

SECTION VII

The Conduct of Rulers

48. It is necessary for the ruler to possess good moral qualities or else he will be a burden on the state. If he is not brave, he will show weakness in confronting aggressors, and his subjects will look down upon him. If he is not forbearing and gentle, the subjects are likely to collapse under his overpowering authority. Similarly, if he is not wise enough, he will fail to formulate proper public policies. It is also necessary that he is sane, adult, male, and a person of understanding, who is able to listen, observe and express himself eloquently. Besides, he should be one of the nobility and should be recognised as such by the people, who should also acknowledge his noble deeds and those of his ancestors. People should also have known him for his dedication and untiring efforts for the well-being of the society.
49. All these characteristics of a good ruler are not only proven by reason but have also been universally recognized by mankind, notwithstanding any geographical distance or religious differences between them. This is because all of them realise that the objectives for which rulers are installed cannot be achieved except through possessing these qualities. They also observe that whenever there has been a disregard of these qualities, the consequences were always unpleasant and people detested the state of affairs in their hearts. Even when they kept quiet, they did so with resentment and indignation.
50. It is essential for the ruler to establish his prestige and glory in the minds of his subjects and to sustain it, and avert factors that belittle this prestige and glory through suitable measures. Whoever endeavours to establish his prestige should himself with excellent morals befitting his position of leadership. For example, he should possess

the qualities of bravery, sagacity, generosity, and clemency for those who might commit injustice. Further, he should constantly pursue the end of public welfare.

51. He should deal with people in the same manner in which a hunter deals with wild animals. As a hunter goes to a jungle and looks for deers, he contemplates the appearance which is suitable for the peculiar temperaments and habits of deers. Then assuming that appearance, he confronts them from a distance. He focuses his gaze on their eyes and his attention on their ears. Whenever he feels any awakening in them, he sticks to his place and becomes standstill as if he were a motionless inorganic body. As soon as he notices any inadvertence on their part, he creeps toward them and sometimes enchants them by a melody and throws in front of them the most favourite of their fodder, as if he were generous by nature and does not mean thereby to hunt them.
52. Benefaction generates love of the benefactor, and the ties of love are stronger than the chains of iron. Therefore, the man who presents himself before the people as a leader, ought to adopt an appearance in his dress, speech and good manners that should attract them. He should come near to them imperceptibly and should gently show his sincerity and love for them, without giving them the slightest indication that all this was meant to hunt them. He should then make them know that his equal was almost impossible for them to find until he can see that they are convinced in their minds about his superb abilities and competence, and their hearts are filled with love and veneration for him, and they become embodiments of humility and submissiveness to him. He should then maintain this position and should do nothing which might change the public attitude toward him. If there is any failure on his part, he should make it up with kindness and grace, and should indicate clearly that his action was motivated by public welfare, and that it was in their interest and not against it.
53. Additionally, a ruler also needs to impose his obedience by retaliatory action against the disobedient. Also, whenever he notices that somebody has proved his expertise in war, or his efficiency in the collection of taxes, or in some other sphere of public management, he should increase his emoluments, enhance his position and should display nice and friendly attitude toward him. At the same time, whenever he suspects any treachery, slackness, or omission in the

discharge of duties on the part of anyone, he should decrease his salary, lower his position, and should turn away from him.

54. Moreover, a ruler is in greater need of comfort than others, provided that this comfort does not bring hardship for the people. For instance, he may cultivate a barren land or settle in a far off place in order to ensure his security. Further, he should not take action against anyone except after convincing the people who are qualified to 'loosen and bind' (*ahl al-ḥall wa al-'aqd*) that he deserved it and that public policy demanded it. In addition to this, a ruler should possess sufficient intuitive understanding of human nature to know what is in the minds of people. He should be so shrewd that his assessments prove correct as though he has actually seen and heard. It is also important that he does not defer an imperative action to the morrow. He should not wait if he senses a concealed animosity from somebody, before liquidating his power and thus rendering him unable to pose any threat.

SECTION VIII

The Policy with Regard to Aides and Lieutenants

55. Since the ruler does not have the ability to single-handedly achieve these objectives of public policy, it is necessary that in respect of every business of the state, he is assisted by some aides. Among the qualifications of aides is their honesty and competence to carry out what they are ordered, to be submissive to the ruler and to be his well-wishers in public as well as in private. Whoever fails to fulfil these conditions is liable to removal from his office. If the ruler neglects his removal, he becomes guilty of treason to the state and responsible for corruption in his system of government. The ruler should not appoint aides from amongst those whose dismissal would be difficult for him, or to whom he has any obligation for reasons of kinship or otherwise on account of which their removal might be disliked.
56. Moreover, the ruler should differentiate between his admirers. Some of them might admire him, either out of fear or self-interest. Such individuals should be brought close through subtle means. There may be other individuals who admire him for his own sake and consider his gain and loss as their own. Such admirers are truly sincere. Every human being has a peculiar natural disposition and is conditioned by a particular behavioural pattern. Therefore, it is not advisable for the ruler to expect from anyone what might be beyond his natural capacity.
57. The aides are of various categories:
- (i) Those who provide protection from the treachery of the enemies. They are like the two hands in the human body that carry arms.

- (ii) Those who manage the civic policies. They are as important as the natural faculties in the human system.
- (iii) Those who are advisors to the ruler. They are like the intellect and sensory apparatus for a human being.

58. It is essential for the ruler to apprise himself about the developments of each day and to remain aware of any improvements or otherwise in the affairs of the state. Since the ruler and his aides and lieutenants perform useful duties on behalf of the state, their sustenance should necessarily be the responsibility of the state.
59. It is necessary that for the collection of various taxes an even and equitable practice is followed, one that serves the interests of both the individual and the society. Taxes should not be levied on everyone nor on every property. For certain reasons the rulers of the communities of east and west all agree that taxes should be collected from prosperous people, who hoard treasures of gold and silver. Similarly, they should be levied on self-growing property, like procreant cattle, agriculture and trade. If there is need for more revenue, then tax may also be levied on the highest earning groups.
60. It is necessary for the ruler to keep his armies under control. The method of exercising this control is similar to the technique adopted by an expert tamer with his horses. The tamer learns different forms of the horse's stride, like galloping, quick pace and running in race, etc. At the same time, he learns their bad habits such as stubbornness. He also knows how to effectively caution the horse through pricking, holding back, or using whip. Then he observes the horse, and whenever he finds it doing something he does not want it to do, or not doing something that he wants it to do, he warns it in a manner suitable to its nature whereby its vehemence is subdued. But the tamer should also see to it that he does not hurt the feelings of his horse. The horse should not be allowed to understand why it has been beaten. The image of the command given to it should be reflected in its mind and instilled in its heart. It should also be made apprehensive of the retributory consequences of its acts. Moreover, even when it performs the desirable acts and shuns the undesirable ones, taming should not be abandoned until the tamer is satisfied that the required attitude has become part of its habit and temperament so much so that even when there is no admonition it will not follow the contrary course. In the same manner, a tamer of armies must know what

commissions and omissions constitute the right course for them. He should also know the manner in which warning should be given to them. He should, on no account, neglect any of these considerations.

61. There is no limit to the number of aides. Their number may vary with variation in the requirements of the state. Sometimes there might be need to appoint two aides for one purpose, while at other times one aide might be sufficient for two purposes. Generally chief aides are five:
 - (i) *Judge*: He should be free, male, adult, sane, competent and possessing knowledge of the established conventions of human transactions and the tricks of litigants in their litigations. He should be firm but also mild and patient. He should always take the following aspects into consideration. Firstly, he should see the overt circumstances of every case. These may be represented by a contract, some wrong committed or other antecedents between the litigants. Secondly, he should find out what each litigant demands from the other, and which of the two demands is more legitimate and justifiable. He should be fully aware of those causes and factors that led him to the understanding of a certain fact. Because sometimes there is some evidence available, which people do not doubt, and which demands a clear verdict. At other times, there is an evidence at variance from the former evidence which had warranted a different verdict.
 - (ii) *Commander of the soldiers*: He should essentially possess all knowledge about war and the formation and organisation of gallant and brave men. He should know the extent to which each individual under his command can be useful, and also how to equip the army and deploy spies and informers about the tactics of the enemy.
 - (iii) *Administrator in charge of internal affairs*: He should be an experienced man who knows fully about the policies that could lead to the progress of the state and also the actions that might cause its degeneration. He should be firm and patient and should belong to the kind of people who do not keep quiet when they see something they abhor. He should appoint for every group of functionaries a chief from amongst them, who is fully informed about their affairs so that the interests of that group are properly looked after, and their chief may be held responsible for everything concerning them.

- (iv) *Tax-Collector*: He should know the ways and means of collecting revenues and their distribution among those who are entitled to receive the benefits.
- (v) *Secretary responsible for the living of the ruler*: Because the ruler with all the preoccupations that engage him cannot attend to catering for his own living, he needs to be assisted by a secretary.

SECTION IX

The Fourth Stage of *Irtifāq*

62. This section contains the science which discusses the political and administrative patterns of governors and rulers of states, and the ways and means of maintaining the relationship between the peoples of different areas.
63. When every ruler becomes independent in his domain, controls the collection of taxes, and secures the services of fighting men, the varying temperaments and different capabilities of the various rulers, lead to injustice and renunciation of civilised conventions in their mutual dealings. They start entertaining ambitious desires toward each other's domain and tend to feel jealous of each other. They even go to war against one another, being driven to it by immediate personal interests such as greed for wealth or land, or merely on account of jealousy and rancour. When such tendencies become common, people are compelled to instal a *khalīfah*.
64. *Khalīfah* is someone who secures the services of sufficient forces and commands the support of such large numbers of people that it is almost impossible for anyone to dispossess him of his office. Because any thought to do so would involve widespread troubles, hardships, mobilisation of people on large scale and expenditure of huge amounts of wealth. Such measures are generally beyond human capacity and are practically almost impossible. Once a *khalīfah* is installed in office, and he sets virtuous patterns of conduct in the land, subjugates all contenders for power and is obeyed by different rulers, life is endued with prosperity and contentment. The *khalīfah* is also compelled to make preparations for war to protect his people from the harm which may be inflicted by individuals possessed of brutish

nature, who might plunder their properties, arrest their progeny and bring disgrace to them. It is precisely this need which made the Children of Israel say to one of their Prophets: "Raise up for us a king that we may fight in the way of God".¹

When lustful individuals or those with a brutish nature perpetrate evil and spread corruption in the land, God decrees, either directly or through Prophets, that their power be destroyed and those among them who prove incapable of reform and rectitude, be killed. The presence of such people among mankind is like a limb of human body affected by gangrenous sore. It is precisely this need, which has been referred to in the following verse of the Qur'ān: "...and if Allah did not repel some people by others, cloisters, and churches and synagogues, and mosques in which God's name is much remembered, would have been pulled down".²

The same has been referred to in the following verse: "And fight them until there is no persecution".³

65. The *khalīfah* is not expected to fight tyrant and oppressive rulers and destroy their might and power except through men and material. This requires an understanding of the factors that warrant warfare and those that call for truce, imposition of land tax, or tribute. The *khalīfah* should first of all give a careful consideration to the reasons of waging war. These reasons may include repulsion of some injustice, extermination of those wicked and brutish elements whose reform is beyond [normal] expectation, suppression of the elements that are on a lesser degree of wickedness, by demolishing their power, curbing the activities of groups of wrong doers by killing their big chiefs, or imprisoning them or by confiscating their lands and properties and thus turning the attention of subjects from such corrupt elements.
66. It is not appropriate for the *khalīfah* to take any strong action which is not warranted by the purpose that he seeks to achieve. For example, he should not eliminate a virtuous group of supporters for the sake of acquiring some properties. It is also necessary for him to win over the hearts of the people and to know the level of usefulness of everyone. Thus he should not depend on anyone beyond his capacity. He should acknowledge the esteem of leading and wise personalities and should give impetus to war, both through hope and fear. He should pay his utmost attention to dispersing the collusion of rulers, to blunting the edge of their possible opposition, and to

inspiring awe in their hearts so that they all submit to his authority and have no other option. When he succeeds in this, he should verify his doubts about them before waging war. If he apprehends that they will create disturbance once again, he should impose heavy taxes and tributes on them, demolish their fortifications and render them incapable of pursuing such a course again.

67. Since the *khalīfah* is the protector of a system brought into existence by a combination of heterogenous elements, it is necessary for him to remain alert, to despatch spies to every corner, and to utilise his penetrating acumen. Whenever he sees any alliance taking place in the armies, he should immediately form a similar alliance comprising those people whose affiliation with the rebels is normally impossible. When he notices that some individual is seeking the office of *khalīfah*, he should hasten to take preventive measures against his possible moves. He should destroy his power and should weaken his strength. He should constantly work for making his own authority acceptable among people so that their general consensus in his favour becomes an established principle with them. Mere acceptance of authority should not be considered sufficient; rather, there should be some evident signs of this acceptance. For instance, prayers for him and a public acknowledgement of his authoritative position should take place in big gatherings. People should also adopt forms and conventions prescribed by the *khalīfah* e.g. circulation of coins engraved with the name of the *khalīfah* as is the custom in our time.

Universal Consensus on the Principles of *Irtifāqāt*

68. It should be borne in mind that there is no civic system throughout the inhabited world, nor has there been any community of people, possessing balanced temperaments and virtuous morals since the time of Adam (peace be upon him) nor will there be one till the Day of judgement which is devoid of *irtifāqāt*. The principles of *irtifāqāt* have been unanimously accepted by all communities with consistency through successive centuries and generations. Those who have ever violated these principles were strongly condemned by humanity at large, which considered these principles too obvious and axiomatic to be ignored. Notwithstanding the apparent differences between various communities in certain forms and branches of *irtifāqāt*, they are all agreed on basic principles.
69. For example, there has been a general agreement on removing the malodour of the dead and on the covering of the private parts. While agreeing upon these basic principles, people have differed in regard to the forms. While some of them chose to bury their dead in the earth, others preferred to put them to fire. Similarly, there has been an agreement on publicising the event of marriage in the presence of witnesses and its distinction from fornication, but then people differed in certain exterior forms. While some of them adopted the procedure of witnesses, proposal and acceptance and a feast, others went for playing tambourine, singing songs and wearing such splendid dresses as are normally worn on the occasions of big feasts. In the same manner, there has been a general agreement on reprimanding the adulterers and thieves, but there has been difference in the

modes of achieving this purpose. While some people followed the mode of stoning and cutting off of the hand, others had recourse to painful beating, rigorous imprisonment and heavy fines.

70. The violation of these principles of *irtifāqāt* by two groups must not mislead the reader. The first of these is the group of thick-headed psychopaths who are in close proximity to beasts. The majority of people does not doubt that they are people of lower temperament and deficient intelligence, as they can see it evidenced by their non-observance of social and moral limits and restrictions that are dictated by the requirements of *irtifāqāt*. The second is the group of debauches who, on an examination of their minds, would appear to believe in *irtifāqāt*. Overcome by carnal desires, however, they violate them, bearing witness to their debauchery against themselves. They commit adultery with the daughters and sisters of people, but if adultery is committed with their own daughters and sisters, they would almost burst into fury. They know for sure that people feel tormented exactly as they themselves would feel tormented. They also know that the commission of such acts interferes with the integrity of the society, but they are blinded by their low desires. The same explanation applies to acts of theft, usurpation, and other forms of exploitation.
71. This should not be construed to mean that consensus among peoples on these matters has taken place without any solid basis, or it is like an agreement between the people of east and west to feed themselves by one particular food. For there would not be a graver sophism than this. In fact sound human nature demands that people agree on these matters, notwithstanding the differences in their temperaments and habitats and variations in belief, due to a natural harmony emanating from the peculiar form of their species, and in response to the recurring needs which confront all members of the species alike. This harmony also stems from a morality prescribed by the healthy formation of the species and is embedded in the temperaments of its individuals. If a man were to grow in a desert far from the society and does not learn any custom from anyone, he would certainly feel the urges of hunger, thirst, and sex. Then he would certainly also feel the desire for a woman. If they both are in a healthy condition, they would naturally give birth to children. Then all the members of the family shall join together. This would give rise to various dealings between them. Thus the primary level of *irtifāq*

would be established. As these people would increase in number, it is natural that there would appear among them individuals possessing excellent morals. These individuals will be naturally confronted with different situations which would give rise to the subsequent stages of *irtifāq*.

