it in 1898, because he was a full-time Law student. As already said, he had a tendency to scattering his attention and trying to do more than one thing at the same time, and apparently it caused his failure in Law. His tendency to scatter attention was also evident from his intermittently taking up teaching assignments, now in Arabic, then in English and Philosophy ; now at Government College, Lahore, later with the University Oriental College, and for a short while at Islamia College, Lahore. In fact, he was a man with varied interests and capacities.

Iqbal had a close association with Professor Arnold at Government College, Lahore. Arnold once said: "Though Iqbal is my student, I have learnt much from his writings" (p. 120). Arnold left for England in 1904, and Iqbal followed him in 1905. Iqbal loved Arnold because he was an impartial appreciator of Islam. Iqbal learnt much of the Western literature and

philosophy from him. In England, it appears that Iqbal's interest shifted mainly to philosophy, a fact which is amply endorsed by his association with Dr Mac Taggart and James Ward. However, his love for Eastern, especially Muslim, thought brought him into contact with Professor E.G. Browne and Professor W. S. Blunt (who wrote *Future of Islam* in collaboration with his wife). Iqbal's love for his teacher Arnold is evident from his remarks on the latter's death in 1930: "Iqbal has lost his friend and teacher" with tears in eyes (p.123) The author regrets that very scanty material is available on Iqbal-Arnold relationship. Perhaps Iqbal had lost his closer contact with Arnold due to his heavy academic assignments in England.

Again, a biographer should be depending less on guess-work and conjecture than Syed Nazir Niazi has done while dealing with some important aspects of Iqbal's early life. In his treatment of Iqbal's marital life, especially his first marriage which has been a source of some controversy, the author takes up an apologetic and obscurant attitude, which a biographer should avoid (see pp. 93-99). He calls it a personal affair of the poet and advises to shun writing on it, although such matters are of much psychological significance. I personally feel that had Iqbal been fully satisfied in his marital life, he wouldn't have bloomed into a genius for, in the words of J. S. Mill, "It is better to be a dissatisfied Socrates than to be a fully satisfied pig!" Iqbal agreed with his spiritual guide Rumi that our enemy was our best friend ; he believed in opposition and tension in life rather than .in a placid and insipid existence. He was a "restless" soul as he himself said in *Javid Namah*, which proved a great treasure as predicted by Mir Hasan.

Iqbal wrote *Ilm al-Iqtisad* in 1903, the first book on Economics in Urdu. He believed that an economic and social system spontaneously stems from interaction between an individual and society to which he belongs. However, only that system will survive which is in keeping with human psychology. He advised the economists to study forces and conditions which render the life of the individual and society dynamic. He should have sufficient knowledge of the basic principles of mental life of man and also those operative in the

social organisation. Any system which is not based on human psychology is bound to meet its doom and fail.

The book presents a detailed study of the early formative years of Iqbal's life, from his birth up to 1905, the year he left for Europe. Part One, which deals with the poet's early life at Sialkot, is partly conjectural and also scanty; while Part Two, which deals with his higher education at Lahore, is better founded in facts. However, this renders the book slightly imbalanced. As pointed out, there are some unassayed statements which needed much more care than Mr Niazi has employed. The book on the whole is a useful contribution to biographical literature on Iqbal, and I hope that some more volumes will be compiled to bring the account up to his death in 1938. In its present form, the book seems to have been done a bit hastily, most probably because it is a gigantic task which should have been assigned to a committee of scholars with Syed Nazir Niazi as its convenor.

—(Dr) Mohāmmmed Maruf