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

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**The Cover**

The Cover carries a design into which the Arabic sentence *Allah jallah Jalilah-hi* (God Whose glory may be manifest) has been written by an Egyptian Muslim of Pakistani extraction.

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**The Islamic Review**

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

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

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**ALL CORRESPONDENCE TO LONDON OFFICE:**

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

*Telephone: VIC 2591*

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**DECEMBER 1966**

54th YEAR OF PUBLICATION

**Editors**

ABDUL MAJID, M.A.

AL-HAFIZ BASHEER AHMAD MISRI, B.A. (Hons.)

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*THE ISLAMIC REVIEW*
“Sticks and Stones may Break my Bones, but Words will never hurt me”
Action, not Words, to Liberate Palestine

The raid on Samu

On 13 November 1966 Israeli regular forces crossed into Jordan, and in broad daylight set about killing people and blowing up houses and other buildings, including a mosque, in the Jordanian border village of Samu. They were there for a few hours, and encountered little effective opposition. A Jordanian force that was despatched to the scene was reported to have been wiped out by the Israelis. The Israeli force included tanks and other armour, and was supported by fighter and bomber aircraft. The Jordanians claimed to have engaged the Israeli aircraft and to have shot down two of them. The Israelis denied this, and the wreckage was nowhere to be seen. Reliable press reports, on the other hand, said that the Israelis shot down in battle one Jordanian aircraft. The Jordanians claimed that they had forced the Israelis to retreat, but the Israelis said that they had never intended to stay, and had returned to base after completion of their mission, according to plan. Eye-witnesses found substantial evidence of the plunder by the Israeli forces and clear proof that the Israelis had encountered no effective opposition, and had meticulously carried out a dastardly operation. The Israelis issued an official communiqué about this operation, and bragged about the skill with which they had executed it. They said it was intended as reprisal to incursions into Israeli-held territory by Arab commandoes or guerrillas who committed acts of sabotage. Clearly, the operation was calculated to terrorize the people on the Jordanian border and convince them of the military superiority of the Israelis and of the weakness and helplessness of the Jordanian forces.

This was not the first time that regular Israeli forces had crossed into Arab territory to commit acts of horror and terror, killing the defenceless and destroying homes and property. There were several occasions in the past when the toll among the Arabs per incident exceeded fifty dead — mostly women and children murdered in cold blood by regular Israeli forces allegedly as reprisal for presumed acts of “infiltration” into Israeli-held territory by Palestinian Arabs on the border. These acts of “infiltration” were often pathetic and by no means sinister. One or two Palestinian Arabs would cross the armistice lines at night to pick the fruit off the trees in what were — and in justice still are — their orchards, and they would be shot down by the Israelis. A few more incidents like that and the Israelis would cross the armistice lines systematically to murder and to destroy in order to dissuade the Arabs against further “infiltration”. And after every terrible attack by the Israelis two things happened. One was a flood of effervescent telegrams and messages from the Arab leaders to the victim Arab state.
promising it prompt and full support against Israeli aggression, and warning Israel that in future an attack against any Arab country would be considered an act of aggression against them all, and punished accordingly. The other automatic result of an Israeli attack would be an urgent complaint to the United Nations, which more often than not condemned the Israelis in stiff terms for their violation of international peace and security.

Israel consistently defies the U.N.

This was a pattern repeated meticulously and monotonously on the part of the Arabs. It was mere words, and Israel took not the slightest notice of words. No member of the United Nations has been condemned by the international organization as severely and as often as Israel, and no member has persistently and arrogantly defied the resolutions of the United Nations as Israel has done. Israel seems to be doing very well on this. Its only claim to existence is a resolution of the United Nations which partitioned Palestine between the Arabs and the Jews. The validity of this resolution as a root of title to territory is utterly suspect in international law, and is obviously lacking in moral quality since it has involved the displacement of about a million Arabs for whom Palestine has been home, and whose fathers had inhabited the country continuously for more than thirteen centuries. What is more, Israel now holds almost twice as much territory as was allocated to it under the "partition scheme," and has not heeded solemn United Nations resolutions requesting it to surrender this excess territory to the Arabs. Israel likewise disregards a United Nations resolution passed in 1948, and ritually affirmed at every session of the General Assembly since, calling upon Israel to allow the return to their homes of Palestinian Arabs who wish to return and to compensate those who do not wish to return (and the value of Arab property taken by Israel is valued at a minimum of one thousand million pounds sterling).

In this latest occasion of blatant Israeli aggression the Arab governments behaved faithfully according to tradition. Big words by the Arab leaders warned Israel of the danger of attacking any Arab state. Profuse verbiage expressed support for Jordan. Harsh words were spoken by the Arab delegates at the United Nations, and the organization solemnly condemned Israel. And in the end Israel pompously rejected all censure, and proclaimed unrepentantly that it would do it all again if need be.

The Arab states do not act in unison

The moral of all this is surely clear. Israel just is not influenced by words, whatever their source. The old English proverb says, "Sticks and stones may break my bones, but words will never hurt me." From the Arabs Israel has so far encountered nothing but words, ineffective and patently hollow words. Five Arab states have common borders with Israel, but it has not been known for any one of these states to move against Israel whenever Israel strikes against any one of them singly. With long and difficult frontiers Israel could be easily harassed militarily, and quite obviously an attack by Israel against any Arab country could be eased or diverted by a simultaneous attack by another Arab country on Israel. The moral justification for action by the Arabs against Israel in such cases has always been more than abundant, and there was also legal justification in the collective military security pacts concluded among the Arab countries. But for one reason or another the Arabs have never acted in unison, and have never confronted Israel as a united front. Israel is so sure of Arab disunity that it takes it for granted that they would never attack it. Ever since 1948 when the Palestine war started the Israelis have engaged Arab armies singly, and defeated them. At no time have the Arabs engaged Israel on two fronts, a thing which could have easily been done, and which would have clear and decisive military advantages. In 1948 and 1949 Israel is known to have moved its meagre forces and equipment to one front to engage one Arab army, leaving other fronts defenceless and weak, without any movement against it being made on these other fronts. It was clear that this lack of unity and coordination among the Arabs contributed a great deal to their defeat in the Palestine war. But have they learned their lesson? It seems they have not. While the Israelis were pounding Arab homes to pulp and killing defenceless people in the Jordanian village of Samu all was quiet on the other Arab fronts. Not a shot was fired, and not a tank or aircraft moved against Israel. The venerated Arab Mutual Defence Pact was forgotten, and Israel got away with it once more.

Palestinians want war of liberation

The monotonous regularity with which Israel has been inflicting humiliation upon the Arabs in border raids, and the equally monotonous regularity with which Israel has been denounced by the United Nations and threatened by the Arab governments, who promised military action "next time," has simply nauseated and angered the Palestinian Arabs. These unfortunate people have been waiting since 1948 to go back to the land of their fathers. They have been promised this by the United Nations, and solemnly assured of it by the Arab leaders who on every occasion pledged themselves to the retrieve of Arab rights in Palestine. But nothing has happened to convince the Palestinian Arabs of the seriousness or likelihood of the fulfillment of these promises. What happened in Samu on 13 November was mere repetition of what happened in several other Jordanian and Syrian border villages during the past 18 years. The reaction of the Arabs was wordy and feeble, and the attitude of Israel aggressive and arrogant. The Palestinian Arabs say that this simply must change if they are ever to go back to Palestine.

The Palestinian Arabs, dispossessed and languishing in refugee camps, want practical steps to be taken to regain their rights. The Arab leaders, while overtly threatening war against Israel, are covertly relegating this to low priority. When pressed they say that they will fight Israel if Israel does not relent, but that they will fight at a time and place of their choosing, when they can be confident of the outcome. But when will this time come? Eighteen years have gone and nothing has happened. The Palestinians are now convinced that neither pious resolutions by international organizations nor fiery oratory by Arab statesmen will help. Israel understands only the language of war. So the Palestinians want to take up arms against Israel, to harass it by guerrilla and commando raids. They want a war of national liberation against Israel. They have God-given rights in Palestine, and they feel it is their duty and privilege to redeem these rights. History shows that freedom and liberty have rarely been attained without material sacrifice. From a brazen and iniquitous enemy like Israel, Arab rights can be secured only by force.

Besides, if world public opinion were intelligently informed of the honourable nature of the aims of the Arabs against Israel there would be sympathy for the Arabs, and perhaps even active material support from friendly and justice-loving peoples everywhere.
RAMADAN

By AL-BahiY AL-KHOLI

Its History, Purpose and Regulations Governing it

"It is to be noted here that the Prophet, addressing the ordinary man, ordered that the month be counted as of thirty days in case the crescent moon could not be seen; whereas, addressing people to whom astronomical knowledge was available, he said that the month should be calculated. This is an illustration of the wisdom of the Prophet Muhammad in addressing each group of people according to their educational standards."

Introduction

We read in the Qur'an (2:183): "O you who believe! Fasting is prescribed for you as it was prescribed for those before you..." Some say that it refers to the time prescribed for the fast, that is to say, that God commanded the Jews and Christians also to fast during the month of Ramadan and that the Jews and Christians, however, added more fasting days to the days of Ramadan, then shifted the fasting from Ramadan to other dates. Other scholars say that the reference is to the nature of fasting in that it is an ordinance to abstain from certain actions and things invalidating the fast, while others believe that the reference is to fasting as being an obligatory commandment. That is, Muslims, Jews and Christians all are required to observe it, but that the Muslims differ from the Jews and Christians in the matter of the point of time and the manner of its observance.

Al-Manar Qur'an Commentary has this to say of the fasting of the Jews and Christians:

"Nowhere in the books of the Old Testament do we find any definite text to prove that fasting was prescribed. We simply find praise of fasting and praise of those who fast. It is known that Moses had fasted for forty days and this proves that fasting was considered a form of worship. Nowadays, the Jews fast one week in remembrance of the destruction of Jerusalem and they also fast one day in August. It is reported that Jews were ordered in the Torah to fast on the tenth day of the seventh month of the Jewish year. They used to fast that day together with its night and this is what they probably call 'ashura'. There are other fasting days which they observe.

"Likewise, there is no evidence in the Gospels to prove the obligatory nature of fasting for Christians. Fasting is simply mentioned as praiseworthy and is considered a rite. A person who fasts is ordered, according to the New Testament, to anoint his head and wash his face in order to remove all outward signs of the fast lest he seem a hypocrite like the Pharisees. The best-known and oldest Christian fasts is that of Lent, which precedes Easter. It is the same fasting period observed by Moses and Jesus and his apostles. Church leaders prescribed other forms of fast including abstinence from eating meat, fish, eggs and milk. There are differences, however, among the various churches with regard to these prescriptions. Early Christians used to follow the fasting procedure observed by the Jews, partaking of only one meal every twenty-four hours. This was later modified to fasting from midnight to mid-day.

"Fasting is an ancient form of worship recognized by previous religions, even paganism. It constituted an essential part of every religion. It was known to the ancient Egyptians, from whom it passed on to the ancient Greeks, who used to enforce it, principally, upon their women. The Romans also observed the fast and pagans in India and elsewhere practise fasting to this day."

Other pagans who observed the fast include:

(1) The Sabaeans of Harran, who were ordered by their religion to abstain from food and drink from sunrise to sunset for thirty days.

(2) The Manoites (followers of Mani), whose religion commanded them to abstain from food and drink from sunrise to sunset.

(3) The Indians, who have certain holy days during when they fast. For certain spiritual ends they have to fast completely for a whole month. In order to attain some of those spiritual objectives they may fast a whole year, breaking the fast only once on the first day of each of the twelve months.

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Now reverting to the words of the above-quoted verse of the Qur'án, we find that they definitely state the purpose of fasting as understood by Islam. The words are, “That you may (learn) self-restraint...” since genuine fasting helps us overcome baser human instincts and thereby sets us at the beginning of the road leading to perfection. To take this path, it is necessary to be always on the alert lest those baser instincts afflict the heart once more. This is what the Qur'án means by taqwa or self-restraint. Tagwa, indeed, is a function of the heart and is a voluntary effort comprising the elements of caution, alertness and fear of God. The Prophet used to point to his chest and say:

“Here is the seat of taqwa.”

According to Abu Sulayman al-Dárâni, the pious (al-Muttaqin) “are those whose hearts are purified by God from all lowly passions”. In fact, once a person’s heart has thus been purged, his actions will be for the sake of God, his speech addressed to God and his fate controlled by God alone. This would be the road leading to perfection.

Al-Bustani, a great Muslim mystic, was once asked to define a pious person (al-Muttaqi). He said:

“He whose speech is addressed only to God and whose work is meant for God.”

Ubayy Ibn Ka'b understood taqwa to mean caution. Once 'Umar asked him to define it, and his reply was:

“Have you ever walked along a thorny road?”

“Yes,” 'Umar answered.

“What did you do?” Ubayy asked.

‘Umar said: “I was cautious.”

“That is taqwa,” said Ubayy.

THE FAST OF RAMADAN

“Ramadan is the month wherein the Qur'án was revealed for the guidance of mankind and to serve as the criterion (of right and wrong). Whosoever of you is present in this month shall fast it, and whosoever is sick or on a journey shall fast an equal number of days latef. God desires ease for you and does not want to subject you to hardship so that you could complete the prescribed period (of fast) and that you may glorify God for having guided you, that perchance ye shall be grateful” (The Qur'án, 2:227).

Stages of development

According to Ibn Kathir, the commentator of the Qur'án, the Muslim fast went through three stages of development until it reached its present state:

1. When the Prophet came to Medina, he used to fast three days every month in addition to the Day of 'Ashoura. As things were, the Muslims were not required, when they first arrived in Medina, to fast more than three days every month. Mu'adhd, Qatâdah and 'Atâi claimed (as reported by Ibn 'Abbas) that those three days were meant by the words in the above-quoted verse “for a fixed number of days”.

2. Opinions, however, differ in this matter; for according to some, the reference to a “fixed number of days” is to the month of Ramadan. This difference of opinion about the number of days did not touch the essential question of the necessity of fasting three days every month.

3. Explaining the fast of the Day of 'Ashoura, Ibn 'Abbas reported that the Prophet had noticed that the Jews in Medina observed the fast on that day. The Prophet asked the reason for it and he was told by the Jews that it was a memorable day on which God delivered Moses and his people from their enemy and that Moses therefore observed it as a day of fasting. Whereupon the Prophet told the Jews, “Moses is closer to me than he is to you.” He then observed the day as a fast and instructed the Muslims to fast on this day. He sent out a man to tour Medina on that day and announce to the Muslims that “He who had already eaten shall abstain the rest of the day and he who had not, shall fast the day. Today is the Day of 'Ashoura.”

4. When the fast of Ramadan was prescribed in the second year of the Hijra, the fast on those days was abolished. The Prophet said, “The fast of Ramadan has abolished every other fast.”

5. It is reported that 'A'isha once said: “When the Prophet came to Medina, he observed the Day of 'Ashoura as a day of fasting. When the fast of Ramadan was prescribed the Prophet said, ‘Whoever wishes may fast on that day, and whoever wishes may drop it’.”

6. The second stage begins when God prescribed the fast of Ramadan. The new ordinance was announced in three verses. The first two were revealed together, followed later by the third.

In the first two verses, the Qur'án says:

“You who believe! Fasting is prescribed to you as it was prescribed to those before you that ye may learn self-restraint. (Fast) for a fixed number of days, and whosoever of you is sick or on a journey shall fast an equal number of days later. Those who can afford to fast (but do not) shall have to redeem themselves by feeding a poor person. But whosoever does good of his own accord, it is better for him, and that you fast is better for you if you did but know.”

From this it is clear that the sick and those on a journey can miss fasting during Ramadan. The sick will then have to make restitution of those days by fasting a similar number of days when they become well again, or when they are no longer on a journey. A man who is not sick and is not travelling and who is physically fit has a choice — either to fast or not. In the latter case he has to pay the fidyah (ransom), which is the feeding of a poor person for every day he does not keep the fast. In this connection, Mu'adhd said that in the early days of Islam a man could fast or disregard the ordinance, provided he fed a poor person every day he broke the fast. Al-Bukhârî has reported more than one hadith (Saying of the Prophet) to this effect.

The third verse is the one in which we read:

“Ramadan is the month wherein the Qur'án was revealed for the guidance of mankind and to serve as the criterion of right and wrong. Whosoever of you is present in this month shall fast during its duration, and whosoever is sick or on a journey shall fast an equal number of days later...”

The third stage deals with the times of abstinence and indulgence — there were times of abstinence during the night as well as during the day:

(a) When a man had said his 'ishâ prayers (the prayer before retiring) he was supposed to abstain from (mustarrat), that is, food, drink and marital relations.
(b) If a man slept (even before saying the ‘ishā prayers) he should abstain from the otherwise lawful things when he awoke.

Thus the saying of ‘ishā prayers and sleep forced a man into a state of abstinence for the rest of the night and the following day until sunset. This was a hard condition for the early Muslims, for a man might doze off before iftār (breaking of the fast), and thus had to continue his fast until the same time next day. It is told that Qays Ibn Sarma al-Ansārī spent the day working in the field. At sunset he returned home and rested while his wife was preparing a meal. When she returned with it he was sound asleep, and when he awoke he had to continue the fast; by mid-day he fainted. Later, he told the Prophet Muhammad about it. Upon this the Prophet received the following instruction in the verse (2: 187) which runs as follows :

“It is lawful for you on the night of the fast to go unto your wives; they are your garment and you are their garment. God knows that ye defraud yourselves therein, so He turns towards you and forgives you. So go unto them and seek what God has ordained for you, and eat and drink until the white thread of dawn becomes distinct from the black thread, then observe the fast till nightfall.”

The Muslims were overjoyed by this relaxation.

THE MERIT OF THE RAMADAN FAST

Bukhārī and Muslim both reported that the Prophet had said :

“With the advent of Ramadan, the portals of Paradise are opened, the gates of hell are closed, and the devils are chained.”

According to Abu Hurayrah, the Prophet said at the beginning of Ramadan :

“A glorious and blessed month has come. God ordained that you fast during it. During this month, the portals of Paradise are opened, the gates of hell are closed, and the devils are chained. In this month, there is one night which is worth more than one thousand months.”

