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وَلْيَصْطِقُوا لِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا
"O ye who believe!... and hold fast to the pact of God all together, and split not!"
(The Qur'an 3:103)

THE ISLAMIC REVIEW

WOKING • ENGLAND

MAY 1966

54th YEAR OF PUBLICATION



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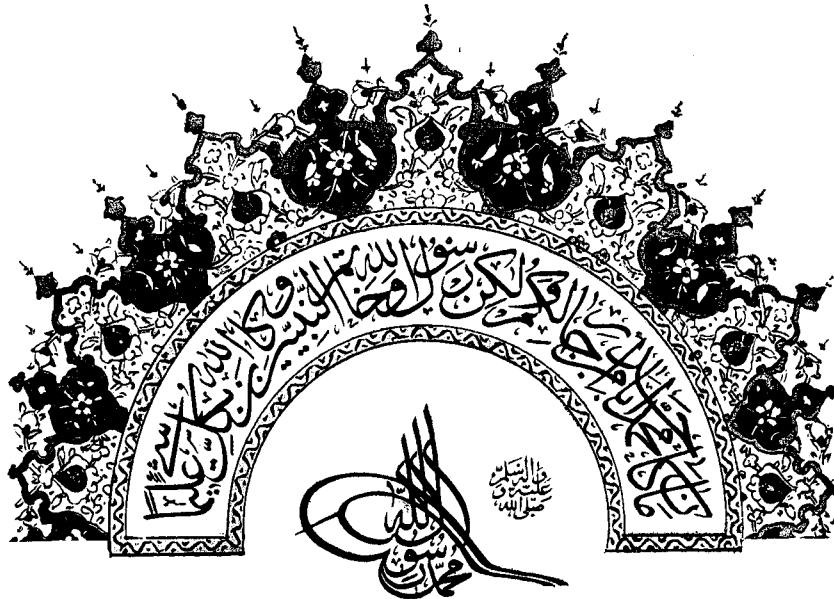
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Contents

Editorial	...	3
The Lawfulness or Otherwise of the Consumption of the Meat of Animals Slaughtered by Jews and Christians	5
by Rasheed Ahmad Jalandhari		
Contemporary Bank Transactions and Islam's Views Thereon	...	10
by Dr. Muhammad 'Abdullah al-'Arabi		
Cyprus : Greeks Accuse Turks !	17
by Khamis A. Busaidy		
Origins of the Arabic Alphabet	19
by Professor Sayyid Ibrahim		
The Pahlavi Edition of the Qur'án	24
Codes Regulating Personal Status and Social Evolution in Certain Muslim Countries	25
by M. Borromans		
Muslims in China	27
Social Security in Islam	28
by Anwar al-Khatib		
The History of the Idea of the Miracle (I'jaz) of the Qur'án	...	31
by Na'im al-Humsi		
The Development and Nature of Sufism in India and Pakistan	...	35
by A. R. F. Doi, M.A., Ph.D. (Cantab)		
Book Review	39
What Our Readers Say	39

THE ISLAMIC REVIEW

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



"Muhammad is not the father of any of your men, but he is the Messenger of God and the Seal (last) of the Prophets. And God has full knowledge of all things"
(The Qur'an, 33 : 40)

"There is no prophet after me" (The Prophet Muhammad)

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Safar 1386 A.H.

“IN SEARCH OF OUR LOST CAMEL”

The Need of Organizing Charity in Muslim Countries

The present negligence of Muslims in ethicizing their charitable institutions

“Wisdom is the stray camel of the faithful ; take hold of it wherever you come across it” (A Hadith of the Prophet Muhammad).

For some centuries now Muslims have been deriving great consolation from the fact that the teachings of Islam comprise a perfect code of human conduct, and that the Holy Qur'an and the Hadith are full of wisdom that could solve the problem of humanity. But in their ecstatic appraisal of their heritage, do they ever pause to think whether they are putting those golden principles of Islam to their practical use?

Every new age has new trends, new demands and, therefore, should have fresh approaches. The basic principle of charity, for example, is eternal and unchangeable. Islam exhorts it, and so does Christianity.

Ethologically, however, twenty centuries of Christian

science and fourteen centuries of Islamic science have produced two distinctly different approaches to charity. It will need a sociologist to trace back the causes which were originally responsible for these differences in the two approaches. There will also have to be taken into account the climatic and ethnic influences which must have played their part in this respect.

Any academic investigation into this matter, however, may bring to light certain mitigating circumstances. But the fact would still remain that the present negligence of the Muslim world in ethicizing their charitable institutions on modern lines is, to say the least, criminal.

Charity organizations in the West owe their inspiration to the Christian religious sentiment

Islam has laid as much emphasis on charity as could possibly be done. The sentiment of charity amongst the

Muslims is as strong as in any other people. Why is it then that our voluntary social organizations have failed to interpret the Islamic injunctions in this respect in terms of modern requirements?

While studying this problem in the light of the Christian charitable organizations, there is a general tendency amongst Muslims to seek comfort in the belief that such organizations are not necessarily Christian in character. It is said that, instead, they are the product of industrial revolution brought about in the West in the late 18th and early 19th centuries ; for the first attempts to harness the charitable instinct of the public in the West into organized institutions were made in the second half of the 19th century.

But the fact still remains there that any act that has been or is being done in the West in the field of social work is in the name of "Christian Charity". There is no denying the fact that all social welfare work being done by the Christians, whether voluntary or statutory, owes its origin to religious sentiment inspired by the Church.

It is also equally true that the pulpits in the mosques have never failed to preach to the worshippers on similar lines as those of the Churches. But the Muslim society somehow as a whole has not been able, as yet, to realize that the giving of financial aid is only a means to an end — not an end in itself. It is not an uncommon and pitiable spectacle in the Muslim countries to see a crowd of destitutes lined up in front of a mosque and the Muslims doling out small change into their outstretched bowls! Very seldom do these "philanthropists" pause to think that those beggars need something more than their daily bread — they also need their self-respect and their due share of human dignity. Seeing those beggars limping about in their tattered clothes, Muslims seldom associate them with their families who must be waiting in some soap-box hovels for the "bread-winner" to return home.

The general excuse is that the task of social work in the East is too colossal for the voluntary worker to tackle, and that it needs finances and manpower on a scale which only the governments can provide. But a study of the development of social work in Great Britain shows otherwise.

Muslims should study the modern charity organizations in Great Britain

Statutory social work in Great Britain is of a fairly recent occurrence. Before that it had always been done by individuals forming themselves into small voluntary organizations very much on the same lines as is being done all over the world. The only difference has been that the social worker in Great Britain did not forget to do his table work. By keeping accurate records in the various fields of his personal experiences, he built up a body of information which served as a source of knowledge for every new volunteer.

It was only in 1869 that an organized effort was made in Great Britain to pool together the resources of the various voluntary organizations and the Charity Organization Society was founded. That was the period when it was generally felt that the Poor Law of the country was not adequate to meet the fast-increasing range of the people's personal and social problems. The history of the development of social work in Great Britain shows that this period witnessed for the first time a significant departure from the age-old conception of charity. It was discovered that what the poor needed was not

so much food and clothing as a helping hand to become self-supporting. From then onwards the maxim adopted by the social worker was to give back the poor their lost dignity by helping them to help themselves.

The modern Welfare State

When one reads the following verse of the Holy Qur'an, its real meaning becomes clearer in the light of the above approach to charity :

" And do not chide the petitioner " (93 : 10).

We find Great Britain today running a Welfare State. This State has come into being after a long and arduous struggle by individuals. One such pioneer was Octavia Hill. She strongly believed in personal relationship in social welfare work and in 1864 took over the management of three tenement houses in the slums of London. The success of her experiment proved that "the need is not alms, but a friend". Another pioneer in this field was Charles Booth. He made a classic survey of conditions in London. His report was published in 1889 under the title of *Life and Labour of the People*. Similarly Lord Beveridge's services in the field of unemployment at the beginning of the 20th century were largely instrumental in the establishment of employment exchanges by the central government.

" And in their wealth there was a due share for the beggar and for the have-nots " (The Qur'an, 51 : 19).

The true import of the above verse of the Holy Qur'an really becomes clearer by studying Younghusband's *Report of the Working Party on Social Workers in the Local Authority Health and Welfare Services*, London, 1959. A still more explanatory report is a survey of the development of social services published by the Central Information Office, London (reference pamphlet RF.P.4246), under the title of *Social Services in Britain*.

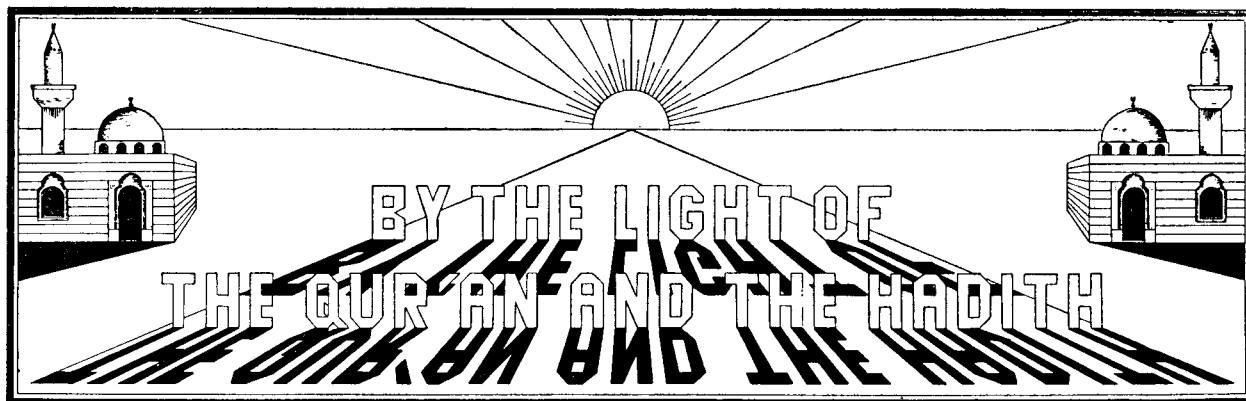
The best way to study these reports and surveys would be to read them in conjunction with the Qur'an and the Hadith. A comparison between the conditions as obtaining in the various Muslim countries and those in Great Britain would reveal that the Islamic teachings are equally capable not only of releasing charitable sentiment but also capable of reforming Muslim society when they are put into practice in an organized manner.

A few examples of social work organizations in Great Britain

Let us take a few aspects of it by way of an example. A large number of human problems can be solved with a little timely help in the way of advice and information. The following Hadith of the Prophet Muhammad tells us : "... and showing the way (to another) is charity". Let us find out how the "infidels" of Great Britain have arranged to "show the way" to people

They have established a "Citizen's Advice Bureau". It was started by the National Council of Social Services just before the Second World War. It has 420 branches in England, Scotland and Wales. It deals with over a million inquiries every year, ranging from common problems to those requiring specialist services, such as "poor man's lawyer". The statistics of these bureaux show that the largest number of queries that come to them are about personal and family problems. A host of other social workers, such as almoners, pro-

Continued on page 34



The Lawfulness or Otherwise of the Consumption of the Meat of Animals Slaughtered by Jews and Christians

By RASHEED AHMAD JALANDHARI

The burden of Dietary Laws in pre-Islamic Arabia removed by the Qur'ân

In recent times, with the rapid means of communication, Muslims are increasingly coming into contact with the Western countries more than ever before. Owing to their special dietary laws they are confronted with the important question of the consumption of the meat of animals slaughtered in the West mostly by Christians and Jews. The question as to whether this meat can be eaten by them has come very much to the fore. It is being discussed among religious circles in the West as well as in the East. Recently a series of articles on this subject appeared in the Muslim Arabic monthly *al-Muslimoon*, Geneva, Switzerland, edited by Dr. Sa'id Ramadan.¹

To appreciate the nature of the dietary laws in Islam it is but essential to cast a glance at the economic state of affairs obtaining in Arabia at the time of the advent of the Prophet Muhammad. The Meccan society in general and the poor people in particular were running into tremendous economic difficulties in their daily life as a result of the opening of a new commercial route between the Red Sea and the Gulf. The Meccan commercial life was adversely affected. The poor people were obliged to take loans at heavy interest from the Meccan bankers. To add to this were the religious taboos in Meccan society in Arabia which forbade the consumption of the flesh of several kinds of animals.

"God has not ordained a *bahirah*² or a *sa'ibah*³ or a *wasilah*⁴ or a *hami*,⁵ but those who disbelieve fabricate a lie against God. And most of them understand not" (The Qur'ân, 5 : 103).

Exploitation of the bankers on the one hand and the religious taboos on the other made the life of the common man almost intolerable. It is against this grim background that the greatness of the divine message of the Prophet Muhammad can be fully realized. He appears as a deliverer

of a troubled society from the shackles which it had placed round its feet :

"... and (Muhammad) removes from their burden and the shackles which were on them" (The Qur'ân, 7 : 157).

The Qur'ân on what is lawful and what is not

When the Prophet came, he saw a long list of prohibited foods and exploitation of the bankers, so that the underprivileged had to pay a high price for the "lawful" foods. Under these conditions the Prophet Muhammad was asked as to what foods were prohibited. He replied in the words of the Qur'ân :

"Say, I find not in that which is revealed to me aught forbidden for an eater to eat thereof, except that

¹ See issues of *al-Muslimoon* for the year 1964.

² The liberation of certain animals in honour of idols was a practice among the Arabs, and as Islam uprooted every vestige of idolatry, this practice is condemned here. *Bahirah* (from *bahara*, meaning to be cut or slit) means a she-camel having her ear slit. When a she-camel (according to some also an ewe or a she-goat) had brought forth five (or seven, or ten) young ones, the last of these, if a male, was slaughtered, but if a female, the ear was slit. According to others it was the mother, she being also exempted from slaughter and from carrying burdens.

³ *Sa'ibah* (from *saba*, which means "it ran of itself") signifies any beast left to pasture without attention. According to some, it was the mother of a *bahirah*, or a she-camel which, having brought forth females at ten successive births, was set at liberty to pasture where she would, and was not ridden nor was her milk taken.

⁴ *Wasilah* (from *wasala*, i.e. be connected or joined) means a she-goat which brought forth twins, a male and a female; when the male was brought forth alone, it was slaughtered to the idols, the female alone being kept; but in the case of the male and the female being born twins, the male was considered to be joined to the female, and was not therefore sacrificed to the gods.

⁵ *Hami* (from *hama-hu*, i.e. he prohibited or interdicted it or protected or guarded it) means a stallion-camel that has prohibited or interdicted his back (to be used for bearing a rider or any burden); that is left at liberty and not made any use of; whose offspring in the second degree of descent has been fertile.

it be what dies of itself, or blood poured forth, or flesh of swine — for that surely is unclean — or what is a transgression, other than (the name of) God having been invoked on it. But whoever is driven to necessity, not desiring nor exceeding the limit, then surely thy Lord is Forgiving, Merciful” (6 : 146).

The conclusions from the above verse are quite clear :

- (1) Everything in the universe in principle is lawful to be consumed by a Muslim.
- (2) God alone has the right to forbid some harmful things to be consumed as food ; for He being the Creator alone knows what is good or bad for His creatures. Besides, prohibition of a particular food can be made only through a clear *nass* (injunction in the Qur’án). Another extraneous source of prohibition would be against the spirit of the teaching of Islam. There is a case on record of the days of the Prophet that once ‘Adiyy Ibn Hatim, on hearing the verse

“ They take their doctors of law and their monks for Lords besides God, and (also) the Messiah, son of Mary. And they were enjoined that they should serve one God only — there is no god but He. Be He glorified from what they set up (with Him) ! ”

said that their (Jews and Christians) religious doctors have never been taken by them (Jews and Christians) as their lords as described in the Qur’án. The Prophet said, “ But do they forbid some lawful things and declare others as lawful things which are forbidden ? ” ‘Adiyy replied, “ Yes, they do ”. The Prophet answered, “ This is what the Qur’án means by the the word *arbaab* (lords) ”.

- (3) At the time of the Meccan revelation quoted above (The Qur’án, 6 : 146) the Meccans used to offer an animal’s sacrifice to their deities and at the time of slaughtering used to recite the name of their deities — a norm of their essential life. The Qur’án denounced it because it was an offering to false Gods and against human dignity.

In other words only four things were forbidden to Muslims :

- (1) Corpses,
- (2) Blood,
- (3) Pig’s flesh, and
- (4) Animals slaughtered by way of an offering to a deity or in the name of the deity.

It is quite clear from the above that meat of all animals save the above four categories is lawful food. But if anyone does not like a particular kind of flesh of a special animal it is a matter of his personal likes and dislikes. We have a case on record from the Prophet Muhammad who, while visiting Maymoonah (his wife) was offered the meat of a *dhibb* (a kind of lizard). Instead of saying that it was unlawful he merely said, “ I do not care much for it ”. But he did not prevent his companions from eating it if they so liked⁶

Why the Qur’án repeats the injunctions about the various kinds of foods allowed and disallowed to Muslims

While people were brought up in an environment deeply influenced by centuries’ old customs and religious superstitions and prejudices, it was far from any easy task to break down

the barriers, because their minds were troubled and agitated by doubts which they wanted removed by further instructions and elucidation. That is why the Qur’án has repeatedly, in all, four times, made statements dealing with the various kinds of foods allowed and disallowed to Muslims. Thus the second time a statement similar to the first one made in the Qur’án 6 : 146 was made in 16 : 114-118.

“ So eat of what God has given you, lawful and good (things), and give thanks for God’s favour, if He it is you serve.

“ He has forbidden you only what dies of itself and blood and the flesh of swine and that over which any other name than that of God has been invoked ; but whoever is driven to (it), not desiring nor exceeding the limit, then surely God is Forgiving, Merciful.

“ *And utter not, for what your tongues describe, the lie : this is lawful and this unlawful so that you forge a lie against God. Surely those who forge a lie against God will not prosper* ” (italics are mine).

In order to emphasize once again the Qur’án repeated the same injunction in 2 : 172-3 :

“ O you who believe, eat of the good things that We have provided you with, and give thanks to God if He it is Whom you serve.

“ He has forbidden you only what dies of itself, and blood, and the flesh of swine, and that over which any other (name) than (that of) God has been invoked. Then whoever is driven by necessity, not desiring, nor exceeding the limit, no sin is upon him. Surely God is Forgiving, Merciful.”

And for the fourth time in 5 : 3 :

“ Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any other name than that of God has been invoked, and the strangled (animal), and that beaten to death, and that killed by a fall, and that killed by goring with the horn, and that which wild beasts have eaten — except what you slaughter, and that which is sacrificed on stones set up (for idols) and that you seek to divide by arrows ; that is a transgression. This day have those who disbelieve despaired of your religion, so fear them not, and fear Me. This day have I perfected for you your religion and completed My favour to you and chosen for you Islam as a religion. But whoever is compelled by hunger, not inclining wilfully to sin, then surely God is Forgiving, Merciful.”

In this revelation the Qur’án gave a further explanation of the meaning of the word *mayyit* (corpse) by saying that if any animal had died by accident and had not been slaughtered before its death, it would be considered as a dead animal.

Having given the negative definition of the lawful foods or flesh it also gave a positive answer to the question by saying (The Qur’án, 5 : 4-5) :

“ They ask thee as to what is allowed them. . . .

“ This day (all) good things are made lawful for you. And the food of those who have been given the Book is lawful for you and your food is lawful for them. And so are the chaste from among the believing women and the chaste from among those who have been given

6 (Ma’aalim al-Sunan Vol IV Page 246. Aleppo Edn. 1934.)

the Book before you, when you give them their dowries, taking (them) in marriage, not fornicating nor taking them for paramours in secret. Any whoever denies faith, his work indeed is vain ; and in the Hereafter he is of the losers."

The three points that emerged from discussions after the death of the Prophet Muhammad

At the time of the death of the Prophet Muhammad everything was clear in the minds of his Companions, but it seems further discussions on the subject were unavoidable and they did take place. The following three points emerged from the various dissertations :

- (1) Is reciting the name of God (technically known as the *Tasmiyah*) necessary at the time of slaughtering the animal?
- (2) Is the meat purveyed by Christians and Jews allowed Muslims to eat ; or are Christians bound to follow the Muslims' procedure of slaughtering practised by them at the time of the Prophet Muhammad?
- (3) Is the new method of slaughtering known as the humane killer permissible for use in the killing of animals for consumption by Muslims?

The Tasmiyah

This last question has assumed great importance in modern times.

Let us take these points one by one. As to question (1) about the reciting of the name of God (*Tasmiyah*), there is no clear verse in the Qur'an about it. There is no consensus of opinion amongst the learned doctors of law in this matter. Let us go a little further into it. The following verses of the Holy Qur'an are relevant to it :

"Eat, then, of that on which God's name has been mentioned, if you are believers in His messages. . . .

"And eat not of that on which God's name has not been mentioned, and that is surely a transgression. And certainly the devils inspire their friends to contend with you ; and if you obey them, you will surely be polytheists" (6 : 119, 122).

"They ask thee as to what is allowed them. Say : The good things are allowed to you, and what you have taught the beasts and birds of prey, training them to hunt — you teach them of what God has taught you ; so eat of that which they catch for you and mention the name of God over it ; and keep your duty to God. Surely God is Swift in reckoning" (5 : 4).

It is surprising to note that the opinion of the doctors of law is divided on this question. If we study the subject thoroughly and go through the pages of the Qur'an concerning the *Tasmiyah* and the ways of the Prophet we come to the conclusion that the reciting of the *Tasmiyah* at the time of slaughtering of the animal is not a necessary concomitant, although a desirable one. The reciting of the *Tasmiyah* described in the above-mentioned verses (6 : 119, 121 ; 5 : 4) refers only to the slaughtering of animals for the sake of food. The custom of reciting the name of a deity at the time of the slaughtering of the animal was practised by the Meccans. The Qur'an opposes it in very strong terms. A religious sacrifice in the name of the deity according to the Qur'an is to be shunned.

Slaughtering should be for the sake of food. The Qur'an therefore says :

"Do not eat on which the name of God has not been mentioned, for it is a sin" (6 : 122).

The slaughtering of an animal offered to a deity is, according to the Qur'an, *fisq* (transgression, disobedience, unpiety, sin), so that its meat should not be eaten. It should be observed that if someone had eaten the meat of an animal slaughtered for food without reciting the name of God on it, no learned doctor of religion has ever considered this a transgression or sin (*fisq*). For this is supported by an incident when some Jews met the Prophet Muhammad and said : "We eat flesh of an animal cut by ourselves and 'not cut by God'." By "not cut by God" the Jews meant corpses of dead animals. It was at this time that verse 6 : 122,

"And eat not that on which God's name has not been sanctioned for it is a sin"

was revealed. Thus it is clear that this verse approved the conversation between the Prophet and Jews to the effect that if an animal died by itself, it was then that its flesh was forbidden (*Ma'aalim al-Sunan*, Vol. IV, p. 277, Aleppo edition, 1934).