The Conventions prevailing among People

72. It should be noted that conventions occupy the same place in *irtifāqāt* as heart in the human body. Further, it is conventions which have been the chief concern of the Divine dispensations and they addressed them *per se*. These have constituted the main theme of the Divinely ordained codes of conduct wherein they are frequently referred to.
73. There are certain factors which bring conventions into existence. They are either discovered by men of wisdom or inspired by God in the hearts of those who are aided with an angelic light. There are, at the same time, some other factors due to which conventions become prevalent among people. For instance, these might form part of the established patterns set by a grand ruler to whom heads of people bow in submission. These conventions are sometimes wholeheartedly adopted by the people, because therein they see a realisation of what they already aspire after in their hearts. There are also some causes for the sake of which a people consistently adhere to a set of conventions. These causes include an experience of Divine retribution over their abandonment or spread of corruption on their negligence or censure by the people blessed with right thinking, etc. A perceptive mind would not fail to ascertain these facts by observing the benefits of reviving good conventions and noticing the adverse effects of their nullification in many societies in the light of what we have explained above.
74. The prevalent conventions, so far as their essence is concerned, are right since they preserve virtuous *irtifāqāt*, and are conducive to their

theoretical and practical perfection by human individuals. But for these customs and conventions most of the people would join the community of beasts. There are so many people who perform marriage and enter other human transactions in the required manner, but when asked as to why they restrict themselves by these limits [of conventions] they find no answer except that they follow the community. The utmost level of understanding which such people can attain is a summary knowledge which they cannot even fully articulate, not to speak of formulating the *irtifāq*. Such people, if they did not abide by an established set of conventions, would have almost joined the beasts.

75. Nonetheless, conventions are sometimes confused with wrong practices as a result of which people tend to lose sight of the right patterns of life. This happens when a group of people, dominated by individual purposes rather than universal purposes, manages to get ascendancy. They commit brutish acts like robbery and usurpation or lustful acts like homosexuality and feminisation of males, or indulge in harmful earnings like usury, and cheating in weights and measures. They also adopt those habits in dresses and banquets that lead to extravagance, and force an excessive dedication to earning. Such people also indulge in extravagance in entertainments which results in the negligence of the responsibilities of this world as well as those of the Hereafter, such as playing music and chess, hunting and catching pigeons. They also impose heavy taxes on travellers and cumbersome land taxes on the subjects. Thanks to their policies, mutual greed and jealousy become common among people. These people justify to themselves this treatment with others, but they would detest the same treatment if it were meted out to them. No one dares to condemn this attitude of theirs due to their power and glory. Perverted people in the community come forward to follow and support them and exhaust their efforts in the propagation of such evil practices.
76. Similarly, there appear people whose minds are devoid of a definite and strong tendency to do any virtuous or non-virtuous deeds, and they cling to these evil practices, merely because they find their rulers doing the same, or perhaps because they become weary of the healthy course of conduct. At the same time, there are some people who maintain a sound disposition, but they stay in the rear ranks of the community in seclusion from the rest and keep quiet over this

state of affairs although they disapprove of, and feel angry about it. Thus a bad pattern of conventions is formed and becomes gradually consolidated. It is then an obligation on the part of the people dedicated to universal purposes (as against individual purposes) of life, to continuously strive for the popularisation and enforcement of truth and for weakening and hindering falsehood. This is sometimes not possible without disputes or even fights. And in such a case, these disputes and fights are to be reckoned as the most preferable of all acts of piety.

77. Once right conventions are established and are accepted by the people and the succeeding generations, they live and die on these conventions and their thoughts and emotions become firmly attached to them, so much so that they consider them *sine qua non* for the universally recognised norms of life, that is, if these conventions are present these norms would be deemed to be in force; otherwise not. In such a case, their violation is committed only by those whose souls are unclean and intellects deficient, and who are totally dominated by lowly passions. When such people commit these contraventions, their hearts bear testimony to their immorality and a curtain is placed between them and the universal weal (*al-maṣlahah al-kulliyyah*). When they complete their acts of contravention, this betrays their psychological disease and becomes a black spot on their religious faith and fidelity. When this attitude becomes manifest, the prayers and supplications of the heavenly community rise in favour of those who follow the virtuous conventions and in opposition to those who violate them. Thereupon an approval is formed in Paradise for those who practice them and a disapproval for those who go against them. These conventions are so important that they have been considered an inherent part of the nature made by God on which He has created men.

God knows best.

SECTION XII

The Need for Guides of Paths and Founders of Religious Communities

78. God has said: "Verily you are only a warner and for every community, there is a guide".⁴

Let it be known that the deeds which conduce human beings to a subordination of their beastly nature to their angelic consciousness, and the sinful acts that are contrary to those deeds are often neglected by people. They are neglected even though these are identified by sound intellect, which perceives the benefits of the former, and the harms of the latter. The reason for it is that their vision is blurred, which spoils their intuition like bilious. Thus they become incapable of appreciating the required condition of their life with its attendant benefits. Nor can they apprehend the predicamental state and its consequential plagues. Hence they stand in need of a bearer of the authentic knowledge of the right patterns of life who might discipline them, enjoin upon them the ways of virtue, urge them to follow those ways, and to hold them to censure when they violate those ways.

79. There are some individuals whose judgement and understanding is corrupt. They pursue nothing for its own sake, except that which is contrary to the required manners of life and thus they go astray and cause others to go astray. The affairs of the community cannot be properly directed except by curbing such individuals and rendering them ineffective. There are, at the same time, individuals who receive an incomplete guidance. They preserve part of the guidance, while there remain things that escape their attention, or they suppose that they were already perfect and did not need anyone else to perfect

them. Such people are in need of someone to warn them against their ignorance.

80. In short, people inevitably do stand in need of a truly knowing person whose knowledge and judgement are not liable to error. A city-state, in spite of the free application of worldly wisdom possessed by so many people who understand the appropriate mechanisms for serving the interests of the city-state, still remains in need of a person who fully knows the collective interests of civilisation and is able to organise the affairs of the city-state. If such is the state of affairs, then you can form an idea about a huge community of people combining varied abilities. Obviously, such a huge community of people stands in far greater need of guidance and that too in a sphere which cannot be adequately comprehended, except by the highly intelligent ones who possess a clean and pure disposition and who have an exceptional ability to form abstract conceptions. Nor can anyone guide others in this sphere of knowledge and guidance except individuals of a very high quality who are very few. Likewise, such vocational skills as carpentry and smithcraft and the like cannot be mastered by the common folk except through following the patterns set by their predecessors and teachers who guide and direct people in these fields. That being the case, you can imagine the lofty and noble purposes to which only the few gifted ones have an access and establish their abiding commitment thereto.
81. Moreover, it is also essential for such a truly knowing person to come forth with a universal evidence that he possessed the knowledge of the right patterns of life and that he is immune in what he utters from error and misguidance. At the same time, people should find testimony that he is also free from a partial understanding of the reform which might exclude other essential parts thereof. This phenomenon [of prophethood] is subject to either of the two conditions: that some learned men speak on the authority of that personality before them beyond whom there remains no scope for further argument and reasoning; this is because the community has a consensus regarding his perfection and immunity from error, and because the tradition of such a person had been preserved with them. It is then possible for these learned men to hold the community accountable on the basis of what the members of the community believe, and to argue with them on that ground and confute them. Or the person who is placed

at the culminating point of argumentation and is himself present and the community unanimously accepts him as such.

82. In short, a community necessarily requires a person who is immune from error and is acknowledged as such unanimously by the community. He may be present in their midst, either in person or through his preserved tradition. The knowledge and understanding of such a person about the attitude of submission (to God), his setting practical examples of this attitude, and the beneficial dimensions of this attitude, and also his knowledge of sins and their harmful dimensions, all this cannot be attained merely with the help of reason or of the kind of intelligence employed in the pursuit of worldly aims or just by means of sense-perception. On the contrary, these are the things the reality of which is discovered only by higher intuition. Even things such as hunger, thirst and the effects of warm and cool drugs cannot be comprehended without intuition. Then surely the knowledge about harmony between something and its spirit or any inconsistency between the two [cannot be perceived without intuition]. There is no way to understand them except by sound and healthy taste.
83. The immunity of such a person from error rests in his own eyes on an essential knowledge granted by God to him, that all that he perceives and comprehends is true and is in accordance with the reality. It is like the aim of a beholder at the moment of beholding. When he beholds something, he does not contemplate any possibility that his eyes could be stricken by an epidemic, or that his beholding something could be contrary to reality. It can also be likened to the knowledge of linguistic matters. For instance, an Arab does not doubt that the word *mā'* (water) is used to connote this particular substance, or the word *ard* (earth) is used for a particular object even though it is not established for him by reason, nor is there any logical intrinsicity between the two. Despite that, a necessary knowledge to this effect is cast in his mind. This necessary knowledge is attained often through the formation of an instinctive ability whereby his intuitional understanding invariably leads him to the right patterns of behaviour. As this intuitional understanding persists and the experience recurs, the former is testified by the latter.
84. As to the immunity of such a person from error in the eyes of the community, it is established by their verification through various modes of rational and demonstrative proofs that whatever he calls

for was indeed true and that his conduct was virtuous and free from any element of falsehood. They are also able to witness in him signs of Divine proximity like miracles and grant of supplications so that they remain in no doubt, that his soul was from among the blessed ones and elevated to the position of closeness to angels. They also realise that it does not befit the like of him to attribute any falsehood to God, nor to commit any act of disobedience to Him. Thereafter there occur events which unite them in greater cohesion. These events become dearer to them than all their possessions and even their children and more desirable than cold water for the thirsty. All these things are so important, that it is not possible for a community to become oriented in the required conditions of life without them. This is why all those who have been engaged in one form of religious devotion or another associate their tradition with the one concerning whom they believe that the conditions explained above are found in him. Whether they believe so rightly or wrongly.

God knows best.

SECTION XIII

The Essence of Prophethood and its Attributes

85. It should be borne in mind that the highest kind of people are *mufhamūn*, those who have been endowed with extraordinary understanding. They are the individuals who are able to effect a conciliation and complementarity between their angelic consciousness and animal disposition. Also, they possess a high degree of angelic consciousness. On such people there descends, from the Heavenly domain, an understanding of the Divine states. They are capable of being driven towards the establishment of the required system of life by Divine inspiration. Among the traits of people who have been endowed with such extraordinary understanding is a balanced temperament and soundness both in physical constitution and moral make-up. They neither waver under the influence of personal interests nor do they possess that kind of abnormal intelligence which would prevent them from going from the universal to the particular, and from the substance to the form. Nor do they lack intelligence to an extent that they would be unable to be emancipated from the clutches of personal interests to attend to the universal purposes and to reach the substance of things beyond their forms. Such people are most advanced in abiding by the guided patterns of life. Their religious observances are in the right direction. They are just and fair in all their dealings with people. They love the Divinely ordained universal scheme and are deeply interested in public welfare. They do not aggrieve anyone except when the popular weal depends on it, or when such an attitude is essential to the requirements of public policy. They always have a predisposition for the unseen world

which is apparent from their speech, countenance, and all their actions. It appears as if they are aided by the unseen forces and are able through slight exertion to find their way to a level of communion and contentment which is unattainable by others.

86. Such individuals, who are 'endowed with extraordinary understanding', are of many categories and varying capabilities:
 - (i) He whose highest attainment is to receive from the True i.e. God Almighty, knowledge of the rectification of soul through devotional services is called *kāmil*.
 - (ii) He whose highest attainment is to receive virtuous morals and knowledge of the management of the household and the like is called *hakīm*.
 - (iii) He whose highest attainment is possession of the knowledge of universal norms of civics and statecraft, and then he is able to establish justice among people and to ward off injustice from them, is called *khalīfah*.
 - (iv) He who becomes a centre of attention from the *higher assembly* and is taught and addressed therefrom; and the *higher assembly* becomes visible to him, and there appear in him forms of *karāmāt*⁵, is known as 'the one aided by the *holy spirit*'.
 - (v) He whose tongue and heart have been blessed with light, and he who benefits people by his company and good counsel, and contentment and luminosity are transmitted from him to his disciples who attain through him a place of perfection; and he, on his part, is ever keen to guide them, such a person is called *hādī* and *muzakkī*, guide and purifier.
 - (vi) He whose highest degree of knowledge is understanding the principles of the Religious Community and its welfare, and is keenly interested in achieving this welfare, whenever it is extinct, is called *imām*.
 - (vii) He who has been inspired to make mankind apprehend the disaster awaiting them in this world, or was able to discern Divine curse [ready to inflict] a community, could learn by intuition what shall be the state of men in grave and upon their resurrection, and then informed them about it, such a person is called *mundhir*, 'warner'.

(viii) If the Divine wisdom wills that one of those individuals, who have attained understanding, be sent to the people so that he becomes instrumental in their deliverance from darkness into light, and God prescribes for His servants the obligation to surrender themselves entirely with their hearts and souls before him, and it is decided in the *higher assembly* that those who follow him are approved, and those who defy him are accursed, and he informs the people accordingly and makes their obedience to him an essential obligation for them, such an individual is *nabī*, Prophet.

87. The greatest of all Prophets is he whose Prophethood is instituted for a dual objective, namely, he is meant by God to be instrumental in delivering people from darkness into light on the one hand, and on the other, his followers are meant to form the best community raised up for mankind. Thus his investiture entails the raising of a full-fledged religious community.

88. To the former kind of the institution of Prophethood reference has been made in the Qur'ānic verse: "He it is who raised among the unlettered ones, a Messenger from amongst themselves, who recites to them His messages, and purifies them, and teaches them the Book and the wisdom although they were before, certainly in manifest error".⁶

As for the latter kind, reference is found in the following verse: "You are the best community raised up for mankind".⁷

The following statement of the Prophet (peace be upon him) refers to the same: "Verily you have been commissioned to facilitate things, and not to render things difficult".⁸

89. Our Prophet (peace be upon him) encompassed all the excellences of the individuals who have been endowed with extraordinary understanding (*muḥḥamūn*). Thus he combined in himself the perfection of both the kinds of the institution of Prophethood explained above. Among the Prophets who preceded him, there are some who achieved one or two excellences.⁹

90. It should also be borne in mind that the Divine wisdom wills the investiture of a Prophet because the relative good which is required in the Divine scheme is confined to this instrument only. The truth of this matter is known only to the Knower of the hidden secrets. We, nevertheless, know definitely that there are certain factors that are

inseparably linked with every such investiture. Obedience is prescribed because God knows that the well-being of a community was dependent on their obeying God and serving Him and also because their own souls are incapable of receiving guidance directly from God Almighty. Since the welfare of a people and their well-being rest solely on following the Prophet, God Almighty determines in the holy enclosure, *ḥaẓīrat al-quḍs*, the obligation of following the Prophet and the matter is decided there.

