

## **THE HISTORY OF THE CODIFICATION OF ISLAMIC LAW**

*An illuminating exposition of the conformist viewpoint accepted by much of the Islamic world*

The intellectual rendering of this book will make you appreciate the work that this author has done to provide such a gem. Maulana Shah Abdul Aleem Siddiqui RA deserves the title of "Roving Ambassador" of Islam.



Throughout this book, you will have a glimpse on the depth of knowledge of this great Scholar and Sufi. After reading this book, you will have a different level of respect for this Scholar. May Allah Almighty bless his soul with the highest place in Jannah (Ameen)

A highly recommended book by all students of Islam, Scholars, leaders of Islamic communities or head of Islamic countries.

Maulana Sahab stresses the importance of the qualified Scholars (Imams) and gave a concrete account of the requirements for a qualified Scholar to be in a position of authority to provide any Islamic rulings.

- (1) *He should be an expert in Arabic language*
- (2) *He should be a high-class scholar of the Qur'an*
- (3) *He should have the Traditions of the Holy Prophet **peace be upon him** in his memory, so that whenever he has to focus his mind on any problem, he may have all the connected Traditions,*
- (4) *He should further be an expert of the sciences of historical criticism (Riwayat) and logical criticism (Dirayat), so that he may be able to view the worth and connotation of various Traditions, under study at the time, in their proper perspective.*
- (5) *Above all, he should possess piety and true Islamic character, and his heart should be imbued with what the Qur'an calls "fear of God".*

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# Chapter 1

## SOME BASIC OBSERVATIONS

In my class-lectures and public speeches, I have already explained the obvious truth that only the inventor and manufacturer of a machine knows best how to use it and he alone can properly teach its use to others. I have also explained that every maker holds his creation dear and does not like it to be spoiled in any way, and that, consequently, he teaches its method of use himself.

I have also explained and proved by rational arguments that the universe decidedly owes its existence to a Creator, for Whom every particle of the Creation is a witness. I also made it clear that, just as there are natural laws which govern the working of the universe (and they are called "God's Way" in the Holy Qur'an), similarly there are laws, ordained by God, relating to the individual and social life of human beings, and that it is God's Way to teach them to mankind, for which the divinely-appointed law of delivering Divine Guidance in the form of "*Wahy*" (i.e. Revelation) and through the Prophets and Messengers who were endowed with special capacities by God to perform the task, has been coming into play since the creation of humanity.

I have further explained that humanity and its culture and civilization have grown gradually, that for a very long period the races and nations of the world remained divided and segregated from each other, and that, during that period of immature humanity, separate Prophets and Messengers of God continued to come to the separate human communities, so much so, that, on certain occasions, more than one Prophet was working at the same time among different groups. However, when the time came for humanity to come together, when the age of the printing press and the wireless and the Aeroplane dawned, when mankind arrived at that stage of its history where it could function as one body, when the human ingenuity was on the verge of developing those means whereby it could preserve the Divine Message for all time, God Almighty sent such a Perfect Guide, such a World-Prophet and Messenger, who came with the title not of "the Mercy for the Arabs" but as "the Mercy unto all the worlds", and God's Word announced about him:

*"Verily, We have sent thee not but as the Bringer of Glad Tidings and the Warner for the whole of humanity."*

That great Prophet **صلى الله عليه وسلم** came transcending the limitations of country and clime. He came as the Divine Mercy personified. He came with the Divine Message of Mercy, the Revealed Guidance, the Divinely appointed Law, the Religion of Mercy. His glorious name is MUHAMMAD, i.e., **The Praised One**, (God's Blessings and Peace be upon him!). He was declared to be the Last Prophet. Prophethood found its consummation in his august person. Religion was perfected in all its aspects once and for all. The Divine proclamation was made:

*"This day have I perfected your religion for you, completed my favour upon you, and have chosen for you Islam as your religion." (V: 4).*

That great Prophet **صلى الله عليه وسلم** announced in unambiguous terms:

*"I am the last Prophet and there is no prophet after me."*

Humanity had received the Perfect Religion. Consequently, the door of Divine Revelation was closed and sealed, and God's last Prophet announced:

*"Nothing remains from the prophethood except true dreams."*

This was a statement meaning that Divine Revelation, which has been named in the Holy Qur'an as **Wahy** and which means positive and certain knowledge communicated by God, came to an end with the Last Prophet.

In that literal and certain Revelation (**Wahy**) which was granted to that great Prophet **صلى الله عليه وسلم**, the Divine promise of preserving it shone with all its brilliance. The Word of God proclaimed:

*"We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption)." (XV: 9).*

And, again:-

*"And indeed, it is a Book of exalted power. No falsehood can approach from before or behind it: It is sent down by One, Full of Wisdom, Worthy of all Praise." (XLI: 41, 42).*

For the preservation of the Message, God Almighty advised His Holy Prophet **صلى الله عليه وسلم** in the following words:

*"Move not thy tongue concerning (Qur'an) to make haste therewith. It is for Us to collect it and to promulgate (or recite) it. So, when We have recited it, follow thou its recital." (LXXV: 16-18).*

That was about the text of the Holy Qur'an which is preserved today not only in Book-form but also in millions of human brains.

As for the preservation of the meanings of Qur'anic text, God Almighty made it clear that:

*"Nay more, it is for Us to explain it (and make it clear)." (LXXV: 19).*

Thus, it was not only the preservation of the text of the Holy Qur'an but also its meanings, which God Almighty took upon Himself. Hence the Holy Prophet (peace be with him!) said:

*"I have been given the Qur'an and the like of it along with it."*

This means that the Holy Prophet **صلى الله عليه وسلم** was not given only the Qur'anic text, but was also taught its meaning by God Almighty

The Holy Prophet صلى الله عليه وسلم, in his turn, transmitted the text as well as the meaning to his Companions. Every student of the *Hadith* knows that the Companions would come to him, take lessons from him in portions of the text along with their meanings and explanations, and, in their turn, teach the same to others.

Thus, on the one hand, the Holy Prophet صلى الله عليه وسلم transmitted the actual meanings and true explanation of the Holy Qur'an to his Companions and through them to the later generations, while on the other, he pronounced a definite warning to all those who might wish to change the meanings and the explanations. He said:

*"Whosoever explains the Holy Qur'an according to his personal opinion, let him make his abode in hell."*

He further warned those who might attribute false explanations or forged *Hadith* to his name, saying:

*"Whosoever intentionally attributes a false thing to me, let him make his abode in hell."*

Then, after he had taken all the steps for preserving the teachings of Islam, the Holy Prophet صلى الله عليه وسلم informed the world that:

*"One party of my followers will always remain above others with clear truth. Whosoever opposes them will not be able to harm them (i.e., overpower them in argument), until the Last Day."*

In the light of the preliminaries outlined, I am sure you have understood fully that the Islamic religion, which comprehends in itself the Islamic Law (i.e., the *Shariah*), is based, from the beginning to the end, on Divine Revelation, which will remain in its original purity (*Insha-Allah*) to the Last Day. Every word of the Holy Qur'an is from God, and for the explanation of every word the Personal Guidance (or *Sunnah*) of the Holy Prophet صلى الله عليه وسلم is present.

Thus, when Lady Aysha, the truthful, (God be pleased with her!) was asked about the morals and manners of the Holy Prophet, she replied:

*"His morals are the Qur'aan,"*

which means that the Holy Prophet's صلى الله عليه وسلم actions and sayings were the practical commentary of the Holy Qur'an or, in other words, the Holy Prophet صلى الله عليه وسلم was the embodiment of action based upon the Holy Qur'an. (May his memory be ever green!).

It is because of this that God ordered us in the Holy Qur'an:

*"So take what the Apostle assigns to you and deny yourselves that which he withholds from you." (LIX: 7).*

And, again:

*"Verily, in the Apostle of God there is for you the best model."*

We are further told with great emphasis that every action and saying of the Holy Prophet is thoroughly based on Revelation from God. Thus, the Holy Qur'an says:

*"Nor does he say (aught) of (his own) Desire. It is no less than revelation sent down to him."* (LIII: 3, 4).

Still more emphatic is the following Qur'anic verse:

*"Verily, those who give their pledge to thee (O Prophet) do nothing less than give their pledge to God: The Hand of God is over their hands."* (XLVIII: 10).

Further, the Holy Qur'an describes the act of the Holy Prophet **صلى الله عليه وسلم** as the act of God. It says, while referring to the Holy Prophet's **صلى الله عليه وسلم** act of throwing dust towards the enemy during the battle of Badr:

*"When thou threwest (a handful of dust), it was not thy act, but God's"* (VIII: 17).

Thus, at another place, the Holy Qur'an says:

*"He who obeys the Apostle, obeys God."* (IV: 80).

Hence, the basis of the Islamic religion and law is, firstly, the divinely revealed Guidance existing in the form of the Holy Qur'an, and, secondly the **Sunnah** (Personal Guidance) of the Holy Prophet which is nothing else than a practical and magnified reflection of the Holy Qur'an.

It was this fundamental importance of the Holy Prophet's **صلى الله عليه وسلم Sunnah** which compelled the early Muslims to observe extreme caution in receiving and transmitting the Prophetic Tradition (**Ahadith**). The Companions valued every saying of the Holy Prophet **صلى الله عليه وسلم** as the greatest treasure, strived their utmost to preserve it, and understood every teaching of the Holy Qur'an in the light of those Sayings.

In the preliminary remarks, I have made it plain that the Prophet of Islam **صلى الله عليه وسلم** was the Last Prophet, after whom no one is to receive prophethood, and that the Law which humanity has received through him is the Perfect Law, after which no further law is needed, and which stands as the Code of Guidance for humanity till the Last Day. In fact, the Holy Qur'an claims, and history supports this claim, that whatever the new forms which human problems might take and however complex may be the issues confronting humanity, the Qur'anic Guidance is always competent to meet the new situation. God himself describes in the Holy Qur'an as:

*"The Book which explains all things."* (XVI: 89).