However, it is quite clear that the verses of the Qur'an revealed at four different occasions came to emphasize the point that religious animal offerings in the name of the dieties should cease and slaughtering of animals should be done for



The writer of the article, Mr. Jalandhari (right) talking to the former Su'udi Arabian Ambassador, His Excellency the Shaykh Hafiz Wahba, at the Islamic Cultural Centre, London

the purpose of eating, and if it is to fulfil a religious duty, then it should be for God alone. This action of slaughtering is called *Tasmiyah*.

It is related from the Imams Shafi'iy (d. 820 C.E.), Ibn Hanbal (d. 855 C.E.) and Malik (d. 795 C.E.) that the *Tasmiyah* is not necessary. The Imam Abd Hanifah (d. 767 C.E.) held that it was essential. Nevertheless, he also says that

if the slaughterer forgot the *Tasmiyah*, then the meat was quite all right and permissible to eat (cf. *al-Taaj fi Usool al-Hadith*, Vol. III, p. 110, Cairo edition).

Meat purveyed by Jews and Christians

As to the second question about the meat purveyed by Christians and Jews, the majority of learned religious doctors say that the animal killed by Christians and Jews is allowed for food unreservedly, irrespective of their religious convictions and their method of slaughtering the animal. The great Kufi savant, Sha'bi (d. 722 C.E.), says that God knows what they do and it is He who allowed us to eat their food (meat). The Shaykh Abu Bakr Mahmud Ghammo, the Chief Qadhi of Northern Nigeria, is right in maintaining when he says that food (meat) of Christians and Jews is allowed to Muslims though it is not of the *Tayyibaat* and that it is a permission. He says that the verses permitting Muslims to eat the meat killed by the Jews and Christians are combined by a conjunctive particle of *waw*, and this gives the impression of permission. This is supported by the action of the Companions of the Prophet Muhammad when they went to Syria. They ate the meat supplied by the Christians without enquiring as to how their animal was killed (cf. *al-Muslimoon*, Geneva, for July 1964, p. 53).

The Humane Killer

As for the third question about the use of the modern method of slaughtering used in the Western countries, it can be safely maintained that the humane method of killing is not only allowed but also near the spirit of the tradition (*sunnah*) of the Prophet Muhammad. The Prophet says :

“God has prescribed kindness to everything. If you kill, then kill in the best way, and if you slaughter then slaughter in the best manner” (cf. *al-Taaj fi Jaami' al-Usool*, Vol. 3, p. 110, Cairo edition).

To save the animals from unnecessary pain the Prophet Muhammad recommended the use of a sharp knife for cutting the jugular vein and not to brandish the knife in front of the animal. The method of slaughtering was the finest and the least pain-giving method during the time of the Prophet. Any method that might cause pain to the animal was expressly forbidden by him.

The modern method of slaughtering animals consists of stunning the animal before cutting the throat with a captive bolt pistol or by electricity, or with a mixture of carbon dioxide gas with air. “The captive bolt pistol destroys that part of the brain which receives the sensations of pain but does not destroy the part which controls the action of the heart; electrical stunning and carbon dioxide anaesthesia do not destroy any part of the brain but prevent the brain from receiving sensations of pain. After stunning by any method the main blood vessels of the neck are severed and the animal bleeds to death. There is little possibility of an animal recovering from the brain damage inflicted by the captive bolt pistol, but animals will recover from the effects of electrical stunning and carbon dioxide anaesthesia, if they are not slaughtered immediately.”

In the light of these quotations given from a letter received by the writer from the British Ministry of Agriculture, London, dated 1 October 1965, the process of the new method in our day needs no further explanation or comments. It is surprising that a new method which saves animals unnecessary suffering was being objected to by some. If the Prophet

Muhammad were alive among us today, I am sure he would have appreciated the new method.

Some modern Muslim religious thinkers and leaders on the consumption of meat slaughtered by Jews and Christians

Before we come to the end of the subject, it would be better to record here some opinions held by outstanding religious doctors and writers of latter days.

Sir Sayyid Ahmad Khan

It is said that when the great Indian Muslim educationist and commentator of the Qur'an Sir Sayyid Ahmad Khan (d. 1898 C.E.) was on his way to London he ate the meat provided on the ship. Describing his journey he wrote several letters in his leisure time. One of them runs as follows : “After an inquiry we came to know that the process of slaughtering animals like sheep, or lambs, is to cut their jugular vein with a sharp knife, for their blood is unlawful to Christians. But birds, in their opinion, are like the sea animals. Dislocation of their neck is considered the proper method of slaughter. While this action (dislocation of the neck) is in my opinion their (Christian) proper method of slaughter, as we do with fish and locusts, the meat is, according to our religion, lawful for Muslims” (*Musafiran London*, by Sir Sayyid Ahmad Khan, Lahore 1961, p. 74). We are in deep debt to his celebrated *Tafsir al-Manar*, which is the main source of our article.

Muhammad 'Abduh

Later the Shaykh Muhammad 'Abduh (d. 1905 C.E.) was asked the same question. Discussing the question in full, he wrote that modern methods of slaughter was near to Islam, because it was less painful to the animal, and that for this purpose the Prophet adopted the best method of his time (cf. *Al-Manaar*, Vol. 6, p. 133 ; Vol. VIII, p. 147-170, Second Edition, Cairo 1929).

'Abd al-Wahhab Khallaf, Abu Hayyan Gharnatiy

Some years ago, an eminent Egyptian scholar and theologian, 'Abd al-Wahhab Khallaf, discussed the question in the pages of the well-known Arabic monthly *Liwa al-Islam*, Cairo, for April-May 1949. Summarizing the discussion, he wrote : “The cattle and all other animals which the Christians and Jews slaughter in a manner which makes it lawful for them to eat according to their religions, are lawful for Muslims to eat.” In the commentary, *al-Bahr al-Muheet*, by Abu Hayyan Gharnatiy (the famous grammarian and commentator of the Qur'an who flourished in the 14th century C.E.), Vol. III, p. 431, it is mentioned : “The first and *prima facie* view is that their (the Christians and the Jews) foods are lawful for the Muslims whether they have mentioned the name of God over it or any other name”.

The distinguished Qadhi of Medina, 'Ataa' (d. 721 C.E.), Rabee'ah and al-Laythi (d. 791 C.E.), the Mufti of Egypt and also a *Muhaddith*, made similar statements in this regard. It may be mentioned in passing that these four authorities are *taabi'is*, i.e., they are the companions of the Companions of the Prophet Muhammad. Their views enjoy a pride of place. Other jurists have said that if the people of the Book have not invoked the name of God on the animal slaughtered but mentioned some other name, the flesh of the slaughtered animal will not be lawful to eat. In his *Mabsoot* the *Shams al-A'immah* Sarakhsy (d. 899 C.E.) says : “The flesh of an animal slaughtered by a Christian is always lawful for the

Muslim to eat, whether or not the Christian has invoked the Trinity when slaughtering the animal.”

The Fatwa al-Azhar on the Tasmiyah and the use of the humane killer

While the question was being raised again and again, particularly in India and Pakistan, Dr. Fazlurrahman, Director of the Research Institute for Islamic Studies in Pakistan at Karachi, wrote a letter to al-Azhar University asking whether or not the new means of slaughtering were allowed. A committee, consisting of the four representatives of the four schools of thought in Islam — Hanafiy, Malikiy, Shafi'iy and Hanbaliy — gave the following answer :

- (1) Muslim countries, by approving the modern method of slaughtering, have no religious objection in their way. This is lawful as long as the new means are “sharp” (*ahadd*) and clean, and does “cause bleeding” (*museelah al-damm*).
- (2) There is no consensus of opinion on the necessity of the *Tasmiyah* (the recital of the name of God); the purpose of *Tasmiyah* being not to invoke the name of anyone save that of God.

With regard to the modern methods of slaughtering, the committee further says : “ If new means of slaughtering are more quick and sharp, their employment is a more desirable thing. It comes under the saying of the Prophet *Inna 'l-Lah Kataba 'l-Ihsaan 'ala Kulli Shay'in* (God has ordered us to be kind to everything).”

(The full text of the answer can be read in *The History of Azhar*, Cairo, 1964, pp. 361-363.)

The views of the Mufti of Jordan and those of the Indian Muslim scholar the Maulana Sa'id Ahmad Akbarabadi

Recently the same question was raised in *The Muslimoon* of Geneva. Writing on the subject, the Mufti of Jordan says, “The jurists have agreed that the Muslim is allowed to eat meat offered by a man of ‘the people of the Book’.” It is not right for him to suspect the method of their slaughtering, whether or not the name of God has been invoked at the time of slaughtering. It is not even good to make an enquiry on that subject, because the verses in the Qur'an are absolute without any restriction (*mutlaq*). A considerable number of religious doctors have said that animals cut by a man of “the people of the Book” are permitted for Muslims to eat, whatever may be the method of slaughtering.

The Prophet was offered some roast lamb by some Jews, and ate it without querying its method of slaughter. His companions also observed this custom when they were in Syria,

by eating meat offered by Christians. The Mufti, writing on the subject further, says : “Those who do not eat their meat in Europe and the U.S.A., according to opinions held by some who are against the above-mentioned opinion, have no reason for doing so, save illusion (*wahm*). This opinion goes against the majority view, which allows meat cut by Christians and Jews for Muslims (cf. *al-Muslimoon* for June 1964, pp. 108-111).

Some time ago, in 1964, the well-known Urdu magazine *Burhan*, Delhi, edited by the *Maulana Sa'id Ahmad Akbarabadi*, discussed the same problem, and gave its support to the above-mentioned view.

After this brief survey we would like to summarize our views :

- (1) Everything, save the four things, are allowed for food.
- (2) The action of slaughtering an animal for the sake of food is itself the *Tasmiyah*. To invoke the name of God at the time of slaughtering is *mustahabb* (acceptable). The *Tasmiyah* as described is the *sunnah* before the starting of any kind of action or work.
- (3) Modern methods of slaughtering are near to Islam, and should be appreciated.
- (4) At the time of the Prophet Muhammad the Arab society had social dealings with Christians and Jews. The Qur'an, therefore, described them as “the people of the Book”.

Hindus in India and the Chinese claim to have a divine Book ; they should, in my opinion, be regarded as “People of the Book”.

The concept of permission concerning the marriage of Muslims to Jewish and Christian women and food allowed Muslims in the Qur'an should, in my opinion, be extended to include the Hindus and Chinese. Therefore their meat, cut for the sake of food, is lawful.

The question of an animal cut by an atheist or agnostic for the sake of food allowed Muslims is open to discussion. It is, in my opinion, lawful (but not desirable).

Those who are against the new method and hold the opinion that the *Tasmiyah* is an integral part of the slaughter of the animal have every right to their views and live up to them, but surely they are exceeding their limitation by prohibiting that which is not prohibited in the Qur'an. By doing so, they are unconsciously trying to put Muslim society back in the position where it was before the coming of the Prophet Muhammad.

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CONTEMPORARY BANK TRANSACTIONS AND ISLAM'S VIEWS THEREON

The Qur'an makes no distinction between "usury" and "interest", as is done by modern Muslim writers

By Dr. MUHAMMAD 'ABDULLAH AL-'ARABI

A brief survey of contemporary banking services to show to what extent Muslim legislation is capable of coping with every new situation. The rules and principles of the Islamic code are able with power and ease to erect a solid and complete edifice for mankind, protecting it from all perversions and temptations of modern banking

Foreword on Usury on Production Loans

Before we deal with bank transactions, most of which have the character of usury, it is essential that we know something of the contemporary differentiation made between "usury" on consumption loans and "interest" on loans of production.

According to modern Muslim thinkers in Egypt and many other Muslim countries, the usury forbidden by the Qur'an is that which is connected with consumer loans which people contract in their pressing need and repay later plus the usury due. They opine that the "interest" paid on loans contracted by the well-off for investment in productive projects of lucrative return would not contravene the law of the Qur'an; for it refers only to usury/interest on non-productive loans.

In relation to this differentiation it must be pointed out that calling "usury" by the name of "interest" will not change its character, since interest is nothing else but an addition to the borrowed capital, which is what usury is in both speech and the Muslim code of law.

The propounders of the interest theory, by way of differentiating it from usury, put forward as their main argument the fact that the usury forbidden in the Qur'an is that which prevailed in pre-Islamic times before the Prophet Muhammad's Call, when people were not familiar with pro-

ductive loans and their influence on economic development. In this the authors of the "interest" theory would appear to have overlooked that the Qur'an, the last of the divine messages of guidance, legislated for all ages, and that God's knowledge as embodied in it could not be substituted by economic practice of "interest" on productive loans known to this or any other age. In this they also seem to forget God's words in the Qur'an, "... And if you repent, your capital will be your lawful due; no injustice will thus be done to you, or to others by you ..." (2: 279), which made no distinction between the development or consumer purposes to which the borrowers had possibly put their capital. The Prophet Muhammad's saying that "every loan entailing benefit is usury" would also seem to have been forgotten. The Prophet Muhammad did not differentiate between situations where borrowed capital had relieved borrowers' distress, or had been invested in some productive enterprise. Had God meant that differentiation, or known that it would be beneficial to mankind, a relevant stipulation would not have been omitted from the Qur'an.

Before going on to the present-day experiences and testimony of several contemporary economists in support of the fact that usury/interest on productive loans has caused incalculable damage to world economy, we would like to refute the argument that pre-Islamic peoples were not aware of the productive loans in the modern sense of the word.

Let us go over the material conditions that accompanied pre-Islamic environment and economy — in Mecca and the surrounding villages of the Hedjaz. They would readily show that productive loans were a vital necessity of pre-Islamic peoples. History tells us that Ta'if, the seat of the Thaqeef tribe, some 75 miles to the south-east of Mecca, had fertile lands and exported its produce of raisins, wheat, timber and other commodities to Mecca and the other Hedjazi villages. It imported at the same time the commodities from the Quraysh merchant summer caravans to Syria, and their winter trips to the Yemen and South Arabia, brought to Mecca. Most of this commercial transaction was carried on with usury/interest loans provided mainly by a large Jewish community that had settled in Ta'if after having been expelled from the Yemen. Mecca being barren and deprived of all natural riches depended on trade for its existence; it had developed into the largest commercial centre in all Arabia, and a halting-station for all incoming and outgoing caravans. The people of Mecca, both men and women, anxiously awaited the arrival of such caravans; for most of them had invested their money in the goods they carried. Investment needed capital, and some of the investors who were short of means had to contract loans with usury/interest in the hope that the yield of their investments would fetch a return far in excess of the usury due.

The Quraysh were amazed at Islam's prohibition of usury/interest; they held that the profit on the sale of goods was in essence the same nature as usury/interest; for usury/interest represented a profit on the capital. Usury/interest was thus an integral and inseparable part of their life, so much so that the capitalists of Mecca provided loans not only for the citizens of that town but also for the people of other districts of the Hedjaz. It is a well-established fact that 'Abbas Ibn 'Abd al-Muttalib, the uncle of the Prophet Muhammad, and Khalid Ibn al-Waleed, had extended their credit activities beyond the borders of Mecca to the people of Ta'if. 'Uthman Ibn 'Affan is also known to have been among the rich Meccan merchants who financed trade with usury/interest on a large scale.

It was also established beyond the shadow of doubt that pre-Islamic Arab tribes dealt with usury/interest in two cases:

- (1) when extending a loan for a certain term against usury to be paid over and above the principal of the loan. In the event of the borrower's inability to pay on the appointed date for payment, he was accorded an extension against twice the usury/interest rate. In cases where repayment was agreed to be made in monthly instalments, the amount of such instalments was doubled in return for the deferment of payment.
- (2) In cases of credit sales, where the price was increased in return for deferred payment in the event of the buyer's inability to meet his debt on the agreed date.

The advent of Islam revolutionized the whole basis of economic life in pre-Islamic days. It was the rule at that time that productive loans entailed no risk on the part of the capitalist who provided them. Both the principal and the usury/interest had to be repaid by borrowers irrespective of the profit-earning capacity of the enterprise involved. Islam's prohibition of usury/interest regardless of the purpose of

loans dealt a deadly blow to the then existing economic system. The rule laid by God's words, "God has allowed trade and forbidden usury/interest" (The Qur'an, 2:275), was important not only because it permitted commercial dealings and banned usury/interest, but also because it disrupted economic concepts of the role of capital and of trade. Islam encouraged trade and subsequently loans but without any "increase" (interest/usury) in capital. Upon the authority of Ibn Mas'ud, the Prophet said "loans are of the same nature as charity (*Kullu Qardin Sadaqah*)".

Loans after Islam continued to be given for both consumer and productive purposes, but without usury/interest. They were made available by the Muslim brotherly co-operation, and a desire to secure God's favours in reward. The Muslim Public Treasury introduced the practice of providing loans for productive projects; the Caliph 'Umar Ibn al-Khattab, as reported by the historian al-Tabari, once lent a certain woman, Hind Bint 'Utbah, 4,000 dirhams out of the Public Treasury for business. On her return from a trading trip to a distant land, she complained of a loss. 'Umar said, "Had it been my own, I would not have bothered about it, but it is Muslims' property".

In pre-Islamic Arab society, there existed a sort of association called "The Association or Company of the *Wajih*s (Notables)". This company consisted of two or three individuals who would enter into partnership without advancing any capital. They would buy goods on credit and when they sold their goods they would divide the profit amongst themselves. Of course in pre-Islamic Arab economic conditions there was always a profit to be made because by selling on extended credit terms the company charged usury/interest on their capital.

The "Notables Company" practice was allowed by Islam but free of usury/interest. This provides a further proof that the lender did not charge usurious "interest" on their loans. Under this arrangement the leading merchants (the Notables' Company) bought goods on credit for sale, and agreed on the division of profit or loss between them in the proportion of their respective shares. There was no increase in their capital as a result of the usurious "interest".

The fact that Islam permitted such form of association after being freed of usury/interest provides ample evidence that productive loans were a well-established practice. Capital in the "Notables Company" system consisted of the goods supplied by capitalists to the partners for sale and subsequent payment without increase in their capital.

Islam also encouraged trade and production through business in which traders did business with others' money, the capital being provided by one man, and the business managed by another. The former was called the capitalist and the latter the operator. Profits were agreed to be divided in specific shares and not in definite amounts. Any condition to the contrary was invalid; for profits may not be such as to cover such definite sums. Operators shared only the profit and not the loss, which was borne exclusively by the capitalist as a partial damage to his capital. The shares of profits so paid to the operator is in reward for his efforts in management, while the capitalist got his share in return for his wealth.

From the above brief description of the economic life in early Islam, it follows that the usury banned by Islam covered both productive and consumer loans.

A word may well be said here about the divine wisdom in declaring usury/interest unlawful. This wisdom is obvious in connection with consumer loans. Usury/interest here would destroy the very foundations which God Almighty has decreed as fundamental bases for the Muslim society. In connection with productive loans the wisdom is amply substantiated by the consequences ever since European legislation allowed "interest" on loans. The licence so given led to the establishment of banks over the last three centuries, with the result that most of the wealth in circulation got concentrated in the hands of those bank operators who ultimately secured full domination over the society's economy and subsequently the society's internal and external policy, legislation, ethics and mode of thinking which they managed to shape through their control of information media.

Other consequences included :

higher prices of commodities ; for producers would add the interest on their loans to their production loans and thus pass the burden to consumers. It is the society, therefore, that pays the usurious interest and not the producer ;

the society will continue to bear such interest so long as prosperity cycles continue and demand maintains the same level as forecast by the producer, otherwise the high prices would gradually cause consumption to recede, and a surplus production would remain unmarketed, which cannot but have adverse consequences ;

a producer desiring to reduce his production costs finds no alternative but to cut wages down or dispense with some of his workers, thus impairing the society's purchasing power, or helping the spread of unemployment. In both cases consumption would continue to recede, and the surplus produce would accumulate. Hence the cyclical crises that have come to be an accompaniment of Western economy ;

endeavour to market such surplus produce would entail search for foreign markets, most of which could exist only in undeveloped or non-industrialized countries. The only means of holding such markets would be to extend the influence of industrial countries' influence to these parts of the world through colonialism ; the calamity of usury would thus pass from a local society to all mankind. History tells us that this imperialist competition was one of the reasons that kindled two world wars and could possibly touch off a third war ;

producers, in the event of their failure to cut down workers' wages, would resort to a reduction in the prices of the raw materials they import for their industries, most of which are procured from under-developed countries. Industrial countries through their monopolistic blocs would conspire to bring about a cut in those prices regardless of the damaging consequences for most of the peoples of the world, and the United Nations' efforts to check such trends.

Banks' functions

The principal prop of banks' activities is the "interest" they charge on loans to their clients for both production and consumption purposes ; hence the economists' definition of banks as a machinery for providing credit and receiving liquid deposits for three purposes :

- (1) facilities of exchange ;
- (2) facilities of production ;
- (3) Accumulation of capital and its exploitation.

While admitting the necessity of all the three targets for our modern economy, we believe they would be attained without recourse to usurious dealings, as will be explained later. A word on each of the three purposes may now be said.

1. Facilities of exchange

Barter of commodities or services suits only primitive and limited societies, and the need has thus been felt by man since time immemorial for some means of exchange. Money in the form of gold and silver coins was produced as such a medium, and has now been replaced by paper money. With the enormous development of goods and services in modern societies, exchange by gold, silver or even paper money is no longer feasible. Banking had therefore to be instituted with a view to facilitating exchange through a simple promise to pay the price of goods or services. Offset accounts through the banks served the same purpose as a physical transfer of money. Payment promises take the form of cheques, open credits on which usurious interest is charged, and letters of credit which are subjected to small interest rates ranging from $\frac{1}{4}$ to $\frac{1}{2}$ %. Other forms of payment promises or undertakings include promissory notes and bills of exchange to which usurious "interest" is also applied. We shall see that usury/interest could be avoided in all such transactions through the goodwill of banking people.

2. Facilities of production

This second target of banking activity will also be found to be unnecessarily linked to usury/interest despite its possibility without it.

Economists rightly describe the element of capital as an essential requirement to facilitate and push production forward until such time as the producer has reaped the fruits of his project through marketing. In most cases, they say, a long period of time passes between the start of the production process and actual receipt of the price for products ; particularly under production conditions in modern societies. Banks step in here to facilitate the production process by extending credit to producers at usurious interest. This admittedly is a valuable facility, though it could be replaced by some system free of usury.