91. It so happens that either the time is ripe for the rise of an empire, and other empires are destined to be subdued by this new one; then at such a juncture, God sends someone to reform the religion of the people of such empire, like the raising of Prophet Muḥammad (peace be upon him). Or when God wills the survival of a people and prefers them to the rest of mankind, He raises someone to set their diversions right and to teach them the Book or their prescribed course of conduct as was the case in the sending of Prophet Mūsā (peace be upon him). Or when continuity is granted to a community in respect of its empire or religion which requires the raising of a reformer (*mujaddid*) like the sending of Dā'ūd and Sulaimān and a number of other Prophets among the Children of Israel. These were the Prophets whose victory over their enemies, was destined by God, as He says: "And certainly our word has already gone forth to our servants, to those sent, that they, surely they, will be helped, and that our hosts, surely they, will be triumphant".¹⁰

Apart from these categories there are individuals who are raised among mankind for the sake of completing Divine argument against them. God is the best knowing.

92. When a Prophet is sent it becomes obligatory for those to whom he has been sent to follow him, even though they might have been already pursuing the rightly guided course. For the defiance of such a highly placed person occasions a curse from the *higher assembly*, and a consensus takes place there over their damnation. Doors to Divine proximity are shut upon them, and all their efforts are reduced to naught. When such people die, their souls are engulfed in curse. This, however, is only a hypothetical condition, and in point of fact, it does not occur. You have a clear example of this in the case of the Jews. They needed the raising of Prophets more than any other creatures of God due to their religious extremism and their distortions of the scriptures.

93. God's argument against His servants is established by the fact that the majority of mankind are created in such a way that it is not possible for them to receive the knowledge of their rights and obligations or things that are harmful or beneficial to them without certain intermediation. Their preparedness to know and accept the truth is either weak which needs to be strengthened through their education by the Prophets. Or there are among them evils that cannot be curbed except through coercive measures, despite themselves. Further, since their condition is such that they will be held liable for it in this world and in the next, God's grace requires, after the joining together of certain higher and lower factors, that He inspire the purest individual of the community to guide them to the truth and call them to the straight path. In this respect, he is like a master whose servants fall sick, and he commands some of his close associates to require them to take some medicine, whether they desire it or not. If he [the master] compels them to take the medicine, he would be right. But extreme kindness demands that he should first let the servants know that they were sick, and that the medicine prescribed for them was beneficial for them. Then he should perform some extraordinary acts in order to convince them that he was truthful in what he would say. He should also coat the medicine with sweetness. Then the servants would act as commanded with understanding and interest.
94. Therefore, miracles and the grant of supplications and the like are things that are outside the core of prophethood, but at the same time, they are often concomitant to it.
95. The appearance of most miracles is mainly due to three reasons:
First, the person concerned is one of those who have been endowed with extraordinary understanding, *mufhamūn*. This state leads to his discovery of some events and he becomes a cause for the grant of prayers as well as the appearance of blessings in those things in which he seeks them. Blessing means that either the utility of something multiplies e.g. it appears to the people [his enemies] that his army is enormous in number and thus they are defeated. Or through conversion of some food by itself into a rich and balanced diet, whereby that food becomes so potent as when that food is taken by someone in much larger quantity. Blessing may also appear in an increase in the very substance of a thing through conversion of airy element into a certain form due to its being permeated by a force

which gave it that form. There are similar other factors that are difficult to count.

Second, that a consensus takes place in the *higher assembly* to advance that cause, which results in inspirations, transformations and approximations that were not known about him before. As a result his friends are helped and foes subdued and the cause of God prevails even though the infidels might abhor it.

Third, that there occur some events by external factors such as the punishment of the disobedient, and extraordinary incidents take place in the environment which are designated as his (i.e. the Prophet's) miracles in one form or the other, either through his prior knowledge of those events or by the immediate award of Divine Punishment over any violation of his command, or through a correspondence between those incidents and his tidings about the Divine practice of recompense, or about anything similar to this.

96. Infallibility of a Prophet rests on three principles:

First, that he is born clean of all base desires, and with a magnanimity of the soul, especially in the preservation of the boundaries of the *sharī'ah*;

Second, that he is Divinely inspired with an understanding of the goodness of the good and the evilness of the evil;

Third, that God draws a barrier between him and any base desires that he might think of.

97. It should be borne in mind that one of the distinctive features of Prophets (peace be upon them) is that they do not command contemplation about God and His attributes because it is something beyond the capacity of the majority of people. This is evidenced by the following saying of the Prophet (peace be upon him): "Contemplate over the creation of God, but do not contemplate over God".¹¹

Further, commenting on the verse: "and to your Lord is the goal",¹² the Prophet (peace be upon him) is reported to have said: "There should be no contemplation over the Lord".¹³

98. Another distinctive feature of such personalities is that they address human beings according to the latter's native intellectual capacities, and also within the terms of the natural fund of knowledge available to their addressees. The human species, wherever it may be

found, possesses, on account of its original constitution, a degree of perception in excess to the rest of animal kind, notwithstanding those extraordinary individuals whose temperament might be at variance from the normal course. Human species, at the same time, is also capable of possessing certain categories of knowledge that are attainable by it only through breaking the rules of the normal course of nature. These categories are like the kinds of knowledge attained by the pure souls of Prophets and saints, or the knowledge attained through strenuous exercises which prepare man for perceiving that which he cannot attain by his own mathematical calculation, or through the application of the principles of philosophy (*ḥikmah*), scholastics (*kalām*), jurisprudence (*uṣūl al-fiqh*), etc. even if it be for a long time. That is why the Prophets did not communicate with mankind except according to the simple mode of the latter's perception which had been granted to them in their original creational form.

99. Further, they [i.e. the Prophets] did not address themselves to anything rare which scarcely takes place. Hence they did not charge people with the duty of knowing their Lord through theophanies (*tajalliyāt*) observations, argumentation or analogical reasoning, nor with knowing Him as free from all directions. Such a knowledge is well nigh impossible for those who are neither engaged in that exercise, nor did they ever have the opportunity of mixing with men of reason for a considerably long time. Similarly, they [i.e. the Prophets] did not direct people to the processes of deduction and reasoning, to the different aspects of *istiḥsān*, or the difference between legal parallels (*ashbāh*) and precedents (*naẓā'ir*) discernible through subtle premises and complex reasoning. Nor did they direct people to all those things whereby the followers of the school of rational judgement (*Aṣḥāb al-Ra'y*) establish their supremacy over the school which adheres to the literal import of traditions (*Ahl al-Ḥadīth*).¹⁴
100. Another distinctive trait of the personality of the Prophets is that they do not engage in anything which does not pertain to the reformation of soul and organisation of the community's collective affairs, like explaining the causes of environmental incidents such as rain, sun eclipse, halo and the wonders of vegetable and animal world or the measurement of the movements of the sun and the moon, the causes of the events in the daily life and the histories of the Prophets, kings and countries, etc. except pronouncing brief phrases with which the ears of people are familiar and which their minds are predisposed to

accept. Even these brief phrases are employed for the sake of reminding them about the bounties of God and the Divine interventions in history by way of excursus. And in such concise manner of speech, the use of metaphorical and figurative expressions is considered sufficient. It is because of this principle that when the Prophet (peace be upon him) was asked about the cause of the decrease and increase in moon, God, leaving the precise query aside, confined His speech to an allusion to the benefits of months. He said: "They ask you about the new moons. Say: they are times appointed for men and for the pilgrimage".¹⁵

101. You will find many a person whose taste has been spoiled due to pre-occupation with these sciences, and with other systems of causality, which prompted them to produce such interpretations of the Prophets' statements which were not intended by the Prophets themselves.

God indeed knows best.

The Origin and Essence of Religion is One, but the Prescribed Laws vary

102. God has said: "He has made plain to you the Religion which He enjoined upon Nūḥ and which we have revealed to thee, and which we enjoined on Ibrāhīm and Mūsā and 'Īsā to establish Religion and not to be divided therein".¹⁶

In his commentary on the above verse, Mujāhid says: "We have taught you [O Muḥammad] and them the same one Religion".¹⁷

God says: "And surely this your community is one community, and I am your Lord, so keep your duty to me. But they became divided into sects, each party rejoicing in that which was with them".¹⁸ This means that the community of Islam is your community; as to those who became divided, they were polytheists, Jews and Christians.

God also says: "For everyone of you, We appointed a law and a method".¹⁹ Explaining the above verse, Ibn 'Abbās says: "God has appointed the way and the prescribed pattern (*sunnah*)".²⁰

God also says: "To every community We appointed acts of devotion which they observe."²¹

103. It should be borne in mind that the origin and essence of the Religion is one. All the Prophets (peace be upon them) were agreed on it. The difference lay in the codes of prescribed law and the methods of reform. To explain this point further, we would say that all the Prophets (peace be upon them) are agreed on the following:
- (i) That God is One and Unique in an absolute sense, which means that no one else is worthy of servitude, nor of being approached for help. It also implies His purity of anything that does not befit His Honour and Glory and the prohibition of violating the sanctity of His attributive names.

- (ii) That it is the right of God and the obligation of His servants to glorify Him with a glory and reverence that is unblemished by any negligence.
- (iii) That they [the servants of God] should turn their faces and hearts in submission to Him.
- (iv) That they should seek His proximity by following His symbolic ordinances (*sha'ā'ir*).
- (v) That He has pre-destined all events before creating them.
- (vi) That the angels are under His full control: they do not disobey Him in any of His commands, and strictly carry out what they are commanded.
- (vii) That He sends down the Book [i.e. His Revelation] to whomsoever He pleases from amongst His servants thereby prescribing for people the ways of obeying Him.
- (viii) That the Doomsday (*Qiyāmah*) is true, the resurrection after death is true, the Paradise is true, and the Fire is true.

In like manner, there is complete unanimity among all the Prophets regarding:

- (i) Various categories of virtuous acts of piety such as cleanliness (*tahārah*), prayers, *zakāh*, fasting, pilgrimage, seeking Divine proximity through superogatory acts of obedience like supplication, remembrance of God, and recitation of the Book revealed by God; and
 - (ii) Marriage, prohibition of adultery and fornication, establishment of justice among people, prohibition of all forms of injustice, enforcement of prescribed punishments against the disobedient, *jihād* against the enemies of God, exhausting mental and physical energies in the propagation and exaltation of the cause of God and His Religion.
104. All these things enumerated above constitute the essence of Religion. This is why the glorious Qur'ān did not discuss the rationale of these postulates except what God willed. This is because these postulates were already accepted among the people in whose language the Qur'ān was revealed. The variation between the messages of different Prophets takes place only in the outer forms and exterior semblances of these postulates. For example, according to the

sharī'ah of the Prophet Mūsā (peace be upon him) it was necessary to turn the face towards Bayt al-Maqdis in prayers, while under the *sharī'ah* of our Prophet it is towards Ka'bah. In the *sharī'ah* of the Prophet Mūsā, the punishment of stoning alone (both for adulterers and fornicators) was prescribed while our *sharī'ah* came with the prescription of stoning for the married offenders and lashes for others. The *sharī'ah* of Mūsā (peace be upon him) provided for *qiṣāṣ* alone, while our *sharī'ah* provided for both *qiṣāṣ* and *diyyah*. Similarly, there has been variation [between different religiously prescribed codes of law] in the timings of worship, their etiquettes and ingredients. In short, the peculiar states in which various categories of virtuous acts of piety and *irtifāqāt* have been prescribed constitute the *sharī'ah* and the method of reform.

105. It should also be borne in mind that the acts of obedience commanded by God in successive religions are in fact acts emanating from certain psycho-spiritual states that are beneficial or harmful to the soul in the Life Hereafter. These acts either promote those states, or explain them, or those states are reflected and exemplified in those acts, and the latter are nothing but apparitions of the former. There is no doubt that the criterion and the very basis of all acts of obedience are these states. Whoever fails to comprehend them shall also fail to make a perceptive appreciation of these acts. He then might become content with an insufficient degree of appreciating and applying these acts. He (for example) might offer prayers without recitation of the Qur'ān, rendering his exercise futile. It is, therefore, necessary that directive guidance be provided by the possessor of the most authentic knowledge, the highest knowing personality, who can precisely define the hidden and doubtful matters with clear indications to make them so clear and tangible as to be comprehended by every big and small so that they remain in no doubt concerning those matters. Then the people may be required to act accordingly, and may be held accountable on the authority of God's evidence, according to their capacities.
106. Also sinful acts sometimes are confused with acts that are not sinful. For instance, the polytheists said: "Trading is only like usury".²² This happens either due to lack of knowledge or on account of some worldly ends which corrupt their understanding. This problem calls for some clear indications by which a sinful act may be distinguished from a non-sinful act. If there were no fixed timing,

some people would have multiplied the small amount of prayers and fasting, which would not have been of any avail for them, nor would it have been possible to punish them on their omissions and evasive machinations. If ingredients and conditions [of various acts prescribed by Religion] were not clearly defined, people would have acted irregularly. Similarly, if there were no *ḥudūd*, criminals could not be deterred. In short, the majority of the people cannot be charged with religious obligations properly, without specification of timing, ingredients, conditions, punishments, and injunctions of general application and similar other measures.

107. If you want to understand the criteria underlying the Divine legislation, you should consider the case of an expert physician who exerts himself in looking after the well-being of his patients and informs them what they do not know, and makes them responsible for something of which they do not possess an accurate knowledge. You should consider how the physician attains the cognition of the tangible exterior of the human physical system which represents the concealed interior. For example, he takes the reddening of face and the bleeding of gums, as signifying excessive rise of blood. Similarly, he takes the intensity of the disease, patient's age, his environment, his family history, the potency of the medicine, and all other relevant facts into consideration. Then he forms an idea about the particular quantity of the medicine which suits his patient's condition and prescribes it for him. Sometimes the physician makes a general rule whereby he discovers the cause of a disorder based on his assessment of the patient's condition. Then he designates a particular quantity of medicine estimated by him as the removing agent for the painful element or as the catalyst for the disorderly condition. For instance, he would say that whoever complained of a reddening face and bleeding gums will be required by the rule of medical science to drink on an empty stomach the syrup of jujube or to take a drink of honey, failing which he would be on the brink of death. Or he might say, for instance, that whoever took a certain quantity of such and such confection, would be cured of a given disease and would be immunised from a certain disorder. These kinds of general rules will then be described on the authority of that experienced physician, and God will invest them with tremendous benefits.
108. You should also reflect over the case of a wise ruler who is concerned with the welfare of a state and the administration of an army: how he

looks after lands and their yields, sustenance of the farmers and the maintenance of guards. He levies *'ushr* and *kharāj* accordingly.²³ He also takes tangible conditions (in different individuals) as pointing to the varying levels of integrity and capacity that ought to be possessed by his aides and lieutenants, and then appoints them accordingly. You should also reflect, how he ponders over public needs which have to be satisfied, and deliberates over the aides and their multiplicity and deploys them to serve the required purposes without putting unnecessary burden on them.

