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

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The International Muslim Society, Inc., P.O. Box 37, Manhattanville, Station J, New York, 27 N.Y. $5.00 post free; single copies 0.45 c.

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The Cover

The cover carries a design into which the Arabic sentence Allāh jallallahu jahālihi (God Whose glory may be manifest) has been written by an Egyptian Muslim of Pakistani extraction.

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The Shah Jehan Mosque, Woking, Surrey, England
Telephone: WOKING 60679 — Telegrams & Cables: MOSQUE, WOKING

ALL CORRESPONDENCE TO LONDON OFFICE:
18 Eccleston Square, Victoria, London, S.W.1
Telephone: VIC 2591

JANUARY 1967
55th YEAR OF PUBLICATION

Editors
ABDUL MAJID, M.A.
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Contents

Editorial

The Unification of Muslims—A Long-Felt Want
by Fadhl Ibn `Ashour

The Hadith—Its Scientific and Religious Value
by `Abdullah Kannoun

The Mosque
by Norman Lewis

Islam and Sectarianism are Incompatible

The Confusion about the Firsts of the Hijrah Calendar Months
by Hasan Hilmi

Western Prejudices play down the Cultural Role of Croat Muslims in the Balkans
by Dr. Isma'il Balic

Indonesia in the Melting Pot
by In'amullah Khan

What They Think of Us
by Erich W. Bethmann

The Judiciary Under the Sultans of Delhi and the Mughal Emperors of India
by K. M. Yusuf

THE ISLAMIC REVIEW
An Appeal to the World of Islam by the Muslim World League, Mecca, on the Inauspicious Anniversary of the Immoral Balfour Declaration Made on 2 November 1917

Arab and Muslim Rights in Palestine

The Zionist claim to Palestine in modern times has been based on a promise made by the British Government, which took over Palestine in 1918 after the defeat of the Ottoman Empire, to establish in Palestine a national home for the Jewish people. This promise has always been considered by the Arabs and the Muslims as both legally invalid and utterly immoral. Invalid because Britain did not in law own Palestine to give it away — for Palestine belonged to its own people, the Arabs, who formed more than 90 per cent of the population and who had inhabited the country continuously for more than thirteen centuries, and to whom Britain had made specific promises of independence; and immoral because Britain was trying to be generous to the Zionists at the expense of the Arabs. It has also been maintained that the British promise was not originally intended to imply the supplanting or uprooting of the Arab inhabitants of Palestine in
favour of the Jews. But whatever may have been the intention
of the British Government in the past, the fact is that the
Zionists have managed, in collaboration with the Western
Powers, to occupy the greater part of Palestine since 1948,
and more than one million Palestinian Arabs have been
thrown out of their homes by terror and massacres, and are
now homeless and despondent in refugee camps.

The British Government’s promise to the Zionist move-
ment regarding Palestine was contained in a letter dated
2 November 1917 addressed by Mr. James Arthur Balfour,
the then British Secretary of State for Foreign Affairs, to
Lord Rothschild, a leader of the British Zionist movement.
The following is the text of the letter, commonly referred
as the “Balfour Declaration”:

FOREIGN OFFICE.

Dear Lord Rothschild,

2 November 1917.

I have much pleasure in conveying to you on
behalf of His Majesty’s Government the following
declaration of sympathy with Jewish Zionist aspirations,
which has been submitted to and approved by the
Cabinet:

“His Majesty’s Government view with favour
the establishment in Palestine of a national home
for the Jewish people, and will use their best
efforts to facilitate the achievement of this
object, it being clearly understood that nothing shall
be done which may prejudice the civil and religious
rights of existing non-Jewish communities in
Palestine or the rights and political status enjoyed
by Jews in any other country.”

I should be grateful if you would bring this declara-
tion to the knowledge of the Zionist Federation.

Yours sincerely,

ARTHUR JAMES BALFOUR.

We print hereunder an appeal to the Muslim world
issued on 2 November 1966 by the Constituent Council of
the Muslim World League (Rabita al-‘Alam al-Islámi) of
Mecca, on the occasion of the forty-ninth anniversary of this
mischievous and heinous Balfour Declaration:

THE TEXT OF THE APPEAL

Muslims!

Today, 2 November, is the anniversary of the issue by
Britain of the evil promise known as the “Balfour Declara-
tion” for the establishment of a Jewish national home in the
beloved land of Palestine. The World Zionist Movement had
for long been seeking a promise like this, and it succeeded in
obtaining it only from an imperialist Power that had per-
sistently sought alliances and advantages at the expense of
the weaker nations, occupying their lands and rendering their
peoples homeless. Britain offered this promise in return for
support to be given to it in World War I by world Jewry, and
for other selfish reasons. Britain made this promise after
repeated solemn promises to the Arabs to secure the independ-
ence of the Arab countries and to help them establish a
unified Arab State. Britain kept its promises to the Jews,
but it betrayed the Arabs. It divided up the Arab homeland,
oppressed the Arab peoples, and made it possible for a group
of wanderers to emigrate to Palestine and to consolidate their
existence therein, through the protection of British bayonets,
until such time as they became sufficiently well established
to perpetrate the treacherous crime of expelling the Arabs
of Palestine and seizing their lands and their property, and
declaring a Jewish State in the Holy Land, the home of the
Prophets and of the Messengers of God.

The forces of imperialism and Zionism have collaborated
together to implement the Balfour Declaration. Arab protests
and popular opposition to this plan did not succeed in the
face of imperialist treachery. The Arabs were robbed of
Palestine, which is now being occupied by their enemies.
The free Palestinians became homeless, suffering the agonies
of dispersion and abject tragedy. But these Palestinian Arabs
remain irrevocably determined to return to their homeland,
and they are preparing to engage in the final and decisive
battle to achieve this.

The salvation of the usurped homeland is a duty incum-
 bent upon all the Arab and Muslim countries. It is time the
Arabs and the Muslims paused to examine their conscience,
rectify their shortcomings, and consolidate their ranks in
order that they may strike the necessary blow for liberating
the usurped Islamic homeland from the clutches of the
oppressive usurpers.

The Constituent Council of the Muslim World League
meeting in Mecca considers it its duty to remind responsible
people in the Arab and Muslim worlds of the need to iron
out their differences and to rid themselves of the vestiges of
foreign spiritual domination, be it Eastern or Western, which
are preventing them from fully appreciating the realities of
their life and improving their conditions. The Council urges
the peoples and Governments of all the Arab and Muslim
countries and their Kings and Presidents to unify their aims
in fraternal Islamic solidarity in order that they may draw up
plans and formulate effective means to liberate Palestine and
enable the Palestinians to return to their homeland with
honour and dignity.

The Council also draws attention to the endeavours being
made by the Jews to transfer the capital of so-called Israel
to Jerusalem, the home of al-Masjid al-Aqsa, the first of the
two Qiblas in Islam and the place from which the Messenger
of God ascended to heaven. The Arabs and the Muslims
should unite to prevent this Zionist plan, to thwart its, mis-
cchievous activities, and to eradicate it from the usurped
Islamic and Arab homeland. The defence of Jerusalem should
serve as the occasion to put an end to Zionist imperialism
and to liberate the whole of Palestine from the oppressive
aggressors.

The Arabs and the Muslims should prepare to defend
themselves in this battle which Zionism is waging against
them to test their strength. They should give the Zionists a
lesson they could not easily forget, and should liberate
Palestine from the Zionist clutches.

Muslims!

Remember Palestine, and remember that God’s promises
in the Qur’án shall triumph against such things as the Balfour
Declaration. God promises great reward to those who believe
and engage in ‘ijahad. He proclaims that “Truth shall
be hurled against falsehood, and shall defeat it.” The Muslims
should go into battle remembering God’s exhortation to be
believers “ Not to be weak-hearted nor to grieve, for you
will have the upper hand if you are believers”; and remember
also His words, “Let not control in the land of those who
disbelieve deceive thee. It is but brief enjoyment, then their
abode is hell and evil is their resting place.”


THE ISLAMIC REVIEW
The Unification of Muslims—
A Long-Felt Want

By FADHIL IBN ‘ASHOUR

The Mission of the Islamic Summit Conference

The Muslim World League of Mecca and His Majesty King Faysal

“All the characteristic features of the social groups which, before Islam, had distinguished one from the other, had disappeared. In the new, unified community all these inequalities which had previously existed were now swept away. Thus there were no longer Bedouins and town-dwellers, free men and slaves, Arabs and non-Arabs. With the triumph of Islam, social unity came into its own. This meant the fusion of heterogeneous elements and the disappearance of their distinctive characters. Numerous Qur’anic verses give a striking illustration of this — one of these explicitly condemns tribal atavism and social bonds founded on consanguinity. The only distinction recognized by the Qur’an is that of piety, taken in the sense of well-doing for the good of the community. Thus the unity of the community is in accordance with the ultimate state towards which a society will evolve when freed from all class distinction, or from geneological or geographical differences. In the etymology of the term Ummah we find the verb ‘amma’, which means ‘to proceed towards a given objective’. Thus the unity of the ummah is the consecration of its coherent and unanimous orientation towards common objectives.”

“Without the co-operation of the Heads of State, it would not be possible to transmit or make known the message of Islam in favour of peace, its appeal for Muslim solidarity, the consolidation of the faith, the safeguarding of human dignity, and the neutralization of political blocs whose antagonism threatens to engulf the world in a cataclysmal war. The world cannot afford to ignore or disregard the aid and co-operation which is here available and ready — its equilibrium is too precious a thing. Thus the Muslim community will have merited the honour of being ‘a blessed people, which preaches good tidings, and bans ungodly acts’”

Hope of a rapprochement between the Muslims is reborn

It is true that Islamic unity has been, and is, a much-desired and ever-present hope, a far-off objective which is still a long way from being realized, no serious attempts having been made to speed up such a realization. Today it is not a question of defining what form such a rapprochement might take, but simply to make a study of an idea which has its origin in our Muslim consciences, and to examine a recent proposal whose object is to bring about conditions likely to favour co-operation and the friendliest of relations between Muslim countries. The question has come to a head because of the appeal made in favour of the summoning of an Islamic Summit Conference.

Because of our experience of the disadvantages of isolation, we wish to work for this rapprochement. Because we suffer from our disunion, we hope for unification.

At the end of World War I, it was commonly thought that any attempt to bring Muslims together, in order to bring about a better understanding between them, was a priori doomed to failure. Today that hope is reborn.

JANUARY 1967

The problem of a “get-together” between Muslims can be studied from four angles — the historical origin of the idea of rapprochement, its evolution, the present-day situation and future possibilities.

To bring men together, generally speaking, and Muslims in particular, to establish between them as close a co-operation as possible, to create a dynamic solidarity, to further their mutual understanding, these are but a few of the teachings of Islam. The believer is bound to observe and practise them. For him they have become second nature. Is not faith a heartfelt belief, the observance of strict discipline in word and deed? Islam is an appeal to men as men, apart from all factors which may have modified their human status, and erected barriers which Islam aims at removing.

In the eyes of Islam, the sole consideration is man’s status as a human, a living being, whose characteristic trait is the faculty of speech. Because an animal is activated by instinct, and not by intelligence, compared with men it is an inferior being. Thus Islam has given great importance to knowledge, and has extolled it as being almost the supreme
aim of existence. It has made a point of calling man's attention to his capacity of knowing, learning and assimilating. Thus every man is capable of acquiring knowledge to the extent permitted by his faculties. The first verse of the Qur'an revealed to Muhammad is an urgent summons to the attainment of knowledge.

In his quest for knowledge man first of all discovers himself, before directing his attention outwards to his environment and to that which lies outside his field of investigation. He completes his studies by discovering the origin of all that exists, namely, God.

Through the channel of the Islamic apostolate, the Muslim is exhorted to develop his faculties. This will regularly and constantly increase his store of knowledge, and he will become increasingly aware of everything which tends to impede his progress. From that time the supreme truth becomes apparent to him, and his faith liberates him from his spiritual impurities. He finds that the duties and the rights of man are codified and regulated by a social contract or covenant available to all who wish, in perfect liberty, to subscribe to it, liberty being an essential condition of all valid adherence. Any human being, as such, is eligible for subscribing to this covenant, based solely on faith, all technical, national, political or economic considerations being totally disregarded. It is in this way that a religious society comes into being — a society based on the principle of equality between men.

The conception of al-Ummah in Islam and the Islamic Summit Conference

It is also through the medium of this social contract that the concept of the community, al-Ummah, comes into being. Al-Ummah is a word which expresses two activities: one of these concerns humanity as a whole, and it is to this humanity that the apostolate of Islam directs its teaching and reforming activities. We can term this community the field of missionary effort. The other community concerns exclusively the group, all of whose members have adhered to the social contract founded on faith and the teachings of Islam. It is the community of adherents. By considering the fusion of all the elements to form a unified community, it is possible to trace the process which led up to the creation of Muslim society at its early beginnings: the refugees from Mecca and the "Helpers" from Medina severed their previous connection with their groups of origin and united together to form the Muslim community.

All the characteristic features of the social groups which, before Islam, had distinguished one from the other, had disappeared. In the new, unified community all these inequalities which had previously existed were now swept away. Thus there were no longer Bedouins and town-dwellers, free men and slaves, Arabs and non-Arabs. With the triumph of Islam, social unity came into its own. This meant the fusion of heterogeneous elements and the disappearance of their distinctive characters. Numerous Qur'anic verses give a striking illustration of this — one of these explicitly condemns tribal atavism and social bonds founded on consanguinity. The only distinction recognized by the Qur'an is that of piety, taken in the sense of well-doing for the good of the community. Thus the unity of the community is in accordance with the ultimate state towards which a society will evolve when freed from all class distinction, or from genealogical or geographical differences. In the etymology of the term Ummah we find the verb "amma", which means "to proceed towards a given objective". Thus the unity of the ummah is the consecration of its coherent and unanimous orientation towards common objectives.

Social unitarianism thus defines the finality of human existence, in man's knowledge of his own nature and that of the external world, this knowledge being the fundamental principle of the social contact which unites the members of a single community. In fact, the use of the term ummah in this sense is evidenced in numerous Qur'anic verses, so that it is in this sense that the unity of the Muslim community exists: the identity of the finality and the identity of the paths which should be followed, according to the method of acquiring knowledge defined by Islam. Thus the idea of unity derives all its importance from the fact that with Muslims' "community" is synonymous with "fraternity". This implies absolute equality between all the members united into a community by a common objective, in fact, between all the elements adhering to Islam. This fraternity implies a real unity, natural and vast, because it is founded on a common sentiment and common activity.

So that it is in no way a mechanical, lifeless kind of unity, based on ephemeral material interests or on its so-called values, which Islam came to sweep away from the human mind. And there are numerous Qur'anic verses which extol this fraternity spread far and wide by Islam. This communion of sentiment is the real source of fraternity, of the real, heartfelt brotherly attitude, and of the sincerity which should animate Muslims, who are exhorted to work together in harmony for the common end. And so the Prophet made a point of condemning tribal chauvinism and the clan spirit so characteristic of the ante-Islamic period. He often denounced the atavistic spirit, the hallmark of the infidel, to replace it by the serenity of the believer. Thus a new ethical code was substituted for ante-Islamic morality, a morality based on tribal ancestry and blood-relationship. This new code was founded on fraternity and was intended to be accepted not only by Muslims but by the whole of humanity.

This code of ethics forbids a Muslim to stir up trouble or cause disunion or commit aggression against his fellow-man, whatever his religion. In fact Islam formally forbids aggression of any kind, except when it is made in self-defence. With the same object in view, the Prophet Muhammad denounced pacts, the spirit of a pact being contrary to Islamic law. At the time of the Prophet it was common practice for tribes to conclude pacts, for these obliged them to give each other mutual assistance, even in support of an unjust cause. Against this the Prophet spoke very emphatically.

To suggest that under such conditions the holding of an Islamic Summit Conference would lead to the drawing-up of a pact is to misunderstand completely the teachings of Islam.

Muslim solidarity a fundamental principle of the Islamic faith

Historically, the idea of Muslim solidarity, which is a fundamental principle of the Islamic faith, and has been handed down from generation to generation, was the outcome of a systematic premeditated teaching, and the result of experience. The constant presence of the Prophet among the Ummah, and the daily example of his conduct in the heart of the Muslim community, have indelibly marked as real facts the teachings of the Qur'an. The Muslim has them deeply ingrained in his soul, and his enthusiasm for this solidarity has become almost instinctive. This definite
religious command has led the believer spontaneously to draw near to his Muslim neighbor, to co-operate with him, and to extend the benefit of his solidarity to the whole of humanity, so that it may be guided to the path of spiritual well-being. This duty of mutual assistance and interdependence has become the cornerstone of the Muslim's character, and has indelibly marked his conduct from generation to generation. The acceptance of this duty has had the effect of stimulating the desire for a closer union between the elements of the *Ummah* in general, that is to say, humanity as a whole — a potential field for Islamic missionary teaching, and the *Ummah* which has already become a Muslim community.

This broad conception of human solidarity constitutes the basic element of the Muslim personality in the social sphere. Thanks to his education, the Muslim is at complete peace with himself, whether it is a question of his religious problems or his conduct in society. Unfortunately, Muslim society, which has enjoyed the advantages of this harmonious development, thanks to the work of the Prophet, whose tradition has been perpetuated throughout the centuries, has had throughout its entire history to contend with all kinds of influences, not all of which have been salutary or wholesome. These influences have either come from Islamic sources or have been due to regional or temporary contingencies. Muslim society has been affected in varying degrees by these influences, which have progressively diverted it from its traditional path. This deviation, more or less accentuated with the teachings of religion, has unfortunately prevented the evolution of our society in complete accordance with Islamic principles. This evolution has been subjected to the action of dispersive forces, coming sometimes from non-Muslim quarters. So that according to the impact of this flux and reflux, society has been tinged with a pronounced Islamic hue, but alas! has preserved only the shadow of the principles of Islam.

**The disruptive influence of the Shu'ubiyyah on the sentiments of the Muslims**

Among the disruptive factors which have affected Muslim society during its history, we will mention the Shu'ubiyyah movement, which was based on racist principles. This movement dealt a fatal blow at the unitary principles of Islam, and fanned the flames of racial hatred and antipathy which had for many years been banished by religion, which has always preached harmony and brotherhood among men everywhere. However, those elements which remained faithful to the universalist principles of Islam have opposed, sometimes vigorously, this jingoistic and racial propaganda. Because of these divergent influences — the orthodoxy of some and the heterodoxy of others — Islamic society has had its good and bad periods.

This state of affairs has "immobilised" the Muslim community, and it has killed all pioneering and missionary zeal. It no longer has the desire to spread the gospel of Islam or to extol the teachings of its religion. This falling-off has caused bitterness and disappointments, and some have even described Muslim society as a "petrified community". The truth is, it is not the soul of the Muslim that has been stricken with apathy; rather is it that his sentiments as a Muslim have ceased to animate his activities and illuminate his path. His religious ideal is no longer the inspiration of his private life or his conduct in society. About the 2nd century A.H. (8th century C.E.) this regrettable situation led a number of Muslims to declare that "... Islam had become a foreigner in its own country...", and many authors also have fulminated against this state of affairs. Among them we can mention Uways al-Qarni, Sari al-Sakti, Abu al-Qasim Djalidi, Abu Qasim al-Qushayri, al-Ghazali, al-Tartoushi, etc., all of whom have raised their voices against the "deviationist" tendencies which have lured Islamic society away from the ideals of its religion. One can find traces of their protests from as far back as the 8th century A.H. (14th century C.E.) up to the time of the Wahhabi movement.

The vicissitudes of history, which have dealt severely with certain Muslim countries, have been the cause of a "back to origins" tendency, and given rise to "reformist" movements, involving mainly the unitary principles of Islam. The dynasties of the Almoravides (1090-1147 C.E.) and the Almohades (1078-1214 C.E.) in the Maghreb, the Ayubites (1169-1252 C.E.) in the East, and the Turkish Irredentists, all mark the spectacular stages of this revival. The occupation of Algeria, in its turn, gave rise to the Sanousi movement.

But unfortunately these tentative movements were not powerful enough to restore unity to the Muslim world, or successfully banish from it the extraneous influences which were continually at work.