The Prophet said :

“Whoever fasts during Ramadan out of faith, seeking no reward, will have all his past sins forgiven.”

Abu Hurayrah reported that the Prophet also said :

“Whoever breaks the fast even for one day in Ramadan without any legitimate reason, cannot compensate for it by a period of fasting at another time during the year.”

REGULATIONS GOVERNING THE FAST OF RAMADAN

Fasting means to refrain and abstain, from dawn till sunset, from certain things forbidden by Islamic Law. These are dealt with later. Fasting is divided into two main categories :

(a) Fard (obligatory fasting), which comprises the following :

(i) The Ramadan fast.

(ii) The Kaffārah (atonement) fasting.

(iii) The Nadhr fasting (to fulfill a vow).

(b) Tatawwu’ (voluntary) fasting, which is confined to those additional days throughout the year which the Prophet used to observe as fasting days.

Fasting is one of the five pillars of Islam. The Prophet said :

“Island is built on five pillars : the shahidah (profession of faith) that there is no god but God and that Muhammad is the messenger of God, salāh (prayers), zakaah (alms-tax), the sawm of Ramadan (fast) and hajj (pilgrimage).”

The Ramadan fast was prescribed on the second Monday of the month of Sha‘bān, in the second year of the Hijrah.

Fasting is obligatory for every Muslim provided that he or she is an adult and in full possession of his or her faculties, excepting persons on a journey, suckling mothers and women in their monthly period. It is preferable that children, though they are not under obligation to fast, should be trained to fast in order to prepare them for carrying out their adult obligations in this respect. In this connection, al-Rabi’ Bint Mu‘awwadh said :

“On the day of ‘Ashoura, the Prophet had a man tour the villages of the Ansar (the original inhabitants of Medina who helped the Prophet), ordering those who had not yet partaken of food to fast during the day and those who had eaten to fast the rest of the day. Later, we used to fast that day and have our small children fast also. We used to take them to the mosque and give them toys made of wool to distract them from their hunger until the iftār time.”

THE OFFICIAL BEGINNING AND END OF RAMADAN

(1) The beginning of the month of Ramadan becomes official when the crescent moon is seen. Its end is officially fixed when the crescent moon of the next month of Shawwāl is seen. Once the crescent moon of Ramadan is seen, fasting becomes obligatory for all those who can fast. When the crescent moon of Shawwāl is seen, the fast comes to an end. The Prophet said :

“Fast when you see it (the crescent moon) and break the fast when you see it (the crescent moon).”

(2) The seeing of the crescent moon becomes official by the testimony of one Muslim. Ibn ‘Abbas is reported to have said : “A Bedouin came to the Prophet announcing that he had seen the crescent moon of Ramadan, whereupon the Prophet asked him : ‘Do you profess that there is no god but God?’ The Bedouin said, ‘Yes.’ Then the Prophet asked him : ‘Do you profess that Muhammad is the Messenger of God?’ The Bedouin answered, ‘Yes.’ The Prophet then ordered Bilāl (his mu’tezzin) to call on the Muslims to fast the next day.”

(3) As to the seeing of the crescent moon of Shawwāl, announcing the end of the Ramadan fast, the testimony of one upright Muslim is not enough. In his commentary on The Sahih of Muslim, al-Nawawi says that the ‘Ulema were unanimous that the testimony of one upright Muslim for the Shawwāl crescent moon is not enough, except Abu Thawr, who considered it enough.

(4) In the event of it being impossible to see the crescent moon of Ramadan because of weather conditions,
then the month of Sha'bán (the month preceding Ramadan) should be counted as of thirty days. The Prophet Muhammad says:

“Fast when you see the crescent moon and break the fast when you see the crescent moon, but if it is hidden, then let Sha'bán be counted as of thirty days.”

(5) Likewise, in case of the crescent moon of Sha'bán not being visible because of bad weather conditions, Ramadan shall be counted as of thirty days, on the strength of the Prophet's instruction to "fast when you see the crescent moon and break the fast when you see the crescent moon and if it is hidden by cloud or fog, count it as of thirty days".

(6) Man's knowledge of astronomy is now so accurate that astronomers can tell the hour, minute and second (every day of the lunar year) of the appearance and disappearance of the moon in every country of the world.

This information is published in advance. Therefore a man who has acquired this information can, even when he cannot actually see the crescent moon, fix the beginning and end of his fast accordingly. The Prophet says in this regard:

“Fast when you see it, and break the fast when you see it; but if you cannot see it, calculate it” (italics are mine).

In his commentary on the Qur'an, al-Qurtubi said:

“Mafrat Ibn Abdullah, a prominent figure of the generation following the Prophet, and Ibn Qutayba, a famous linguist, stated that astronomical calculations should be resorted to in cases of cloudy skies, and that these calculations be regarded as official.”

It is worth mentioning that this verdict was accepted at a time when the knowledge of astronomy was not so extensive and accurate as it is today. Such a verdict should be even more acceptable at the present time.

It is to be noted here that the Prophet, addressing the ordinary man, ordered that the month be counted as of thirty days in case the crescent moon could not be seen; whereas, addressing people to whom astronomical knowledge was available, he said that the month should be calculated. This is an illustration of the wisdom of the Prophet Muhammad in addressing each group of people according to their educational standards.

(7) The appearance of the crescent moon may differ from one country to another, even though they may all be on the same longitude. For instance, if the crescent moon is seen in one country, the appearance is valid insofar as the countries to its west are concerned, but not insofar as the countries to its east.

In this connection the following story as told by Kurayb is illuminating. “I saw the crescent moon in Damascus on Friday. At the end of the month I arrived in Medina. Ibn ‘Abbas asked me about the crescent moon and I told him that I and everyone else had seen it on Friday, and that everyone, including Mu’awiyah, had observed the fast on that day. Ibn ‘Abbas said that the people in Medina had seen the crescent moon on Saturday and that they were still fasting in order to complete the month by regarding it as of 30 days. I asked if the witnessing of the crescent moon and the fasting of Mu’awiyah were not enough testimony for him. Ibn ‘Abbas replied, ‘No, for this is how the Prophet instructed us’."

Medina, where Ibn ‘Abbas lived, is to the east of Damascus. That is why Ibn ‘Abbas had to abide by the Prophet’s instructions until the crescent moon could be seen on Saturday in Medina.

(8) If the crescent moon is seen in any country, the people of every other country falling in the same longitude should observe the fast on the same day.

(9) There is a school of Muslim thought which considers that the people of any country where the crescent moon is seen can depurate for all Muslims everywhere in the world. Thus fasting begins with the seeing of the crescent moon in that country, also in all other countries, even though the crescent moon might not have been seen there.

THINGS TO ABSTAIN FROM DURING THE FAST

Those who fast should abstain from the following:

(1) Food, drink and sexual intercourse from dawn till sunset, in accordance with the verse of the Qur'an:

“Now therefore go unto them and seek what God has ordained for you, and eat and drink until the white thread of dawn becomes distinct from the black thread, then observe the fast till nightfall.”

In this verse the “black thread” means the darkness of night and the “white thread” means the light of day at dawn.

Every Muslim man or woman may, during the night, satisfy his or her desire in the matter of food, drink and sex. When dawn comes he or she must abstain till sunset.

(2) The Prophet forbade Muslims who are fasting to indulge in any of the following:

(a) Obscene speech. The Prophet said:

“While fasting, you shall not indulge in obscene speech or boisterous talk. If someone insults you or quarrels with you, tell him, ‘I am one of those who are fasting’.”

(b) Falsehood in speech or action. The Prophet said:

“He who does not abstain from falsehood in words or deeds, God has no use for his abstaining from his food and drink.”

(c) Slander. One day the Prophet passed by women who, while fasting, were gossiping. He said:

“These two women abstained from what God had ordered them to do and indulged in what God had forbidden them to do.”

(d) Lying, lustful looks, false oaths, slander and calumny. The Prophet Muhammad said:

“Five things invalidate a man's fast — lying, slander, calumny, the false oath and the lustful look.”

THINGS WHICH INVALIDATE THE FAST

(1) The Ramadan fast is invalidated if a person deliberately eats, drinks, or indulges in sexual intercourse.

(a) Deliberate eating or drinking invalidates the fast and necessitates asking for forgiveness.

(b) Deliberate sexual intercourse invalidates the fast and necessitates qadā (restitution) of another day’s fast in place of it as well as Kaffārah (atonement).
Kafîrah (atonement) is achieved by setting free a slave, or a fast of two consecutive months, or the feeding of sixty poor people. This is based on the following story which is reported by Abu Hurayrah:

"A man told the Prophet: 'I have committed a deadly sin.'

'The Prophet asked: 'What was it?'

'The man said, 'I slept with my wife during Ramadan.'

'Have you any slave to set free?' the Prophet asked.

'No,' answered the man.

'Can you fast for two consecutive months?' the Prophet asked.

'No,' said the man.

'Can you afford to feed sixty poor people?'

'No,' again replied the man.

'Whereupon the Prophet went into his house, brought some dates and told the man, 'Take these and give them to some poor people.'

'The man said, 'Can I find any one poorer than my own family?'

'Laughing, the Prophet said, 'Then take them to your family.'"

As for restitution, Abu Da'ud and Ibn Mâjah in their Collections have reported that the Prophet had ordered the man who slept with his wife during the Ramadan fast to fast another day instead, in addition to the Kafîrah.

(2) Fasting is also invalidated if a person deliberately vomits. In this case he has to fast a day by way of restitution. Abu Hurayra has reported that the Prophet Muhammad said:

"He who forces himself to vomit shall fast another day instead."

**THINGS WHICH DO NOT INVALIDATE THE FAST**

(1) Involuntary vomiting. Abu Hurayrah reported that the Prophet Muhammad had said that:

"He who is overcome by vomiting shall not make restitution."

(2) The cupping of blood from the head. Thâbit al-Bannâni asked Anas Ibn Mâlik:

"Did the Prophet forbid head bleeding (cupping) for the person who fasts?" Anas said: "Not unless a person is weak."

(3) Wet dreams. The Prophet is reported to have said:

"A man's fast is not invalidated for involuntary vomiting or wet dreams."

(4) Unintentional eating or drinking. The Prophet said:

"God forgives my people for acts committed by mistake, or out of absent-mindedness, and acts performed under compulsion." He also said: "A man who fasts and who absent-mindedly eats or drinks shall continue his fast."

(5) Rinsing the mouth and bathing in an attempt to reduce the effect of the summer heat. One of the Prophet's companions reported that he used "to see the Prophet pour water on his head while he was fasting."

(6) If a man gets up in the morning in a state of ritual uncleanliness, it does not affect his fast.

(7) If one eats, drinks, or unwittingly contravenes some other injunction, the fast is not invalidated, for the Qur'ân says:

"You are not to blame for what you do by mistake, but you are for premeditated acts." (33: 5).

Zayd Ibn Wahh is reported to have said: "People broke the fast during the time of 'Umar Ibn al-Khattâb. I have seen water vessels, brought from the house of Hafsa, from which the people drank. Immediately, the sun appeared from behind a cloud. The people wanted to fast another day in restitution, but 'Umar intervened. 'Why?' he said. 'By God, we did not mean any wrong.'"

**THE SICK, AND THOSE ON A JOURNEY**

A sick person or a traveller is allowed to fast a number of days equal to those he missed during Ramadan as a result of illness or travel. The Qur'ân does not mention any specific kind of sickness and does not describe the sickness which exempts a person from the fast during Ramadan. Therefore, one suffering from any ailment whatsoever may avail oneself of this concession. The Qur'ân contains a general statement and does not specify the severity of pain or degree of danger involved. Some of the early 'Ulama granted the exemption even in the case of a painful finger.

The Qur'ân also did not specify, in the case of a journey, the distance or means of transport used. So the permission applies to all cases of travel whether a person is travelling on foot, or an animal, by train, or by plane.

A traveller who happens to be observing the fast may break it any time he feels like doing so. Ibn 'Abbâs said:

"The Prophet and the believers went out during Ramadan in the year of the conquest of Mecca. On the way they passed by a stream. It was noon and the thirsty people stretched out their necks while their souls burned with the desire to drink. The Prophet called for a vessel full of water which he held up on high so that everybody could see it. Then he drank and everybody else followed his example."

One may break the fast before starting on a journey. Muhammad Ibn Ka'b said:

"I called at the house of Anas Ibn Mâlik one day in Ramadan. Anas was preparing to go on a journey. His camel was saddled and he was dressed for the journey. He asked for food, which he ate, and I said to him, 'Is breaking the fast in this fashion a sunnah (an act of the Prophet)?' He answered, 'Yes, it is a sunnah.' Then he mounted and left."

If a man happens to enter during his journey a town where he does not intend to stay permanently, he may fast or break the fast. Ibn 'Abbâs reported:

"The Prophet embarked on the conquest of Mecca during Ramadan. He observed the fast until he reached al-Kadid, a well between Qudayd and 'Usfân; then he broke the fast until the month had passed."

**DECEMBER 1966**
PREGNANT AND NURSING WOMEN

Pregnant and nursing women may break the Ramadan fast but shall fast a number of days, equal to those missed, after pregnancy or nursing ceases. In other words, pregnant and nursing women are in the same position as a traveller, being free to choose between breaking the fast or keeping it.

According to a hadith related by Anas Ibn Mâlik al-Ka'bi, the Prophet said:

“God has relieved a traveller from part of the prayers and relieved him along with pregnant and nursing women from fasting.”

Pregnant and nursing women may also break the fast if they fear injury either to themselves or their infants. However, they should do the restitution.

OLD AGE

The 'Ulema have different opinions as regards old people. Some 'ulema are of opinion that if an old man is unable to fast, he may break the fast provided he feeds a poor man for each day he breaks the fast. This is what is meant by the term fidyah. Others have opined that an old person was free not to observe the fast, without fidyah, on the strength of the Qur'anic verse:

"On no soul does God place a burden greater than it can bear."

The stipulation regarding old persons applies to people afflicted with incurable illnesses.

The Shaykh Muhammad ‘Abduh is of opinion that people engaged in hard manual work like mining, or prisoners sentenced to hard labour, may break the fast if they can afford the fidyah.

VARIOUS ADDITIONAL REGULATIONS

1. The Prophet recommended taking the sahûr (the meal taken before daybreak). He said:

“Do not miss the sahûr for it is blessed; take even a mouthful of water. God and His angels greet those who take their sahûr.”

2. It is recommended to take the iftâr meal as early as possible and the sahûr meal as late as possible. The Prophet said:

“My people are blessed as long as they take their iftâr early and their sahûr late.”

3. The time for sahûr extends until dawn. If the call to the faîr (dawn) prayers is announced and a man still has the cup in his hand, he should not throw it away, but can satisfy himself. The Prophet said:

“If a man hears the call while the cup is still in his hand, he shall not lay it down before he is through with it.”

4. It is recommended that a man breaks the fast in the manner followed by the Prophet. Anas reported that the Prophet used to break the fast before he performed the evening prayers, with a few ripe dates, or if not available, a few dry dates; or if not available, a few mouthfuls of water.

IJTIKAF (RETREAT) DURING RAMADAN

The Prophet set an example for retiring for contemplation during Ramadan as a form of devotion. He used to spend the last ten days of Ramadan in complete retirement in his mosque. ‘Ayesha said:

“The Prophet used to retire the last ten days of Ramadan and continued this custom to the end of his life.”

A person in retreat shall observe complete seclusion. ‘Ayesha said that “a person in retreat abstains from normal social life. He shall not even visit a sick man or attend a funeral, nor does he indulge in sexual relationship. He goes out only to perform his natural functions.”

THE NIGHT OF MAJESTY (Laylah al-Qadr)

The Qurân was revealed on “the Night of Majesty”, one of the nights of Ramadan (Laylah al-Qadr). It is a night of great wonders and blessings described in the Qurân as “better than one thousand months”. This means that the reward of devotion during this night is better than the reward to be expected for devotion in one thousand months which do not include this night. The great merit of this night is expounded in the Qurân (97: 1-5):

“We have revealed it (the Qurân) during the Night of Majesty.

“And what will convey to you the meaning of the Night of Majesty?

“The Night of Majesty is better than a thousand months. Therein descend the angels and the Spirit by the permission of their Lord, with all decrees.

“All is peace till the break of dawn.”

The night has been variously fixed as the 12th, 23rd and the 25th of Ramadan. Ibn Hanbal reports that Ibn ‘Umar had related a hadith in which the Prophet said:

“Whosoever seeks the night, let him seek it on the 27th.”

It is meritorious during the nights when the Night of Majesty is sought to spend the time in prayer, Qur'ân recitation and asking God for forgiveness. The Prophet said:

“He who spend the Night of Majesty in prayer, in full faith, shall have all his previous sins and guilt forgiven.”
CODES REGULATING PERSONAL STATUS AND SOCIAL EVOLUTION IN CERTAIN MUSLIM COUNTRIES*

The Regulation, or Abolition of Waqfs in Egypt, Tunisia and Syria

By M. BORRAMANS

Egypt, Syria and the Lebanon

There is no one who is unaware of the historical importance of that age-old Islamic institution known as waqf (or habus, more commonly habous). Differing from the legal tax (zakah) and from the sadaqah (alms-donation), it was "... a usufructuary donation, made in favour of a beneficiary, with a view to the fulfilment of some pious aim or some project of general utility, and which entailed the legal sequestration of the gift or donation, whether this donation included, or did not include, a usufruct."102 Whether the beneficiaries were religious institutions, or a corporate body, or a private individual (or group of individuals), the institution had in time become a heavy burden on and a serious threat to the economic progress of Muslim countries, because it created a sector composed of landed property or real estate, which remained quite impervious to all attempts at modernization.

In order to remedy this state of affairs, at least partially, the administration of public waqfs had been organized on a national scale towards the end of the 19th century.103 That is why there exists today in certain countries, including Egypt and Algeria, a Ministry of Public Waqfs. (Private waqfs continue to remain immune to this State control.)