109. You should also consider the position of a teacher of children *vis-à-vis* his young students and that of a master *vis-à-vis* his servants. The former endeavours to teach them [children], and the latter seeks to satisfy the requisite needs through their [servant's] labour, while they themselves [children and servants] do not comprehend the true nature of the benefit pursued by them through their prescribed activities. Nor are they interested in the achievement of the benefit, and often they even escape from their duties by making excuses and playing tricks. You should see how the two of them [the teacher and the master] anticipate the time of the loss before its actual occurrence and take precautionary measures in advance. They do not address them [the children and the students] except in a manner which makes their duties crystal clear so that they find no trick to escape. This manner of assigning to them their tasks leads to the achievement of the requisite objective, whether they know about it or do not know.
110. In short, whoever assumes the responsibility of reforming a large number of people with varying capacities who neither comprehend the issue nor does it interest them, is compelled to measure and determine the time and define the conditions and forms of the work. He makes these terms the basis for charging his people with duties and then impeaching them on the violation thereof.
111. It should be noted that God willed by raising messengers to deliver mankind from darkness into light. He, therefore, revealed to them His Commands, overwhelmed them with His light, and inspired them with an urge to reform the world. Also since the guidance of each people in their respective era was not possible to achieve, except in the presence of certain factors and necessary conditions, it became necessary in Divine wisdom to incorporate all that in the very scheme of each prophetic mission. Moreover, the imperatives to obey and follow the Prophets were linked with the presence of those

factors and conditions of the reform. This was because whatever is intrinsic to something by reason or convention, is an inseparable part of that whole. Nothing is hidden from God, nor anything in His Religion, is prescribed at random. Therefore, nothing has been ordained therein to the exclusion of its analogues, except in pursuance of certain wise considerations and factors known to those who are profound in knowledge. We would now attempt to invite the reader's attention to a useful set of these wise considerations and factors.

God is the best knowing.

Causes of the Revelation of a *Sharī'ah* Peculiar to a particular Era and Community

112. The cardinal principle in this regard has been provided in the following words of God: "All food was lawful to the children of Isrā'īl, before the Torah was revealed, except that which Isrā'īl forbade himself. Say: Bring the Torah and read it, if you are truthful".²⁴ The background to the above verse is that once the Prophet Ya'qūb (peace be upon him) fell seriously ill; thereupon he vowed that if God cured him, he will prohibit for himself his most favourite food and drink. When he was restored to health by God, he prohibited meat and milk of camel for himself. His sons followed in his footsteps and many centuries passed on this. Subsequently they [the Children of Isrā'īl] started concealing in their minds a defiance toward their prophets and eventually they opposed them by eating those things. When our Prophet Muḥammad (peace be upon him) stated that he belonged to the same faith as Ibrāhīm, the Jews said: how could he belong to the same faith and take camel's meat and milk at the same time! God answered them by saying that all food was originally permissible, but the camel's meat was prohibited due to something accidental to the Jews. When prophethood appeared in the children of Ismā'īl, who were free from that accidental impediment, it was no longer necessary to take that aspect into consideration.
113. Similar is the statement of the Prophet (peace be upon him), concerning *tarāwīḥ* prayers: "This act of goodness [i.e. *tarāwīḥ* prayers] has become such a regular feature of your life that I feared that it might be made obligatory for you; and if it were made obligatory, you would not have performed it. O men, perform it, therefore, at your homes".²⁵

114. So the Prophet (peace be upon him) discouraged them from spreading and adopting it as a regular practice among themselves so that it does not become one of the symbolic signs of Religion the abandonment of which they might consider an omission toward God, whereupon it might be made obligatory for them. Also there is a saying of the Prophet (peace be upon him): "The greatest wrong committed by a Muslim against fellow-Muslims is done by the one who asks a question about something, and it is prohibited for his asking".²⁶
115. There is another saying of the Prophet (peace be upon him) which would elucidate the point further: "Verily Ibrāhīm made Makkah a sanctuary and prayed for it, and I made Madīnah a sanctuary, as Ibrāhīm made Makkah a sanctuary, and prayed for its prosperity as Ibrāhīm had prayed for Makkah".²⁷
116. Also relevant to this discussion is the reply of the Prophet (peace be upon him) to someone who had asked him the following question concerning pilgrimage: "Is it obligatory every year?" The Prophet (peace be upon him) replied: "If I had said yes, it would have become obligatory [i.e. every year], and if it had become obligatory, you would not have performed it, and if you had not then performed it, you would have been chastised".²⁸
117. It should also be borne in mind that the ordinances of God are designated as symbolic signs of Religion, *sha'ā'ir* according to the mental readiness of the people to absorb them, and also that the quantitative standardizations are laid down in view of the conditions and customs of the people who are charged with obligation.
- 118. Since the temperaments of the people of Nūḥ were extremely rigorous and tough, as pointed out by God, they needed to be commanded to fast permanently²⁹ in order to counteract their excessive animalistic force; and since the temperaments of the people forming the present *ummah* are weak, they are forbidden from that. That was why God did not permit the earlier communities to capture booties of war whereas He permitted it for us, having regard to our weakness. Since the aim of the Prophets (peace be upon them) was to reform the existing *irtifāqāt*, their reformatory measures did not deviate from the familiar course except where God willed.
119. The methods of reform vary with the change of time and custom; hence the justification of abrogation (*naskh*).³⁰ The example of a

Prophet is like a physician whose aim is to maintain moderate temperament in all conditions. A physician's instructions may differ with the change of his patient as well as the time of his treatment. He, therefore, would advise a young man something which he would not advise an old man. He would advise sleep in the open space during summer, because he would know that open space at that time is a place of moderation. But in winter he would advise sleep inside the house, as he would know that open space is a cold place at that time.

120. Therefore, whoever attains an understanding of the essence of Religion and the factors determining variations in the method of reform will not see any change or alteration. That is why each *sharī'ah* was attributed to its community, and that community became liable to censure on account of its preparedness for that *sharī'ah* to such an extent that its existential conditions were an open expression of their demand for the prescription. This is precisely the sense conveyed in the words of God: "...but they became divided into sects, each party rejoicing in that which was with them".³¹ Thus the distinction of the Community of our Prophet (peace be upon him) is established by the fact that they deserved the appointing of Friday, as they were an unlettered people, innocent of the acquired sciences. On the other hand, the Jews deserved Saturday due to their belief that it was the day when God had completed the act of creation, and that it was the best day for worship. This is in addition to the fact that all this was due to, and in accordance with, God's command and revelation. The example of codes of law, *sharā'i'* in this respect is like a regular injunction which is laid down, then there appear excuses and difficulties as a result of which concessions are allowed. That is why a degree of censure extends to people because their own attitude is responsible for this concession. God says: "Surely Allāh changes not the condition of a people, until they change their own condition".³² Moreover, the Prophet (peace be upon him) has said: "I have not seen any woman deficient in intelligence and religion abler to rob an intelligent and prudent man of his intelligence than each of you..." Then he explained the deficiency of religion and said: "Did you see that when she passes through menstruation, she is obliged neither to pray nor to fast".³³
121. Let it be understood that the causes responsible for the revelation of reformatory methods in particular forms, though numerous, generally revolve around two main factors:

The first is a natural compulsion demanding that people be charged with the injunctions contained in the reformatory method. This is because all members of the human race have a common nature, and they all undergo some conditions requiring them to be charged with certain obligations. For instance, one born blind does not have in the storehouse of his imagination any colours or images, but has only words and tangible objects. When he receives from the unseen a knowledge in dream or in reality or anything of the sort, he figures this knowledge only in a form preserved in his imagination. Similarly, an Arab who does not know any language other than the Arabic language, when he learns something in the form of a word, it is conceived by him in the Arabic language rather than in any other language. In the same way, for the inhabitants of the areas where elephants and similar other beasts of ugly appearance are found, the coming of genie and eerie of devils takes the appearance of these animals. This is unlike other areas where these animals are not found. Similarly, for the people of the areas where certain things are considered important and certain delicacies of food and niceties of dress are relished, the bounty and the joy of angels is represented by those forms of food and dress, unlike other areas. For example, when an Arab intends to do something or is bound for some destination in a journey, when he hears the words *rāshid* (i.e. guided), or *najīh* [i.e. permanently successful], these words augur good prospects for him in his endeavour, unlike a non-Arab for whom these words carry no meaning. The *sunnah* has also alluded to many things to the same effect.

The second consists of the sciences preserved by a community, the ideas latent among them, and the habits which persist with them like rabies; these are also taken into consideration in the prescription of the various codes of law.

122. Hence camel's milk and meat were prohibited for the Children of Isrā'īl rather than the Children of Ismā'īl. That is why the distinction between good and bad in food was linked with the Arab habitude. That is also why the daughters of sisters were prohibited for us but not for the Jews, because they considered them to belong to their fathers, and did not mix with them, nor maintain any association or companionship with them.³⁴ They were, therefore, like strangers for them, which was not the case with the Arabs. The same was the reason for prohibiting the cooking of calf in the milk of its mother for the Jews, but it was not prohibited for us, for the act of cooking calf in

its mother's milk amounted, in the Jewish perception, to interfering with the creation of God and going against His scheme. To them [i.e. the Jews] it meant abuse of something that was created for the fosterage and growth of a calf, for the purpose of dismantling its own limbs and physical constitution in the process of cooking.

123. This belief remained consistently deep-rooted in the generations of Jews. The Arabs, on the other hand, were farthest of all the creatures of God from this idea. Even if this idea were communicated to them, they would not have understood it, and could not have comprehended the appropriate basis of the injunction.
124. In the revelation of the codes of law it is not only the sciences, circumstances and beliefs, as they are cast in the minds of people, that are taken into consideration. But the most important consideration and the foremost determinant is the pattern on which certain people have grown and to which their minds are disposed, whether they are conscious of it or not. This you can see in the relationship of two such things, one of which is represented by the external form of the other. For instance, the prohibition to practice magic assumed the form of sealing mouths, because putting a seal was the sign of prohibition for those people, whether this was fresh in their recollection or not.
125. Moreover, the primordial obligation of the slaves of God to Him is to glorify Him to the highest degree and not to commit contravention of His command in any manner. Their obligation toward their fellow-beings is to uphold the purpose of maintaining congeniality and cooperation among them, and that no one should wrong the other except when a punitive measure is dictated by some universal purpose. That is why anyone who makes a sexual advance toward a woman knowing that she was a stranger draws a curtain between himself and God, and this act of his shall be recorded in the book of his deeds as a defiance of God, even though that woman happens to be his own wife. This is so because he, on his part, had committed a violation of God's command. Similarly, he who makes an advance toward a woman who was a stranger, thinking that she was his wife, shall be entitled to pardon in the sight of God.
126. In the same manner, he who makes a vow to fast shall be held accountable for that, unlike the person who has not made such a vow. Whoever shows rigidity in religion, it is made rigid for him. To slap

an orphan in order to train him in good manners would be treated an act of virtue, but to do so for the sake of torture shall be regarded as an evil act. Similarly, those who do some wrong by mistake or fail to perform a duty out of mere forgetfulness have been exempted from liability in a number of injunctions. This is a principle which is recognised both in the sciences and in the conventions preserved by the community whether these might be latent or visible. The prescription of codes of law in respect of that community will be in accordance with those conventions and sciences.

127. It should also be borne in mind that most of the latent customs, conventions and sciences are common between Arabs and non-Arabs as well as between the rest of the inhabitants of the balanced areas and those who have temperaments that are predisposed to virtuous morals. For example, mourning over the dead and the desirability of leniency with them, pride over one's lineage and prestige, sleeping after lapse of one third or a quarter of the night and awakening at dawn, and similar other customs to which we have pointed in the discourse on *irtifāqāt*, can be cited in the present context. These customs are most worthy of being taken into consideration. After that, there are customs and beliefs that are confined to the people to whom a Prophet is sent. These customs and beliefs are also taken into consideration. Indeed Allāh has appointed a measure for everything.
128. It should also be noted that Prophethood is often instituted under a *millah*, religious community as God has said: "The Religious Community of your father Ibrāhīm".³⁵ Likewise He said: "And surely among those who followed him, was Ibrāhīm".³⁶ The underlying idea is that people across many generations live in a religious tradition and the glorification of its symbolic commands and its injunctions becomes so well-known and widespread as to become nearly like the primary axioms that they are almost beyond denial. Then there is instituted another Prophethood to set right the deviations in the earlier tradition and to reform the areas into which corruption has crept and confusions have distorted the teachings of their earlier Prophet. Thereupon well-known injunctions found among them are investigated. What is found correct, healthy and in conformity with the principles of religious weal is retained by the new Prophethood. The latter not only upholds it, but also provides further incentives for it. What is found sick and distorted is changed to the extent that

such change is warranted. Where multiplicity is required, it is effected in respect of that convention which is already possessed by them. Often this new Prophet argues in his demands on the basis of the vestiges of the former code that are extant in the community. It is then proclaimed that this new Prophet also belonged to the same religious community under which these Prophets of the past had been commissioned.

129. The second category [of the revelation of prescribed codes of conduct, as may be defined from the point of view of the factors that cause such revelations], consists of such prescriptions as are revealed pursuant to certain contingent and accidental causes. It is to be explained thus: that God, even though He transcends time, also has some kind of relation with time and temporality. The Prophet (peace be upon him) has informed us that God decrees at the end of every century to make a great incident happen. Also, we find the Prophet Adam and other Prophets (peace be upon them) have informed in the *ḥadīth* pertaining to intercession something to this effect. In this *ḥadīth*, each of them is reported to have said: "Verily my Lord, the Blessed and the Most High, has become so wrathful today as He had never been before, nor shall He ever be so again".³⁷ Therefore, when the world becomes prepared for the emanation of Codes of Law (*sharā'i*'), and for the determination of the norms for human action, the truth manifests itself to them in the revelation of their religion, and the *higher assembly* is filled with a strong intent. Then, at such a stage, a minor accidental cause becomes sufficient to knock at the door of the Generous, and whoever knocks at the door of the Generous, it is opened for him. In the season of spring, you may find an illustration. In this season, the smallest scale of planting and sowing of seeds is so effective as many times more of it is not in other seasons.
130. Further, the Prophet's own intent, his eager and earnest quest for something, his supplications, craving, and pleading for it is also a strong cause for the revelation of the Divine decree in that respect. If the Prophet's supplication can terminate a drought, overpower a large party of people, tangibly increase the quantity of food and drink, then you may well imagine the revelation of a Divine decree which is a delicate spirit and is defined in the symbolical form of pre-figuration. From this premise it can be adduced that the incidence of a great and extraordinary event in that period about which

the Prophet (peace be upon him) was anxious, like the incident of 'falsehood' (*ifk*),³⁸ or the queries of a questioner who repeatedly questioned the Prophet (peace be upon him) and argued with him which made him thoughtful, as was in the case of *ẓihār* also becomes a cause for the revelation of Divine decrees.³⁹ Moreover, the sluggishness of a people in obedience, their apathy for submitting to Divine decrees, their perpetuity in disobedience, and similarly their desire for and deep attachment to it and the belief that by abandoning it they will fall short of their duty to God is also a cause for stern treatment, through strong prescription and strict prohibition. The example of all this in beseeching the showering of generosity is like a pious and resolute man: when he looks forward to the hour in which spirituality and force of bliss is disseminated, and he supplicates to God in that hour with utmost concentration, then the grant of his supplications is not delayed. It is these significations that are contained in the words of God: "O you who believe, ask not about things which, if made known to you, would give you trouble; and if you ask about them when the Qur'ān is being revealed, they will be made known to you".⁴⁰

However, in the original Divine scheme this category of the causes for the revelation of decrees is kept at the minimal degree. Since this peculiar set of causes is conducive to the revelation of such decrees wherein the requirements of the common weal peculiar to that time [of revelation] are dominant, it often leads to inconvenience for those who come later. That was why the Prophet (peace be upon him) used to abhor unnecessary queries and used to say: "Leave me as long as I spare you, for your predecessors perished due to excessive questioning and their disputations with their Prophets".⁴¹ He has also said: "The greatest wrong committed by a Muslim against fellow-Muslims is done by the one who asks a question about something, and it is prohibited for his asking".⁴²

It is also reported in a tradition: "If the Children of Israel had slaughtered any cow they wished, it would have been sufficient for them. But since they became strict, they were also treated strictly".⁴³

God is the best knowing.