**The appearance of a number of pan-Islamists in various Muslim countries**

It was during the last century that a number of fortright men, men of strong personality, set to work to eradicate the evil and destroy the germs of discord which were producing disruption in the Muslim world. The principal artisans in this work if Islamic regeneration were Khayr al-Din Pasha and Muhammad Bayram in Tunisia, ‘Ali Pasha and Rashid Pasha in Turkey, and Jamal al-Din Afghani in Egypt. It was the latter who was the most enlightened and far-seeing champion of this renovation. His newspaper *Al-Urwa al-Wuthqa* (whose name itself is full of significance), led a campaign to eliminate the causes of discord and to preach unity, without which the Muslim world would never regain its dignity and prestige. The editorial in the first issue of the paper is an eloquent *exposé* of this theme.

Following in the footsteps of his master, the Shaykh ‘Abduh spoke in favour of the liberation of the mind from all the shackles condemning it to inactivity and stagnation. For him, the awakening of the universalist conscience of Islam is dependent on the liberation of the mind. The Shaykh ‘Abduh, while continuing his campaign as a "reformist", never lost sight of his real objective — the unity of the Muslim world. He never lost an opportunity of pointing out to the Sultan ‘Abd al-Hamid that it was his duty to take his share of the responsibility in the realization of this great ideal, and he urged him to adopt it and do all that was possible to further its progress. Accordingly, the Sultan became the promoter of the foundation of a movement similar to the one recommended by the Shaykh ‘Abduh. Incidentally, there arose the question as to whether union should take place within the Turkish community, or outside of it.

In due course this idea gave birth to nationalist Islamic movements chiefly pioneered by Mustapha Kamil in Egypt, ‘Ali Bach Hanba in Tunisia, Muhammad ‘Ali in India, and...
Anwar Pasha in Turkey. But there was an inconsistency, a paradox, which had threatened the well-being and the destiny of these nationalist movements almost as soon as they had come into being — their incidental racialistic character and the Islamic source and inspiration of their activities and objectives. This “inconsistency” did not fail to cause uneasiness among the Western powers, and observers of all nationalities. It must not be forgotten that foreign occupation of Muslim countries meant that Muslims had first to regain their liberty, and then devote their efforts to rapprochement, solidarity and unification. But throughout the struggle for liberation the deep yearning for Islamic solidarity remains a vital factor. This was strongly emphasized by ‘Ali Bacha Hanba in reply to a question put by certain colonialists concerning the significance of newly-formed nationalist movements: “Are they based on racism, or do they spring from universalist Muslim principles?” Without hesitation Bacha Hanba replied to this question. He emphasized the fact that every Muslim was an advocate of pan-Islamism. All Tunisians, he added, were firm believers in that ideal, and remained firmly adherent to the Ottoman Union, the living expression of that ideal. He pointed out that our modern education, which had given us an up-to-date attitude of mind, in no way prevented us from keeping intact our loyalty to Islam, in whatever part of the world we lived, and that we were animated by the same sentiments of solidarity towards Turks and Egyptians as towards our near-door Algerian neighbours or the Muslims of Asia.

Various efforts to revive the sentiment of Islamic solidarity since the Italian aggression against Libya

The Italian aggression against Libya showed the world in a striking and unmistakable manner the depth of this sentiment. But the racial tendencies reminiscent of the Shu‘ubiyah of the first centuries of Islam were not long in making themselves felt openly in the very capital of the Ottoman Empire. Disruptive pan-Turanian and pan-Arab propagandists were fierce rivals for the patronage of the masses, but were at the same time opposed to pan-Islamism. We all know the disastrous results which arose from this fratricidal strife at the end of World War I, when there was a complete rupture between the Turks and the Arabs of the Near East. But this rupture did not prevent the Muslim world, after the fall of the Turkish caliphate, from cherishing the hope of seeing the new Turkish Republic step into the breach and become the pole of attraction for Muslim countries generally. The famous Egyptian poet Shawki (d. 1932 C.E.) sang the praises of this ideal, but in fact of the reserved attitude of the Turkish government itself, soon had to abandon his verse-making.

Since that time all kinds of attempts have been made to re-launch a policy of rapprochement between Muslim countries. With this ideal in view a Caliphate Congress was held, followed by the convocation of an Islamic Congress at Jerusalem in 1932.

In spite of all the failures and disappointments the Muslim world still adhered firmly to the hope of its total or partial unification.

When the Arab League was founded, Muslims looked upon it as the first step towards the rapprochement of all Islamic countries. The Arabs themselves never regarded it in any other light. In their eyes it was to serve as an organization promoting co-operation between a group of States of which the majority of the inhabitants professed the same faith. It also held the possibility of even wider co-operation with other peoples and in other domains.

Such are, in brief, the different historical phases of the evolution of this great idea — a united brotherhood of Muslim nations.

His Majesty King Faysal, who has graciously deigned to the wishes of the Muslim World League of Mecca in the matter of calling an Islamic Summit Conference

We now arrive at the third stage in our exposé: the steps recently taken with a view to convoking an Islamic Summit Conference. The appeal made by His Majesty King Faysal at a Press Conference on 31 December 1966 during his visit to Jordan made a deep impression. The Su‘udi ruler announced his intention of calling an Islamic Summit Conference. He made reference to a resolution adopted by the Muslim World League, which had explicitly entrusted him with this important undertaking. Thus the initiative came from the League, and His Majesty King Faysal was, in fact, deferring to the wishes of the Congress of the Muslim World League.

The Muslim World League of Mecca and His Majesty King Faysal

The Muslim World League is an organization founded in 1962 by a decision of an Islamic Congress held at Mecca in 1960, that is to say, two years earlier. Its mission is to spread the knowledge of Islam, to explain its thought and ideal, to clear up the misunderstandings and the paradoxes which beset it, and to foil the plots and schemes whose object is to sow disunion among Muslims. This is to be carried out in accordance with the methods and the means laid down in the charter of the League. A Preparatory Commission was formed. It included a number of prominent personalities of the religious and political worlds: Muhammad Amin al-Husayni, Abū A‘lā Maudūdī, Abū al-Qāsim Hadawi, Allāl al-Fasī, Bashīr Ibrāhīm, Mansūr Māhjoub. This Commission held four sessions, and during the fourth session it was
decided to organize a Congress on a somewhat larger scale.

This Congress, which met at Mecca during March-April 1965, included more than 300 delegates representing every Muslim country. Siting with the official delegations representing the different governments were popular delegations representing Islamic movements from all over the Muslim world. At this Congress the agenda included the study of a project for the calling of a summit conference grouping the Muslim Heads of State. This project was unanimously approved, and it was decided that the conference be held as soon as the opportunity afforded. The late Ahmadu Bello, ex-President of Council of the Northern Province of Nigeria, was entrusted with this project and the drawing-up of a detailed report on the matter. His Majesty King Faysal supported the resolution in the following terms: "We give our support to this resolution of Congress whose aim is the calling of an Islamic Summit Conference, which will enable the highest authorities of the Muslim world to study our common problems and, with the help of God, to co-operate in the work of ameliorating the condition of Muslims." The late Ahmadu Bello sent his report to the General Secretariat of the League, which sent copies to the members of the Preparatory Commission.

At his Press Conference in Jordan His Majesty King Faysal declared that his appeal was made in the name of the League and said that a commission composed of delegates from various Muslim countries was to be formed for the purpose of issuing invitations to the Conference. He emphasized that the holding of the conference would in no way be incompatible with the existence of the Pact of Arab Solidarity, and that it would make possible the realization of the aims of the Muslim world, which the Heads of Arab States, when sitting alone, were unable to discuss in the absence of the Heads of State of non-Arab Muslim countries.

The future of the idea of the rapprochement. Its success alone can solve the regional and global problems of the Muslims

The fourth point of our exposé concerns the future prospects of this project. This has already taken on a solemn and official character. Of course, we shall ignore the allegations of this or that newspaper which may suggest this project is an upsurge of imperialism, or the tendentious comments of some other paper or radio station or news agency which seizes upon a trick of the British — an attempt to install a substitute for the Baghdad Pact. These are fairy tales. No human activity is immune from the malevolent attention of the sceptics and the ill-intentioned.

Let us study this appeal very objectively, ignoring all the incidental circumstances which have beset it from time to time. Let us ask ourselves this question: "Is the Muslim world in need of cohesion?" To frame a reply to this question, we must take a glance at the Muslim world. What do we see? In spite of the distances separating Muslim countries, in spite of the multiplicity of states and the diversity of languages, in spite of the disparity in racial origins, the differences of culture and levels of civilization, one single source nourishes the minds and hearts of millions of Muslims — it is the common source of Islam understood both in its essence and in its outer reality.

This community is a real living entity, which specially characterizes the ensemble of Muslim peoples. But peculiar regional circumstances and foreign influences have brought problems which the Muslim world has to face. The differences separating Muslims have been aggravated by historical circumstances. These circumstances have continued to exist for generations, and the Muslim personality, in its social form, has become so "denaturalized" that it has sometimes been almost obliterated.

The harmony between private and public life, stipulated by the Muslim religion, was broken by the stagnation of the community conscience during the epoch when Muslims lived separated from each other. Thus different countries of the Muslim world had to face problems which were specifically regional. But these problems are the problems of Islam as a whole. In essence they are Muslim problems, in their particular scope they are regional. That is why their solution has been found to be extremely difficult. To attempt to solve them on a regional scale would be useless, for these problems concern matters whose import goes far beyond regional frontiers. Therefore action on the regional scale has been found to be unsuccessful, and inevitably ends in discouragement. Solutions which are adopted on a regional scale only aggravate the differences which separate Muslims of different nationalities. The Muslim personality, which is one all over the world, finds it difficult to assimilate these fragmentary solutions; for it cannot place in them the confidence which it would have placed in the unanimous consent of the whole Muslim world. Thus we are faced with this dilemma: either the Muslim personality, powerless to transcend the regional structure and progress to a world dimension, disappears for ever, or it remains in the general confusion, face to face with problems which it is incapable of solving.

We must also take into account the errors due to disruptive principles and immoral propaganda, against which the Muslim personality is unable to offer any effective resistance on the regional level. The result is that the Muslim personality becomes progressively diminished, and sadly deteriorates under the blows of materialistic ideologies.

The Heads of State in Muslim countries can alone translate into practice the cherished desire of Islamic unity

But now there is the firm hope of a rapprochement which should help us to throw off our inertia and somnolence. We are today witnessing an upsurge of spiritual forces in the Muslim countries. The lethargy of hearts and minds is only a temporary phase — the earnest hope of the Shaykh Muhammad 'Abduh.

It is a crucial period, when Muslim peoples dutifully recall their eternal mission, a mission which is both human and moral in its scope. Activated by religious law, they feel it their duty to see that this mission is everywhere fulfilled. In this way internal harmony can again flourish, and the anxiety which has been troubling the Muslim personality will disappear. The roads which will lead to success are clearly marked, and Muslims will now be able to deal with their problems by methods which conform to the principles of universal Islam, and which are in harmony with the exigencies of modern life. If Muslims succeed in acquiring this self-knowledge, they will be on the way to understanding the world which surrounds them, through the medium of Islamic dialectic, which teaches that by knowing ourselves we can get to know the world. If Muslims can learn to view the world in its true perspective, they will surely become acutely aware of the disorders that are rife and the dangers which now threaten the whole of humanity — the peace of the world jeopardized by terribly destructive weapons, men in more than one country held in slavery by other men, dictatorial tendencies predominating almost everywhere, and
the ignominious abandonment of spiritual values. They will then become the apostles of peace. They will work for the total banning of destructive weapons. They will work to save men from slavery, to fight racialism and dictatorship, and to restore and re-establish the spiritual values.

They can only hope to play this important role by fitting themselves for the work — by doctrinal studies which will enlighten them on the principles of the Muslim faith and the Muslim law, by social studies which will acquaint them with the collective needs and the problems of the great Muslim community. Islamic congresses are already occupied with this work, in particular the Muslim World Congress of Karachi, the Islamic Congress of Cairo, and the Muslim World League of Mecca. During these Congresses the need for the combination of theory and practice became increasingly apparent. The Ulemas and the sociologists are hopeful that ideas will be translated into deeds, which necessarily implies the co-operation of governments and theorists.

Such is the import we must ascribe to the approach made by the Muslim World League to the Muslim Heads of State, who were invited to hold a summit conference with a view to adopting the recommendations drawn up by various congresses and Islamic seminaries. For it is the Heads of State who must put them into practice. Since they exercise moral, political and institutional authority, they possess the means of reconciling theories with the exigencies of appropriate action. Only they can urge and encourage Islam to accomplish its apostolic mission, and give its message to the world.

Without the co-operation of the Heads of State, it would not be possible to transmit or make known the message of Islam in favour of peace, its appeal for Muslim solidarity, the consolidation of the faith, the safeguarding of human dignity, and the neutralization of political blocs whose antagonism threatens to engulf the world in a cataclysmal war. The world cannot afford to ignore or disregard the aid and co-operation which is here available and ready — its equilibrium is too precious a thing. Thus the Muslim community will have merited the honour of being "a blessed people, which preaches good tidings, and banishes ungodly acts".

In this field, Islam will find a vast field for co-operation with the other religions. It goes without saying that the Islamic mission to the world will accomplish and perfect its work only if the faithful everywhere are strong in their solidarity.

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THE ISLAMIC REVIEW
The Hadith—Its Scientific and Religious Value

By 'ABDULLAH KANNOUN

The “Science of Hadith” an achievement which is the Muslims’ own to the exclusion of any other people in the World

The “Science of Hadith” is the Foundation of Islamic Civilization

The Science of Hadith, representing the Islamic geniuses, is the main achievement of the Muslims

The “Science of Hadith”, dealing with Islamic traditions, their transmission and criticism, can be considered as the main achievement of the Muslims, representing the Islamic genius more fully than their other accomplishments, in the fields of philosophy, physics and mathematics. This view, however, may appear at the outset as exceptional and uncommon. Nevertheless, our appraisal is quite correct and justified since the aforementioned sciences, as alleged, have been borrowed by Muslims from the ancient cultures and that the Muslims had not added much new to them. But the science of Islamic traditions (the Hadith) is primarily in its origin their own, devised and formulated by them alone. None can confute this statement or even question its validity.

Not only this. What is more, anyone studying that science, probing its vast fields of research, will find elaborate methodological enquiries and objective studies, bearing on ethics, sociology, law, politics and economics. He would never doubt that the moral foundations of the Islamic civilization is wholly based on that science. If Muslims, in creating their civilization, have borrowed from the cultures of ancient Greece, Persia and India, the psychological elements of their contribution are mainly based on, and rooted in, the Qur’an and the Sunnah — the corpus of Prophetic traditions which expounds and elucidates God’s Revelation.

The Science of Hadith has commonly been viewed from a strictly religious standpoint. For this reason, it has not been given its due importance in assessing the value of those factors that led to the establishment of the world of Islam and also its glorious expansion. Since the first generation, that is to say, after the rise of Islam, this expansion not only has become a reality, it gained a further momentum down to the fifth century of the Hijrah (11th century C.E.), till the Muslim nation reached the climax of prosperity that had never before been attained by any other nation.

Let us look at the factors that led to the Islamic expansion. In the first place it is but essential to concentrate one’s attention on certain historical data which deal with the biography of the Prophet Muhammad. From the time of the enunciation of his message to the time of his death he lived with his people for twenty-three years, reciting the verses of the Qur’an, teaching them the wise precepts of God and trying to raise their moral standard. His people, the Arabs, well known for their intelligence and mental capacity, were neither mentally dull nor primitive. Also, they were surrounded by vigorous and progressive peoples, the Jews and Christians, who tried all the time to oppose his message by various refutations.

The Prophet Muhammad’s message covered all aspects of the Arab Muslims

His message, however, was not confined to issues dealing with religion. Neither did he teach his people solely the modalities of the rituals. He also taught them social manners, business transaction methods — the bills of exchange and credits, etc. He instructed them in the ways of warfare and methods of government. He guided them to plan policies bearing on their relations with friendly and enemy states. He distributed and assigned tracts of arable land among them. When intricate issues requiring settlement were raised, he used to hold consultative councils to train them in democratic ways, and to show them how loathsome was tyrannical and arbitrary rule. He used to acquaint them with the factors leading to a nation’s prosperity or causing its decline and fall, and to apprehend ways of their upkeep, once they were in charge of running the affairs of government after him.

Thus no detail of some import for their welfare in their worldly life was left out. Did the unbelievers not tell Salmán the Persian, “Verily your Prophet has taught you everything”? The Prophet Muhammad used to talk to them about the minutest details of human knowledge, to give answers to their medical and physical queries, that to date have never been contradicted by the findings of modern science. He used to correct errors made by the narrators of the Scriptures and equally the mistakes of their chiefs con-

1 The Sunan of Abu Dáwúd; The Musnad of Ahmad Ibn Hanbái.
concerning weather phenomena and the like, so much so that the Jews were tempted to ask him about the reality of the soul. “They ask thee concerning the soul. Say: The soul is by command of my Lord, and of knowledge you have been vouchsafed but little” (The Qur’an, 17: 85).

A mere brief survey of the biography of the Prophet Muhammad is quite enough for anyone to know that the Science of Hadith is the corpus of Islamic knowledge, whether it be religious or secular. The outcome of all this was that the Traditions of the Prophet Muhammad a few years after his death became the subject of meticulous investigation and the subject-matter of monumental treatises and standard works. The merit of their painstaking research cannot be sufficiently appraised, save by those who are familiar and well-versed in the “science of tradition”.

It is not possible to dwell at length on the Science of Hadith in this short essay. But it may be quite sufficient to trace its source and the method of recording the Prophet’s traditions, and to review the strenuous efforts made by scholars to differentiate between authentic and “feeble” traditions. The “science of tradition” deals with the methodology of the transmission and criticism of the Hadith. This methodology is quite Islam’s own and shows clearly the originality of Islamic thought, the which thing has been overlooked by modern researchers, who fail to trace its impact on various aspects of the life of Muslims.

The Science of Hadith is based on the sayings and doings of the Prophet Muhammad

The origin of the Science of Hadith is based on the sayings and doings of the Prophet Muhammad, his movements, his steadfastness, his toil, his generosity and his hospitality, his worship, his exemplary conduct, his raids, expeditions, his humour, his earnestness, his speeches, his discourses, his table manners, his kindly treatment of his home folk, his training of his horses, his letters to Muslims and believers, his pledges and his covenants, how he moved and walked, how he breathed; in brief a complete picture of his noble ways.

These details of the life of the Prophet Muhammad have been reported by some 4,000 Companions, men and women, as stated by al-Hakim of Naysaarpoor in his al-Maddkal ilâ ‘Ilm al-Hadith (An Introduction to the Science of Traditions), London edition. Those associates kept the Prophet’s company for a period of 23 years, part of which had been in Mecca before the Hijrah and later in Medina after the Hijrah. The traditions reported by them include as well what they recall of legal judgements, their queries bearing on rituals, actions deemed to be allowed or forbidden, and the verdicts of the Prophet on cases settled by him.

The data thus collected was transmitted by the Companions to the Tahi’ûn (the generation that followed the Companions), and from these to the subsequent generations, until the time when the traditions came to be recorded.

The Caliph ‘Abd al-Aziz (d. 720 C.E.) decrees the writing down of the Hadith

‘Umar Ibn ‘Abd al-Aziz was the first Caliph who decreed the writing down of Hadith, dreading its loss through reliance mainly on memory and oral transmission; a course of action later to be stressed by the Abbasid Caliph Abu Ja’far al-Mansûr, who appointed one Ibn Shihâb al-Zuhri to compile the Prophet’s traditions. Al-Zuhri was a pioneer in recording the Sunnah (doings of the Prophet), but his work is a mere compilation without an attempt to classify or arrange his material.

The collecting of traditions and arranging them according to their subject-matter took place in the second half of the second century of the Hijrah. This work was performed by Ibn Jurayj in Mecca, Malik and Ibn Ishaq in Medina, Hushayn in Wâsit, Ma’amar in the Yemen, Ibn al-Mubarak in Khurasân, al-Rabi’ Ibn Subayh, Sa’d Ibn ‘Urâbah and Hammâd Ibn Salâmah in Basrah, Sufyân al-Thawrî in Kufah, Awzâ’î in Syria and Jarîr Ibn ‘Abd al-Hameed in Rayy.2

Malik Ibn Anas compiled his work entitled al-Muwatta’ (The Paved Path). From amongst the compilations of Hadith, made in this epoch, the Muwatta’ of Malik can probably be considered as the sole work that has come down to us through accurate transmission. For this reason, we can take it as a model representing the method of recording traditions at their earliest stage.