This comprehensive and fundamental Guidance, received in the light of the Holy Prophet's **صلى الله عليه وسلم Sunnah**, and acted upon, is always sufficient and always unailing.

There may, however, be certain points of detail which might come into existence in a certain situation, and the guidance on that point might be *implicit* and not *explicit* in the Qur'an and the **Sunnah**. In such a situation, there arises the need for **Qiyas** (or Analogy) which consists in discovering the implied guidance of the Qur'an and the **Sunnah** on the point concerned. The work

of *Qiyas* is to be performed by the experts of Islamic learning and its Qur'anic sanction is found in the verses which I shall presently quote. The Holy Qur'an says:

*"Do they not ponder over (the teachings of) the Qur'an."* (IV: 82).

About those who carry out this work of "pondering", the Holy Qur'an says:

*"He grants wisdom to whom He pleases; and he to whom wisdom is granted receives indeed a benefit over-flowing; but none will grasp the Message save men of understanding."* (II: 269).

We are again told:

*"To whomsoever Allah wills good, He grants him the understanding of religion."*

The Holy Qur'an further emphasizes this *tafaquh*, this "understanding of religion" by saying:

*"If a group from every party remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them..."* (IX: 122).

At another place, the Holy Qur'an says:

*"And those who are firmly grounded in knowledge say: 'We believe in The Book; the whole of it is from our Lord: and none will grasp the Message except men of understanding.'"* (III: 7).

Speaking about these "men of understanding", these *Fuqaha*, the Holy Qur'an further observes:

*"Do those who know and those who do not know stand on the same footing?"*

Then the Holy Qur'an makes it clear as to who, even among the educated, is entitled to be considered a true scholar of religion. It is emphatic in pointing out that the "understanding of religion", the "wisdom", the "firm grounding in knowledge", does not consist merely in reading certain books. Nay it rather says:

*"Verily, they alone are (true) scholars (of religion) who fear God."*

Thus, the basic qualification is "fear of God". Only those who, side by side with their pursuit of formal education, cultivate their spirituality, whose hearts become the seats of the "fear of God", who, in every action and in every saying, remember their accountability before God, who, in short, remain absorbed in the remembrance of God, - they alone are considered by the Holy Qur'an as "men of understanding." This is what we are told in a verse which reads:

*"Verily, in the creation of the heavens and the earth, and in the alternation of the night and day, there are signs for men of understanding, - those who remember God standing, sitting and reclining on their sides and who ponder on the creation of the heavens and the earth."* (III: 190,191).

Their absorption in the "remembrance of God" ultimately reveals to them the realities behind things, until they cry out:

*“O our Lord! Thou hast not created all this in vain! Glory be to Thee! Preserve us from the doom of fire.”* (III: 191).

“Understanding of religion” and the “grasp of the problems of Islamic Law” form part of that real opening of the heart referred to just now. The next step is the realization of the higher verities, like the Attributes of God, etc.

This is the group who have been called the *Ahle-Zikr* (i.e., persons who truly grasp the Message) in the Holy Qur’an, which, as we have seen before, describes its own self as *Az-Zikr* (see XV: 9). It is these *Ahle-Zikr*, these persons who combine spiritual illumination with the religious knowledge of a very high level, whom the Holy Qur’an regards above the rest. In fact, it invites the general Muslims to take them as their teachers and to accept their legal deductions, for it clearly lays down the principle:

*- “Enquire from the Ahle-Zikr if you do not know.”*

The Holy Qur’an is clear and plain. We have not been permitted to interpret its teachings in the light of our own little education and meager understanding. For, by interpreting them in the light of our pre-conceived opinions and prejudices, we earn nothing but hell, as the Holy Prophet **صلی اللہ علیہ وسلم** made it clear in the *Hadith* quoted before. Again, because of the lack of comprehensive vision, we shall at best have a partial view of the problem. That must land us in wrong conclusions. Then the animal self (*Nafs-al Ammarah*) within us is always inclined to mischief. It always seeks the path of physical pleasures and leads us to all sorts of sins. It is only when we subject ourselves to impartial guidance that we can hope to escape the deceptions of our prejudices.

Those who introduce their personal opinions and desires into the interpretations of religious matters may well remember the powerful and fundamental condemnation by the Holy Qur’an in the following words:

*“Sees thou such a one as takes for his god his own passion (or impulse)? Could thou be disposer of affairs for him? Or, think thou that most of them listen or understand? They are only like cattle; - Nay, they are worse astray in Path.”* (XXV: 43, 44).

He who glories in “personal judgment”, without possessing the qualifications laid down by the Qur’an, will find, on honest self-examination, that he is deceiving both himself and others. The primary force in all such cases is the desire to follow ones passions rather than to subject oneself to the discipline of the Qur’an and the *Sunnah*.

It is to save us from such pitfalls that the Holy Qur’an has ordered us to seek guidance from the *Ahle-Zikr*, from those true experts of Islamic learning, who because of their spiritual purity, are capable of seeing things impartially, whose lives are the embodiments of the fear of God, who, when they interpret the Holy Qur’an and the *Hadith*, do not rely on their individual opinions, but exert fully to know and understand the conclusions which other experts have arrived at. They do not suffer from self-worship and egotism but proceed in their search of the solution with all humility and in conformity with the views of the majority of the leaders of Islamic knowledge. Such



a consensus when arrived at in the solution of some new legal detail is known as the *ijma* (or Consensus).

Thus, we find there are four bases of the codified Islamic Law, namely:

1. The Book of God.
2. The Sunnah of the Prophet of God.
3. Understanding and Analogy.
4. Consensus of expert opinion.

Let us now cast a glance at history and see how the Islamic Law assumed the codified form.

## Chapter 11

### ARRANGEMENT AND COMPILATION OF THE HOLY QUR'AAN

You might have heard that the Holy Qur'an was not delivered to the Holy Prophet **صلى الله عليه وسلم** just once as a complete book, but was revealed to him bit by bit and piece by piece, through the Archangel *Jibrail* (peace be with him).

The Holy Prophet **صلى الله عليه وسلم** had completed forty years of his age and was engaged in a special form of communion with God in the solitude of the Cave of Hira, when the angel first appeared before him and delivered to him the first revelation which reads:

*“Read! In the name of thy Lord and Cherisher, who created, - created man, out of a (mere) clot of congealed blood: Read! And thy Lord is Most Bountiful, - Who taught (the use of) the Pen, - taught man that which he knew not.”* (XCVI:1-5)

After an interval, came the second revelation:

*“O thou wrapped up (in thy mantle)! Arise and deliver thy warning! And thy Lord do thou magnify! And thy garments keep free from stain! And all abomination shuns! Nor expect in giving, any increase (for thyself)!”* (LXXIV: 1-6)

Thereafter commenced the general preaching and the invitation went forth to accept the Divine Message. The members of the powerful tribe of the Quraish were invited to assemble and to hear the Holy Prophet's **صلى الله عليه وسلم** first sermon on the Mount. The message of the Unity of God was proclaimed aloud, and polytheism and infidelity were condemned in the most unambiguous terms.

In the meantime, revelations continued to come. The Holy Prophet would remember them himself and would teach them to his Companions, like Khadija, Abu Bakr and Ali (God be pleased with them!), so that they could remember them by heart.

A race of illiterates as the Arabs were, there were very few in Mecca who could read or write. There was no paper, and the pen and the inkpot were scarce. It was, indeed, a most difficult task to get the revelations written down as they came. But the arrangement was made. A few of those who knew the art of writing embraced Islam. The verses of the Holy Qur'an were inscribed on palm-leaves and leather sheets. Some of the Companions were specially charged with the duty of learning the portions of the Qur'an as they were revealed. Persons were specially selected from among the Companions who would take lessons from the Holy Prophet **صلى الله عليه وسلم**. Each lesson consisting of ten verses of the Holy Qur'an. They would learn those verses by heart and learn their meanings and interpretations as taught by the Holy Prophet, **صلى الله عليه وسلم** and teach the same to others.

Then came the time of the Migration to Medina. The Muslim group had been growing gradually. At Medina it was knit into a functioning community. Among other things, the Holy Prophet **صلى الله عليه وسلم** made the arrangements whereby a larger number of Companions could learn to read and write. The work of writing down the revelations of the Qur'an continued with the fullest exertion. Its compilation in the form of a scripture was attended to. Zaid bin Thabit, who was a freed slave, was one of those Companions who were entrusted with the task of writing down the Qur'an. The revelations continued to come, and they were not only preserved in writing, but the Holy Prophet, **صلى الله عليه وسلم** under Divine guidance, would fix up the chapters and would instruct the scribes to insert a certain revelation at a certain place in a certain chapter.

Gradually, the delivery of the Word of God reached completion and, at the Farewell Pilgrimage, in the plain of Arafat, came the revelation:

*"This day I have perfected your religion for you and completed my favour upon you and have chosen for you Islam as your religion." (V:4)*

Not only was the arrangement of the verses and the arranging of chapters done by the Holy Prophet **صلى الله عليه وسلم** but he also fixed the serial arrangement of the chapters, and all that he did under Divine instructions. To carry the work to its logical finish, Abu Bakr the Truthful, Islam's first Caliph, rendered the service of giving the separately written chapters the form of a consolidated compilation.

Different portions of the Qur'an written by different people continued to remain, however, in their possession. The people of different places also continued to follow their local pronunciations of Qur'anic verses.

Then came the period of the third Caliph, Osman (God be pleased with him!). Islam was no more confined to Mecca and Medina but had crossed the boundaries of the Arabian peninsula and had entered Egypt, Palestine, Syria, Iraq and Iran. People were entering the fold of Islam in ever-growing numbers. The interest in Qur'anic recitation was becoming universal. Large numbers of people had only portions of the Qur'an in their possession. Misunderstandings could arise that only such and such a portion formed the whole Qur'an, and that the other portions were not part of it. Hence, Caliph Osman ( may God be pleased with him ) got several copies made of the manuscript compiled during Caliph Abu Bakr's regime and sent those copies to the different centres of the Islamic empire. The copy which Caliph Osman himself used for study and on which, it is said, the drops of his blood fell at the time of his martyrdom, remained preserved first at Medina and was later transferred from there to the Imperial Library at Istanbul by the Turkish Sultans.