Causes for Impeachment concerning the Methods of Guidance

131. A discussion of the methods of guidance and the codes of law prescribed by God for His servants, involves the question whether reward and punishment are given with regard to them, as they are given on the basis of the roots of the Good and the Evil, or they are given exclusively on the basis of what has been designated as occasions, forms or exterior modes for them. For example, if someone leaves the Prayers of a certain time, while his heart is overwhelmed with submission to God, shall he be punished for having left the Prayers? Similarly, someone who performs the Prayers of a certain time, completes all its constituents, and fulfils all its conditions in a manner which may relieve him of the obligation, but he does not attain any state of humility and submission to God and it does not permeate the interior of his heart, shall he still be rewarded for such an exercise?
132. The discussion here does not pertain to the precept that violation of the methods of guidance constitutes a great corruption from the point of view of its being a detraction from the guided pattern, its opening the gateway to sin, its being a betrayal of the community of Muslims, and its involving a great loss to the locality, city, and the state. For example, a dam is erected to stop a flood, and somebody comes and makes a hole in it: he saves himself and destroys the city. But the present discussion concerns the good or bad results which would envelop the individual's soul as a consequence of his own acts.
133. In this respect, people of all religious traditions hold that the methods of guidance and the codes of law themselves bring reward and punishment in their wake. Moreover, men of profound thinking and those well-versed in knowledge and the disciples from amongst the Companions of Prophets (peace be upon them), also recognize along with it, the aspect of compatibility and relationship between

the external forms and modes and their roots and spirit. The common possessors of the knowledge of religion and those who understand the codes of law remain content with the former. The philosophers of Islam, however, hold that reward and punishment are contingent upon the psychic states and moral conditions that cling to the spirit. The mention of their modes and forms in the codes of law merely aims at making the subtleties of the meanings hidden therein comprehensible to the human mind. So much for the statement of the position held by the philosopher's community.

134. I believe, however, that the truth lies where the wise men of the communities have gone. Their position may be explained as follows: the prescribed codes of law (*sharā'i'*) are governed by some factors and causes that determine their various injunctions and establish preference of certain admissible significations over others. And God knows that the community cannot practice religion except through these prescribed codes of law (*sharā'i'*) and methods of guidance (*manāhij*), and He also knows that these are the conditions in which they ought to live. This fact is eternally registered in the Divine consideration. When the world becomes prepared for the showering of the forms of *sharā'i'*, and for the creation of their symbolic designators, then these are created and showered and their scheme is definitely decided. These forms then become part of the established foundations.
135. Then God exposes the higher assembly to this knowledge and gives them intuition to the effect that the occasions occupy the place of foundation and that these are the forms and symbols representing the foundation, and that people cannot be charged with duties except through them. Thereafter there takes place, in the holy enclosure (*ḥaṣrat al-quḍs*), some kind of consensus on the fact that these occasions are like a word in its relationship with the sense for which it has been coined, and like a mental picture in its relationship with the external reality manifested by it, and like a pictorial image in its relationship with the thing projected thereby, and like a calligraphic specimen in its relationship with the words inscribed in that specimen. Since in all the above illustrations, there is a strong relationship between the signifier and the signified, so that each is essential to the other and a close nexus is established between the two, a consensus takes place somewhere that, that is it. Then an apparition of this knowledge or its essence is cast in the cognition of mankind, Arabs

and non-Arabs alike. And they all agree on it. Therefore, you can never find anyone without having preserved a part of this knowledge in his mind. Sometimes we give it the name of an entity similar to the original. Sometimes this entity has amazing effects which would not be hidden from those who pursue them. Some of these have also been taken by the *sharā'i* into consideration. That is why *ṣadaqah* has been regarded as the dirt of those who perform it and the ugliness of a task permeates the wage paid for it.

136. When the Prophet (peace be upon him) was sent and was supported by the holy spirit, and his heart was inspired to reform the community, and a wide field was opened before the substance of his spirit toward a strong intent for the revelation of the *sharā'i*, and the symbolic designators were issued, he established his strong and utmost determination in that direction. He also supplicated for those who supported his mission and prayed against those who opposed it with extreme resoluteness. For the Prophets are those individuals whose resoluteness pierces through the seven heavens alike. They pray for rain when no piece of cloud is visible, and suddenly there appear clouds like mountains. Similarly, the dead are returned to life by their supplications. Hence it is an established fact that the pleasures and displeasures in the holy enclosure do take place pursuant to the cause of the Prophet and as a consequence of his supplications. This is the sense which has been alluded to in the supplication of the Prophet (peace be upon him): "Verily Ibrāhīm, thy Prophet and servant prayed for Makkah and I pray for Madīnah".⁴⁴
137. Therefore, when a servant knows that God commanded him to perform such and such deeds, and that the higher assembly supports the Prophet (peace be upon him) in all that he commands and forbids, and the servant also knows that omission in the performance of this deed or daring in the commission of that act was a defiance of God and a serious negligence in the discharge of his duty to Him, yet he commits an act which is forbidden, intentionally and deliberately, while he sees and observes, then this cannot be without being blinded by the heavy cover of evil and a complete breakdown of his angelic disposition. This will necessarily result in the rooting of sinfulness in his inner self. In the same way, if he endeavours to perform a strenuous duty from which his temperament refrains and does so not for showing off to the people, but for the sake of attaining Divine proximity and achieving His approval, then this cannot be without

a heavy shield of *ihsān* (spiritual excellence), and a complete subdual of his beastly disposition. This is bound to establish virtue in his inner soul.

138. As to the one who fails to pray at a certain time, he ought to investigate as to why he did so, and what reason prompted him to commit that failure. If he forgot it, or slept at that time, or was ignorant about its being obligatory, or was distracted from it by some unavoidable pre-occupation, then the verdict of Religion would be that he is not a sinner. But if he fails to perform it, while he knows and remembers, and his circumstances are in his own control, then this act must be due to some abhorrence for Religion and a satanic or selfish veil having clouded his vision. The blame in this case shall be incurred by that individual himself.
139. As to the one who has performed his Prayers, absolving himself of the obligation enjoined upon him, he should also investigate into the nature of his performance. If he has performed it for showing off, or to acquire good reputation, or just in order to follow a practice prevalent among his people, or he did it merely as a pastime, then the verdict of Religion would be that he is not an obedient believer. Nor would this act of his be regarded with any worth. But if he performed this act of praying for the sake of attaining Divine proximity, and endeavoured to realize it with complete faith, while fully anticipating the promised reward, and had a pure intention and a feeling of sincere loyalty to God, then no doubt there shall be opened between him and God Almighty, an avenue even though it may be equal to the head of a needle. As to the person who destroyed the city [by making a hole in the dam] and saved himself, we do not accept that he saved himself. How could this be possible when we know that there are in the service of God angels whose utmost concentration is focused on supplicating in favour of those who struggle for improving the conditions of this world, and against those who strive to spread mischief in it. Their supplication opens the doors of Divine generosity and becomes conducive to the conferment of reward in one form or the other. Moreover, God has a gracious consideration for mankind which prompts the conferment of this reward. Since this point was too subtle for human comprehension, we had to explain it with reference to the supplication of angels, as it is among the symbolic signs for the causes of Divine recompense.

God is the best knowing.

The Subtle Meanings of an Injunction

140. It should be known that certain acts performed by the servants merit the pleasure of the Lord of the worlds, and certain acts incur His wrath. There are, at the same time, acts that neither merit His pleasure nor incur His displeasure. Therefore, His profound wisdom and infinite mercy willed that He send Prophets to inform His servants through them about the relationship of His pleasure and wrath with those acts; and then to demand from them the first category of acts, and to forbid the second category; and also to tell them about the acts that fall outside the two categories. This was done so that those who wanted to perish might do so after a clear sign had been given and those who wanted to live, might live after a clear sign had been given.

141. Thus it will be seen that the relation of an act to Divine pleasure or wrath, or its non-relation to any of them, and the demand of something from the servants, or forbidding them something, or their freedom of action in respect of something, in whatever manner you might express it, this is what is termed as *ḥukm* i.e. injunction. Moreover, there is a certain classification of the acts that are required:

- (i) There are certain acts whose performance is required as an imperative. Such acts, when performed as required, merit pleasure and reward; and when omitted incurs wrath.
- (ii) There are certain other acts the performance of which is required, but not as an imperative. Such acts, when performed as required, merit pleasure and reward; but omitting them does not incur any displeasure.

Again, there is a similar classification in regard to interdictions:

- (i) There are certain strong interdictions. A conscious abstention from acts that fall in this category on account of their being interdicted

merits Divine pleasure and reward, and a commission of those acts that are interdicted, incurs God's wrath and punishment;

- (ii) There are certain interdictions which are not so strong. A conscious abstention from them merits pleasure and reward, but a commission of those acts does not incur any wrath or punishment.
142. For example, if you consider the words you have for denoting prescription and prohibition, and look at the common usage of people, you will find a suggestion of pleasure and displeasure in relation to a pronouncement. This is an inescapable natural fact.
143. The injunctions are, therefore, classified into five categories: (a) obligatory, (b) recommended, (c) permissible, (d) reprehensible, and (e) prohibited. Obviously, the mode which could be employed for ordering the lives of mankind, could not possibly indicate the condition of each individual act separately, among the infinite conditions of those individuals who are charged with duties. Because human beings are incapable of encompassing their detailed knowledge. It was, therefore, necessary that people be ordered with reference to general principles, whereby a unity may regulate a multiplicity so that they [the people charged with duties] may be able to encompass that knowledge, and to understand through it, the value of their acts. In the generalisations adopted in various disciplines, you can find an illustration of this. These generalisations are employed as rules governing particular conditions. For instance, a grammarian says: *al-fā'ilu marfū'un* (a subject is in the nominative case). His listener comprehends this statement and accordingly understands the position of Zayd in the sentence: *qāma Zaydun* (Zayd stood up) and that of 'Amr in the sentence: *qa'ada 'Amrun* ('Amr sat down), and so on. Now this unity, which regulates a multiplicity, is called the '*illah*', or cause, around which an injunction revolves.
144. The cause ('*illah*') is classified into two categories:
- (i) First, a condition present among those charged with duty, is taken into consideration. But this condition cannot possibly be so permanent as never to disappear from them. For, if it were so, the purport of the command would have been to permanently charge them with something, which they are not capable of, except, of course, in matters of belief. It is, therefore, necessary that the condition which is to be taken into consideration, should be a composite condition. It

should be a combination of: (a) an intrinsic characteristic, among those charged with duty, on the basis of which it may be appropriate to address a command to them, and: (b) an incidental state in which they find themselves occasionally. This category is mostly discernible in matters of worship. The state referred to above is either time, or current capacity, or an occasion of difficulty (*ḥaraj*), or an intention to do something, or anything else of a similar nature. For instance, the *sharī'ah* has prescribed the following: Whoever attains the time of a Prayer, while he is sane and adult, it will be obligatory for him to perform that Prayer. Whoever witnesses the month of Ramaḍān, while he is sane, adult and physically fit, it will be obligatory for him to fast throughout that month. Whoever owns the specified amount of wealth (*niṣāb*) and retains the ownership of that amount for one whole year without interruption, it will be obligatory for him to pay *zakāt* out of that amount. Similarly, whoever is travelling, it would be permissible for him to shorten his Prayer and to postpone fasting. In the same way, whoever intends to perform the Prayers, while he is in a state of minor ritual impurity, it will be obligatory for him to make *wuḍū'* (ablution). In this category, the characteristics that are taken into consideration in most of the injunctions are sometimes dispensed with, and only that characteristic is considered relevant whereby one injunction is distinguished from another. Such a characteristic is liberally designated as '*illah*' or the cause. For instance, it is said that the cause for Prayer is the advent of the time [fixed for that Prayer by the *sharī'ah*], and the cause of fasting is the witnessing of the month [of Ramaḍān]. Sometimes the Lawgiver makes some of these characteristics effective, and leaves the others, as is the case in the permissibility of the payment of *zakāt* for one year or two years in advance, only for those who own the specified amount of wealth, while this allowance is not given to those who do not own the specified amount. Thus a jurist gives due regard to every dimension of the question at issue, and designates some of its features as a cause and others as condition precedent.

- (ii) The second category of cause is that in which the condition of some thing, which is affected by an act or which has some relationship with that act, is taken into consideration. This condition is either an essential feature of that act, as exemplified in the following command of the *sharī'ah*: "Eating of every beast having canine tooth and every bird having claws is prohibited". Or that condition is an incidental feature relative to that act, as illustrated in the command

of God: "As to the thief, male and female, cut off their hands".⁴⁵ The same is in the case of the command of God: "The man and the woman guilty of fornication, flog each of them with a hundred stripes".⁴⁶

145. Or sometimes two or more conditions of the thing affected by an act are taken into account, as may be illustrated by the following command of the Lawgiver: "It is obligatory to stone the adulterer and to flog the fornicator".⁴⁷ Similarly, there are occasions where both the condition of those charged with duty and the condition of the thing affected by the act, are taken into consideration at the same time. This may be illustrated by the following command of the Lawgiver: "Wearing gold and silk is prohibited for the males of the *ummah*, but it is not so for the females".⁴⁸
146. Nothing in the Religion of God is at random. Therefore, pleasure and displeasure over these acts do not come about except for a definite reason. To elaborate this point a little further, we would say that pleasure and displeasure are in fact linked with certain factors. These factors may be divided into two categories:
 - (i) One is to be identified with good and evil stages of social evolution (*irtifāqāt*) and their dissipation, and other things similar to them.
 - (ii) The second category can be identified with the aims of closing the door of distortion and abstinence from trickery that are related to the prescribed sets of law and the methods of guidance, and similar other factors.
147. These factors have some contexts and corollaries that are indirectly related to them, and are attributed to them in a wider sense. An example of this is our statement that the cause of cure is the use of medicine, whereas in reality, the cause is the ripening of the four humours of the body, or their emission which, in the usual natural course, takes place after the use of medicine. Thus the cause of cure is not exactly as contended. Similarly, it is often said that sometimes the cause of fever is sitting in the sun, or sometimes it is tiresome physical labour, or sometimes it is the use of strongly hot food. But in fact the real cause is the warming up of the humours. Thus the real cause remains one in itself. However, the other causes generally assigned are conducive to it and are merely external manifestations of it.

148. Noticing exclusively the basic principles and disregarding the plurality of modes and occasions is the distinction of the language employed by those who have profound understanding of theoretical sciences. The same is not the case with laymen. But the *sharī'ah* has been revealed in the language comprehensible to the common people. It is, therefore, necessary that the '*illah* (cause) of an injunction is something understood by the commonality who should be able to ascertain its real nature, and to distinguish its existence from its non-existence. Moreover, it should be representing one of those principles to which pleasure and displeasure are linked, either because those principles are conducive to it or in close proximity with it or something like that. For example, drinking of wine is an occasion for a number of evils connected with Divine wrath like evasion from virtuous conduct, losing one's moral equilibrium, and disturbing the order and peace of society and home. Since these consequences are often essential to this act, therefore, prohibition was directed to the genre of wine itself. If there is something which has many means and necessary consequences then only that aspect of it will be designated as cause ('*illah*) which is more prominently conspicuous, or more consistent, or which is closer to the principle. For instance, the concession of shortening the Prayers, or the postponing of fasting, has been made contingent upon travelling or sickness in disregard of all other occasions of difficulty. Indeed, there are some vocations involving hard labour like farming and smithcraft. These vocational pursuits are normally accompanied by hardships and difficulties. But it would interfere with proper obedience if these were recognised as '*illah* (cause). This is because those who earn their living out of these vocations have to perform these functions regularly and their livelihoods depend on these functions. Similarly, to feel heat or cold are not consistent factors and may vary in degree. It is difficult to reckon all of them, and to determine something definite on that basis through clear signs and indications.
149. A deeper probe into this issue would reveal that only such occasions are taken into account as have been common and well-known among earlier communities. Travelling and sickness were two such factors which earlier communities understood without confusion. Nevertheless, some confusion has crept into this understanding in our times, vitiated due to the extinction of the early Arabs. People now tend to probe deeper into hypothetical issues. This tendency has corrupted

their sound taste once possessed by the original Arabs.
God is the best knowing.