Though the Muwatta’ cannot be classed as a mere corpus of traditions, because of the juristic material, the sayings of the early community and the views of the Companions, it comprises the traditions which give us a true picture of the efforts made by the Imam Malik to write down the authentic traditions and to insert only what had been transmitted by trustworthy narrators. It is related that when he compiled the Hadith for the first time, his Collection comprised some 10,000 traditions. So he set about rejecting the feeble traditions until he could only authenticate about 1,000 of them. The proportion of selecting one tenth or 10 per cent of the original compilation of Hadith had subsequently become the method adopted by almost all the later traditionists, especially the compilers of the two Sahih, the genuine collections of traditions. The proportion may be far less in some other books of Hadith, because it is only related to what their compilers deemed as authentic and not to what they had actually learnt by heart, which indeed is considerable. It is reported that the Imam Ahmad Ibn Hanbal had committed to memory a million traditions.3

The arrangement in Malik’s Muwatta’ subject-wise

Malik arranged his Muwatta’ according to the subject-matter and juristic problems. He records the testifying tradition at the head of each chapter or in the course of its contents, he then adds the accurate sayings reported to have been said by the Companions and heads of the early community bearing on the subject-matter. An appendix is added to each chapter and is given the title of Jami’, the corpus in which are included miscellaneous traditions that cannot be given a separate heading. These comprise traditions dealing with ethical subjects: admonitions, good behaviour and the like.

It is related that Malik was the first author to have introduced such a compilation of heterogeneous material under the title of Jami’. Malik’s method of arranging his Muwatta’ is considered as by far the best. It had been adopted by later traditionists down to the third century of the Hijrah.

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2 The Sahih of Bukhârî.
3 Tadrib al-Rawî (The Training of the Transmitter) by Suyuti.
4 Ibn Khallikân’s Biographical Dictionary. ‘Abdullah, son of Ahmad Ibn Hanbal, reported about his father that he had written ten million Hadith and that he never wrote a page unless he had already committed to memory its contents. It is understood that this estimate comprises the various chains of transmitters and the narratives attributed to the Companions of the Prophet Muhammad.

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12

THE ISLAMIC REVIEW
The 9th century C.E. sees the development of the Science of Hadith

In the third century of the Hijrah (9th century C.E.), efforts exerted in collecting and recording traditions gained additional momentum and comprised various methods in the compiling, classifying and expurgating of the Hadith material. From falsification and weakness, Bukhārī compiled his corpus, which was considered as the first collection of Sahih, i.e., genuine traditions. Then came Muslim Ibn al-Hajjaj, the compiler of the second Sahih. The two Sahihis are recognized as authoritative. Later came the compilers of four books of authentic traditions, thus constituting, with the previous two, the six canonical books of Hadith which have been accepted as authentic by Muslims. Suyūtī says: “Any tradition incorporated in the works of these six authors can be transmitted by anyone, trusting that it is truly authentic.”

Authors of the Hadith books in the third century of the Hijrah followed various methods in compiling their collections. In some books, the old method devised at the beginning, of arranging the Hadith material, had been strictly followed. It is based on listing together the traditions, reported by each narrator, separately, regardless of its subject-matter. A collection thus arranged is called a Musnad. Such was the method of arrangement in the monumental work of Ahmad Ibn Hanbal, entitled the Musnad of Ahmad. Other Hadith works are arranged according to the subject-matter, such as The Muwatta of Malik. A third type is of a general character, comprising traditions on rituals, customs, usages, legal judgments, historical material, maxims and the obiter dicta, etc. It is thus called the Jami’, like the corpus of Bukhārī, etc. A fourth type is confined to traditions dealing with legal judgments and Sunan (doings and sayings), such as The Sunan of Abū Dāwūd. A fifth type deals only with a certain subject-matter or a particular question, such as the Shu’āb al-Imān (Paths of Faith) of Bayhaqī and al-Qir’ah fi al-Salāh (Recitation in Prayer) by Bukhārī.

These efforts exerted in compiling the Hadith material had gone on persistently in subsequent ages and had adopted various ways and methods in dealing with traditions, as regards their transmission, compilation, commentary, interpretation and the deduction of judgments. By this time the sub-divisions in the Hadith literature had become very considerable.

The sifting and selecting of traditions a unique characteristic of the Muslim nation

In any case, the process of compiling and committing the traditions to writing had been going on simultaneously with another development, that is, the sifting and selecting of traditions. Efforts exerted in this connection by Muslim scholars are peculiarly Islam’s own. Non-Muslims have never done anything similar. Thus it had been stated that “the Ḥaṣnāt (historical attestation) is one of the unique characteristics of the Muslim nation.” By the Ḥaṣnāt or attestation is meant the tracing of each link in the narrator, investigating their qualities as regards his memory, accuracy, truthfulness and addah (that he should be a competent witness whose testimony would be accepted in a court of civil law) and tracing the chain of narrators right up to the Prophet Muhammad himself.

Ibn Hazm (d. 1064 C.E.) says, “The report of a thiqah (trustworthy transmitter) going back to the Prophet in a continuous chain is a marked trait which specifically distinguishes Muslims from the followers of other faiths.” There are Hadiths which though attributed to the Prophet suffer from the missing link between the Prophet and the second narrator. They are called mursal or mu’dal. The mursal Hadith is the one that has the missing link of a number of transmitters in the chain of Ḥaṣnāt. A mursal Hadith is a tradition related by a Tabīl (follower of Islam in the generation after the Companions and attributed to the Prophet without mentioning the name of the Companion), whereas mu’dal is a tradition with an Ḥaṣnāt from which a name or names of the transmitters have been lost. They are common in the religious texts of the Jews whose chain of narrators does not go back to Moses. They stop at a point where there should be more than thirty other narrators. As to Christians, they have no such method of transmission for the words of Jesus.

We should not overlook this unique trait, distinctive of Islam and which is conspicuous by its absence in all other religions — the attesting of the Islamic tenets by authoritative texts and trustworthy transmission. No wonder that ‘Abdullah Ibn al-Mubārak remarked “that attestation constitutes a component part of religion”. Had it not been for attestation, it would have been facile for anyone to say what he would like to say. This remark is an evidence of the claim that the Muslims, in distinguishing between authentic and feeble traditions, had endeavoured to base their faith on reliable texts, as well as adopting in their investigations a truly scientific methodology.

It is equally related that ‘Abdullah Ibn al-Mubārak used to say, “Between us and other people lie the lists” (of authorities)”, that is, the Ḥaṣnāt (attestation). This obviously shows their practical method in the Naqd al-Rijāl (the criticism of the men who reported the traditions of the Prophet Muhammad). They have set up lists of the attestors’ names, arranged according to their qualifications. For instance, whether or not the attester’s transmission is considered worthy of trust or is feeble. The graded arrangement is a sure criterion to accent or reject a certain transmitter in the chain of narrators. If the requisite details related to the attester’s qualifications are wanting, the tradition reported by him is discarded. It is also rejected if one of the narrators in the chain of Ḥaṣnāt is missing, even though the others in the chain are considered worthy of confidence.

Muslim Ibn al-Hajjaj, author of the canonical corpus called The Sahih, says in the introduction to his book, “Muhammad Ibn ‘Abdullah Ibn Qahžád said that he had heard Abu Ishāq Ibn Ibrahim Ibn ‘Isa al-Taliqānī say that he said to ‘Abdullāh Ibn al-Mubārak, ‘O, Abu ‘Abd al-Rahmān, what about the tradition stating that “It is charity to pray for your parents with your prayers and to fast for them with your fasting”? ‘ Thereupon ‘Abdullāh Ibn al-Mubārak said, ‘O, Abu Isháq, on whose authority is this tradition related? ’ He said, ‘It is one reported by Shihāb al-Dīn Khirāsh. ’ Ibn al-Mubārak stated that Shihāb was worthy of confidence, but he further asked about the other authorities. Another authority of the same standing was mentioned, i.e., Hājjaj Ibn Dīnār, who reported that the Prophet Muhammad had said . . . Then Ibn al-Mubārak said, ‘O, Abu Isháq, there is between Hājjaj Ibn Dīnār and the Prophet an immense distance of barren desert, so vast as to cause the breaking

5 Tadrib al-Rawi, op. cit.
6 Sharh al-Turjāf (Commentary on the Novelty) by Ibn ‘Abd al-Oad al-Fāsī. The Fez edition, with a sinner commentary, the Ḥāshīyah by Ibn ‘Abd al-Salām, Kannoun Fāsī, op. cit.
7 The Hashiyah (Super-Commentary) on the Turjāf by Ibn ‘Abd al-Salām Kannoun Fāsī, op. cit.
8 The Sahih of Muslim in the chapter entitled “On the Attestation as part of Religion”.
9 Ibid.
down of the necks of the riding beasts, if they try to penetrate it. However, there is no disagreement about charity".\textsuperscript{19}

Muslim Ibn al-Hajjaj on the methodology employed by a collector of Hadith in incorporating the Hadith in his corpus

It may be advisable, in this connection, to quote some lines from Muslim Ibn al-Hajjaj's introduction to his corpus, canonical as the second Sahih. The quotation, though concise and brief, shows us clearly the graceful way adopted by these traditionists in dealing with the arduous studies. He says, "We shall start accepting the traditions you asked me to collect according to the rules to be mentioned in the sequel. That is to say, we reproduce a corpus of narratives, ascribed to the Prophet, and divide these into three categories, as well as dividing the narrators into three classes, avoiding any kind of reiteration.

"As to the first category, we aim at presenting the narratives deemed most authentic and free of any defects, the transmitters of which are well-known for their probity and good memory in narrating what they relate, and that nothing in their Hadith is marred by remote divergencies or glaring contradictions, as it had been noticed in the narratives of many traditionists.

"After we have studied thoroughly the reports of this category of guarantors, we insert next the traditions the attestations of which cannot be as accurate and well-memorized as the previous one. The narrators of the second class, though relatively inferior, can still be qualified as truthful and competent in reporting traditions, such as 'Ata' Ibn al-Sa'ib, Yazid Ibn Abu Ziyad, Layth Ibn Abu Salim and the like from amongst authorities, whether reporters of ahad (traces) or transmitters of traditions. Though they are, as we have described them, known to scholars to be accurate and trustworthy, their rivals are more distinguished in accuracy and probity. The latter are recognized by traditionists as better qualified and of a higher standing.

"Do you not realize that in drawing a comparison between the three above-mentioned guarantors ('Ata', Yazid and Layth) and Mansur Ibn al-Mu'tamir, Sulayman al-A'mash and Isma'il Ibn Abu Khalid, as regards probity and accuracy in reporting Hadith, you will find, no doubt, a great difference, recognized by traditionists, because the second three are well-known for their reputation of good memory and minute precision, traits that are missing in the first three?

"We come to an identical conclusion if we compare Ibn 'Aun and Ayyub al-Sakhtiyâni with 'Auf Ibn Abu Jamilah and Ash'ath al-Humâni, associates of al-Hasan and Ibn Sirin. Though Ibn 'Aun and Ayub are also their associates, there is a wide divergence between the two sorts of guarantors. Scholars of tradition, however, cannot deny that 'Auf and Ash'ath are known to be truthful and honest. But this is the way traditionists arrange the qualifications of transmitters. We have only quoted the names of some of them to give a typical example that helps the unmindful to grasp the method of traditionists in arranging and determining the qualifications of guarantors; so that a guarantor of higher merit is not given an inferior status, and vice versa. It is reported that 'Aishâ had said, 'The Prophet has enjoined on us to accord people their rightful merits'. God has also said, 'And over all ended with knowledge is One the All-Knowing' (The Qur'an, 12: 76).

"Accordingly we incorporate herewith the narrations you have asked me to compile, comprising the traditions reported to have been said by the Prophet. As to the narrators known to be suspect by all the collectors of the traditions, or by the majority of them, we shall not bother about the narrations of such reporters as 'Abdullah Ibn Miswar, Abu Ja'far al-Madâ'ini, 'Umar Ibn Khalid, 'Abd al-Qudûs al-Shâmi, Muhammad Ibn Sa'id al-Masulab, Ghiyath Ibn Ibrâhim, Sulaqyman Ibn 'Amr, Abu Dawood al-Nakh'îyy and the like, who have been accused of forging traditions and interpolating the narratives. We have also discarded the traditions of those reporters the majority of whose reports are known to be munkar, solitary and suspect or erroneous."

In order to detect that a tradition is munkar,\textsuperscript{11} it should be collated with the report of another reporter known for his good memory and accuracy. If the two transmissions are found to be divergent and almost no harmony can ever be effected between the two, and also if the majority of traditions reported by the first reporter are of identical characteristics, his narratives should be discarded.

"What we know of the method of the traditionists, in accepting peculiar traditions solely reported by one reporter, is to accept that reporter's transmissions if they conform to traditions reported by others, noted for their good memory and trustworthiness. If this accord is perceived and his narrative has even amended it to some additional material not found in the reports of his associates, his super-added material is accepted.

"As to the narrator who reports traditions on the authority of such eminent scholars as al-Zuhri and his associates, known for their good memory and accuracy, or such as Hisham Ibn 'Urwa, whose traditions conform to the majority of others, and his traditions are found to be unknown to any one of their associates, his reports cannot be accepted — and God knows best."\textsuperscript{12}

Non-Muslim scholars on the value of methodology employed by Muslims in the critical studies of traditions of the Prophet

This methodology is both accurate and scientific. The precision of which is no less exact than the methods annulled by modern critics, if not superior to them. The methodology adopted by Muslims in the critical studies of Islamic traditions had not been inspired by a foreign source, or imported from abroad, but it had solely been devised by genuine Arab thought and was the pure product of Islamic research. T. W. Juynboll in his article "Hadith" in the Encyclopaedia of Islam (1913-38 Edition) did not fail to express his admiration of the efforts exerted by Muslims in the critical studies they made bearing on the traditions of their Prophet, notwithstanding the considerable misinterpretations abounding in his article. He says:

"According to the Muslim view, a tradition can only be considered credible when its isnad (backing) offers an unbroken series of reliable authorities. The critical investigation of isnads has caused the Muslim scholars to make thorough researches. They endeavoured not only to ascertain the names and circumstances of the authorities (ridâ'il) in order to investigate when and where they lived, and which of them had been personally acquainted with the other, but also to

\textsuperscript{10} Ibid.

\textsuperscript{11} In the technical terms of Hadith, a tradition is said to be munkar if it is of weak authority contradicted by a weaker one.

\textsuperscript{12} The Sahih of Muslim.
test their reliability, truthfulness and accuracy in transmitting
the texts, to make certain which of them were reliable
\((\text{thiqah})\).^{13}

Adam Mez in his book *Die Renaissance des Islams*
(Heidelberg 1922) equally remarked on the great achievement
of Hadith scholars in committing to writing the prophetic
Nah. He says: “Critics of the Hadith had been con-
cerned, from the outset, with the gathering of data about
transmitters, ascertaining their names and deciding whether
they were \(\text{thiqah},\) worthy of confidence, or \(\text{da\'a\'if}\) (feeble). They
then investigated criteria on which such verdicts should be
based, that is to say, the qualifications required for a trans-
mitter to be judged as worthy of confidence. Thus they devised
what is known as \(\text{al-D}j\j\text{ar} wa \text{al-T}d\j\j\text{deel}\) (lit. lesion and
justification, i.e., criticism). Their insistence on having an un-
interrupted chain of authorities, so as to authenticate nar-
ratives reported by them, impelled them to widen the scope
of their researches, and not to be confined to minor data con-
cerning the transmitters’ lives and qualifications. They had
to write a detailed history dealing with them, in the form
of comprehensive biographical dictionaries. Thus were made
the works of the third century of the Hijrah as the *History*
by Bukhari and the *Tabaqat* (The Book of Classes) of Ibn
Sa’d, etc.”^{11}

The accuracy and precision of such methodology had a
remarkable effect upon Arab mentality. Its impact had
emerged in the fields of other disciplines such as lexicography,
literature and history. Ibn Qutayban (d. 889 C.E.), one of the
early literary critics, applied what he had already gained from
the methodological researches in traditions to his literary
studies, as is revealed in his introduction to his book on
*Poetry and Poets.*

**Muslim collectors’ methodology of collecting and sifting the
Hadith has a remarkable impact on the fields of other
disciplines**

I do not doubt that Ibn Khaldoun (d. 1406 C.E.) profited
from the works of Hadith scholars and applied their methods of
criticism to the bases he precociously laid for social science
and for his philosophy of history. The examples cited by
Muslim Ibn al-Hajjaj in the introduction to his *Sahih* for
detecting what is \(\text{munkar}\) (singular and suspect in traditions),
are identical with the criteria Ibn Khaldun adjoined to dis-
tinguish between the genuine and spurious in the historian’s
narratives. Hence we see that the science of traditions had
permeated Islamic culture, not only by means of its texts and
transmission, but also by its terminolo\(\text{gy}\) and what is called
by its scholars “the criticism of traditions”.

It is well known that the elaboration of this methodology,
that had been the outcome of critical studies in traditions
and of committing them to writing, was not originally intended
or made according to a preconceived plan. All this came
only by the way, and has been one of the conquests of this
great science which embraced all the aspects of intellectual
activities amongst Muslims. It urged them, from the outset,
to seek knowledge, even if acquiring it required them to go
into China.^{15} Thus there flourished a great intellectual revival
that permeated all the Islamic countries from East to West,
a revival the essentials of which had never lost sight of the
fundamental tenets of Islam, as embedded in the Holy Qur\(\text{\text{a}}\n\) and the traditions of the Prophet. This is a fact of great sig-
nificance, because it explains to us how great Muslim
thinkers throughout the ages had been so keen to be well-
versed in the “Science of Hadith”, even if their special sub-
ject was philosophy, medicine, or astronomy. Witness such
mean as Avicenna, Averroes, N\(\text{\text{a}}\)\(\text{s}\)ir al-Din of T\(\text{u}\)s, ’Abd al-
Latif of Baghdad, etc. It had been asserted that the “Science
of Hadith” is similar to botany — for both necessitate long
journeys in quest of scattered data and going through field-
work. No scholar can aspire to be an authority in either,
unless he undertakes long journeys and voyages in various
countries.

Certainly, these critical studies were not originally the
chief aim underlying the activities meant to commit the
Prophet’s traditions to writing; the eagerness to collect and
record these traditions was prompted by fear that some day
they might totally disappear. It is reported that ’Umar Ibn
Abd al-’Aziz (d. 720 C.E.), the Umayyad Caliph, wrote a
letter to Abu Bakr Ibn Muhammad Ibn Hazm touching upon
that question, in which he said, “See the traditions of the
Prophet of God that are extant are reduced to writing; for I
dread the disappearance of knowledge and of the death of
those who possess it.”^{16}

Surely it was a movement towards saving Islamic learn-
ing, the sole possession of Muslims, which they tried to
preserve by relying entirely upon their memories. When
death had overtaken most of the transmitters of Hadith,
the conscientious Caliph, dreading the disappearance of
the Nah, became as apprehensive as the first Caliph Abu Bakr
who, perceiving that many of the reciters (the \(\text{Qurr\(\text{\text{a}}\)t}\) from
amongst the Companions had been killed in battles, ordered
the collection of the sacred texts of the Qur\(\text{\text{a}}\)n. So ’Umar
Ibn ’Abd al-’Aziz ordered the recording of the Prophet’s
traditions, regarded at that time as the field of knowledge
second only to that of the Qur\(\text{\text{a}}\)n. Hence they spared no effort
in preserving the sayings of the Prophet Muhammad, his
\(\text{obiter dicta}\) and all that was reported about him, an achieve-
ment that has no parallel in the history of any other nation.

The Muslims committed the Prophet Muhammad’s tradi-
tions to writing and have always obviously drawn from this
inexhaustible source wise sayings, legal judgments, deep
knowledge and ingenious statements. They have never viewed
these traditions from a rigid and restricted standpoint. They
have considered them as a comprehensive heritage of learn-
ing which they set themselves to study exhaustively for a
century, when their intellectual horizon was widened by the
“sciences of the ancients” such as philosophy, physics and
mathematics which had been translated by them into Arabic.

But these secular disciplines did not interrupt their pre-
occupation with Hadith studies, the scope of which had by
then become wide. This was due to the fact that the Muslims’
outlook had never recognized any divergence between science
and religion, nor did it maintain that matter outweighed
“spirit”, for it taught the Muslims that Islam conformed
essentially to science. Besides, Muslims have always regarded
“matter” as a means to raise the “spirit” to still loftier
levels. Means and ends in their view are of an identical
standing. For this reason, they effected a happy harmony
between divine revelation and secular sciences.