In the Lebanon, following a number of very moderate reforms by Egyptian legislators in 1946, the control of private waqfs was officially organized on 10 March 1947. A private waqf, when constituted under the new law, can no longer be perpetual (as was the rule formerly), but can favour only two classes of beneficiaries. A new waqf comes to an end on the date specified in the deed which constitutes it. A person who has created a waqf property can revoke it. Other clauses reduced the duration of already existing waqfs and set up a Waqfs Tribunal. By the Decree of 14 September 1952, the Egyptian legislators simply abolished those waqfs which had been constituted for purposes other than pious works (private waqfs), and the institution itself. This resulted in the creation of thousands of successions, which benefited heirs who were very distant, in relationship, from the original founders of such waqfs. Syria followed Egypt in this partial reform, but the other Muslim countries have not gone as far, with the exception of Tunisia, which has gone farther.

Tunisia

The Tunisian legislators decided, some few years ago, to finish once and for all with the habous, both public and private. And so, on 31 May 1956, the State took control of the expenditure, for religious or social purposes, of the Djemiyah des Habous (Committee for the Habous), transferred the public habous property to the State Lands Office (Domaine de l’Etat), and ordered the said Djemiyah to be put into liquidation,104 at the same time declaring that "henceforward it is forbidden, under penalty of nullity, to constitute a public habous, or a habous connected with a zawiya" (Article 3). And on 18 July 1957 another law (modified later by the law of 23 January 1958) abolished both private and mixed habous: "The founding of private and mixed habous is forbidden, and all acts or documents purporting to create such institutions are declared null and void in law, without need of sanction" (Article 1).

Who became the beneficiaries of the foundations in existence at this time? "The private habous foundations in existence on this date are dissolved and their estates become the property of the devolutionaries in the proportion of their rightful share in such devolution, subject to the clauses of Article 9. However, if the deed of constitution specifies an order of devolution by generation, the ownership of the property goes to the existing beneficiaries and to the heirs of those deceased persons of the same degree, in proportion to their rightful share in the devolution, or in proportion to the rightful share of their sire” (Article 2). By this means the principle of “successoral representation” is definitely recognized in a particular sphere. Article 4 regarded as public habous the foundations constituted in the interests of public assistance, public health, education and religion, and as private habous those estates or properties converted into habous for the benefit of specified individual persons, or of their descendants, on condition that, after the extinction of such persons or their descendants, the habous be utilized for some activity of general interest. Mixed habous were regarded as foundations created as habous simultaneously.

* For the previous study in this series see The Islamic Review for November 1966.
for the benefit of activities of general interest (as described above), and at the same time for the benefit of specified individual persons and their descendants, such as zawiyah habous. Further, the following were assimilated into the public habous: "... every private habous whose net income over the past five years for each beneficiary has not exceeded the sum of 1,000 francs ". A time limit of six months was granted for a friendly arrangement between devolutionaries (beneficiaries) for submission to the Regional Commission for the Liquidation of Habous. And so a centuries-old institution, which had formerly rendered important service, disappeared from Tunisian law.

The State of Tunisia, before making a strong economic effort to solve the problem of under-development, had first to make a detailed survey of the land situation of the territory, by reintroducing lands and estates belonging to habous into the common circuit of economic life. There is no doubt that one day this course will be adopted by the other Muslim countries.

CONCLUSION

"Incidentally, there were already examples of these 'big compromises' in Muslim law at an early period. During the first centuries after the Hijrah there was a 'confrontation' between the juridical sunnahs of Arabia, Lower Iraq and Syria, and the new Qur'anic sunnah. From these 'comprises' were born the vast juridical edifices of the four Schools — Hanafite, Malikite, then the Shafi'ite and finally the Hanbalite, to name only those which reigned supreme over Islamic Law up to modern times. Cannot we dare to assert that today these Schools, as such, no longer exist? Does not each modern State, by grieving from all of them, and by its reforms and innovations, show its intention to open up its own particular path (madhab), the one which seems best-suited to its living tradition, its national character, and above all, to its own aspirations?"

Such is the evolution implied, or actually set in motion, by the new legal clauses of the modern Codes Regulating Personal Status. Child marriage is henceforward brought under special restraint: if on the one hand more liberty is given to future partners in consenting to their marriage (abolition of the "right of matrimonial constraint"), on the other hand, they are required to be a little older, and thus more mature, than was previously the case.

Polygamy, forbidden in Tunisia, but still recognized almost everywhere, has now become the exception. In fact, one could say that it is now barely tolerated, so strict are the regulations controlling its practice, which is sometimes under the control of the judges.

Extra-judiciary unilateral repudiation, now abolished in Tunisia, can no longer be pronounced in the countries still retaining it except in accordance with new regulations. These regulations resemble, wittingly or unwittingly, those governing Sunni repudiation: the arbitrary wish of the husband, if it still remains, is now severely limited.

As to legal divorce, which was formerly the only weapon of the Malikite wife who was "unhappy in marriage", today it is available to every wife in whatever country she may live. In fact in Tunisia no other kind of divorce is known, for the Tunisian husband also has to apply to a judge to obtain the dissolution of his marriage.

Everywhere the "obligatory will" (testament) ensures "successor representation" — disguised, it is true, even if it is still only partial. And if the "principle of masculinity" and "agnation" continue to govern successor law, a number of "feminist" reforms such as rudd have reduced their stringency. We have seen how Iraq has once and for all renounced these two principles by opting for a much more evolved system of succession.

Finally, in many countries, alongside the public waqfs administered by State organizations, are the private waqfs which are subject to numerous limitations, when they are not totally abolished, as in Egypt. In fact, in Tunisia their abolition followed that of the public waqfs.

All through this vast movement of transformation, and sometimes of innovation, it is not difficult to appraise the guiding principles of the legislators of Muslim countries — they are manifestly both modern and Muslim at the same time. "They are true citizens of the modern world" ... and therefore more sensitive than many others to the ethical needs of contemporary conscience. What is more, having subscribed to the Universal Declaration of Human Rights, approved by the Assembly of the United Nations on 10 December 1948, they wish to see in varying measure more liberty and dignity for the individual, more equality between the sexes, and more unity and stability for the family. Nevertheless, they remain staunch Muslims. If they claim for themselves the right to a new ijīthād (more personal effort and initiative in juridical matters), they certainly mean "to return to the real spirit of the Qur'ān and the Sunnah", which "have over the centuries suffered from numerous deformations". For them "the laws and precepts of Islam are neither inflexible nor unchangeable". For these modern Muslims (or shall we say "modernist" Muslims?), only the "way of compromise" remains possible. "The dream of a reinterpretation of the religious law (Shari'ah) into a system suitable for our epoch appears to them as an Utopian and far from practical ideal. Instead, they would be satisfied with a system of law which includes all the elements of the Shari'ah capable of being conveniently combined with the principles which they consider essential to modern life, however far removed they may be from the Shari'ah, and however unrelated may seem to be the mixture which results."

Faced with "their own consciences and, what is more, those of their more reactionary compatriots", their best plan is to utilize some method which is both flexible and original at the same time. Such a method, while attaining the objectives aimed at, should show due respect for the religious law. All the possibilities of further evolution should be thoroughly explored, since it is here that Family Law has always been enshrined. This article has, incidentally, revealed the methods used in drawing up the Modern Codes regulating Personal Status.
The first of these, “although not the first chronologically, consist in having recourse to the clauses of the other orthodox rites”. The abundance and the variety of the solutions proposed by the legists of the different schools, both existing and defunct, have allowed the “modern legislator to make a selection, and to modify, where deemed appropriate. For example, in the case of legal divorce, the Hanifite law has been replaced by the rules of another rite, that of the Malikites. This integration into one particular law of a regulation borrowed from another rite is more or less easy of accomplishment, according to whether the solution adopted has been approved by the consensus of opinion of the eminent legists, or whether it expresses only an isolated opinion, for which the necessary legislative modification would constitute for the modern law-maker a veritable ‘master-stroke’!197 There is no doubt that the creation of an “obligatory legacy” is one of these “master-strokes”. In the end we are left with a Code where Malikite clauses co-exist harmoniously with Hanifite principles and Zahirite interpretations (Ibn Hazm).

Another method consists in utilizing extensively the “restrictive power” possessed by the “holder of power” vis-à-vis the judges whom he indicates, for “... it is a principle in Muslim law that jurisdictional power can be subject to limitation as regards time, place, facts or persons, and that a Head of State can prohibit his cadis from hearing certain law suits, or from hearing them except under certain restrictions which he considers necessary having regard to the time, the needs of the litigants (plaintiffs and defendants), and to the necessity of safeguarding the rights of everyone concerned.”100 To decide on the competence of a judge also means, widely interpreted, to specify those matters in which he can adjudicate. Thus all other matters are considered to be beyond his jurisdiction. In Egypt, this “essentially procedural” arrangement has allowed the authorities to stipulate minimum ages for prospective marriage partners. Some jurists have extended this restrictive power to the strictly moral sphere, and this allows them in the same way to fix all necessary limits to the extension of the “permitted” proceeding known as mubah.

Besides these two arrangements there is sometimes the “innovation” in the real sense of the word, which tends always to be “camouflaged” behind a terminology made deliberately vague and unprecise. However, this process is fairly rare. “No doubt to avoid the reproach of always adopting half-measures, of being satisfied with compromise solutions, one could have adopted the Turkish legislative policy: wipe out the past, restart from zero and do not subscribe to any traditional principle. But this would have been to repudiate Islam, not only its law, but also its morals.”109 And this was neither in the intention nor in the power of those who compiled and promulgated the Codes regulating Personal Status. Utilizing to their extreme limits the procedures just described, they have sometimes, in the texts themselves, embodied a notably large number of “intentional ambiguities”. This is in order that the judiciary practice (‘amal) and the body of jurisprudence may be able, over the course of time, gradually to find precise and satisfactory solutions to these questions, in harmony with the rhythm of the evolution of society and its moral aspirations. At the same time “the method utilized by jurists and present-day legislators shows a decided trend towards unlimited eclecticism,”110 this method which can not only be deduced from the laws promulgated, but is also explicitly enunciated in innumerable publications and declarations, as well as in official explanatory statements printed as a preface to these same laws. We cannot escape from “compromise”, it is true, but somehow that seems to be the law of life.

Incidentally, there were already examples of these “big compromises” in Muslim law at an early period. During the first centuries after the Hijrah there was a “confrontation” between the juridical sunnahs of Arabia, Lower Iraq and Syria, and the new Qur’anic sunnah. From these “compromises” were born the vast juridical edifices of the four Schools — Hanifite, Malikite, then the Shaf’ite and finally the Hanbalite, to name only those which reigned supreme over Islamic Law up to modern times. Cannot we dare to assert that to-day these Schools, as such, no longer exist? Does not each modern State, by gleaning from all of them, and by its reforms and innovations, show its intention to open up its own particular path (madhhab), the one which seems best-suited to its living tradition, its national character, and above all, to its own aspirations?

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FOOTNOTES

102 L. Milliot, op. cit., p. 538.
103 In Turkey there was a Ministry of Waqfs, which was abolished in 1924. In Egypt, the General Administration of Waqfs became a Ministry in November 1913. Tunisia had its Djam‘iyah des Habous before the days of the French protectorate. A Superior Council of Habous had been created in 1908 and modified in 1917. Morocco concentrated “independent regional administrations” into one Administration of Habous on 13 July 1913, and to this was added a Superior Council in 1914. These “Administrations”, both in Tunisia and Morocco, controlled the public waqfs and a number of private waqfs. In Algeria, public waqfs had been absorbed into the State Land Office in 1830 (Domaine de l’Etat). Independent Algeria has a Ministry of Waqfs and Cuts.
104 “The State of Tunisia provides for the expenses of a cultural and social character which were formerly incurred by the Djam‘iyah des Habous” (Article 1). “All property or land having the character of a public habous is absorbed into the State Land Office, and consequently is administered by the Services of the State Land Office, which deal with it according to the regulations. This Service also deals with the administration of habous other than public ones, along similar lines — habous which were administered by the Djam‘iyah on the date of its liquidation. All private habous property which is returned to its original foundation is immediately transferred to the State Land Office under conditions specified in Paragraph I of the present Article” (Article 2).
108 In “Règlement d’organisation judiciaire des Mehkemehs d’Egypte”, in 1931.
109 Y. Linant de Bellefonds, art. cit., p. 29.

DECEMBER 1966
THE HISTORY OF THE IDEA OF THE MIRACLE (I'JAZ) OF THE QUR'AN

The 9th century A.H.—14th century C.E.
The views of Ibn Khaldun, al-Marrakushi and al-Suyuti

By NA'TM AL-HUMSI

(XI)

There were three scholars in the 9th century A.H. (14th century C.E.) who made a serious contribution to the study of the subject of the i'jaz of the Qur'an. They were Ibn Khaldun, al-Marrakushi and al-Suyuti.

Ibn Khaldun

‘Abd al-Rahman Ibn Khaldun (d. 1406 C.E.), in his famous Prolegomena, says: “The reward of the art of rhetoric is to enable one to understand the i’jaz of the Qur’an, for the i’jaz of the Qur’an lies in its capacity of expression in all circumstances, in direct and implied manner — and this is the highest form of perfection — as well as in perfection in regard to the choice of words, their beauty and their construction. This is the i’jaz which it is difficult to comprehend generally, but which would be appreciated in some measure by those who have taste and artitude in this respect, and who would comprehend as much of the i’jaz of the Qur’an as is within their taste. That is why the Arabs who heard it appreciated it to the greatest extent; for they were the great masters of words and of good taste, which they possessed in abundance. The exegetists are the people most in need of this art, but most of the works of the exegetists in the past were devoid of this until Jar Allah al-Zamakhshari wrote his book on Exegesis and analysed the contents of the Qur’an by reference to this art, which demonstrated some of the aspects of the i’jaz of the Qur’an, and in this he is unique among other scholars on the subject of i’jaz.”

In other words, Ibn Khaldun believes in the i’jaz from the aspect of rhetoric, and maintains that this would be perceived by those who possess taste in this sphere. He holds that the Arabs during the days of the Prophet Muhammad were at a higher level of achievement in this subject, and were therefore more qualified to express an opinion on this aspect of the i’jaz of the Qur’an.

Al-Marrakushi

In his treatise entitled Sharh al-Mishbah, al-Marrakushi discusses the question of the i’jaz of the Qur’an. His views are renewed by al-Suyuti, who says: “In Sharh al-Mishbah al-Marrakushi says that the aspect of i’jaz in the Qur’an can be appreciated by examining the Qur’an from the point of view of the science of rhetoric — this science being a means of expressing ideas correctly and without complications. The i’jaz of the Qur’an does not lie in its words taken alone, nor in the method in which they are composed, nor in their style of originality (for in the latter case the words of Musaylamah would have been a mu’jizah).” He further maintains that the i’jaz does not lie in surfah. The i’jaz lies in the fact that the Arabs could not match the Qur’an, although it was in their own language. In this respect al-Marrakushi holds a view very similar to that of Yahya Ibn Hamzah al-Alawi in his al-Tiraz. This is a view which is also shared by many subsequent writers on the subject of i’jaz. There is a slight difference, however, in what these scholars understand by the science of rhetoric. Al-Marrakushi considers rhetoric confined to the precision and clarity of words, while al-Alawi considers that additional qualities are required in literary works to qualify as rhetorical. It is also noteworthy that al-Marrakushi rejects the theory of surfah which was postulated by al-Asbahani as an additional factor in the argument about the rhetorical qualities of the Qur’an.

Al-Suyuti

In a treatise entitled al-Itiqan, al-Suyuti examines the question of the i’jaz of the Qur’an. He reproduces the views of previous scholars on the subject and collates them together, without expressing any strong opinions or criticism of them. He mentions the theory of surfah along with other theories about i’jaz, namely, the rhetorical excellence of the Qur’an, the information which the Qur’an contained about the unknown, and other attributes of the Qur’an. It is not clear from his writings, however, which of these theories he accepted and which he did not. One view which he expressed in some detail, and for which he quoted many verses of the Qur’an and Sayings of the Prophet Muhammad, was concerned with the sciences which could be derived from the Qur’an. He maintained that the Qur’an was the source of all religious and physical knowledge, and in this respect he went further than the views expressed by al-Ghazzali and al-Zarkashi (and strongly rejected by al-Shaf‘ibi).

Al-Suyuti’s al-Itiqan begins with a report of the views of Ibn al-‘Arabi on the meaning of i’jaz and mu’jizah. He also quotes the views of al-Ashqarli on this subject expressed

1 Continued from The Islamic Review for September 1966.
in Fath al-Bari. In the main, however, he tends to accept the views of Ibn al-'Arabi. Al-Suyuti then quotes the verses of the Qur'an on the challenge made to the Arabs to match the Qur'an. The order in which he quotes these verses is in line with the theory that the challenge was first made in regard to a greater part of the Qur'an and that it eventually concerned a smaller part. He then discusses the state of affairs of the tribe of Quraysh and their reactions to the challenge, and quotes what al-Walid Ibn al-Mughirah is reported to have said when he first heard the Qur'an (that it was magic). Al-Suyuti subsequently quotes the views of al-Jahiz in regard to the battle of words which raged between the Arabs after the revelation of the Qur'an. He also mentions the views of al-Nazzam regarding surfah and rejects his views for the same reason which prompted previous scholars to reject them. He then discusses the view that only the contemporaries of the Prophet Muhammad found the Qur'an a mu'jizah, and that the Arabs at a subsequent period could match it. Al-Suyuti examines the view that the i'jaz of the Qur'an lies in the news it contains about the future, and that this could not have been matched by the Arabs; and he examines a similar view about the information contained in the Qur'an regarding the past and reports of past happenings which are given in a manner typical of a witness of these events.