SECTION XVIII

The Establishment of *Irtifāqāt* and the Reformation of Customs

150. In the preceding chapters, we have made explicit or implicit reference to the fact that the second and the third stages of *irtifāq* (social development) are an inseparable part of the instinctive nature of human beings whereby they are distinguished from the rest of animal species. It is impossible that human beings should eschew them, or disregard them altogether. For the attainments of these stages of *irtifāq*, in many respects, they are in need of a wise man, who is fully aware of human needs and the manner of serving those needs, on a collective scale. Such a wise man is always strongly motivated by the considerations of the universal weal. Either he infers his ideas through contemplation and observation; or by virtue of instinctive possession of an angelic force he becomes receptive to the communication of a definite knowledge from the *higher assembly*. The latter constitutes more complete and authentic source of acquiring this knowledge.
151. It should also be borne in mind that social conventions have the same relation to the *irtifāqāt* as the heart to the body. Sometimes evil elements dominate these conventions through the ascendancy of a group of people who, being impervious to universal intelligence, are apt to go for savage, perverted and diabolical pursuits, and popularize them in the society. The result is that most people start following them. Moreover, evil elements infiltrate into the conventions from other sources also. Therefore, the need arises for a strong personality who is supported by the unseen world is motivated by the dictates of universal weal, and can set the pattern of these conventions on the right course through sagacious measures. Most often only those individuals who are supported by the holy spirit are guided to these wise measures

152. If you have fully understood the foregoing discussion, then you will also be able to appreciate the essential purpose of the raising of Prophets. Though it primarily aims at the teaching of the forms of worship for their own sake, yet there may be joined to this the additional objective of obliterating corrupt conventions and giving impetus to the development of various forms of *irtifāqāt*. This may be illustrated by the saying of the Prophet (peace be upon him): "I have been sent to eradicate stringed instruments".⁴⁹ This is further illustrated by the following saying of the Prophet: "I have been sent to perfect noble morals".⁵⁰
153. You should also bear in mind that the pleasure of God does not lie in the negligence of the first and the second stages of *irtifāq*, nor did any of the Prophets enjoin that. The truth of the matter is not, as supposed by the people who flee to the mountains and shun every social intercourse altogether, for better or for worse, and thus degenerate into a condition close to that of savages. That was why the Prophet (peace be upon him) rejecting the stance of those who sought monasticism, said: "I have not been sent to establish monasticism, but I have been sent to establish the True and Tolerant Religion".⁵¹
154. On the other hand, the Prophets (peace be upon them) have enjoined the regulation of *irtifāqāt* in a manner that people neither immerse themselves in comforts and luxuries like the monarchs of Persia, nor come down to the level of the dwellers of mountain tops who are close to the condition of uncivilised savages.
155. Here one is confronted with two conflicting approaches:
- (i) The first is that luxury is good to maintain the adroit human temperament and to keep the morals on the right course. Moreover, it exhibits the qualities whereby man is distinguished from the rest of the creatures of his genus. Furthermore, stupidity and debility arise from malmanagement.
 - (ii) The second approach is that luxury is bad, because it gives rise to quarrels, partisanship, strenuous conflicts, tiresome labour and negligence of the transcendental aspects of life and of concern for the Hereafter.
156. Therefore, the Divinely approved attitude is that of moderation and preservation of *irtifāqāt*, and to cater, at the same time, for the requirements of the remembrance of God, and the acts of devotion and

utilisation of opportunities for concentration of the souls toward the Omnipotent.

157. In this respect, the practice of all the Prophets, which has been sanctioned by God, has been to survey the entire corpus of customs and etiquettes of eating, drinking, dressing, construction of houses, forms of embellishment, manners of marriage, conventions obtaining among spouses, procedures adopted in sale and purchase, deterrent measures for acts of disobedience and settlement of disputes, etc. which are already prevalent in the community. If these are found in conformity with the prescribed course, as dictated by the universal weal, then there is no need to replace any of them or to make any departure from them. Rather, people are given further impetus to adhere to them. Moreover, their application of these customs is further streamlined and they are guided as to the benefits underlying them.
158. At times these customs might not conform to the prescribed course and there arises a need to alter or inactivate something in them because it leads to the suffering of some people at the hands of others, or to immersion in the pleasures of the temporal world. Or it might arise because of any deviation from the excellent and virtuous conduct *ihsān*, or because it is conducive to excessive entertainment and pastime resulting in the negligence of the vital interests of this world and the next, and similar other reasons. In such cases it is not expedient to prescribe for them a pattern which is altogether different from what they are already familiar with. On the contrary, their practice then should be changed into a pattern in respect of which some precedent already exists among them, or of which there is an example set before them by the pious men who are commonly acknowledged by that community to be on the right path.
159. In short, such new patterns should be provided to a community that are acceptable to its conscience, and they are satisfied as to their conformity to the truth. It is in this sense that the prescribed sets of laws borne by different Prophets varied from each other. Those who are firmly rooted in knowledge know that the *Sharī'ah* has introduced nothing in respect of marriage, divorce, human transactions, dress, judicature, *ḥudūd* and the distribution of booty, etc. which is not already known to the people or concerning which they might feel any reluctance if it is prescribed for them.

160. Of course, rectification of deviations and alleviation of ills did take place. For example, *ribā* (usury) had become rampant among them [i.e. the Arabs], so they were forbidden from it. They used to sell fruits before their ripening and used to litigate and argue on the basis of any plague that would strike them so they were forbidden from that sale.⁵² Similarly, the *diyyah* (blood money) at the time of ‘Abd al-Muṭṭalib [the Prophet’s grand-father] was ten camels. When he found that people are not thereby deterred from murder, he increased it to one hundred, and the Prophet (peace be upon him) upheld it.⁵³ In the same way, the first case of *qasāmah* took place by the order of Abū Ṭālib [the Prophet’s uncle].⁵⁴ Similarly, the head of the community was entitled, under the conventions of pre-Islamic Arabia, to receive the earliest offspring of camels from the booty captured in each expedition. The Prophet (peace be upon him), therefore, prescribed a portion of one fifth out of every booty.⁵⁵ Also Qabādh and his son Anūshīrwān [two Sassanid Kings of Persia] had levied *kharāj* [land tax] and *‘ushr* [one tenth of the agricultural produce], so the *Shari‘ah* also prescribed similar duties.⁵⁶ In the same way, the Children of Israel used to stone the adulterers to death, cut off the hands of thieves, take life for life⁵⁷, so the Qur’ān was also revealed with the same prescriptions. These examples are quite numerous and cannot escape the notice of any observer. Nay, if you are intelligent enough to comprehend all the dimensions of the injunctions, you will understand that the Prophets (peace be upon them) did not introduce anything in the domain of *‘ibādāt* [worship] that was not already known to their people, either in the same form or in a similar form. They only did away with the distortions of the *Jāhiliyyah*, regulating, by timing and identifying ingredients of various acts, what was ambiguous and also re-popularized among people that which was fading away.⁵⁸
161. It should also be borne in mind that when the Persians and the Romans held the reins of power and governmental authority for many centuries, they immersed themselves in the pleasures of the temporal world and became totally oblivious of the life hereafter. The devil thus gained complete mastery over them and they became fully engrossed in the luxuries of life and proudly boasted to each other about them. Experts thronged to them from all corners of the world, discovering for them delicacies of life and modes of providing comforts in it. They constantly worked at it, competed with each other in maximising luxuries, and boasted to each other about them. So much

so that if a notable among them wore a belt or crown worth less than one hundred thousand *dirhams*, or did not own a lofty palace, expensive wash bowls, swimming pools and gardens, did not keep swift animals and fair boys, and did not maintain extensive cuisines and exquisite dresses, he felt ashamed of himself. A detailed description of this would take too long to complete. What you can observe in the living styles of your own country's kings and emperors would sufficiently substitute their description. All these practices crept into the very roots of their lives, and it became impossible to remove them from their hearts, without tearing their hearts apart. This attitude gradually developed into a chronic disease infecting each organ of the state and all strata of the society. All this assumed the form of such a colossal epidemic that it struck everyone, whether he inhabited an urban or rural area, and whether he was rich or poor. It overtook everyone and rendered him helpless. It brought in its wake anxieties and worries that knew no bounds.

162. These conditions of luxury could not be maintained without spending huge amounts of wealth. And this wealth could only be acquired by maximising taxes on farmers, traders and the like, and keeping them constantly under a heavy and oppressive burden. If they resisted such moves, they were persecuted and tortured by their rulers. And if they obeyed them, they were treated like donkeys and oxen which are utilised for watering, threshing and harvesting, and are considered useless except for these purposes. Moreover, these people were not spared from this labour even for a moment until they became unable to pay any attention whatsoever to the bliss of the life hereafter. At times there existed vast territories which were devoid of even a single soul concerned with religion.
163. Moreover, these luxuries could not be attained without there being a group of people who made their living by working exclusively for the provision of these foods, dresses and buildings, and neglected the basic vocations on which the system of this world rests. The common folk who frequented their quarters were constrained to imitate the notables of the court in these matters. Otherwise, they found no favour or notice from them. Thus the majority of the people became dependent on the ruler. They begged from him, either because they were among warriors or administrators of the state, adopting their typical manners, not for satisfying any legitimate need, but merely

for the sake of following the pattern of their predecessors. Sometimes they begged from the ruler, on the pretext of their being poets whom the royalty had long been used to patronise and reward. Or they begged because they were thought to be ascetics or friars, and it was considered unbecoming of a ruler not to look after them. Thus they vexed each other, and their living became wholly contingent upon the company of kings. These people became dependent on entertaining the kings, engaging them in pleasing pastimes, and flattering them. This became the art on which they concentrated all their thoughts most indulgently and thus wasted their time. As people persisted in this habit, ugly forms were reflected in their souls, and they altogether turned away from virtuous morals. If anyone wants to understand the real nature of this sickness, he should look at a people among whom there is neither any government nor they are immersed in the delicacies of food and dress. He would find everyone in control of himself, and none burdened with taxes beyond his endurance. Such people can free themselves for religious pursuits and the upliftment of the religious community. Then he should also imagine the condition of these very people, if they had a government among them, and had, through the means of controlling this government, subjugated their subjects under an oppressive authority.

164. As this curse increased and the malady intensified, they earned the wrath of God Almighty, and that of the angels in His proximity. God then willed that this malady be treated by cutting off the sick element. So He sent a Prophet who was unlettered, who had neither mingled with the Persians or the Romans, nor had he been influenced by the customs of either. God made this Prophet the criterion, whereby it was possible to distinguish the right path of guidance approved by God from that which He disapproved. Moreover, God inspired this Prophet to condemn the customs of the Persians, and to abhor immersion in this material world and exclusive contentment with it. Further, he was directed by God to prohibit some prominent practices, to which the Persians had habituated themselves, practices about which they used to boast to each other, such as wearing silk, or cloth of flax mixed with silk and the use of purple saddles made of silk brocade, or the use of utensils and jewellery of gold and silver (excepting such jewellery of gold and silver in which gold or silver was in insignificant quantity), and garments bearing pictures, and ornamentation of houses, etc. Further, God decreed the fall of their empire at the hands of his empire, and the replacement of their

rule by his. He also declared that "The Chosroes are doomed to perish and there shall never be any Chosroes thereafter. The Caesars are destined to perish and never shall there be any Caesars thereafter".⁵⁹

165. It should also be borne in mind that among the people of the days of *Jāhiliyyah* there were disputes that were quite irksome and brought a number of problems and difficulties in their wake for the community. It was not possible to solve them without eliminating the root of these disputes, for example, the retaliation of murder. A man would kill another man, and the victim's heir would kill the murderer's brother and so on, and then a person on behalf of the former would assassinate someone from amongst the other party, and thus the dispute continued indefinitely. The Prophet (peace be upon him), therefore, declared: "All blood claims are hereby nullified and the first blood claim that I declare null and void is that of Rabī'ah".⁶⁰ Another example is that of inheritance. The chieftains of the community used to pass varying judgements. Besides, people did not refrain from such practices as usurpation and usury, and strayed far away from the virtuous conduct due to these practices. The succeeding generations used these practices as precedents in their argument. Therefore, the Prophet (peace be upon him) annulled all disputation between them, and declared that anything acquired in the Islamic era shall be distributed according to the verdict of the Qur'ān, and whatever will have been distributed or possessed by anybody during the days of *Jāhiliyyah* in any manner, shall be regarded as irreversible. Another example is the practice of *ribā*, under which a person used to loan a capital to someone, stipulating an increase. Then the lender vexed the borrower and made, both the lent capital and the stipulated increase, the principal, and stipulated further increase in it. This increment continued till it multiplied many folds. Therefore, the Prophet abolished *ribā* altogether, and decreed that only the principal shall be payable in all loans, so that "neither the lender wrongs, nor is he wronged".⁶¹ There are many other instances of such practices which, could not have been eliminated but for the Prophet (peace be upon him).
166. It should also be noted that sometimes a practice is prescribed in order to abolish sources of hatred and grudge among people, like starting from the right side while offering a drink. This is so because they may dispute with each other, and no one among them might be acceptable to the other as worthy of preference. This situation

would continue indefinitely unless such measures are adopted. Another example of such wise measures for settling similar disputes is the privilege of the host to lead the Prayers and the precedence of the owner of a riding animal over his companion, should both of them ride it, and similar other instructions of the Prophet (peace be upon him).

Need for a Religion which Abrogates Other Religions

167. If you survey the religious communities that are found on the earth, you will not find any difference from what I have explained to you in the preceding chapters. Indeed, there is no religious community which does not have faith in the truthfulness of its own founder, and a belief in his greatness, and that he was perfect and unequalled. This is so because the people of the community find him steadfast in acts of obedience, notice supernatural events in his life, and witness the grant of his supplications.
168. Similarly, no religious community exists without a system of *hudūd*, a set of laws, and such other deterrent measures as are necessary for regulating the conduct of the community. Thereafter, there are certain other things that contribute to facilitating the observance of the above obligations, and similar other traits that are among the essential features of a religious community. Moreover, every people have an exemplary pattern of life (*sunnah*) and a prescribed legal code (*sharī'ah*), wherein the traditions of their elders are followed and the examples of the teachers and leaders of the community are adopted. Thus the foundation of these beliefs is solidified and its pillars are strengthened. Members of the religious community, then, support these pillars and struggle in unison for furthering the cause of the community and for preserving its safety and well-being. They become prepared to sacrifice their lives and properties for the larger interests of the collectivity. All this takes place pursuant to certain wise considerations and well-conceived benefits that are beyond the comprehension of the commonalty.
169. Then, with the passage of time, every people become independently distinct with their own religion, evolving different practices and patterns of behaviour. They defend them with their tongues and fight for

them with their swords. Consequently, injustice becomes the order of the day. This happens either due to the ascendancy of those who do not qualify for the leadership of the community, or due to a confusion created by heretic codes of law in which people become deeply engrossed. This may also happen due to a negligence by the leaders of the community who omit a great deal of what should not be omitted so that nothing but vague remnants of the original religious teachings survive. Each community, which starts following its own independent course, curses the rest of the communities. The communities thus engage themselves in mutual condemnation and war. Truth becomes gradually concealed. At such a stage, there arises the need for a righteous leader who can deal with different communities, as a guided ruler deals with tyrannical kings.