All the copies of the Holy Qur'an which exist in the world today are true copies of that manuscript, and, not only the Muslims, but also the opponents of Islam, find themselves compelled to admit that the Holy Qur'an has maintained the original purity of its text, even to a letter.

As regards the vowels, it is customary in the Arabic language not to mention them in writing, because they are only symbolic and are not expressed in the letterform. But when Islam spread

among the non-Arab populations, those non-Arab Muslims had trouble in reading the Qur'an. Hence under the orders of Hajjaj bin Yusuf, the vowel symbols were included in written copies according to the universal form in which thousands of Muslims had learnt the Qur'anic text by heart, and which form had been transferred faithfully by the "Preservers" (i.e., *Huffaz*) from generation to generation. The seven styles of intonation which the Holy Prophet **صلى الله عليه وسلم** was himself taught by God, were taught to the people by qualified teachers. All those styles have been preserved down to the present day by hundreds of thousands of people, though there is one style which is more universal than the rest.

Thus, it is clear as daylight that the Qur'an exists in the world today in its absolute original purity, and that, not only as a written text, but also in the brains of hundreds of thousands of Muslims which makes it impossible for anyone to effect the change, even of a dot.

## Chapter 111

### COMPILATION OF PROPHETIC TRADITIONS AND BIOGRAPHIES OF REPORTERS

It has been proven in the foregoing that the basis of understanding the Holy Qur'an is the interpretation given by the Holy Prophet of Islam **صلى الله عليه وسلم**. The verses of the Qur'an that which the Holy Prophet **صلى الله عليه وسلم** understood and made us to understand, whether through action or through saying. Consequently, the Companions of the Holy Prophet **صلى الله عليه وسلم** were always extremely attentive to every word that he said and tried to remember it to the very letter. They were so cautious in the matter that if they ever apprehended that they had forgotten some actual words and had only remembered its synonym, they would always point it out while narrating a certain Prophetic Tradition (or *Hadith*). Thus, not only was the Holy Prophet's **صلى الله عليه وسلم** Life-account preserved for us, but also the solutions of the various problems of religion and law which the Holy Prophet **صلى الله عليه وسلم** gave.

When it was emphasized that the Holy Qur'an should be written down, and arrangements were made accordingly, some of the Companions thought of putting down the Traditions of the Holy Prophet **صلى الله عليه وسلم** also in writing. But, because Islam was still in its early stage, the Holy Prophet **صلى الله عليه وسلم** feared that if his Traditions were committed to writing side by side with the Qur'an, people might get confused and might mix up both things. Hence, he forbade them in the beginning from doing so. However, when that danger had eliminated and people were sufficiently trained to distinguish the Qur'an from the *Hadith*, he allowed them to write down his Sayings. In fact, he himself got them written as, for instance, when he dictated the rules of *Zakaat*, etc., to Ali.

Among the Companions there were some who would pass their whole time, so to say, at the feet of the Holy Prophet **صلى الله عليه وسلم**. Close to the Holy Prophet's **صلى الله عليه وسلم** residential room and the mosque, there is a raised platform which is called "*Suffa*". A party of students used to occupy this platform permanently. Their work was to learn by heart whatever they heard from the Holy Prophet **صلى الله عليه وسلم**. One of those "people of *Suffa*" was Abu Huraira (Allah be pleased with him), who was endowed with a powerful memory and who remembered a large number of the Holy Prophet's **صلى الله عليه وسلم** Traditions and reported them.

This I have related with a view to make you understand that, just as arrangements were made to preserve the Holy Qur'an by means of writing and learning by heart, similarly did the Companions of the Holy Prophet **صلى الله عليه وسلم** exert themselves to preserve the Prophet's **صلى الله عليه وسلم** Traditions. Their method consisted in learning them by heart and reporting them with all the care which the sacredness of the task and their devotion to the Holy Prophet **صلى الله عليه وسلم** and Islam demanded. One person reported to another, one generation reported to the other succeeding it. Thus, a continuous chain of reporters was built, - a continuous chain through which passed the most valuable treasure of the Holy Prophet's **صلى الله عليه وسلم** Sayings and Actions.

Now, the way in which this "chain of reporters" was built up and the extremely critical method which gave brilliance to it, has made this chain one of the glories of Islamic history. The fact is, that the experts of historical science cannot produce another instance in worlds history where those

critical historical standards were observed which have gone to make the *Hadith* literature such an authentic record as it is.

If, today, I am asked to narrate a *Hadith* to some scholar of that science, it will not be enough for me to recite its text. Rather, I will have to report my authority and I will have to prove that my chain of reporters is faultless and ends at the Holy Prophet **صلى الله عليه وسلم**.

Indeed, those who were responsible for the compilation of *Hadith* literature, observed a measure of care beyond which human endeavor could not go. In the case of each *Hadith* that reached them, they examined its authenticity thoroughly. They tested the chain of reporters through which it was transmitted. They enquired whether a certain reporter had seen and met the other reporter from whom he claimed to have received the *Hadith*. They saw whether the reporters were persons of good and reliable memory. They investigated piety and fear of God in the lives of the reporters. In short, they employed all conceivable standards for assessing the true worth of every *Hadith* reported and accepted it only after they had been thoroughly satisfied.

This brings us to the fact that there were, and there are, Traditions (i.e., *Ahadith*) of different grades in accordance with their measure of authenticity. This grading was done based on different factors. Various, the considerations were: (1) the moral condition of the reporters and the level of their piety; (2) the powers of memory which the reporters were found to possess; (3) intelligence and capacity to grasp religious truths; (4) consideration of the fact whether the report had come through one channel only or different channels; so on and so forth. When the details of the Islamic law were deduced, these factors governing the worth of different Traditions were always kept in view.

In connection with the extreme caution which the compilers of *Hadith* observed, I may mention here an incident of the life of Imam Mohammad Bin Ismail Al-Bukhari, the leader of all compilers. The compendium of *Hadith* which this great scholar has given to the world is the result of a most thorough sifting of *Hadith* literature. His sense of respect which he had for the work he had in hand, and his piety and Godliness, can be judged from the fact that when he was writing the *Sahih-al-Bukhari*, he made fresh ablution and offered two *rakaats* of prayer before writing each individual *Hadith*.

This great Imam once heard that at a long distance from his place there was some person who knew certain Sayings of the Holy Prophet **صلى الله عليه وسلم**. The Imam undertook the arduous journey on foot to obtain from him the Sayings in question. When he at last arrived in the village where the man lived, he enquired his whereabouts. Someone pointed him out nearby. The man was busy calling his horse who had fled from him. He had a fodder-can in his hand which he was showing to the horse from a distance to attract him. Imam Bukhari went towards the man and the first thing he did was to cast a glance at the fodder-can, which he found to be empty. At once the Imam retraced his steps. The man noticed it and was bewildered. He left the chase of the horse, ran towards the Imam, and requested him to explain the incident to him. The Imam replied:

*"I had heard that you relate Traditions of the Holy Prophet صلى الله عليه وسلم and had therefore come after a long journey to meet you. But when I saw you calling the horse with an empty fodder-can in your hand, I concluded that a person who can cheat a horse, is also capable of cheating men. I cannot accept any Hadith reported by such a person."*

With such extreme care, the Traditions were collected. This extreme care was undertaken not only because of inherent necessity, but also because of the machinations of the Jews. These "old friends" of the Muslims have never left any stone unturned in scheming against Islam, although the Muslim governments always treated them most magnanimously and provided them asylum while the rest of the world was persecuting them. In those early days, they were hatching all sorts of plots to undermine Islam. They tried their hands at various schemes but failed. At last they planned to disguise as Muslims, to forge Traditions in the name of the Holy Prophet صلى الله عليه وسلم and to propagate them amongst the Muslims, thereby aiming to contaminate the purity of Islamic teachings and to corrupt the Muslim religious life. Many such forged Traditions were broadcast among the Muslims. The scholars of Islam, who had been forewarned by the Holy Prophet صلى الله عليه وسلم about the appearance of such a menace, were soon on their guard. They built up a whole science of "historical criticism", and compiled extensive works on the biographies of reporters, whereby a genuine Tradition could be correctly distinguished from a forged one.

I may here remark in passing that certain persons of our own times have tried to tamper with the *Hadith* literature to suit their own ends, though their method has been different. They could not forge new Traditions, having appeared so late in Islamic history. They tried to fall back upon the forged or "weak" Traditions handed down from the past. But that, too, could not work in view of the smashing criticism from the side of the experts of the science of Tradition. So, one of them, namely, Mirza Ghulam Ahmad of Qadian when he found that his claims could not be comfortably lodged in genuine Traditions, fell back upon the arbitrary assertion that he was the divinely-appointed Judge and could, therefore, accept any Tradition he liked and reject any other he did not like, the principles of logical and historical criticism notwithstanding.

In connection with our discussions of *Hadith* and *Sunnah*, there is an important point which may well be kept in mind.

We have already seen that the Holy Qur'an was revealed bit by bit. The commandments were delivered gradually to progressively reclaim and reform a people who were diseased, deformed and corrupt beyond limit. Had they been subjected to the complete discipline of Islam from the very first day, they would have in all probability found it psychologically too heavy to carry and to follow. Take, for instance, the case of alcoholic drinks. As all students of Arab history know, side by side with idolatry and polytheism and various spiritual and moral evils, the liquor-habit was embedded so deeply in lives of the Arabs that any other race of the world could hardly claim a higher degree of addiction. Had the law of Prohibition been imposed on them forthwith, their psychological condition and diseased nervous state would have compelled them to sacrifice *Iman* and Islam to alcohol. They would have preferred the latter to the former. But infidelity and polytheism are root-sins which entitle man to nothing less than eternal fire, while other sins, whether major or minor, stand below in degree. If the root of a tree is healthy and safe, whatever the calamities which might afflict other parts, there is always the hope that the tree can survive.

