THERE IS NO GOD BUT ALLAH AND
MUHAMMAD IS THE MESSENGER OF ALLAH

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WE BELIEVE

1. After the Holy Prophet (peace be upon him) Allah has completely barred
the appearance of a prophet, old or new.
2. After the Holy Prophet, Gabriel can never descend and bring Prophetic Reve-
lation (Wahi Nubuwah) to any person.
3. If Gabriel were to descend with one word of Prophetic Revelation (Wahi Nubu-
wah) on any person, it would contradict the two complementary verses:
“This day have I perfected your Religion for you” (5: 5); “He is the Messenger of
Allah and the Last of the prophets.”
4. The Holy Prophet also said: “I am Muhammad and I am Ahmad and I am
al-‘Aqib (the one who comes last) after whom there can be no prophet” (Al-
Bukhari: Kitab al-Manaqib).
5. In the light of the above Islamic funda-
amentals, the Holy Founder of the Ah-
madiyya Movement never claimed to be a
Nabi, but the God-Ordained Mujaddid
(“The Promised Messiah”) of the 14th
Islamic Century, having been expressly
raised to re-establish the predominance of
Islam in the world.
6. He named his followers ‘Ahmadi’
after the Holy Prophet’s Jamali (beatific)
name ‘Ahmad’.
7. He proclaimed that no verse of the
Holy Qur’an has been abrogated nor
shall ever be abrogated.
8. All the Companions of the Holy Pro-
phet and the Imams are venerable.
9. It is spiritually conducive to our
Faith to accept the revivalist Islamic mis-
sions of all Mujaddids (Renovators).
10. Any one who declares his faith in
the Kalimah (Muslim formula of faith —
lâ ilaha illallahu Muhammadur Rasulullah — is a Muslim
Editorial

THE SPIRIT OF SACRIFICE

‘Id al-Azha symbolises supreme sacrifice offered by Prophet Abraham in obedience to the will of Allah. This spirit of sacrifice has been epitomised in the form of animal sacrifice which is offered at the end of the Pilgrimage to Makka. The basic purpose underlying this act of devotion is to inculcate in man patience to bear difficulties and undergo trials for the sake of establishing righteousness and peace in the society. Such a high spirit of sacrifice can never be attained unless man has deep love for Allah and feels extreme joy in doing His will. The Holy Quran explains the significance underlying the Festival of Sacrifices in the following words: “And for every nation We appointed acts of devotion that they might mention the name of Allah...” (2 : 34) “Not their flesh, nor their blood reaches Allah but to Him is acceptable observance of duty on your part....that you may magnify Allah for guiding you aright. And give good news to those who do good to others” (22 : 37). In these verses two things have been emphasised, remembrance of Allah and observance of one’s duty. In other words remembrance of Allah should make one observe one’s duty more meticulously as compared to a non-believer.

The spirit of sacrifice envisaged by the Holy Quran plays a significant role in the moral and social development of individual and collective life of a nation. Such an attitude of selflessness brings in its wake mutual love and affection to the members of a family and on a larger scale to the people of a nation. The Holy Quran wishes its believers to develop an attitude of selflessness in order to achieve higher objectives of life: “My prayer, and my sacrifice and my life and my death are surely for Allah, the Lord of the worlds” (6 : 163).

The question arises why Abraham’s offering his son as a sacrifice has been made basic theme of the annual Pilgrimage to Makkah which is also one the five fundamentals of Islam? Similarly we invoke peace and blessings on Prophet Abraham along with the Holy Prophet Muhammad in our five daily prayers. Inclusion of Prophet Abraham in the fundamental principles and beliefs of Islam is not just for the sake of showing to the world that Islam is a universal religion but it certainly points to a very basic religious truth that in order to establish righteousness and peace in the world a spirit of submission and sacrifice such as shown by Prophet Abraham should have to be demonstrated.

The Quran has regarded Abraham’s sacrifice as “Grand”. It was grand indeed! It
was done with the sole object of fulfilling the wishes of the Almighty Allah. Offering of human sacrifice was prevalent among the Arabs. But Prophet Abraham’s act of sacrificing his son demonstrates his deep faith and complete submission to the will of God. Indeed his entire life depicts a life of dedication and submission to the will of God. When Abraham prays to God for granting him a son, his supplication is “My Lord grant me a doer of good deeds” (37 : 100). Again when Abraham and his son were raising the foundations of Ka‘bah, their prayer was: “Our Lord, accept from us; surely Thou art the Hearing, the Knowing. Our Lord, make us both submissive to Thee, and (raise) from our offspring a nation submissive to Thee. Our Lord, and raise up in them a Messenger from among them who shall recite to them Thy messages and teach them the Book and the wisdom and purify them. Surely Thou art the Mighty, the Wise” (2 : 127-129).

Even while leaving Hagar and Ishmael near Ka‘ba, Abraham’s prayer is that “they may keep up prayer”: “Our Lord, I have settled a part of my offspring in a valley unproductive of fruit near Thy Sacred House, our Lord, that they may keep up prayer” (14 : 37).

We find that Abraham’s leaving Hagar and Ishmael near Ka‘bah, his sacrifice of Ishmael, his prayers, his efforts, nay the entire mission of his ministry seem to be directed to the one object of establishing Ka‘bah as a centre where worship of the One True God should be observed and that it should become a source of guidance and inspiration for coming generations. Here again the Quran has preserved for us the memorable words uttered by the great Patriarch supplicating for the city of Makkah wherein lies the Sacred Ka‘bah: “My Lord, make this a secure town and provide its people with fruits such of them as believe in Allah and the Last Day” (2:176). Again the Quran records Divine behest regarding the Ka‘bah addressed to Abraham and Ishmael in these words: “And We enjoined Abraham and Ishmael, saying, Purify My House for those who visit (it) and those who abide (in it) for devotion and those who bow down (and) those who prostrate themselves” (2 : 125).