3. Accumulation of capital and its exploitation

This third target which the economists attribute to banking activity is in fact only a consequence of the second target, which, as we shall see, could be properly attained without recourse to usury/interest.

Economists say that the specialized production rendered possible by bank credit (and the subsequent division of labour has made capital abundantly available in modern societies, and helped consolidate its energy ; for producers' specialization in the manufacture of specific components of a certain product has contributed to an expansion of production possibilities, and subsequently, to the saving of capital in the form of equipment and machinery each producer would have to employ for the manufacture of every single component of the eventual product, if he were not so specialized.

However, if banking organizations managed to achieve these three objectives by the money of banks, without recourse to usurious interest which is charged irrespective of the success or failure of the project involved, there will be no sin or harm in indulging in banking activity. A Muslim could give it all his support. What actually happens, however, is that

the bank owners employ their own money only within narrow limits with almost 80 or 90% of the credit they provide being obtained from deposits. This leads us to trace the history of the modern banks, with emphasis on the sources of the huge funds they deploy in their usurious credit and other banking operations.

Birth of banks

Gold provided the basis for medieval currency, with the result that the wealthy were anxious to preserve their gold possessions from robbery or loss. The practice thus developed of depositing gold with professional goldsmiths, merchants and money-changers, for some consideration. Withdrawals were made only for actual needs, and in case the holders moved from one town to another, their gold was not carried with them, but transferred by an order from the holder-cashier to one of his colleagues in the town of destination.

Most of the gold and money merchants of the time were Jews imbued with a natural desire to devour ill-gotten money. They gave a document as a receipt for the gold deposit. Gradually these receipts came to be recognized as legal tender for deposits, being lighter in weight than gold. The cashiers soon found that the deposits were left idle in their safes for long periods. Nearly one-tenth only of such deposits was actually withdrawn in a year or so, with the remaining nine-tenths being left unexploited in their coffers. So why not make use of this idle money in lending the needy against unrestricted usury/interest? The wealth which was originally provided by depositors' money piled up in the course of time, and the additions earned through usury/interest were likewise exploited, and so on.

With the advent of the Industrial Revolution in Europe, and the subsequent increase in general prosperity, and expansion of trade exchanges, cashiers' activities extended to cover both consumer and production loans. Usury/interest, which had been sanctioned by the Church, was allowed by positive legislation. The cashiers also developed into bank owners of a high social standing. The modern banks also came into being in the form of joint-stock companies with capital provided by founders and shareholders. Against some ten million pounds, for instance, provided by the founders as original capital, deposits ten times as much could be obtained against small interest rates as encouragement. Loans were given out of these deposits at an exorbitant rate of usury/interest, and the difference secured as lawful gains by the operators. This was the main source of the enormous power which modern banks came to possess in contemporary times and which gave them full control of the present-day world economic system.

I would very much like to deal in greater detail with this vicious octopus, created mostly by the Jews, which sapped people's riches, played havoc with their morals and spread corruption in all societies. But space does not permit it. I would refer those desirous of getting more information on these practices to a book, *Les Financiers qui menent le monde* (Henry Costen, Paris 1955), which was seized by the octopus immediately on its appearance and all its copies, except a few which escaped its grip. Henry Costen puts forward proof and produces numerous documents incriminating the octopus for all the disasters that befell today's world.

Modern banking activities

We have seen how individual usurers have developed into the contemporary type of banks whose funds — like

those of the usurers before them — are derived from two sources :

- (1) the bank's capital contributed by the owners or the shareholders in the event of the bank being constituted as a joint-stock company ; and
- (2) deposits both current and fixed, which provide most of the capital.

An account of banking operations involving money is given below :

1. The cheque

While this part of the banking activity entails no usury, for no interest is paid by banks on current account deposits, the frequency of dealings with cheques on such accounts has given banks a new power to create money. Banks need not keep all deposits in their coffers, for only an insignificant part is claimed at a time. The balance would thus be given out as loans at usurious interest. Experience has shown that only one-quarter or one-fifth of any deposit money would be enough to meet payment orders by the depositors, leaving the substantial balance available for loans. But is this all? In the words of Dr. Muhammad Zaki al-Shafi'i, in his *al-Nuqud wa al-Bunuk*, "the conventional acceptance of banks' undertakings as a substitute for payments has prompted banks to extend the use of such undertakings in lieu of money, with the result that their lending power has been substantially boosted, and the profitability of their business much enhanced".

A bank with a current deposit-holding of £1 million would be able, provided one quarter of the amount be retained as banker's cash reserve, to extend as much as £3 million worth of loans without such percentage reserve being impaired. It would therefore be naïve to take monetary balances to be the only source of bank credit, for original deposits represent only a slender part of the total credit appearing on a bank's books.

2. The Letter of Credit

This is issued to travellers as a means of avoiding the carrying of money from one place to another. The letter of credit in this case serves as an order of payment by a bank to its subsidiary in the country of destination. Such services are rendered at a small commission not exceeding $\frac{1}{2}\%$ of the sum involved in the credit letter. In some cases no commission is charged to attract more interest.

3. Usurious loans

A variety of services other than letters of credit are rendered by banks at a fair commission, such as the concluding of trade deals, giving technical advice on the financial market, on the promotion of a company.

The other face of the banking business, involving usurious loans, takes several forms, such as (1) loans for consumption purposes against interest at discretionary rates of interest, plus guarantees for payment, (2) direct loans or immediate financing of a productive enterprise in return for usury payment regardless of the success or failure of the project, and (3) opening of credit for a specified sum of money which the bank would place at the disposal of the credit for gradual withdrawals until it has been exhausted. The usurious interest here is levied on the basis of withdrawals and payment terms. Promissory notes and discounts of bills are among the usury/interest-financed services by banking organizations.

Islamic substitute for interest on production loans

We have seen how the peoples of this age are used to depositing their surplus money with banks, a practice which has developed out of laziness and inability to invest such surplus by their own means. Such money might remain in banks for years before it is totally withdrawn. Experience has shown that only one-tenth of the deposits are claimed. These holdings, known as fixed or term deposits, are accorded a low rate of interest as a return to the owners, but given out as loans at exorbitant usury/interest; the difference being kept by the lending banks. Hence the enormous profits realized by banks while immune to all risks.

All such transactions, whether by the depositors who would get low interest on their money, or the banks who would lend at high interest rates, are usurious operations beyond the least shadow of doubt, for the increase in capital in both cases is not the outcome of depositors' or the banks' sharing in investment risks, for such risks are borne exclusively by borrowers. Usury/interest here is economically destructive besides its illegality; for banks by exploiting their deposits in this way would create a "fictitious purchasing power" in the form of artificial money, or what is known as "commercial credit" in economic terminology. This practice, so much favoured throughout the 19th century, has come to be the target of violent criticism in the 20th, for it was found by experience to be such as to shake economic systems, and lead to economic crises of the type so common in capitalistic societies.

The American economist Henry Simons, commenting on the ravaging economic crisis of 1930, said there was no exaggeration in attributing the crisis largely to commercial banking activity and its practice of vicious extension on deplorable contraction of the means of exchange. Henry Simons expected heavier crises would hit the world through the banks' practices, assisted by monopoly, unless the State intervened in the matter and wisely restored its function of controlling the means of exchange.

We conclude, therefore, that banks, by substituting credit for currency through their deposit holdings, render a valuable service to society in the form of easier trade exchange. At the same time they do society a great harm which arises particularly from the following two sources:

- (1) The illicit riches they amass through the interest payments they get from borrowers, while avoiding the risks to which their projects are subjected;
- (2) The banks' tendency at times of prosperity to expand credit far beyond the limits of their reserves, and at times of depression to contract or withhold credit altogether. This expansion or contraction which the banks exercise at their own free will is one of the main factors that shake economic stability and set successive economic crises in motion.

Since Islam is particularly anxious to avoid all harm and to maintain all that is conducive to the good of mankind, how can we face this situation in the light of Islamic rules?

I believe the operators' or business management contract allowed and organized by the Islamic Code will achieve this cherished objective. In the light of that contract and of the rules of Islamic jurisprudence on it, we would be able to determine the relations:

- (1) between depositors on the one hand and the bank on the other; and
- (2) between the bank and the *entrepreneur* who would receive funds from it.

Under operators' contract terms, the two contracting parties — the capitalist and the business manager — divide profits in agreed shares which should constitute a common part, such as a half or a third for one and the balance for the other. The contract will be rendered invalid by any provision allotting a definite sum of money in favour of either party for profits might turn out to be less than the sum so determined. Operators or managers would share only the profits as distinct from the capital. Any stipulation requiring an operator to bear part of the loss or have a share in the capital shall likewise render the contract invalid.

An operator is viewed as a custodian of the capital placed in his hand, and in all his dealings acts as agent for the capitalist.

The principle underling the division of profits in operators' contracts is that the manager gets his share as compensation for his efforts, and the capitalist as return on his investment. Should part of the capital be lost, it will be made good by profits in the first place. Any amount of loss excess of such profit shall not be guaranteed by the operator, for he, as custodian, shall be accountable only for detrimental acts. In general terms, any loss or damage shall be borne exclusively by the capitalist alone and any condition on the partition of any such loss between him and the operator shall invalidate the contract. All that an operator suffers in a situation as this is to get no reward for his work.

Banks' relations with depositors

Depositors as a whole and not as individuals shall be deemed the capitalist, and the bank the absolute operator in the sense that it will be entitled to appoint agents for the investment of its deposit money. In this capacity, the bank shall provide loans to *entrepreneurs* and advise them with all the skill and experience at its disposal on the choice of projects and managers to operate them. Some of these investments may achieve great success, others turn out to be moderately successful, and others prove a failure. The bank in each financial year would compile a balance sheet of all such profit and loss, and the ultimate balance remaining after the bank's general expenses are met, including salaries, wages and reserves, will be shared between the bank and the depositors in line with the relevant agreement. The bank's own share will then be distributed to the shareholders in proportion to their respective shareholding.

Banks' relations with entrepreneurs

A bank in relation to depositors has been considered the operator or business manager, and the depositors deemed as capitalists. In relation to the *entrepreneurs*, however, the bank be taken to be the capitalist, and the latter the operators. In this case the conditions governing capitalists and operators' rights and obligations shall apply. Any profits realized by the *entrepreneur* — the operator in this case — shall be shared with the bank as capitalist, in the agreed proportions. If no profit or loss is suffered, the capital shall be restored to the bank intact, but in case of a losing business, the loss shall be exclusively borne by the bank; should an *entrepreneur* (operator) be guilty of detrimental acts that damaged part of the capital, he shall be held responsible for damages.

Islamic substitute for usury on consumer loans

It is recommended that banks should desist from providing loans for consumption purposes, and confine their activities to economic development. The function of extending consumer loans should pass to government institutions in charge of collecting the *Zakah* (poor due), who would devote part of the proceeds to prescribed beneficiaries.

Other needy persons may well be provided with interest-free loans to relieve their hardship and thus spare them the evil consequences of contracting usury/interest-laden loans from banks.

The Islamic substitute for modern banking methods

It will be seen from the above recommendations that their predominant idea is to resort to solidarity between classes of Muslim society — in connection with consumer loans, and of fruitful co-operation between capital and labour in relation to production loans, as a substitute for certain functions of the banking system of Western patterns that have gone over to Islamic countries.

The *Zakah* and expenditure in the way of God will meet the need for loans otherwise obtained against usurious interest.

As for production loans, depositors with banks shall no longer get a fixed rate of interest on their holdings of the same nature as forbidden usury, but a fair share of profit commensurate with their contribution to economic development. This will, no doubt, provide enough encouragement for savings, the principal element in forming national capital.

The bank will likewise get a fair share in the profits as a reward for its efforts and skill in directing shareholders' and depositors' funds to lucrative investments.

A bank under such Islamic conditions will not be a mere creditor of *entrepreneurs* having for its sole concern the restoration of its debts and usury/interest dues regardless of the fate of the projects, but rather a partner in an enterprise aiming at the development of the national economy.

Foreign banking activities and the Muslim world

Besides their internal activities, banks assume functions in the international sphere such as letters of credit issued to their branches or correspondents abroad. For services such as this, a commission is charged by the issuing bank in return for its relieving travellers from the burden of carrying money from one place to another.

Foreign banking activities, however, tend towards investment in bills of exchange on which usurious interest is charged in return for their discounting.

Could some proper substitute for this important service be prescribed in conformity with Islamic precepts?

An arrangement would be feasible on the domestic plane. As no credit "interest" is payable on current deposits, although profitably employed by banks for their own benefit, it would be only fair that discounts of bills in favour of their clients should likewise be free.

The case is different with discounts on the international plane. For while we can counsel the Islamic world to refrain from usury/interest, and thus purify our banking transactions from usurious interest, we cannot have the same influence on non-Muslim countries. Since dealing with these countries are indispensable for such purposes as the financing of certain

aspects of our productive activity, and the import of goods and products, we see no alternative but to overlook the sin of usury/interest that mar our dealings with them, in conformity with the Islamic rule "necessities allow the unlawful".

Nationalization of banks and its consequences

We do not consider the nationalization of banks should change the suggestions we have put forward. Banks — whether nationalized or otherwise — should not engage in consumer loans. Such services should rather be confined to the *Zakah* funds on the suggested lines.

As for production loans, these will continue to be provided by nationalized banks on the basis of operators' or business managers' contracts.

A word on the nationalization of banks is worthwhile in context.

The Muslim creed, the last of the divine messages to mankind, has for its primary object the prosperity of all peoples. The nationalization of certain goods or services in a certain age or place might well be among the factors contributing to such prosperity.

If ever it transpires that certain property, if exclusively held by an individual or several individuals, would cause the society great harm, the ruler, as a representative of the Islamic society, should ban such property from being privately owned. The same applies to services which if exclusively rendered by certain people might be used to serve their selfish ends at society's expense.

In an Islamic State where the banking business has been nationalized, the same banking activities may continue to be exercised through the acceptance of both current and term deposits. The former shall be held for the depositors to draw upon at their request, and the latter, together with part of the current deposits, shall be invested in loans based on the same terms as applying to operators' contracts. A bank in relation to borrowing investors will assume the role of the capitalist *viz-a-viz* business managers.

It may be wondered why nationalized banks should not be at liberty to accord a fixed rate of interest on term deposits as a substitute for indefinite shares in projects, to attract more business in the interest of the country at large, especially as the money earned by nationalized banks is different to that obtained by rapacious business men, to the detriment of the society.

It is true that a big difference exists between nationalized and private banks, but such difference should not be allowed to eclipse the spectre of usury/interest, which should be banned in all cases.

Banks' specializations

(a) Industrial banks

Banks performing specific duties operate side by side with the types of banks just reviewed. Loans provided by ordinary or deposit banks are often given out on short-term periods not exceeding two years. Such a precaution on the part of the lending banks is designed to ensure the necessary liquidity for continued banking operations. Long-term credit, on the other hand, is provided by industrial banks in addition to other banking services.

In my opinion, the treatment of such loans in the light of Muslim precepts should not be different to that applied to

short-term credit. The terms governing operators' contracts should be applicable to both in that the industrial bank providing the loan should be regarded in the same light as the capitalist and labour provided by the business manager, on condition that all the capital shall be made available by the bank and all the labour by the operator. In different situations, such as cases where part of the capital is provided by the operators in addition to labour, it is the terms of capital companies that should apply by sharing any projects in the proportion of the capital share provided by the bank, and the share contributed by these managers in addition to labour.

(b) Agricultural credit banks

I believe any services rendered by agricultural banks in the form of supplies of seeds, fertilizers or insecticides to growers, should be provided as ordinary loans free of interest.

As for agricultural implements the grower could be allowed their use as a loan at a charge as may be agreed upon between the two parties, in which case the terms of the rent contract shall apply.

It is noteworthy that interest on loans provided by the government-owned agricultural credit bank in the United Arab Republic has been abolished by legislation.

Savings banks

Banks specializing in pooling small investments comprising savings and local investment bodies in the United Arab Republic, which are also run by governmental institutions.

Savings by the people have to be encouraged as a means of providing the necessary resources to finance industrialization drives in Muslim countries. This goal could be attained either by applying the terms of the business managers' contract and thus distribute realized profits in proportion to deposits. Alternatively, the body in charge of such savings services, whether it be a government department, a public institution or a nationalized bank, may fix a certain percentage of the saved-up monies, say 4 or 5%, as profit for savers. This latter suggestion might seem to be of the same nature as usury, but the case will appear in its true light if we consider that the deal here is between small investors on the one hand and a government institution, or the ruler representing the society, on the other. The share in profits accruing to the latter ultimately benefits the whole community in the form of plants and other business establishments. Abhorrent usury/interest and usurers' rapacity are both absent in this case.

Conclusion

The above brief survey of contemporary banking services will show to what extent Muslim legislation is capable of coping with every new situation.

This is not at all surprising, for the Muslim creed is the last of all the divine messages bestowed on man since he appeared on earth. The rules and principles of this code are able, with power and ease, to erect a solid and complete edifice for mankind, protecting it from all perversions and temptations, and safeguarding its true interests.

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CRESCENT

Cyprus: Greeks Accuse Turks!

The expulsion of the Turkish community from Cyprus is the aim of Makarios

By KHAMIS A. BUSAIDY

"The Turkish-Cypriot leaders are following a policy of genocide against their own community" is the latest charge made by the Greek-Cypriot Government in their circulated literature. But the strange thing is that these reports are not consistent with the revealing reports of the U.N. Secretary General on Cyprus.

Clearly, therefore, these accusations are as horribly untrue as they are horribly manufactured; a typical example of the attempts being made by the Greeks to rid themselves of the burden of guilt from their shoulders.

Truth stands out from error as night from day. It is thus better to examine the facts and establish where the responsibility rests.

The Greeks have constantly said and maintained that in December 1963 a Turkish rebellion broke out in Cyprus. This allegation, if anything, is designed to mask the unprovoked attacks on the Turkish community which began on 21 December that year. Enosis — the union of Cyprus with Greece by force — is the reason behind the attacks. Archbishop Makarios himself has been uttering statements long before Cyprus became an independent republic. His words are evincive beyond any shadow of doubt.

Five months before the birth of the Cyprus Republic, on 1 April 1960, he told the Greek-Cypriots:

"The realization of our hopes and aspirations is not complete under the Zurich and London Agreements. We have acquired a bastion and starting point for further campaigns. . . . We shall continue the struggle. . . ."

On 27 July 1963 he addressed the Greek-Cypriots in the following words:

"The Agreements do not form the goal . . ."

Again, on 25 March 1964, three months after the attack on the Turkish community, he declared in his black robes:

"Union of Cyprus with Greece is the aim and wish of the Greek people and of myself."

He followed this up on 27 October, the same year, when he told the Greek Minister of Defence at a dinner party that he

was convinced that "Greece has become Cyprus and Cyprus is Greece, that he unshakenly believed that the struggle of Enosis would soon be crowned with success". He reiterated this in his 1964 New Year message to the Greek-Cypriots.

Thus the ultimate goal of Makarios and his followers is made crystal clear. But Enosis could never be achieved without complete destruction of the Turkish community in Cyprus. In September 1962, at the village of Pania, the Archbishop made his intentions clear. He said:

"Unless this small Turkish community forming a part of the Turkish race which has been the terrible enemy of Hellenism is expelled, the duty of the heroes of EOKA can never be considered as terminated".

Accordingly, well before the actual onslaught in December 1963, secret Greek-Cypriot armies were created under the command of the Greek-Cypriot Minister of the Interior, Yiorkadjis. Greek army officers from Greece were summoned to train them.

One of these officers, Greek general Karayannis, who commanded these forces for almost a year, has now published his memoirs. In them he says:

"Archbishop Makarios has never deviated from his plan of Enosis. He planned to achieve Enosis by proceeding through certain stages. The first stage was amendment of the Constitution; next, the abrogation of the international treaties. The third stage was propaganda for the right of self-determination, and fourth a plebiscite and declaration of Union with Greece."

Relevant to his plan, Makarios, in the middle of 1963, invited the Turkish-Cypriots to agree to a change in Constitution. The Turks of course refused this, and the Greek army embarked on their gruesome murder plan.

During the Greek onslaught in Nicosia, the Turks who lived outside the capital were cut off and surrounded by Greek forces. They were terrorised, tortured and threatened of what would happen to them if the resistance in Nicosia was broken. In villages such as Skylloura, Ayios and Vasilios, the inhabitants were forced to flee and then massacred. Their bodies were buried in unknown graves. Girls of ten and women of sixty were lined up with their families and shot from

behind. Nazi-like horrors like these befell the inhabitants of villages like Matyat and Katchat. Their fate was unknown until the burial places were found by the Red Cross.

Consequently 25,000 Turks, deprived of their homes, are now living in tents and caves. An estimated 50,000 are living in the Turkish quarter of Nicosia. About 32,000 others live in constant fear and terror in Greek-controlled areas.

In his reports to the Security Council, U Thant said "there is no hope of finding alive more than 200 Turks who risked a journey through Greek-controlled area". In the face of these facts, it is hard for anyone to believe that all these crimes were committed by Turkish-Cypriot leaders against their own community.

Makarios has recently mentioned something about rehabilitation measures, including the rebuilding of Turkish homes with grant facilities. But when the leaders of Turkish-Cypriots from Omorphita near Nicosia asked to be allowed to return to their homes, they were refused. The reason given was "the strategic importance of the place to the Greek Cypriots".

Upon this, the Turkish Vice-President then asked for a meeting of the Council of Ministers to reconsider the question of rehabilitation. Again the Archbishop turned this request down, saying that he alone has the power to decide who should go where. In the end he decided that a few Turks should go to densely populated Greek areas. Naturally, no Turkish Cypriot was foolish enough to accept the death-trap.

The Greeks have also accused the Turkish leaders of paying their workers only four pounds a month. Here the truth is that Greek terrorist methods have prevented about

56,000 Turkish-Cypriots from earning a living wage. Four pounds a month and some foodstuffs was all that could be given to them. And the money had to be raised by a local Turkish Cypriot tax on drinks and cigarettes.

On 27 August 1964 a Red Crescent convoy with 30 tons of foodstuffs from Famagusta was stopped and forbidden to proceed. This blockade of provisions was a deliberate attempt to starve the Turks. Above all, medical attention and medicines were entirely lacking.

Former Turkish Civil Servants, claim the Greeks, are paid a mere £30 a month. The crux of the matter is that the Greek-Cypriot Government has failed to pay the salaries of 4,000 Turkish employees for two years. The only revenue for these men is the £30 a month which they draw from their own community. Among these victimised men are the Vice-President of Cyprus, the Turkish Ministers of the Republic, the Deputy Attorney-General, the Auditor-General and other high-ranking officers.