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13 *Encyclopaedia of Islam*, the Arabic translation, Vol. VII, p. 335
(the quotation is here reproduced from the English version of the
old *Encyclopaedia of Islam*, art. Hadith).
14 This is an English translation of ’Abd al-Hadi’ Ab\(\text{d}\) Rida’s Arabic
15 It is related that the tradition, “Seek knowledge even into China,”
though vouched for by many reporters, is considered as un-
supported by a trustworthy \(\text{in\text{\text{a}}\text{d}}\).
16 The *Sahih* of Bukhari.
17 Persons who learn the Qur\(\text{\text{a}}\)n by heart.

**JANUARY 1967**
So the Muslims' work in recording the Prophet's traditions had been in a general sense a pioneering achievement, covering all the sciences of life which they studied and grasped without differentiating between religion and science. When the age of translation set in and the great intellectual revival started, the "Science of Hadith" was one of potent means to encourage the new studies. The various disciplines, thenceforward, acquired distinct and exclusive scopes, and each went its own way.

The influence of Averroes on Maimonides and Thomas Aquinas

But they were all considered as correlated studies. No discipline encroached upon the field of another, or claimed that it comprised the basis of human knowledge to the exclusion of others. The mutuality of acknowledgement and common co-operation between both philosophical and religious thoughts led to the creation of a specific Muslim philosophy as distinct from philosophy in general. I am, of course, referring to Averroism, which proved, for the first time in the history of human thought, that there was no clash between science and faith. Abul Walid Ibn Rushd18 expounded that system of thought in his book entitled Fasl al-Ma'qūl fi ma bayna al-Hikmāt wal-Shari'ah min al-Ittisāl (The Decisive Argument Explaining the Close Relation between Philosophy and Religion) and also in his other philosophical works.

Averroism gave birth to the philosophical thought of Maimonides, the Jewish philosopher, who adopted its arguments to affirm the validity of Judaism. Then it came, in turn, to influence Thomas Aquinas, one of the prominent clergymen and scholastic philosophers in medieval Europe, who found in Averroism, as an intellectual system, the most stable support ever devised to uphold the Christian faith.

The main purpose of recording Hadith was to know the details of their faith and their religious practices

This should not be understood to mean that when the early Muslim scholars began to collect and record the Hadith the purely religious aspects of life as related to the Prophet's traditions had not received ample consideration at the hands of the early Islamic community. Nor can we deny that the religious import had been the main urge that prompted them to perform these herculean efforts. We have simply laid emphasis on the scientific method adopted by Muslim scholars in the course of that movement; a fact that has often been ignored in modern researches or not given due consideration.

Traditions related to duties, rituals, necessary or recommended, and to the Sunnah in general, had been the first important aim to be given full attention by the early Muslim community. Learning these traditions by heart and transmitting them was one of the chief preoccupations of the "Companions" and "Followers", thenceforward, to be handed on to subsequent generations. There had been even amongst the Companions those like 'Abdullah Ibn 'Amr Ibn al-'Asi who, after having taken permission from the Prophet Muhammad, were keen to commit these traditions to writing. This, it should be emphasized, took place nearly a century before the epoch in which these traditions were attested and written down. During that time scholars, zealous in the pursuit of collecting and recording the Hadith had been promoted mainly by religious motives. Some of their works are solely confined to religious topics to which we have already alluded, like al-Qira'at fi al-Salāh (Recitation in Prayer) by Bukhari, Shu'āb al-Imān (Paths of Faith) by Bayhaqi, and the Sunan of Abu Dawood, although the last one comprises both "rituals" and "transactions".

It is but common sense to say that the early Muslims were very much preoccupied with the details of their faith and their religious practices, because they read in their Holy Book, "And We have revealed unto thee (Muhammad) the Remembrance of which thou wast a witness, that thou hast been revealed for them" (16 : 44). The Companions also heard the Prophet Muhammad say, "I have been given the Qur'an, together with something similar to it."19

Though the Qur'an covers both dogma and law, a distinct characteristic not to be found in any other revealed scripture, many of the rules it contains are not explained in detail, because the Qur'an had been primarily concerned with winning people to faith and to make them abhor unbelief, transgression and disobedience. The other Qur'anic verses are meant to confirm faith in the hearts of those who believed, to guide them to the true knowledge of God and to worship Him, just as He had been worshipped by the Prophet Muhammad. This is amply shown by the verse which reads, "Say, if ye love God, follow me: God will love you and forgive your sins" (3 : 31).

How the Hadith enable us to understand the details of religious practices

For this reason, the Companions of the Prophet and those who came after them felt the necessity of knowing the Sunnah, which expounds in minute detail what is mentioned in a brief and condensed form in the Qur'an in the matter of rules about rituals and daily transactions. By way of an example take the importance the Qur'an attaches to Imān (faith). It is mentioned in the Qur'an that it is an obligation, incumbent upon everybody, to fill his heart with it. No further details are given in this matter in the Qur'an. It is only the Sunnah that provides us with a detailed explanation of the meaning given in a tradition reported to have been said by the Prophet Muhammad, "Faith is to believe in God, His angels, His books, His Messengers and in the last day, and believing in the predetermination of the good and the evil."20

Traditions also explain what is meant by Islam and Ihsān (righteousness), Salāh (prayer), one of the pillars of Islam, mentioned in the Qur'an as a duty, but without details. The Sunnah, on the other hand, explains at length the number of rak'ahs, their various postures, their modalities and rules, and how to rectify any discrepancy that may occur therein. The Sunnah also provides details about them. The Qur'an just contents itself with the following details: "O ye who believe! When ye rise up for prayer, wash your faces, and your hands up to the elbows, and lightly rub your heads, and your feet up the ankles. And if ye are unclean, purify yourselves. And if ye are sick or on a journey, or one of you comes from the closet or ye have had contact with women; and ye find not water, then go to clean, high ground and rub your faces and your hands with some of it" (3 : 6).

Prayers and their times

The Qur'an speaks of the appointed times of prayers in a cryptic manner. For instance we read in the Qur'an, "So glory be to God when ye enter the night and when ye enter the morning — unto Him be praise in the heavens and the earth — and at the sun's decline and in the nookday"

18 Known to medieval school men of Europe as Averroes.
19 The Sunan of Abu Dawood and the Musnad of Ahmad.
20 The Sahih of Bukhari.
These few observations give us an idea of the value of Hadith traditions as related to religion and knowledge in general. One is therefore amazed at those who doubt their authenticity or consider their transmitters as suspect. We have said enough about the strenuous efforts made by traditionists to ascertain the names and sanad (support of the attesters) and to subject the narratives to intensive critical analysis, a fact that has gained universal admiration, even from those who are non-Muslims. Scholars, other than traditionists, such as historians and literary critics, have adopted the Hadith methods as criteria to test the accuracy of social data and historical narratives. I don't think it is possible to improve upon the scrupulous care which the traditionists employed to verify and sift traditions.

Conclusion

As to the reliance on Hadith as a factual evidence, there are some who maintain that these reports are mere conjecture, assumptions and ahad traditions, that is to say, traditions reported by only one authority. Those who question the authenticity of Hadith today are only swayed by bias and prejudice. They simply betray their ignorance of the Hadith literature and the knowledge and guidance it offers. We would, however, ask them to remember that the norms governing the life of Muslims are drawn mainly from the Sunnah, considered by Muslims as authentic.

Let us take the question of the number of prostrations to be made in prayers and the amount of property liable to be taxed in Zakah, etc. Those who reject the Hadith out of hand should tell us if these and other details constitute an essential part of religion or not. If they reply in the affirmative, they would tacitly admit the validity of the source from which these rules have been drawn. As a corollary they would be bound to admit that the traditions provide them with guidance on other issues. If, on the other hand, they averred that these rules are far removed from Islam, then it seems to us that it is not Islam they are talking about. The Hadith is considered a factual evidence by Muslims who pray and fast in accordance with the verified traditions which encompass the sayings and doings of the Prophet Muhammad. The Sunnah comprises the traditions, whether reported by consenitve testimonies or reported by only one authority, Sahih (sound) or Hasan (good).

Let us hope we have dealt with the scientific and religious import of the Hadith, and that we have succeeded in appraising the services of the traditionists. This does not mean to say that we should not guard against apocryphal and “weak” traditions. We know that a considerable number of forged traditions blemishes the reputation of Islam and misrepresents its true essence. As a matter of fact, spurious traditions induce those who are devoid of any knowledge and firm conviction to doubt the authenticity of the whole corpus of traditions, thereby rejecting them and refusing to accept them as a means of forming the norm of our lives.

21 Ibid.
22 The traditions reported by Abu Hurayrah and other transmitters bearing on the modalities of prayers are found in the chapters on “Prayer” in the Sahih of Bukhari, the Sahih of Muslim, the Sunan of Abú Dawood and other Hadith works.
23 Bukhari.
24 Ibid.
25 Ibid.

JANUARY 1967
This is an evident fallacy, because the existence of some false money does not cancel the whole currency. Even in the history of literary works of poetry it has happened that some texts had been falsely attributed to some men of letters which were not theirs. As a result of this nobody has ever rejected their whole literary product on the basis that either it is entirely plagiarised and ascribed erroneously to them.

Titles of some books to study on the subject of Hadith

It should here be mentioned that standard works dealing with spurious traditions exist by some scholars who have devised rules to detect whether or not a tradition is fabricated. We cite some of those works: the Mawdū‘āt (Apocrypha) by Ibn al-Jawzi, the La‘āli‘ al-Masmu‘ah fi al-Ahādith al-Mawdū‘ah (The Fabricated Gems Dealing with Spurious Traditions), the Durar al-Muntatharah (The Scattered Pearls), both by Suyūṭī, Tamyeez al-Tayyib min al-Khabeeeth (The Distinction between the Excellent and the Unwholesome) by Ibn al-Rabi‘, the Mawdū‘ah (Apocrypha) by ‘Alī al-Qāfī (known as Ibn Sultan), al-Ghammāz ‘ala al-Lamīmāz (Finding Fault with the Backbiters) by Samhūdī, al-Fawā‘id al-Majmū‘ah (The Incorporated Advantages) by Shawkānī, and the Asma al-Madālib (The Most Exalted Claims) of Muhammad al-Hoot. Relevant to these is the appendix written by Majd al-Dīn al-Fairouzābādī at the end of his book Sīfr al-Sa‘ādah (The Book of Happiness). These works are in print and accessible to all.

Let us in the end refer ourselves to that body of traditions which although they are marred by a hidden fault in either their text or chain of authenticity cannot be considered as spurious. They create problems which are difficult to resolve except by authorities well-versed in the criticism of Hadith. Scholars had also written very useful books dealing with the defects of such traditions. Some of these have been printed. For instance Tā‘īl al-Hadith (Faults of Traditions) by Ibn Abū Hātim, in which he has incorporated some three thousand faulty traditions stating their defects in so finished and perfect a way that it just cannot be excelled. There are other kinds of traditions which seem at first sight to be contradictory to certain Qur‘ānic and other traditional texts. One is inclined to deny the validity of these apparently faulty traditions, which are called the Mukhtalaf al-Hadith (Contradictory Traditions). As these traditions can cause serious mental discomfort to some people, one nevertheless should not give judgment on them in a haphazard way. Rather one should try to investigate them patiently and make a comprehensive study. One of the best books ever written on that subject is the work of Ibn Qutayba entitled Tā‘īl Mukhtalaf al-Hadith (The Reconciling of Apparently Contradictory Traditions). It is in print and is strongly recommended for acquiring further knowledge and deeper insight into the Hadith.

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THE MOSQUE

Hafiz and I came down to Adelaide
Among the first who ever came
From our Afghanistan to try the land
Where thirst is king, the Never-Never,
The far hinterland, where Abo's dance
And wail their songs.

And Englishmen may claim the praise
For far lands placed upon the map,
But camels from Afghanistan have taken them
And much equipment to the farthest north
To'ard the Equator and the ceaseless heat.

I watched his bearded face and his fine eyes,
This trusted comrade of the long, long march,
And he looked northward to'ard the sun,
As we explored the unmapped lands,
The thirst-filled lands, so bleak and bare.

And finally he said to me:
"I wish we had a mosque,
A humble one, in Adelaide.
And when we come back from the Never-Never,
We'd find a place to worship."

"Would it be good enough?" I asked.
"Remember mosques we've seen in distant lands,
Mighty and majestic, filling men with awe,
The soundless corridors and great stone-flagged courts,
The whispered voices and the soft footfalls . . .
Would ours in Adelaide be good enough?"

Then Hafiz mused awhile upon the camel's rolling back,
And gazed long to northward, for we were heading in,
It seems what we could build as praise to God
And then he said: "God knows the human heart . . .
Is no great mosque of marble, rising high,
Like a mountain covered deep with snow,
Like the cloud-scraping towers of the mosques of dreams,
Shining afar over land and sea,
Where moonlight sleeps upon the snowy domes,
And up above the minarets are starry gleams,
And skies, blue-black, leading to infinity.

"No, when it is finished, we will lift our hands
And say, 'Tis all we have, O God.
Not with what we have not, but with what we have,
We praise Thy name. This is all that we could do.
Look kindly, God, upon our humble mosque
And let our calloused hands, worn with the toil,
Speak what our lips may fail to say.
We are not rich in words; we say only
The things that must be said. Let Thy great heart,
Greater than all the world, feel for Thy children
Here below, the ones who love Thee,
Speaking less than the heart may feel
But knowing much. Here is our mosque,
The best we have, produced by toil
In the margin of our busy time.
Forgive whatever lacks; our hearts lack nothing
Of the truest praise. No brilliant walls
Enshrine our worship, but we seem to know
The true mosque is the human heart,
Wherever that may be, in Karachi's busy streets,
Or in the Never-Never where the Abo's chant
And dance beneath the brilliant skies
(They are Thy children, too).
In Kangaroo Land, in loneliness,
And north of Alice on the desert waste
Hearts beat for Thee, for our Eternal God,
The God our fathers worshipped far away
Amid the Afghan hills. So we have built
The best we can and hope that Thou
Wilt see as always by Thy mighty eye
The motive of our minds
And thankfulness within the humble walls."

NOMAN LEWIS.

JANUARY 1967
The Woking Muslim Mission has assiduously both by precept and practice maintained and demonstrated that in Islam there is no room for sectarianism.

With this grand concept in view, the Imam of the Shah Jahan Mosque, Woking, on the occasion of the two great Islamic festivals, called together a group of leaders of various schools of thought in England to discuss their own particular schools of thought.

‘Id al-Adha 9 May

The ‘Id prayers were led by His Eminence the Grand Mufti of Palestine, Sayyid Amin al-Husayni (1). In the congregation were present the late

‘Id al-Fitr 19 February

The ‘Id prayers were led by the former Ambassador of Su‘udi Arabia to the Court of St. James’s, London, His Excellency the Shaykh Hafiz Wali Khan, the Afghan Ambassador in London (2), and His Excellency the late...
NISM ARE INCOMPATIBLE
Mission and Literary Trust is based on this Concept
years bears Witness to this
S OF 1930 AND 1931

there is no room for sects — only schools of thought. "All Muslims are brothers."

amic festivals, conceived and designed by the social genius of the Prophet Muhammad to make Muslims understand that they all form sought in England, the Shi'iyy included, to officiate at these functions attended by Muslims of all nationalities owing their allegiance to

ha 9 May 1930
present the late Mr. 'Abdullah Yusuf 'Ali, the famous translator of the Qur'an into English (2), and the late Lord Headley al-Farooq (3).

9 February 1931
Shaykh Hafiz Wahba (4). In the congregation were present the late Dr. H. Mustafa Léon (1). His Excellency the late Field Marshal excellency the late Hafiz 'Afif Pasha, the Egyptian Ambassador in London (3).
The Confusion about the Firsts of the Hijrah Calendar Months

A Suggestion to work out a Unified Islamic Calendar for the Entire Muslim World

By HASAN HILMI

The ever-occurring tangle in the age of science is hardly reasonable

When does the month of Ramadan begin? When will the ‘Id al-Fitr fall? When will the Hajj (pilgrimage to Mecca) and the stand on the Mountain of ‘Arafat be? What is the date of ‘Id al-Adhā? These and other questions raise problems among the Muslims in various parts of the world. The Muslims thus begin their fast for the month of Ramadan, and celebrate ‘Id al-Fitr and ‘Id al-Adhā, and proceed to the pilgrimage to Mecca, with argument and disunity among them as regards these dates. And this happens although they profess one religion, and practise a faith which is characteristic for the doctrine of oneness and unity which it preaches.

There is without doubt urgent need of putting an end to this problem and finding a solution to the disagreement among the Muslims about dates. The great majority of the Muslims of the world are conscious of this problem, and have become irritated with the monotony with which it arises. The solution, of course, would be possible only if a unified system for calculating and ascertaining the dates of the Muslim calendar were adopted by the Muslims in various parts of the world. The constant argument and dispute about the date of the start of the fast of Ramadan is not edifying. The same is true of the spectacle of the Muslims during the Hajj standing on Mount ‘Arafat on two separate days, because of uncertainty about the sighting of the crescent moon. All this could be eliminated if a unified system, based on both religious and scientific considerations, were adopted by the Muslims.

I am for this reason humbly offering a suggestion for the solution of this ancient problem, and hoping that the people concerned with this matter in various parts of the world would give due consideration to my suggestions in an effort to eliminate a source of disunity and irritation for the Muslims as well as a source of ridicule or criticism of Muslims by non-Muslims.

Whe live in an age when science is extremely reliable, and when the science of astronomy, in particular, has made tremendous strides. Man is well on the way to conquering space, and preparations are seriously being made for a landing by man on the moon. This being the case, it is hardly reasonable to claim that there can still be doubt and uncertainty about the appearance of the crescent moon for calendar purposes. This is too trifling a matter compared with other facts about astronomy, and it is time that it ceased to be considered a problem of baffling uncertainty and conjecture. Scientists can now easily predict the movements of the planets and the stars for many years to come, and can chart their courses with great accuracy. The orbits of the sun and the moon are also easily predictable on scientific data. This simply means that it is extremely easy and simple to predict the appearance of the crescent moon and the start of a new month, and consequently about the days of ‘Ids. It also means that there need be no argument or disagreement about the exact times of Hajj for the Muslims in various parts of the world. These can be fixed for all places and for all times by simple mathematical processes.

The three problems connected with the crescent moon

The present dispute among the Muslims rages on several fronts. It is argued that the crescent moon should be sighted by the naked eye and its appearance identified only in this way; and this is claimed to be in accordance with a strict interpretation of the Shari‘ah of Islam. It is also argued that the crescent moon should be sighted by the naked eye. On the other hand the question is asked whether all the Muslim peoples in the various parts of the world should be considered one single nation in the matter of fasting and breaking the fast at one and the same time, or whether the various Muslim communities should be considered separate, self-contained units recognizing separate dates for their own purposes, and not necessarily agreeing on this with their neighbour communities.

The first problem is to define what is meant by the appearance of the crescent moon. The scientific astronomical fact is that the new crescent cannot be viewed with the naked eye until after 24 hours from the birth of the new moon. There may be rare exceptions to this, and sometimes the crescent can be sighted 18 hours or so after the birth of the moon. Where, for example, the atmosphere and the skies are exceptionally clear. But the general rule — that 24 hours must elapse before a sighting by the naked eye would be

1 Courtesy, the Editor, al-Hiday al-Islāmī, Volume 5, No. 1, published by al-Sayyid Muhammad Ibn ‘Ali al-Sanusi Islamic University, Beida, Libya.
possible — holds good for most practical purposes. The position also varies in relation to the time and angle of the setting of the sun. For the sake of uniformity in this respect no use must be made of telescopes or other aids, because they would produce varying results depending on their quality and strength, and it would then not be possible for the Muslim communities in the various parts of the world to have a recognized standard acceptable to all. In other words, if the use of optical instruments of magnification were to be permitted different results about the sighting of the crescent moon could be obtained by different Muslim communities, depending on the quality of instrument used. This would produce further disagreement and confusion and befuddle the original problem.

The second problem in this regard is the existence of two schools of thought on the subject of the determination of the date of the crescent moon. One school of thought would prefer to settle this matter by reference to mathematical calculation, and without regard whatsoever for the sighting of the crescent moon by the naked eye or with any assistance by instruments. The other school of thought believes only in the sighting of the crescent moon by the human eye. In my opinion, however, there is no reason why these two schools of thought should not be combined and utilized together harmoniously, with the results produced by the one checking and rectifying the results produced by the other, as part of the same operation. The first step in any such operation would be the scientific one of calculation by reference to mathematical and astronomical data. The final confirmation of the appearance of the crescent moon would come from actual sighting, but this would be utilized intelligently and relied upon only to the extent suggested by the scientific data. In other words, there would be a single operation of two parts, one scientific and the other consisting of sighting.