To establish peace and justice is a difficult task to which Muslim as a nation is committed. If they are sincere in their claims they should try to revive the spirit of sacrifice shown by Prophet Abraham, otherwise mere claim that Islamic ideals of morality and of peace and justice are the best shall take us nowhere.
Chapter 158

Should an Imam after conducting the prayers, push through the congregation because of some urgent personal matter? 

H. 515. ‘Uqbah reported, “I said my ‘Asr prayers behind the Prophet, peace and blessings of Allah be upon him, at Madinah and after Taslim he quickly stood up and went towards the chamber of one of his wives by making his way through the congregation. The people were surprised at his haste. Then he returned and found that they were wondering at his haste. He said, “I remembered that something of gold was in my quarters and I did not want any delay in its distribution.”’

Chapter 159

Whether one should sit facing right or left after ritual prayers Anas ibn Malik sat facing his right and sometimes his left. He did not approve of sitting facing one's right only, either intentionally or by force of habit.

H. 516. ‘Abdullah reported, None of you should allow the devil to spoil his prayer by thinking that it is incumbent on him only to turn and sit facing his right—many a time have I seen the Prophet, peace and blessings of Allah be upon him, turning towards his left.”

927. It was the habit of the Holy Prophet, peace and blessings of Allah be upon him, to distribute any wealth that came from outside and he would always feel anxious that any wealth obtained in this way would immediately reach persons who deserved it. That is why he hurried towards his home immediately after the prayer. This incidentally shows the Prophet’s supreme indifference towards the things of the world. This is possible only for a man who has God-realization of a very high order. His anxiety to get rid of all worldly possessions when he was in the position of a king shows the culture of his soul. It is no doubt an achievement for a king to leave his kingship and become a dervish but it is more difficult to be a king and a dervish at one and the same time.

928. It is really a way of the devil to be fanatical in these small matters. The Muslims of today quarrel over such small things. They care little for the main purpose of religion and are busy
Chapter 160

Concerning the eating of raw garlic, onion and leek. The Prophet, peace and blessings of Allah be upon him, said, "Whoever eats garlic or onion pressed by hunger or otherwise should not come near our mosque." 929

(R. 297) ‘Ata reported... (Repetition of 517). 930

(R. 298) Ibn ‘Umar reported... (Repetition of 517). 931

picking up quarrel and calling each other bad names on such minor details of the faith. That is why they are unable to put an effective resistance against their enemies.

929. It is quite evident that raw onion and garlic and similar other things give a bad odour to the mouth of one who eats them and it causes unpleasantness to those amongst whom he happens to sit or talk to. This prohibition is not confined to the mosque; it is applicable to all assemblies. Such a man should come to the mosque only when he has removed the bad smell from his mouth as is evident from H. 517, which has the words: "And he should sit in his house". The purpose of this prohibition is twofold; it is a rule of cleanliness and a rule conducive to corporate life as well. It also hints to the fact that one should always have regard for others even to

the extent that bad smell from one's mouth should not cause unpleasantness to others.

930. This hadith will be found in detail in H. 517. Here we are only told "Whoever eats from this plant, meaning the garlic, he should not come to our mosque." There are, however, some words here that are not to be found in H. 517, such as: "I said, "What did he mean by this"? He said, "I think he meant nothing but raw garlic; (in another narration) "Its bad smell".

931. In this repetition of H. 517, we find the additional words: "The Prophet, peace and blessings of Allah be on him, said in the course of Khaibar expedition, "Whoever eats from this plant meaning the garlic, he should not come near our mosque."

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Testimony of the Holy Qur’an – II

by HAZRAT MIRZA GHULAM AHMAD
Founder of the Ahmadiyya Movement in Islam

Hadith—Only source of Islamic history

Besides this, the Hadith is the source of the history of Islam. If we do not consider these traditions to be reliable, we cannot believe with certainty that Abu Bakr, Umar, Uthman and Ali (may God be pleased with them) were companions of the Holy Prophet who succeeded him in this order, and also died in this order. If hadith is considered unreliable, there is no evidence to definitely believe in the existence of those holy personages. It would be possible, in that case, that all these names were fictitious, and in fact there had not been an Abu Bakr, Umar, Uthman or Ali, because according to Mr. Ata Muhammad all these traditions are isolated (ahad) and these names are not given anywhere in the Holy Quran. So, according to this principle, they cannot be accepted as authentic. Similarly, the Holy Prophet Muhammad’s father having the name Abdullah, his mother having the name Amina, and his grandfather having the name Abdul Mutta-lib; one of his wives being called Khadija, one Aishah, one Hafsa and his wet-nurse being called Halima, the Holy Prophet’s withdrawing to the cave of Hira for worship, the emigration of some of his companions to Abyssinia, his staying in Makkah for ten years after the Call, and then all those battles, no mention of which is to be found in the Holy Quran—all these facts are known only from Hadith. Should all of these be rejected on the grounds that Hadith is not reliable. If this is true, Muslims would not be able to give any details of the life of the Holy Prophet (peace and blessings of Allah be upon him).