The Cyprus Government is thus pocketing their salaries to buy arms and ammunition for the final elimination of the Turkish community on the island. The charges and counter-charges made by the Greeks can therefore hardly arise.

The real problem of Cyprus has been artificially created for the achievement of Enosis, and this, no doubt, is a brazen attempt to colonize an independent State. And as long as this is the case, the Turkish community on the island will continue to fight for their constitutional as well as vested rights in the independence and sovereignty of their country. It is a battle worth crusading.

The Development and Nature of Sufism in India and Pakistan — continued from page 38

33 See *Kitab al-Lum'* of Abu Nasr al-Sarraj, ed. R. A. Nicholson, London, 1914, Abstract of Contents, Chap. LXXXI, p. 56; also see *Risalah Dar Rah-i-Murid* by Najm al-Din Kubra (d. 618/1021 Brocklemane, I, p. 440, Ethe II, p. 908), as *Ms.* in the I.O.L. DP.1152 (unpublished catalogue by Arberry) which offers a complete guide to the neophyte to the mystical life. Especially refer Rukn I, II and III.

34 Shah Wali Allah's treatise, *Intibah fi Salasil-'Auliya' Allah*, fol. 1, .O.L. DP.776.

35 Cf. Matt. 19, 29 in the New Testament: The Religious Life, observing the three vows of Poverty, Chastity, Obedience, derives (in the Christian Church) from this Evangelic Counsel.

36 See the *Bukhari*, chapter on Marriage, *Nasa'i*, *ibid.*; *Muslim*, *ibid.*; *Hanbal*, Vol. 2, p. 158, Vol. III, 241; also A. J. Wensick, *Concordance et Indices de la Tradition Muselmanne*, Vol. VIII, Leiden, 1937.

37. Cf. Erasmus's criticism on monastic life: "It was the life of ichors rather than of religious men to sleep and wake and sleep again, to speak and keep silent, all at the sound of a bell . . . and to do everything by human regulations rather than by Christ's law. Nothing he said was more inequitable than equality observed among those who were unequally gifted, especially when, as often in monasteries, heaven-sent genius meant for better things is buried under ceremonies or human regulations or jealous confinement." See D. D. Knowel's *The Religious Orders in England*, vol. III, p. 151.

39 Arberry, *Sufism*, p. 89.

40 See G. F. Allen, *The Buddha's Philosophy*, London, 1959, pp. 36-37.

41 Cenobium: an abstract term applicable to any monastic foundation in which the monks live the full community life, by praying, working, eating and sleeping together under one roof.

42 Cf. *Rule of St. Benedict*, ed. Dom Oswald Hunter Blair, Fort Augustus Abbey Press, 5th ed., 1948. Note A (p. 14): "The special fortitude here attributed to St. Benedict to the cenobitical life consists in the perpetual and absolute submission to the will of another which that life entails".

43 Cf. Muhibb Allah, *Haft Ahkam*, fol. 47.

44 See the Introduction to *An Introduction to the History of Sufism* by Professor A. J. Arberry (Introduction by Hassaan Suhrawardy), London, 1942.

45 Cf. Kierkegaard, *Journals*, tr. Alex Dru, Fontana Books, p. 179. "The 'troubled' truth is certain enough of being the truth, but is concerned or troubled to communicate it."

46 See *Kitab al-Lum'*, *ut supra*, Abstract of Contents, p. 50.

47 Cf. *Siyar al-Auliya'*, by Mir Khurd, pp. 346-7.

48 H. A. R. Gibb, *Studies on the Civilization of Islam*, p. 217.

ORIGINS OF THE ARABIC ALPHABET

PROGRESSIVE CHANGES IN THE SCRIPT

The Arabic alphabet is derived from the Nabataean writing

By Professor Sayyid Ibrahim

The date of the origin is uncertain

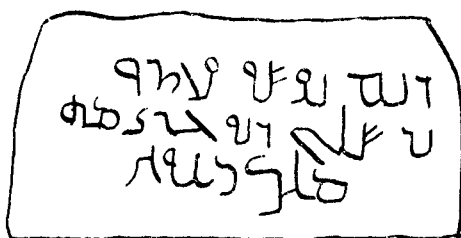
It is not definitely known when it was that the Arabic alphabet came into existence. Or whether originally the letters were separate (although this is understandable) or joined together, but in the course of time they came to assume a design and shape. Arabic sources also do not help us much in ascertaining the time of its origin, although there is one report which says, "The first persons who wrote Arabic were Maraamir Ibn Murrah and Aslam Ibn Sidrah. Both of them

in their classical poems, which they recited at their specially organized public meetings in the well-known market places like that of 'Ukaaz, etc. At these meetings heroic verses figured prominently.

In the matter of preserving their records and their genealogies the Arabs relied greatly upon narrators rather than upon writing, with the result that they did not stand in need of employing writing, the more so especially because of their nomadic life.

The Ancient Nabataean Script, read from left to right

1
2
3



The Ancient Nabataean Script

1. The first line reads : Danah Nafshu Fahroo (Translation : This is the grave of Fahroo)
2. The second line reads : Barshaliy Raboo Jadeemat (Translation : The son of Shaliy Marb the Old)
3. The third line reads : Malik Tannookh (Translation : The King Tannookh)

are said to have got together and devised both 'separated' and 'joined' letters. They came from Anbaar (Central Asia)." Even this report is so brief that it does not disclose to us the time when they flourished, and at present there is no possibility of knowing any the better. But this much can be said definitely, that like other arts the Arabic script just could not have grown and evolved to take some definite shape all at one time. For like everything else, it also has to grow and mature. Like languages it has also to pass through the various stages of development and evolution.

Arabs as a nation before Islam did not rely on writing their history

It need not be stressed that during the days before Islam illiteracy was the order of the day. People, as a rule, did not know how to write. Such a state of affairs was in consonance with the life of the tribal system which was so constituted that only the raising of cattle and breeding of camels and the maintenance of pastures were its chief occupations. There was very little business, which too was confined to the bare necessities and clothes which were necessary to protect them from heat and cold, and weapons which they used to defend themselves against the raids of men and the inroads of carnivorous beasts. Their own purely Arab way of life was in particular responsible for the preservation of their heroic deeds in wars and the repulsion of the harmful beasts.

They attached much importance to honouring their guests. They talked of this feature of their life at great length

Two lines of the Nabataean script found on the grave of 'Imra' al-Qays Ibn 'Amru, one of the Lakhmi kings (328 C.E.). A comparison with the illustration on the left will show the change in writing the word "Nafs"

From whatever little history of the Arabs has been handed down to us we find that the Arabs used to memorize verses as soon as they heard them. Such a feat of memory was neither strange nor difficult for them. The circumstances in the midst of which they lived were enough to impress upon their minds the imagery which they were able to reproduce without effort on their part as and when they so desired.

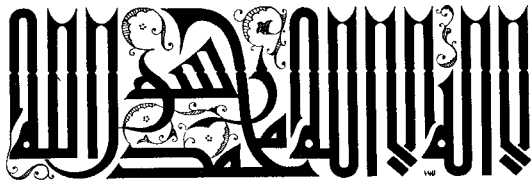
The best proof we find in support of this natural gift of the Arabs lies in their popular speech and immense store of words which every man and woman possesses and with which they converse with each other day and night without difficulty or effort.

The Hiri-Anbaari characters written in 568 C.E., i.e. half a century before the Migration of the Prophet Muhammad to Medina

The text reads : "Anaa Sarjeel bin Dhalmo. Buniyat al-Martool Sanah 463 ba'd Mufsid Khaybar bi-'Aam

It was in this way the Arabs descended on their tenacious memory for remembering verses and traditions without reducing them to writing. But there is always a limit to human capacities. Once it flows into one particular groove, it is not so easy for it to change over to another because the flow in that particular current is always very strong. It is because of the peculiar nature of things that it produces miracles in one

VARIOUS TYPES OF ARABIC IN ARABIC, PERSIAN AND U



Kufic



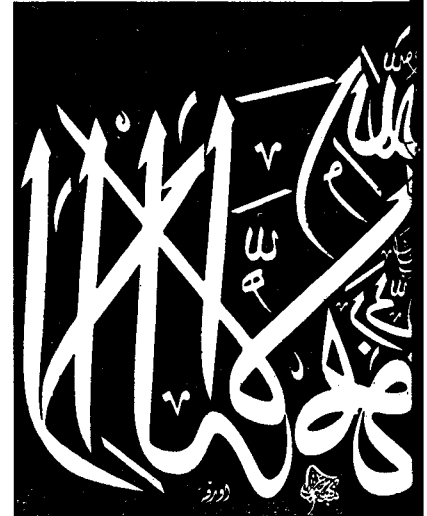
Thuluthi



Rayhani

لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ
وَمَنْ عَمِلَ خَيْرًا فَلَهُ أَجْرٌ وَلَا يَنْفَعُهُ شَيْءٌ إِلَّا بِإِذْنِهِ
وَمَنْ عَمِلَ شَرًّا فَلَهُ عَذَابٌ وَلَا يَنْفَعُهُ شَيْءٌ إِلَّا بِإِذْنِهِ
وَمَنْ عَمِلَ خَيْرًا فَلَهُ أَجْرٌ وَلَا يَنْفَعُهُ شَيْءٌ إِلَّا بِإِذْنِهِ
وَمَنْ عَمِلَ شَرًّا فَلَهُ عَذَابٌ وَلَا يَنْفَعُهُ شَيْءٌ إِلَّا بِإِذْنِهِ

Ghubaar al-Hulbah (the Dust of the Block)



A "double-script" in which each line is written in a different script. The above writing reads :
(" There is but one God")

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

مُحَمَّدٌ رَسُولُ اللَّهِ

Divan



Diwan

C SCRIPT AS USED TODAY URDU-SPEAKING COUNTRIES



f of the design is a mirror of the
Ilaha illal 'l-Lah, Huwa Rabbi
Who is my Lord")

وَمَا نَدْعُكَ إِلَّا بِالْحَقِّ وَكَانَ كَافِرًا

لا إله إلا الله محمد رسول الله

ni



aliyy

لا إله إلا الله محمد رسول الله

Riqaa'

لا إله إلا الله محمد رسول الله

Royal Diwani

لا إله إلا الله محمد رسول الله

Naskhi

الناس يزعمونهم شبه منهم بأبائهم

لا إله إلا الله محمد رسول الله

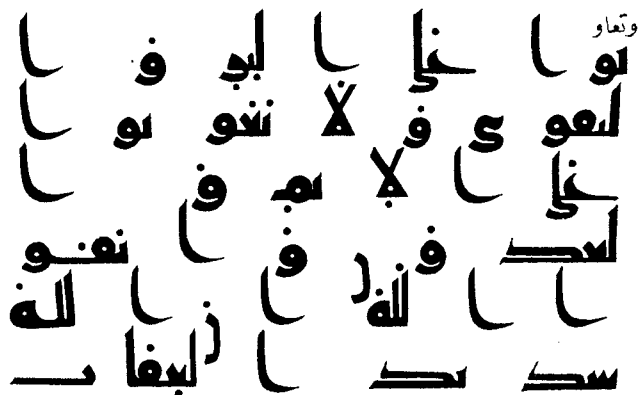
Farisi (Persian), otherwise known as "Nasta'liq"

لا تكونوا على إفساد، أقرى منكم على إفساده ولا إلى البخل أسرع منكم إلى البخل، ولا علم
أن لك من دنياك ما أصلحت به مشواك. اعرف الحق لمعرفتك. ربّ لهزل وقمار جهنّا
Script as used in everyday writing in the Middle East Arabic-
speaking countries

direction whereas it suffers from atrophy in another. Thus when the Arabs started to learn writing their dependence on their memory began to wane.

Arab Traditions on the devising of Arabic letters

Arab traditions are not agreed as to who devised the Arabic letters. There are some who maintain that they were revealed by God to Adam or Idris to Hud. Naturally this is the opinion of those who did not want to take the trouble of going deeper into the question of their origin, while there are those who opine that it is the handiwork of man himself. But whatever be the nature of these traditions, this much is beyond dispute that the letters are derived from the Nabataeanic



A photo of a page of the Qur'an written in the Kufic script in the 9th century C.E. It will be noticed that the letters carry red dots as devised by Abu 'l-Aswad al-Du'aliy. Underneath is written the text of the same verse in the Naskhi and the Thuluthi scripts as used today

A comparison between the three styles shows the changes through which the Arabic script has passed. It also emphasizes the difference between the Kufic and Naskhi styles. It will be noticed that in the early days of Islam one never took pains to see if a word was completed at the end of the line. One just carried forward the remaining letters to the next line or the page, as the case may be

writing, specimens of which have been discovered. (Nabataean is ascribed to 'Anbaat, a tribe of the Arabs who some centuries before Jesus Christ founded a kingdom which extended from the Northern Hijaz to the neighbourhood of Damascus, that is to say, that they ruled over Madyan and the Gulf of 'Aqabah and Hijr, Palestine and Hauran. The ruins of Petra in Jordan are the remnants of the Nabataeanic civilization.)

This writing, both ancient and modern, whether it arose in Hirah or 'Anbaar, or whether it reached Mecca through commercial intercourse and the agency of Umayyah Ibn Harb or others, or whether it was all of them or some of them, throws the first light on the chain of early stages of the changes in the Kufic writing from which the contemporary Arabic writing has copiously drawn. This Nabataeanic writing carries

in its form, both ancient and modern, all the elements that go to make the Arabic writing, whether it be in its design or in its writing or the joining of letters or separating them. Also in it are to be found all those features which are its own, e.g., the elision of the letter "alif", which we find is dropped in the writing of words of the Holy Qur'an (as the "alif" in the words "Kitaab" or "Aalamin"). Also its retention of the letter "waw" in the word "Amru" in order to distinguish "Amru" from "Umar" and the joining of the letters "alif", "dal," "dhal," "ra," "za" and "waw" to those before them and their separation from those that follow them. All this is to be found in the Nabataeanic writing (see illustrations on p. 19). This also becomes clear from the ancient tablets found in various places belonging to various periods. We also notice that there are progressive changes in their writing.

The origin of the idea of writing in Arabia

But when we try to go down the ancient times to find as to how the idea of writing was born before coming to the Nabataeanic writing, and with a view to tracing the extent of its connection, even the slightest trace, with the present Arabic writing, the sources available to us are so meagre that, to use the words of Bashshar, "we are left with the whole problem unsolved and cannot see our way clear to arrive at a definite decision".

As to the other question, has the Nabataean writing been derived from the Himyarite? In his *Fihrist* Ibn Nadim says :



Allaho 'Amali (God is my hope)

A design which describes the penmanship known as "the Qalam of Toomaar". It will be noticed that all the three words are joined together as if in a chain

"I read in the *Book on Mecca* by 'Umar Ibn Shibh, written in his own handwriting, who says some people from amongst the savants of Egypt have told me that the person who wrote the present Arabic *Jazm* characters was one from the tribe of Mukhallad Ibn Nadhr Ibn Kinanah. It was some time then that the Arabs started to write."

The Arabic books of reference inform us that the Arabs named it the *Jazm* because it is derived and born of the Himyarite writing and it was Maraamir who devised the letters.

As to the assertion that the Nabataean writing is derived from the Himyarite, it is just not right; for the Himyarite writing has no resemblance whatsoever with the Nabataean, and has no connection with the Arabic characters, whether old or new. One has to cast a cursory glance at the Arabic letters to come to the conclusion that they are not derived from the Himyarite characters (see Fig. 3).

But there is one probable explanation acceptable to common sense. Although there is no definite proof for calling

Arabic writing the *Jazm* writing, it may be because of its clarity or because of its being free from any doubt or because the reader does not get confused in recognizing each letter, especially after the insertion of dots and vowel-points.

Hira or Anbaari	Nabataean	Himyark	Arabic
ل	ⲗ Ⲙ ⲙ Ⲛ	ⲕ ⲛ	ا
ب	ⲃ Ⲅ	ⲏ Ⲑ	ب
ج	ⲅ Ⲇ	ⲑ	ج
د	ⲇ	Ⲓ ⲓ Ⲕ ⲕ	د
هـ	Ⲉ	Ⲗ	هـ
و	ⲉ	ⲗ	و
ز	Ⲋ	Ⲙ	ز
ح	ⲋ Ⲍ	ⲙ Ⲏ	ح
ط	ⲍ Ⲏ	ⲏ Ⲑ ⲑ	ط
ي	ⲏ Ⲑ ⲑ	Ⲓ	ي
ك	ⲓ Ⲕ	ⲕ ⲛ	ك
ل	ⲕ Ⲍ	ⲏ Ⲑ	ل
م	ⲍ	ⲑ Ⲓ ⲓ	م
ن	Ⲏ ⲏ	Ⲕ ⲕ	ن
س	Ⲑ ⲑ	ⲕ	س
ع	Ⲓ	ⲏ Ⲑ ⲑ	ع
ف	ⲓ Ⲕ	ⲕ	ف
ص	ⲕ	ⲑ Ⲓ	ص
ق	ⲍ	ⲕ	ق
ر	ⲇ	ⲑ Ⲓ ⲓ	ر
ش	ⲓ Ⲕ	ⲕ ⲛ	ش
ت	ⲕ	ⲕ ⲛ	ت

A comparison reveals the points of resemblance and of difference between the Arabic letters as they are today and the Himyarite, the Nabataean and the ancient Hiri letters

Early Arabic writing had no dots nor vowel-points

Whether this writing reached Mecca before Islam through the agency of Harb Ibn Umayyah or through some

other sources, it is a fact which admits of no doubt that its spread did not end until after the advent of the Prophet Muhammad, and the writing of the alphabet had not spread widely amongst the Muslims of those days, but after the battle of Badr (624 C.E.). We know that the Prophet Muhammad asked some prisoners of war taken at the Battle of Badr who knew how to write to ransom themselves by teaching 10 young Muslims to write. Also it is well known that before the Migration (*Hijrah*) of the Prophet Muhammad from Mecca 'Umar Ibn Khattab, 'Uthman Ibn 'Affan and 'Ali Ibn 'Abi Talib used to teach writing in Mecca. We know that writing in the early period of Islam consisted of only some marks and signs and there was no difference between the letters "ba", "ta", "tha," neither was there any difference between the "jim", "ha," and "kha", nor between "sin" and "shin" nor between "saad" and "daad", nor between "ayn" and "ghayn". To add to this there was no arrangement for joining the letters to each other; nor was there a stop to mark the end of a line nor any mark to distinguish the components of a word or the beginning of a line from the one that followed it.

When the Arabs brought other countries under their sway and began to mix with other peoples and inter-marry, the result was that there set in a rapid disintegration of their own way of life. It was natural that there should arise fears that this might ultimately affect the reading of the Qur'an. It was for this reason that Abu al-Aswad al-Du'aliy invented the three vowel-points and dots to control the pronunciation of words. Before this the Arabs used to insert a point above a letter to mark the *fatha* and a point underneath to mark the *kasrah*, and a point on the left of the letter to mark the *dhammah*. They wrote these signs in ink different from the ink in which the letters were written. As to the *sukun* there was no specific sign for it. When writing became very common, dots were devised to distinguish the letters that resembled each other. In those days it was even essential for the writer to use two kinds of inks! Khalil Ibn Ahmad invented the present vowel-points so that the writer could write words in one ink.

In the early days of Islam, Muslims used the Hymarite and Anbaarite writings in two forms. One was called the *Taqwir* and the other *Bast*. The *Taqwir* writing, also called "the soft" (*layyin*), was the one that was used in letters and ordinary writings, whereas the *Bast* writing, also called the dry (*yaqbis*), was the one used in engraving upon arches, doorways of mosques, walls of the big buildings and in transcribing the Qur'an.

Why the Kufic writing is so called

When upon the orders of Commander of the Faithful 'Umar Ibn al-Khattab the town of Kufah was founded, many people from Hirah and Anbaar migrated to it. This led to their mode of writing becoming popular in Kufah. In the course of time it was developed and beautified. It is for this reason that this writing came to be known as Kufic.

At the end of the Umayyad period and the beginning of that of the Abbasids, Arabic writing began to change from the Kufic to the styles that are prevalent nowadays. Qatabah was the name of the originator. He developed from the Kufic and the Hijazi scripts letters which are the foundation of the letters we use nowadays. He also invented a bold pen with which he wrote on buildings. It also forms the basis of the invention of the pen called the Toomaar, which is the smallest of the bold letter pens.

When the Caliphate of Baghdad passed into the hands of Ma'mun, his friends and his writers exerted themselves to improve their skill in calligraphy. People began to compete

with each other in handwriting. The best known of the calligraphists of those days was al-Ahwal, a protégé of the Barmacides. It is Ahwal who invented the pen called the *Nisf* (half), *Thuluth* (one-third), *Musalsal* (the linked) and *Riqaa'*.

At the end of the 3rd century A.H. (9th century C.E.) there flourished in Baghdad the Vizir 'Abu Ali Muhammad Ibn Muqlah. He put the finishing touches to what Qatabah had started. He is the first person to have devised the Arabic letters geometrically and invented six kinds of pens — the *Thuluth*, *Rayhan*, *Tawqee'*, *Muhaqqaq*, *Naskh* and *Riqaa'*. He was followed by 'Ali Ibn Hilaal, known as Ibn Bawwab (died in Baghdad 423 A.H. (1031 C.E.)).

As to the Andalusians and the people of Morocco, Algeria and Tunis, etc., they did not care very much for improvements in the form of the alphabet. They kept on following the Hijazi form of letters with very slight alterations.

Yaqt al-Musta'siy (6th century A.H. (12th century C.E.)) was regarded as the acme of perfection of his time in the matter of perfecting the Arabic letters.

The Persians succeeded in mixing the *Naskh* script with the *Ta'liq* script and created from this mixture a beautiful script called the *Nasta'liq*. It is in this script that Urdu, the language of West Pakistan and some parts of India, and Persian spoke in Afghanistan and Iran, are written.

THE PAHLAVI EDITION OF THE QUR'AN

Under the august auspices of His Imperial Majesty The Shah of Iran, who took a keen and active interest in the research work necessary to enable him to publish an edition, the Holy Qur'an written by the well-known calligraphist Ahmad Nayrizi in 1117 A.H. (1705 C.E.) has recently seen the light of day. Copies of this edition have been presented to the Heads of State and to religious institutes, leaders and museums, etc., throughout the world.