Actual sighting by the human eye is unreliable and fraught with dangers and complications. There are several reasons for this. Atmospheric conditions are not always favourable for observation, and different results can be produced in different parts of the same country and at different times. Sighting by the human eye is thus likely to produce discrepancies and confusion with harmful results. It has also been definite proved that persons charged with sighting the crescent moon have made mistakes which have caused embarrassment and chaos among the various Muslim communities. One example of this is the incident in Libya on 15 June 1950, when it was decided that the crescent moon had been sighted by observers, and the month of Ramadan fast was accordingly decreed as begun. But the fact was that at the time the crescent moon was alleged to have been sighted the moon was in such a position that it simply could not have been sighted, whether by the human eye or by any optical instrument of any strength. The moon was at such an angle from the sun that it could not be visible. Nevertheless, on the authority of a few individuals, the fast of Ramadan was begun a day early. There are other examples of similar incidents.

How a unified Islamic calendar can be worked out

The third aspect of the problem about determining the start of the months of the Islamic calendar is a problem of unification of practices among the Muslim peoples. It is a matter which should be discussed on an international plane for the purpose of deciding on a system which would be acceptable to the various Muslim countries and communities. In all this the theme should be that the Muslim nation is but a single nation. In the most important characteristics of personality the Muslims are members of the same unit. Although Muslim communities are often separated from one another by great distances, the tremendous progress in communications in recent years has made it possible for them to be linked closely together, and has enabled them to evolve unified and harmonious attitudes in matters of common interest. If we consider the Muslims as members of the same nation they must surely adopt a uniform attitude towards a simple matter such as the dates of their calendar. There can be no such uniformity. However, if these matters are treated on a local basis, now Muslim communities inhabit parts of the globe lying between the longitude 20° West and the longitude 130° East. Between Muslims living in Ghana, for example, and Muslims in Indonesia, there is a difference in time of about 10 hours. For this reason there are bound to be differences in this regard the start of the Muslim month from country to country.

But there would be no real harm in this as long as the Muslims agree on a single basis for calculation of the beginning of the crescent moon, and accept as confirmation of this the sighting of the crescent moon in any of the Muslim countries where the conditions are the most favourable for the purpose. There would be in this case scientific precision and reliability, and the whole operation would be checked and confirmed by human sighting in the traditional manner. For this purpose it would be advisable to adopt a particular degree of longitude as the basis for calculation — say for example 130° East, which marks the Eastern extremity of the Muslim world, and passes through some of the islands of Indonesia. If the crescent moon can be sighted there it would be more than likely that it could be sighted even more clearly in the rest of the Muslim world further West.

Another longitude that could be adopted for this purpose would be 40° East — i.e. the line passing through Mecca and halfway through the Muslim world. This line would have the additional advantage of connection with the Ka‘bah, which is the focal point of Islam, and also with the country in which Islam originated. Whether one line or another is adopted is immaterial. Any line is good enough, as long as it is recognized and accepted by all as a standard for measurement and calculation. In the way already suggested, it would be permissible to confirm and verify the date fixed by scientific calculation on the basis of this longitude by any sightings in any part of the Muslim world. With goodwill, objections and obstacles that could be raised in such a project could be ironed out by the Muslim leaders if they kept in mind the predominant importance and necessity of harmony and unification among the Muslims in this respect.

Uniformity in the beginning of each calendar month will help the sense of unity amongst Muslims

The cause of Islamic unity would be substantially advanced by these steps in the direction of the unification of the Muslim calendar. It is also urged that the Muslim leaders should agree about the issue of a unified calendar in the various languages spoken by the Muslim peoples. This should include agreed dates for the start of the Hijrah year and the beginnings of the Muslim months. The calendar should also contain data which would enable Muslims in various parts of the world to determine, by a simple process, the times of prayer throughout the day. There should also be given agreed dates for other notable occasions in the Muslim year. Another
Western Prejudices play down the Cultural Role of Croat Muslims in the Balkans

Cultural Achievements of the Bosnian Muslims during the Ottoman Rule

By Dr. Isma'il BALIC

Sarajevo, the greatest centre of Islamic education in Europe including European Turkey

Many facets of the colourful, turbulent Balkans have aroused wonderment in a traveller or student from Western Europe and the Americas. But surely none seems more remarkable than the existence of a Muslim community in the heart of Europe comprising some 1,000,000 people.

The Muslims of Bosnia-Hercegovina, one of the six federal republics of Yugoslavia, embody even in today's political circumstances a viable culture the roots of which go back to the middle of the 15th century and the conquest of Bosnia by the Ottoman Turks. And the existence of this community is indeed remarkable in so far as it proved to be the most enduring product of the spread of Islamic culture in the West.

The culture of Islam is evident throughout Bosnia-Hercegovina, and especially in its principal intellectual and spiritual centres, Mostar and Sarajevo. In the latter is located perhaps the greatest centre of Islamic education in all of Europe, including Ottoman Turkey, the Medresse and Public Library of Ghazi Khosrewbeg. In addition, such monuments of Islamic civilization as the mosques, watchtowers, mausoleums and public baths, have given a singularly Islamic stamp to the older Bosnian settlements.

I have tried to survey briefly the culture of the Bosnian-Hercegovinian Muslims, their role in Oriental culture, their cultural development on native soil, in short, the total cultural heritage of this unique European community, a heritage which finds its richest resources in the four centuries of Ottoman rule.

Turks overthrow the Bosnian kingdom in 1463. Start of the cultural development of Bosniacs under the influence of Islam

Already prior to the overthrow of the Bosnian kingdom by the Ottomans in 1463, parts of the country were firmly in Ottoman hands.1 The final defeat of the royalist troops marked the beginning of a frontal inroad of the Ottoman-Islamic culture into the country. Then, from 1463 till 1878, the year when Austria-Hungary occupied Bosnia and Herzegovina, they, as the provinces of the Ottoman Empire farthest to the west, played a prominent part in the attack and defence of Islam in Europe. Bosnian statesmen and military commanders helped to shape the vast empire. Men of learning and poets carried the name Bosniac (Turkish: Boshnag, Arabic: al-Bosnawi) far beyond the frontiers of their Slav homeland. At times their language was spoken at court in Istanbul or in the Konak of the Viziers of Budim. It was also the language used in state documents.

Although long before the wave of Ottoman conquests Muslims existed as a cultural unit2 in a nationally Croat region as in Sirmium of the 10th to 13th century C.E., one cannot speak of a steady cultural development under the influence of Islam before the arrival of the Ottomans; the monuments and immediate cultural effects these small medieval settlements may have produced were lost in the tide of events in conjunction with settlement and the formation of the first Slav states in south-east Europe. The period, on the other hand, wrought such deep changes in the soul, spirit and mind and outer cultural profile of the Islamized Slavs that these not only found their expression in literature, the arts and historical development, but have remained to this day. The Bosniacs and Ottoman Turks were one in their consciousness of their empire and culture; Bosniacs, as equals, made decisions on the fate of the empire and took part in its cultural development.

Some famous Muslim names in the annals of the Bosniac cultural life

Not only did they enrich the policies of the empire with many a valuable facet and contributed to military success, they also played their part in cultural life. The Grand Vizier Ahmed Pasha Hersek-Oghlu (1451-1517 C.E.), a wise, brave, just and honourable man who served the empire unreservedly,3 and to whose influence and political wisdom the

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1 Presumably the Turks had some strongholds in Eastern Bosnia since 1435. Cf. G. Skrivanic, Recension of the work Bosanski pasaluk (The Bosnian Pashaluk) by Hazim Sabanovic in Istoriski Glasnik, Belgrade 3/4, 1960, p. 84.


THE ISLAMIC REVIEW
small republic of Dubrovnik (Ragusa) most probably owes that it continued to exist as an independent state, earned fame as an expert on the political conditions of the Occident and plied his wide political, cultural and linguistic knowledge to the advantage of the state as well as to that of his countrymen and former fellow-believers, the Christians.

Ahmed Südî (d. 1591 or 1952 C.E.) wrote excellent commentaries on classical Persian poetry. The thoroughness which he applied to his work has made his writings a source of invaluable service to the science of Iranistics to the present time. Nasūh Ibn 'Abdallāh (Qaraqūz) al-Silāhī al-Mitrāqī al-Wisoqawī (d. 1547 C.E.), an all-round gifted man, created many miniatures of captivating beauty and realism, thus enriching Ottoman culture by a valuable facet. The Bosniac Hasan al-Kāfī al-Aqhisārī (d. 1616 C.E.) was the first to surrender of 2½ per cent of the current capital over and above subsistence level of the faithful as alms-giving (Zakāh), expended towards the setting up of institutions for the common good (mosques, poor-relief kitchens, baths, bridges, clock-towers, etc.). In the first two centuries following the fall of the kingdom, when the war was fought far from the Bosnian frontiers, so that the country enjoyed a kind of peaceful period, " Bosnia and the Herzegovinian lands, that were included in the Oriental cultural sphere, knew an uplift that has not yet received enough appreciation ".

Western prejudices play down the cultural role of Croat Muslims in the Balkans

Partly out of ignorance and partly out of national and religious prejudice the West, since the Turkish wars, tends to regard the Ottoman period of the Balkans as one of cultural low-ebb. And in doing so, many a cultural achievement by Muslims is wrongly overlooked and underrated.

This attitude is supported and intensified by the negative treatment of the Ottoman past to be found in distinguished works of Croat, Serb and Bulgarian literature, such as those of Nobel Prize winner Ivo Andric and poets Ivan Mazuranić and Petar Petrovic Njegos. This view is valid in so far as the non-Muslim population is concerned since they were denied access to the cultural institutions and barred from participation in political life as well. But no serious objective assessment of the Ottoman past can overlook the role of Croat Muslims, especially those of Bosnia-Herzegovina, in the lively cultural life of the Ottoman empire.

A number of historians and Oriental scholars have attempted to achieve such an objective approach, among them Friedrich S. Kraus, Konstantin Jireck, Carl Patsch, Franz Babinger, Vladislav Skarić, Galab Galabov, Francesco Gebrieli, Josef Matli, Herbert Duda and Hamdija Kresevljakovic. But their influence has been limited.

The influence of Islam on Bosnian daily life

Therefore, it would seem fitting to mention certain details as this point is apt at least to mitigate existing prejudices. The extent of religious influence on the Muslim population was such that they had their houses built in such a way that, under no circumstances would the back of the visitor entering the house be turned to the south-east, i.e., towards Mecca. Such religious scruples are rare even in Arabia, the cradle of Islam.

4 Ibid., p. 87.
5 More on these personalities in the corresponding chapters of my essay "Cultural Achievements of the Bosnian and Herzegovinian Muslims" which will be published in 1967 In Toronto, Canada.
Thanks to the cleanliness prescribed by Islam, Sarajevo, the capital of Bosnia, got its first water system as early as 1461 C.E.; it was a pious donation by Grand Khoorew Beg (1490-1541). Thereby it was ahead of London by 150 years, of Paris by about 200, and of Moscow and Zagreb by 400. In the latter half of the 16th century a number of smaller Bosnian villages and towns such as Banjaluka, Foca, Livno, Mostar, Travnik and many others already had their water system and public fountains. Research by the historian Hamdija Kresevljakovic (d. 1959) revealed that, during the Turkish period, Bosnia had 56 public baths (hamam). At the same time every better-type house had its own bathroom (hamamceck). A water closet in every Muslim house was a matter of course. Whereas Sarajevo could boast of a public toilet in 1526, it was not before 1531 that it was decreed in Paris that every house was to have a toilet. But even during the reign of Louis XIV (1638-1715) only few Parisians had water closets in their homes. Sullage was simply emptied out into the streets, which were incredibly fouled at times. As opposed to this, in the same period business streets of several Bosnian towns were washed almost daily by means of diverted waters of a river canal or brook that was made to flow over the paved streets of the business quarters (carsija), constructed with a slope to allow the water to flow off. The Islamized Slavs of Bosnia would also clean their teeth at a time when this was still unknown in culturally highly-developed Europe. On this subject Bazala tells the funny story that, during the siege of Vienna by the Turks, the Viennese could observe “how the Turks sharpened their teeth”. In fact, they were cleaning their teeth with toothbrushes.

Sombre and backward ideas such as the “women exterminating witchcraft madness” could never gain a foothold under Muslim rule. There were no witch-trials in Bosnia. On the contrary, the young woman as girl and wife was cosseted, and loved as a sister (sestra milosnica); the ageing mother, on the other hand, was respected and revered. Thus Islam meant social betterment for the woman of that time.

In the cultural heritage passed on by the Ottomans to the Bosnian the original took second place behind the traditional. A theocentric conception that characterized the cultural life of Europe prior to the dawn of humanism and Renaissance ruled public life: the religious preponderated over art, literature and science. Though the Christian West and Islamic East fought each other on confessional and political grounds, they nevertheless lived in one and the same spiritual atmosphere right up to the beginning of the Renaissance.

“Whatever’s one judgment as to the value of Islam as a religion and as a culture based on this religion, on no account should one overlook the connection between Islam, on the one hand, and the antiquity on the other hand with the middle age of the Occident. The relationship between this middle-age and the world of Islam is not only one of contemporaneity but in many respects one of supplementation.”

Developed along independent lines, whereas the world of Islam remained attached to its medieval outlook. Rational thinking about man and nature has always been part of that world. Through religious exercise it promoted physical training, did not believe in witches and, within the well-defined scope of religious laws, showed a certain tolerance towards monotheistic religions.

The new development on which the Occident embarked was responsible for pressing the Christian population in Ottoman-occupied Europe into a state of cultural seclusion. The old remnants of culture were stunted; new contacts, with the exception of some such contacts with neighbouring Dalmatia, were discouraged for political or military reasons. This, coupled with the banning of the Christian element from political, and to a large extent, also from military life, resulted in its cultural impoverishment. However, there were

Mostar, the capital of Hercegovina

During the period of cultural impoverishment of the Ottoman Turkey the Croats saw to it that their Western cultural development did not come to an end

The division between these two cultures occurred only when the West, through the renewal of ancient humanism, quite a number of exceptions. Thus there were some Christian doctors, master-builders, artists and craftsmen. Apart from Italian and German experts, Croats, especially of Dalmatia and Bosnia, helped to perfect the Ottoman

9 Vladimir Bazala, Pavesinji razvoj medicine u hrvatskim zemljama (The Historical Development of Medicine in the Croat Countries), Zagreb 1943, p. 38.
siege machinery, the artillery and fortifications. They even helped to build and decorate mosques and other Islamic sacral buildings. Although the Ottoman Empire of the 15th and 16th centuries experienced a certain Renaissance in architecture, strategy, poetry, miniature painting, power politics and style of living, the ordinary people remained faithful to the medieval mentality and had really no understanding for the development of the Western people.\(^1\)

Furthermore, the Ottoman Turks, once in possession of an already developed culture and shut up in the consciousness of its dignity, had no wish to tie up with any foreign culture as did the Arabs. For example, Constant military engagements and the fact that they remained faithful to traditionalism made matters worse and earned them the reputation of being incapable of cultural achievements. Cultural life in Bosnia moved along traditional lines even at a time when neighbouring Dalmatia absorbed a strong, (Album Sara (d. 886 C.E.), 'Abd al-Aziz Ibn 'Uthman al-Qubisi (Alcubitus (d. 967 C.E.) and Abu I-Hasan 'Ali Ibn Abu Ridjal, known as Albohazan (d. 1062 C.E.).\(^1\)

**While the West was studying Arab science, the Ottoman Empire showed little interest in it**

With a few exceptions, such as the work of the Italian painter Gentile Bellini (d. 1557 C.E.) at the Court of Sultan Mehmed II (1451-1481 C.E.) and a few other European artists at the time of Sultan Sulayman the Magnificent (1520-1566 C.E.), no cultural exchange worth mentioning took place between the Ottoman Empire and the Occident up to the 17th century. Also the subsequent cultural relations remained superficial and were limited to the members of the higher classes: the high state officials, diplomats and rich businessmen. It took the Hungarian renegade Ibrāhīm Mütteferrika (d. 1745 C.E.) to introduce printing, for example. This man also arranged for translations from European languages into Turkish and vice versa. As opposed to this, Turkish chroniclers and historians were translated into Latin, Italian and German round about the 16th century. Whilst Arab science moved within the purview of the educated European in the early Middle Ages, and Latin translations from Arab literature were being copied by medieval scribes, in the Ottoman Empire there was only very slight interest in the great achievements of Arab scholars. There was interest for practical reasons only for monumental medical works such as Qānūn al-Tibb (Canon of Medicine) by Ibn Sīnā (Avicenna) (d. 1037 C.E.), so that hand-written copies of this work were made in Bosnia.\(^1\) Shorter medical and pharmacological treatises are met with in various old Bosnian manuscripts, where they appear either as marginalia to the main text of a religious tract or as loose annotations.\(^1\)

Through the religious themes. Bosnian scholars got acquainted with the philosophy of Ibn Rushd (Averroes, d. 1198 C.E.), who distinguished himself for his endeavours to preserve Greek philosophy. In particular they concerned themselves with his polemic opponent, Muhammad al-Ghazālī (Algazel) (d. 1111 C.E.). Thus, for instance, the Logica et philosophia Algazeli Arabis, which appeared in a Latin translation by Dominicus Gundisalvus in 1506 C.E., was studied in Bosnia in the original, i.e. as Mqaṣāṣāt al-Falāṣīfah, just as several other works of al-Ghazālī.

Characteristic of the spiritual growth of Greek Orthodox Europe as well as for the Ottoman Empire, was the absolute predominance of religion in the shaping of the political and artistic life, conservatism and tardiness of the civilizing development and, last but not least, the political servility of the masses and the despoticism of the government.\(^1\) Therefore, the Ottoman rule should not be made the only scapegoat for

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\(^{14}\) A. Bombaci, *ibid.*, p. 458.


\(^{17}\) An Arabic manuscript of the *Canon of Medicine* was found a few years ago in an Hercegovenian village in the Ivan mountain range. On a collection of Arabic and Turkish manuscripts mostly of medical contents, kept at the Central Croatian Institution in Sarajevo, cf. Bozo Miladinovic, O orijentálnim rukopisima Centralnog higijenskog zavoda u Sarajevu, *Bibliotekarstvo*, Sarajevo, in year, 1960, Vo. 41.

\(^{18}\) Cited as an example, a copy by Bosnali Dervish Mehmed made in 1540-41 of the work *Djeinge-i razi* by Tashhidjali Yahya Bey. A hand-written copy of this work made in Bosnia is kept at the Selim Agi Library there. It is a stock of the former Library Kemankesh Emir Hodja) No. 503 (ref. Istanbul Kutuphaneleri Turke Hanseleti Kataloigu, Istanbul 1961, p. 52).

\(^{19}\) Josef Matil, *op. cit.*
the delay by a few centuries in the accession to Western cultural development.

The emphasis on religion predominates also in Western-orientated Croat-catholic literature of the 16th and 7th centuries outside of Bosnia.

**Muslim Bosniacs’ contribution to culture**

**Mehmed Pasha Sokollu**

The work performed by the Islamized Bosniacs in their homeland as well as in the other parts of the empire is an eloquent testimony of their striving towards progress and culture. Many of their charitable institutions serve mankind to this day. Carl Pocze, who wrote a monograph on the social and cultural institutions of Mostar, a town with a population of 12,000, which he had made the subject of a scientific study, openly expresses his surprise at the extent of charity the “Mohammedans of the past four centuries have practised for religious worship, education and poor-relief.” Some Ottoman statesmen of Bosnian origin distinguished themselves as patrons of science and art. Thus Mehmed Pasha Sokollu (1506-1579 C.E.), protector and patron of Oodja Sinán (1490-1588 C.E.), the greatest Ottoman master-builder. Sokollu had several monumental edifices erected in Istanbul and in his native country. The legendary bridge on the Drina at Visegrad, immortalized by the author and Nobel Prize winner Ivo Andric, was built at his order and costs. The great Ottoman statesman Mehmed Pasha Sokollu had work started on the project of a tremendous canal linking the Volga with the Don, which had to be abandoned owing to a rebellion of the Tartars. His was also the idea to lay a waterway by means of excavations in the region of today’s Suez Canal to link Europe with India. To this end he pursued the plan of the conquest of the Sudan. Political difficulties at home and his death prevented his idea from materializing.