One should consider this, that the entire sequence of the Holy Prophet’s life: how he lived in Makkah before the Call, the year in which he began preaching, the order in which the early converts joined Islam, the various kinds of persecution to which the disbelievers of Makkah subjected him for ten years, the causes and the extent of the early battles, the battles in which the Holy Prophet (peace and blessings of Allah be upon him) himself took part, the lands to which the sovereignty of Islam had extended by the time he died, whe-
ther he sent epistles to the neighbouring monarchs to invite them to Islam, and if so, what was the result, then the conquests of Islam in the time of Abu Bakr after the Holy Prophet’s death, the difficulties faced, the lands conquered during the time of Umar—all these events are known through the traditions of the Holy Prophet and the sayings of his companions. If Hadith is of no value, it would be difficult, if at all possible, to ascertain the happenings of those times. In this case, the opponents would have the opportunity to forge every sort of falsehood about the events of the times of the Holy Prophet (peace and blessings of Allah be upon him) and his companions, and we would be giving them a great chance to extend their attacks. We would have to concede that the narration of all the events and life stories contained in Hadith was worthless and amounted to nothing, so much so that even the names of the companions could not be accepted with certainty.

**Hadith must be accepted unless contradicted by the Quran**

To believe, therefore, that no certain and authentic information can be found in Hadith, is to destroy much of Islam with one’s own hands. The true and correct position is that whatever is discovered in Hadith, unless contradicted by the Holy Quran in plain and explicit words, must be accepted. For it is acknowledged that man by nature tells the truth, and adopts falsehood only on account of some compulsion because it is not in his nature to do so. It is, therefore, sheer madness to dispute the authenticity and recurrence of those traditions which manifest as articles of faith or as matters of religious practice, have become distinctive marks of the followers of Islam. For instance, would a person today be right to argue that the number of rak’ahs of five daily prayers which the Muslims pray is a matter of uncertainty because there is no verse in the Holy Quran saying, for example, that the morning prayer has two rak’ahs and so also do the Friday and the ‘Id prayers, and because the traditions are mostly of the isolated (ahad) type, not guaranteeing certainty. If such a view of Hadith is accepted therefore, prayer is the first thing we lose, since the Holy Quran has not illustrated the form of prayer, and it is only by relying on Hadith that prayers can be performed.

If the opponents were further to object that the Holy Quran does not teach the mode of prayer, and that the form which the Muslims have adopted must be rejected because traditions cannot be relied upon, how would we answer
this objection if we ourselves held the position that Hadith is worthless? We would have to concede the objection. In this case, the funeral prayers of Islam would also be absurd because the Quran nowhere speaks of a prayer having no bowing down or prostration. Consider carefully, therefore, what remains of Islam by rejecting Hadith.

Hadith only traces origin of prevailing practice

It is just a result of lack of reflection to think that traditions simply arise from taking a statement of one or two persons to be reliable and considering it to be an accurate narration of a saying of the Holy Prophet (peace and blessings of Allah be upon him). The fact is that the system of Hadith is an offshoot of the system of prevailing practice and custom, and was developed a posteriori. For example, the compilers of Hadith saw that millions of people prayed three *rak'ahs fard* during the sunset prayer and two during the morning prayer. Besides this, in every *rak'ah* they recited the *Fatihah*, uttered *Amin*, whether loudly or silently, said the *at-tahayyat* in the sitting posture followed by the *Daroood* and other supplications, and ended the prayer by uttering the *salam* towards both sides. Seeing this form of worship, the compilers of Hadith became interested in factually tracing the form of prayer back to the Holy Prophet Muhammad (peace and blessings of Allah be upon him) and to establish it from authentic, highly reliable, conjoint traditions. Now, although it is true that in order to collect this matter they did not try to discover one thousand or two thousand sequences of narrators for every single saying, yet is it, the case that it was the compilers who discovered the prayer, and that before them the world knew nothing about this institution; so that it was only many centuries later (after the Holy Prophet's time) that the prayer came into being with the discovery of one or two of his traditions? So I stress that it is a great misconception to think that the basis of the authenticity of the various details of prayer was merely these few traditions which, apparently, do not amount to more than isolated sayings. If this were true, then first of all the basic practices of Islam would be dealt a serious, irreversible death-blow which should be a matter of the highest concern and anxiety for every self-respecting person calling himself a Muslim. But it is to be remembered that this view (of Hadith) is held only by those people who have not paid any wakeful attention to the means and causes of how the history, practices, and acts
of worship of Islam came to reach the level of authenticity.

**Prevailing practice provides strong evidence**

It should be made plain that, in order to acquire this certainty, the unanimous practice of the entire nation is a very satisfactory means of proof. For instance, suppose that the traditions showing how many rak'ahs make up the morning or sunset prayers are just two sayings, each of which is of the isolated type, the question is: were people not performing their prayers before this research and investigation was undertaken? Were prayers instituted after the traditions and their narrators were discovered? On the contrary, millions of people used to say their prayers in the customary manner. Even if we suppose that the system of authoritative reporting of Hadith had not existed, nonetheless the prevailing practice of the Muslim nation would still have proved, definitely and conclusively, that the Islamic teachings about prayer had been the same from age to age and generation to generation. It is true, however, that the tracing of the continuous transmission and authoritative reporting of traditions added further light to this already clear situation.