Hence, in the case of wine, the polite commandment was revealed first. It laid down:

*"Approach not prayers while intoxicated."* (IV: 43).

Later on, came the second revelation in the same connection and contained the exhortation that:

*"In them (that is, wine and gambling) is great sin, and some profit, for men; but the sin is greater than the profit."* (II: 219).

When thus, people had been ultimately taught to hate wine, the final commandment came:

*"O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are abomination, - of Satan's handiwork: Eschew such (abomination), that ye may prosper."* (V: 93).

The result of adopting the gradual procedure was that when total prohibition was announced, people immediately broke into pieces the vessels of wine, and the liquor from the broken jars was flowing in the streets of Medina.

Here you can understand the problem of the "abrogation of verses" also easily, which might be explained to you fully on some later occasion. In this connection, we might keep in mind the fact that whatever commandments were revealed on any occasion they were invariably based on wisdom. However, when a certain commandment referred to a passing situation, it was replaced by another at a later stage. Such commandments did not mean calling the same thing "white" on one occasion and "black" on another. They rather represented the progressive revelation of guidance in connection with the gradual reformation of the first Islamic Community.

We have seen, in the case of wine, that, in the early days of Islam those who were addicted to it continued to use it, only abstaining from it during prayer-times, until the commandment relating to total prohibition was revealed. Now, it is quite conceivable that those Muslims who lived at a long distance from Medina, might have continued to act according to the first injunction even some time after the revelation of the final commandment. The means of communication were very meager in those days, especially in a backward country like Arabia. The issue of prohibition was, however, a very vital one. Hence the Islamic community at Medina made the utmost effort for making God's final commandment known to everyone, and within a short time it reached every ear.

But, think now, in the light of this, about the information reaching the people concerning the Holy Prophet's **صلى الله عليه وسلم** Sayings and Actions. Suppose the Holy Prophet **صلى الله عليه وسلم** acted in some matter in a certain way in the light of certain special considerations, and suppose some Companions from outside Medina were present with him on that occasion, and they carried with them to their homes in the memory of that incident and preserved it in their minds for guidance.



However, after some days the Holy Prophet acted in some similar matter differently, under Divine guidance. And this did not reach those who had observed his previous action.

Now, suppose the two different actions relation to some minor affair which was not of such a serious importance as the issue of liquor-prohibition referred to and was not broadcast in the same manner. Therefore, those who knew only the Holy Prophet's **صلى الله عليه وسلم** previous action continued to be guided by it. Certainly, their motive was to follow the Holy Prophet's **صلى الله عليه وسلم** way and hence their action was right. But those who had the opportunity of observing the Holy Prophet's **صلى الله عليه وسلم** later action and made it their guiding principle, were right, the more so.

Apparently, the stands of the two parties became different in that matter. But both were sincere in their motives. And it is this to which the Holy Prophet **صلى الله عليه وسلم** referred when he said:

*"The differences of my people are (based on) mercy."*

Those differences were not grounded in selfishness, egotism and stubbornness, nor were they created by the claims of false prophets and so-called reformers, as is the case now-a-days, but they always rose up in the purest motives and in the devotion to the Holy Prophet **صلى الله عليه وسلم**

I may explain to you the nature of those early differences further. Once the Holy Prophet **صلى الله عليه وسلم** ordered a party of his Companions to go to a certain place, offer their *Asr* prayers there, perform certain work, and return. The party started for the place forthwith. But they were still on the way when they found that the time for *Asr* was about to expire. The party split into two groups on the interpretation of the Holy Prophet's **صلى الله عليه وسلم** command. One group said that when the Holy Prophet **صلى الله عليه وسلم** gave them that command, what he actually meant was that the party should proceed with all possible haste and not that they should forego offering the *Asr* prayer within time. The other group insisted that the Holy Prophet **صلى الله عليه وسلم** was himself the lawgiver and his command to offer the *Asr* prayer after reaching the place was meant to be carried out as it stood. Both the groups offered the prayer according to their decisions. When the party returned, they submitted their difference of opinion to the Holy Prophet, he smiled and said that both were right because the motive of both was to obey him. The difference consisted only in interpretation. One group emphasized the letter, while the other emphasized the spirit.

Thus, we know that differences of opinion arose even among the Companions. But those differences related only to honest understanding of problems and had nothing to do with personal jealousies, quarrels, and rivalries.

In a word, differences of opinion among the Companions came into existence on the basis of either of the two causes: (1) when a certain Tradition reached one group and did not reach another; (2) differences of understanding and interpretation.

## Chapter 1V

### PRESERVERS OF HADITH AND SCHOLARS OF LAW AMONG THE COMPANIONS

The students of Islamic history know that all the Companions of the Holy Prophet صلى الله عليه وسلم did not enjoy the same status in respect of guiding the people in matters of religion and law. Those who had passed most of their time from the beginning of the prophetic period in the company of the Holy Prophet صلى الله عليه وسلم those whom the Holy Prophet صلى الله عليه وسلم himself would consult in Islamic matters, those whose great qualities were commended by no less a person than the Holy Prophet صلى الله عليه وسلم were persons head and shoulders above the rest.

The Holy Prophet called Abu Bakr as *"the greatest person outside the category of Prophets."* He said about Omar: *"If there had been a prophet after me, Omar would have been that prophet."* He described Osman as *"the most perfect in piety."* He observed about Ali: *"I am the city of knowledge, and Ali is its gate."* Similarly distinguished were: Lady Aysha, the beloved wife of the Holy Prophet صلى الله عليه وسلم; Abdullah bin Omar; Abdullah bin Masood; Abdullah bin Abbas; etc. acting on the Divine advice:

*"Ask those who possess the Message, if ye do not know,"* (XXI: 7),

Even the eminent Preservers (*Huffaz*) of *Hadith* and Qur'an among the Companions would come to these distinguished personages for the solution of religious and legal problems and would subject their own understanding and interpretation to the interpretation of the Qur'an and the *Hadith* given by them.

Abu Huraira (God be pleased with him!) was one of those eminent Companions who were distinguished in the line of preserving and reporting the Holy Prophet's صلى الله عليه وسلم Traditions, and this is borne out by the large number of Traditions reported by him and included in the books of *Hadith*. But it is a fact well-known to the students of the history of Companions, that whenever someone was confronted with any religious or legal problem, he would not approach Companions like Abu Huraira but those who were considered *Fuqaha* (i.e., men of grasp and understanding). It was this latter class whose verdict (*Fatwa*) was relied upon and whatever interpretation they gave to the Sayings and Actions of the Holy Prophet (peace be with him!) was accepted.

To make the distinction between the two categories of Companions practically clear, I may invite your attention to a famous *Hadith*.

One day, the Holy Prophet صلى الله عليه وسلم went to a garden, in search of solitude, without telling anyone. Compelled by their intense love, the Companions became anxious after some time and started out in different directions to find him. Abu Huraira succeeded in his attempt. He saw the Holy Prophet صلى الله عليه وسلم sitting on a well, in quiet spiritual repose and absorbed in communion with God. Finding Abu Huraira by his side, the Holy Prophet صلى الله عليه وسلم turned towards him and said:

*"Whosoever recited „there is none worthy of worship but Allaah“ shall enter paradise."*

Abu Huraira heard that heartening message and was overjoyed, feeling that the problem of salvation had become so simplified. He sought the permission to make it known to others. The Holy Prophet **صلى الله عليه وسلم** who was presumably in a special spiritual state at that time, replied: "yes."

Forthwith, Abu Huraira started for the town. But he had not gone far when he met Omar, who himself was engaged in search of the Holy Prophet **صلى الله عليه وسلم**. Abu Huraira told him about the Holy Prophet **صلى الله عليه وسلم** and also mentioned the Holy Prophet's **صلى الله عليه وسلم** Saying just referred to. Omar asked him about his destination. Abu Huraira informed him that he was going to the town to broadcast the Holy Prophet's **صلى الله عليه وسلم** Saying among the people. Omar said:

"No! don't proclaim it."

Abu Huraira insisted that he would. Omar insisted that he should not. At last both came to the Holy Prophet **صلى الله عليه وسلم**. Omar implored:

"O Apostle of God! If people will be informed of this Hadith at the present stage of Islamic culture, they will stick to its literal connotation that the recitation of the *Kalima* (article of faith) is enough for salvation and will leave Islamic actions."

The Holy Prophet **صلى الله عليه وسلم** expressed his approval of Omar's point of view.

Now, this clearly shows that Islamic scholarship does not consist merely in the ability to read Arabic, but in the capacity to reach the inner depths of the teaching contained in the Qur'an and the *Hadith*. Take, for instance, the *Hadith* in question. To recite the *Kalima* with the tongue is meaningless unless it expresses the corresponding conviction. And conviction means nothing less than submitting oneself to God's commands and the Holy Prophet's **صلى الله عليه وسلم** leadership. It comprehends within itself the whole sweep of Islamic life. In those early days of Islam, the apprehension was justified that people might take the Holy Prophet's **صلى الله عليه وسلم** Saying literally. Hence the *Faqih-ul-Millat*, the Wise man of the Community, Omar the Great, about whom the Holy Prophet **صلى الله عليه وسلم** declared:

*"Verily, God manifested truth on the tongue of Omar",*

He did not consider it proper to acquaint the people with that *Hadith* at that time and the Holy Prophet **صلى الله عليه وسلم** approved his judgment.

In short, it was the principle followed by the Companions, that whenever they had to find out about some religious or legal problem, they would invariably approach those Companions for guidance who were considered to possess not only the knowledge of the words of the Qur'an and the *Hadith* but also superior insight and understanding and were thus entitled to guide others.

This principle was followed during the whole period of Righteous Caliphate. For the interpretation and execution of Islamic Law, there was an Advisory Council which was composed of such Companions who were most capable in matters of religion and law. The ***Amir-ul-Mumineen*** was always the President of the Council and whenever there was a disagreement on some legal point between the members, it was his prerogative to give the final verdict.