An equally great patron of the arts and literature was Khiwât Rustem Pasha (d. 1560 C.E.), whose magnificent mosque at Istanbul, decked out with mosaics of unique beauty, testifies to the highly-developed artistic sense of the man who built it. The predecessor of the two aforementioned Bosniacs on the Chair of the Grand Vizier Khâdim ‘Ali Pasha (d. 1511 C.E.), though militant in spirit, had a great sense of culture and had two mosques, a medresse, two elementary schools, one poor-relief kitchen and a public bath consisting of two sections built. Distributed all over the former Ottoman countries one finds monuments of culture whose founders originated from Bosnia or other south-Slav territories. To cite a few examples: the mosque and poor-relief kitchen of Ahmad Pasha Hersek-Oghlu, situated on a small peninsula near the village of Hersek (Hercegovina) in the bay of Izmit, Turkey, where this great statesman also found his last resting place; the mosque of Ahmad Pasha Djazzâr (d. 1804 C.E.) in Akka, Palestine; the mosque of Silâhdâr-Pasha Yusuf Maskovic, a Croat of Dalmatia (d. 1644 C.E.), in Drnis, Dalmatia, etc. The following were some of the Bosniacs who founded libraries in Sarajevo and Istanbul: Ghâzi Khosrewbeg (d. 1541 C.E.), Rustem Pasha Khiwât (d. 1560 C.E.) and Ogudju Murâd Pasha (d. 1611 C.E.).

This brief exposé will no doubt suffice to indicate to some degree the extent and value of the cultural achievements of the Bosniacs during Ottoman rule. The wealth of initiative, making the maximum use of existing creative facilities, the generosity in planning and the progressive tendencies manifested by these men in their furtherance of cultural life, justifies one in assuming that they were indeed open-minded as to real culture. As tangible proof thereof one need only remember the more or less realistic miniature painting of al-Mitrâqî, the objective working method of the linguist and historian of literature Ahmed Südi, the using of occidental sources of history by Ibrahim Pecwî, the creative courage of Mehmed Pasha Sokollu, and the art of criticism practised by Hasan al-Aqshârî.

If one extracts the most valuable of the overall product of Bosnian culture of that period, taking into account folklore literature and art, the level of what has been achieved is most impressive.

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22 J. A. Goya, ibid., p. 37.
23 Cf. Ljubo Karaman, Denkmalern aus der Turkzeit Dalmatiens, in Neue Ordnung, Zagreb, of 27 September 1942.

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**The Confusion about the Beginnings of the Hijrah Calendar Months—Continued from page 23**

useful piece of information would be the direction of Mecca from the various parts of the world, which would enable the Muslim to ascertain the direction which he is to face during his prayers. These and other data would serve a very useful purpose by simplifying matters for the Muslims and eliminating the causes of disagreement and disunity. They would also, on the positive side, encourage harmony and unity among the Muslims. And this would be something from which all the Muslims would reap unquestionable benefit in all spheres.
Indonesia in the Melting Pot

A Call for the Revival of the Mashumi

By IN'A MULLAH KHAN

"The chief thing that struck me in Indonesia is the resurgence of the Islamic spirit and feelings for Islamic brotherhood and anxiety and hope for revival of Islamic values. This is partly natural with a 90 per cent Muslim population, and it is partly also the result of reaction to the past years of suppression and oppression."

I. THE BACKGROUND

The land and its wealth

Indonesia is a very important archipelago, the largest archipelago in the world, consisting of 13,677 islands, big and small, of which 6,044 are inhabited. This archipelago stands as a wall between the mainland of Asia and the continent of Australia. These islands are spread out like emerald beads in a blue set-up. Nature has been most kind to this great Muslim country which stands as a sentinel of the House of Islam in the East. The islands have been blessed with great agricultural and mineral resources that its natural wealth is extremely vast. Before the Second World War Indonesia was supplying 90 per cent of quinine, 33 per cent of copra, 50 per cent of kapok, 40 per cent of the world's rubber, 20 per cent of tin, 25 per cent of palm oil, 25 per cent of pepper, 20 per cent of tea, 17 per cent of sugar, 5 per cent of coffee and 3 per cent of petroleum. And this in spite of the fact that only the natural wealth of Java had been tapped, while Sumatra was only partly exploited and the vast areas of Kalimantan (South Borneo) and West Irian have not yet been even properly surveyed.

Past history

When the Dutch colonialists came to these islands in the 17th century, they were independent and ruled by Muslim sultans. The Dutch, with their divide et impera policy, caused the break-up of the sultanates and gradually established their stranglehold over the group of islands now called Indonesia and fed themselves on the blood of the people and the riches of the land. But no imperialism can last for ever. The people, after a long struggle, succeeded in asserting their right to become free.

Beginning of the Liberation Movement

It was in the early part of this century that the great Sa'eed 'Umar Tjokrominoto began to stir the people of Indonesia to rediscover themselves and assert their rights. The first Islamic party, the PSI (Partai Sharikat Islam Indonesia) was founded by this great Muslim son of Indonesia in 1908; it, however, took formal shape in 1912. Dr. Soekarno always refers to Sa'eed 'Umar Tjokrominoto as his Guru (Master or Mentor).

While travelling from Arabia to Indonesia, Islam had gathered a lot of moss on the way and unfortunately many early leaders of Islam in Indonesia, especially the non-Arabs, had made a number of compromises with local beliefs, traditions and customs. While Sumatra remained more purely Islamic, Java, which is the most thickly populated of all the islands and which sits like a queen with all the other islands around her, and which contains no less than 55 million out of the total Indonesian population of 105 million, had Islam mixed up with animism, superstitions and many other un-Islamic ideas, beliefs and customs. This state of affairs alarmed the honest and the really good-thinking Muslims and led to the rise of the Muhammadiyyah and other Islamic organizations. The Muhammadiyyah is a great and powerful movement founded in 1916, and is even today regarded as the most powerful religious organization of the Muslims of Indonesia. The Nahdat al-'Ulema, today the biggest single Muslim political party, was founded in the twenties.

Since the founding of the PSI in 1908, Islam was the motive force of the various reform movements and political liberation movements in Indonesia. Though Dr. Soekarno founded his PNI (Partai Nasional Indonesia) in 1927, it was a party of the educated few and the mass support for the
liberation struggle came from the Sharitak Islam, the Muhammadiyyah, the Nahdat al-Ulema and other Islamic organizations.

Liberation and after

Dr. Soekarno and Dr. Hatta had become the popular political leaders of the country since the thirties. The Dutch arrested Soekarno in 1930, released him in 1932, but in 1933 he was exiled to the Lesser Sunda Islands. Then came the Second World War and the Japanese occupation in 1942, when Soekarno and other imprisoned leaders were released. Under the Japanese, Dr. Soekarno became the Head of the People's Representative Council, while Dr. Hatta led an underground movement for liberation from the Japanese. When Japan surrendered in 1945, Dr. Soekarno and Dr. Hatta, on behalf of the Indonesian people, proclaimed the Independence of Indonesia and established the Republic of Indonesia on 17 August 1945 with a Constitution, to which Indonesia has reverted today, after two decades of political adventures. During the struggle for independence against the Dutch, who tried to re-establish their colonial hold on the country, it was the Muslim organizations which rallied with cries of Jihad; and in 1945 the Mashumi (abbreviated from Majlis Shura Muslimen Indonesia) came into existence. It was a federation, nay a United Front, of all the Muslim organizations, including the Sharitak Islam, the Muhammadiyyah, the Nahdat al-Ulema, etc. The liberation struggle ultimately proved victorious and the Dutch transferred sovereignty to the Republic of the United States of Indonesia on 27 December 1949.

The federal structure of the government lasted only till 17 August 1950, when Indonesia again became a Unitary Republic and a government was formed under the leadership of the Mashumi leader, Dr. Muhammad Natsir. This government gave place in February 1951 to a government under the leadership of the Mashumi leader, Dr. Sukiman, and it was decided to hold elections in September 1955. It is interesting to note that at this election Dr. Soekarno's PNI, despite all governmental support, had gained the same number of seats as the Mashumi. In this election the PKI (Partai Komunis Indonesia — The Indonesian Communist Party) also had mobilized sufficient strength. At this juncture, a word of explanation as to how the Communist Party succeeded in making headway in Indonesia will not be out of place.

The Communist Party

The Communist propagandists began to misquote and misinterpret the Qur'ân and Hadith and began to argue that Islam is Communism. It is this devious propaganda which is partly responsible for the gathering of strength by the Indonesian Communist Party. The other important factor is the maldistribution of wealth and the general poverty (in Indonesia's plenty) of the masses. Whereas in 1945-52, the Mashumi was admittedly the majority party in the country, in the 1955 elections the Muslim Front broke into many sections, e.g., the Nahdat al-Ulema, the PSII and the other Muslim organizations fought elections in their own names. All told, 27 parties, big and small, contested for the 273 Parliamentary seats. The Mashumi won 57 and the Nahdat al-Ulema 45. The Nationalist Party won 57, while the Communist Party won 39 seats. Dr. Soekarno then formed a coalition government led by the Nationalist Party in conjunction with the Nahdat al-Ulema and the PKI coalescing. Subsequently Dr. Soekarno visited Russia and China, and after his return propounded the theory of the "Guided Democracy", which meant that half of the members should be nominated by the President. When the Constituent Assembly refused to give assent to this, by a Presidential Proclamation the Constituent Assembly was dissolved on 13 March 1960 to give way to a Parliament which could fit in with the Guided Democracy.

The Mashumi Party and the Socialist Party, led by Dr. Sutan Shahrir, refused to fall in line with the new policy, and so were banned. But the Nationalist Party, the Nahdat al-Ulema and the Communist Party supported the new dispensation. The Constitution that had been prepared by the Constitutional Assembly in 1955-56 was shelved and the 1945 Soekarno-Hatta Constitution was promulgated. The nominated Parliament which was set up under the "Guided Democracy" bestowed the title of "The Great Leader of the Revolution" on Dr. Soekarno and in 1963 made him life-President as well. And "The Great Leader of the Revolution" then gave the creed of NASAKOM to the people of Indonesia (NAS standing for Nationalism, A for Agama, which means religion, and KOM for Communism) and began to preach Marheinism, which is the Indonesian variety of Marxism.

This honeymoon between Dr. Soekarno's Nationalist Party and the Indonesian Communist Party did not last long. By 1956 the PKI, led by the late Aidit, had become very powerful. It had 3,000,000 card-holders and 20,000,000 supporters, with various wings covering different branches of public life, i.e., youth, students, peasants, fishermen, labourers, white collar workers, etc. This indeed was the largest Communist Party in the world outside China and Russia. The black-shirt youths of the PKI had become a terror in the country prior to the 30 September coup d'état. And between the evening of 30 September and 1 October came the abortive coup, then the take-over by General Suharto, then the mass killings of the Communists.

Indonesia is now on the parting of the ways; it is in the melting pot. But Muslims all the world over are anxious to see a New Order emerging from the tribulations which Indonesia has gone through. I had the occasion to visit Indonesia recently in response to the invitation of two of the leading student organizations. I shall now endeavour to describe in brief the situation in Indonesia as it is today.

II. INDONESIA TODAY

Today also, on paper, Dr. Soekarno is the Government of Indonesia, but in actual practice it is General Suharto and his Cabinet, consisting of 24 persons, of whom 17 are representatives of the armed forces. The Committee of the Cabinet consists of General Suharto (Chairman), Dr. Adam Malik, Sultan Hamengu Buwono (of Jogjakarta), Dr. Idham Khalid and Mr. Suharto. It is this Committee which is the actual policy-framing body and the real executive. Each member of the Committee has a number of ministers and ministries under him. The Cabinet is called the AMPERA (short for Amanat Penderitaan Rakyat) Cabinet, which in turn means the “Cabinet which is the custodian of the task of relieving the sufferings of the people”.

The Constitution in force is the 1945 Soekarno-Hatta Constitution. Then you have the Gotong Royong (mutual assistance) Parliament — the usual legislative body — known as the DPRGR (Dewan Perwakilan Rakyat Gotong Royong). Apart from this and in the upper regions of the hierarchy is the Supreme Consultative Congress called the MPRS (Majlis Permusyawaratan Rakjat Sementara), which is headed by
General ‘Abdul Haris Nasution, the former Defence Minister and Commander-in-Chief. This is a very powerful body as it is the highest policy-forming institution in the country.

The new government has abolished the KOGAM (The Crush Malaysia Front) and has replaced it by the KOTI (The Supreme Operational Command of Indonesia). This today is the highest body of the armed forces of the country and is primarily responsible for the safety and security of the country. This is headed by General Suharto himself.

The new government has also set up a Special or an Extraordinary Military Tribunal called Mar-mil-lub, which is of expression and the various political parties, with hope and concern regarding the coming elections, are mobilizing their forces all over the country. The chief thing that struck me in Indonesia is the resurgence of the Islamic spirit and feelings for Islamic brotherhood and anxiety and hope for revival of Islamic values. This is partly natural with a 90 per cent Muslim population, and it is partly also the result of reaction to the past years of suppression and oppression.

The various political and religious parties
I will now touch briefly upon the existing parties (political and otherwise) in Indonesia.

Going into the various subversive activities indulged in by different ministers, officers and leaders who were responsible for the abortive coup of 30 September-1 October last year. It is this tribunal which recently tried the ex-Minister for the Central Bank, Jusuy Muda Dalam, and the ex-Foreign Minister, Dr. Subandrio.

The next General Elections have been fixed to be held in 1968, and should prove to be epoch-making. The Parliament is framing laws with regard to the forthcoming General Elections. The new government has banned the Communist Party, but by this it must not be assumed that Communism is dead and gone in Indonesia. Though the ban on the Mashumi Party has not been removed, the ban on the Mashumi leaders has been removed and the Mashumi leaders are trying to revive their old name. There is freedom as things are today, the most powerful Muslim organization is that of Muhammadiyah, with its headquarters at Jogjakarta. Founded in 1916, it is today led by the eminent scholar the Shaykh Haji Ahmad Badawi. This organization is running a number of schools, colleges, training schools and undertakes a lot of Tabligh work and is trying to preach puritan Islam.

Another important Muslim organization is the Wasiyyah (with headquarters in Medan, Sumatra), which is also spread in different parts of the country. It is also a religion-cultural organization.

The Nahdat al-Ulema, founded in 1926, today can be termed the largest single Muslim political party. It is both a religious and political organization with headquarters at
Jakarta. As is the vogue in Indonesia, like all political parties, this has also its students' wing, youth wing, labourers' wing, peasants' wing, fishermen's wing, for each of which there are separate organizations, but all linked up with the central body. It is headed by Dr. Idham Khalid, who is a member of the Cabinet Presidium. Among the other top personalities of the Nahdat al-Ulema are the Hajj Ahmad Shaikh (Speaker of the Indonesian Parliament) and Kayee Haji Ahmad Dahlan, Mr. Fattah Yaseen and Mr. Sayyuddin Zuhri.

Among the other Muslim political parties can be mentioned the veteran PSI (Partai Sharikat Islam Indonesia), headed by Aroji Kartaminata, Anwar Tjokrominoto, the son of the founder, heads the Parliamentary Group of this Party, which has its headquarters in Jakarta. PERTII (Persataan Tarbiya Islam Indonesia), headed by 'Abdul Wahid Rusli, with headquarters at Jakarta, is also a well-known Muslim political party. There are also other organizations like the PUI (Persatuan Ummat Islami) and Al-Ittihadi.

The party founded by Dr. Soekarno, the PNI (Partai Nasional Indonesia) is now formally headed by Osa Malik. This has also a splinter group led by the former Prime Minister, 'Ali Sastromijoyo. The PKI (Indonesian Communist Party) has no doubt been banned, but one cannot say that it has been eliminated completely. Obviously, whatever has remained of it has gone underground.

The Christian minority also has its political parties: (1) the Partai Catholic Indonesia, led by Mr. Kasimo, and (2) PARKINDO (Indonesian Christian Party), led by Mr. Serijar. There is also a small Labour Party called the IPKI (Indonesian Labour Party), which is headed by a woman, Mrs. Hidayat.

Apart from the above-mentioned Islamic religious organizations and political parties, the students also make an organized force in Indonesia. There are two long-standing and well-organized student organizations, at whose invitation I had gone to Indonesia to address their annual conferences. One is the PII (Perguruan Islam Indonesia), which is the High School Students' Organization, and the other is HMI (Mahasiswa Islam Indonesia), which unites the colleges and university students of Indonesia. They have membership running into millions and branches in hundreds. Both are pro-Islamic organizations. The President of the PII is Mr. Husni Tamrean and the President of the HMI is Mr. Nurchohlos Majid.

Students' Action Front

Apart from these two organizations, two students' Action Fronts have come to the fore since last year. The KAPP (the High School Students' Action Front) is headed by Mr. Husni Tamrean, the President of the PII. The KAMI, headed by Mr. Komas (a Catholic) is the Students' Action Front for the college and university students. In addition to these have cropped up a number of Action Fronts, e.g., for ladies called the Kaviti, for scholars called the Kasi.

All these will give the reader an idea of the various movements in Indonesia today. As the ban on the Mashumi Party has not been lifted, there is a call from various parts of the country for a united Muslim front by reviving the Mashumi. Even the PII and the HMI Conferences passed resolutions demanding the removal of the ban on the Mashumi. So have the Muhammadiyyah. Meanwhile, Dr. Hatta, one of the two leaders who proclaimed Independence in 1945, is busy planning an Islamic Democratic Party with an effective Islamic socio-economic programme to build a New Order in the country. He very rightly told the writer that merely banning the PKI did not end Communism in Indonesia. “Unless we close the ponds where the germs of Communism breed we cannot eliminate it. Islam teaches us social justice: let us honestly practise it and hence, my emphasis on a workable socio-economic programme for the proposed party.”

The AMPERA Cabinet is faced with the colossal task of rebuilding the country's economic stability which has been shattered to pieces by continued mismanagement during the past years. It has inherited the staggering debt of $2,900 million U.S. dollars. The people are fed up with slogans of NASAKOM, MAHREINISM and Marxism of any other variety. The vast majority feels that Islamic ideology is the only right ideology for the country and that a people's representative government should emerge leading to a New Order of things. The new régime is slowly but steadily putting the last nails into the coffin of the Old Order, but that alone is not enough. The new leaders also realize this and are anxious to usher a New Order, but what that New Order will ultimately be is the big question for any student of contemporary history, especially for Muslim students.

III. THE FUTURE

God has blessed the emerald green islands of Indonesia with such natural wealth that a writer in the Encounter recently wrote that in spite of all the economic bunglings in Indonesia, the villagers of Indonesia are more well off than those in the villages of India. I have stated above in brief how Indonesia's economy had stood before the Second World War. And after independence, things went satisfactorily till 1956, when Dr. Soekarno chose to foist the "Guided Democracy" on the people, banned the Mashumi, which stood for Islamic ideology and undiluted democracy, and came forward as the apostle of the NASAKOM, the Guided Democracy and Mahreinism. The Nahdat al-Ulema has now also realized that the leadership was not moving in the right direction. Dr. Soekarno had allowed the Communist strength to grow as a lever to be used against the power of Islamic parties, but the Communists went one step further to plan a complete take-over of the country, which resulted in the bloody coup of last year and the bloody reprisals against the Communist Party which followed.

The leaders of the AMPERA Government realize how feelings and counter-feelings are running high in the country and are proceeding with cautious steps. The country cannot afford to have any further blood-bath or civil war. The fact remains that Dr. Soekarno also has his following in the country, though it has begun to dwindle. They have removed his life-Presidency and have allowed him to remain as President till the next elections. The people in a national general election will now choose their representatives, who would decide the future shape of Indonesia. Till then, within the framework of the Sukarno-Hatta Constitution of 1945, they are out to do their best to put right the bungled economy of this wealthy land. We wish them all success in their great undertaking. And we do hope that the melting pot period in which Indonesia had been thrown in would soon be over; and a new, rich and powerful Indonesia would emerge as one of the great Muslim countries of the world and as the great bastion of Islam to whom we may look up with hope and pride.

THE ISLAMIC REVIEW
What They Think of us

Islam and its Encounter with Modernity

By ERICH W. BETHMANN

The basic concepts of Islam — its concept of God, its evaluation of man and its concept of society and state — are basically simple and relatively free from ambiguities. God is all in all, Creator of all, Sustainer of all and the Final Judge.