Thus if traditions are considered from this principle, then the greater part of them, which is supported by prevailing practice, cannot be correctly referred to as *ahad* (isolated). In fact, this is a serious error which has driven the rationalists of the present day Muslims very far from the truth of Islam. They think that all the practices, customs, acts of worship, and historical details of Islam in support of which Hadith is cited, are based on just a few traditions. This is a clear error, for, in fact, the practices which were established by our Holy Prophet (peace and blessings of Allah be upon him) spread amongst millions of people in such a manner as to suffer no loss even if the compilers of Hadith had not existed in the world at all. Everyone has to acknowledge the fact that this Holy Teacher and Holy Messenger, peace and blessings of God be upon him, did not keep his teachings confined so as to instruct only a couple of people and keep the rest in the dark. Had that been the case, Islam would have become so distorted that no compiler of Hadith could have put it right.

Although the pioneers of Hadith collected thousands of reports regarding religious teachings, the question is, which was the tradition which had not been acted upon before they came to write it down, and of the contents of which the world was unaware. If
there were any teaching or event or belief the basis of which was laid by the pioneering compilers of Hadith on account of some report they had discovered, there being no trace of it in the prevalent practice followed by millions of people, nor any mention of it in the Holy Quran, then there is no doubt that such a report which was even discovered one and a half centuries later is far below the level of certainty, and whatever might be said of its unsatisfactory nature would be quite fitting. However, such reports really have nothing much to do with the teachings and history of Islam, and if you think about it, the compilers of Hadith have made little mention of traditions of which no trace is to be found in prevalent practice. Hence it is not true, as some ignorant people believe, that the world came to learn of hundreds of essential teachings of the faith, even prayer and fasting, from the traditions compiled by Imam Bukhari, Muslim and others. Were people living without practising the faith for 150 years? Did they not pray, give Zakat, or perform the hajj? Were they ignorant of the creed of Islam which is recorded in Hadith? Most certainly not. He who thinks thus, shows astonishing stupidity.

Then, again, since Islam was flourishing as much before the age of the compilers of Hadith as after their writings, how insolent and foolish it is to hold the view, in an authoritative fashion, that only through the compilation of traditions in the second century (A.H.) did that part of Islam develop and prosper which in the present day is known as Hadith. And it is really to be regretted that, to say nothing of the critics, even the adherents of our religion — the ignorant ones suffer from this misconception. They believe that, after a long time, merely on the basis of the compiled reports of Hadith were people made to accept many beliefs of Islam, having been completely unaware of these teachings prior to the collection of the traditions. But the fact is quite evident that if the compilers of Hadith have put people under a debt of gratitude, it is only this much that all those matters which, from the very beginning, had been accepted by all in the form of prevailing practice, were investigated by them to establish the authorities from which reports regarding them had been transmitted. And they showed that the beliefs and the practices followed by the Muslims in their times were not innovations that had become mixed with Islam just then, but were precisely the same teachings that the Holy Prophet, peace and blessings of Allah be upon him, had imparted to his
companions by word and deed.

It is regrettable that, by misunderstanding the actual fact, people of little wisdom have made such a great error due to which they look upon Hadith with great detestation. Although it is true that that part of Hadith which is not to be found in prevailing beliefs and practices, nor supported by the Holy Quran, cannot be accepted with the fullest certainty, yet the other part, which is manifested in practice and which millions of people from the beginning have guarded through their practical conduct, and upon which they have been established, cannot be called dubious or uncertain. The continuous practice of an entire nation, which was openly known to be traceable back from son to father, and father to grandfather, and from grandfather to great grandfather, and the signs of which could be followed all the way back to the original source, cannot leave any room for doubt, and there remains no option but to consider such continuous tradition as of the highest degree of certainty. Then, especially as the compilers of Hadith established another system besides the prevailing practice, by tracing the authority for this practice back to the Holy Prophet Muhammad (peace and blessings of Allah be upon him) through channels of reliable and honest reporters, to still raise criticism is really the work of those who have no share of spiritual insight or human reason.

Prophecy about Promised Messiah in Hadith

After this introduction, it should also be made clear that the prophecy about the Promised Messiah contained in Hadith is not such that the compilers of Hadith wrote it down merely on the basis of a few reports. It is a proven fact that this prophecy was a belief which had been a part of the very life-blood of the Muslims from the beginning. There were, at the time of the collection of Hadith, as many testimonies to the authenticity of this prophecy as there were Muslims on the earth, so to speak. For they had been recalling it from the beginning as a belief. If compilers of Hadith such as Imam Bukhari etc. have discovered any thing about this prophecy by their own researches, it is only this that, finding it to be widely known and on the tongues of millions of Muslims, in accordance with their principles they sought authoritative reports corresponding to this current belief of the Muslims. And from authentic, interconnected highly reliable traditions, a whole mass of which is to be found in their books, they pin-pointed the authorities on which these are based. Besides
this, one cannot find any reason, if these traditions are (God forbid) fabricated, as to why Muslims should have made this fabrication and agreed upon it, nor any compulsion which forced them to do it.

**Other Related Prophecies Fulfilled**

Then when we see that there are many other traditions containing the prophecy that, in the latter days, the Ulama of this nation will become like the Jews (of Jesus' time), losing righteousness, fear of God and inner purity, and in that age the religion of the cross will become dominant, the rule of the Christian faith spreading to almost the whole world, this provides strong evidence on the authenticity of these traditions. For there is no doubt that this prophecy has been fulfilled in this age, our Ulama of this time having in reality become like the Jews, and the dominion and government of the Christians spread to the whole world in a way without parallel in previous times.