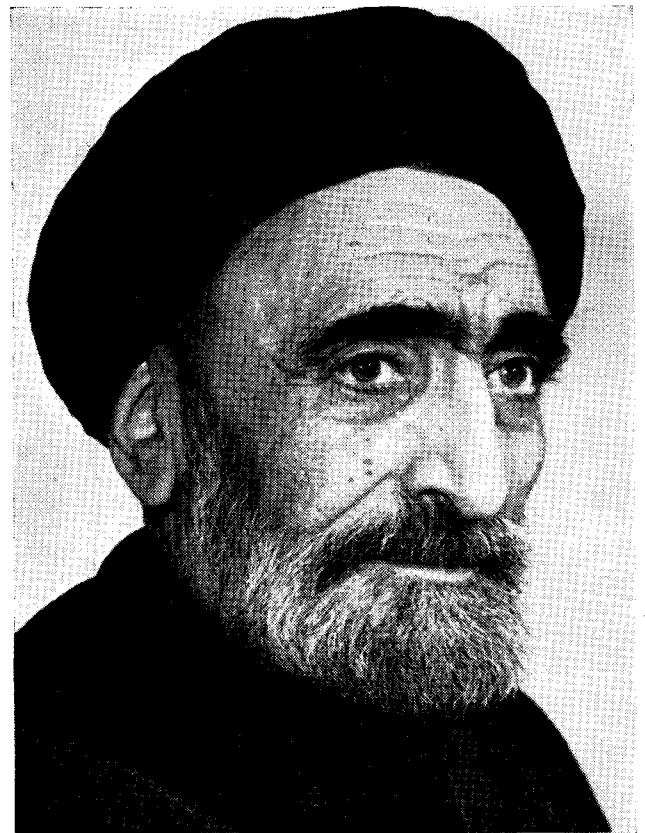
In order to print this edition it has been necessary to compare the MS. of Ahmad Nayrizi with six of the most famous approved and published editions of the Holy Qur'an, namely :

- (1) The Qur'an of the Sultan 'Abd al-Hamid 'Uthmani Edition, published in 1305 A.H. (1887 C.E.). This edition was signed and approved by nine of the outstanding scholars of that time.
- (2) The Qur'an of the Sultan 'Abd al-Hamid 'Uthmani Edition, published in 1325 A.H. (1907 C.E.), and is known as "The Lire Qur'an".
- (3) The Qur'an of the Hafiz 'Uthman Edition, first published in Istanbul, later in Damascus.
- (4) The Qur'an of the King Fu'ad I of Egypt Edition, which was approved by the Shaykhs of al-Azhar University.
- (5) The Qur'an of the King Faysal II of Iraq Edition. This was approved by eight of Iraq's religious leaders of the time.
- (6) The Qur'an of al-Azhar University Edition, which has been edited for the purposes of recitation and *rasm al-Khatt*.

It has also been necessary to carry out a vast research which involved more than 700 books which are considered authoritative on the various manuscripts of the Holy Qur'an, its recitation, etc. It is also a fact worthy of note that a MS. of the Qur'an which is reputed to date back to the days of the third Caliph, 'Uthman (d. 644 C.E.), and which is now in the

Great Mosque at Tashkent, was photographed for comparison. The Tashkent MS. of the Qur'an is in Kufic script and weighs 45 Kgs.

The Pahlavi Edition is beautifully illuminated in seven colours, and is a great tribute to the energies and scholarship of His Imperial Majesty the Shah and those who worked on this project.



Professor Sayyid M. Meshkat, who was appointed by H.I.M. the Shah to conduct the necessary research with a "team" of specially chosen students to help him

CODES REGULATING PERSONAL STATUS AND SOCIAL EVOLUTION IN CERTAIN MUSLIM COUNTRIES*

The Restrictions Now Applicable to Child Marriages in Some Arab Countries

By M. BORRAMANS

This point was perhaps one of those where the process of evolution encountered its most difficult obstacle. "Whenever it was a question of fixing an age below which marriage would not be allowed, it had never been possible to find in the doctrine of any rite an opinion which was sufficiently authoritative to warrant a reform of this kind. In fact, all the rites authorize the marriage of minors, even infants at the breast."¹³ The Egyptian legislators have abstained from making any formal innovation on this point, but, desirous of reducing the number of child marriages, and in order to encourage the raising of the average age of young couples who marry, they have made use of the "system of exceptions" (*fin de non recevoir*—the legal procedure which refuses to hear the demand of an applicant on the ground that such application is invalid, or that the applicant is legally incapable of making the demand.) Thus the Egyptian "Regulation of the *Mahkamahs*" (Article 99) declared "... that unless an order is given by US, no application for a declaration of marriage will be heard if the woman is under 16 years of age or the man under 18". And to avoid any possibility of the reform "missing its objective" (since its text does not prohibit a couple who have married before reaching the required ages from making a court application for validation, if at the time of the application the husband is 18 and the wife 16) the same Regulation (Article 367) prohibits the legal declaration of the validity of the marriages of minors who are under the stipulated age. To sum up: "... the marriage of minors, whose ages are respectively less than 18 and less than 16, is not void in law, but it cannot be validated by an authentic document. And if the interested parties insist upon the document — and we know from experience that this is always the case — they must wait until they have reached the required age".¹⁴

The jurists concerned with drawing up the Codes considered here were not influenced by the indecision of the Egyptian legislator. There is little doubt that the solution he adopted still appeared to them too complicated, thus falling short of the objectives they had in mind. And so these Codes have more or less retained the minimum ages fixed by the Regulation mentioned above. They prohibit the marriage of impubescent¹⁵ and have decreed the absence of this minimum

age to be a cause of nullity of marriage.¹⁶

As the Syrian Code declares: "Marriage can be contracted only by male persons who have attained the age of 18 (completed years), and female persons who have attained the age of 17 (completed) years" (Article 16).

The Moroccan Code stipulates first of all that "... each of the future spouses must be of sound mind, have attained puberty, and be free from all legal obstacles" (Article 6), and then continues: "... qualification for marriage is acquired (1) at 18 completed years of age for a man, and (2) at 15 years of age for a woman" (Article 8).

Like the preceding Code, the Iraqi Code states that "... to be eligible for marriage, a person must be of sound mind and have reached puberty" (Article 7, 1). It goes on to say that, for both sexes, "... eligibility for marriage is acquired at the age of 18 years" (Article 8).

The Tunisian Code is very similar to those mentioned above: "The two future spouses must have reached puberty.

*For the first article on this subject see *The Islamic Review* for April, 1966.

13 Y. Linant de Bellefonds, "Immutabilité du droit musulman et réformes législatives en Egypte," in *Revue Internationale de droit comparé*, 1955, No. 1 (30 pp.), p. 27.

14 Y. Linant de Bellefonds, *op. cit.*, p. 28. An Egyptian correspondent has written us about a *ma'dun* who was recently prosecuted for having married a child of 12 years. He also pointed out that a woman's age did not figure on her identity card, a piece of "gallantry" which needs no comment.

15 We must remember that these ages are the same as those considered to be the ages when puberty can be presumed by the various juridical schools. The right held by the father (or his replacement) to constrain (to marriage) his son or his daughter, terminated at puberty (except in the Maliki rite where the daughter was subject to this "right of constraint" up to the time of the consummation of her first legitimate marriage). This state of puberty was determined by the appearance of its physical signs or, in default of this, by a presumption of age (18 years in the Maliki rite, and 15 years in the other rites).

16 In the Tunisian Code "... a marriage is declared void if in the conditions there is any clause contrary to the essential conditions for marriage, or if it is contracted in contravention of the clauses contained in the first paragraph of Article 3, or the first paragraph of Article 5" (a paragraph stipulating the minimum age referred to).

The age of puberty is fixed at 15 complete years for the woman and 18 complete years for the man" (Article 5). Thus, if the minimum age for the young man is 18 years in the above cases, for the woman it varies between 18 years (Iraq), 17 years (Syria) and 15 years (Morocco and Tunisia).¹⁷

It is doubtless always possible to expect some exceptions to the general rule: the degree of evolution of the various social *milieux* is not everywhere the same. This will explain the introduction of the following clauses, which mitigate the somewhat premature and hurried character of this reform and constitute a temporary compromise between the ideal objective and the everyday reality of the usages still in vogue. It also explains the disparity in the ages permitted by these exemptions.

In Syria, "If the young man claims to be capable of contracting marriage at the age of 15 complete years, and the girl at the age of 13 years, and they ask to be married, the judge¹⁸ may authorize this, if the truth of their claims and their physical capacity is established" (Article 18, 1). In Morocco only the man is allowed any exemption, for after declaring that he must be of 18 complete years of age, the following proviso is added: "However, if grave difficulties are feared, the case is submitted to the judge with a view to obtaining an age-dispensation" (Article 8). In Iraq, exemption is allowed to both sexes, but the minimum age limit is raised: "If the young man or the girl claim to have attained puberty and they have reached the age of 16 complete years, and if they apply to be married, the judge can give the authority when it is established that their intention is sincere and that they possess the physical capacity . . ." (Article 9). The Tunisian Code, after having fixed the age of puberty, specifies ". . . that below this age marriage cannot be celebrated except by a special authorization of the judge, who has first satisfied himself as to the aptitude of the future husband" (Article 5). Thus if the Syrian and Iraqi Codes fix a minimum age below which no dispensation can be allowed (15 years for the boy and 13 years for the girl in Syria, and 16 years for both in Iraq), the Moroccan and Tunisian Codes remain silent on this point, the first giving to understand that in the case of girls no dispensation can be granted. With them the margin of latitude is wider. One wonders if in fact these dispensations are often given. In this connection the *Bulletin de Statistique et d'Etudes économiques* of Tunisia gives a few figures concerning "Marriage in 1960". Thus, 661 Tunisian girls under 15 years of age were married with a dispensation from the regional judge — which was 2.6% of women married in 1960. On the other hand, 325 young men under 18 were married in the same year — representing 1.3% of male Tunisians married in 1960.¹⁹

As the figures suggest, social reality sometimes falls rather short of the objectives aimed at by the legislator when attempting some bold reform in this or that direction. Doubtless conscious of the dead weight of inertia inherent in the clinging to tradition and customs, he has in numerous ways continued to set up checks likely to discourage or reduce the number of marriages of people who, in his opinion, are still too young. Viewed from this standpoint, one can appreciate the importance of another innovation — the obligation to obtain the consent of the guardian or protector for a child who is capable of marriage but who is still legally a minor (here, of course, we are referring to the legal majority at which age a person is deemed capable of ". . . managing his own property . . .", known in traditional law as *rusa*, or

"patrimonial majority"). From one point of view, perhaps, this arrangement is no innovation for the young girl who was obliged to abide by the stipulation of the Malikite rite, which granted her father the "right of constraint", although here the obstinate refusal of the guardian (*wali*) can normally be overruled by the judge. On this point the Tunisian Code is very clear: "The marriage of a man or a woman who has not reached the age of legal authority is subject to the consent of the guardian. If he refuses, and the couple persist, the judge is informed" (Article 6). "The nearest agnate relative consents to the marriage of a minor. He must be of sound mind, of the male sex, and have reached legal majority. The father or his proxy consents to the marriage of his minor child, whether male or female. If there is no guardian (protector), consent is given by the judge" (Article 8).

In Morocco the objective is the same, even though there is sometimes confusion between two types of guardian (*wali*), and between their particular functions (cf. Articles 11 to 15 on matrimonial guardianship organized "for the sole benefit of the woman"). "Marriage before the age of legal majority is subject to the agreement of the *wali* (guardian); if the latter refuses and if disagreement persists between the parties, the judge is informed" (Article 9). We must remember that in the Tunisian Code, legal majority is reached at the age of 20 completed years (Article 153), whereas in Morocco it is reached at 21 years (Article 137). As for the Syrian Code, the guardian's consent is required only from the side of the future wife: "If the woman, having attained her majority, being 17 years old, wishes to contract marriage, the judge is bound to ask the consent of her *wali*, and when doing this he fixes a time limit. If the *wali* (guardian) does not object, or if his objection is overruled, the judge can authorize the marriage provided he is satisfied as to capacity" (Article 20); but in cases where the judge has granted a dispensation, he will require the guardian's consent both for the man and the woman; "if the guardian (person exercising paternal

17 It may be noted that the *Code du Mariage et de la Tutelle* (Code of Marriage and Guardianship) of Mali has also adopted the Moroccan measures: "A man not having reached the age of 18 completed years, and a woman the age of 15 completed years, cannot contract marriage" (Article 4). Only "the Minister of Justice can grant dispensations for age, for weighty reasons, by a decision against which there is no appeal. A copy of this decision will be attached to the document attesting the contract of marriage" (Article 4, as above). It is also interesting to note that in the case of contravention of this fundamental condition, not only is the marriage contract itself declared void, but ". . . the Government official who marries persons under the stipulated age (unless a dispensation has been granted under the above-stated conditions) will incur a fine not exceeding 120,000 francs, and imprisonment of from six months to a year" (Article 5).

18 We notice, incidentally, the different Arabic translations of the word "judge" used in these various Codes. Where the Syrian, Iraqi and Moroccan Codes always mention *qadi*, an essentially traditional term used in Muslim jurisdiction on Personal Status, the Tunisian Code uses the term *hakim*, which seems more "laic", or at least more "governmental" (though it also connotes the idea of arbitration).

19 Cf. *Bulletin de Statistique et d'Etudes Economiques de Tunisie*, quarterly series, January-March 1963, No. 17, pp. 7-19. The figures given for the year 1960 show the extreme youth of the average age of new brides: if 2.7% are less than 15 years old, 48.5% are between 15 and 19, 30.6% between 20 and 24, 10.1% between 25 and 29, 4% between 30 and 34, etc. In other words, more than 50% of Tunisian girls who married in 1960 were under 20, whereas for the newly-married men the statistics gave the following percentages: 1.3% were under 18, 3.8% were between 18 and 19, 31% between 20 and 24, 33% between 25 and 29, 15.8% between 30 and 34, 5.9% between 35 and 39, etc. The statistics gave the mean ages as follows: wives 17 years 3 months, husbands 24 years 3 months. The average ages were calculated as: wives 21 years 6 months, husbands 28 years 10 months.

authority) is the father or the grandfather, his consent is necessary" (Article 18, 2). The Iraqi Code has adopted the same clauses, though it does not stipulate the consent of a guardian except where there is an age-dispensation, that is, from 16 to 18 years only, and "this (is authorized) following the consent of the legal guardian. If the guardian refuses, the judge will ask for his consent and will fix a time-limit for this. If he does not object, or if his opposition is deemed unworthy of consideration, the judge will authorize the marriage" (Article 9). Here, as elsewhere, the prerogatives of the guardian are limited by those of the judge, who is the final authority on the matter.

The Tunisian and Moroccan Codes, unlike their Middle East counterparts, have abolished one important detail of standard law. "The age of legal majority, in connection with matters concerning the person (matrimonial majority attained by a boy at puberty which, *ipso facto*, qualified him to contract marriage) is today the same as the age of legal majority in connection with the administration of property".²⁰ Thus the authority of the head of the family, a universally-recognized fact in sociology, is now recognized by law. In this connection some commentators have put the question "... whether, in the present-day state of customs and observances, Paragraph 2 of Article 8 of the Tunisian Code will not remain a 'dead letter'." (This paragraph stipulates that when the guardian refuses his consent, and neither of the two parties will give way to the other, it is the judge who will decide the issue".²¹ It would seem as though jurisprudence could very well reply to this, with supporting proof, that, in its efforts to give both men and women equal juridical standing, it tends rather to invest the young man with the authority of a father, and to free the young woman from the "right of matrimonial constraint", which the Code has radically abolished, stating that "... marriage is based only on the consent of the two spouses" (Article 3).

Such are the important innovations in the progressive reforms which figure in the modern Codes regarding child marriages, namely, the fixing of a minimum age which cannot be lowered without the marriage becoming void, unless a special dispensation has been granted, and the insistence on the consent of a guardian. In the cases of both young men and young women, the aim of the legislator is to retard as much as possible the marriage of rather young people in order to

give them time for reflection, thus assuring that the union is a lasting one. And, in contrast with the old code of law, it also establishes a greater equality of rights between young men and young women. On both sides, the stability of the family cannot but be strengthened by such measures.²²

20 It is possible that this "legal majority" which, as we have seen, varies with different countries, also varies as between the masculine and feminine sections of society, as it does, for instance, in Mali. "The son who has not reached 21 (completed) years of age, and the daughter who has not yet reached 18, cannot contract marriage without the consent of their fathers and mothers" (Article 11 of the above-mentioned Code).

21 A. Colomer, "Le Code de Statut Personnel Tunisien" in *Revue Algérienne de législation et de jurisprudence*, 1957, p. 170.

22 Algeria, for a very good reason, has not yet drawn up or promulgated a Code for Personal Status. We recall, however, that the French legislator, taking as examples the Codes of the two neighbouring countries, has tried to stipulate a minimum age for marriage. "A man not having reached the age of 18 complete years, or a woman 15 years, cannot contract marriage. However, the President of the Superior Court is empowered, where there are weighty reasons, to grant a dispensation" (Article 5 of the Statute of 4 February 1959, applicable to all Muslim Algerian marriages, except "... those celebrated according to the 'Ibadite rite' (Article 10)). In Independent Algeria, still faced with the same pressing problem of "tender-age marriages", a proposed law was tabled in the Constituent National Assembly. This law proposed the fixing of a minimum age for the marriage of a young woman. Here is the actual text of the proposed law (the Explanatory Statement is not included):

Article 1: The minimum age at which a girl may contract marriage is fixed at 16 years.

Article 2: The actual age shall be proved by the production of a birth certificate furnished by the town hall of the place of birth.

Article 3: This birth certificate must be forwarded at least eight days before the date of the marriage.

Article 4: Any person contravening Article 1 of the present law by marrying a girl who is under 16 (completed) years of age shall incur the penalties provided by law for the repression of rape. The consent of the girl and of her parents or guardians does not constitute a legal excuse.

Article 5: Whoever contravenes Articles 1, 2 and 3 of the present law by celebrating, facilitating, or attempting to facilitate, even if only by a tacit agreement, the marriage of a girl under the age of 16 (completed) years, whether she has consented or not, shall be sentenced to the penalties provided by the law for the repression of complicity in rape.

Article 6: A marriage contracted with a girl under the age of 16 is void, but for the benefit of the wife and children, certain inalienable rights exist. The wife can apply for alimony and damages, and children born of the voided marriage of a girl under 16 shall be considered as legitimate children.

Article 7: No exception of any kind will be allowed under the present law, unless special dispensation has been granted by the Head of State.

MUSLIMS IN CHINA

In addressing a gathering of students and teachers of a religious educational institution at Karachi, Pakistan, on 18 June 1966, the leader of the four-man Chinese 'Ulama Delegation, al-Hajj Muhammad 'Ali Cheng Chieh, said: "Muslims in China enjoy complete religious freedom and are free to practise their faith, there were at least 40,000 mosques in China which were also used as madrasahs in many places,

where religious education was imparted to Muslim children by Muslim teachers who were paid by the Awqaf Department, and that according to a conservative estimate, the total number of Muslims in China at present stands at over 10 million. It is not possible to give the exact figures of the Muslim population of China as no systematic census has been taken so far."

Social Security in Islam

By ANWAR AL-KHATIB

“Many verses of the Qur’án and Sayings of the Prophet Muhammad confirm the view that in Islam the rendering of assistance to the needy is like jihad in the cause of God, to be rewarded by the Almighty as a very worthy deed”

What is righteousness ?

The Qur’án says : “ It is not righteousness merely to turn your face towards the East and the West, but righteous is the one who believes in God and the Last Day, and the angels, and the Book and the prophets, and gives away wealth out of love for Him to the near of kin, and the orphans, and the needy, and the wayfarer, and to those who ask, and to set slaves free, and keeps up prayer and pays the poor-rate ; and the performers of their promises when they make a promise, and the patient in distress and affliction and in the time of conflict. These are they who are dutiful ; and these are they who keep their duty ” (2 : 177).

The first part of this verse of the Qur’án deals with the spiritual aspect of the duties of the Muslim, while the second part concerns his duties in the material sphere, requiring him to utilize his wealth for the benefit of those in need, and specifically determining that such acts are righteous.

The Qur’án gives examples of the reward promised for those who spend their wealth righteously in this manner : “ The parable of those who spend their wealth in the way of God is as the parable of a grain growing seven ears, in every ear a hundred grains. And God multiplies (further) for whom He pleases. And God is Ample-giving, Knowing ” (2 : 261).

When to spend to please the Almighty and to promote the general good sometimes appears a matter very difficult to decide. This is particularly so in those cases where the realm of the “ public interest ” or the “ general good ” has become very wide and the recipient has become removed a great deal from the giver, as is the case in large advanced or developed societies. It is easy for a person to justify himself the giving away of his wealth to his near relatives, and still comparatively easy to justify such expenditure on friends and acquaintances or neighbours. But it is difficult to justify this expenditure when one cannot clearly see the direct benefit on others. Only the wise can see the benefit derived from their generous acts in the community as a whole, as where they give to promote such things as the spread of education and knowledge, the relief of the sick, the aged and the homeless. The Qur’án specifically deals with this point and urges the Muslim to spend on the general good in those cases where they cannot see the direct or immediate benefit accruing from their acts to any particular individual or individuals.

The Qur’án describes the person who is not righteous as follows : “ He attempts not the uphill road. And what will make you comprehend what the uphill road is? It is to free a slave, or to feed in a day of hunger an orphan nearly related, or the poor man lying in the dust ” (90 : 11-16).

The teachings of Islam abound with provisions which, if carefully or seriously applied, would ensure the complete eradication of poverty. This is not a mere opinion, but has been proved to be true and practicable. In the days of the Umayyad Caliph ‘Umar Ibn ‘Abd al-‘Aziz, who piously followed the example of the Caliph ‘Umar Ibn al-Khattab, the Caliph’s property was transferred to the public treasury so that it would be distributed among the needy. Poverty in the Caliphate was thus completely alleviated, and it is said that many had difficulty in finding people to whom to give their *zakah* (tithe). Of this Yahya Ibn Sa’d says : “ Umar Ibn ‘Abd al-‘Aziz sent me to distribute alms, but I could not find anyone to whom to give alms, for ‘Umar has made everybody contented. So I bought slaves with the money, and freed them.”

This was the kind of rule which provided prosperity for everybody and which induced many to embrace Islam. It is said that many Christians were so impressed with the justice of Islamic rule that they wanted to become Muslims. Upon becoming Muslims the Christians ceased to pay the tax imposed upon non-Muslims, and less money therefore came into the treasury. The Governor in Egypt is said to have written to the Caliph ‘Umar suggesting that he should order that no more Christians be allowed to become Muslims. The Caliph was greatly incensed at this suggestion and wrote to his Governor saying : “ When I appointed you guardian over Egypt I did not know that you were so weak. I have therefore ordered my messenger to give you twenty lashes of the whip. Those who become Muslims should not pay the tax. God sent Muhammad as a guide to men, not as a tax collector.” The Governor of Iraq is also said to have written to the Caliph ‘Umar with the same problem, and the Caliph replied : “ By God, I wish that all people would become Muslims, and if there be no money in the treasury you and I would become ploughmen and earn our living with the sweat of our brow.”