Al-Suyuti discusses the views expressed by Abu Bakr al-Baqillani, the Imam Fakhr al-Din al-Razi, al-Zamakhani, Ibn 'Atiyyah, Hazim al-Qaraihani, al-Marrakhsi, al-Ashbahi, al-Sakkaki, Bīdār al-Farisi (as reported by Abu Hayyan al-Tawhidi), al-Khattabi, Ibn Suraqah, al-Zarkashi, al-Rummani and the Qādi 'Iyadh. He concludes that the scholars were not in agreement about the exact nature of the challenge made by the Qur'an and whether this challenge was made to human beings or to the jinn, or to the angels. He concludes his chapter on i'jaz by emphasizing the beauty of the words of the Qur'an, giving examples of the elegance and musical qualities of the terminology. He compares these words with the words of the Arab language in general usage and shows how much more superior the words of the Qur'an are.

The 13th Century A.H. — 19th century C.E.

There was a long gap between the writings of al-Suyuti and subsequent serious works on the question of the i'jaz. The intervening period was characterized by intellectual stagnation which prevailed in the Muslim world during part of the reign of the Ottoman régime. The first scholar on i'jaz to emerge after this period was al-Alusi (1270 A.H.—1857 C.E.).

Al-Alusi

In a scholarly work on the exegesis of the Qur'an al-Alusi examines the verses of the Qur'an in which a challenge was made to the Arabs to match the Qur'an. He lists the views expressed by previous scholars on the subject of i'jaz regarding style, rhetoric, composition, news of the unknown, surfah, etc., together with the arguments raised by these scholars to support their views. In this he appears to be mainly guided by al-'Alawi's treatise al-Tiraz. He then quotes the view expressed by 'Ali al-'Aamidi to the effect that the Qur'an's i'jaz is the sum total of all its qualities — its style, rhetorical nature, news of the unknown and other characteristics. Al-Alusi puts forward his own view on i'jaz, namely that the Qur'an is a mu'jizah in its entirety and in its smallest part, and this i'jaz is in the spheres of the beauty of style, rhetoric, news of the unknown, profound wisdom, and precision of meaning. These qualities, he says, may all appear in a single verse, while some qualities, such as news of the unknown, may not be perceived at a particular moment. Nevertheless, he maintains, there is enough in each and every verse of the Qur'an to justify it being a mu'jizah. He quotes in support of this proposition the views of previous scholars quoted by al-Suyuti, often at great length and very meticulously. Al-Alusi concludes that the popular idea about i'jaz is that it is in the style and the rhetoric, which are in striking contrast to other works. The other qualities of the Qur'an — such as information about the unknown, profound wisdom and precision in meaning — could be rendered in the language of the Qur'an and also in other forms, and that there can be no i'jaz in this respect. He says that the Hebrew language was a vehicle for expressing similar concepts. He thus maintains that the i'jaz of the Qur'an is particularly evident in its style and rhetorical excellence, while other qualities are not fully conclusive, with the view about surfah being the weakest. It is noteworthy here that these views of al-Alusi echo the views of al-Asbahani except in regard to surfah (al-Asbahani combined style and rhetoric with surfah, while al-Alusi avoided what in fact is a contradictory concept).

In his explanation of the verses of the Qur'an on the subject of the challenge to the Arabs, al-Alusi expresses seven views on i'jaz. The verses, “So remind, for, by the grace of thy Lord, thou art no soothsayer, nor madman. Or say they: A poet — we wait for him the evil accidents of time. Say: Wait, I too wait along with you. Or do their understandings bid them this? Or are they an inordinate people? Or say they: He has forged it. Nay, they have no faith. Then let them bring a saying like it, if they are truthful” (52: 29-34), are explained by him in this manner: that the Quraysh were reported to be a very wise people, and that their prowess in this respect was mentioned by al-Jahiz, but that they did not appear to possess this quality in the manner in which they made a reply to the challenge offered by the Prophet Muhammad; for they said that he was both a poet, which requires intellect, and a madman, which does not. Al-Alusi says that the verse, “Say: If men and jinn should combine together to bring the like of this Qur'an, they could not bring the like of it, though some of them were aiders of others” (17: 88), was revealed because the Arabs had claimed that they could match the Qur'an, and because they had asked the Prophet to produce some physical miracles similar to those produced by previous prophets. He also says that challenge to match ten surahs (chanters) of the Qur'an came before the challenge regarding a single surah. He quotes as his authority the verse “Or, say they: He has forged it. Say: Then bring ten forged chapters like it, and call upon whom you can besides God, if you are truthful” (11: 13). Al-Alusi discusses the view expressed by Ibn al-'Abbas to the effect that the challenge was first made in regard to ten specific surahs of the Qur'an, namely the first ten surahs of the Qur'an as now arranged. He rejects this view on the ground that the Sūrah of Hud was revealed in Mecca, and that it would have been unreasonable for the Qur'an to have challenged the Arabs to match ten surahs which were yet to be revealed in Medina. He then discusses the views of Ibn 'Atiyyah and al-Mubarrad regarding the order of the revelation of the verses on the challenge, and mentions the view expressed by Ibn al-'Abbas to the effect that the challenge was first made regarding one surah similarly matching the Qur'an in rhetorical quality, news of the unknown and comprehensive wisdom, and that when the Arabs failed to meet this challenge another challenge was made to match ten surahs of the Qur'an but merely in style.
In explaining another verse on the challenge made to the Arabs to match the Qur'án — “And if you are in doubt as to that which We have revealed to Our servant, then produce a chapter like it and call upon your helpers besides God if you are truthful” (2:23) — al-Alusi maintains that the *i'jaz* of the Qur'án is proof of the veracity of the Message of the Prophet Muhammad.

To be continued

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**Far Have I Wandered**

*(Jamalu'd-Din Speaks)*

Far have I wandered, through many lands,
Seeking to loosen the prisoners' bands,
Seeking man's justice with unjust men,
And failing, yet seeking ever again,
Seeking unity where there is strife,
Seeking peace as the crown of life,
Seeking truth in the midst of lies,
Seeking beauty aloft in the skies,
In the sunrise light and the drifting cloud
And the noonday calm and the nightly shroud.

Much have I loved on this planet of Earth,
The adventure that starts at the gates of birth,
The toss of waves in a ship at sea,
And the hope of a Kingdom yet to be,
The joy of learning, where learning is light,
The joy of seeking a greater height,
Of climbing up to the portals of day
When we have done with this mortal clay.
But of all the beauty, from star to clod
The greatest, far, is to know Thee, God.

Norman Lewis.
Islam and the Cult of Non-Violence

By Professor A. Baset

The idea of practising total abstinence from killing life sounds very pleasing to the ear of many, as the conception of killing life might be prickling their conscience. To them, for example, the world of fauna, a cow or a goat is animated by the same spirit as we, and as such any attempt to take the life of any of these for the gratification of our desire is tantamount to killing a life and is, therefore, abominable on charitable grounds.

As a matter of fact, total abstinence from killing life is impracticable and unrealistic. Religious scriptures bear testimony to the fact that man is created out of dust. But this is not to be understood in its crude sense. In our day-to-day life we know that a human child sees the light of this world through his parents. In other words, it merely amounts to saying that his parents get nourishment and vitality from plants which suck the juice of soil, and through them it is that he comes into being. But the flora breathes the same spirit as the fauna, and no human being ever lived without “killing” plants. So the idea of total abstinence from killing life is just not possible.

The famous psychologist Freud maintains that man has the instinct or inborn tendency to destroy. Man has the natural tendency or impulse not only for creation and preservation but also for destruction. Human life is a conglomeration of these heterogeneous propensities. According to Freud, if man does not injure or kill others to some extent, the impulse for destroying others will be diverted towards himself and it will pave the way for his self-destruction.

This unnatural suppression of natural instinct to the extreme sometimes leads its votaries to feel an indomitable and formidable urge to pay the debt of nature by committing themselves to flames. In contradistinction of this rigid and extreme view, Islam advocates the policy of violence in a regulated form in the same way as it inculcates on man not to suppress or annihilate his natural propensities like anger, carnal desire, greed, the desire to kill, etc., as in that case it would inevitably bring about his destruction, but to curb these passions and to bring them under control so as to employ them according to the standard set by Islam. So total abstinence from injuring or killing other animals is suicidal to human interests and is, therefore, unreasonable and untenable.

Even the institution of Jihad (holy war) has been laid down not so much to practise violence against aggressive unbelievers out to destroy Islam, but with a view to upholding the banner of truth in its eternal fight against falsehood. This is in evidence in the Qur’anic teaching that Jihad or fighting with one’s evil propensities is greater in moral value than fighting for extirpation of evil from society.

As soon as the worshippers of false ideals abandon their nefarious ways of living and sincerely hold aloft the banner of truth, Islam takes them within its fold inasmuch as Jihad in Islam is waged to ensure a conscientious way of living befitting the crown of creation. Violence against man apart, Islam enjoins on man not to kill unlawfully even birds, nor to destroy plants or cause harm to them unless they serve some useful purpose for them. The beauty of a Muslim’s faith consists in abandoning what he does not stand in need of. The killing of animals may wound the feelings of some as it apparently means the destruction of a living organism. But scientifically speaking, man neither creates nor destroys any matter. These attributes belong to God alone. When we kill an animal or consume it, “energy” embodied in this matter transforms into another energy. This process of transformation will go on for ever. So Islam has made the killing of some lower animals, fish, etc., lawful, and adherents of Islam find no reason to worry about it.

Man is the crown of creation, and unlike lower animals he has got an abiding soul which will be accountable to God for his deeds. Not to speak of lower animals which we kill for the satisfaction of our needs, even the sun and the moon and all other natural phenomena around us have, so we are told by the Qur’ān, been made subservient to us (33:4).

God wants that man, the best of creation (The Qur’ān, 95:4), endowed with conscience, freedom of power and will and divine scripture, will derive benefit from everything around him that may be conducive to the well-being of his body and soul and show gratitude to God, the Creator and Sustainer of all things, to enjoy happiness in this world and peace and bliss in the everlasting life to come.

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The Design of Islamabad—New Capital City of Pakistan

by DEREK LOVEJOY

The need of a new capital city for Pakistan

Pakistan was created by the partition of India in 1947 and emerged as a nation with two wings. East Pakistan is separated from West Pakistan by 1,100 miles of Indian territory.

For a number of years the new country suffered from many internal conflicts and instability, but with the accession of President Muhammad Ayub Khan in 1948, stability and confidence were restored and there developed a sense of national purpose instilled with real progress.

New Delhi, of course became the capital of India, leaving Pakistan without a national seat of government, and one of the first actions President Ayub Khan endorsed was a movement for the creation of a new capital city, not only as an instrument of effective government but as a means of unifying the two sections of his country.

Dacca became the capital of East Pakistan and also a secondary capital city for the whole of Pakistan. Karachi, which is located on the southern coast of West Pakistan, was used as the interim capital for many years, but its development into a new capital city for Pakistan was impracticable for a number of reasons. For example, the climate is extremely hot and very humid, sources of water are scarce, and it is surrounded by a vast desert which makes the supply of produce scarce and expensive for an expanding capital city.

A committee set up under the chairmanship of President Ayub Khan investigated a number of sites and finally selected an area of land situated between the existing city of Rawalpindi and the Margalla hills, which may be described as the foothills of the Himalayan range. The site possessed a number of important advantages. It is nearly 2,000 ft. above sea level, which gives it a more equable climate than Karachi; and, being situated at the foothills of the Himalayas, water is readily available, although many impounding dams will be necessary to provide an adequate supply to the city. The land, although badly eroded in places, yields reasonable crops and dairy produce. The site is also close to the historic trade routes from Central Asia; from the West-North through the desolate Khyber to the plains bound for the rich lands of Kashmir and the Orient. It presents one of the principal approaches to the vale of Kashmir before that was closed through the number of unresolved disputes between India and Pakistan about Kashmir’s political affiliation. On the same general alignment, the British constructed the grand trunk road linking Peshawar and Rawalpindi with Lahore, Delhi and Calcutta. The site of the city, although appearing generally flat, has suffered from serious erosion, and ravines, some of which are 50 ft. deep, cut through the area, largely as a result of the monsoons.

The sites of the two capitals present striking contrasts: Dacca situated in the flat, featureless delta of the Ganges and the Brahmaputra; and Islamabad a thousand miles inland from the coast where the plains meet the foothills of the Himalayas. East Pakistan, so richly endowed with vegetation and water, provides inexhaustible supplies of fish and cheap transport, whereas the West has vast acres of thinly populated desert where the life and activities of man depend upon an extensive irrigation network.

Very few capital cities have been conceived and constructed in this century. Le Corbusier made diagrammatic proposals for a provincial capital in India named Chandigarh. Brazilia, the new capital city for Brazil, has emerged from many setbacks, and even now only very limited progress is being maintained. New Delhi and Canberra have made limited contributions to city and civic design, but certainly not on the scale which is envisaged in the building of Pakistan’s new capital.

Very few great cities have engaged the services of landscape architects. Roberto Burle-Marx has been associated with Brazilia for a number of years, but for four years his services were suspended and only recently has he recommenced work on the landscape treatment of some of the Ministries and the Zoological-Botanical gardens.

Landscape architects were engaged four and a half years ago to advise the Capital Development Authority, and its international team of planning and architectural consultants, on the landscape treatment of the city of Islamabad. It is a notable recognition of the part landscape architecture can play in the creation of an attractive environment.

Problems that face Pakistan in the development of their country and the capital at Islamabad

Before proceeding with the details of the design of the capital city, it would be appropriate to refer to some of the
enormous problems that face Pakistanis in the development of their country and capital.

Following partition Pakistan had to fight its way to increasing prosperity. The millions of refugees who came from India after partition created almost insuperable socio-economic problems. The merchant fleet was virtually non-existent and communications, particularly the railways, were desperately short of efficient equipment and rolling stock. Raw materials were lacking and industry largely inefficient and uneconomic. One of the major factors contributing to the state of the country’s economy was the upheaval created by partition itself. The shortage of foreign exchange added to the many problems. Scarcity of heavy constructional and earth-moving machinery caused serious difficulties, and in the building of Islamabad some tens of thousands of donkeys have been used, particularly for the transportation of materials and the movement of vast quantities of soil for the cutting and filling for roads and building works. However, the generosity of foreign aid has assisted in alleviating many of these difficulties.

Salination, poverty, erosion, are the problems that face West Pakistan

Special reference must be made to four matters which are having a serious effect on the appearance of the Pakistan landscape: salination of the land, lack of afforestation, erosion, and poor fertility of the soil. During the British rule of the Indian sub-continent, very great progress was made in the irrigation of the arid areas of the western part of India, now West Pakistan. A vast network of canals was built and the gradual seepage of water from these canals over many decades raised the water table to within only a few feet from ground level. Low rainfall and excessive heat increased evaporation and in consequence drew salts to the surface, rendering the land sterile. In simple terms, what irrigation has brought into cultivation, salination has now destroyed. A vast programme is now under way to sink tube wells into the ground in order to continuously pump the water back into the canals, thus lowering the water table.

The poverty that existed and still exists in many areas caused a serious drain on the resources of West Pakistan. Nomadic tribes wandered the country with their cattle, particularly goats, stripping the vegetation. Trees were used to provide fuel for their fires, and the barks of the trees were often stripped, with disastrous results. Some measure of control has now been exercised over movement of cattle, and slowly the vegetation is again beginning to flourish.

A journey by air or road from Rawalpindi to Lahore reveals a sick landscape ravaged by decades of terrifying erosion. The slow and ever-increasing width and depths of the ravines has lost Pakistan hundreds of thousands of square miles of once fertile land. The soil of the treeless landscape is wind-blown in the dry season and eroded with water in the torrential downpours of the monsoons.

The shortage of mechanical equipment has hindered the rehabilitation of this land, but it is an urgent operation which
SOME VIEWS OF ISLAMABAD

The Secretariat. Buildings by Gio Ponti, Antonio Fornaroli and Alberto Rosselli

Landscape treatment of the first part of Pakistan House, Islamabad

Garden courtyard in the National Health Laboratories

The Telephone Exchange.
AMABAD, PAKISTAN

A general view of the development of Islamabad looking north to the Murree Hills and showing extensive areas of erosion in the foreground.

Building by Naqui and Siddiqui

Water garden in the Government Hostel
provide the framework for all subsequent effort. There have been some departures from the original layout, but the pattern of the city today is substantially in accordance with the initial planning approach and recommendations.

Sir Robert Matthew, Johnson-Marshall & Partners were appointed consultant architects for the administrative sector, which contains the principal government buildings. International architects of high repute were commissioned to design the important groups of buildings. Professor Gio Ponti of Italy was appointed to design the secretariat buildings, Professor Arne Jacobsen of Denmark the parliament building, and Professor Louis Kahn of the United States of America the presidential palace complex.

Unfortunately, things have not gone smoothly. Professor Jacobsen’s parliament building was criticized on financial and aesthetic grounds and subsequently Professor Kahn took over the responsibility for this building. Professor Kahn produced three schemes over a period of 21 years for the presidential complex of buildings, comprising mainly the President’s palace and the parliament building. As in the case of Professor Jacobsen, his designs were strongly criticized in that they did not reflect Pakistani character; and a few months ago he was superseded by Mr. Edward D. Stone of the United States of America (although at the time of this lecture, contractual arrangements with Mr. Stone are still being finalized). Sir Robert Matthew has indeed a difficult task in welding the prima donnas into a team.

In the Administrative Sector the only buildings which have made a great deal of progress are those of the Secretariat designed by Professor Ponti.

Derek Lovejoy and Associates were retained as landscape consultants and are responsible for the landscaping treatment of all major roads, housing areas, commercial centres, diplomatic enclave, national and town parks and the planning of some 20 miles of the Margalla and Murree hills which form the great cyclorama to the city. The studies prepared by Doxiadis for the plan of the city were based on

The Capital Development Authority

The Capital Development Authority was appointed in 1959 to supervise and administer the building of the capital. The Chairman and Board of the Authority are Pakistanis. The first Chairman, Mr. W. A. Sheikh, displayed tremendous drive and enthusiasm in laying the foundations of the new city, and it is to his great credit that considerable progress has been made. In 1965 the chairmanship was taken over by Mr. N. A. Faruqi, a most popular man who commands the respect of all those who work under him.

The Capital Development Authority appointed Doxiadis Associates of Greece to prepare a master plan for the city and to provide the framework for all subsequent effort. There have been some departures from the original layout, but the pattern of the city today is substantially in accordance with the initial planning approach and recommendations.