As one aspect of this prophecy has been fulfilled in a clear, explicit and evident manner, what doubt can there be in the truth of the other part? It is acknowledged by every sensible person that if, for instance, a tradition is of the isolated type, and, being a prophecy, is not even a matter relating to practice, then if it or any part of it comes true at the right time, no doubt will remain regarding the authenticity of that tradition. For example there is no doubt that the hadith about "fire in the Hijaz" to be found in Bukhari and Muslim is an isolated tradition, but that prophecy was fulfilled after about 600 years in an exact manner, which fulfilment is admitted even by the Europeans, and it came true at a time when centuries had passed since the compilation and publication of those books. Can we now hold the view that because such traditions are isolated they cannot be accepted as authentic with certainty? When the truth of these has become manifest, such a view would be detestable stupidity.

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PROF. MIRZA HABIB-UR-RAHMAN, M.A.

When we suffer from any ailment, we run to a doctor or to an hospital for its treatment. But have we ever thought that we daily, nay every minute in our life, sustain moral injuries and losses, without feeling any remorse and compunction of conscience. Our legs, hands, eyes, ears, tongues and hearts commit major and minor sins, which would be revealed by all the bodily organs on the Day of Resurrection before God, with His special command. Hence we should fear the Day of Requital.

Thanks-giving to Allah

Mankind in general and the followers of the Holy Prophet (may peace and blessings of Allah be upon him) in particular, fail to visualise what excellent gifts, marvellous rewards and stupendous powers the Lord of Creation has granted to man. Late midnight or tahajjud prayer, is in fact offered as a thanks-giving for attaining the Divine light and spiritual excellence. World and its vain-glorious exhibitions, lust of pelf and power have great impact on us. Our spiritual capabilities are eclipsed by the ostentations of life. How can we understand and comprehend the miraculous gifts, by virtue of which we can develop illimitable possibilities of serving mankind and winning the good-will and sweet accord of the Providence — it is only through tahajjud prayer.

Mental illumination

Tahajjud prayer projects in us invisibly and involuntarily certain moral impulses which produce mental illumination and spiritual excellence. They fill the human mind with Divine light so that the very face of the devotee brightens with the spiritual glow and warmth of that light. This prayer inculcates stronger currents of pious feelings in us so that the soul may find delight in the worship of God and by rendering service to fellow human beings selflessly. It is a veritable elixir of life which mysteriously and imperceptibly changes the very calibre of the devotee's life. It elevates him to the climax of spiritual excellence. Devotional and tahajjud prayers could shake the portals of heaven and Allah’s mercies and favours rain on the needy and the afflicted. The spiritualized worshippers discern God, listen to His messages and minister to
the comforts and requirements of their followers and well-wishers. They reform and spiritualize men who come in contact with them. Their very presence in a company energizes the audience for the performance of moral and religious duties, and for shaking off all immoral and impious impulses. The very voice of those spiritually exalted divines works miracles and revitalize the audience and uplift them to moral and spiritual heights.

**Unshakable faith in Allah**

*Tahajjud* prayer is the fly-wheel of the spiritual mechanism of man—a most accelerating devotion. They not only beget Divine graces in man, but also invigorate his heart with the qualities of heroism, fortitude, forbearance, fearlessness, forgiveness and true courage. Such worshippers do not deter from impending dangers, for their faith in Allah is unshakable and immutable. They only fear God and none else in the world.

*Tahajjud* prayer brings into play a kind of occult power which makes him love God and prompt him to do charitable deeds. Those who continually offer this prayer are immune from physical and mental sufferings. Their actions are legally untenable, morally unimpeachable and socially commendable. Their followers are electrified by their qualities and practical mode of their stainless pure lives. Such worshippers, whose nights are devoted to prayers and daytime is spent in glorifying the Most High Lord, are protected and guided by angels. They enjoy perfect peace of mind, patient endurance is their defensive weapon and forgiveness is the vehicle of their revenge. They, in several cases, command the respect of their enemies who are galvanized by their conduct and Divine graces. Their hearts turn into fountainheads of peace, contentment of mind and parental love for mankind. Anger, exasperation and vengeance evaporate from their minds for ever. Malice is uprooted and is replaced by genuine devotion and welfare for all their associates.

*Tahajjud* prayer generates in man self-confidence, self-denial, personal graciousness, innate affability and first-hand probity. Sincerity of purpose, righteousness and independence of character stimulate him to evolve his spiritual excellences.

We should always keep in view the life and teachings of the Holy Prophet (may peace and blessings of Allah be upon him) whose moral qualities and spiritual ways of life are symbolic representation of the Holy Quran. His life at Makkah was supreme example of long sufferings, forgiveness, indefatigable courage, fortitude, magnanimity (Continued on p. 21)
Shariah and the Common Law – I

by DR. ABDUL RAHMAN I. DOI

I have carefully tried to avoid the use of word “comparison while discussing the definitions and role of the Shariah and the Common Law since there is absolutely no comparison between the two. One is man-made while the other is revealed by Allah, our Creator. In a world still reeling from a bloody war, the thought that Shariah, a system of law, which came into existence through living Revelation, could re-order the universe seems just short of miraculous simply because it has never been fully tried except in the glorious period of the Righteous Caliphs and then in the times of Umar bin Abdul Aziz of the Umayyad dynasty who is rightly given the status of a Righteous Caliph. However, the recent interest in the Muslim world to try Shariah once again may turn out to be a blessing, and that Shariah may prove to be a peace-maker in individual, collective, national and international lives of men.

Shariah literally is the path leading to the right path, path towards Allah, the Creator, path to justice to fellow-men and to Allah. Real justice in Islam lies in doing ‘right’ (maruf) and avoiding ‘wrong’ (munkar) as laid down by Allah through Divine Revelations and through the conduct of the Prophet, the most ideal man (peace and blessings of Allah be upon him). The Shariah thus becomes the ultimate criterion of justice and mercy given to the Prophet of mercy: “We have not sent you but as a Mercy for all the worlds” The Shariah thus aims at creating a most humane and just society once its basic concepts, objectives and framework are understood.