How social security is financed

It is correct to say that expenditure for the general good is an optional matter for the Muslim, although something which he is very strongly urged to do. Does this mean that social security and the public welfare are in Islam financed only by private contributions, or do these have any other sources of revenue? One of the five fundamental concepts (pillars) of Islam is *zakah*. This is a tax on wealth which is obligatory upon the Muslims, and quite distinct from the optional contributions the Muslims might make for the general good. The Qur’án says : “ O you who believe, surely many of the doctors of law and the monks eat away the property of men falsely, and hinder (them) from God’s way. And those

who hoard up gold and silver and spend it not in God's way — announce to them a painful chastisement" (9 : 34). There were different interpretations of this provision of the Qur'an in the days of the Caliph 'Uthman Ibn 'Affan, and it is said that at a meeting at which were present Abu Dharr al-Ghaffari, Ka'b al-Ahbar and other jurists the Caliph tried to induce Abu Dharr to change his interpretation of this verse as implying that it required the Muslim to continue to give away his wealth until it was exhausted. The Caliph 'Uthman asked Ka'b al-Ahbar whether anything would be due from one who had duly paid *zakah* on one's property. Ka'b replied, "No". To which Abu Dharr retorted : "This is false", and quoted this verse from the Qur'an : "It is not righteousness merely to turn your face to the east or to the west, but righteous is the one who believes in God and the Last Day, and the angels, and the Book and the prophets, and gives away wealth out of love for Him . . ." (2 : 177). This clearly distinguished between the payment of *zakah* and the giving away of wealth to the needy.

Social security in Islam is financed from two sources — voluntary contributions and *zakah*. *Zakah* is a duty upon the Muslim, and the purpose for which *zakah* is to be used is the social welfare of the community. Admittedly the income from *zakah* may sometimes not be adequate to promote the full welfare of the community, but there is no doubt that it does help in this problem to a substantial degree. It is to be applied in accordance with this verse of the Qur'an : "Charity is only for the poor and the needy, and those employed to administer it, and those whose hearts are made to incline (to the truth), and (to free) captives, and those in debt, and in the way of God and for the wayfarer — an ordinance from God. And God is Knowing, Wise" (9 : 60). *Zakah* is therefore to be applied to the following five categories of people : (1) those who are concerned with collecting *zakah*, as a reward for their services ; (2) on slaves, for the purpose of liberating them ; (3) on those who incline to embrace Islam, and for the purpose of promoting the spread of Islam ; (4) for the general good of the community ; and (5) on those in need — "the poor, the needy, those in debt, and the wayfarers".

Islam does not prohibit the application of funds collected for one specific purpose to another kindred purpose, provided the aim remains the general good of the community. There are many examples of this practice. Thus, in the days of the Caliph 'Umar Ibn al-Khattab, Abu Sufyan, who was a convert to Islam, came to claim his share of *zakah*. 'Umar told him that *zakah* used to be spent by the Prophet Muhammad on people like Abu Sufyan only in the days when Islam stood in great need of new supporters, but that with the increase in the strength of Islam it was no longer necessary to seek the support of the new converts by paying them *zakah*. 'Umar's words were : "Now that God has strengthened Islam we no longer need you. If you adhere to Islam then well and good, otherwise we shall fight you". Also, with the disappearance of slavery that part of *zakah* earmarked for the freeing of slaves could be used for another purpose. At present it would appear that the main, perhaps the only, purpose for the spending of *zakah* is the helping of the poor and the needy — in other words, general social security.

The aims of social security

Let us now examine the purposes for which social security exists in modern society, and see the way in which Islamic teachings can help in these respects. There are three kinds of needs which a modern social service would fulfil.

First, it would relieve physical hardship, as where a person suffers injury or is ill or becomes incapacitated from working by old age or anything else. The most common cause of incapacity, of course, is illness ; and here the breadwinner not only does he not earn but he requires additional expenditure on medical treatment, etc. Another cause of incapacity would be pregnancy, which also involves additional expenditure. Insurance against sickness is the main purpose of modern social security schemes. It provides a substitute income, helps to meet additional expenditure on treatment, and generally aims at improving the health standard of the community as a whole as a safeguard against the spread of illness. Another cause of incapacity is old age, which often is brought about earlier by prolonged illness. Unemployment in old age, and the lack of an income, brings severe hardship, and is particularly cruel in view of the increased needs and the helplessness of the victim. There are also other needs for social security, in those cases where people are victims of occupational hazards which cause total or partial incapacity or which lead to death. Yet another need which social security would fulfil is the supplementing of the income of the breadwinner where the family has increased in size. This assistance, generally known as "family allowances" provides payments in cash or facilities for purchasing certain essential commodities at a reduced price.

The answer to the question whether these aspects of modern social security have been treated in Islam comes from the following extract from a letter by the Imam 'Ali to the Governor in Egypt : "The real love of God is found in the lower rank of the helpless, the poor, the needy, the miserable and the aged. Among these are to be found the very desperate people. Be faithful to God in the task that He has entrusted to you in regard to these people. Give them a share of your treasury and a share of the income of the prosperous Muslims everywhere. Those near you must have the same share as those distant from you. Do not be so contented as to forget these needy people, and never ignore them. Be careful to investigate the circumstances of those whose conditions are not so obvious to you, particularly those who are meek and humble and do not bring matters to your notice. Look after the orphans and the very young who are in need."

It is no exaggeration to say that in this message can be found all the fundamentals of a modern social security system. Indeed, it stipulates a system far more compassionate and effective than many of the most modern schemes. Not only does it require assistance to be given to those who ask for it or are obviously in need of it, but it urges those in authority to undertake investigations to seek those in need who are shy or reticent and do not take the trouble to ask, or do not know whom or how to ask. The delicate and dignified manner in which the offer of assistance is handled is indeed outstanding. I shall give a few examples of the way in which the Islamic State at various periods in history has dealt with the matter of social assistance and how it demonstrated its concern in the relief of poverty and need amongst the citizens. The Caliph 'Umar Ibn al-Khattab was perhaps more concerned than any other Muslim leaders with this problem, and examples about his compassion and his devotion to the cause of the relief of poverty and need amongst the Muslims are legion. I shall mention a few of these.

The Prophet and the Caliphs set examples

When Ja'far Ibn Abi Talib, brother of the Imam 'Ali Ibn Abi Talib, was killed in the battle of Mu'tah (962 C.E.),

the Prophet Muhammad said three days after Ja'far's death : "Do not mourn the death of my brother, and summon before me the sons of my brother." The children of Ja'far, all very young, were brought before the Prophet. The Prophet then summoned the hairdresser and asked him to cut the children's hair. He then began to play with the children. While he was doing this the widow of Ja'far came and complained to him about her need. The Prophet said to her, "You need not worry about the children, for I am their guardian". This act the Prophet might have been interpreted as an act of compassion for a near and dear relative by the head of a family, but there are many examples of similar acts towards the dependents of persons who were not relatives. The Prophet Muhammad appointed himself guardian over the children of Ja'far solely as the head of the Islamic State, and not because of any kinship with Ja'far.

It is reported that once, when the Caliph 'Umar was spending the night at a public place in Medina, he heard a child crying, so he proceeded to the place and enquired. Soon afterwards the child cried again, and 'Umar went again to see it. The child cried fiercely a third time, and 'Umar went up to the mother and asked what was the matter. The mother said, "O 'Umar, I weaned the child too early and that is why he is restless." "And why did you wean him too early?" asked 'Umar. The woman replied, "Because 'Umar does not give an allowance for babies until they are weaned, and I had to wean him in order to get the allowance which I needed very badly, for I am a poor woman." 'Umar went home and thought very long about this incident, and was very distressed about it. He ordered the public crier to tour the town and ask the people not to wean their children too early and promised that the State would give an allowance for babies before weaning.

A woman came to the Caliph 'Umar and said : "O Amir of the Faithful, my husband died and left young children. We have no property or income, and I fear that they will starve." 'Umar then went to the yard and chose a strong camel and loaded it with food and clothing, saying to the woman, "Take this, and when it is all finished I shall send you more."

During one of his night tours 'Umar passed by a woman who was sitting with her children round a fire on which stood a pot. The children were whimpering and apparently hungry. 'Umar asked the woman what she had in the pot, and she said that it contained only water and stones, and that she was merely pretending to the children that something was cooking, hoping that they would eventually tire of waiting and sleep. "Cursed be 'Umar," she said. "May God forgive you," 'Umar answered, "and how is 'Umar to know about you and your need?" "But he is our ruler," said the woman, "and he ought to know about us." 'Umar then proceeded to the food store and took out a sack of flour and some fat, and asked his servant Zayd to load it on his back. The servant offered to carry the load himself, but 'Umar refused, saying, "You will not carry my burden on the Day of Judgment — I must". 'Umar carried the load on his back and proceeded hastily to the woman, his servant walking behind him. He gave it to the woman and helped her bake some bread and cook food, and did not leave until he saw the children eat.

The Caliph 'Umar once saw a blind old man begging in the road. He asked him who he was and why he was begging, and the old man replied that he was a Jew and was begging in order to be able to pay the *jizyah* (tax on non-Muslims)

and also to live. 'Umar then took the man by the hand and led him to his house and gave him some money. He also wrote to the treasurer, saying : "We must not treat people like this man in this way. We shall never be doing justice if we take his money when he is young and ignore him when he is old. Charity is payable to the poor and the needy, and this man is needy and of the People of the Book." Thus *jizyah* ceased to be imposed on the aged and the incapacitated, and these were given assistance from the treasury.

Once, when the Caliph 'Umar was travelling to Damascus, he passed by a group of Christians suffering from elephantiasis, and he ordered that they be given charity from the treasury and looked after.

Talhah, one of the Companions of the Prophet, saw the Caliph 'Umar quietly slipping out of his house in the night, so he disguised himself and followed him. 'Umar went into a house and came out soon afterwards. Talhah went to that house the next day. He found a blind, crippled old woman, all alone. He asked her, "What did the man who came last night do?" She answered : "He comes to look after me, and he has been doing this for a long time, bringing me food and clothes, and protecting me."

Other examples of social compassion

The Imam 'Ali wrote to al-'Ushtar al-Nakh'iyy, his Governor in Egypt : "Look after the orphans and the very young and the very old and those who are helpless." Such a letter from the Caliph to his Governor was a command and had an effect exactly like that which a law would have in modern times.

The Caliph 'Umar was going round one night in disguise inspecting his people. He passed by a tent, and heard the groans of a woman in labour. He asked her husband if any woman was helping her, and the man said there was not. So 'Umar went to his wife, Umm Kulthum, daughter of 'Ali Ibn Abi Talib, and said to her, "I bring you news of a good deed which God wanted you to do. . . . There is an Arab woman in labour and no one with her." Umm Kulthum said she would go to the woman, and 'Umar asked her to take with her the requisites of confinement and some clothes and food. They then both proceeded to the house and Umm Kulthum stayed with the woman while 'Umar sat outside with the husband and helped prepare the food. When the woman gave birth, Umm Kulthum came out and said to 'Umar, "O Amir of the Faithful, tell your friend that he has a son." The man then recognized the Caliph 'Umar and became very embarrassed. 'Umar quietened him and then gave the food to Umm Kulthum, who took it to feed the wife. The Caliph 'Umar and Umm Kulthum subsequently made enquiries about this family and sent them presents."

Poverty is perhaps the most serious of social evils, and is usually the result of forced unemployment resulting from a poor economic situation. Islam orders the Muslims to give to the poor at all times (as evidenced in the letter sent by the Imam 'Ali to the Governor of Egypt).

The above are just a few examples of the way in which social security was treated in the days of the early Caliphs of Islam and in subsequent Islamic eras. Many verses of the Qur'an and Sayings of the Prophet Muhammad confirm the view that in Islam the rendering of assistance to the needy is like *jihad* in the cause of God, to be rewarded by the Almighty as a very worthy deed.



The writer of the article

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

Views of some Arab Scholars of the
Eleventh Century C.E.

By NA'IM AL-HUMSI

(VIII)

Ibn Suraqah

Ibn Suraqah (410 A.H.—1019 C.E.) is reported to be the author of a substantial work on the *i'jaz*, but no trace of this work can be found. Hajj Khalifah (1608-70 C.E.), author of *Kashf al-Dhunun*, refers to this book and says that "as regards the *i'jaz* he mentioned the figures one to a thousand". But no one has yet been able to give a specific and reliable explanation of this reference. Al-Rafi'iy ponders over the meaning of this phrase, but comes to no final conclusion.

Al-Suyuti mentions the opinion of Ibn Suraqah on the *i'jaz* and says: "Ibn Suraqah is reported as saying that many people of great learning have disputed regarding the various aspects of the miraculous nature of the Qur'an. They mentioned many of the miraculous features of the Qur'an, but all that they said was not in fact one tenth of what could be said on this subject." Ibn Suraqah lists the various arguments put forward on this subject, especially those on the question of the rhetoric of the Qur'an, its literary style, and its news of the unknown.

Ibn Suraqah would appear to be in agreement with all the views that had been expressed in favour of the miraculous nature of the Qur'an. He does not criticize any view in particular, including those which are contradictory, such as the *surfah*² and the literary excellence of the text.

Ibn Hazm al-Andalusi

'Ali Ibn Hazm al-Andalusi (994-1064 C.E.), author of *al-Fasl fi al-Milal wa al-Ahwa' wa al-Nihal*, discusses the history of the *i'jaz* of the Qur'an and summarizes various views that had been previously expressed on this subject. He also comments on these views. His thesis can be summarized as follows:

1. He mentioned the view of al-Ash'ari to the effect that a *mu'jizah* is something which remains within the capacity of the Almighty alone, and known only by the Almighty. He disagrees with this view and says that in such a case there would be no *i'jaz* and there could be no challenge made to people to match a *mu'jizah* if they did not know about such a *mu'jizah* and its qualities. He comes to the conclusion that a

mu'jizah would be something the ramifications of which are unknown to the people.

2. He deals with the question of whether the *mu'jizah* aspect of the Qur'an applies to all times or solely during the life of the Prophet Muhammad. The latter view had been put forward by some *mutakallims* (dialecticians), who said that the challenge made to the Arabs to match the Qur'an was confined to the life of the Prophet. His conclusions on this subject are not very clear, but it would appear that he favours the view that the *i'jaz* of the Qur'an applied to all times, and that it could not be matched by the Arabs or by anyone at any time.

3. He lists some of the aspects of the *i'jaz* of the Qur'an, and says that some people consider this to be in its style, while others think it is in the news it gives about the unknown. He favours both these views as proof of the *i'jaz* of the Qur'an.

4. He mentions two theories about the nature of the *i'jaz*. One is that it is the highest state of literary accomplishment, and the other that it is the result of *surfah*. He rejects the first theory on the ground that if *i'jaz* lay solely in the literary aspect this would be merely a quality which could possibly be shared by a human being, for excellence in literary matters is possible and in any case is always relative to time and place. Furthermore, if *i'jaz* were mainly in the literary sphere it would be reasonable to require for its proof that it be conceded by everybody. Hence the Qur'an should have been not only in Arabic but in other languages, so that people who spoke other tongues could savour and concede its excellence. It would appear that Ibn Hazm slightly favoured the view on *surfah* together with the view that the Qur'an as a whole is a *mu'jizah*. He disagrees with the idea that some verses of the Qur'an illustrate the *i'jaz*, and he says that if any one part be considered a *mu'jizah* rather than other parts then it would mean that those other parts were alien to the Qur'an and did not share its qualities. He considers that the verse "And there is life you you in punishment, O men of

1. Continued from *The Islamic Review* for February-March 1966.
2. For discussion of *Surfah* see *The Islamic Review* for June 1965.
In a few words, this technical term is used to convey the idea that God prevented others from producing an imitation of the Qur'an.

understanding, that you may guard yourselves ” (2 : 179) is on the same level as any other verse of the Qur’án. He enquires as to the constituents of *i’jaz* in the verse “Surely We have revealed to thee as We revealed to Noah and the prophets after him, and We revealed to Abraham and Ishmael and Isaac and Jacob and the tribes, and Jesus and Job and Jonah and Aaron and Solomon, and We gave to David a scripture” (4 : 163). He says that if *i’jaz* were to lie primarily in the excellence of literary quality then a very gifted person could make a claim or a pretence to a claim to it. He also doubts the validity of the argument that the *i’jaz* of the Qur’án can be substantiated in three verses, and asks why it should not be in any one verse alone, or indeed in a part of a verse. Ibn Hazm concludes that the Qur’án is in the highest form of literary excellence desired by the Almighty. He does not seek to compare it with the work of any human being, for he says that the Qur’án is on a completely different level. He considers the Qur’án to be a *mu’jizah* because it is the word of God. Proof of this, he says, is the fact that disjointed letters were used at the beginning of *surahs*. These were not indication of any literary quality, and if they had been used by a human being would have provoked suspicion or ridicule. Some of his views on the subject tend to suggest that he believes in *surfah*. He says : “It is true that it is not of the same kind as the work of human beings, and God has made it impossible for human beings to match it, and has clothed it with *i’jaz* and freed it of the qualities of human beings.”

5. He maintains that the Qur’án as a whole, and every part of it, however small, is a *mu’jizah*, and disagrees with the view of the Ash’ariyyah school that the measure of the *i’jaz* of the Qur’án is the shortest *surah*. He states : “No two people can disagree that everything in the Qur’án has the quality of a *mu’jizah*.” He discusses in detail the views of those who claim that the *i’jaz* of the Qur’án can be substantiated by the shortest *surah* or that the challenge made by the Qur’án applied to the shortest *surah*. He enquires what is meant by the shortest *surah*. Is it the one that has the smallest number of verses, or words or letters? If it is claimed that the *i’jaz* lies in a whole *surah*, then the chapter *al-Baqarah* less one verse would not be a *mu’jizah*. If it is claimed that the *i’jaz* lies in a collection of not less than three verses, then no single verse of the Qur’án, alone, would be a *mu’jizah*, and the three verses “By the Daybreak ; and the ten nights ; and the even and the odd ” (89 : 1-3) would be on a par with the whole of the *surah* of *al-Baqarah*. The same would also apply to a simple statement, such as “Dawn, Sunrise and Sunset”. If it be claimed that the verses of the Qur’án must appear in context and that when disjointed they would not portray the quality of *i’jaz*, then hundreds of the verses of the Qur’án would be considered lacking in *i’jaz* and could not be relied upon separately. He similarly rejects the view that the *i’jaz* of the Qur’án has anything whatsoever to do with the number of words or letters, and relies in this on the verse of the Qur’án in which the challenge was made about *i’jaz*, “And if you are in doubt as to that which We have revealed to Our servant, then produce one *surah* (chapter) like it, and call on your helpers besides God if you are truthful ” (2 : 23). He adds : “If one verse from the Qur’án, or two verses, were not considered to be *mu’jizah*, and were possible to match, then the whole of the Qur’án would be possible to match, and this would be to deny that it is a *mu’jizah*. If it be said that anything more than three verses would be a *mu’jizah*, then this would contradict the claim that the *i’jaz* of the Qur’án lies in the excellence of its literary quality, for that quality in one verse is the same as in three verses.”

Ibn Hazm’s view is that the Qur’án is a *mu’jizah* because it is the Qur’án. Every *surah*, and every verse and every word in the Qur’án is a *mu’jizah* if considered as part of the Qur’án, but not a *mu’jizah* in other contexts. The Qur’án’s literary style did not conform to any known standard, and its qualities cannot for this reason be measured by ordinary criteria. He thus does not consider the Qur’án to be a *mu’jizah* in the literary aspect, and presumes that in that respect it can possibly be matched, though it is in the highest form of excellence. On the other hand, Ibn Hazm disagrees with the *mutakallims* who claim that the *i’jaz* of the Qur’án is proof of the fact that it is God’s work and evidence of the prophethood of Muhammad. He considers that it is a *mu’jizah* because it is the work of God, and follows in this argument the line followed by Bindar al-Farisi as reported by al-Tawhidi (see *al-Itqan* by al-Suyuti, the chapter on *i’jaz*, Vol. II, pp. 198-212). The characteristic thing about Ibn Hazm in this respect is that he used very strong arguments in replying to those who based the *i’jaz* of the Qur’án on its literary qualities. I think he put his argument very cogently and effectively on this point.

Al-Khafaji

Another leading writer on the theory of the *i’jaz* of the Qur’án is Ibn Sinan al-Khafaji of Aleppo (466 A.H.—1073 C.E.). His views on this subject are contained in a book entitled *Sirr al-Fasahah* (The Secret of Eloquence). He maintains that the art of eloquence is something which an accomplished literary person must master in order that he may be able to express himself adequately (see *Sirr al-Fasabah*, pp. 3-4). He also considers that eloquence is needed for mastering the religious sciences. He then says that proof of the prophethood of Muhammad is in the eloquence of the Qur’án, and refers to the two main views that had been expressed on the *i’jaz* of the Qur’án. One view was that the Qur’án reached a standard of eloquence unknown before, and that a knowledge of the art of eloquence would be needed to appreciate this fact. The second view was that the Qur’án was a *mu’jizah* by virtue of the fact that the Arabs were prevented by *surfah* from matching it. He says that Musaylamah’s Qur’án was not of the same calibre as the real Qur’án, and that a knowledge of the art of eloquence would indicate the inferiority of Musaylamah’s Qur’án.

Al-Khafaji refers to al-Rummani’s classification of writing into three categories : contradictory (*mutanafir*), harmonious in the intermediate degree (*mutala’im fi al-tabaqah al-wusta*) and harmonious in the upper degree (*mutala’im fi al-tabaqah al-ulya*). He rejects this classification and adopts instead a classification into two parts — contradictory and harmonious. He says that some of the text which can be placed in the category of the harmonious was of varying degrees of harmony. He disagrees with the view that the Qur’án was harmonious in the upper degree, while other works (and by this he means all the works of the Arabs) were harmonious in the intermediate degree. He states that there would be no great difference between the Qur’án and literary works chosen for their eloquence, and that among the literary achievements of the Arabs from the point of view of eloquence can be found things that can match the Qur’án on this point. He thus rejects al-Rummani’s argument that the *i’jaz* of the Qur’án could be proved through its eloquence. A better proof of the *i’jaz*, in his opinion, would be *surfah*, and of this he says : “If we go deeper into our study we find that the *i’jaz* of the Qur’án lies in the fact that the Arabs were prevented from matching it (*surfah*), and that they were denied the knowledge by which they could have matched the Qur’án at that

time." This is the same opinion as that expressed by al-Sharif al-Murtada on *surfah*, which, as I have indicated earlier, is slightly different from that of al-Nazzam.