## Chapter V

### THE CODIFICATION OF LAW

After the period of the Righteous Caliphate, the Islamic empire came under the control of monarch-Caliphs, one of whom, bearing the name "Yezid", is well-known as a tyrant and an unconscientious ruler. Moreover, the boundaries of the Islamic State were expanding fast. In such a situation, there was every likelihood of arbitrary interpretations, heterodoxies, and heresies. Consequently, it became absolutely necessary to compile the Islamic Law in a codified book form, classifying the laws and the by-laws and clarifying the topics and the problems, so that every literate Muslim may be able to know the law without taking the long, and, in most cases, impossible, route of going to the original sources, acquiring knowledge of a research-scholar level in the Qur'an, the *Hadith* and Islamic history, in all its aspects, and attempting to discover every minute law and its deduction himself. This work of simplified and clear-cut presentation of the Islamic Law was undertaken by those distinguished scholars and spiritual luminaries of Islam who, by their great qualities of head and heart, deserved to be considered the true "*successors of the Prophets*", in the words of the *Hadith*.

On the one hand, the Medinite scholar, the celebrated Imam, Malik Bin Anas, started his Academy at Medina, while, on the other hand, Imam-e-Azam Abu Hanifa Noman bin Thabit applied himself to the same work at Kufa.

The system pursued at Imam Malik's Academy was that all the Islamic experts and scholars assembled there. There were no loudspeakers in those days. Hence, for the vast gathering, ten announcers had to be appointed during every discussion. The discussion used to commence each time with a statement from the Imam. That was broadcast to the gathering by the announcers. Then the general debate would start. Each individual scholar presented his opinion on the problem and quoted from the *Hadith* literature in his support. Criticism and counter-criticism from all points of view would ultimately bring the assembly to favour and support a certain *Hadith* on a certain problem. Thereafter, the heading was fixed, and the *Hadith* was entered under that heading. Thus, came into existence the well-known book, called *Muatta Imam Malik*, which represents one of the attempts at the codification of Islamic Law.

The transfer of the capital of the Islamic empire from Medina by the Omayyad rulers, brought Kufa and Syria into great prominence. Islamic learning became gradually centralized in that area and the Islamic legal activity of the whole empire became focalized there. To those parts came the best Islamic legal brains and the greatest men of religious learning, not only to fill the various governmental offices but also to add brilliance to the centre of the empire.

There, at Kufa, existed the Academy of Imam Abu Hanifa, incorporating the learning of some of the best Islamic brains of those days. Imam Abu Hanifa acted as the President, and Imam Mohammed and Imam Abu Yusuf worked as Joint Secretaries. A number of the greatest scholars were present, and they were those who remembered, not only thousands, but hundreds of thousands of the Holy Prophet's *صلى الله عليه وسلم* Traditions. It was an age close to the Holy Prophet's *صلى الله عليه وسلم*. We all know that Imam Abu Hanifa had received Traditions from the second

generation of Muslims. But it is also a fact that he received the knowledge of *Hadith* from some of the Companions too.

The system adopted in the Academy was to first classify the verses of the Holy Qur'an under various topical headings and sub-headings. The whole *Hadith* literature was then taken up. Each *Hadith* was examined thoroughly from all points of view, employing historical criticism as well as logical criticism. Ultimately, the issue under investigation was clarified, the legal form of the problem was fixed up and the section of the law was entered in a classified form in the compilation. *Musnad Imam Azam* and *Muatta Imam Mohammad* are the books which represent that attempt at legal codification, from the point of view of Traditionalists (*Muhadditheen*). They are actually books of *Hadith* arranged according to legal problems and giving the authority for each and every Tradition mentioned therein.

It is well worth remembering that the Holy Qur'an describes Islam as *Deen*. This word is usually translated as "religion" in English for want of a better single word. The expression "Way of Life" denotes the meaning better. Now, Islam comprehends two distinct elements, namely: (1) teachings relating to faith and belief; (2) teachings concerning various forms of Islamic Action. Those who attempted the classified codification of Islam took into consideration both elements. The first they described as Theology (*Imaniyat*) the second as Law. At the Academy of Imam Abu Hanifa, the compilation of the Islamic teachings falling under the first category was given the name of *Fiqh-al-Akbar* (or Higher Law), while the work falling in the second category has come to be described as *Fiqh* in the general sense.

In the *Fiqh-al-Akbar*, all the articles of Islamic belief have been given in logical arrangement, so that everyone who wants to know his Faith may refer to that handy book. Discussions relating to the Sources and the arguments have been left out there. This work was accomplished separately by other Imams who wrote volumes in support of Islamic metaphysics and controverted the false teachings of the adversaries among philosophers. They dealt with all those problems exhaustively, so much so that ultimately, they succeeded in building up a whole new science, - the science of Dialectics or *Kalam*. The Imams of the schools of *Asha'erah* and *Maturediyyeh* established their respective academies and rendered an immortal service to the cause of Islam. They systematized Islamic theological teachings and they built up a treasure of philosophical and logical arguments which will always remain the pride of Islamic history. The book on *Aqaid* by Nasafi and its commentaries are too well known. There are numerous others which the scholars of the *Asha'erah* and *Maturediyyeh* schools wrote and in which they fortified the Islamic belief.

When we cast a glance at the other branch of *Fiqh* which deals with our Actions in reference to God as well in reference to our fellow-human beings, we find that the Academy of Imam Abu Hanifa compiled the source-books of *Hadith* known as *Musnad Imam Azam* and *Muatta Imam Muhammad*. These were, so to say, guidebooks for the scientific codification of the law in a precise form.

But this work was not enough by itself. The principle of deduction had also to be fixed up in the light of the method employed by the Companions of the Holy Prophet.

Without such principles, the work of deducing any section of law from the Holy Qur'an and the *Hadith* was not possible. That important work could not be based on individual personal opinions

of scholars, however great they might have been, but on principles which were grounded fully in the Holy Qur'an and the *Hadith* and the guidance given by the Companions. It was a great task and it was accomplished under the name of *Usool-i-Fiqh* (i.e., Principles of Law). Today, there exist voluminous books on this subject. Among those which are taught in theological universities, *Usool-i-Shashi* for the lower classes, and *Noor-ul-Anwar* for the middle classes, are very well-known.

It was solely on the foundations of the Holy Qur'an and the *Hadith* and the Principles of Law deduced from the Holy Qur'an and the *Hadith* that the science of Law was built up. This science deals with the rules of *ibadaat* (i.e., categories of Worship) and with the laws relating to the multifarious problems arising from human relations at various levels. The central figures, who engaged themselves in that work at the Academy of Imam Abu Hanifa were three, namely, Imam Abu Hanifa (President), and Imam Muhammad and Imam Abu Yusuf, as Scribes and Joint Secretaries. They were assisted and advised by nearly five hundred scholars of Islam, who were distinguished for their piety and learning.

It may be pointed out here that the function of Imam Abu Hanifa in that Academy was not that of a dictator. The method of work was not that he ordered a certain piece of law to be written down and it was written. It was not his opinion which guided the work. Nay, the method really was that the Book of God and the Holy Prophet's *صلى الله عليه وسلم Sunnah* were first investigated thoroughly for finding out the explicit ruling of Islam on a certain problem of law. The work of deducing the law was undertaken wherever the guidance was not explicit. In that case the scientific and objective and fixed Principles of Law were the guide, and not any subjective opinions or considerations. Every scholar had equal right to apply the Principles. There were full-fledged discussions, criticisms and counter criticisms on every problem. The best and the most honest effort was made to come to a unanimous conclusion. If even then, there was any difference of opinion, the stand of Imam Abu Hanifa was preferred in some cases and the stand of Imam Muhammad and Imam Abu Yusuf in others. This was the democratic, honest, and impartial method of codifying the Islamic Law by the Academy of Imam Abu Hanifa.

In later times, the coming generations of scholars built up great edifices of law on those foundations. Thousands of books were written commenting upon and explain the various aspects of that work. Today, this vast literature is a mine of information, capable of meeting every legal need of the Islamic world. Were I to mention only the names of those numerous books which have been written in that connection, it would fill a volume? There are some that are more commonly known, are taught in theological institutions and have also been translated into Urdu, e.g., *Qudoori*, *Kanz-ud-Daqaq*, *Sharh Waqayyah*, *Hedayah*, *Durre Mukhtar*, etc., etc. *Radd-ul-Muhtar* and *Fath-ul-Qadeer* are handy books of reference for the *Muftees*.

Usually the books on Islamic Law which are in common use do not contain elaborate information as to sources and arguments. This leads some people to attack such books as dealing with the personal opinions of the Imams. Nothing can be farther from truth. Books for practical day-to-day guidance of the general masses must quite naturally be simple and should contain nothing more than a simple and clear statement of the Law. Such books are always condensed forms of more elaborate compilations, where one can find the statement of the Sources and the Argument in full. As I have already explained, the work of the Imams was simply to state those laws which are

explicitly given in the Holy Qur'an and the Holy Prophet's *Sunnah* صلى الله عليه وسلم and to discover those laws which are implicit there, and to state them accordingly. In fact, there is not a single law stated by the Imams which is not based on the Qur'an and the *Sunnah* and there is not a single deduction which was made without reference to the Qur'an and the *Sunnah* and the method of deducing employed by the Companions, who were directly taught and trained by the Holy Prophet صلى الله عليه وسلم.

This makes it clear that the *Ilm-ul-Fiqh* is nothing but a systematic statement of the laws, explicit and implicit, found in the Holy Qur'an and the Holy Prophet's *Sunnah* صلى الله عليه وسلم, and the titles of *Fuqaha* or *Mujtahids* were given to those who performed that work.

If we employ our commonsense for a while, we can easily realize that, by the systematization of Islamic Law, the Imams have laid the Muslim world under such a deep debt of gratitude for which no amount of expression of thanks can suffice.

Those great personalities of Islam were the people who had attained the pinnacle of possible perfection in theoretical knowledge, whose hearts were illumined with spiritual light, whose lives were embodiments of piety and „fear of God“, who had devoted years and years to the understanding of Islamic legal science, who worked first under the guidance of a teacher like Imam Abu Hanifa and, later on, perfected the work in the same light. They knew the fact, and they had absolute faith in it that, as human beings, they had no right to create laws from their brains. They were fully conscious of the truth that God Alone has the right to make laws for His creatures,

- *“the Command is for none but God.”* (XII: 40).