170. In what the translator of the work *Kalīlah wa Dimnah* from Hindi into Persian has mentioned you can find a good example of the confusion of religions.⁶² He tried to ascertain the truth, but could not do so except very partially. Similar examples can also be found in the accounts of historians and chroniclers who have related the conditions of *Jāhiliyyah* and the confusion which had crept into their creed.⁶³
171. Moreover, a leader (*imām*) who can unite many religious communities in the fold of one religion also needs to establish some other foundations in addition to what have been enumerated above. These include a call from him to his people toward virtuous patterns of living after their purification and reformation by him. Thereafter, he makes them instrumental in his reformative scheme, and they support him like his limbs. He then undertakes a struggle with the people of the earth, for which purpose he spreads his reformed men in all corners of the earth. This, precisely, is what has been implied in the verse of the Qur'ān: "You are the best community raised up for mankind".⁶⁴
172. Now this *imām* [leader of the community] cannot struggle with an unlimited number of people. This being so, it is essential that the substance of his *sharī'ah* be like a natural course of life for the people of virtuous realms, whether they be Arabs or non-Arabs. Again the substance of this *sharī'ah* should also conform to his own community's existing heritage of the knowledge of *irtifāqāt*. In ascertaining this conformity the conditions of the majority of the people of his own community is to be kept in view. The *imām* shall, then, inspire

mankind to follow that *sharī'ah*. For it is not possible to leave this matter of following a proper *sharī'ah* to the choice of each people, or to the leaders of every age, because this would not at all serve the purposes of prescribing the *sharī'ah*. It is also not possible for the *imām* to survey the existing heritage of all peoples, experiment with each of them, and then prescribe a different *sharī'ah* for each social group. It is well nigh impossible to encompass their diverse habits and inherited customs and the variation in their habits and religious backgrounds. When most of those engaged in the task of recording the injunctions of one *sharī'ah* are unable to totally grasp the details of that particular *sharī'ah*, you may well imagine the impossibility of encompassing the various *sharī'ahs*. Moreover, often the people of other regional, social and religious backgrounds submit to a *sharī'ah*, after a long time, beyond the life span of the Prophet who introduces that *sharī'ah*. This can be clearly illustrated by the living *sharī'ahs* of today namely, Judaism, Christianity and Islam. In each of them, the early followers were few in number and their number increased only afterwards.

173. Therefore, nothing can be better and more convenient than considering the customs of the people among whom the Prophet is raised, for prescribing symbolic commands, penal laws (*ḥudūd*), and modes of socio-cultural development (*irtifāqāt*). At the same time, consideration should be given to those who come after them (i.e. those who enter the fold of religion after the Prophet's era), so that these prescriptions are not difficult for them to apply. Thus these commands remain valid in toto for all.
174. For the early followers of a religion it is easy to practice the teachings of that religion because they are supported by the testimony of their hearts and by a compatibility between those teachings and their own customs. The latter followers of that religion find these teachings easy to practice because of their admiration for the life-patterns of the early elders of the religious community and the successors of that Prophet. This attitude is a natural trait of every community in every era, whether in antiquity or in later times.
175. Now the realms that were found suitable for the birth of balanced temperaments were held together under two prominent emperors at that time [i.e. the Prophet's time]. One of them was Chosroes. He controlled Iraq, Yemen, Khurāsān and the neighbouring areas. Potentates in Transoxiana and India were under his suzerainty, paying

tribute to him every year. The other was Caesar who controlled Syria, Byzantium and the adjoining territories. Kings of Egypt, North African potentates, and other African rulers were under him and paid him the tribute.⁶⁵

176. Demolishing the empires of these two powers and gaining control over their dominions was, at that time, tantamount to dominating the whole world. Their customs of luxurious living were prevalent in all the areas that were controlled by them. A change in these customs and deterring people of these dominions from them was like awakening all areas about these things, even though they might have subsequently deviated from the required course. Harmazān had pointed to some of these aspects when ‘Umar (may God be pleased with him) consulted him with regard to the soldiers of Persia.⁶⁶ As to the rest of the areas situated far from the [realm of] balanced temperament, they did not count much in the universal expediency. That was why the Prophet (peace be upon him) said: “Spare the Turks as long as they spare you, and leave the Ethiopians as long as they leave you”.⁶⁷
177. In short, when God willed to set the deviating community straight, and to raise a religious community (*ummah*) for mankind that would enjoin good to them and forbid evil and change their corrupt practices, it was all contingent upon the fall of these two empires. The above objective was possible to attain only by addressing the conditions of these two empires, because their typical conditions had more or less permeated all the virtuous realms. Therefore, God decreed their fall and the Prophet (peace be upon him) foretold this fall in these words: “...Chosroes are doomed to perish, and there shall never be any Chosroes thereafter. The Ceasers are doomed to perish and there shall never be any Ceasers thereafter”.⁶⁸
178. Accordingly, Truth was revealed in order to subdue every falsehood. This was realized by the triumph of the Prophet (peace be upon him) and his Companions over the falsehood of the Arabs, and the triumph of the Arabs (Muslims) over the falsehood of these empires. In the same way, the triumph of the True Religion over the rest of the world was achieved by the conquest of both these empires, and God’s is the strong argument.
179. Further, one of these principles is that his (the Prophet’s) teaching of Religion is integral to the establishment of ‘general vicegerency’

(*al-khilāfah al-‘āmmah*), and that he designates from amongst his own compatriots and kinsfolk successors who are fully attuned to those traditions and practices. For, the mere smearing of one's eyes with kohl is not like kohl. Also because their religious zeal was inseparably linked with their ethnic loyalties. Ascendancy of their rule and prestige of their position meant the ascendancy and prestige of the Leader of the Community (i.e. the Prophet). This is the purport of the Prophet's sayings: "Leaders are (to be) from amongst the Quraysh".⁶⁹

180. Further, he (i.e. the Prophet) should commission his successors to establish and popularize Religion as implied in the following statement of Abū Bakr al-Ṣiddīq (may God be pleased with him): "You would remain attached to the Religion as long as your leaders are steadfast with you ..."⁷⁰
181. One of these principles is that he (the Prophet) establishes the supremacy of this Religion over all other creeds and cults. He should leave none unless it is overpowered by the True Religion, either gracefully or by force. Thus people shall become divided into three groups: (1) those who will submit to the True Religion openly as well as secretly; (2) those who will be forced to submit openly, because they simply cannot turn away from it; and (3) those disbelievers who will be subdued by the *imām*. They are to be employed by him in harvesting, threshing and all other vocations, as beasts are used in the cultivation of land and lifting of weights. Also he (the *imām*) shall prescribe for them a deterrent code of conduct. They shall also be required to pay tribute in acknowledgement of the supremacy (of the True Religion), while they are under the tutelage of the *imām*.⁷¹
182. Supremacy of the True Religion over other religions becomes manifest through the emergence of certain conditions. Among these conditions is the prominence of the symbolic commands of this Religion over the symbolic commands of other religions. By 'symbolic command' we mean an evident characteristic of the Religion whereby its followers are to be distinguished from the other religions e.g. circumcision, reverence for *masjid*, call to Prayers (*adhān*), Friday congregation and daily congregation in the Prayers.
183. Among these conditions is that people are rendered unable to give prominence to the symbolic commands of all other religions and that Muslims are not treated at par with disbelievers in matters of

qīṣāṣ, *diyāt*, marital transactions and in playing a leading role in the society; so they have no choice but to have recourse to faith. These conditions also include that people are made responsible to carry out their religious obligations with regard to virtue and vice in the prescribed forms. These forms should be made essential to obligations without much allusion to the spirit underlying these forms. The *imām*, therefore, should leave no discretion with the followers of the Religion in respect of their obligations under the *Sharī'ah*. Moreover, he should make the science of the subtle meanings of *sharā'i'* (*'ilm asrār al-sharā'i'*), a reserved science, accessible only to those who are well-versed in the understanding of Religion, because most of the followers of the Religion neither comprehend, nor are they capable of comprehending the great beneficial considerations underlying the injunctions of the *Sharī'ah*. These could be comprehended only if these were regulated by definite rules, and thus had become so perceptible that it could be attained by anyone pursuing them. Had there been any option to omit any part of the *Sharī'ah*, or it were explicitly stated that the real purpose of the *Sharī'ah* was other than these forms, avenues would have been opened wide for vain debates, and people would have plunged themselves in great disputation and controversy. In such a condition, it would not have been possible to realise the Divine scheme chosen for them.

184. Also, included among these conditions is the consideration that since subjugation by sword alone cannot remove the rustiness of their [i.e. the disbelievers'] hearts, and it remains likely that in the event of mere use of the sword, they might soon return to their erstwhile state of infidelity, it becomes essential that by employing various modes of reasoning and demonstrative proofs it is established in the minds of the general masses that those [other] religions are not worthy of being followed because they are either not sanctioned by an infallible authority, or they are not practicable in the existing conditions of the community, or because there is some distortion or misapplication in them. With these considerations in view, deviations are openly rectified and the priorities of the True Religion are clearly set forth. It is, then, made clear that the comparatively hidden teachings of the Religion are also as evident as the light of the day, the prescribed patterns are most beneficial for the masses, and that they are almost identical to the examples set by the earlier Prophets (peace be upon them), and similar other distinctive traits of the Religion are underlined. God knows best.

The Conditions of *Jāhiliyyah* Reformed by the Prophet

185. If you want to gain insight into the purport of the *sharī'ah* of the Prophet of God (peace be upon him), you should first of all enquire into the conditions of the unlettered people among whom he was sent, for they were the initial object for the prescription of a code of life by him. At the same time, you will have to probe into the mode of reforming that object according to the principles explained in the chapters related to the prescription of injunctions, the considerations of providing ease in the injunctions of the *sharī'ah*, and the commands relating to the religious community. You should, therefore, bear in mind that the Prophet (peace be upon him) was raised in the upright Ismā'īlī tradition of religion, to set its deviations right, to rectify its obliquities, and disseminate its light. To this aspect of the Prophet's mission reference has been made in the Qur'ānic verse: "... the faith of your father Ibrāhīm"⁷²
186. That being so, it should necessarily follow that the principles of this religious tradition are already recognised, and its pattern of life well-defined. For when a Prophet is sent to a people possessing the remnants of a rightly guided pattern of living, then nothing justifies any change or alteration therein. Far from that, continuity is sanctioned in favour of the existing tradition as it is more in tune with their religious consciousness and easier to serve as a basis for argument with them.
187. The Children of Ismā'īl had inherited the pattern of their progenitor Ismā'īl. They continued to follow his prescribed code of life (*sharī'ah*) until there appeared one 'Amr ibn Luḥayy who introduced certain things of his own misconceptions in their tradition. Thus he himself strayed and led others astray.⁷³ He preached idol worship,

and such [polytheistic] practices as leaving beasts scot-free to pasture and she-camels with their ear slit (*sā'ibah* and *baḥīrah*) with all their attendant superstitions.⁷⁴ Here religion became nullified and right was confused with wrong, and these people were soon dominated by ignorance, polytheism, and infidelity. God, therefore, sent our master Muḥammad (peace be upon him) to set their deviations right and to reform their corrupt practices. The Prophet (peace be upon him) surveyed the existing body of the *sharī'ah* possessed by them. What he found in conformity with the pattern of Ismā'il or what was from among the symbolic commands (*sha'ā'ir*) of God, was retained and whatever represented any deviation or corruption or was among the symbols of infidelity, was expressly abolished by the Prophet (peace be upon him).⁷⁵

188. Similarly, whatever pertained to the category of *'ibādāt* and other related matters was streamlined by prescribing its manners and etiquettes, on the one hand, and on the other hand by specifying certain reprehensible elements in it that ought to be eschewed in order to eliminate wrong practices. The Prophet (peace be upon him) also prohibited some corrupt customs and prescribed good and healthy ones in their place. Also, all the original and practical things in religion that had been abandoned in the intervening period between two revelations were revived afresh by the Prophet. With these actions, the bounty of God was completed and His Religion was restored to its pristine purity.
189. The people of *Jāhiliyyah* at the time of the Prophet recognized the possibility of the raising of Prophets, believed in the final accountability with a conception of reward and punishment, and accepted the principles which provided the bases for various categories of virtue, and dealt with each other on the basis of the second and third stages of social development (*irtifāqāt*).⁷⁶
190. What we have stated above does not rule out the presence of two types of people among them. One of them consisted of perverted sinners and atheists. These sinners used to commit beastly or predatory acts which conflicted with their religious norms because their egos held sway over them and they lacked religiosity.
191. Such people, in fact, fall outside the socio-religious order, bearing witness to sinfulness against themselves. The atheists suffer deficiency of understanding which becomes part of their nature. Thus

they render themselves unable to fully appreciate the objectives pursued by the founder of the community. They keep wavering in their doubts under the fear of their chiefs. Humans always condemn them and consider such people outside the pale of religion as they snatch its noose from their necks. With this bad state of infidelity, in which they land themselves, their fall-out is of no harm.

192. In the second category, we may count those ignorant and neglectful people who never paid any attention to religion, which was immaterial in their lives. Such were the majority of people among the Quraysh and those who were associated with them because historically they were quite distant from the age of the Prophet. The Qur'ān also makes a mention of this in the following verse: "... that you may admonish a people to whom no warner has come before you".⁷⁷

These people, however, did not estrange themselves so completely from the right path that no argument could work with them, nor did they become so incapable of being charged with obligations that no proof would be profitable with them.

193. The following were among those principles of religion that were already well-known:

- (a) The affirmation that God, the Most High, has no partner in the creation of the heavens and the earth and the substances that are in them. Nor does He have any partner in the governance of great affairs; and that no one can turn away from His command and that nothing can deter His judgement when He settles and decides it. This is what has been stated in the following verses of the Qur'ān:

(i) "If you ask them, who it is that created the heavens and the earth, they will certainly say God".⁷⁸

(ii) "Nay, it is Him alone that you would call ..."⁷⁹

(iii) "Those that you call beside Him leave you in the lurch..."⁸⁰

But their atheism prompted them to think that there were certain beings, from among the Angels or Spirits, who do regulate and control the inhabitants of the earth in certain less important matters. Such matters include improving the spiritual state of a worshipper in his very personal experience, and the conditions of his progeny and property. They likened these beings to the position of small kings *vis-à-vis* an emperor, and regarded them as equivalent to intercessors

and confidants in relation to a ruler who manages his domain by oppressive authority. These misconceptions may be traced back to what has been stated in the *sharā'i*, about commissioning Angels with given duties and granting of supplication to those who have attained Divine proximity through worship. By observing this, these people supposed that they (i.e. these commissioned Angels and attainers of divine proximity), can do certain things of their own accord, like small kings of this world. Their fallacy lay in drawing analogies from the 'seen' for the 'unseen'.⁸¹

- (b) The notion that God Almighty may not be invested with attributes which are not worthy of His Honour and Glory, and that the sanctity of His Names may not be violated. But their atheism prompted the supposition that God made the Angels His daughters, and the Angels have been made the instrument, through whom God acquires a knowledge, which is not available to Him. Again this supposition was an outcome of the analogy of spies in their relation to kings.
- (c) The belief that God predestined all events prior to their creation. This is also supported by the statement of Ḥasan al-Baṣri that the people of *Jāhiliyyah* had been consistent in referring to predestination in their oration and poetry, and the *sharī'ah* merely confirmed it.
- (d) The belief that there was a certain sphere where gradual incidence of events is decreed. And that the supplication of the Angels, who are admitted to Divine proximity, and the prayers of virtuous children of Ādam do have some sort of effect. But this idea was cast in their minds, with an attendant illustration of intercession to a king by his confidants.
- (e) The belief that God has charged His servants with whatever duties He willed. Therefore, it is He who permits and forbids, and that man receives a return for his deeds: if they be good, he shall have a good reward, and if evil, he shall be retributed with evil. Also that God has some Angels who are close to His presence, and they are important functionaries of His kingdom. They carry out certain regular duties in the world with the permission of God and "do not flinch from executing the commands they receive from God, but do precisely what they are commanded".⁸² They neither eat, nor drink, nor defecate, nor marry. They sometimes appear before virtuous individuals to give them good tidings or to warn them. That God, in His generosity and grace, may send to His servants, a man from amongst them

and transmit His revelations to him. Angel descends on such a man for this purpose (i.e. transmission of revelation). He [i.e. this man] is to prescribe for the people obedience of God. Once he has done that, they have no choice but to accept.