Man is His creation. We are coming from Him and are returning to Him. Man's correct attitude is to submit to the merciful and compassionate God. In doing so he finds his own inner fulfilment and peace.

Society and state are also governed by God, there is no split between church and state, between the divine and the secular. Government and power are part of the manifestation of God's will on earth.

These are the fundamentals in Islam, the ideal basis, as it were.

The question is, how did it work? In general, very well; in fact, amazingly well. There are a number of flaws in the picture, the prescriptions were not always followed and the ideal was not attained. But human nature being what it is, this was to be expected.

Professor Hitti, in his excellent work, The History of the Arabs, brings out clearly the way Islam spread under the guidance of the Arabs or, it is also possible to consider it the other way round, that the Arabs set out under the guidance of Islam and conquered a large part of the world. The Arabs created an empire reaching from Spain to India. However, at that time the word empire builder or imperialist had no derogatory meaning. They did not create so much an Arab empire, but an Islamic empire, because when political circumstances forced them to leave, they left behind Islam and an Islamic society. This is true in the East as well as in the West.

The Arabs had to leave Khorassan, which was Eastern Persia and Afghanistan, but the Afghans remained Muslim and the Uzbeks remained Muslim.

In the West the Moroccans and Algerians were not Arab, but they remained Muslim.

Egypt, which basically is not Arab and, after the Fatimids, was ruled by a long succession of non-Arabs, remained Muslim.

Islam entered India where a completely different cultural environment existed, where it was confronted by highly developed religious concepts and where it encountered an abundance of metaphysical and philosophical theories, yet despite such formidable obstacles, Islam made remarkable gains.

It entered the tropical islands of the Indonesian archipelago and succeeded almost completely. It is true, it accepted many of the age-old customs of the islanders, but nevertheless it turned them into staunch Muslims.

And furthermore, it won the loyalty of the fierce warrior tribes of the Turks who, when the Arabs had spent their strength, were destined to uphold the banner of Islam and carry it into the heart of Europe.

Thus, we have to admit that Islam under the stresses and strains of history did, in general, very well. Perhaps the purist will object, because it did not always keep itself free from concepts foreign and alien to its origin, but nevertheless it created a society distinct and distinguishable wherever it exists. It overcame national, racial and colour barriers. Whether the traveller is in Morocco or in East Pakistan, in Somalia or in Bosnia, he is acutely aware that the environment and atmosphere is Islamic. That is a remarkable achievement. To underestimate it would not only be a false reading of history, but imprudent, and we would be doing a disservice to ourselves.

Islam did not succeed in creating a unified Islamic state. The first three caliphs were able to keep the growing empire together, but then serious difficulties arose, particularly the matter of succession became a problem. The question arose, should succession be hereditary and remain in the line of the prophet, or should the most capable leader among the faithful become the amir al-mu'min, the leader of the believers? The Shi'ites adhered to the former and the Sunnis to the latter position, but even among the Sunnis this principle was not upheld, and hereditary or dynastic systems developed. Thus at times three larger groups can be found claiming the sole right of being the only truly guided ones: the Sunnis, the Shi'ites and the Fatimids, a branch of the Shi'ites. In later periods when the impossibility of ruling the empire through a central government became obvious, strong leaders began to carve out for themselves parts of the vast empire and called themselves sultans, i.e., rulers. The strongest of them were the Sultans of Ottoman Turkey, but others like the Sultans of Morocco, the Sultans of Zanzibar, the Sultans of Negri Sembiman in Malay, had likewise autonomous power. During such periods the political power of the caliph — the successor of the Prophet — receded and, at times, became almost non-existent, but nevertheless the

1 With kind permission of Mr. Erich W. Bethmann from his monograph Steps Towards Understanding Islam, Washington, D.C., the U.S.A., 1966. 70 pp., price 15/- post free.
various sultans acknowledged the juridical rights of the caliph according to the shari‘ah of Islam and thus the symbol of Islamic unity remained intact. From the beginning of the 16th century the powerful sultans of Turkey usurped the office of the caliphate and the caliphate regained its strength in the wake of the power of the Turks. Such developments, of course, were derivations from the original concept of power in Islam, but they did not destroy Islam.

The inherent disciplinary forces of Islam kept Islam together despite the centrifugal political forces. These inner centripetal forces are obligatory prayer with its direction towards Mecca, Ramadan, the month of fasting which is really an equal sharing of bodily discomfort by all believers, rich and poor alike, the pilgrimage; and in times of political misfortune, the knowledge of Islam’s previous grandeur and its universal mission.

These forces were strong enough to outweigh Islam’s theological sterility. Here Islam underwent the same fate as all the other great religions. The followers of a great spiritual leader, never strong enough to assimilate fully the life-giving and life-reforming principles enunciated by him, try to hold fast to the vanishing power in their hands by meticulously chronicling every utterance of the revered leader, copying in detail every attitude of his, and then insisting that only by exact copying will the goal of religion be reached. Thus in their hands, although well-meant, religion becomes fossilized and barren, and find itself suddenly outside the stream of life. Recognizing that they are by-passed, their basically laudable zeal turns into fanaticism, which again carries them further away from the true spirit of religion.

Islam had its full share of it. The collectors of tradition and expounders of tradition held sway during many centuries and especially after the repression of the Mu‘tazilites — a rational reform movement during the 9th century — orthodox scholasticism ruled supreme and was the cause of Islam’s intellectual slumber until the middle of the last century. It encouraged neither new theological formulations nor intellectual research or speculation.

The West also experienced its period of scholasticism but it was overcome and passed centuries earlier than that of Islam. The Renaissance and the Reformation shook the medieval church to its foundation. Both created new entities and spawned new movements. Even the Catholic Church itself, although carrying along much of its medieval heritage, could not and did not remain the same. One of these movements developing in the wake of the Renaissance was rationalism. As the dichotomy between the divine and the secular already existed in the Christian realm, it was but natural that rationalism should become a strong supporter of the secular.

This again led to an emphasis upon science and scientific studies which resulted in our present scientific age. Such a development could have occurred within a religious framework, but it did not. It spread largely outside religion or side by side with religion. Thus a new dichotomy developed in the West, namely science versus religion. Thus we have in the West not only state versus religion as conflicting poles but now also another pair of our own making, science versus religion.

The momentum of science is growing stronger with every new discovery and its tendency, or at least the tendency of many of its spokesmen, is to discard religion altogether. The same is true of the ever-increasing importance and demands of the secular state, which also tends to usurp more and more power for itself and makes ever-increasing demands upon the time and energy of its citizens. Thus in modern Western society, religion is relegated to a comparatively minor role, and in some cases completely abrogated. Today atheism is no longer the attitude of a few thinkers or so-called sophisticated people, but the avowed attitude of a large segment of the Western world.

All these developments did not touch Islam and the Islamic countries for a long while, perhaps fortunately so. Now, however, the Muslims are confronted rather suddenly with a welter of problems and thought patterns not of their making. It is essential in evaluating the Muslim mentality and Muslim reaction that we fully comprehend this basic point. Rationalism, secularism, existentialism and the ensuing state theories and social theories, like nationalism based on racial affinities or ethnic groupings, Western type democracy, two-party or multi-party parliamentarianism, socialism and communism are foreign to the basic thinking of Islam. None of these grew out of the Islamic soil: they are alien and even if now accepted, they remain foreign imports.

Questions therefore arise such as:

Why did scholasticism survive so long in the Islamic world?

Why did Muslims not develop some new theories themselves?

What finally did shake the Islamic world out of its lethargy?

Here, again it is profitable to take a quick look at history. After the discovery of America and the sea-route to India, Europe lost to a large degree its interest in the lands between. They were no longer needed as the trade now had shifted from the camel to the sailing vessel. Thus the great international trade via the Islamic world was gradually reduced to a trickle, and the cultural contacts between Christian Europe and the Islamic East became of lesser importance. Despite the loss in trade the Islamic world did not lose any of its territories. In fact it increased its territorial holdings by pushing into Hungary, Rumania and Southern Russia. The Islamic world remained a large self-sufficient and self-sustaining bloc. It did not need to trouble itself with Western Europe and the turmoil and unrest inside its borders. Perhaps Muslims even said, “God be praised that these troublesome Europeans are now running into the wilderness of America and the South Sea islands and are leaving us alone.” Islam could still exist self-satisfied in splendid isolation. After all, they still held the centre of the world stage, or so they thought. This was the state of affairs between the 16th and the beginning of the 19th century.

In the meantime the industrial age had started in Europe and the search for raw materials on the one hand and markets on the other began. Weapons were produced on an industrial basis in great quantities, and soon Europe literally burst out of its seams and had to expand.

Thus clashes with parts of the Islamic world began to occur, at first in Egypt and in India. Soon the Islamic world found to its consternation that it had no adequate power to oppose the Western infidels. This came as a rude awakening and terrible shock because Muslims were used to equate their way of life with sovereignty. Wherever Muslims constituted the majority it was self-evident that they were the rulers. So it was ordained by God. Now suddenly, in their own realm, in the Dar al-Islam, they found themselves being ruled by a
tiny minority of Westerners, and Christians at that, and there was nothing they could do about it.

The great Moghul Empire which had ruled India was utterly defeated by the British. Malaya as well as Indonesia fell under foreign rule. Egypt and the Sudan were dominated by foreigners, and North Africa and West Africa were subdued by the French. Turkey, the old Ottoman Empire, although still stretching over vast expanses of land and still sovereign, was weak and was labelled "the sick man on the Bosphorus"; Persia was divided into British and Russian interest spheres, and all the northern tier of Islamic peoples was under Russian domination. Only the most inaccessible parts of the Islamic world, like Afghanistan, the Arabian inner deserts and the Yemen, held out. The absolute low point was reached after World War I, when the Ottoman Empire fell apart and the heartland of the Arabs was occupied by the Westerners. Almost the final stroke was administered, the coup de grace, when the Turks themselves abolished the caliphate, one of the outward symbols which had held the world of Islam together.

The comparatively sudden dominance of the Western world and the utter inability of the Muslims to take any effective counter-measures was such a severe blow to them that it caused long and hard soul-searching. The Muslims found themselves at a loss. Not only were they confronted with the military superiority of the West, but also with an astounding number of discoveries and inventions, which changed the whole hitherto accustomed way of life and made the Westerners mobile and materially prosperous. While many of these developments and inventions were made gradually in the West and often developed logically one out of the other, the Muslims were confronted by many of them almost at the same time. In some cases they arrived at the air age before going through the bicycle age.

Islam quite obviously had not aroused Muslims to make similar strides along the lines of material progress. Thereby many difficult questions arose posing almost insoluble problems to them, and, as their thinking was completely religiously centred, they had to deal immediately with the central and most vital issue, with Islam itself. Could it be, God forbid, that Islam itself is at fault? Is Islam an unprogressive force, as the Westerners imply? Is the whole principle of Islam — that life and religion are indivisible — incorrect and are the Westerners closer to the truth when most of them declare that religion belongs to one sphere and the material world live in to another?

Or does the whole trouble simply lie with the teachers of Islam? Is their explanation of Islam wrong? Have they become stagnant in their thinking and thereby brought Islam into disrepute? Has Islam to be revitalized and can it be revitalized?

Or are the modern radicals correct, that in a modern scientifically oriented world, religion is no longer necessary, and can safely be dispensed with? These are disquieting questions.

Out of these questions grew another set of questions for the Muslims. What shall we accept from the West, as obviously they have something that we have not? Where shall we start? On the material and technical level? Or on the philosophical level? And, if we accept certain material things, will they conflict with our basic concepts or will they not? Can they be absorbed into our structure of life or will they prove to be destructive factors? What shall we refuse to accept, and must refuse, if we do not want to lose our identity? Or shall we accept everything Western, lock, stock and barrel, and forget our past? Because inevitably that will be the price we shall have to pay. But, can anyone forget his past? And, can we in particular forget our past, when it is filled with so much achievement, triumph and glory? Or does accepting Western ways merely mean accepting its material progress, its industrial processes, its ways and means of production, and conveniently ignoring the deep roots Western culture possesses in spiritual values, which to no mean extent were responsible for its material advancement?

A host of questions arose and are still arising which can bring forth a host of answers, often answers which are diametrically opposed to each other. The impact of the Western world has thrown the Islamic world into turmoil, a turmoil which will continue for a considerable length of time, particularly because the Western world itself is at present in turmoil and has not found its bearings.

Nevertheless, it is possible to distinguish a number of general groupings among Muslims. They indicate their reactions to the problems posed to them by the modern world.

There are those who reject Western philosophies and all their offspring with all that they stand for; they want Islam to return to its pristine purity.

There are those who state that the original precepts of Islam contain all the ingredients for modern scientific progress, as well as the progressive principles on which a modern state could be developed.

There are those who feel that a modern Islamic society and state can basically be built on Islamic law, but at the same time they will have to adopt many non-Islamic usages in order to be able to play a role in the concert of modern nations.

There are those who reject the Islamic law and want to replace it with a national law, the concepts of which are largely taken from Roman law, or Western codes of law, but who nevertheless continue to call their countries Islamic states.

There are those who still cling to the name of being Muslim, but are not practising Islam, in fact, are agnostic and are more or less fully Westernized; they identify themselves with Western life and civilization.

There are those who reject Islam altogether and adhere to one or another materialistic creed of the day.

Thus, today in Islamic countries we no longer have a monolithic society based on the principles of religion, with only minor divergencies in the matter of doctrine, but a multiple society ranging from the ultra-orthodox to the liberal, and the completely agnostic and atheistic. The strength of each group fluctuates. Which will become the stronger or the dominant in the final analysis is by no means certain.
The Judiciary Under the Sultans of Delhi and the Mughal Emperors of India

(13th and 14th Centuries C.E.)

In Islam the Ruler is not the People’s Master but Holds Office in Trust for the Supreme Being

By K. M. YUSUF

Introduction

The cardinal point of the Prophet Muhammad’s teachings was to obey God — the Omnipotent Being, Who alone possessed the attributes of Sovereignty. In theory the Khalifah (Caliph) was only God’s servant on earth and was responsible for seeing that God’s laws were duly obeyed. In Islam the ruler is not the people’s master but holds office in trust for the Supreme Being. Accordingly, the Muslim rulers of India, in general, regarded themselves as Niyâzmand-i Dargâh-i Ilahi (God’s humble servant).

The Holy Qur’an lays great emphasis on justice. It goes so far as to hold that the Creation is founded on justice. One of the divine attributes of the Almighty in the Qur’an is Just. The Qur’an has also set up an ideal of justice by referring to the Divine Balance as the “Balance of Justice”. Hence the Divine Balance is the symbol of justice and equity. Thus an ideal standard has been set up before mankind for doing justice and equity (‘adl) in their dealings with one another. The Muslim monarchs tried to imitate it and act up to the divine plan.

According to American Orientalist D. C. Mâcândonald, in his Muslim Theology (London 1903), the Muslims regarded the administration of justice as a duty and with their “armies everywhere went law and justice, such as it was. Jurists accompanied each army and were settled in the great camps which were built to hold the conquered land.”

The administration of justice in the Pathan Period (1210-1526 C.E.)

The period of permanently settled government in India under the Muslims commenced from the Slave Dynasty (1206 C.E.) and the administrative and judicial machineries were set up for the better working of the government. The noteworthy feature of the Muslim sovereignty in India was that from the time of the Slave rulers, the Muslim potentates adopted India as their home and abode, and Muslims became permanent inhabitants of that great sub-continent. There were, no doubt, influx and efflux, but the influx was greater than the efflux.

“Dominion can subsist in spite of mischief but it cannot endure with the existence of injustice” was the guiding principle of the Muslim rulers, and they always considered the maintenance of justice as their primary responsibility. During the Sultanate or Pathan period we find an effective system of checks and balances by providing a well-organized department of justice, dividing responsibilities and powers among different officials and making all proceedings of law courts public.

The supreme authority in the Sultanate (kingdom) was the Sultan. As Head of the State and chief enforcer of the law, he exercised three major functions which touched the judiciary in several ways. He was (i) the defender of the faith and the arbitrator in the disputes of his subjects; (ii) the head of bureaucracy; and (iii) the Commander-in-Chief of the defence forces. In his first capacity he dispensed justice through the Diwan-i Qazâ; in his second capacity through the Diwan-i Mazâlim; and in this third capacity he himself or through his military commanders sat as court marshal to try rebels, prisoners of war and enemies of the state.

The Diwan-i Qazâ had jurisdiction over civil matters only. The Qâzî al-Qazât, or the Chief Justice of the Sultanate, presided over this court. The Diwan-i Mazâlim was generally presided over by the Sultan, who was assisted by the Qâzî al-Qazât. In the absence of the Sultan, the Amîr-i Dad used to preside over this court. The Chief Hajib acted as the Clerk to the Crown. The Sultan Muhammad Ibn Tughlaq (1325-1351 C.E.) presided over this Diwan twice a week, Mondays and Thursdays. Under the Lodis (1489-1526 C.E.) the vizier presided over this court and he was assisted by the Qâzî and a board of twelve jurists. Sometimes governors were also allowed to hold Mazâlim courts, and they were assisted by the Oazi and Sâhib-i Diwan.

The Diwan had two kinds of officers, Mutafahhis and Muftis. The former inquired into facts and the latter gave legal rulings. Besides, there were Amirs (executive officers) and Mutasarrifs (clerks).

The Qâzî al-Qazât or the Chief Justice was the titular
head of the judiciary in the Sultanate, and stood next to the Sultan in judicial administration. His duties, as given in the Tahqát-i Násiri of Mínáhir al-Siráj, were judicial as well as quasi-judicial, such as decision of cases, grant of titles, Imámat or leadership in prayer, censorship of morals and supervision of educational establishments and law officers of the State. He required to administer oath of office to the Sultan. One or two eminent Qázís were appointed to his court as puisne judges to assist him in discharging his duties. He was consulted when rules and regulations for the Sultanate were framed, and was sent on diplomatic missions abroad. In order of precedence the Chief Justice held the first place next to the sovereign. The appointment of the Qázi al-Qızáf was made by the Sultan from “among the most virtuous of the learned men in his kingdom” (vide Ziauddin Barni’s Tarikh-i Firuz Sháhl, p. 580).

The Amir-i Dád was an important official and usually a man of high rank and erudition was appointed to this post. He had to hear complaints against the Governors and high civil and military officers in the absence of the Sultan. In the monarch’s presence he was responsible for the executive and administrative sides of the judiciary. It was his responsibility to see that the Qází’s orders were carried out. If he noticed that a miscarriage of justice had taken place, he could draw the attention of the Qázi to the same and could stay the execution of the order passed by the Qázi. The entire police administration was under his control.

Every town had a Qázi. His major function, apart from those of a judge, were the execution of testamentary dispositions, supervision of waqf estates, management of the properties of orphans and lunatics, prevention of encroachments on public thoroughfares, maintenance of streets, helping destitute women, acting as receiver of the contested properties, and leading the Friday and ‘Id prayers. The Qází were completely independent of the Governors.

Every cantonment or military area had a Qázi of its own, known as Qázi-e ‘Askar or Qázi-e Urdú (here the word Urdu means army). His jurisdiction was limited by the boundaries within which the troops were stationed.

The law courts had Muftis employed by the State. They were lawyers of eminence and were appointed to advise and assist the Qázís. Whenever any difficulty arose on any matter concerning law or legal procedure, the Mufti was asked to expound the law or to point out the procedure to be followed.

Censor of morals
The Sultan Shamsuddín Ilutmish (1211-1236 C.E.) created the office of Muhtasib (Censor of Morals). The Muhtasibs were in charge of prosecution under the Canon Law. They occupied a key position in the judicial set-up as the defenders of public decency and the protectors of the fights of the weak against the strong.

The Kotwal (the Police Superintendent) had power to try petty criminal cases such as those punishable under the present day Municipal Acts. Their duties may be summarized under the following heads: watch and ward of the town, care and legitimate disposal of heirless properties, and regulations of cemeteries, burial grounds and slaughter-houses. The Kotwal’s appointment was made on the recommendation of Mir Atish.

Sher Shan (1540-1545 C.E.) created the posts of Munisifs and Munisif-i Munisífán for conducting civil administration. Their duties were to watch the conduct of Pargannah officials, settle boundary disputes between parties and to preserve the autonomy of village community. Shiqðars and Shiqdar-i Shiqdarán were appointed for the administration of criminal justices.

The Sultanate (kingdom) was divided into Súbhas (provinces), Subhás were in turn composed of Sarkárs (districts) and Sarkárs were sub-divided into Pargannahs or groups of villages. In villages the Panchayat (the village tribunal) system was prevalent, and the Sultans did not break up the solidarity of the village community.