The Common Law, English and American, the continental law like French, Greek, German or even Russian law are all products of human imaginations according to the need of their societies, reforming them through trials and errors as time passed. It goes without saying, though I will say it anyway, that even the most lofty and respectable theories of human motivation from psychiatrists, biologists, legal theorists and philosophers of all kinds must always be treated by serious scholars as suspect. The basis of all their thoughts, discussions, arguments, contributions and innovations is nothing but imagination, pure and simple. They work out in their imagination “what would happen and why,” which may coincidentally come true
but not always. The theories they may put forward to reform a man may debase him, disgrace him or make him feel so free that he may overdo what he did before. Hence, those who base all their writings on human imaginations and experience accept unquestionably someone else’s formulation of how and why people behave, thus dramatising someone else’s theory, that of Aristotle, Plato, John Austin, Hans Kelsen, Roscoe Pound, Salmond, Savigny Ehrlich, Karl Marx, Lauterpacht, Dicey, Ghering, Oppenheim and hordes of others.

At times, it is argued that Muslim jurists also use their reasoning and hence make their imaginations very very active at *Ijtihad* through the employment of *Qiyas*, analogical deductions, and taking into consideration *Masalih al-Mursalah* or public good. It should be understood at the outset that the judges (*Quddat*) differ merely in the interpretation of law and *not* in the revealed body of law. The differences of opinion are discussed by the *Ulama*, the learned, and an *Ijma*, consensus is then struck. “Christianity” on the other hand, says Juston Smith, “is such a complex phenomenon that it is difficult to say anything significant about it that will carry the assent of all Christians” The same is true of other religious and religious scholars.

*Ijtihad* must not be misconstrued as merely a matter of imagination, personal belief and conscience, it is a process based on the ultimate authority derived from some rule either from a Qur’anic injunction or some Sunnah of the Prophet, which may have some bearing on the case in question. Since Revelation is not opposed to reason, reason is employed to explain the rule derived from the injunction. Allah has Himself praised those who possess intelligence and reason. This is the reason why Imam Muhammad Idris al-Shafi’i has used the word *Ijtihad* synonymously with the word *‘Aql*, meaning intellect or reason.

**Real Difference**

Shariah, in reality, is the body of rules of conduct revealed by Allah to the Holy Prophet Muhammad, (peace and blessings of Allah be upon him) the Last of the Apostles of Allah. It is through the practice of this body of Law that people are directed to lead their life successfully in this world as well as achieve Allah’s pleasure and be successful in the Hereafter. The Shariah is not given by any ruler or king. It always remains valid whether or not it is recognised by any state. It is comprehensive and encompasses all aspects of law, personal, constitutional, criminal, mercantile and international
law. The sources of the Shariah are the Qur'an and the Sunnah and not the traditions and customs of the land.

As against this background, we shall quote some definitions of common law experts who are respected in the realm of law and are quoted constantly by lawyers throughout the world:

Salmond says: "Law may be defined as the body of principles recognised and applied by state in the administration of justice."

John Austin says: "Law is the rule of action which is made by a ruler for his subjects."

Savigny says: "Law is the collective conscience of the society. Their main emphasis is on customs and traditions."

The above definitions of law are grossly inconsistent and misleading. With these definitions at the back of one's mind, law becomes merely "a part of the political system of nation." These definitions suit more a legal system of a tribal society or a definite nation. Shariah on the contrary has a global application, applicable to all Muslim societies and non-Muslims living with them, irrespective of time and place.

I won't address the paradox of searching the religious law in all religious systems that raises doubt about 'law' itself. Suffice it to say that I think the question interesting to those obviously, who research on various legal systems in different religions, I should add that I am thinking primarily of 'great religions' of the world although much of what I say is relevant to all religions and religious movements. After the decline of Hamurabi's law and Roman law, the Mosaic law and then Biblical law based on Jewish and Christian scriptures occupied very prominent position in the world. But soon, these laws appeared too harsh. They kept on changing as they were fused with Roman law which ultimately over-shadowed the religious law. Roman law was man-made law in which imaginations and experience played an important role. The other national and International legal systems which developed later and whose definition we have examined before are based on Roman law and are devoid of religious teachings, either of Judaism or Christianity except for a few semblances here and there.

Dawn of Islam

At the dawn of Islam, the world scene changed with the teachings of the Prophet. It is essential here to draw a picture of the condition of the surrounding nations in relation to the city of Makkah and the city state of Madinah established by the Holy Prophet, peace and
blessings of Allah be upon him, after the Hijrah, in 622 C.E. This Muslim State had its own legal system, the Shariah, with complete provisions for law and order. The Muslims and non-Muslims were treated so justly that on many occasions Muslims were punished if they were found guilty in the litigations brought against them by the non-Muslims.