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a most impressive and fully documented set of reports dealing not only with the basic concepts of the city but with a score of other considerations involving traffic movements, socio-economic investigations to determine the structure and composition of communities, and studies of site and climate, of sources of local materials and methods of construction, of traditional town and village patterns, and of selected examples of historically significant building groups.

The conception of the landscape plan

The master plan was based upon fundamental and environmental determinates of site, climate, geological, ecological and biological considerations which restore landscape architecture to its role in the total planning process as one of the prime generators of ideas and solutions, and not just the cosmetic exercise involved in clearing up after building operations. The landscape plan is based upon wide and comprehensive principles, and takes into full consideration the historical and religious principles which underlie the foundations of Pakistan. The landscape architect must understand the attitude to nature as it may be revealed in the Qur'ān and other interpretative religious writings and by the spiritual leaders of Pakistan. To fully understand the ideas which motivate design, knowledge may be gained from the study of the great gardens of the Indian subcontinent to see how the great Moghul emperors controlled the hot climate by the use of water, fountains and trees. The difficulties which some of the architects have experienced are perhaps due to the fact that they have not sufficiently appreciated the significance and importance of the historical and religious background.

It is desirable that the designers of the new landscapes should reflect and learn from the past while still keeping pace with modern technical achievements and theories of design. The Pakistanis are extremely conscious of their historic and religious background and the imposition of foreign styles is quite unacceptable to them.

Rawalpindi

Rawalpindi is situated ten miles south of the Islamabad site and will serve as a regional city. It will be expanded to the north to three times its present size. The National Park is situated to the south-east of Islamabad and Rawalpindi. Thus three main elements emerge — Islamabad, Rawalpindi and the National Park. The administrative sector which contains the important government buildings is situated at one end of the apex of the triangle forming Islamabad. The city will expand in a western direction parallel to the hills in an ever-widening segment. The local government and commercial sectors of the city extend as a linear core flanked by the housing areas. The traditional concentric growth model has been abandoned for a directional one known as *dynopolis*, which is capable of unlimited expansion.

The master plan

Turning now to the form of the master plan, I should say that it contains many elements of current planning theory. The major highways determine the city's macroform. The plan is elaborated into a complex hierarchical organization according to the function of each part relative to the whole. Roads are classified by the nature of their traffic. The Islamabad and Murree highways are both a quarter of a mile wide and will eventually comprise six or more lanes running in each direction. The principal roads are 600 ft. wide and divide the city into sectors of one square mile. The plan is based on the fact that Islamabad eventually will become a motorized city with the roads designed for speeds of 100 miles per hour. These speeds partly dictated the need for making these highways straight and level, and this has resulted in the cutting of great swaths across the landscape. On a large number of major highways the road may very well be in 60 ft. of cut in one point and in 60 ft. of fill only a quarter of a mile away. It has already been pointed out that the city is traversed by *nailas* (eroded water courses). From a landscape viewpoint this has resulted in almost insuperable problems of cut and fill, since it is the custom to dig borrow pits of soil in the immediate vicinity of the work. It must be remembered that donkey labour has up to the present largely been used owing to the lack of heavy earth-moving machinery. This very problem may cast doubt upon the advisability of the inflexible grid pattern. Perhaps a continuously curving alignment scaled to a consistent design speed represents the ideal. On the service roads the vertical alignment conforms closely to the ground form and gives a roller-coaster effect.

The planning of the housing areas emphasizes the hierarchical organization. Each sector has five categories of communities, ranging from the individual house to very low cost housing, and each particular community has a proportionate range of services and facilities appropriate to its class. The place of residence is determined by salary, and as employees move up in their economic scale so they move into a higher class of community. This may sound totalitarian but it is consistent with the social and religious background of the country. It is deeply engrained and will take many generations to change — although at present there appears
to be little desire to make any changes. The architecture and site planning of some of the earliest housing areas constructed some five to six years ago have revealed many shortcomings, but some of the latest housing areas, including some designed by British Colombo Plan architects, have set high standards. These housing areas have proved beyond doubt the great value of good landscape treatment in creating a fine environment, particularly where financial expenditure must be kept to the absolute minimum. Trees and shrubs grow very quickly in Pakistan if watered regularly, and the vegetation becomes lush in a very short time, thus humanizing the rectilinear layouts. The nala which cut across the site give continuity to the landscape and provide a magnificent contrast to the rigid layouts.

The National Park

The National Park which lies to the south of Islamabad covers an area of approximately 60,000 acres and accommodates the University, National Health Laboratories and Hospital, Atomic Energy Research Centre, Botanical and Ecological Gardens, Exhibition Areas, Nature Reserves, etc. The landscape master plan is now being prepared for vehicular, equestrian and pedestrian circulation, and for parking areas, view-points and picnic areas which are being carefully designed and studied not only to provide convenient access but at the same time to merge unobtrusively into the landscape. Soil erosion is once again an extremely serious problem, and the neglect and abuse of centuries will take many years to rectify. The steady pursuit of long-range policies is not appealing to the authorities, who desire immediate and tangible benefits. The Bamigala Hills overlook the National Park, and the planting of these hills is being most carefully designed to act as a foil and emphasize desirable features in the land configuration.

The diplomatic enclave

The diplomatic enclave has given rise to special problems, particularly with regard to the need for security arrangements. There is a very grave danger that uncontrolled enclosures to the Embassies and High Commissions may present a prison-like appearance from the surrounding roads. The landscape architects have prepared many suggestions to guide the architects of the buildings in enclosing their sites in a variety of imaginative ways, such as setting the enclosing walls back in order to allow additional planting along the roads. Guidance is also being given to encourage the architects to design the enclosing walls in a variety of shapes, colours, patterns and materials. A great deal of control, however, must be exercised to ensure that the final appearance is a unified and not a haphazard design.

The landscape of the city centre is being prepared under the overall responsibility of Sir Robert Matthew and Derek Lovejoy and Associates, and their proposals are both comprehensive and detailed. The design must attempt to unify the many groups of buildings in the city centre which are being designed by different architects. Particular attention is being paid to street furniture, including lighting schemes, traffic and general directional signs. In order to ameliorate the effects of the hot climate it is proposed to construct two lakes over an area of 20 acres with many subsidiary irrigation systems for the principal public open spaces. Air currents are encouraged by providing breeze-waves through the urban pattern. The problem of car parking has been tackled as a basic design consideration and it is intended to place some of the car parks underground. The Presidential Palace is situated on the highest point of the city centre overlooking the hills, the plains and the lakes.
The policy behind planting of the city

The policy behind the planting of the city is not merely aesthetic but highly functional in order to temper the climate. The trees are located, and species selected, to provide barriers against the cold winds of the north; to counteract erosion; to rehabilitate the soil and act as a filtering and cooling agent for the hot winds of the south. The indigenous trees and shrubs in the region are magnificent, and had the planting design been limited to these particular species it would have provided an interesting range of plant material. The authorities and general public, however, object to the use of such native flora as they feel they are too “common”, and would prefer the planting of imported species. The landscape architects are trying very hard to break down this prejudice and to educate the Pakistan into the beauties of their own natural vegetation. Of course the advantage of using indigenous plant materials is that they will withstand the severe climatic and ecological conditions.

The Hills were originally forested with stands of pinewoods above 3,000 ft. and the scrub forests below 3,000 ft. were dominated by *acacia modesta* and *olea cuspidata*. The hillocks contain scattered trees and thorny bushes, mainly *zizyphus jujuba*, and the plains are largely cleared for farming and grassland or cultivated with patches of scrub forest containing *loquat*, *guava*, *mango* and *citrus* orchards. The roadside planting is predominantly *dalbergia sissoo* with occasional *ficus benghalensis*. The Capital Development Authority at the very outset of the project established an experimental station in the Margalla Hills to determine the hardness of imported species of plant material. They also established a fine nursery to provide the city with all its plant requirements.

The Landscape Consultants were asked at the commencement of their consultancy to plant the Margalla and Murree Hills extensively with a wide variety of flowering trees. Great caution and restraint was exercised by the consultants, as it was felt that this policy would result in a patchwork effect which might destroy the rugged and uninterrupted flow of the mountains. Encouragement, however, has been given to the planting of conifers and other forest trees in order to try and maintain the indigenous character of planting on these great natural features.

There are many other problems in the landscape treatment of the city which have needed consideration. The haphazard siting of telegraph poles and transmission lines, and the pillaging of manhole covers, are only a few examples. In a large number of cases drawings must be prepared in three dimensions because of the inability of the builders to interpret them.

In conclusion one must praise the Pakistan nation, particularly its present leaders, in creating a new capital city with such determination in the face of so many difficulties. With regard to the landscape, the Capital Development Authority had sufficient forethought to realize the need for the landscape architect. It is already evident that these services have raised environmental standards. The Authorities are now convinced that a fine environment will affect the well-being, physical health and social behaviour of the population, and it is hoped that this far-sighted policy will continue to prevail. From the designer’s viewpoint it is extremely gratifying to feel that the contribution which has been made there in Islamabad will affect the lives of future generations for many hundreds of years to come.

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DECEMBER 1966
The Tenacity of Islam in Soviet Central Asia

According to 1959 Estimates 25 Million i.e. 12% of the Population of the Soviet Union is Muslim

By GEORG von STACKELBERG

The Soviet Leaders fail in their Efforts to discredit Islam, because Islam is more than a Religion

Various conferences on Islam in Western Europe

During the last two decades many conferences and symposiums on Islam have been held in Western Europe and the United States, such as those in Paris (1948), Istanbul (1959), Liège and Spa (1953), Cambridge (1954), Bordeaux (1956) and Munich (1957), to mention only a few. Two of the most interesting meetings were held in New York in 1960 and in Washington in 1962, both organized by the Institute for the Study of the USSR in Munich, in conjunction with the Institute for the Study of the Middle East. The first conference was on “Islam and Communism”, and the second dealt specifically with the Muslim peoples of the Soviet Union. In addition to these discussions on a subject that is attracting more and more attention in the West there have recently appeared a number of valuable studies to which reference may profitably be made (see appended Bibliography).

12 per cent of the population of the Soviet Union is Muslim

The Muslim peoples of Central Asia came under Russian rule as a result of the expansionist policy of the Tsarist Empire. This policy was continued by the Soviet leaders, who turned the Russian protectorates of Bukhara (an Emirate) and Khiva (a Khanate) into people's republics in 1919-1920, liquidating them again in 1924 as part of the new policy of “national demarcation of Central Asia”. The Soviet Union thus held sway over vast territories containing a population that had adopted the Muslim religion and culture long before it fell under the domination of the Tsars. The Azerbaidzhanis embraced Islam in the seventh century, the Turkestanis in the eighth, the Bulgars in the tenth, the Golden Horde in the thirteenth century and the Adzhars of Southern Georgia in the sixteenth century. Part of the population of Abkhazia became Muslim in the seventeenth and eighteenth centuries. The Ossetians, and the Chechens and Kabardinians of the Northern Caucasus, had already been converted by the eighteenth and seventeenth centuries respectively.

The deep roots of the Muslim religion in the territories inhabited by the Soviet régime from the Tsarist Empire explain the vitality and resilience of Islam today in these areas, and its ability to adapt itself to the new social and economic conditions. According to approximate estimates based on the 1959 Soviet census, the USSR has a Muslim population of about 25 million, which is about 12 per cent of the total population. It is the fourth largest Muslim group in the world (the total Muslim population of the globe amounts to 400 million). This large body of followers of Islam in the Soviet Union naturally has an effect on Soviet policy towards the Muslim states of Asia and Africa, whom Moscow takes pains not to offend.

The Uzbeks occupy fourth place numerically among the non-Russian nationalities of the Soviet Union and are the most numerous of the Muslim peoples. There are altogether 6,015,000 Uzbeks, of whom 5,038,000 live in Uzbekistan. Next come the Tatars (4,970,000), Kazakhs (3,622,000), Azerbaidzhanis (2,940,000), Tadzhiks (1,397,000), Turkmen (1,000,000), Bashkirs (989,000) and the Kirghiz (969,000). According to the 1959 census, the total number of Muslim peoples living in the North Caucasus amounted to about 2 million, including the peoples of Daghestan (Nogai, Kumyks, Avars, Lezghins, Laks, etc., totalling 945,000), the Chechens (418,000), Ingush (106,000), Kabardinians (204,000), Cherkess (30,000), Adigheis (80,000), Karachi (81,000), Balkars (42,000) and Ossetians, whose number 413,000, one-third being Muslims. Neither the 1939 nor the 1959 census gives figures for the Crimean Tatars, who were all deported in 1946 and have as yet not returned to their homeland. According to the 1926 census, there were 180,000 of them in the Soviet Union. There are other smaller Muslim minorities also. These include the Uighurs (95,000), Kurds (59,000, including the Ezid Kurds), the Dunganis (22,000), Iranians (20,000), Abazins (19,600), Arabs (8,000), Beludzhi (7,800), Albanians (5,000), Afghans (1,900), Georgian Adzhars and Abkhazians (74,000).

Soviet statistics give no clue to the number of Muslims who actually remain believers and those who have abandoned their religion. TASS has reported the Soviet Mufti, Ziya al-


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din Babakhanov, who headed the Soviet Muslim delegation at the 1965 Afro-Asian conference in Bandung, as stating in his address that he represented twenty million Muslims in the Soviet Union, which means that the head of the "Spiritual Directorate of the Muslims of Central Asia and Kazakhstan" has overlooked five million of the faithful if the census figures above are correct.

The Muslims' Djadid movement in Central Asia

Towards the end of the pre-Revolutionary period an attempt to shake off medieval scholasticism and to adapt religious educational principles to the technical achievements of European civilization became observable among the Muslim intelligentsia in various parts of the Russian Empire, particularly in the Volga Region, the Crimea, Turkestan and Azerbaijan. These Muslim reformers, who were known as jadidists, urged that children be taught to read and write according to modern teaching methods and that, in addition to religious subjects, science should be placed on the curriculum. As a result of this agitation, modern schools were set up at the end of the nineteenth and in the early twentieth centuries in Kazan, Bakhchisarai, Samarkand, Tashkent, and certain other towns in Turkestan.

The return of the Uthman Quran Ms. to Samarkand on 9th December 1917

The reformist ideas expounded by the Muslim djadid movement were closely bound up with the idea of cultural unification of all the Turkic peoples, and in the early 1900's a demand for wider political rights for all Russian Muslims was advanced, followed in 1917 by a further demand for the right to self-determination or complete independence to be granted to territories containing the bulk of the Muslim population of the defunct Russian Empire. After the Revolution Russian Muslims became a political force, as was evidenced by the decisions and resolutions of the First All-Muslim Congress held in Moscow in 1917, the Second Congress of Muslim Clergy in Ufa in July of the same year, and at other conventions elsewhere. Under this pressure the Soviet Communist leaders were forced during the first few years after the Revolution to treat Islam not only as a religion but also as a potent political movement representing millions of Muslims. This explains the conciliatory policy adopted by Moscow and reflected in the famous declaration of 20 November 1917, made by the Soviet government to all Muslim workers, in which the latter were promised religious freedom and inviolability of their customs and national cultural traditions. Another concession was the decree passed by the Council of People's Commissars on 9 December 1917, ordering the State Library in Petrograd to hand over the Holy Qur'an of the Caliph Uthman to the Muslim Regional Congress, then in session. This Qur'an had been looted from Samarkand by the Russians after their conquest of the Emirate. On 14 July 1918 there followed an appeal from Moscow to all Muslim workers to join the Muslim "socialist army"; in 1919 permission was granted to set up a "Council of Muslim Clergy" for Turkestan; in 1922 confiscated property belonging to the Muslim clergy was restored, shari'ah court of law once again permitted, and Friday recognized as the Muslim day of rest.
The changes in the Soviet Government's attitude towards Islam

Stalin's speech at the Congress of the Peoples of Daghestan on 13 November 1920, in Temir-Khan-Shur, in which he declared that “Daghestan must be governed in accordance with its national peculiarities and customs”, and that “the Soviet government considers the shari'ah to be as rightful and customary a law as any in force among other peoples of the USSR,” was calculated to win the sympathies of the Muslims and set the keynote for the policy pursued by the Soviet government during this period. But the change of attitude was not long in coming: in his speech on 21 April 1921, at the Constituent Assembly of the Gorskaya ASR in the North Caucasus, the Soviet leader, Kirov, cast doubt on the legitimacy of the shari'ah by saying: “If old laws and precepts are revived in your courts, then such courts should be closed and sealed despite all our respect for the shari'ah.”

Once its control over the Muslim territories was secured, the Soviet government ceased to bother to conciliate the inhabitants and launched a campaign designed openly to undermine Islam. Church property was confiscated, many mosques, theological schools (mukattah) and Muslim colleges (madrasah) closed, mullahs arrested and deported (especially during the Yezhov purges of 1936-38) and shari'ah courts abolished. Finally, Friday was declared to be no longer a Muslim holiday. These measures weakened the influence of the mullahs and prevented the young generation from being brought up in the spirit of Islam by placing a ban on the observances imposed on Muslims by their canon law.

During the Second World War the Soviet government reversed its policy of persecuting religion in order to bolster the national morale, and Islam benefited from this new attitude. The Muslim faith became “legal” once again, and in 1941 four state-approved administrative bodies, known as “Spiritual Directorates”, were set up. These directorates were responsible for, respectively, the Muslims of Central Asia and Kazakhstan (headquarters in Tashkent), those living in the European part of the USSR (headquarters in Ufa), those in the North Caucasus and Daghestan (headquarters in Buianusk) and those in the Transcaucasus (headquarters in Baku). The Council for Religious Cult Affairs, established in 1944, acted as intermediary between these organizations and the Soviet government.