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They were aware that:

*“If any do fail to judge by (the light of) what God hath revealed, they are (no better than) Unbelievers”*  
(V: 47),

*“(no better than) Transgressors”* (V: 48),

*“(no better than) those who rebel.”* (V: 50).

Their work was simply to utilize the gift of higher understanding (*tafaqquh*) which God had given to them to systematize the laws given in the Qur'an and the *Sunnah*, according to the requirements of the full-grown Muslim community.

This is the work which was performed by Imam Malik and his co-workers and pupils at Medina, and by Imam Abu Hanifa and his co-workers and pupils in Syria and Iraq. Later on, Imam Shafei and Imam Ahmad ibn Hanbal performed the same work with the same honesty and erudition. These great Imams rendered the fundamental service to Islam and left behind them a solid literature on Islamic Law, on which the mighty structure of Islamic administration was built. Muslims were the masters of their destinies for twelve centuries. During this long period, it was



the work of these Imams which continued to feed Muslim progress and Islamic life, not only in rituals and matters of worship, but also in all the conceivable aspects of politics, economics, state-law, international law, etc. our whole past and present is a standing testimony to the consensus of Islamic learned opinion that truth is to be found in the four schools, i.e., Hanafi, Shafei, Maliki and Hanbali, and whoso revolts against them actually revolts against the Book of God and the *Sunnah*.

This means, that in the fundamental exposition of the Islamic Law, these schools have accomplished what was humanly possible, from all aspects. The honest course for us is to follow that exposition in all the issues clarified therein. If, however, we are ever confronted with any issue, which comes into existence because of the growing complexity of human life, the course for us is, that those among us who are really capable of it because of their piety and sound learning, and not every Tom, Dick and Harry, should approach the Holy Qur'an and the Holy Prophet's **صلى الله عليه وسلم** *Sunnah* for light and should deduce the law from there, conforming all the time to the Islamically-based method followed and the path of investigation blazed by the great Imams.

It is, indeed, a great misfortune that some of our brothers feel today that they can equal, nay, even surpass the great Imams on the basis of their smattering of Islamic knowledge derived from faulty translations of the Holy Qur'an and some petty English books on *Hadith*, and that they are capable of deducing the legal guidance from the Qur'an and the *Hadith* themselves. I wish they could cultivate more humility and could properly assess their true capacities.

In connection with the problem of discovering the Islamic guidance on some newly created issue, I may cite an incident of my own life. Once some modern-educated young men from the Osmania University of Hyderabad, India, came to me, presented to me several questions, and demanded that I should, in each case, give the reply from the Holy Qur'an. When I had done so, they asked me how could the Qur'an supply guidance on any issue which did not exist at the time when it was revealed? As an instance, they asked me to state from the Qur'an whether it was, or not, permissible for a Muslim to witness the play at the Cinema. I told them that I had never been to a Cinema, and that I wanted first to know from them what it was. They told me how a plot is first fixed up, then a story is invented, then it is acted by the actors and the acting is filmed and shown on the screen by means of electricity. I asked them not to relate a whole story but to give an appropriate definition. After a brief discussion, we agreed on defining a Cinema performance as "a play based on an invented tale." I then asked them whether they were ready to abide by the decision if the Qur'an forbade them. They gave their definite promise. Then I read to them the following verse from the Qur'an:

*"But there are, among men, those who purchase idle tales (or, those who spend money on the play based on tale), without knowledge (or meaning), to mislead men from the Path of God and to hold it in ridicule: for such there will be a humiliating Penalty." (XXXI: 6).*

All present bowed before the Qur'anic verdict and repented as promised.

I have cited this incident to point out that the Holy Qur'an is indeed the Book of Perfect Guidance. If anyone dives deep into its meanings, he can discover the guidance contained therein on every

conceivable issue. But this insight comes only when one acquires specialized training in the schools of the *Mujtahid* Imams.

## **Chapter V1**

### **IJTIHAD AND MUJTAHID**

This island of Trinidad enjoys British Administration and is governed by British Law. Those who wish to enter any such Government service here which concerns itself with the administration of law are bound to qualify themselves in a knowledge of the British Law. For instance, even he who is desirous of holding the job of a Police Sergeant must study the sections of Criminal Law before he can be appointed in his job. Thus, every police Sergeant in the colony can claim to possess the knowledge of Law. But, can you ever conceive that because of that knowledge of Law which a police Sergeant might possess, the Government can ever consider him eligible for the post of the Judge of the Supreme Court or that of the Attorney-General. If a Sergeant could equal a Barrister-at-Law or an L.L.D., the Lincoln's Inn and the Faculties of Law at the great Universities would not have existed.

No one can be given the right of interpreting the man-made laws, which continue to change and to be amended from day-to-day, unless he is a fully-qualified Barrister-at-Law, nay, unless he has mastered the higher subjects, as, for instance, the Philosophy of Law, the History of Law, Social Psychology and Sociology, etc., and can stand up as in the true sense a Doctor of Law. But, what a pity, that people can afford to believe that the work of *Ijtihad*, i.e., of interpreting the revealed Law of God and of deducing new laws from it, can be done by X, Y, Z. Such a monstrous suggestion simply staggers the imagination, and it can possibly come only from those who have but a scant regard for God and His Law!

The word *Ijtihad* has been derived from the root JHD, and literally means "striving with full exertion." In Islamic legal terminology, it denotes the endeavour of choosing, in the light of the Qur'an and the *Sunnah*, between two or more differing legal interpretations and of deducing, from the Qur'an and the *Sunnah*, any new rulings for meeting new legal situations. One who performs "*Ijtihad*" is called "*Mujtahid*". The learned men of Islam have laid down certain qualifications, in the light of the Qur'an and the *Sunnah*, which a person must possess for acting and for being accepted as a *Mujtahid*. Allama Shah Waliullah of Delhi (on who be God's Mercy!) has mentioned those qualifications in detail in his celebrated book: *Hujjatullahil-baligha*. I may summarize them here in their minimum form for the benefit, especially, of those simple-minded brothers and sisters of mine who have been misled into the belief that they can act as *Mujtahids* in their independent capacities. Let those whom the promptings of personal fancies lead them into posing as *Mujtahids* without right, and who condemn the great services rendered by the Imams simply because their hearts are gripped by un-Islamic things and they cannot bear the Islamic discipline systematized and codified by the latter, pause for a while in an attitude of just consideration and think. The following are the minimum reasonable qualifications, in their Islamic side, which a *Mujtahid* should possess:

- (1) He should be an expert in Arabic language, literature and philology, so that he may be able to decide properly between the different connotations of the same word.
- (2) He should be a high-class scholar of the Qur'an, and his study of it should be so extensive and intensive that whenever he has to consider a given problem, he should

be capable of keeping before his mind's eye the whole sweep of Qur'anic thought and all the relevant verses.

- (3) He should have the Traditions of the Holy Prophet **صلى الله عليه وسلم** in his memory, so that whenever he has to focus his mind on any problem, he may have all the connected Traditions, even those connected indirectly, before him, clearly and vividly, to guide his thought-process rightly and comprehensively.
- (4) He should further be an expert of the sciences of historical criticism (*Riwayat*) and logical criticism (*Dirayat*), so that he may be able to view the worth and connotation of various Traditions, under study at the time, in their proper perspective.
- (5) Above all, he should possess piety and true Islamic character, and his heart should be imbued with what the Qur'an calls "fear of God".

Now, my Friends! if there is a person who claims to be a **Mujtahid**, but who does not possess even one-tenth of these qualifications, what else can you say about him but that he is groping in the dark, and what else can be the result of his stumbling but misguidance.

Allama Shah Waliullah of Delhi, the celebrated philosopher, theologian, legist, traditionist and commentator, before whose learning and piety bowed the Arab and non-Arab **Ulema**, found all the qualities of a **Mujtahid** in his person. Yet his sense of responsibility and fear of God withheld him from declaring his **Imamat** and **Ijtihad**, and in all humility, he continued to regard himself as a follower (**Muqalid**) of Imam Abu Hanifa's school of Law and continued to stress before the Muslims of India that they should stick to the **Hanafi** school, which had guided the Muslim governments for centuries and had been developed into a perfect system.

**Qalaadah** and **Taqleed** are two related Arabic words. The word **Qalaadah** means "a rope or a chain which is bound to the neck of someone to make him follow behind." **Taqleed** connotes the act of following. As a religious term, it has reference to the fact that "the servants of God, who are linked together by obedience to God, receive the Commandments of God through such and such a chain."

That is, when someone says that he is the **Mujtahid** of Imam-e-Azam, it means that the chain through which he is receiving the Commands of God is that which passes through Imam-e-Azam to the Holy Prophet Muhammad **صلى الله عليه وسلم**. It never means that he is following the commands of Abu Hanifa. Nay, the Command is that given by God, the manner of grasp is that taught by the Holy Prophet **صلى الله عليه وسلم**, the interpretation is that given by the Companions, the arrangement is that fixed by the **Hanafi** school. The work of the **Aalim** and the **Mufti** is to follow this chain, to acquire his knowledge of the Islamic Law in conformity with it and to guide the people in their legal affairs.

Suppose, today, someone enquires from me concerning some point of Islamic law. What shall I do? I have no right to give him some commandment on my own behalf or tell him something in the light of my own commonsense. My function is merely to deliver the law which God has given

to guide the people based on that revealed Guidance. This function is also based on certain authority and certain qualifications. For instance:

- (1) If I am questioned about any problem relating to the Qur'anic text, I can answer authoritatively, because I possess a continuous authority reaching up to the Holy Prophet Muhammad **صلى الله عليه وسلم**.
- (2) If I am questioned about any problem relating to the Qur'anic exegesis or the sciences relating to the *Hadith* literature, I can answer authoritatively, because I possess a continuous link of authority reaching up to the Holy Prophet **صلى الله عليه وسلم**.
- (3) Similarly, if I am questioned about any problems relating to Islamic Law, in accordance with the *Hanafi* or *Maliki* or *Shafei* or *Hambali* schools, I can answer authoritatively, because I possess continuous chains of authority passing through the four Imams and reaching up to the Holy Prophet **صلى الله عليه وسلم**.