Marmaduke Pickhall, an English Muslim, depicts the condition of the surrounding states who professed Christianity, Judaism or Zoroastrianism in the following words:

"The surrounding nations, the Egyptians, the Syrians, the Mesopotamians and the Persians were ninety per cent slaves. And they had always been in that condition. The coming of Christianity to some countries had not improved their status. It was the religion of the rulers and imposed upon the rank and file. Their bodies were still enslaved by the nobles, and their minds still enslaved by the priests. Only the ideal of Christianity, so much of it as leaked through to them, had made the common people dream of freedom in another life. There was luxury among the nobles, and plenty of that kind of culture which is symptomatic not of progress but of corruption and decay. The condition of the multitude was pitiable. The tidings of our Prophet’s embassies to all the neighbouring rulers, inviting them to give up superstitions, abolish priesthood and agree to serve Allah only, and the evil treatment given to his envoys, must have made some noise in all those countries; still more the warlike preparations which were being made for the destruction of the new religion. The multitude were no doubt warned that Islam was something devilish and that Muslims would destroy them. And then the Muslims swept into the land as conquerors, and by their conduct won the hearts of all those peoples."5

"In the whole history of the world till then, the conquered had been absolutely at the mercy of the conqueror, no matter how complete his submission might be, no matter though he might be of the same religion as the conqueror. That is still the theory of war outside Islam. But it is not the Islamic theory. According to the Muslim Laws of War, those of the conquered people who embraced Islam became the equals of the conquerors in all respects. And those who chose to
keep their old religion had to pay a tribute for the cost of their defence, but after that enjoyed full liberty of conscience and were secured and protected in their occupations."

As time passed, the Jews, Christians and the Zoroastrians abandoned their religious laws, and framed secular legal systems in which the teachings of Islam played an important role. While looking at the man-made law, it comes to one's mind that an essential factor for any legal system to be accepted and effective globally is its unanimous and uniform standard of right and wrong without which verification will become impossible. Once such standard exists then it becomes easier to draw knowledge from that standard. The Shariah has this standard which is unanimously accepted in the entire Muslim world and which provides the criteria of truth and falsehood. This standard is the Qur'an and the Sunnah which are to be accepted by every Muslim jurist if at all he is a Muslim. When one looks at the definitions of Common Law given by Western scholars like the one propounded by John Austin, it categorically says: "Law is that rule of action which is made by ruler for his subjects." This pronouncement may hold true in respect of statutory law only but certainly would not cover the personal law and other aspects of law.

The Shariah, on the contrary, is a comprehensive legal system which takes care of all aspects of law, in spite of various schools of Islamic jurisprudence practised in it. The four Sunni Schools of law, the Hanafi, the Maliki, the Shafi'i and the Hanbali schools as well as the Shia schools are all alike and none of them will transform what is unlawful (Haram) into lawful (Halâl) or what is not obligatory into obligatory. The marginal differences would only be found in supererogatory matters. The Shariah not only aims at goodwill and beneficence towards all men but also encourages to develop a world-wide outlook.

There is not one standard and one law for the Muslims and another for the outsiders. In the kingdom of Allah there are no favourites. "The sacred law is one for all, and Non-Muslims, who conform to it, are more fortunate than professed Muslims who neglect or disobey its precepts. In Islam all men are judged by conduct both in this world and the next." The other problem which is obvious in the man-made law is the hair-splitting division in the theories of law like Positivism and Idealism. The former concentrates on "what law is" while the latter in-

(Continued on p. 22)
of heart, and firm faith in Allah. In moments of trials and tribulations the Holy Prophet (peace and blessings of Allah be upon him) invariably displayed courage, patience and evenness of temper unparalleled in the history of the world. He regularly set apart time for devotional prayers, for the spiritual elevation of his followers. In Madinah the life of the Prophet (peace and blessings of Allah be upon him) was unique in the expression of gratitude to Allah. With his self-composed and contented mind, he not only worshipped Allah day and night but also performed his duties as a spiritual leader and ruler of a new-born Islamic state. His devoted followers like the Prophet (peace and blessings of God be upon him), feared neither the arms of their enemies nor their superior strength, but entered into the thickest part of the battle without the least fear of dangers threatening their lives. This display of unimaginable courage was due to their deep faith in Allah, enlightened by the teachings and practical example of the Holy Prophet (peace and blessings of God be upon him). All these virtues of truth and courage are the gift of the *tahajjud* prayer.

Thus *tahajjud* prayer is the greatest gift, the highest force, the most reforming spiritual weapon bequeathed to man by the Most Merciful, Most Forgiving and Most Nourishing Providence.

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**DARUL KUTUB ISLAMIA**

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(Continued from p. 20) insists on “what law ought to be.” While studying the words of the champions of the positivism like Austin, Kelsen, Jhering, Jellinek and others one gets the impression that the law is divorced from justice and has been rendered merely an apparatus of compulsion to which no political or ethical value is attached. Another limitation of positivism theorists is its acute characterization of criminal law only while ignoring private litigation and prosecution. This has built an artificial tension within the circle of positivists. The Shariah, on the contrary, is free from this intellectual jargon because it sticks to its standard, the revelation from Allah.

Islam’s Contribution

While reading the preface of Salmond’s Law of Torts, one comes to realise how inhuman and unjust a law was prevalent in Europe in the 18th century of Christian Era. If an accident occurred by a horse-drawn cart, the horse, the driver, the cart and the passenger sitting in it were all to be punished. The later introduction of the famous Magna Carta about which English jurists take so much pride was gift of King John to the Barons since he had witnessed a lot of dissatisfaction among them. It was prepared in 1215. While it spoke of the benefits of the Barons, it even failed to mention the common man in the street. The real achievement was to come in the 17th century of the Christian Era when the Declaration of the Rights of Man was introduced during the French Revolution speaking of man’s right to Equality before the law, Right to hold property and Right of Freedom. These rights were not new to the Shariah, Islamic legal system. The Qur’an, the Sunnah and the Holy Prophet’s famous Farewell Pilgrimage Address (Khutbah Hajjat al-Wida) have spoken of these rights in a very great detail, and which were fully put into practice in the Islamic state of Madinah before 632 C.E. the date of death of the Holy Prophet Muhammad (peace and blessings of Allah be upon him).