This innovation was accompanied by further relaxation of the official policy towards Islam after the end of the war, partly as a consequence of Soviet efforts to establish friendly relations with the Muslim countries of Afro-Asia. This policy of granting recognition to the Muslim religion led to the formation of an “approved” clergy, i.e., mullahs appointed by the Spiritual Directorates, and to the disappearance of “illegal” mullahs who were chosen by their communities without reference to the Directorates, which were regarded as being subordinate to the régime. Absence of persecution of Islam does not, however, mean that the latter enjoys full liberty in the Soviet Union. Restrictions on ecclesiastical organization exist and dissemination of anti-religious propaganda remains the order of the day. Nevertheless, the Soviet government does its best to convince Muslim opinion abroad that adherents of Islam within its borders enjoy complete freedom of belief. To this end, demonstrative measures are taken for foreign consumption. Groups of Soviet Muslims are permitted to make the pilgrimage to Mecca, and when prominent personages from Muslim countries pay state visits they are invited to attend religious services celebrated with much pomp. Members of the Soviet Muslim “Spiritual Direc-

torates” give interviews to visiting delegations from Islamic countries in which they paint a rosy picture of religious life in the Soviet Union, and more often than not “legal mullahs” are used to propagate Soviet foreign policy aims: for example, the spiritual head of the Muslims in European Russia and Siberia, Mufti Khiyalitdinov, delivered a speech on the need for disarmament and peace at the All-Union Conference of Muslim Clergy held in Tashkent in 1962. As the Soviet press reported at the time:

“Participants in the conference stressed the provocative nature of slander concerning the life of Muslims in the USSR, circulated by imperialist propaganda in order to bring about a split within the international Muslim movement for universal peace and friendship among nations.”

The conference also sent a letter of thanks to Khrushchev “for the courage and restraint that he displayed over the Cuban crisis”. However, success does not always attend efforts to persuade the Muslim countries outside the Soviet Union of the latter's indulgence towards Islam. The resolutions adopted by the second session of the Islamic Congress in Mecca (17 to 24 April 1966) expressed concern over the “deplorable” position of Muslims residing in the Soviet Union and China, and condemned the “imperialist” drive to destroy the national identity of millions of Soviet and Chinese Muslims by discriminating against their religion, mother tongue and heritage.

Anti-Islam propaganda has not succeeded in sapping the influence of Islam

In the Soviet Union the principal weapon in use at the present time to sap the influence of Islam is atheist propaganda, comprising lectures, pamphlets and books, establishment of anti-religious museums, the distribution of anti-religious posters ridiculing Muslim rituals, and public criticism of those who observe them, etc. This propaganda campaign is not new: around 1925, Soviet newspapers and periodicals began criticizing Islam in the languages of the various Muslim peoples. Among such publications were the monthly Tatar and Uzbek periodical Alakhsyzlar (The Godless), the Tatar newspaper Dinecelar (The Atheists), published in Kazan; the monthly and anti-religious journal Fen kem din (Science and Religion) published in Baku. The state publishing house Aletis published in 1931 a compendium of anti-Islamic works, as well as numerous pamphlets, books and articles refuting Islam as a religion. Upon the outbreak of war in 1941, publication of atheist propaganda was discontinued, only to be revived in 1947 when the Association of the Militant Godless was dissolved and the Society for Dissemination of Political and Scientific Knowledge established, which in turn was renamed the All-Union Znanije (Knowledge) Society. The Society's function is to publish anti-religious literature, including anti-Islamic, establish “atheist corners” in clubs, and organise permanent and mobile anti-religious exhibitions. The “Atheist Universities” at Ufa and Ashkhabad were also founded by the Society at the end of the 1950's.

Anti-Islam books

The most noteworthy anti-Islamic books are those by L. I. Klimovich, published by the USSR Academy of

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2 S. M. Kirov, Izbrannye stati i rechi 1912-1934 (Selected Articles and Speeches, 1912-1934), Moscow, 1937, pp. 77-83.
3 Pravda vostoka, 1 November 1962.
Sciences, and containing a mixture of objective fact and cheap anti-religious propaganda. In a drive to develop more effective ways of combating Islam, special republican and district meetings have been held in the Soviet Union, such as the "All-Russian Conference on Problems Relating to the Remnants of Islam", convened in late 1960 at Makhachkala, the capital of Daghestan, and the Ideological Conference held in 1964 in Dushanbe, capital of Tadzhikistan, attended by delegates from a number of other republics and devoted to measures for co-ordinating the anti-religious propaganda campaign against Islam.

Analysis of Soviet newspapers and periodicals show, however, that despite the growing intensity of this campaign, Islam continues to command a strong following, even among the young generation, including Party and Komsomol members. It even seems that the number of practising believers has increased rather than decreased over the last few years. It is reported from Kazakhstan that a religious service at a mosque in the Chimbent district was attended by 4,000 faithful, of whom every tenth participant was a Komsomol member. And a Kirghiz newspaper complains that "religious survivals continue to persist among certain sections of our young people." A District Party committee secretary in Turkmenia made a statement to the press in which he declared that "certain elements among the population still fall prey to religious prejudice and superstitions" and that "even young people — young lads and girls brought up in our times and at Soviet schools — may be seen among the visitors to the 'holy places' of Ovezdzhon-Khodzhia, Aotan-Baba, and many others." D. R. Rasulov, First Party Secretary of Tadzhikistan, said at a plenary session of the Central Committee of the republic that the Muslim clergy's influence on the young generation had started to produce harmful effects, and that the mullahs in the republic had succeeded in establishing schools for teaching the religious dogmas of Islam to children in Leninabad, Kurgan-Tyube and Kolkhozobad. Another Party meeting in Tadzhikistan heard delegates say that even teachers were observing religious rites, while from Moscow itself it is reported that on Muslim holy days young Tatars working in the capital regularly attend the mosque.

Dozens of similar examples showing that Islam has a hold over young Muslims may be found in both Soviet newspapers and periodicals. Apparently numerous Party members in the Muslim areas of the country also observe the rites of their faith. The First Party Secretary of Azerbaidzhan, Akhundov, told a plenary General Committee meeting that "in some towns and regions even Communists, Komsomol members and teachers have been seen attending the mageram service." And the press has complained that a member of the Baku raion Party committee observes religious rites. The same story comes from Uzbekistan, where the First Party Secretary, Rashidov, publicly condemned observance of religious rites on the part of Party members, saying: "At his house the secretary of the Party organization on the 'Leningrad' collective farm in the Baktivent region of Bukhara District staged in January of this year a religious ceremony called khatim-Qur'an attended by about a hundred persons. Other Party members were also present." It has also been reported that "many believers congregate at the places of Muslim pilgrimage, known as mazar, at the shrines of Kuk-Temir-ata and Sultan Sandzhar, and that the moving spirit behind these displays of piety is the manager of the 'N. S. Khrushchev' collective farm, Party member Navruz Khaiderov, who lives in the vicinity of the holy shrines and who has helped to erect a sturdy palisade round the mazar and to put it in order."  

A striking case of uninhibited observance of ancient Muslim customs in Soviet Central Asia comes from Kirghizia, where Kamal Tursunbaev, manager of the Gulchinskaya electric power station, organized an elaborate funeral feast when his father died, and invited a large concourse of local people, in whose honour he slaughtered a considerable number of farm animals, including eighty sheep. All the indications are that Islam is more than holding its own in the face of official hostility. The Central Asian press reports that "whereas three to five years ago no more than thirty-old elderly people were to be seen frequenting mosques, there are now thousands of worshippers." And there is a flourishing, but illegal, theological college in Tadzhikistan, so it is reported. According to Party Secretary Akhundov, "active work carried out by the clergy — illegal mullahs — has been observable in many regions of Azerbaidzhan, and mosques have been reopened without permission." "Judging by incomplete data, approximately 100 mosques and many holy shrines have been opened in the last two years in the mountain and alpine regions of Tadzhikistan alone." 

No less than 12,000 Muslims gather at the Mosque of Leningrad on Muslim festivals

Recurrent articles and press reports indicate that the number of Muslim worshippers attending mosques has been growing steadily over wide areas, and not only in the Muslim regions of the Soviet Union: "no less than 12,000 Muslim believers gather at the mosque of Leningrad on religious holidays," it is stated and "on big Muslim feast-days, the adjacent alleys, gateways and courtyards surrounding the mosque in Moscow are crammed with the faithful." And not only in the places of worship: "there are two places in Moscow where the followers of Muhammad meet — the Izmajlov People's Recreation Park, in addition to the mosque."  

Favourite shrines attracting considerable numbers of Muslim pilgrims include Mount Sulayman in Kirghizia. Here the visitors are not deterred by the fact that Komsomol guards have been posted all round the mountain to keep them away. When the urban Party committee decided to pull down the shrine on the hill, the Muslim labourers who were sent to do the job refused. Ramadan, the great Muslim fast, is also religiously observed in the Soviet Union, notwithstanding particularly intensive efforts to abolish it on the part of the authorities: babies are invariably circumcised, as is tradition requires, and marriages are celebrated according to

6 Lenin'skaya smena for 14 February 1965.
7 Komsoomolets Kirghizii for 25 April 1965.
8 Turkmen'skaya iskra for 18 February 1962.
9 Kommunist Tadzhikistana for 10 June 1963.
10 Ibid. for 7 January 1963.
11 Moskovsky komsomolets for 29 October 1964.
12 Bakinsky rozhovoi for 4 July 1963.
13 Ibid. for 9 September 1962.
14 Cover-to-cover perusal of the Qur'an on the death of a relative, immediately after the funeral and on the seventh and fortieth day after his death.
15 Pravda vostochna for 13 July 1963.
16 Ibid. for 26 September 1962.
18 Lenin'skaya smena for 14 February 1965.
19 Komsoomolets pravda for 6 October 1964.
20 Bakinsky rozhovoi for 5 June 1963.
21 Pravda for 27 May 1963.
22 Leningradskaya pravda for 19 June 1965.
23 Moskovsky komsomolets for 29 October 1964.
24 Veebernovaya Moskva for 29 August 1964.
25 Komsoomolets Kirghizii for 1 March 1964.
the age-old customs. Nor is the mullah absent when a funeral takes place. The Dagestan newspaper *Leninskoype znamya*, published in Makhachkala, complains about “survivals of the past” being difficult to eradicate among Muslim women, and refers especially to marriage ceremonies performed in accordance with the *shari‘ah*. The newspaper cites cases of young couples who, after having married in a registry office, as Soviet law requires, go to their mullah for the religious ceremony.

An interesting new development that shows the aggressive resilience of Islam is revealed in the disclosure by the press that the clergy serving the mosques are now producing their own religious literature in defiance of the ban on such publications. Apparently there is no shortage of money for this purpose: one Soviet paper writes that thanks to “the abundant means at the disposal of the mosques, distribution of photocopies of religious texts has been organized”, and “at a mosque in Moscow, the mullahs disseminate translations of the Qur‘an.”

As a result of changed economic and social conditions in the Soviet Muslim republics, the inhabitants are not able to observe many of the *shari‘ah* laws. Muslim peasants working on collective and state farms are not allowed to stop work in order to perform their daily religious rites, consisting of five prayer intervals, nor are office employees allowed to do this. It is noteworthy, however, that despite the abolition of the *zakah* or ecclesiastical tax imposed on the faithful, the Muslim clergy appears to be receiving ample contributions from the faithful in order to carry on its activities. Major impediments still, of course, stand in the way of Islamic culture and Qur‘anic tradition, since very few theological colleges survive, and the Cyrillic alphabet, which replaced the Arabic script in the 1930’s, has effectively cut off the young generation from Islamic literature. The pilgrimage to Mecca and Medina (the *hajj*) may only be made by small groups of Soviet Muslims, and whenever such groups return, TASS exploits the occasion for publicity purposes. The number of pilgrims is never stated, but it is estimated that they vary between twenty and forty persons.

The above shows that Soviet atheist propaganda has not had the desired effect on the Muslim population, which has tended to react with indifference: the ancient, deep-rooted obedience to the Qur‘an and its precepts is still very much in evidence, although not all practising Muslims are necessarily genuinely convinced; many observe the rites in order not to become outsiders in a Muslim milieu. The scant impact of atheist propaganda, even very often among young Muslims, is revealed by such press reports as one entitled “In our Region it is Difficult to be an Atheist”, in which a certain Baidulaev complains about “lectures being primarily attended by atheists. Those who believe in God do not turn up.” So apparently there is much preaching to the converted, and the press has sounded the alarm to the effect that Islam cannot be expected to disappear of its own, any more than other religions, and in order to accelerate its eradication, an urgent call is made for attack on a unified front, with every Komsomol member called upon to become a militant atheist. Yet, the reports delivered by the First Party Secretaries of Azerbaijan, Uzbekistan and Turkmenia at their respective Party congresses, from which quotations have been given above, are vivid proof of the negative results of anti-Islamic propaganda. Akhundov (Azerbaijan) declared: “It is necessary to deal regularly with problems relating to scientific atheist propaganda and to ensure its purposefulness and efficacy.” He went on to say that the Azerbaijani Party Central Committee had already worked out and implemented measures for combating religion in the Republic, such as publication of a number of books and pamphlets on scientific atheism, and organization of conferences, debates and discussion evenings. He admitted, nevertheless, that “in many localities scientific atheist propaganda is still being conducted half-heartedly”. Rashidov (Uzbekistan) disclosed that “religious survivals are still alive” and that a constant struggle had to be waged against them. Despite the fact that the Party has for many years combated Islam, the latter “still continues to exert an influence on the Muslims of Uzbekistan.”

In order to liquidate these “survivals”, a “public scientific and methodological council” has been created in Uzbekistan, the members of whom include noted specialists, teachers at higher educational establishments, Party members, and representatives of Soviet and other public organizations, whose duty it will be to co-ordinate anti-religious work throughout the Republic. The First Party Secretary of Turkmenia, B. Ovezov, also complained about “the flourishing illegal activities of mullahs in a number of localities”, and about Party committees in many regions that confine themselves to “merely taking cognizance of these cases, and fail to take active, systematic and well thought-out countermeasures”. These remarks suggest that the local Party organizations have virtually given up trying to inculcate atheist propaganda into the Muslim population.

**Two Questions**

1. Why the Soviet leaders persist in their efforts to discredit Islam

In the light of the above one may ask two questions: (1) What causes the Soviet leaders to persist in their efforts to discredit Islam as a religion? and (2) how does one account for the tenacious way in which Soviet Muslims are clinging to their faith, traditions and customs? In answer to (1) the Soviet press declares that survivals of religion hamper the building of a Communist society. In the Soviet foreword to the Russian translation of Henri Massé’s book *L’Islam*, it is stated:

“The follower of any religious teaching (including Muslims) not only wastes his time on religious rites but also assumes that the real life in this world is nothing but a preparation for life after death. Therefore, the believer is in no position to devote himself unrestrainedly to labour in the name of the further development of the advanced society in which he lives. Religious holidays divert his mind from creative labour, and both sacrifices and contributions to the benefit of the clergy inflict material harm on the workers.”

Among the time-and-money consuming practices mentioned in this foreword are the visits to holy places (mazar) and other forms of pilgrimage. The most pressing reason, however, behind the persistent anti-religious propaganda campaign is the effort to dissemble the sense of national identity of the Muslim peoples of the Soviet Union by means of

26 *Leninskaya smena* for 14 April 1965.
27 *Moskovsky komsomolets* for 29 October 1964.
28 Pravda vostoka for 26 November 1962.
29 *Komsomolskaya pravda* for 25 February 1964.
31 Pravda vostoka for 4 March 1966.
33 A. Massé, *Islam*, Moscow 1963; see preface by Ye. A. Belyaeva, p. 4.
gradual Russification and settlement of non-Muslims on Muslim territories, etc. The Muslim faith is rooted in age-old tradition and therefore represents an obstacle to this policy aimed at creating one single "Soviet" culture and way of life in which national differences disappear.

Muslims regard Islam not only as the revelation of God through the Prophet Muhammad, but also as an organic part of their national consciousness and culture. The following incident, recounted in the Kirghiz press, provides an example of this attitude: a candidate of historical sciences and lecturer in the Department of Philosophy at the University was giving an anti-religious lecture on a Kirghiz collective farm. He himself was a Kirghiz and a young farm labourer asked him whether he was a Muslim. The lecturer replied that he was not a Muslim but an atheist, a "godless man who does not believe in any religion or god". After having impatiently listened to him, the young labourer exclaimed: "How dare you call yourself an atheist! Being a Kirghiz makes you a Muslim!" In other words, membership of a certain nationality means automatically that a man must worship Islam. Another highly interesting case demonstrates this: the press reports the story of a confirmed atheist whose lectures used to keep the mullahs of the entire region in fear. Yet when he died the villagers buried him with the usual Muslim rites, and the self-same mullahs whom he had reviled attended the funeral.

The ideological conference at Dushande came to the conclusion that Islam is a menace because it fosters a sense of "national exclusiveness" among the population, and at a meeting of the Tadzhik Party Central Committee, First Secretary Rasulov stated that the Muslim clergy "play on national feelings and try to strike a blow at fraternal friendship among peoples". At a similar conference in Makhachkala, the head of the Propaganda and Agitation Department of the Daghestan District Party Committee stressed that "remnants of religious survivals are a hindrance to the cause of strengthening the friendship of the peoples".

2. Why the Soviet Muslims still adhere to their religion

In answer to the question why Soviet Muslims still adhere to their religion one may point to deeply ingrained custom and the powerful influence in Muslim society of the family as the conservator of tradition and the Islamic moral code. The young generation is still much more influenced by its parents than by the atheist attitude propagated by the State. A potent factor is also the will to resist attempts to break down Muslim national consciousness on the part of the authorities. Here Islam is felt by its adherents to be more than a religion. It is the essence of their entire national and cultural heritage.

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Divorce in Islam—the need of Judicial Control

Is Divorce the Prerogative of the Husband?

Divorce should be a Matter for the Judge

By 'ABD AL-NABI MIKU

"The proposition that divorce should be a matter for the judge was put forward a long time ago by the leaders of the Mu'tazilite school in Islam. This idea has also recently been accepted by Tunisia, Pakistan and Morocco in their new codes on divorce. It is my firm belief that the interests of the resurgent Muslim countries require that a liberal and enlightened interpretation be given to the laws of Islam to enable Islam to play its rightful role in regulating the life of the Muslims and promoting their moral and material progress and welfare."