Al-Khaffaji further comments on al-Rummani's view that the Qur'an is made up of terminology which had been in current use among the Arabs, whether it be claimed that the Qur'an is in the upper or the intermediate level of eloquence. He does not consider that the Qur'an has any special quality as regards the harmony of the words, and says that, in his opinion, the terminology in some cases is contradictory, and he gives several examples of this.

Al-Khaffaji rejects the view that all the parts of the Qur'an are in the nature of *mu'jizah*, and equal in that respect. He maintains that some parts of the Qur'an are more eloquent than others, and gives several examples to substantiate this from verses of the Qur'an. He says on this: "If it be accepted that Almighty God creates two faces, one better than the other, why not accept that God would make two types of speech, one more rhetorical and eloquent than the other?" The various parts of the Qur'an in al-Khaffaji's view are therefore on different levels as far as their eloquence is concerned. He sees no objection to this, for he argues that the Bible, the Gospels and the Psalms, which are the words of God, were not *mu'jizahs* from the eloquence aspect, and he adds that some parts of these are more eloquent than others. He finally concludes that the *i'jaz* of the Qur'an lies primarily in *surfah* — that the Arabs were prevented from matching it — and not in the fact that its qualities in the sphere of rhetoric and eloquence were unattainable by human beings.

The views of al-Khaffaji can be summed up by saying that he does not consider that the eloquence of the Qur'an is sufficient evidence of the fact that it is a *mu'jizah*. He believes in *surfah*, as argued by al-Murtada, and holds that some parts of the Qur'an are more eloquent than others. This last opinion is generally held to be correct, and has been supported by Ibn Hazm, as we have seen earlier.

'Abd al-Qahir al-Jurjani

'Abd al-Qahir al-Jurjani champions the view that the style of the Qur'an is indicative of its *i'jaz*. He devotes serious study to the literary style of the Qur'an and also to the meaning behind it. He was, of course, a distinguished *litterateur*, and for this reason this study was something he was qualified to do. Many scholars hold the view that al-Jurjani was the first to write a systematic and scientific treatise on rhetoric. His book, *Dala'il al-i'jaz*, shows that the science of rhetoric owes its origin mainly to the study of the Qur'an. Al-Jurjani wrote this treatise for a specifically religious purpose — to prove the *i'jaz* of the Qur'an. He discusses at length many points in rhetoric and grammar, and says that it would be very difficult for anyone to appreciate the *i'jaz* of the Qur'an until he could discriminate regarding the various levels of rhetoric. Al-Jurjani wrote another treatise on rhetoric, called *Asrar al-Balaghah*, and in this he further pursued the points he discussed in his previous treatise on the *i'jaz* of the Qur'an. He also devoted special attention in the later work to a discussion on the spiritual qualities of the rhetoric of the Qur'an and the way in which the message of the Qur'an had been conveyed.

The views of al-Jurjani can be summarised as follows:

1. The *i'jaz* of the Qur'an is not based solely on the literary aspect, nor on the ordinary literary qualities of its terminology. The *i'jaz* of the words of the Qur'an lies not in

the ordinary meaning of these words or their beauty, but in the beautiful picture which these words convey and the profound significance which they imply, and in the effect which the words of the Qur'an as a whole have. It is the Qur'an as a whole which is inimitable and which is a *mu'jizah*. He deals with this matter at great length, and it has been said in criticism of his that he neglected the musical beauty of the words and style of the Qur'an, and devoted too much attention to the meaning. In this he was probably replying to his critics, who had over-emphasized the aspect of the beauty of the words of the Qur'an, by himself exaggerating the other aspect regarding the beauty of the meaning.

2. 'Abd al-Qahir al-Jurjani says that the Prophet Muhammad made a challenge to the Arabs, and that the Arabs knew exactly what was meant by this challenge, but did not find it possible to meet it.

3. The *i'jaz* of the Qur'an does not lie in the meaning of individual words, but in the combination of these words and their purport as a whole. It is thus inappropriate to examine the qualities of single words and compare them with words in other works, and Musaylamah's Qur'an for this reason cannot be used for comparison.

4. The *i'jaz* of the Qur'an does not lie in its punctuation and rhythm, for this is not more difficult than the rhyme in poetry. The Arabs had produced works which were similar to the Qur'an as regards the punctuation and the rhythm (perhaps he means here the works of al-Ma'arri (d. 1057 C.E.) — see *Dala'il al-i'jaz*, pp. 296-297).

5. Al-Jurjani mentions the views of al-Jahiz (*Dala'il al-I'jaz*, p. 298) that the Arabs had appreciated the fact that the Qur'an was a *mu'jizah*, and that they found it impossible to match. Al-Jurjani says that the Arabs considered the *i'jaz* of the Qur'an to lie not in its punctuation or rhyme but in other respects. Thus, when they contemplated over such a verse as "And there is life for you in punishment, O men of understanding, that you may guard yourselves" (2:179) they were impressed not by its terminology but by its very profound meaning.

6. Al-Jurjani criticizes those who believe in *surfah* (*Dala'il al-I'jaz*, p. 299).

7. The *i'jaz* of the Qur'an does not lie in its rhetorical qualities, and that some of the terminology used in the Qur'an, taken separately, does not appear to have any distinct characteristics in this respect. He adopts here the view of al-Baqillani.

8. Al-Jurjani rejects the view that the *i'jaz* of the Qur'an lies in its use of unfamiliar words, and likewise rejects the view that it lies in the use of very simple words (*Dala'il al-I'jaz*, p. 304).

9. The *mu'jizah* of the Prophet Muhammad is the excellence of the rhetoric of the Qur'an, and this was appropriate in view of the fact that the *mu'jizah* of a prophet should reasonably be something known to his people and appreciated by them (*Dala'il al-I'jaz*, p. 365).

10. Al-Jurjani rejects the view that the Qur'an is a *mu'jizah* simply because it is the word of God — the view held by Ibn Hazm and Bindar al-Farisi (*Dala'il al-I'jaz*, p. 389).

11. Al-Jurjani does not reject the view that the simplicity of words and the ease in their pronunciation are good literary qualities, but he disagrees with the view that the *i'jaz*

of the Qur'án lies mainly in this respect (*Dala'il al-I'jaz*, p. 401).

12. Al-Jurjani maintains that for the full appreciation of the excellence of the rhetoric of the Qur'án and the profound meaning of its words it is necessary to have some knowledge of the literary attainments of the Arabs (*Dala'il al-I'jaz*, p. 418).

Many scholars agree that in his books — *Dala'il al-I'jaz* and *Asrar al-Balaghah* — 'Abd al-Qahir al-Jurjani set the trend for subsequent writers on this subject. His views were always very highly respected. It is true that his idea — that the *i'jaz* of the Qur'án cannot be demonstrated in a mathematical or very tangible form, and that it needs good sense and good taste to be appreciated — did not have practical precision, and could not be readily conceded by everybody. But it was an idea that lacked the uncompromising rigidity of previous scholars on the *i'jaz* of the Qur'án. It helped the believer in the Qur'án to further strengthen his belief in it, but it could not impress the one who did not initially believe in the Qur'án. The reason, of course, is that this aspect of the *i'jaz* of the Qur'án could only be appreciated where there was sympathy with the Qur'án, and this naturally is lacking in non-Muslim or in the enemies of Islam who might probably find a sacred book of their own more eloquent than the Qur'án and a better example of *i'jaz* than the Qur'án. Views on such imprecise things as the qualities of good taste and beauty cannot be shared by everybody, and there can be no uniform or standard opinion on such matters which vary with both time and place. Abd al-Qahir al-Jurjani's views on the *i'jaz* of the Qur'án therefore do not appear for this reason to be very

decisive on this subject, and they have not always been conceded. But his views on this subject were at least original. He was the first to argue that the *i'jaz* of the Qur'án lay not in the words but in their meaning. His discourse on rhetoric was very helpful in understanding this aspect of the qualities of the Qur'án. These views were taken up by subsequent scholars, and given a rather rigid and hollow texture which placed less emphasis on the beauty of the meaning, and exaggerated the mechanical aspect of the science of rhetoric. But in recent writings on the science of rhetoric it would appear that al-Jurjani has been reinstated, and his works accepted as the basis of this science in preference to the views of subsequent scholars.

To sum up the progress of the study of *i'jaz* in the fifth century A.H. (eleventh century C.E.), it can be said that many of the writers on *i'jaz* in fact did no more than collect together the views of earlier scholars, or imitate earlier scholars. Of the scholars who dealt with this subject, Ibn Hazm argued that the Qur'án was a *mu'jizah* because it was the words of God while Da'i al-Du'a claimed that the *i'jaz* of the Qur'án lay in the wisdom it demonstrated. During the days of 'Abd al-Qahir al-Jurjani it was clear that many scholars favoured the view that *i'jaz* was demonstrated in the beauty of the words used in the Qur'án. Al-Jurjani considered this to be a threat to the *i'jaz* of the Qur'án, because it might be possible to match the Qur'án in this limited respect. He argued that the *i'jaz* lay not only in this respect but in the beauty and excellence of the meaning as well. Another writer, Ibn Sinan al-Khafaji, argued that the *i'jaz* of the Qur'án did not demonstrate itself solely in its eloquence, and that the explanation of the *i'jaz* of the Qur'án was in the theory of *surfah*.

"IN SEARCH OF OUR LOST CAMEL" — Continued from page 4

bation officers, moral welfare workers and mental health workers are available to them for special advice.

The "Women's Voluntary Service" was started during the Second World War and is still continuing the good work. It has 1,500 centres. Apart from the various services that the members of this organization render, they also render a very useful service by way of a liaison between the statutory services and the public. The police and the local authorities seek their help in running rest centres, making feeding arrangements and providing clothing for the needy.

The present highly-organized social services in Great Britain owe their origin to very humble beginnings started on voluntary bases by individuals drawing their inspiration from their religion.

Islam also can boast of a number of social workers in its fold. But on the whole the Muslim countries need drastic changes in their approach to social work. Experience shows that didactic teaching alone is not enough in this field. Organizational technique is also essential to make it work. Prayers and fasting of a Muslim should serve as a means to strengthen him for the service of humanity. The Prophet Muhammad seemed to be pointing to the same theme as when

he said :

"A giver of maintenance to widows and the poor is like a bestower in the way of God, better than an utterer of prayers all the night, and a keeper of constant fast."

Here is yet another example — Marriage Guidance Council. In 4 : 21, the Holy Qur'án calls a marriage a *mithaq*, or an agreement between the husband and the wife. It lays down elaborate rules and regulations governing the institution of marriage. In 4 : 13 these rules have been given the status of God's covenants. According to a Hadith recorded by Abu Dawud in his *Sunan* (13 : 3), "of all the things which have been permitted, divorce is the most hated by God".

Out of all this elaborate codification of the Qur'anic laws governing marriage and divorce, the best the Muslim masses could get for their benefit has been a licence to marry four wives and a very convenient formula of repeating three times in the same breath "I divorce thee"! All this despite the fact that no other religious book has laid so much emphasis on the sanctity of a happy home than the Qur'án. It has laid so much stress on reconciliation of the dissenting couples that divorce becomes only the last resort.

The Development and Nature of Sufism in India and Pakistan

A Comparison Between the Orders of The Christian Church and Sufi Orders in Islam

By A. R. I. Doi, M.A., Ph.D. (Cantab)

The role of religion is engaging the attention of many intellectuals in the East and the West

The disillusionment of our age has brought religion into focus of thinking of many intellectuals. Whereas not so long ago, those same circles would have regarded religion and any movement connected with religion as *passé* and beyond the scope of their interest, today it is engaging their serious attention both in the East and in the West.

In the world torn by strife and fearful of the cataclysm of atomic war, many people look to religion for peaceful and social salvation. In utter helplessness men have always raised their hands to God when no other source of help remained conceivable. But what is the specific relationship between man and God? How can this relationship between 'Abd' and *Ma'bud*ⁱ be established? How can it help man to achieve a better world?

For many centuries the dominant religions of the world have proclaimed the brotherhood of man and peace in the world; why are we so far from having achieved brotherhood and peace? Is there something wrong with religions? Must we, perhaps, change our religious organizations? Can we expect all mankind to have one religion — and, if not, how can the different religions live at peace with one another and co-operate in improving human life? What is the role of religion in human life and is it fulfilling that role?

These are some of the questions faced by great thinkers of the past and the present alike. The famous works like *Al-Munqidh Min al-Dalal* (Deliverance from Error) by al-Ghazali will prove how such great reputed scholars were confronted with these questions which ultimately made al-Ghazali to resign his academic position at the Nizamiyyah University and to resort to Sufism. This is not confined to those only to whom the honorific title of "intellectual" can be applied (as it is unfortunately done by Professor Montgomery Watt in rendering al-Ghazali as a mere intellectual).ⁱⁱⁱ People everywhere from time to time are concerned with such questions because the problem of the role of religion in our civilization is a universal one.

Sufism, as al-Ghazali came to the conclusion, provides answers to many of the above questions. It is beyond my scope to trace the history of Sufism in this article, but in the light of the foregoing introduction to this dynamic religious force called Sufism, it is now possible to review in detail the development and role of Sufism in India and Pakistan.

We shall certainly not succeed very well in our endeavours to trace the development of Sufism in India, if we begin by wanting to track down the arrival of the very first Sufi, or even the very first Sufis. It should be recalled that in the era of the Companions of the Prophet, of the

first Muslims, and of the succeeding generation, it was inconceivable that there should have existed any distinct group of persons exclusively dedicated to the asceticism of the Mystical Way. Indeed, this was already the very era of asceticism and mysticism, by means of which the zeal of the first Muslims was fired. It was only with the second generation, the initial zeal having now begun to burn low, that a return to the original Path of Salvation was called for in order to rekindle the light of the Prophet. Those few who had the courage to turn aside from the spirit of worldliness to rediscover their Faith in its full purity, earned for themselves the title of Sufi. They may have stood apart from their own generation, yet in the company of the Muslims of the "first hour" they would have had everything in common.¹ Al-Ghazali was able to reduce this "everything" to its barest essentials: "Know, moreover, that mysticism requires two qualities: correctness with God and forbearance towards men."²

Within five years of the death of the Prophet Muhammad, Muslims had reached the Malabar coast of India

It has been established fairly accurately that there were casual contacts between Islam and India even within five years of the death of the Prophet, and possibly earlier. This fact is borne out by the discovery of certain unidentified tombs at Kerala, off the Malabar Coast, indicating that the Muslims had passed that way.³ Clearly at this juncture, these early Muslims had not journeyed so far because of political motives, but rather as peaceful traders and missionaries.⁴ Nor do we need to look for any Sufis among their company, since this was the pre-Sufi era,⁵ when the essential vitality and dynamism of Islam were fresh and vibrant in the lives of the faithful. However casual these contacts may have been, we can nevertheless appreciate that they will have had their "impact on the life of that area — an impact on the life of India as a whole".⁶ The next significant contact is mentioned by Baladhuri (d. 279 A.H./892 C.E.) where we find a band of Arab Muslims reaching Tana (Thana) near Bombay, in the time of the second Caliph of Islam, 'Umar I (15 A.H.—636 C.E.).⁷ 'Uthman Ibn Abi 'l-'As al-Thaqafi, a companion of the Prophet, sent this expedition under the command of his brother al-Hakam Ibn Abi 'l-'As al-Thaqafi, who also was a companion of the Prophet.⁸ 'Uthman's other brother al-Mughirah headed a similar expedition against Barwas (Broach in Gujarat) and then to the Gulf of Daybul (Dibal).⁹ During the course of these expeditions and after, a number of Companions of the Prophet are reported to have visited India. They were: 'Asim Ibn 'Adiy, al-Hakam Ibn Abi 'l-'As al-Thaqafi, 'Abd Allah Ibn 'Utbaan, 'Ubayd Allah Ibn Ma'mar al-Tamimi, 'Abd al-Rahman Ibn Samura Habib and

Sinaan Ibn Salma al-Hudhali. Surely, the visit of the Muslims of the first-hour to the Indian Coast must have left a great impact on the life of the people.

Little is known of the social, political and cultural activities of the early Muslim settlers in India

Unfortunately, a complete absence of written records must leave us ignorant of the social, political or cultural activities of these early Muslim settlers in India¹⁰; nor are we any better informed concerning the Arabs dispersed over the coastal areas and their colonial affairs.¹¹ It is really not until the occupation and acquisition of Sindh and Multan to form the extreme eastern province of the extensive Arab Empire of the Umayyads, that the era of Muslim India properly comes into being.

An interesting story is told by the author of the *Tadhkira-i-'Ulama-i-Hind* that during Walid's reign, Hajjaj Ibn Yusuf al-Thaqafi killed 5,000 saints and scholars. A group of the Quraysh of Madinah migrated and settled on the coastal area of the Indian Ocean. The Nawaa'it tribe originates from them, the tribe to which Mulla 'Ali Mahaa'imi of Mahaa'im, Bombay (d. 835 A.H.—143 C.E.) one of the early Sufi-scholars to be influenced by Ibn al-'Arabi's philosophy, belonged.¹²

It was the young Arab general Muhammad Ibn Qasim, during the period of Walid Ibn 'Abd al-Malik in the year 93 A.H.—711 C.E.¹³ who was appointed to lead the forces of occupation into the territories of Sindh and Multan to join the extensive Arab Empire "as their extreme Eastern provinces".¹⁴ In his work *Majma' Al-Shu'araa* (5th century, A.H.—11th century C.E.), Marzabaani has left a very favourable portrait of the young general. Outside his soldierly activities he appears to have been a man of excellent literary tastes, and himself a competent poet. It is quite conceivable that such a man would have gathered about him, by invitation and natural attraction, companions of a similar spiritual refinement. Though there is no evidence that he was not as competent a general as he was a scholar and poet, he was soon dismissed by Sulayman, the brother of Walid, who succeeded the latter at his death in 96 A.H.—713 C.E. The new mandate was handed to another general, Yazid Saksaki. According to Ibn Khaldun, this was the retort with which Muhammad Ibn Qasim received his dismissal:

"*Lau kunto ajma'to al-Qaraara la wutti'at, 'Unaathun U'iddat li 'l-waghaa' wa Dhukooroo.*"¹⁵

Sufis in Sindh and the Panjab under the Abbasid and Ghaznavid rule

Sindh remained under the Arab possession for some time until Mu'tamid (256 A.H.—279 C.E.) conferred the government upon Ya'qub Ibn Layth, the founder of the Safarid House.

For the next 200 years, the provinces of Sindh and Multan continued to be governed through the 'Abbasid Dynasty, until its decline towards the end of the 4th century A.H. (10th century C.E.). It was within this period of decline that Maqdisi¹⁶ travelled through Sindh. Though the work in which he has recorded his impressions is more than anything a topographical study, he does, however, try to give details of some of the notable saints and scholars residing in India at the time. According to the author, these men of learning came principally from Iraq and Syria,¹⁷ a region long famous for its assimilation of Greek thought, and which the Christian Syriac Church had helped to promote up to the time of the Schism.¹⁸

The political upheaval which finally achieved the fall of the 'Abbasid Dynasty, to be followed by the rule of the

Ghaznavids in India, in no way extinguished the torch of learning lighted for the first time by Muhammad Ibn Qasim. During its 200 years of dominion, the Ghaznavid rule succeeded in Islamicizing virtually the whole of India. One of the dominant personalities of this rule was the ruler himself, Mahmud of Ghazna (d. 431 A.H.—1030 C.E.), about whom a number of legends have been handed down to us, helping to illustrate how this Islamic ascendancy took place.¹⁹ His court boasted the company of 700 poets. Before engaging in battle, it was his custom to prostrate himself in the presence of God, while requesting the blessing of some saintly personage. It is known that he never sought to convert anyone by force; in the words of Blunt "although he broke the idols, he spared the idolators", and if he must on different occasions have taken the lives of innumerable Hindus, it was never because they happened to be infidels, but as one of the inevitable consequences of armed conquests.

During these two centuries of Ghaznavid rule, Lahore became an important centre of Islamic learning. However, it is likely that by this time learning and piety were not necessarily synonymous; whenever this was the case, it was wherever a scholar had come to link his learning to the infused knowledge inspired through his experiences accumulated along the stages and states of the Mystical Way. Certainly, it was the Sufis who, by their sincere lives of devotion, ensured that the Faith of Islam should not entirely lose its Divine flavour, while immersing itself in wordly enterprises. We now begin to encounter in India a number of prominent Sufis.

Husayn Zanjani, Abu 'Ali al-Sindi

In the beginning of the 5th century A.H., there was the Shaykh Husayn Zanjani who came to Lahore to establish a school of his thought.²⁰ When he died in c. 431 A.H.—1039 C.E., the Shaykh 'Ali Hujwiri (d. between 465 and 469 A.H.—1070 C.E.),²¹ his spiritual brother and heir, was able to continue what had already been begun by the founder. Hujwiri himself was the contemporary of Abu 'l-Qasim, *Al-Risalah*, and much of his own thought and doctrine, was drawn from that work.²² Also there are many legends still circulating concerning the sermons of a Sufi named Masu'd Ghazi, which were the achievement he merited for his preaching ability. Another early Sufi of note is the Shaykh Wandol Lahori, mentioned in the *Fawaa'id al-Fu'aad*²³ of Amir Hasan (707-22 A.H.—1307-1312 C.E.).

If we believe that Abu 'Ali al-Sindi was an Indian Sufi, it also follows that he was the first Sufi of India. But, it is an established fact now that he was not an Indian, nor was his mystic philosophy typically Indian. Professor Zaehner has tried to draw a wrong conclusion that the earlier Sufis were influenced by the Hindu mystics and their Vedantic Philosophy of "Aham Brahmasi"²⁴ basing his theory on a premise that Abu Yazid al-Bistami learnt the mystic sciences from Abu 'Ali al-Sindi, who was an Indian from the Indian province of Sind. Certainly Abu 'Ali was not an Indian, but he might have come from another village of the same name as *Sind*, near Bistam.²⁵ There is also a possibility that instead of *Sindi*, it could be *Suddi*.²⁶ Some of the Sufi biographers have also committed the same mistake and have considered Abu 'Ali as the first Sufi in India.²⁷ Such a conclusion as that drawn by Professor Zaehner rests upon a common misunderstanding.