It is not merely a conjecture nor a bright idea to please the Muslim world of today, but it is a fact of history that Muslims had come upto France, Gibralter (Jabal al-Tariq), and had established their long drawn rule in Spain (Andlus) and later in Malta ruled by the Aghlabides. Long before the French Revolution, Granada (Gharnata) and Cordova (Qaratbah) had become famous as great seats of Islamic learning. The writings of the Maimonide schools established by the Jewish scholar Musa bin Maimun, who was tutored by Muslim scholars, bears a stamp of Islamic thoug-
ht and culture. Likewise, Islamic Philosophy, Law and Science made a great impact on Europe through great Spanish Muslim scholars' writings. Guillaume, a Jewish scholar, often attacking Islam, has still to say the following about the contribution of Islamic scholarship on European thought:

"Scholars from the West visited Spain to learn Philosophy, Mathematics, Astronomy and Medicine. The oldest European Universities owe an enormous debt to those scholars who returned from Spain bringing with them the knowledge they had gained at the Arab Universities of that country."

A lot has been written about Islamic contribution to the development of the social philosophy of the 18th century Europe. Here we are specifically concerned about the contribution of Shariah to the development of the modern European legal system. Going through the Muwatta of Imam Malik bin Anas, the founder of the Maliki school of Islamic Jurisprudence and then comparing it with the modern French Law, one comes across striking similarities in most of its provisions. It should be remembered that Imam Malik's Muwatta is not only a book of Jurisprudence but it is one of the most authentic collections of the Ahadith of the Noble Prophet. Whatever the legal issues are discussed by Imam Malik in the Muwatta are based on the Ahadith of the Prophet (peace and blessings of Allah be upon him). Thus, the influence on the French law is not only that of the Muwatta of Imam Malik but that of the Hadith, the second most important source of the Shariah. How did this influence of Muwatta come on the French Law? There are two sources; one, the predecessors of the modern French jurists learnt jurisprudence in Spain where, during the Muslim rule, the Maliki system of Islamic jurisprudence and law was practised, and the Muwatta of Imam Malik was read with the highest esteem by the jurists, Muslims and non-Muslims alike. Two, Napoleon Bonaparte, during his conquest of Egypt especially read the Muwatta of Imam Malik among other Islamic literature. The code Napoleon which came to be compiled later bears a great deal of resemblance with the Shariah law.

When one engages in tracing and clearly delineating the role that religion has played during the successive epochs of the cultural life of the European people, it becomes quite evident that Reformation was initiated as a revolt against the universal authority of the anachronistic Catholic church. It was launched purposely to purify the church of all evil practices. Later on, it assumed the form of rebellion against everything which claimed to put any restric-
tions on a man's activities. Man was encouraged to apply the critical power of reason without theological predica-
tions and restraint to all his thoughts, beliefs and institutions, and to reject everything which came into conflict with his materialistic view of life and universe. The real contribution in bringing about positive attitude towards life rather than living under the burden of corrupt monasticism was brought about through the teachings and pre-
aachings of Martin Luther.12 Martin Luther rebelled against the evils of the Catholic church as a result of his deep study of Islam and Muslims living in neighbouring countries. It is a well-
known fact that Martin Luther read constantly Islamic History and was a good scholar of Arabic language.13

As John William Draper has rightly observed, "the Muslims overran the dominions of Science (all branches of Scientific studies) as quickly as they overran the realms of their neigh-
ours."14

The focus of Muslim scholars' scientific studies was only one: "The ardent desire to gain a deeper understanding of the world as created by Allah; an acceptance of the physical universe as not inferior to the spiritual but co-
valid with it."15 Thus, in Islam, Religion, Philosophy, Law and Science did not go their separate way; in fact, Islam provided one of the main incentives for these studies. Justice was hence not to be meted out to individuals and societies alone, but it was to be done to reform one's very thought pattern also. Apart from the application of all branches of law with equity and justice in the Muslim state it was essential that justice was to be done in respect of Muslims' dealings with non-Muslims, non-Muslim states, non-Muslim neighbours and so on and so forth. Following this line of thought, a number of books were written by Muslim scholars. The masterpiece on this subject was Imam Muhammad bin al-Hasan al-
Shaibani's famous work Siyar al-Kabir which was further embellished by its first commentary named Sharh al Siyar al-
Kabir written by Al-Sarakhshi.16

When compared, the work of these great Muslim jurists with the works of Grotius on International Law, written in the 17th century, and claimed to be the first book on this subject, and the famous Oppenheim's International Law, one discovers that the works of Imam Shaibani and its commentary by Sar-
akshi are far more comprehensive although the latter were written as early as in the 11th century of the Christian Era. On the subject of the conflict of Laws,17 Ibn Qayyum's work Akkam ahl al-Dhimmah has no parallel till today. One can quote many other works on Islamic law written by great Muslim scholars
which have influenced the Western legal systems but it is beyond the scope of this paper.

4. Wright (Lord), Interpretation of Modern Legal Philosophies, p. 794.
7. Ibid., p. 23.
8. For a detailed study on these rights under Shariah, see Doi, A. R. I., Non-Muslims under Shariah, Maryland 1979.
9. For further details, see Averroes et Averroism.

CORRECTION
In the issue of the “Light” dated August 8, 1983, on page 8 under the sub-heading “Islamic Preventives”, please read 100 stripes” for “80 stripes”.

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