I am here before you. My mode of life and my character are before you. The evidence of history about the authoritative learning and piety of my teachers is before you. The commands which I am delivering to you today and the teaching which I am explaining to you is not from me. It is the command and the teaching sent to humanity by God through the Holy Prophet Muhammad **صلى الله عليه وسلم**. In the field of Law, I know that every section of law which is found in *Hedaya*, or *Fath-ul-Qadeer*, or *Durre-Mukhtar*, or *Shami*, or any other similar book has been inserted there after the utmost investigation, and I am ready at all times to prove it.

After all, what these books of Islamic Law (*Fiqh*) are? They are the handbooks detailing the Law which the Holy Prophet **صلى الله عليه وسلم** brought to humanity. They are the compendiums where every one of us can find a readymade and clear-cut reply to his legal problem.

Even though it may prolong the discussion let me re-state the argument I have been expounding so far. Let me state that:

- (1) The Holy Qur'an is the basic book, the groundwork of Islamic Law. The explanation and exposition of its teachings, in the light of the Holy Prophet's **صلى الله عليه وسلم** Traditions, is called *Ilm-ut-Tafsir* (or, the Science of Commentary). There exist numerous books on that subject, among which the better known classics are: *Tafsir Tabari*, *Tafsir Baidwi*, *Tafsir Kashshaf* and *Tafsir Ma'alim-ut-Tanzeel*.
- (2) The explanation and detailed exposition of the Qur'anic teachings by the Holy Prophet, in his Sayings and Actions, forms the second basic source of Islamic knowledge. Now that science which deals with the collection of those Sayings and Actions of the Holy Prophet is called the Science of *Hadith*. There are numerous books on that subject, the most well-known classical works being:

the *Sihah* of Bukhari, Muslim, Abu Daud, Tirmizi, Ibn Majah, *Muatta* of Imam Malik, *Musnad* of Imam Azam, *Musnad* of Imam Ahmad, etc., etc. There are several compendiums where the Traditions have been arranged alphabetically, e.g. *Kanz-ulUmmal* and *Bihar-ul-Anwar*. There are some compilations arranged in a third way, e.g., *Ma"ani-ul-Athar*.

- (3) The science which deals with the biographies of the reporters of Traditions for the assessment of their worth, is known as the Science of *Asma-ur-Rijal*, and there are many classical books relating to it.
- (4) The science which deals with the graduation of Traditions is known as the science of *Usool-e-Hadith*.
- (5) The science which deals with the Principles Qur'an and *Hadith* is known as the *Usool-e-Fiqh*, and there are several classical works and numerous explanatory books on that subject.
- (6) When the laws are fixed up and deduced from the *Qur'an* and *Hadith* according to the rules of *Usool-e-Fiqh*, and they are arranged and systematized in the form of a Law-Code, the science is called *Ilm-ul-Fiqh*. There are a number of classics and numerous handbooks on that subject.

In mentioning this classification of Islamic sciences, my purpose is to give just an idea to my simple-minded brothers and sisters who are being thrown into confusion concerning the Islamic legal schools by certain unconscientious people, who wish to establish their own hegemony and leadership, and hence they propagates all sorts of confusion. Some of them have their ulterior sectarian ends to gain. Most of them are ignorant of Islamic sciences and the safest way they can adopt for their leadership is that of the denial of the validity or the necessity of those sciences. Many of them are so unconscientious as to impute absolutely false motives to the Imams, to call them as "gods besides Allaah", and to criminally impute *Shirk* (polytheism) to the overwhelming majority of the Islamic world which accepts the guidance of the Imams in the matter of understanding the Islamic Law. Even a blind man can see how far they are right. Even the least intelligent person can grasp the element of blasphemy in their stand. Even the ordinary Muslim can understand that:

- (1) When the Commentator of the Qur'an ponders over the verses of that Sacred Book, in accordance with the principles of language and grammar and in the light of the Traditions of the Holy Prophet (peace be with Him!), he is doing nothing else than obeying the following command of the Qur'an itself:

*"Do they not then earnestly seek to understand the Qur'an."  
(XLVII): 24).*

- (2) The scholar of *Hadis* (*Muhaddis*), when he applies himself to the understanding of the Holy Prophet's *صلى الله عليه وسلم* Sayings and Actions, does so only in obedience to the Qur'anic teachings:

*"He who obeys the Apostle, obeys God." (IV: 80).*

- (3) The scholar of *Asma-ur-Rijal*, when he carries out the work of examining the veracity of the reporters of the Traditions, does so in conformity with the Qur'anic principle of not accepting any report without exhaustive investigation. (See XLIX: 6).
- (4) The scholar who applies the science of *Usool-e-Hadith* for grading the Traditions which are extant and for fixing up the categories of *Fard, Sunnat, Mustahab*, Permissible, non-Permissible, partially-Permissible, etc., in the domain of practical injunctions, is only elaborating on the Qur'anic command: *"And whatsoever the Apostle giveth you, take it. And whatsoever he forbiddeth, abstain (from it)." (LIX: 7).*
- (5) The scholar of *Usool-e-Fiqh* fixes up the Principles of Islamic Law to elaborate the practical teachings of Islam for the Faithful, in obedience to the following Qur'anic injunction:  
*"If a party from every group remained behind, (they could devote themselves to the task of) gaining sound knowledge in religion." (IX: 22).*
- (6) The Imams of *Fiqh*, when they systematize the legal injunctions of Islam, in the light of the *Usool-e-Fiqh*, do so merely to carry out the Qur'anic injunction, which forms the remaining part of the verse just quoted, namely:  
*"And that they may warn their folk when they return to them, so that they may beware." (IX: 122).*

Those Imams only further the mission of the Holy Prophet *صلى الله عليه وسلم* referred to in the following verse:

*"O Messenger! Make known that which hath been revealed unto thee from thy Lord." (V: 67).*

When they teach Islamic guidance to the people, they do so in obedience to the Holy Prophet's *صلى الله عليه وسلم* command:

*"Lo! Verily, let him who is present deliver the Message to him who is absent."*

When the Imams systematize the Islamic laws to save men from falling into errors and to make the path of their understanding smooth, they only act in accordance with the following Qur'anic command:

*"Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way. Lo! Thy Lord is Best Aware of him who strayed from his way, and He is Best Aware of those who go aright." (XVI:125).*

Let us view the problem concretely. Suppose a Muslim goes to an Islamic scholar and questions him about the Islamic law on some point of ceremonial and worship or on some point of human affairs, what, do you think should be the procedure which that scholar should adopt? Do you think the following procedure can be adopted as the normal routine in all such cases? When a questioner comes to an *Aalim*, and puts to him a query, the *Aalim* concerned takes up the Holy Qur'an, studies it thoroughly for finding out the relevant verse or verses, shows the verse or verses to the questioner, explains the verse or verses in the light of linguistic, logical or historical principles; - then he studies the whole *Hadith* literature comprising hundreds of thousands of Traditions, picks out the relevant Traditions, examines their authenticity in the light of Historical and Logical Criticism, fixes up the principles for preferring one *Hadith* to another; - then he fixes up the accurate legal form of the query, applies the knowledge he has obtained from the Qur'an and the *Hadith* in accordance with certain valid principles, formulates the Islamic law on the point:- and explains the whole procedure to the questioner and proves to him its validity from the point of view of the Qur'an and the *Sunnah*. Then the questioner might feel that he had escaped *Taqleed* and that he has received guidance direct from the Qur'an and *Sunnah*, Actually, even with such a procedure, the enquirer or questioner has actually slipped into *Taqleed*, for the knowledge he has obtained is through the medium of that scholar. .

Even if you can consider such a procedure feasible in each case, do you think that every *Maulvi* is really capable of adopting and working according to that procedure? Does every *Maulvi* possess that vast learning and that deep insight necessary for the adoption of that procedure? Does every Muslim possess that understanding whereby he can associate himself in the scholarly endeavour of the *Maulvi* to be able to claim, even formally, that he has received the guidance directly from the Qur'an and the *Sunnah* and has escaped *Taqleed*.

Can the verdict of the Qur'aan be falsified when it says:

*"Can the learned and the non-learned be ever equal?"*

Tell me, my Friends!, is it humanly possible for you to fix up the above-mentioned procedure as a normal and necessary routine?

And, let me ask you, what do you do when you are confronted with any problem connected with the man-made Law which governs your colony. When you have a law-suit, do you call upon your Barrister to explain to you all the background of the relevant sections of the law, their origin, their history, their different interpretations by legal authorities, the various rulings given by Judges from time to time, so on and so forth? Well, you only explain the case to the Barrister and discuss it with him and leave out all the above-mentioned questions as irrelevant.

Again, it is the function of the Barrister to state the law and to employ it and interpret it for pleading his case. Do you think that the Government can accuse him on that basis of acting as a legislator and a lawgiver? Or, do you think that the authors of law-books and commentators of law can be reasonably accused of taking the authority into their hands?