By the 12th century C.E. the missionary activities of the Sufis in India enrich Islam with a strong mystical tradition

With these introductory remarks regarding the advent of the Sufis in India, let us examine their missionary acti-

vities. It could be a source of wonder that Islam never seriously aroused any violent sentiments of hatred or resentment in the peoples of India whom they brought under their sway.²⁸ One would have imagined that the natives possessing already a rich spiritual heritage would have quickly discovered in these Muslim visitors no more than a very shallow devotion, which was to all appearances dedicated primarily to the cause of extending the Muslim Empire. This might indeed have been the impressions formed upon the native peoples of India, had it not been for the ever-present Sufi element accompanying the spread of Islamic ideologies, and to which they must have acted as the perfect ambassadors. When one set of religious beliefs and practices is put in opposition to another, there is immediate antagonism and conflict. Yet, as it has been pointed out by Sir Hamilton Gibb, Islam came to be embraced by a variety of peoples and races, resulting in a strong feeling of brotherhood, with a measure of harmony, irrespective of the country, race or their original belief.²⁹

The Sufis themselves may have been responsible indirectly for a great number of conversions to Islam. But it was not primarily to effecting conversions that they dedicated their lives. By their devotion to spiritual realities, the Hindus would have immediately recognised them as true seekers of knowledge: "Therefore," says the Gita, "devotion and knowledge will follow."³⁰ Thus, the Sufi and his Hindu Vedantist counterpart would have readily discounted their formal differences, as soon as it had been recognised that each was fundamentally pursuing an identical destination. There would have been sympathetic exchanges, and the Sufis would have eagerly applauded the mystical element of the Vedic texts, and more so when these texts were accompanied by the interpretations of one like Shri Shankra Acharaya. As an exponent of the Vedas, Shankra, in the opinion of Titus Burckhardt, has an importance equivalent to that of Ibn al-'Arabi in relation to Sufism.³¹ And so, in time, it was as if Islam, whose true spirit was best personified in the lives of the Sufis, had gradually come to heed the sentiments of Kindi (9th century C.E.) when he says: "We should not be timid in praising truth and in seeking it, from wherever it may come, even if it be from distant races and people different from us."³²

However, by the 12th century C.E., a long line of distinguished Sufis had enriched Islam with a strong mystical tradition. Those of whom we hear most, are the ones who have left written testimony of their mystical experiences; when they wrote, moreover, it was mainly out of a feeling of duty and concern towards their immediate circle of devotees, for whom they had come to fill the role of Spiritual Master. At the same time, there were countless worthy Sufis whose hidden lives in contemplation, in "hunger, silence, and sleeplessness",³³ were to receive only the acclaim of God Himself.

We have already mentioned a few of the notable Sufis who knew also the satisfaction—if perhaps in their own eyes superfluous—of receiving public acclaim. These, and the others we shall shortly be presenting, are as landmarks of the development of Sufism in the continent of India. In particular, however, it was these powerful personalities who sowed the seeds for the steady growth of the Sufi Orders, and Mystic Fraternities. These Sufi Orders trace back their origin to Muhammad. Shah Wali Allah Dihlavi, an eminent Indian Sufi scholar, says: "It should be made evident that one of the bounties of God on the Community of Muhammad (may benedictions and salutations of God be on him) is this that

till today the chain of the Sufi Orders correctly reach back to the Prophet intact, even though the earlier community had differences of opinion in certain respects with the later community."³⁴

An outline of the differences between Orders of the Christian Church and Muslim Sufi Orders

It would be simple to draw close parallels between the spiritual counsels of the founders of the Orders of the Christian Church, and those of the founders of the Sufi Orders; this does not, however, imply that the Sufis, by belonging to an Order, were ever resident or itinerant members of a monastic community. In the Christian Church the Religious Life, in its strict sense, is only open to those who are prepared to renounce absolutely the human rights to own property, and to raise a family.³⁵ In the case of Islam, there has never been any question of setting in contrast the religious and the secular state, since the Prophetic Tradition is emphatically otherwise. "Marriage is my tradition; so whoever digresses from my tradition is not from amongst me."³⁶ The Sufi, therefore, though he has chosen to be initiated into one of the Orders, has not, as the monk has done,³⁷ finally vowed away his human rights in the world. Al-Sarraj tells us the "Sufi differs from the ordinary Muslim only in laying greater stress upon the inward life of which the formal acts of worship are an outward expression"³⁸ It is for this reason that it is not compulsory for an initiate to reside in the *Khanqah* or *Riba'at* (convent), and "a relatively small number of Professional Sufis reside in the lodges established for teaching and worship; the preponderant majority of adherents to the Orders and lay brethren, fully engaged in their mundane occupations, who prove their support by attending the ritual performances",³⁹ and who are especially instructed to observe the obligatory practices of Islam in general, and the Sufi practices like "Remembrance" (*Dhikr*) in particular. It was this practical aspect of Sufism that made Islam readily acceptable to the multitudes of India who were tired of the Buddhist, Jainist and Vedantic extremism in the matter of faith and practice.

The corporate spirit of one brotherhood among the multifarious followers of Islam is to the non-believer one of the most striking characteristics of this Faith. It is only men of great spiritual power, or the vain and proud, who can afford to seek perfection in isolation. A Muslim community is always a closely-knit, interdependent one, socially, economically, and in the devotional practices of its common faith. The Muslim, and to an even greater degree the Sufi will be aware of the need to pool his spiritual resources with his brethren, since for all there is to be only this one human life-span in which to realise salvation in union of being with God. The Hindu or the Buddhist, on the other hand, is not affected by the same sense of urgency, either as regards his own "liberation" or that of his fellow-beings.⁴⁰ Moreover, it is open to the Hindu or Buddhist to postpone the call to the full ascetic life of non-attachment until the moment when he has accomplished his household responsibilities. The Sufi, whereas, must know how to live in non-attachment despite his household responsibilities. Left to his own devices, a disciple of the Sufi Way would be in constant danger of losing his former purity of intention; or he might easily grow proud and aloof. The community life of the Mystic Orders, Fraternities, and Remembrances exactly serve to preserve the disciple from such dangers and illusions; and although there is no material "Cenobium",⁴¹ there remain essentially all the unifying factors of the full Cenobitic Life,⁴² effected through a personal and corporate promise of obedience to

the *Murshid*,⁴³ or Spiritual Master, himself delegated by Divine Providence to unfold to the initiated of a particular Order the innermost spiritual implications of the Prophetic Tradition.

Why there were no uneven tensions in the meeting of the two cultures — Hindu and Islamic

Prior to the final establishment of Muslim rule in North West India, and even subsequently, there will have been many uneven tensions in the meeting of two cultures so blatantly disparate according to their bases of thought and expression. It was the kindly, non-interfering attitude of the Sufi which succeeded in stilling the waves of hostility and resentment. Their success was not the outcome of a collective policy put into operation through the network of Sufi Orders. It was of "an entirely individualistic character, based on their personality and piety; and they carried on their work by peaceful means, following the wake of traders and merchant princes, on the routes by sea and by land, from West to East, and North to South, and penetrating into regions where Muslim rule did not exist at all".⁴⁴

But it was the secret regions of the hearts of men, rather than territorial regions, that the Sufis were able to penetrate. They did not concern themselves with theological disputations, whether in the presence of their own Muslim brethren or of nonbelievers. The truth upon which their lives were

centred was an "untroubled" truth,⁴⁵ unconcerned with justifying itself rationally through the media of human communication. It should not surprise us, therefore, if we find it recorded that Sufis, when they gather together, distinguish themselves more by their mutual acts of kindness, than by their enlightened conversation.⁴⁶ Also it should not surprise us to find that the Orders are able to welcome people from all possible walks of life, whether courtiers or artisans, poor or rich, learned or illiterate, civilized or barbarian,⁴⁷ and to include even the non-caste Hindus commonly known as *Ashuddha* (unclean) and *Achhut* (untouchable). "One might assert, with every justification from the historical angle, that outside of a relatively narrow circle, the survival of official Islam as a religion in any true sense between the thirteenth and eighteenth centuries was due to the nourishment which it drew from the Sufi brotherhoods."⁴⁸ The sole condition for admission was purity of heart and intention. It was understood that a Hindu candidate could not be expected to forsake unconditionally each and all of the religious practices which were the expression of his own religious heritage. Of course, he needed to be weaned gently away from idolatry into a montheistic outlook, following which his former demi-Gods would gradually fall into significance. And so, wherever there was clearly no question of contravening the fundamental principles of Islam, the Sufis allowed generous concessions to the Hindu.

(To be continued)

FOOTNOTES

i & ii Two Arabic words meaning slave and the One Who is worshipped — God.

iii See *Muslim Intellectual*, Edinburgh, 1963.

1 See *Introduction to Al-Ghazali's "O Disciple"*, by Georges H. Scherer, p. XXIV. (Collection UNESCO), Imprimerie Catholique, Beyrouth.

2 Al-Ghazali's "O Disciple", p. 48.

3 See Dr. Humayun Kabir's lecture delivered at Zahira College, Colombo, Ceylon, on 9th May, 1959 — reviewed in *Indo-Asian Culture*, Delhi, for January 1961.

4 T. W. Arnold reports on the authority of Zain al-Din (16th century historian, pp. 34-5) that the first missionaries to introduce Islam into Malabar were "a party of pilgrims on their way to visit the foot-print of Adam in Ceylon. On their arrival at Caranganore the Raja sent for them and the leader of the party, Shaikh Sharaf b. Malik, who was accompanied by his brother, Malik b. Dinar, and his nephew, Malik b. Habib, took the opportunity of expounding to him the faith of Islam and the mission of Muhammad, and God caused the truth of the Prophet's teaching to enter into the king's heart and he believed therein; and his heart became filled with love for the Prophet and he bade the Shaikh and companions come back to him again on their return from their pilgrimage to Adam's foot-print". The narration goes further showing the devotion of the king and the return of these Muslims and their peaceful missionary activities." See *The Preaching of Islam*, London, 1935.

5 Cf. *Kitab al-Lum* by Abu Nasr al-Sarraj, ed. R. A. Nicholson, p. 23, London, 1914.

6 Dr. Humayun Kabir's lecture, *op. cit.*

7 Baladhuri says in *Futuh al-Buldan*, p. 438.

8 *Isabah*, vol. I, pp. 703, 708; Dhahabi, *Tajrid Asma' al-Sahabah*, vol. I, p. 144, Hyderabad, 1315 A.H.; also *Chach Nama*, English tr. Mirza Kulich Beg, pp. 57-58, Karachi, 1900.

9 Baladhuri, *Futuh al-Buldan*, tr. F. C. Murgotten, pp. 209-10, New York, 1924. Elliot, *History of India*, vol. I, p. 416.

10 See Introduction to Ma'sum's *Ta'rikh-i-Sind*, by Dr. U. M. Daudpota, Poona, 1938.

11 Cf. *Muslim Colonies in India before the Muslim Conquest*, vol. 8, pp. 474-600; also see Dr. Sulayman Nadavi's work *'Arab wa Hind ke Ta'alluqat*, Dar al-Musannifin, A'zamgadh, India, 1943.

12 See *Tadhkira-i-'Ulama-i-Hind*, Lucknow, 1914, p. 147, The Life of Mulla 'Ali Mahaa'imi.

13 Ibn Athir, *Kamil*, vol. IV, pp. 118-119.

14 See Prof. Mirza Muhammad Yusuf's article "Influence of Indian Sciences on Muslim Culture" in *Islamic Culture*, Hyderabad-Deccan, India, vol. XXXVI, No. 2 for April 1962.

15 Quoted from Ibn Khaldun by the Maulana Sharar in *Ta'rikh-i-Sind*, p. 249, Pakistan.

16 See *Ahsan al-Ta'asim fi Ma'rifah li 'l-'Aqaaleem*, pp. 471-472.

17 See K. M. Ashraf's Ph.D. Thesis in the Univ. of London, 1932, entitled *Life and Conditions of the People of Hindustan*.

18 See Soheil M. 'Agnan, *Avicenna*, Introduction, pp. 14-15, London, 1958.

19 Elphinstone, *History of India*, p. 336; also Stanley Lane-Poole, *Mediaeval India*, pp. 18, 32, London, 1926; Blunt, E. A. H., *The Caste System of Northern India*, p. 174, London, 1931.

20 *Ta'rikh-i-Musalmanan-i-Pakistan wa-Bharat*, by Sayyid Hashimi Faridabadi, p. 143. Aujuman-Taraqqi-i-Urdu, Pakistan, 1959.

21 See R. A. Nicholson's Preface to the translation of *Kashf al-Mahjub*, London, 1911, p. xix.

22 Cf. *Kashf al-Mahjub* by al-Hujwiri, tr. Nicholson, p. 167; also see the Preface (*supra*): "The *Kashf al-Mahjub* contains a Persian rendering of some passages in the *Risalah* of Qushayri, in whom al-Hujwiri seems to have been personally acquainted", *supra*, p. xxiii.

23 Quoted on the authority of *Fawa'id al-Fu'ad*, p. 55. See *Ta'rikh-i-Musalmanan-i-Pakistan wa Bharat*, *op.cit.* p. 143.

24 R. C. Zaehner's *Hindu and Muslim Mysticism*, London, 1960.

25 Ritter's article on Abu Yazid, *Encyclopaedia of Islam*, pp. 162-3; also see Professor Arberry's article "Bistamina" in *Bulletin of the School of Oriental and African Studies*, University of London, vol. xxv, 1962; also Arberry's *Revelation and Reason in Islam*, pp. 90-91.

26 Cf. *Tabaqat al-Sufiya*, foll. 4.

27 Dara Shikuh's *Hasanat al-'Arifin*, fol. 8; Hasani, *Nuzha al-Khawahir*, *op. cit.*

28 Cf. M. N. Roy's *The Historical Role of Islam*, especially the last chapter, 3rd edition, Calcutta, 1959.

29 Cf. Sir Hamilton Gibb, *Muhammedanism*, p. 22, London, 1942.

30 The Bhagavad Gita, p. 54.

31 See Preface to *An Introduction to Sufi Doctrine*, by Titus Burckhardt, tr. by D. M. Matheson, Lahore, 1959.

32 Kindi, *Rasaa'il*, Vol. 1, p. 103. Quoted from S. M. 'Afnan, *Avicenna*, p. 25, London, 1958.

Continued on page 18

BOOK REVIEW

FAREWELL TO ARABIA, by David Holden. Published by Faber & Faber, 24 Russell Square, London, W.C.1. Price 35s.

The title of the book is very appropriate to what the author has to say in his book. It is simply a farewell to the old, succumbing Arabia which is being overtaken by the new kind of Arabia: the Arabia of twentieth century, of the jet age and movement. The picture portrayed is that of Arabia essentially revolutionized by the advent of electricity, motor vehicles, telephones and cable service, banking facilities, the police system, modern schools and hospitals and all other social, political and economic changes brought about by the petrol bonanza in various Shaykhdoms. The new Arabia is not the old Arabia of fratricide, parricide and constant warfare sparked by tribal conflicts. It is Arabia caught in the rhythm of swift advance.

The author has covered many parts of Arabia: from Muscat and Oman to Aden, the Yemen, Su'udi Arabia, Bahrain, Kuwait and other oil-producing and non-oil producing countries. He pays special attention to little towns like Ibb, Nizwa, Taiz and Dhahran, all of which make very enjoyable reading.

He deals with the question of slavery in all these Muslim countries and denies any evidence that the traffic is in practice . . . something which so many Western journalists

have exploited and constructed false stories on in an attempt to discredit Islam. These so-called slaves, explains the author, are usually and always disgruntled servants who want to leave their masters for better employment terms elsewhere.

He touches on political conflicts and their whys and wherefores between various Arab States and the influence of Jamal 'Abd al-Nasir. There are interesting stories of prominent wealthy shaykhs like Rashid of Dubai and the Sultan of Muscat, which make very interesting reading.

The book is magnificently illustrated.

For Muslims there is a warning in the book between pages 137 and 139. In this small section Mr. Holden points out that the traffic of whisky and other alcohols is already flourishing, brought by Europeans and non-Muslims as a result of the petrol boom. He hints that this could eventually reach the holy city of Mecca, and Mecca would no longer "be what Muhammad knew, nor will its ways be those of the Puritan Wahhabis".

David Holden has here produced more than an interim report. He has written a highly absorbing survey of Arabia, its history and people who have risen from lack and poverty to wealth, opulence and swift advance with an inherent danger of alcoholism and other vices. It is a book of encouragement and praise as well as warning. K.B.

What Our Readers Say...

THE NEED OF A DETAILED BIOGRAPHY IN ENGLISH OF JAMALU'D DIN AL-AFGHANI

Schuyler Heights,
Lake George, N.Y.
9 June 1966.

The Editor,
Dear Sir,

I am impressed by the fact that very little is available in English in regard to Jamalud Din "al-Afghan", who, it seems, was really born near Hamadan in Iran.

We have an excellent short biography by Edward G. Browne in his book *The Persian Revolution of 1905-1909* (Cambridge University Press, 1910). However, don't you think it worthwhile that someone who is a master of both Arabic and English should translate the biographies in the former language?

Please allow me to quote from page 3 of Edward G. Browne's fine book:

"The materials for his biography are fortunately copious, but are mostly in Arabic. (Footnote at this point: Since this chapter was written I have received from Persia the opening portions of a most admirable *History of the Awakening of the Persians (Ta'rikh i Bidari i Iraniyan)*, compiled by Nazimul Islam of Kirman, and enriched with numerous documents of great historical importance. The Introduction to this work, of which 112 pages are now in my hands, contains a long

account of Sayyid Jamalud Din.) There is a short account of his life prefixed to the Arabic translation of his *Refutation of the Materialists* (originally composed in Persian at Hyderabad, India, about 1880), published at Beyrout in 1885-6 C.E. (1303 A.H.). Another biography, carried down to his death in 1897, is given in the second part of Jurji Zaydan's *Mashahiru al-Sharq* ("Eastern Celebrities"), pp. 54-66, published at Cairo in 1903. Still more recently the Egyptian magazine *al-Manar* has published, and is still publishing, new and copious material illustrating almost every phase of his active and eventful career."

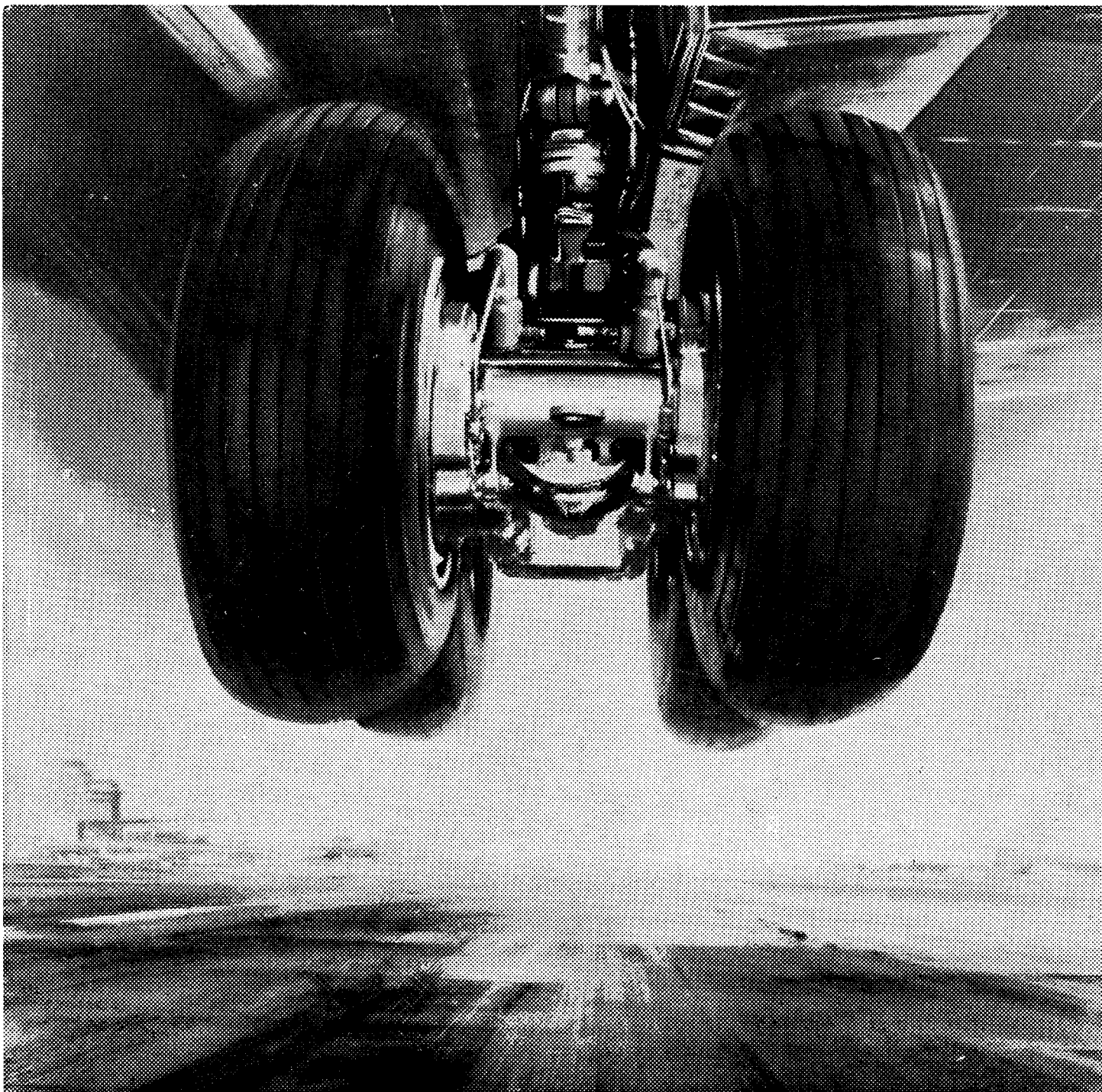
Edward G. Browne then goes on to mention the Shaykh Muhammad 'Abduh, "the late Grand Mufti of Egypt," from whom we have, after 1871, "ample and trustworthy material for the Sayyid's biography," but whether he means that this material is in addition to the sources quoted above, I cannot say.

Some Arabic-English scholar, seeking a task adequate to his gifts, might realize that here is a field largely unexplored.

It seems that it would be worthwhile to learn more about a man whose great mission was the uniting of Islamic nations. Reading such a work might inspire many with the thought of pan-Islam.

How can Islam become one nation unless people begin to think?

Sincerely yours,
NORMAN LEWIS.



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- Note: Other translations of the Qur'an by non-Muslim scholars, although not recommended for general study for the beginners, could also be supplied on request. Information could also be obtained about translation in other languages.

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