The Courts were guided by the Qur’an, the Sunnah, and concurrent opinions of the Companions of the Prophet, the consensus of opinion and individual judgments of the judges

The administrative head of a Subh was the Názím-i Súbha (the Governor), and the maintenance of law and order was in his personal charge. He was also the Chief Judicial Officer in the province and had a department of justice — Mahkamah-e Qází — headed by a Chief Provincial Qázi. The Governors had no power to inflict capital punishment on prisoners of war and state enemies.

The courts were guided by the following authorities in deciding cases: the Qur’an, the Sunnah or traditions, concurrent opinion of the Prophet’s Companions, Ijmá’ al-Ummah or consensus of opinion amongst the most learned men of the Prophet’s followers; and individual judgment of the Qázís in accordance with Istihsan (public good), Istislah (public policy) and Istishab (concordance). The Qur’an and the Sunnah were the usul al-usuli, or in the words of Dr. Vesey-Fitzgerald, “the bases of the bases” for judicial guidance.

In civil cases arising out of the personal law of the Hindus, the law was explained by learned Brahmins known as Pandits. The status of a Pandit was the same as that of a Mufti. The system of appointing Pandits was introduced by Ilutmish on the Abbaside model. The non-Muslims were allowed to be governed by their own laws and the rulers did not interfere with their religious beliefs and customs.

The laws that were promulgated were not codified in the modern sense of the term but were contained in official manuals and in the edicts issued by the Sultans. They could be classified under several heads: the Canon Law (Ákhám-i Shar’iyah), the Common Law (Qánún-i Sháni — royal proclamations), Qánún-i ‘Urf (laws having their origin in local customs), precedents established by other courts, and equity and good conscience.

The Sultans of Delhi, in general, were strict adherents of the law and looked upon the dispensation of justice as a sacred trust. Outbuddin Albe (1206-1211 C.E.) left a “permanent reputation” and “his kingdom was governed by the best laws” (vide Elphinston’s History of India, p. 363, and Briggs, Rise of the Mahomedan Power in India, Vol. I, p. 199). Ilutmish started the practice of handing a chain of justice outside his palace and of going about incognito in order to find out if justice was administered satisfactorily (Lee’s translation of Ibn Battutah’s Rihlah). His reign was also noted for jurists well-versed in law. Ghiyasuddin Balban (1266-1287 C.E.) inflicted the extreme penalty on a Governor who was guilty of committing a murder.

Ibn Battutah
Ibn Battutah mentions that Muhammad Ibn Tughlaq, the most misunderstood of all the Sultans of Delhi, showed great humility and respect for the law. According to Barni (quoted above), once a case was instituted against the Sultan
Muhammad by one of his subjects in the Qazi's court. "His Majesty" appeared before the Qazi as a defendant and saluted the Court with great respect. He was unarmed and unguarded. The case was decreed in favour of the plaintiff and the Sultan had to pay at once the compensation in accordance with the order of the Court. The pages of history preserve several instances of legal actions against the Sultan when he stood as a defendant and paid the penalties in most of the cases (vide the Tuhfa al-Nuzzâr fi gharib al-Ansâr wa A'dâ'ib-il-Athâr, Cairo edition, pp. 285-286). Once Muhammad Tughlaq was called "tyrant" by the Mullah Shakh Shihabuddin in the presence of the Qazi al-Quzzât Kalamuddin Sadr-i Jahan. The Sultan flung his sword before the Qazi saying, "Prove me a tyrant as this man says and cut off my head with this sword" (vide Mahdi Husain's translation of Ibn Battutah's Rihlah). In appointing Ibn Battutah as a Qazi of the Qazi al-Quzzât's Bench the same monarch said, 'Do not suppose that your office of Judge of Delhi will cost little trouble. On the contrary, it requires the greatest attention' (vide Lee's translation of Battutah's Travels, p. 148). The Sultan Firoz Shah Tughlaq (1351-1388 C.E.) never hesitated to execute one of his favourite friends, who was also a high state official, when a murder charge was proved against him.

Sher Shah considered justice as the most excellent of religious rites; and it was said by him that it would be his greatest care not to violate it either by oppressing the weak or permitting the strong to infringe the laws with impunity. Roughly speaking there were 5,000 Qazis and 90 Chief Qazis under Sher Shah, and his expenditure on judiciary amounted to over six crore tankas annually (vide P. Saran, Studies in Medieval Indian History, p. 99).

**Administration of justice in the Mughal Period**

In the history of India the period of the Great Mughals was the period of pomp, power and glory. Under them India had a strong, well-organized and highly centralized form of government with an extensive and efficient judicial machine. The Mughal emperors loved to pose as the fountain of justice and followed the immemorial Eastern tradition that the monarch should try cases personally in open court. "According to the ancient political ideal, which both Hindus and Muhammadans accepted, the sovereign is the fountain of justice, and it is his duty to try cases personally in open court. The Mughal emperors上升ed up to this ideal and we possess contemporary accounts, written by court historians and European travellers alike, as to the manner in which they dispensed justice" (vide Sir Jadunath Sarkar's Mughal Administration, p. 106).

The emperor was the absolute monarch and Head of State, the Shadow of God on earth. He had a Council of Ministers headed by a Vivier or the Prime Minister. Every minister had in his charge one or more portfolios and was responsible to the sovereign for his departments. The Vivier had a controlling hand in all spheres of administration except the Mahkamah-e-Adalat (the Department of Justice). Other important ministers with their respective portfolios were Diwân-i A’lî (in charge of finance, revenue and agriculture), Mir Bakshî (military administration, pay and accounts), Qazi al-Quzzât or the Chief Justice (administration of justice, jails, customs, Bayt al-Mâl and mosques), Dârogha-e-Tophkhânah (Master-General of Ordnance), Dârogha-e-Dâk (Postmaster-General), Mir Sâmân or Khan-i Sâmân (Imperial Household), Sadr al-Sudâr (Ecclesiastical Department), and Muhtasib-i Mâmulâk-i Mahrusah (Chief Public Prosecutor and Chief Censor of Morals).

The Emperor was the Supreme Authority in the Empire. He was the first judge of the realm and the fountain of justice. He tried both original civil and criminal cases and also sat as final Court of Appeal. As the Court of Appeal he presided over a Bench consisting of the Qazi al-Quzzât and Qazis of the Qazi al-Quzzât's Court. A Mughal emperor's Court was very popular and the subjects made representations and appeals without any fear and hesitation and obtained redress from his impartiality (vide Elliot's History of India, VII, p. 158; Sir Jadunath Sarkar, Anecdotes of Aurangzeb, p. 178).

**The Chief Justice**

The Qâzî al-Quzzât was the Chief Justice of the Empire and was next in importance to the Emperor in judicial matters. His duties were to try original civil and criminal cases, to supervise the working of the provincial courts, to lead the Friday and 'Id prayers in the capital, to attend State functions, to conduct the marriage and funeral ceremonies of the royal family, to administer oaths of accessions to the emperor, and Ijrâ-e Ahkâm-i Shari’yyah (supervision of the enforcement of the law).

In discharging his duties the Qâzî al-Quzzât was assisted by a couple of learned Qâzîs who were appointed to his Court as puisne judges. He was consulted when new rules and regulations were framed or fresh taxation was imposed. The appointment of the Chief Justice was made by the emperor from among "men of high scholarship and reputed sanctity of character" (vide The Fatâwâ, III, p. 387; Sarkar, Mughal Administration, p. 29). His knowledge of the law was expected to be above comment. If necessary, he was tested and examined by a board of learned men.

The Diwân-i A’lî was the final court of justice of revenue cases only. He was mainly occupied with matters of financial policy.

Every town, even large villages, had a Qâzî. His duties were to try law-suits, to put down oppression and quarrels, to solemnise Muslim marriages and to arrange for the marriages of orphan girls, to divide the properties of dead persons according to the law, to lead Friday and 'Id prayers, to supervise the collection of customs and zakât, and to act as trustees of all waqf estates within his jurisdiction.

Every military area or cantonment had a Qâzî of its own, known as Qâzî-e-Askar or Qâzî-e-Urdu (here the word Urdu means troops). His jurisdiction was limited by the boundaries within which the troops were stationed.

The selection of the Qâzî was made from among prominent persons well-versed in the law. A Qâzî's qualifications were that he must be a Muslim, adult and freeman. His court was called Dâr al-Quzzât (the Court of Justice).

**The Courts**

The Courts had four kinds of officers: Daroga-h-e-Adâlat, Mufti, Muhtasib and Mir-i-Adl. The function of the Daroga-h-e-Adâlat, also known as Daroga-h-e Kachehri, was to receive applications filed in the court and to place them before the Qâzî. Mufti was appointed to advise and assist the Qâzî on points concerning law or legal procedure. Mutfis were lawyers of eminence and appointed by royal sanads. The Mufti attached to the Qâzî al-Quzzât's Court was known as Mufti-e-A'zam or Sadîq-i Jâhân. The Chief Mufti also looked after the management of waqf properties and rent-free lands, also the distribution of charities and stipends (vide A'in-i Akbarî, I, Blockmann & Jarrett, p. 185). The
Muhtasib was the Prosecutor in canon law cases. His duties were to control the sale of alcohol and other intoxicating drugs, to stop gambling, to supervise markets and streets, to check the sale of adulterated commodities, to grant permission for the construction of new houses, etc.

According to Moreland, the function of Mir-i ‘Adl has not been clearly defined by any historian. There are conflicting views. Wilson describes him as “an officer of justice, a superintendent of the courts who revised the decision of the Qāzīs and judges, passed sentence and ordered punishments.” Edward and Garrett are of opinion that he was merely a judiciary appointed by the executive authority, as occasion arose, to carry out Qāzī’s finding (vide Mughal Rule in India, p. 191), while Beni Prasad tells us that “a Qāzī investigated and a Mīr ‘Adl pronounced the sentence” (vide History of Jahangir, p. 110). Sir Jadunath Sarkar’s description of the Mīr ‘Adl is also confusing. He describes him as a “Judge of Common Law” (vide Anecdotes of Aurangzeb, p. 175).

A modern researcher is of opinion that the Mir-i ‘Adl possesses no judicial power and was in fact a “Clerk to the Court.” His duty was to supervise the proceedings in the execution stage.

Besides this, there were Peshkâr (bench-clerk), Kātib (clerk), Sāhib al-Majlis (for reading deposition of witnesses), Amin (to act as commissioner in cases), Nāzīr (custodian of court premises and establishment), Mirdaha (process server), Mughalh-nawis (for supervising execution of bonds), Tahwīldār (cashier), Waqī’ah nawis (to record proceedings of the court), Daftārī (book-binder) and orderlies.

Aurangzeb created the post of Vakil-i Shar (the Government pleader), to defend the state in lawsuits. His other duties were to get the decrees obtained by the state executed and to act as legal adviser for the properties held in trust by the Qāzī (vide Khāfī Khan, Muntakhabat al-Lubāb, II, pp. 249-252).

In civil suits arising out of the personal laws of the Hindus, the law was explained by learned Brahmins known as Pandits or Shastris. The status of a Pandit or Shastrī was the same as that of a Muftī.

The Sadrīs, the Faujdārs, the Kotwals and the ‘Amal-guzārs did not strictly belong to the judicial department, though they discharged certain judicial functions.

**Administrative machinery of the Mughal Empire**

The Sultanat-i Mughāliya (the Mughal Empire) was divided into Sūbahs (provinces), Sūbahs in turn were composed of Sarkars (districts), and Sarkars were sub-divided into Parganās or groups of villages. The administrative divisions of the empire were practically the same as in the time of Sher Shah.

The administrative head of a Sūbah was the Sūbahdar (the Governor), and the maintenance of law and order was in his personal charge. The Governors of Bengal and Gujrat were called Nāzīms. The Governor had a Department of Justice which was headed by a Qāzī-e Sūbah (the Chief Provincial Qāzī). The Mir‘āt-i Ahmadī says that the Governors had a general right of supervision in matters of all litigation. The judicial set-up in Sūbahs, Sarkars and Parganās was exactly on the lines as stated above. In Sarkār the Qāzī was styled Shari‘at Panah.

In villages the Panchāyat system was prevalent. The head man of the village was usually the chairman of the Panchāyat (vide Dow, History of Hindustan, III, p. lviii). The Panchāyat was the lowest tribunal recognized by the Mughal Law. The post of the chairman of the Panchāyat had different names in different parts of the empire, such as Chaudhuri, Muqaddam, Patel, Chetty, Mural, Mondal, etc. The chairman was required to act in co-operation with the Kotwāl or the Thānādars.

The Mughal emperors, in general, were strict adherents of the law. They looked upon the dispensation of justice as a sacred trust, and took personal interest in its administration. They were always anxious to secure the speedy trial of prisoners (vide Shri Ram Sharma, Mughal Government and Administration, p. 221). Speaking about Akbar’s (1556-1605 C.E.) idea of justice, Vincent Smith quotes from the A‘īn-i Akbār the saying of the emperor: “If I were guilty of an unjust act, I would rise in judgment against myself,” and then observes: “The saying was not merely a copybook maxim. He honestly tried to do justice according to his lights in the summary fashion of his age and country” (vide Akbar the Great Mughal, p. 344). He used to decide suits and hear appeals at his Daiqat-Khānah (the Chamber of Audiences), where he held the Shāh-i ‘Adilāt (the Imperial Court of Justice). In Ibn Battūtah’s Rihlah, we find that Itutmish started the practice of hanging a chain of justice; Jahangir (1605-1627 C.E.) also copied it by hanging a golden chain from the royal palace to the ground outside the Agra Fort. He loved to do justice and took keen interest in its administration. Thenevot says that “all sentences of death passed, whether by civil or criminal judges, had to wait for execution until the emperor’s confirmation was obtained” (vide Travels, III, ch. X, p. 19).

**Shah Jehan**

Abu Muazzafir Muhammad Shihābuddin Shāhjāhān (1627-1658 C.E.) inherited from his father and his illustrious grandfather a high sense of justice. He spent four and a half hours every day through his 30 years of reign in dispensing justice (vide Dr. M. L. Roy Chowdhury, The State and Religion in Mughal India, p. 252). Tavernier comments that the reign of Shahjāhān was like that of a father over his family. Rai Bāhā Mal in his Tūrīkh-i Hind speaks highly of this emperor’s sense of justice and farsightedness.

Aurangzeb also administered justice like his predecessors. He frequently enquired into the grievances of common folk and “made no distinction between Muslims and non-Muslims in matters of a non-religious nature” (vide Roy Chowdhury, The State and Religion in Mughal India, p. 254). He issued an edict permitting all subjects to sue the state in courts of law if they had any claim upon it. In 1633 C.E. he constituted a board of seven eminent jurists under the chairmanship of Shāykh Nizām of Lahore to complete an exhaustive code of Muslim Law and to put into a proper form the various conflicting juristic decisions. The board completed the work—the famous Fatwāw-e ‘Alamgīr—afer seven years of labour, and the expenses incurred thereon amounted to over 9 lakhs of Indian rupees of present day value (vide Maw‘ūthīr-i ‘Alamgīr, Hyderabad, No. 218, pp. 529-530).

Aurangzeb’s letter of appointment to a Qāzī usually contained the following instructions: “Be just, be honest, be impartial. Hold the trial in the presence of the parties and at the courthouse. Do not accept presents from the people of the place where you serve, nor attend entertainments given by anybody and everybody. Know poverty to be your glory.” Khāfī Khan in his Muntakhabat al-Lubāb remarks that of all the sovereigns of the House of Timur, no one had ever been
apparently so distinguished for devotion, austerity and justice as Aurangzeb. Kennedy observes: “My readers will note with surprise that Aurangzeb was slow to punish. The history of his whole reign shows that save in cases where he feared for his throne, particularly from his relations, he was exceedingly lenient.”

The superstructure of the judicial machinery built by the Great Mughals continued to exist under Aurangzeb’s incompetent successors till 1718 C.E., but from then onwards the disintegration of the empire began, and by 1765 C.E. the magnificent edifice of the Sultanat-i Mughliyah, founded by Babur in 1526 C.E., gradually crumbled.

Some legal aspects

There is no record to show if any regulation was issued by Muslim rulers of India limiting the time within which a suit or appeal was to be filed. But Wahed Husayn is of opinion that Qázi’s used to follow the legal principles laid down in the Shari‘i Viqayah and other works, which run as follows: “If the plaintiff does not put forward his claim within 15 years from the accrual of his right without any valid cause recognized by Shara, his claim will not be entertained, except the claim to waqf and inheritance to which length of time is not applicable. But if there is a lapse of 30 years, the claim in respect of waqf and inheritance will not be entertained.” vide The Administration of Justice during the Muslim Rule in India, pp. 124-125.

Nothing is definitely known about court fees and stamp duties. According to the Fatāwa-e ‘Alamgiri, Aurangzeb made it discretionary for the Qázi to charge the price of paper and ink from the plaintiff. The author of the Tabqaqāt-i Násiri mentions that the Sultan Nasiruddin Mahmūd Shah (1246-1265 C.E.) ordered that an amount ranging between 10 and 15 per cent of the subject matter of the suit be charged as court fees (vide Muhammad Basheer Ahmad, The Administration of Justice in Medieval India, pp. 197-199).

Arbitration, called Takhim, was encouraged. The arbitrator or arbitrators were chosen by the contesting parties out of court, and the award could be reviewed by the Qázi (vide W. Husain, Administration of Justice, pp. 132-133).

There were three kinds of punishment — Hadd, Ta‘zir and Qisá. In Hadd, the punishment was fixed by the Shari‘ah and was applicable in cases of theft, robbery, adultery, rape, apostasy, drunkenness, etc. Ta‘zir, which literally means “prohibition”, was applied to all cases not covered by Hadd and related to crimes such as counterfeiting crimes, gambling, minor cases of theft, etc. Qisá or blood money was payable by the murderer to the legal heirs of the victim. Treason was looked upon as an offence against God and religion and the punishment was death (vide The Administration of Justice in Medieval India, pp. 223-227).

The death sentence was carried out in public. Ibn Battutah says that once the flesh of an accused, who was executed on the charge of treason, was roasted with rice and thrown before elephants.

Procedure

The court buildings under the Sultans of Delhi were known as Dar al-Qazā or Dar al‘-Adl, and under the Mughals as ‘Adalat-Khāna or Kachehri.

The trial was held in open court. The raised dais on which the Qázi took his seat was known as Majlis-i Qázi, and the actual seat was called Masnad-i Qázi. On each side were the seats for Muftis, ‘Ulama and other officials. In front of the seat of the Qázi was a table covered with coloured cloth. Facing the Qázi’s Masnad were the seats of the Clerk to the Court and the Government Pleader. The parties were to sit in front of the Qázi and were treated on equal footing whatever might be their respective positions vide W. Husain, Administration of Justice, pp. 67-68, 16-117.

The plaintiff had to file his claim either personally or through a duly authorized agent at the sitting of the Qázi. The plaintiff might state his claim in writing or make an oral submission. If orally made, an assistant of the court was required to write the statement. Then a summons was issued to the defendant. If the defendant denied the plaintiff’s claim, issues were framed and the plaintiff was required to produce evidence. If the plaintiff adduced evidence, the defendant was given an opportunity to bring evidence in defence. If the defendant did not appear, the Court could proceed ex-parte, but the Qázi was bound to appoint a person, well-versed in law, to watch the court proceeding on behalf of the defendant (vide the Fiqh-i Firuz Sháhí and the Faráwa-e ‘Alamgiri : The Administration of Justice, pp. 181-182).

According to Ibn Hasan, the famed author of The Central Structure of the Mughal Empire, the judgments, pronounced in open court, were recorded in a book called Kitáb al-Akhám, but no copy of this book is extant. Aurangzeb issued orders for the preparation of Mazar-námas (record of judgments) of higher courts for circulation among Qázís and Muftis.

Conclusion

Historical researches have proved beyond doubt that the Muslim rulers of India even at the zenith of their power and influence seldom, if at all, attempted to tamper with the day to day administration of justice. There is no denying that the judicial system under them had its merits as well as demerits. The administrative machinery functioning in the reign of one monarch was not necessarily the same in the reign of others; there were some changes every time. But in spite of the vagaries of personal despotism the judiciary maintained its position and there are innumerable instances of the potentates’ habits of showing respect for the law and of their tendencies to supervise and criticize the work of the judicial functionaries. The facts stated above speak volumes about the spirit which governed the Muslim monarchs of India and their law courts.

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