If the answer is in the negative, and it can only be in the negative, how can anyone accuse the Imams of usurping the authority of God or His Prophet **صلى الله عليه وسلم**? Let me declare, and declare most emphatically, that if the Imams took away the authority of anyone it was only the authority of those mischief-makers who are always out to create confusion in the ranks of Muslims and of those half-educated people who, because of their self-conceit and other faults, like to pose as authorities to misguide people. The Imams only acted as the spokesmen of God and His Holy Prophet **صلى الله عليه وسلم** and whosoever follows their direction to-day actually follows nothing else but the guidance of the Qur'an and the *Sunnah*. The work of the Imams is a demonstration of "The religion (of Islam) is easy". Thanks to the great labours of the Imams of *Tafsir* and *Hadith* and *Fiqh*, to-day the knowledge relating to every department and every branch of the Islamic Way of Life is open to us, properly systematized and simplified, completely preserved and protected:-

- (1) The Qur'anic text is present, preserved to the very letter.
- (2) The commentary of the Qur'an is present in bulky volumes.
- (3) The Traditions of the Holy Prophet **صلى الله عليه وسلم** are present in books of *Hadith* and *Siyar*;
- (4) The literature on *Asma-ur-Rijal* is present to help us in examining the Traditions,
- (5) Comprehensive books on Principles of Tradition and Principles of Law are present to make us understand the method of deducing laws from the Qur'an and the *Sunnah*;
- (6) Voluminous books on theological problems are present to guide us on Beliefs (*Aqaid*);
- (7) Exhaustive books of Law are present to guide us in matters of ceremonial, civil and criminal laws.

It is now for us either to practice Islam, which is the purpose for which Islam came, or to continue to waste our time in meaningless and newfangled controversies.

There can be no doubt that the Holy Qur'an is "the store-house which contains all the knowledge we need." Similarly, the Holy Prophet's **صلى الله عليه وسلم** Traditions are "the Comprehensive Treasure of Guidance". If you want to find out a reply to any one of your problems from the Qur'an and the *Hadith*, you can certainly find it in them. There you have the Source and the Fountainhead. But to discover it in that vast and deep treasure demands all your ambition and exertion and courage and a thorough mastery of all those sciences which form the key to that unique treasure. Even if you can do that according to your light, you might not be still sure of your conclusions.

The safest and the truest path for all is to seek help from those guidebooks which were built up by centuries of honest research-labour performed by the highest and the most pious intellects of Islam. Thus, if you have any problem relating to the meaning of the Qur'anic verses, refer to the Commentaries.

If you wish to obtain information on any point relating to the Holy Prophet's **صلى الله عليه وسلم** life, refer to the authentic books of *Hadith*. If you want to be clear on any problems of Belief, refer to the classics of *Ashaerah* and *Maturediyyah* philosophers. If you want a reply to some problem relating to ceremonial or general law refer to the books of Law according to the Hanafi, Maliki, Shafei and *Hambali* schools. You will find your problems solved, your queries answered, without much-ado. You will discover the

beauties of the Codified Islamic Law.

I would advise you not to follow the example of the rat who found a piece of tamarind and started claiming that he was a full-fledged grocer.

Remember! The Holy Prophet (صلى الله عليه وسلم) prophesied for the latter days in unambiguous terms that:

*"People will appoint ignorant persons as their (religious) leaders, who will give Fatwa (legal verdict) without knowledge and will mislead their own selves as well as others. Beware of those mis-leaders!"*

About those very people who do not even know the Arabic language properly but who pose to be not only *Muftis* but *Mujtahids*, the Holy Prophet (صلى الله عليه وسلم) prophesied that they will be the "*wolves in human dress*" – the hypocritical robbers of Faith. They wear a crown of service to him

*"who whispers (evil) into the hearts of mankind, - among Jinns and among Men"* (CXIV: 5, 6),

They put on the mantle of hypocrisy, they utter the name of Islam with their lips but invite the people to all sorts of immoralities, nay, sometimes, to *Kufr* itself.

Those evil geniuses are there, thanks to the ignorance of the Muslims. But the true scholars of Islam are always also present, to **tear** the mask from the face of evil, - even as the true Prophet of God (صلى الله عليه وسلم) truly prophesied:

**"A party of my followers will continue to conclusively demonstrate the truth."**

In the fulfillment of this prophecy, numerous refulgent stars have appeared from time to time on the firmament of Islamic learning and have illumined the path of the followers of Islam. As for my humble self, I will consider it my good fortune if God Almighty counts me among their true pupils. As such, I am always ready to render any service of which I may be capable.

Since my arrival in the island, I have found the Muslims entangled in certain controversies. The following are the questions which I have been asked to reply time and again.

- (8) Whether Jesus (peace be with him!) was born without a father, or through the agency of a father?
- (9) Whether Jesus died a natural death or is still alive?
- (10) Whether the *Mi-raaj* (Ascension) of the Holy Prophet Mohammed (صلى الله عليه وسلم) was of a spiritual character or physical?
- (11) Whether a Muslim should read twenty *Rakaats* in *Tarawih* or eight?

- (12) Is it permissible to hold the *Milad* assemblies?
- (13) Is it permissible to send blessings to the dead with Qur'aanic recitation?
- (14) Is it permissible for Muslim ladies to appear before strangers in the semi-naked Western style of dress?

I have been replying to the individuals on these points. But I have been asked to state the verdict of Islam in these matters for the benefit of the general Muslim public.

According to the argument which I have fully elucidated during the discussion of "the Codification of the Islamic Law", my function is only to state the *Fatwa* as it is found in the authoritative books of *Fiqh*. That is the procedure which the Islamic world has been following.

Let me now state that, during the past thirteen centuries, the overwhelming majority of the learned men of Islam have unanimously held in the light of the Qur'an and the *Sunnah*, that:

- (1) Jesus (peace be with him!) was born without a father.
- (2) Jesus was neither killed nor crucified, but Allaah saved him from the clutches of his enemies and has preserved him alive under His protection at a place He chose for him.
- (3) The Holy Prophet Mohammed (peace be with him!) performed the *Mi-raaj* with his body which was Light personified. This problem will be explained rationally during my lectures on "Miracles".
- (4) Keeping before him the Sayings of the Holy Prophet *صلى الله عليه وسلم*, which referred to the blessings to be obtained by increased amount of worship performed during the nights of Ramadan, and considering thoroughly the *Sunnah* of the Holy Prophet *صلى الله عليه وسلم*, *Amir-ul-Momineen* Omar (God be pleased with him!) fixed twenty *Rakaats* of congregational *Taraweeh* prayers behind the Imam. Twenty *Rakaats* of *Taraweeh* are the *Sunnah* of Omar, and it is followed in obedience to the Holy Prophet's *صلى الله عليه وسلم* command:
 

*"You should follow my Sunnah and the Sunnah of the righteous Caliphs."*
- (5) To hold *Milad* assemblies and to recite the life of the Holy Prophet *صلى الله عليه وسلم*, in conformity with the Holy Qur'an and the *Hadith*, is *Mustahab* and *Mustahsan*, i.e., a religiously good action.

- (6) To send blessings to the dead with Qur'anic recitation is permissible and is an act based on the teaching of the Qur'an and the *Hadith*.
- (7) It is forbidden for Muslim ladies to appear dressed half-naked in the Western style before strangers.

This bare statement of Islamic guidance should not, however, mislead anyone to think that I am not prepared to argue out of the *Fatwas* which I might thus state. In fact, I am always ready to discuss any issue on the basis of the original sources found in the Holy Qur'an and the *Hadith*, provided the person who wishes to discuss it with me has proper access to the technical knowledge necessary and comes to me as an honest student of the subject. Otherwise to discuss the "ins" and the "outs" of technical points with those who possess no technical knowledge of the and the *Sunnah* would be as meaningless as act as discussing Atomic Physics with a school-boy.

Unfortunately, certain sections of Muslims to-day have lost all sense of proportion. They may not even know the A B C D of the various Islamic sciences, but they have courage to indulge in discussions of Islamic things with such a tone of authority as to make even the worse form of lunacy look grave. And not only can they pose as authorities, but they can also fight with fellow Muslims on the basis of their unwarranted and unauthorized views and can extend the fight to a limit where the community gets smashed up into pieces and becomes the laughing-stock of the enemies of Islam. What is still more pitiable is that all this fight of the ignorant and petty "*Mujtahids*" revolves mostly round problems and issues which have no relation to the mission of Islam or the progress and stabilization of the Muslim community.

Here I might recall to your minds an incident of history which depicts very well the condition of these "friends" of Islam.

Before the Islamic conquest, Constantinople was the seat of the Byzantine Church and a great centre for Christian controversies. Fighting among themselves on petty issues relating to ceremonials and the like had become the pastime of the Christian clergy. They were engaged in it during that night also when the armies of Mohammad the Conqueror were crossing the Bosphorus. The most eminent among them were present in the beautiful church of St. Sophia and a heated discussion was in progress. The issue was whether the bread to be used in the feast of Eucharist should be leavened or unleavened. The fury of the debaters rose ultimately to such a pitch that they tore off the robes of each other. Everyone had in mind to vanquish his opponent, not only in argument, but also physically. In the meantime, the armies of Islam broke through the fortification of the town. The Byzantine Empire came to an end. The Byzantine Church also disappeared in due course. The church of St. Sophia where the Bishops fought on that petty issue so ferociously, became the house of Islamic Worship. Not only that petty controversy, but Christianity itself was wiped out.

I must make this admission, though I must do so with a very sad heart, that I find the Muslims in the same unenviable position today which characterized the Byzantine Christians of those days. Muslims have lost all their past glory. They are virtually existing on the keg of a dynamite. The

antagonistic forces are fully busy in liquidating their spiritual and moral heritage. The very fundamentals of Islam are under fire. The organized movements of irreligion and immorality, which stand for destroying and wiping out religion as such, are attacking the Muslim religious life also with full force. Vast Muslim populations in Central Asia, Transcaucasia, Eastern Europe and China have been engulfed by atheistic Communism. Other Muslim populations are also suffering under the stress of the materialism ridden modernism.

Such an all-round catastrophe necessitates that Muslims should stand united like a solid rock and should concentrate on the fundamental spiritual and moral issues confronting them. And not only this. They should invite the whole world of religion to join with them in fighting the organized menace of irreligion.

But, instead of this, there are certain persons who are never tired of raising petty issues for dividing Muslims and of wasting their energies. Such persons have, of course, their own axe to grind. What their actions mean to Islam, they do not care. It is, however, for all sincere Muslims to see that they do not fall into the snare and do not allow themselves to be misled into wasteful pursuits.

Before I conclude, I pray that Almighty Allah bless the Muslims with the right understanding so that they may be able to distinguish the right from the wrong and to save themselves from pernicious influences.

*Ameen!*