Introductory remarks

It has often been stated by Islamic jurists that divorce in Islam is primarily a prerogative of the husband. This view, whatever may be the ground advanced to substantiate it, appears quite wrong in the light of the social circumstances of modern times, and so in conflict with the vital needs of society that I do not think it is right. I further believe that my objection to this view is fully in line with the real provisions of Islamic law, and can be arrived at if a liberal and enlightened interpretation were given to the texts on the subject.

We live in a time when moral standards appear to be deteriorating all round. Spouses generally do not seem to be fully conscious of the responsibilities imposed upon them in the matter of preserving the family and protecting the bond of marriage which is its basis. By wronging their partners the spouses do harm to their children, and also to the society or group of which the family is the most essential basis. The greatest harm in all this is perhaps in the unsettling of the life and character of the children of marriages which have broken down, and in the fact that children with such experiences are an evil which tends to undermine society. All these consequences, which flow directly from free and unnecessary divorce, lead me to the view that it would most certainly be in the interest of all concerned if the question of divorce, which is such a very important question, were left to be decided upon by a State official, a judge.

The union of a man and woman is the first example of the development of human society. The product of their union is the family and children, and these are the essential basis for the development of human society. The progress, welfare and happiness of the family unit also reflects the progress, welfare and happiness of the society of which the family is part; and the unhappiness and weakening of the family unit likewise mirrors, as well as causes, the unhappiness and degeneration of the whole of society. The family unit arose solely as a result of the ordering of the relationship between man and woman on a regular and reasonable basis. Previously it was chaotic, and primarily dictated by force and savage instinct, with women taken by the stronger males and with males fighting among themselves in the pursuit of females and settling the dispute by sheer force. In some cases men did not appropriate women exclusively to themselves, and the women had several males. Naturally, none of the men in the latter case felt any special responsibility towards the woman, and the woman did not feel that she had any legitimate claim against any particular man. There was then no such thing as the home, in which the man would shelter to rest from his labours outside and where he would find solace and care from a loving and loyal spouse, and in which the woman would find someone always ready to protect her and support her and share with her the joys and difficulties of a common life. Marriage and the home, as known in modern society, were non-existent.

Primary aims of marriage

Woman has a natural desire to bear children. If children were not nurtured in an atmosphere of security, love and compassion they might lack the physical requirements of welfare and the emotional prerequisites of stability and strong character. They might also lack the guidance so necessary for them to learn the art of co-existing with their fellows and of playing their proper role in promoting the good order and welfare of the group of which they form part. In such a case they would be likely to find it difficult to conform to the needs of society and would become misfits in it and enemies of their fellows. Thus to deprive children of care and attention from the parents, and proper guidance as to the rules of life and conduct in society, is to inculcate into them a sense of hatred of society and their fellows. They
would never become useful members of the community. Indeed, they would grow up to be a source of trouble and mischief in it. Where, however, the children are brought up in an atmosphere of settled security and happiness, and where they are assured of the affection and care of their parents, they are less likely to err against the community, for they would not have cause to hate it as in the case of deprived and troubled children. There is also the feeling that parents see in their children a continuation of themselves. They would live in their children, so to speak. There is something, perhaps intangible, in the idea that the life of the child is a continuation of the life of its parents. This desire for perpetuating life, and this inducement to improve the life of children and better equip them for the future, would not prevail where the parents are not substantially connected with their children and where the bond of marriage and of the family are severed by divorce. There is also another purpose for marriage, and it is that life in marriage teaches man and woman to be partners and to co-operate. In this way life in the family is much like life in any community or group, where compromise is needed and co-operation necessary for the benefit of all concerned. This behaviour is the proper social behaviour expected of human beings in order that their welfare and happiness be advanced and protected.

When the dissolution of marriage becomes desirable

These are the primary aims of marriage. But these aims would not be achieved unless marriage were looked upon as a substantial institution, something that is sturdy and that continues, and is not dissolved or ended on the slightest pretext and for the flimsiest of reasons. It is in the nature of things that these objectives cannot be attained if marriage were to be for a fixed and determinate period, however long, or if the reasons for dissolving marriage were numerous and varied. But with this in mind, however, it must be realized that although marriage is the most important social institution known to man, and although it is most desirable that it should continue, there may be exceptional cases where circumstances require that the marriage bond should be ended. This would be necessary where married life, for one reason or another, has become utterly intolerable for the spouses, and where, because of this, the purposes of marriage in normal circumstances becomes unattainable and impossible. The most reasonable thing in such circumstances would be to end the marriage and release the parties from it. Indeed, to continue the marriage when it has plainly broken down and the parties have become utterly unsuitable for one another and incapable of living together or co-operating in any way would be an evil in itself. The permanency of marriage is a wholesome concept socially, but only in those cases where the marriage has not patently failed because of the incompatibility of the partners in any material respect. Where, however, the marriage has soured and the partners cannot live harmoniously together there is no reason why the marriage should continue. The position where a marriage is irrevocable, as is the case in some Christian countries, is thus indefensible. Life in a marriage which has drastically broken down is hell for the partners, and not wholesome to the children of the marriage. The partners are driven to extreme forms of hatred and opposition to one another where the marriage cannot in theory be dissolved and the parties relieved of obligations under it. This state of affairs, in addition to not being beneficial to the children, is also harmful to society at large. The breakdown of the marriage may come about for various reasons. It may be that the partners have lost affection for one another or have come to dislike or hate one another because of something done or not done by any one of them. The husband or wife may be impotent or sterile, and the other spouse anxious to have children. One of the spouses may also be unable to fulfil the duties of marriage and may find therefore that the purpose of the marriage union has been lost. In all these cases it might be more beneficial to the community, and to the spouses, that the marriage be terminated and the parties made free to enter into another, and perhaps a more convenient and prosperous marriage. But these cases are exceptional, and the justification for terminating a marriage must in general be substantial and weighty, and very pressing.

Divorce as viewed by Islam

Islam brought about tremendous and drastic changes in the social life of the Arabs. Arab man were fond of marriage, and of divorce. The Arab had complete freedom to divorce his woman for any reason, and at any time. He would divorce his wife and send her back to her parents or previous home, and then remarry her and bring her back, subsequently divorcing her, and so on. Women were treated like chattels, and their life was unsafe and insecure. Children were also adversely affected by this practice of easy marriage and easy divorce. Arab society also did not benefit from this practice. The religion of Islam sought to put an end to the selfish habits of men. While Islam permitted divorce it only did so in exceptional cases, and looked upon divorce as undesirable except where circumstances strongly warranted it. Islam did not prohibit divorce altogether simply because it took a realistic view of the facts of life. Its provisions gave indication of the fact that it appreciated that problems could arise in the course of a marriage which would lead to complications that eventually made the continuation of the marriage undesirable and required in the interest of the partners and all concerned that the marriage be terminated. In Islam, to use a free paraphrase of the words of the Prophet Muhammad, divorce is the most undesirable of all permitted things in the eyes of God. On another occasion the Prophet Muhammad is reported to have said, "Marry, and do not divorce, for divorce shakes the throne of the Almighty". According to the Sunni practice in Islam, a Muslim may not divorce his wife unless the wife is in a state of purity (Arabic: tuhr, i.e., outside the menstruation period). The reason is that during menstruation the wife would be in a disturbed mental state, and the husband's feelings towards her may weaken and he may then want to get rid of her. When her menstruation has ceased, the husband may divorce her, provided that he has not had intercourse with her since the end of menstruation. The reason is that if the husband does not have intercourse with the wife this would normally mean that he has no feelings towards her, while if he does have intercourse he has some feelings towards the woman. In the latter case he must wait another cycle before exercising the right to divorce. This rule, simple as it appears, is in fact intended to reduce the incidence of divorce by postponing the husband's decision on it and thereby compelling him to have second thoughts, and also giving an opportunity for wiser counsel to prevail in the matter. Another significant rule in Islam about divorce is that divorce is revocable during an initial period, when the husband is free to ask the wife to return to the matrimonial home and resume married life in every respect (and there would not be any need in this case for a dowry or any ceremony). This provision is intended to provide a so-called cooling-off period and allow the parties to contemplate over the matter and, if they want, to go back on the divorce and resume cohabitation without the need for complicated legal or formalities. In these and other provisions Islam's primary aim is to make divorce difficult and to limit the
grounds for divorce, thereby protecting and safeguarding the institution of marriage and promoting a healthy family relationship beneficial to man and woman and their children and to the community as a whole. But although Islam seeks to safeguard the healthy family relationship it does not prohibit divorce altogether, as is done by some religions.

Divorce as viewed by the Christian Churches

In some European and Western communities divorce is prohibited, and the view is taken that "what God unites in heaven cannot be put asunder by man on earth". The Catholic Church maintains this view, while the Orthodox and Protestant faiths permit divorce in some circumstances, but do not allow the husband and wife to come together subsequently and remarry. Certain countries, like Italy and Spain, prohibit divorce altogether. Those Christian countries which do not allow divorce permit something called "judicial separation". This means that the husband and wife are allowed to separate and not to live together. Physical relations between the couple would not be permitted. But the couple remain in law married to one another, and the marriage bond would be maintained in theory. Judicial separation is often decreed where one of the parties commits adultery. But one asks whether this would be a sufficient penalty for the offence of adultery. Is it reasonable that a wife who is immoral should remain in the same marriage to which she has been bound, and be allowed as a married woman to do whatever she liked? Is a woman of that kind really fit to remain in control of her children with recognized rights in regard to their upbringing and control? Is it also fair that the man in these circumstances should be deprived of the opportunity to marry again and should be punished for the criminal offence of polygamy should he contract another marriage? The same propositions apply where the man is the guilty party. And do not all these rules and restrictions encourage immorality and frustration among men and women disappointed because of an unsuccessful marriage which may have broken down for no fault of their own, or for the fault of only one of them. The purpose of law in every society should be to promote the good of the people and their welfare, and I am convinced that a system which totally prohibits divorce is not conducive to the good or welfare of the community. The institution of "judicial separation" does not appear to consistently promote the happiness of married couples or of the children of unfortunate marriages. Indeed, it often encourages immorality and loose behaviour among theoretically married people. Real and final divorce would seem in such circumstances to be far more beneficial.

The arguments advanced by those who hold that the power of divorce should rest with the husband

Some Islamic scholars hold the view that the power of divorce should not be in the hands of the wife but should be only the prerogative of the husband. The reasons most usually advanced for this proposition are the following:

1. Man normally resorts to reason and deliberates over his actions, and therefore acts only after careful consideration. In the matter of divorce he usually thinks very carefully and takes no steps until he has weighed the circumstances carefully. Man normally fears God, and his belief in and loyalty to the articles of faith is normally stronger than that of women. In other words, women's faith is weak, and they do not fear God in the way men do. Likewise, women are the slaves of their emotions, and if women possessed the power to divorce they would exercise it in an emotional manner often unreasonably and without substantial justification. This would be a threat to the institution of marriage as a whole, and would cause harm to the family and particularly to the children.

2. In marriage in Islam man bestows property upon the wife which becomes hers absolutely after the consummation of the marriage. If women were to be entitled to pronounce on divorce they would divorce and remarry frequently, and would seek to amass wealth in this manner. The husband in the case of divorce would be under obligation to fulfil any financial and property commitments he made towards the wife before the marriage, and it would be plainly unfair to require him to fulfil such obligations where he has not himself terminated the marriage.

These are argued as reasons why divorce should not be exercised by women, and why only men should have the prerogative to divorce. I am not here, in any case, arguing that women should have the right to terminate the marriage, and my view in this is not based on acceptance of the arguments I have just mentioned. I do not in any way believe that males are necessarily superior to females as a species, and I cannot accept that men decide matters reasonably and thoughtfully and free of emotion or prejudice, while women do not see reason and act purely on flimsy emotional grounds. There are many foolish men, and many wise women. It is noteworthy in this regard that some psychologists in the U.S.A. hold the view that women are on the whole stronger and clever than men, but that men are blinded to this fact by arrogance and conceit. But perhaps this is not generally applicable to the West, for women in Europe were for a very long time badly and mercilessly exploited by men and placed in a subordinate position compared with men. It was for long believed in some Western communities that women were the heralds of bad fortune. This may have had something to do with the concept of Original Sin and the part women are supposed to have played in this. The argument, however, as to the relative superiority or inferiority of the sexes is inconclusive and scientifically untenable, and it would therefore be wrong to advance a rigid proposition one way or the other. For the Muslims women are the equals of men, and the teachings of Islam bestow dignity and respect upon women and meticulous equality and fair treatment in all respects.

The need of an enlightened interpretation of the Shari'ah

My belief in the equality of the sexes prompts me to put forward the view that marriage, being such a very important institution of vital significance for the welfare of the community as a whole, should not be left at the mercy of either husband or wife to be terminated or undermined freely at their whim and fancy. I urge that a decision on the termination of a marriage should be made only by an impartial person, a judge. In my opinion the teachings of Islam do not oppose this proposition. Indeed, they strongly support it. The cardinal principles of the law of Islam include the maxims that no act should be permitted to the Muslim if it causes unjustifiable harm directly or indirectly to his fellows, that the public good takes precedence over the interests of the individual, and that the end would justify the means. An enlightened interpretation of the provisions of the Shari'ah of Islam, which would give preference to the interests of the community as a whole when in conflict with the narrow interests of the individual, would justify the proposition that I have advanced. Since marriage is an institution so vital for the welfare of the community it must be protected and freed from the vagaries and whims of individuals who otherwise might act in an irresponsible manner which would harm the general good of the community.
There are many examples in Islamic history which illustrate the need and desirability of enlightened interpretations of the provisions of the law (Shari'ah) of Islam. Thus the Caliph 'Umar Ibn al-Khattab discontinued the allowances which the Prophet Muhammad had offered to be paid to some people to induce them not to oppose Islam and the Muslims. The Caliph 'Umar told these people that, although the Prophet Muhammad did not specify a time limit for the payment of these allowances, it was obvious that the money was to be paid only where it was necessary to protect Islam against the hostile activities of these people; and that since Islam had in the meantime become strong and in no need of buying off people's loyalty, the Caliph 'Umar did not see any justification for continuing the allowances. Another example is that during the Year of the Famine, the Caliph 'Umar suspended the rule that the hand of the thief be cut off. Also, the Caliph 'Umar forbade the Muslims to marry Christian or Jewish women, although there was no prohibition to this effect in the Qur'an or in the Traditions of the Prophet Muhammad. The reason given by the Caliph 'Umar for this rule was that many Christian and Jewish women appeared to him to have become of loose character, and he did not want the Muslim family to be built on anything but a sound basis. These and many other examples amply illustrate the theme that social necessity would justify certain interpretations of the provisions of the Shari'ah.

The family is the main foundation of society. It is also the very basis of health in society, as well as the mirror which reflects the prosperity and progress of every nation. The family is the first and most important sphere in which children acquire habits and character and learn the art of living in the community. There can be no sound family life without security for the members of the family and the assured prospect of the continuance of the good marriage. The only way in which the marriage can be safeguarded would be to prevent its dissolution for flimsy and selfish reasons, and to put an end to any abuse of prerogative or discretion by the spouses in this regard. This can only be achieved if the dissolution of the marriage were to be a matter to be decided upon by a judge. Neither the husband nor the wife should be allowed to decide when and why the marriage should end. The reason is that neither of them can claim to be solely or primarily interested in the marriage or the divorce. The actions of one spouse in dissolving the marriage might be harmful to the other, and also to the children of the marriage. And the chaos and unhappiness resulting from easy divorce harms the community to a very great degree. And because the marriage is not the exclusive concern of the spouses (or any one of them), and because of the large stake which the community has in ensuring that the institution of marriage is not undermined and the power of divorce not abused, a representative of the community — a judge — should have the power to consider the matter and see to it that divorce is not practised in such a manner as to harm the community. In some Muslim countries, like Pakistan and Morocco, it is the judges who pronounce the dissolution of a marriage.

Objection to the proposal that divorce should be taken out of the discretion of the spouses

Objection has been made to my view about divorce being taken out of the discretion of spouses and made a matter for the judge. It is that it would be advisable that family troubles should remain within the sphere of the family and not be openly ventilated before the judge. It is argued in this connection that the taking of the dispute before the judge would be likely to exacerbate matters and widen the cleavage between the spouses, thereby making it difficult for a compromise or rapprochement to be reached between them at a subsequent date. It is also said that if the law were to require substantial reasons for divorce, and these reasons did not in fact exist in a specific instance, the parties might be induced to resort to subterfuges and invent reasons. In certain circumstances, it is said, as where one of the spouses commits adultery, the other spouse would prefer not to publicize this fact in a judicial tribunal and would not seek a divorce for fear that the embarrassing truth might become known. These arguments appear to me to be unconvincing and flimsy. The judge would represent the public interest, the interests of the community of which the spouses are members. Disputes are referred to judges for determination, and there is no reason why disputes about marriage should be exempt from this procedure which, after all, is designed to settle differences and thereby promote harmony between the members of the group. To involve the judge in the dispute between the spouses is to introduce an impartial element and a sobering factor which would ensure that matters are viewed in a calm and detached manner which would make it more likely that reasonable and effective solutions are found. If it be thought essential that the secrets of marriage should not be disclosed and publicized (and there is good reason for this) the matrimonial court should hold its meetings in private and the law should forbid the publication of these proceedings in any form. The view that if the law were to require substantial reasons for the dissolution of marriage the spouses in some cases would lie and invent such reasons to get a divorce appears to be too extremely weak, to say the least. Disputing parties before judicial tribunals often lie and invent grounds in their favour, and it would be strange to argue that because of this the courts should be closed and judicial proceedings on any matter abolished.

One other reason which, in my opinion, makes it fair to abandon the practice whereby any of the spouses — the husband or the wife — may freely terminate the marriage without the consent of the other is that the marriage is originally the product of the consent of both parties. Neither of the spouses should thus have the exclusive right to terminate the marriage. And since the community has an important and recognizable interest in the marriage as an institution which determines its moral and physical fibre and edifice, the representative of the community should have a say in whether or not the marriage should be terminated.

The proposition that divorce should be a matter for the judge was put forward a long time ago by the leaders of the Mutazilite school in Islam. This idea has also recently been accepted by Tunisia, Pakistan and Morocco in their new codes on divorce. It is my firm belief that the interests of the resurgent Muslim countries require that a liberal and enlightened interpretation be given to the laws of Islam to enable Islam to play its rightful role in regulating the life of the Muslims and promoting their moral and material progress and welfare.
‘Umar al-Mukhtar
A Hero of Libya
who Resisted the Italian Occupation of his Country from 1911 to 1931

One autumn day in 1931, an ageing man who had the visage of an Old Testament patriarch was brought in chains to the presence of General Graziani, the Italian army head in Cyrenaica. Graziani had just flown into Benghazi for this occasion from the Italo-French border which he was about to cross for a Parisian holiday. Since he had taken charge of Italian operations against the Libyan resistance, he had desperately been trying without any success to subdue the guerrilla bands operating in the Jabal al-Akhdar plateau under the leadership of this very old man, ‘Umar al-Mukhtar, the legendary hero of the two Sanussi wars of 1911-17 and 1923-32.

On 11 September 1931, ‘Umar al-Mukhtar, suffering badly from rheumatism and exhausted by the strain of the long over-drawn war, had left his hideout to inspect the battle area. Accompanied by only a few of his companions he rode towards al-Beidaa. In the meantime some enemy scouts sighted him and sent the news of his presence in the vicinity to the Italians. Immediately the enemy troops surrounded the valley near the tomb of the local saint, Sidi Ruwefa Ibn Thabit. It was here that ‘Umar al-Mukhtar arrived dutifully to offer his devotions. An ambush was set on his route, where he was received with a shower of bullets; He was hit in one arm, his horse was killed by the flying bullets, and ‘Umar fell to the ground with the full weight of his dead horse on the other arm. Most of his companions were dead and he was taken alive. It was the news of this incident that had brought Graziani all the way back from Europe to Libya.

The encounter brought together the two chief protagonists in the blood-soaked drama of those years. Ailing but composed, ‘Umar, of medium height with grey beard and flashing eyes stood there facing the Fascist in all his military trappings. Staring at ‘Umar for some time, Graziani broke the silence:

“Are you ‘Umar al-Mukhtar?”

‘Umar in his deep voice replied affirmatively.

Graziani: “Why did you enter the war against the Italian Government?”

‘Umar (emphatically): “My religion commands me to do so.”

Graziani: “Did you expect to expel us from Cyrenaica with your few men and few arms?”

‘Umar: “It wasn’t that impossible!”

Graziani: “What was your purpose from the war?”

‘Umar: “I am a fighter, neither more nor less. The end rests with God alone.”

Here ‘Umar pointed to the nearby empty chair and asked politely if he might sit down, since he felt too weak to continue standing; his request was refused.
This episode had its beginning back in 1923, when 'Umar was entrusted with the command of the Libyan resistance by the Prince Idris (now H.M. King Idris I of Libya). It was an extremely critical stage in the war of independence. At that time 'Umar was already over sixty years of age. A rare combination of a mystic and soldier, he had fought first against the French in Wadai and from 1906 had taken a prominent part in the guerrilla attacks of the patriots to obstruct the Italian advance in Libya. He was one of the chief aides to the Sanussi leader Sayyid Ahmad al-Shareef right from the beginning of the Italo-Sanussi war of 1911-17.

Here was a man after the heart of the pastoral people that inhabit the craggy plateau of Cyrenaica. These descend-ants of the proud tribes that hail from the Nej in Arabia had never known subjugation of any kind in their memorable history. It was 'Umar's destiny to emerge as the spearhead of their heroic war against large Italian forces equipped with machine guns and supported by artillery and aerial bombardments.

Born about 1862 of the Farhat branch of the Brayan section of the al-Manfa tribe from Marmarica region of the Eastern Cyrenaican plateau, 'Umar opened his eyes in a world resounding with the volleys of matchlock fire and the din of tribal warfare. When he was born, his father, al-Mukhtar, was away with his men fighting against a rival tribe for the control of a well.

Educated first at Sanussi school in Janzoor, he later went to the famous Sanussi school in the oasis of Jaghbub. Here young 'Umar went through the usual curriculum besides the practical training in agriculture, masonry and carpentry. However, 'Umar was not very enthusiastic about scholastic work. He was more inclined towards doing things rather than indulging in academic abstraction. Those who knew 'Umar at this stage testify that he was an adept at the inter-tribal affairs, their genealogy, traditions and practices. Fully at ease in the tribal tent and the difficult terrain of the desert, he was a perfect guide for trans-Saharan crossings. These were the qualifications he later demonstrated at their best during his long trips from Cyrenaica to Egypt, the Sudan and Jaghbub. 'Umar had a wide knowledge of desert vegetation, livestock breeding and treatment.

Once filtered through Jaghbub training, 'Umar's pastoral personality developed into a real leader of his people and a tough and resolute guerrilla fighter — a leader who could inspire and lead his followers by his personal example, keeping a modern army at bay for nine years.

'Umar left Jaghbub without completing his education. He was nominated the Shaykh of al-Qasur Sanussi zaviyah (centre) in the Abib tribe, which he left after two years to take part in the Sanussi-French war in Wadai, returning to al-Qasur in 1906.

Graziani, who took over the command of Italian operations in 1930, compared the situation in Cyrenaica to "a poisoned organism which sets up, at one point of the body, a purulent bube. The bube in this case was the fighting band of 'Umar al-Mukhtar, resulting from an entire infected situation". Such was the extent of the exasperation of the Italians, whose war measures were continually thwarted by 'Umar's small guerrilla bands for over eight years when he took over their command. Their action was corroding deep into the body of Italian colonialism. During these battles the Italian troops with their machine guns, artillery support and indiscriminate aerial bombardment faced "200, 500, 1,000, 2,000 rebels, dressed in picturesque rags and badly armed. Often 5,000 or 10,000 Italian soldiers are not sufficient," to use the words of Terruzzi, one of the Italian governors of Cyrenaica. From 1923, their campaigns against the patriots were repeated every year, sometimes two or three times in the same year. At the same time they carried out large-scale killing of the tribal population. When in the rainy season they could not use their mechanized columns, they machine-gunned the tribal camps and flocks from the air.

According to Italian estimates, during March and June 1924, about 600 men from the tribes of Abid, Barasa and northern Awaqir were killed and 25,000 head of livestock confiscated. In the summer and autumn of the same year another 250 of these were killed, about 1,500 camels and 17,000 sheep and goats captured. For a nomadic population these casualties were considerably high. At this stage 'Umar Mukhtar retired with his men to the southern slopes of the plateau, where his positions were continuously strafed from the air.

Though the odds were against them the patriots did not submit, to the great consternation of the Italians, who were so frustrated by the guerrilla warfare that between 1923-33 five of their governors were transferred for their inability to crush 'Umar's bands. In 1927 the patriots inflicted one of the most humiliating defeats on the Italians at al-Rahayba, south of al-Marj, on 28 March, when the enemy casualties included 6 officers and 306 native troops.

The lightning forays of 'Umar and his men kept the resistance alive. Beyond the coastal towns and the army camps the Italians had hardly any control over the countryside, where the patriots operated freely. The resistance had complete control of the plateau, so much so that the Italians had to use the sea route for communication between Benghazi and Derna. 'Umar's men, who were no more than 1,600, of whom one quarter were horsed, in the spring of 1927 constantly attacked the enemy positions, although their casualties were extremely high. They could, to use the words of the Italian governor, Terruzzi, "show themselves today in one place, tomorrow 50 kilometres away; to reappear a week later, to vanish for a month". The Italian settlers were in constant fear of their lives. They intercepted army patrols "and fired on the enemy formations along the edge of a wood or at the foot of a hill". Graziani puts the figure of skirmishes with the patriots within the period of 18 months at 260.

In the summer of 1927 the Italians started combing operations in the Wadi al-Kauf area, where the guerrillas had retired in the cover of dense foliage and deep ravines. Here, during the 80 days of the campaign, 1,296 patriots were killed. The Italians slaughtered 2,844 camels and 5,000 sheep. They also captured 842 camels, 18,000 sheep, 172 head of cattle and 26 horses.

'Umar and his men had the full backing of the Cyrenaican population, on whom they depended for their supplies. In their ruthless attempt to cut off these supplies, the Italians raised a barbed wire fence over 300 kms. long stretching from the sea to the oasis of Jaghbub. During 1930-31 Graziani had spent 14,111,000 Italian lire on the barbed wire in Cyrenaica.

Side by side, a round-up of the tribes and their flocks was started to lock them up in the concentration camps with a view to isolating the guerrillas. In one such concentration camp in Sirtica there were herded together some 80,000 men.

Continued on page 40
What Our Leaders are Saying

Palestine, Jammu and Kashmir

His Excellency Field Marshal Muhammad Ayub Khan, President of the Republic of Pakistan, paid a state visit to the Hashimite Kingdom of Jordan from 13th November to 17th November, 1966, with a view to strengthening the brotherly ties which bound Jordan and Pakistan and to enhancing further constructive co-operation between the two brotherly Muslim states in all vital spheres.

The official negotiations between the two Muslim leaders were held in a spirit of true brotherhood and understanding and revolved around the issues which were of concern to both Jordan and Pakistan, especially the Islamic world in general.

They reaffirmed their belief that Islam is a religion of peace, love and true social justice, that Islamic teachings ensure achievement of peace and progress in a world torn by disputes ensuing from race, colour and different orientations in policies and social orders.

Palestine Refugees

They expressed their deep awareness of the responsibility that devolves upon the Hashimite Kingdom of Jordan for safeguarding the Arab homeland and the Islamic world’s frontline defences against Israeli aggression. They declared their strong belief in the necessity of Arab and Islamic states providing support to the Hashimite Kingdom of Jordan in order to make her capable of discharging her responsibilities towards the Arab homelands. With this as the basic belief the President of Pakistan declared that the Government and people of Pakistan fully supported the right of Palestinian people to be restored to their occupied homeland.

Jammu and Kashmir

They further affirmed their firm respect for the United Nations’ charter and principle of peace based on justice and equality and their support for the principle that international disputes should be resolved peacefully. The two Heads of State also acknowledged the people’s right of self-determination and in upholding this principle King Husayn of the Hashimite Kingdom of Jordan

Continued on page 40

THE ISLAMIC REVIEW
Islam—the Only Way to World Happiness

Transcript of a Talk by al-Hafiz B. A. Misri
(Imam, The Shah Jehan Mosque, Woking)

(In parts of this speech were televised by the Independent Television Authority, London, as part of a programme under the title of “East of Canterbury” on 25 September 1966. Other religions included in the series were Confucianism and Taoism, Hinduism, Buddhism and Judaism. According to the report of The Television Audience Measurement, the rating for viewers on Islam was the highest — 6,750,000)

In spite of the fact that we pride ourselves in belonging to an age of inquiry and probe, in spite of the fact that we have made great progress in the art of scholarly research, the Western world has not, as yet, become conscious of the potentialities of Islam as a moral force capable of solving problems of our present-day world.

It is very sad to see how the Western intelligentsia still harbours the old prejudices against Islam the prejudices which came into existence at the fall of Jerusalem in 637 C.E.

In the words of George Bernard Shaw: “The medieval ecclesiastics, either through ignorance or bigotry, painted Muhammadanism in the darkest colours. They were, in fact, trained to hate both this man Muhammad and his religion.”

When you come to think of it, our sense of proprietorship over our respective religions, seems to be largely responsible for our antipathy to a comparative study of religions.

Instead of belonging to a religion, we have come to believe that our religion is the religion because it is ours.

Islam’s liberalism and broad tolerance has made it possible for at least one third of the world population to put a stop to this scorning game between religions in which vilification based on half-truths is not considered as foul play.

Islam rightfully deserves credit for the originality of the idea that all religions previous to Islam were God-inspired and that all the prophets before the Prophet Muhammad are equal in the eyes of God. Duncan Greenlees calls this view “a glorious heritage on which could be built a perfect world religion.”

After laying the foundations of a universal religious forum, Islam has tried to breathe a spirit of human dignity by abolishing race and colour consciousness — thereby fostering an unprecedented brotherhood of man.

H. G. Wells tells us that this concept of Islam “created a society more free from widespread cruelty and social oppression than any society had every been before.”

Islam is not a religion in the traditional sense of the word. It is a complete code of conduct. It is a religion offering guidance to lead man to the highest pinnacles of spiritual bliss while its Articles of Faith are based on down-to-earth matters of fact. Its fundamental dogma, based on pure monotheism and on the divine origin of all the prophets, is rationalistic, realistic and workable. It is free from all theological complexities. It is so understandable even by a layman.

A contemporary Indian poetess of repute, Sarojini Naidu, calls the ideals of Islam as “dynamic principles of life, not mystic but practical ethics for the daily conduct of life suited to the whole world.” And the English statesman Edmund Burke, in his Impeachment of Warren Hastings, calls the Islamic Law “a law interwoven with a system of the wisest, the most learned and the most enlightened jurisprudence that ever existed in the world.”

Some biased writers have tried to paint the picture of the early Muslims as warriors advancing with a sword in one hand and the Qur’an in the other. But it is gratifying to know that through the spread of knowledge many eminent historians and writers, such as Lawrence E. Brows, James A. Michener, De Lacy O’Leary, J. M. Robertson, Professor A. S. Tritton and numerous other historians have called this absurd myth false.

Human civilization, since the time of known history, has had to face wars as an evil necessity. Islam’s approach to this problem, like its approach to every other human problem, is a realistic one. At a time when the world had no notion of the ethics of war, when loot and plunder and wanton bloodshed was the order of the day, the Muslim soldiers were given the following injunctions by Abu Bakr, the first Caliph of Islam:

“Be just, die rather than yield; Be merciful, slay neither old men, children nor women; Destroy neither fruit trees, grain nor cattle; Keep your word even to your enemy.”

Even today, 1,395 years after the advent of Islam, if the warriors in Vietnam would act on these injunctions, we should be proud to call ourselves a civilized society.

Matters relating to the status of women and the practice of polygamy have been very grossly misunderstood by the Western critics. It is not generally appreciated that the pattern

2 The Gospel of Islam, by Duncan Greenlees, M.A.(Oxon), Adyar, 1948, p. 27.
5 Impeachment of Warren Hastings, by Edmund Burke.
in which the existence of women has fallen in some of the Asiatic countries is not always the Islamic pattern. The Islamic conception of marriage does not approve of arranged marriages. The seeing of each other by the bride and bridegroom was greatly encouraged by the Prophet. Mutual consent is one of the conditions of the marriage contract. Divorce, according to Islamic law, is greatly discouraged, and is allowed only in unavoidable circumstances. The whole process of divorce has been subjected to very elaborate legal conditions — something quite different from and contrary to the general impression of a child's play of repeating times: "I divorce you."

Polygamy is not a rule in Islam. It is an exception and, like every exception, it is permissible only in exceptional circumstances. The institution of marital relationship in Islam has been raised to a much subtler plain than is understood in the West. In no period of human civilization, including the period of the suffragette movement in England, has a woman's right been more recognized, her identity more exalted and her status more elevated than under the mantle of Islamic Law. Fourteen centuries ago, Islam gave those property rights to women which were only given to them in England in the beginning of this century.

It would be the greatest mistake of our life if, as a result of such misunderstandings, we bracketed Islam with other religions and thus dismissed it as an antiquated religion — inadequate for our needs today.

George Bernard Shaw believed that Islam "is the only religion which appears to possess that assimilating capacity to the changing phases of existence which can make itself appeal to every age...."

I think not even a Muslim has ever paid such a high tribute to the man Muhammad as Shaw when he said: "I believe that if a man like him were to assume the dictatorship of the modern world we would succeed in solving its problems in a way that would bring it the much-needed peace and happiness."

My message to Europe is to study Islam. This message is meant for everyone, including the statesmen, the politicians, the economists, the scholars, and for all those whom God has favoured with the opportunities to serve mankind in one form or the other.

Let me repeat that Islam is not a religion in the traditional sense. It is a code of life on which could be based a brand new civilization.

If Napoleon Bonaparte, the greatest soldier-statesman of his time, could seek guidance from the Qur'ān, surely the statesmen of today can do the same. His following words could easily apply to the United Nations Organization of our time. He said: "I hope the time is not far off when I shall be able to unite all the wise and educated men of all the countries and establish a uniform régime based on the principles of the Qur'ān which alone are true and which alone can lead men to happiness."


'UMAR AL-MUKHTAR—Continued from page 37

women and children, and 600,000 beasts in the summer of 1930, when hunger, disease and shock from this inhuman treatment took a heavy toll of life. The situation worsened from insufficient grazing, and the herds were completely wiped out by hunger and thirst.

Heroinc and horrific, such were those nine years when the green valleys of Cyrenaica were bathed with the blood of the Sanussi martyrs. It was a dark day in their history when old 'Umar stood there in Graziani's presence. From there he was taken back to his cell. A summary court martial followed. On 16 September 1931, still suffering from his wound, 'Umar was hanged in Suluq amidst the muted sorrow of 20,000 of his compatriots, who were brought especially from the concentration camps. He was then 73 years of age.

WHAT OUR LEADERS ARE SAYING—Continued from page 38

recognized the right of the people of Jammu and Kashmir to self-determination in accordance with the resolutions of the United Nations in order that their hopes and aspirations might be realized. They also expressed their whole-hearted support for liberation movements in other parts of the world and of their abhorrence of racial discrimination and agreed to the necessity of constructing a world peace on the basis of right and justice.

The two leaders surveyed steps taken to strengthen co-operation between the Hashimite Kingdom of Jordan and the Republic of Pakistan in all fields, particularly economic, cultural, social and technical. Both Heads, desiring that these efforts should be furthered, decided that officials from both countries should meet in future in order to discuss and define fields of co-operation.
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Customers are advised not to order books by Air Mail. Air Mail Postage is expensive. It costs approximately 16/- per lb.

Books marked * are specially recommended — Postage Extra

The Holy Qur'an

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

REGD: L 3016