194. In the pre-Islamic poetry, references to the higher assembly (*al-mala' al-a'lā*) and the bearers of the throne of power (*ḥamalat al-'arsh*) were frequent. According to Ibn 'Abbās, the Prophet (peace be upon him) approved of Umayyah ibn Abī al-Ṣalt in two lines of his poetry: "Whether it is man, ox, eagle or lion, all of them are but under the power of the All Powerful". Upon hearing it, the Prophet remarked: "Truly spoke he!" The same poet further said: "When the sun rises at the end of each night, it blushes and reddens its colour. In spite of its disdain to rise gently (of its own accord), it is forced to rise; for otherwise it will be flogged" [i.e. it has no choice but to obey God's command to rise]".⁸³

Again, the Prophet (peace be upon him), remarked that Umayyah was right.

The people in the days of *Jāhiliyyah* believed that the bearers of the throne of power (*ḥamalat al-'arsh*) were four angels. One of them was in the form of a human being. He would be the intercessor for the children of Adam with God. The second one took the form of an ox. He would be the intercessor for beasts. The third one was in the form of an eagle. He would be the intercessor for birds. And the fourth one assumed the form of a lion. He would be the intercessor for beasts of prey.

The *sharī'ah* also stated something close to it. But here they have been designated as mountain goats. This is in accordance with their forms in the world of illustration (*'ālam al-mithāl*). So all this was already known to them along with what they added thereto by way of analogy of the seen for the unseen and the adulteration of their conventional superstitions with rational facts.⁸⁴

195. If you are in any doubt concerning what we have stated above, you should look at what God has narrated in the great Qur'ān. The Qur'ān argued with them (i.e. the Arabs) on the basis of the vestiges of knowledge possessed by them and clarified the confusion and doubt created by them. When they denied revelation of the Qur'ān, God said: "...say, who then sent down the Book which Mūsā brought"?⁸⁵ Similarly, when they said: [as reported by the Qur'ān in the following verse]: "...and they say: what sort of an apostle is this, who eats

food and walks through the streets”!⁸⁶ The Qur’ān replied in the following words: “...Say: I am no bringer of new-fanged doctrine among the apostles”!⁸⁷ There are also other verses in the Qur’ān to this effect.

196. This much would sufficiently explain to you that the polytheists, even though they had gone far away from the straight path, yet they were such that it was possible to establish, on the premises provided by the vestiges of the knowledge possessed by them, a basis for argument with them. Besides, you should also regard the contents of the orations of their sages like Quss ibn Sā'idah al-Ayādī,⁸⁸ Zayd ibn 'Amr ibn Nafīl⁸⁹ and the reports pertaining to those who were before 'Amr ibn Luḥayy, you will find the above statement substantiated by these sources.⁹⁰ Moreover, if you undertake a more thorough investigation of the subject on the basis of these reports, you will find their elders and wise men believing in the Hereafter, the Guardian Angels, and similar other doctrines. These people also affirmed monotheism in its original form, so much so that Zayd ibn 'Amr ibn Nafīl said in one of his poems:

Thy servants err; but thou art the Sustainer; in thine hands
are placed the deaths and the destinies;
One single Lord or a thousand of them should I serve,
when all matters diverge?
I eschewed Lāt and 'Uzzā altogether for that is what a
wise man ought to do.⁹¹

It was the Prophet (peace be upon him) who remarked about Umayyah ibn Abī al-Ṣalt: “His poetry embraced faith but his heart relented”.⁹² All these ideas were a legacy of Ismā'īl (peace be upon him) which persisted among the Arabs. Some of them came from the sources of the People of the Book.⁹³

197. It had also been an acknowledged fact among them that the perfection of man lies in submitting himself entirely to his Lord, the Sustainer, and in worshipping Him to his utmost capacity. They also knew that purity and cleanliness constituted a necessary part of worship. Similarly, obligatory bath after sexual intercourse was an established practice among them. The same was the case of circumcision and all other requirements of natural hygiene. In Torah also there is found a statement to the effect that circumcision had been made a designator for Ibrāhīm and his progeny.⁹⁴

198. Moreover, this form of *wuḍū'* (ablution) is also practiced among Magians, Jews and others. The wise men of Arabia also practiced it. Prayers were also in vogue among them. Abū Dharr (may Allāh be pleased with him) had already been praying for three years before he came to the Prophet (peace be upon him). Similarly, Quss ibn Sā'idah al-Ayādī used to pray. As to the form of Prayer obtaining among the communities of Jews, Magians, and the rest of the Arabs, it consisted of certain acts of veneration, particularly prostration and some phrases of supplication and invocation.⁹⁵ In the same way, *zakāh* was known among them. Its practical form was hospitality for guests and wayfarers, alms-giving to the poor, maintaining one's relatives, observing obligations to the kith and kin, and supporting the cause of truth. People were praised among them for having such qualities, as they recognised them to be the components of human perfection and bliss.⁹⁶ This is evidenced by the famous remarks made by Khadījah (the wife of the Prophet) when she learnt about the Prophet's first experience of receiving revelation: "By God, God shall never let you down, as indeed you are the one who joins the ties of kinship, you extend hospitality to the guests, you carry the burden of your relations, and you support the cause of justice".⁹⁷

Equally significant in this context are similar remarks made by Ibn al-Daghinnah [Suba'yah ibn Rāfi'] concerning Abū Bakr al-Ṣiddīq (may Allah be pleased with him).⁹⁸

199. Also fasting from dawn to sunset was in vogue among the Arabs. The people of Quraysh used to fast on the day of 'Āshūrā' in the time of *Jāhiliyyah*.⁹⁹ Also the practice of seclusion for meditation in mosque existed at that time. It is reported that 'Umar (may Allah be pleased with him) had made a vow during *Jāhiliyyah* that he would observe *i'tikāf* for one night, and later he sought the Prophet's counsel about it.¹⁰⁰ Also 'Āṣ ibn Wā'il had made a will that a certain number of his slaves should be freed.¹⁰¹
200. In short, people in the time of *Jāhiliyyah* used to practice piety and acts of devotion in a variety of ways. In this respect,¹⁰² pilgrimage to the house of God, veneration of its symbols and observance of sacred months are too obvious examples to escape notice.
201. Besides, the Arabs practiced a number of charms and talismans also. [In respect of slaughtering animals], they consistently followed the practice of cutting the throat, or striking at the upper part of

the chest, and refrained from strangulating or killing the animal by shock. They remained attached to the remnants of the religion of Ibrāhīm (peace be upon him), in eschewing stars and contemplating over the subtleties of natural phenomena, except what was dictated by obvious necessity. In prognostication, they relied on dreams and good tidings given by earlier Prophets. It was at a later period that soothsaying, divination with arrows and foreboding found their place among them.¹⁰³ Yet they remained conscious that these things did not form part of the original religion. This is supported by a tradition of the Prophet as well. On seeing a picture of Ibrāhīm and Ismā'īl carrying arrows in their hands, the Prophet (peace be upon him) remarked: "These people knew that they (i.e. Ibrāhīm and Ismā'īl) never divinated".¹⁰⁴ So the Children of Ismā'īl remained attached to the pattern of their progenitor until 'Amr ibn Luḥayy appeared among them,¹⁰⁵ and that was about three hundred years before revelation came to the Prophet (peace be upon him).

202. The pre-Islamic Arabs possessed certain definite patterns of life and used to censure each other on omitting them in their eating, drinking, dressing, feasts and festivals, burial of their dead, marriage, divorce, period of waiting, (*'iddah*), mourning, sales, and other transactions. They were also consistent in prohibiting marriage with the unmarried like daughters, mothers and others. They also had penal measures for crimes like *qiṣās*, *diyāt* and *qasāmah* and punishments for adultery and theft. Through their contact with Persians and Romans, they had also been exposed to the sciences and crafts of the third and fourth *irtifāq*. Then came a time when various forms of crime and mischief such as abduction and looting, widespread commission of adultery, invalid marriages and usury, became a feature of their life. As to prayers and acts of invocation, they had ere long abandoned and neglected them. While this was their state of affairs, the Prophet (peace be upon him) was sent to them.
203. The Prophet (peace be upon him) looked into the existing socio-religious conditions of the Arabs. He retained the surviving vestiges of the True Religion, and explicitly urged people to adopt them. Moreover, he regulated *'ibādāt* by prescribing their occasions, timings, conditions, ingredients, manners and decorum, and by identifying their prohibited elements by laying down the highest and lowest levels of devotion and rules for timely and late performance of obligations. Similarly, the Prophet (peace be upon him) identified

sinful acts and explained their ingredients and conditions. He also laid down *hudūd* and other deterrent measures and identified ways of atonement. Besides, he provided ease in following the commandments of the True Religion by promising good reward for good deeds and by pointing to evil consequences of evil acts. In addition to this, he taught how to close the avenues of sin and gave incentives to all acts that would promote good and virtue, and similar other things that we have enumerated before.

204. The Prophet (peace be upon him) went to the greatest length in disseminating the upright *Ḥanīfī* Religion and making it prevail over all other religions. He also abolished all distortions and perversions permeating it and exhausted his efforts in accomplishing this. And whatever was from amongst the right *irtifāqāt* was ratified and confirmed by the Prophet (peace be upon him). He also prohibited all corrupt customs and prevented people from following them.
205. Further, he established the supreme authority of the state, and struggled alongwith those who were by his side against those who stood in opposition to his noble mission until it was accomplished in spite of the enemies.
206. It has been said by the Prophet (peace be upon him) in one of his traditions that: "I have been sent with the Religion that is benevolent, upright and fully evident".¹⁰⁶ By 'benevolent' he meant a religion wherein obedience does not involve any hardship such as those heretically invented by hermits. Rather, for every genuine problem of hardship, there is in this Religion a provision for concession. Thus, its injunctions are practicable for the strong and the weak alike, and for every slave as well as a free man at the same time. By 'upright' he meant that this was the Religion of Ibrāhīm (peace be upon him) wherein lies the establishment of the symbols of God's obedience, a subdual of the symbols of polytheism and the abolition of all perversions, corrupt customs and practices. By 'evident' he meant that the facts, rational considerations, and the objectives on which its injunctions were founded are so manifest and self-evident that anyone who contemplates over them with a sound mind and humility will not fail to appreciate them.

And God is the best knowing.

Sections on Politics

207. It should be noted that it is necessary for every society of Muslims to have a *khalīfah* [ruler]. This is because there are certain vital interests that cannot be attained without one. These interests are quite numerous. They fall in either of the following two categories:

First, that which pertains to politics. This involves: (a) repulsion of armies that might attack them [i.e. the populace] and try to overpower them; (b) emancipation of the oppressed from the oppressors; and (c) adjudication of disputes and other related issues. We have already explained these issues.

Second, that which pertains to the True Religion. For the supremacy of Islam over all other religions cannot be contemplated without a *khalīfah*, who can check and deal strongly with those who might rebel against the True Religion, and commit something expressly prohibited, or discard anything explicitly enjoined. Moreover, it is he (i.e. the *khalīfah*) who can overpower the followers of other religions and impose *jizyah* on them, with willing submission on their part while they are subdued. Since without this arrangement, both Muslims and non-Muslims shall be equated in status, and no preference in favour of one group over the other shall be manifest. Besides, there would remain no restraint over them to check their transgression.

208. The Prophet (peace be upon him) classified all these issues under five categories namely:

- (a) *maẓālim* i.e. administrative injustices, and the ways and means of dealing with them;
- (b) *ḥudūd*, i.e. specified punishments laid down in the Qur'ān or the *Sunnah* for crimes that belong to the category of acts which are related to the rights of God in contrast to the rights of human beings;
- (c) judiciary; and

(d) *jihād*.

209. There arose then the need to provide basic rules to govern different acts falling in the purview of each category. As to details and subsidiary matters, they were left to the opinions of the *imāms*.¹⁰⁷ However, a general advice was tendered to them: to be fair and good to the community. This was done due to a number of reasons, namely:

- (i) Those holding the office of *khalīfah* often tend to be cruel and oppressive, following their whims and vagaries. They may abuse their authority and corrupt the populace by an unbridled exercise of power in disregard of the latter's rights. In such circumstances, the disadvantages of the office of *khalīfah* might exceed its anticipated advantages. In pursuing this policy, they often fall back on false claims of following the right course and of giving consideration to some supposed public policy. It was, therefore, necessary that certain basic rules were laid down whose violation would be condemned and the rulers could be subjected to impeachment on account of their violation. Thus all argument against rulers could be based on these basic rules.
- (ii) The *khalīfah* should be there to demonstrate before the general public the injustices of the unjust, and that the punishment awarded is not in excess to the requirement. Also, it should be brought home to them that in the adjudication of the disputes he (i.e the *khalīfah*) has pronounced the right judgement, otherwise people would be divided amongst themselves and might as well turn against him. Those who have been aggrieved by his decisions and their kith and kin might entertain feelings of ill will against him. Besides, there remains the likelihood of their resorting to treason. They might secretly hate him, feeling that their rights could only be protected by themselves and not by the *khalīfah*. This will surely be a condition of great difficulty for the *khalīfah*.
- (iii) There are a lot of people who do not know what is the best course for the public policy of the state. They follow their independent reasoning and erroneously slant themselves toward right or left. There are some people who are so rigid and radical that even extreme measures of deterrent action appear insufficient for them. At the same time, there are other people who are too lenient and soft, and even a little penal action is too much in their eyes. Another category consists

of individuals who are so credulous as to believe all contentions of plaintiffs. There is yet another type of individuals who are so imperious and cynical that they think of people only negatively. Since it is not possible to accommodate all divergent trends and attitudes—for to do so would amount to demanding the impossible—it was necessary that certain definite principles be laid down that could subsume all the conditions. While disagreement among people in particular cases is of little consequence, their disagreement in regard to the basic postulates is not so.

- (iv) If the laws stem from the *sharī'ah*, they are no less sacred than prayers and fasting, in so far as they bring Divine proximity and are instrumental in reminding people of God. It was, therefore, necessary that matters are not left to individuals who are carried away by lustful whims or beastly desires. Moreover, it is not possible to ensure infallibility and immunity from oppressive tendencies in the rulers. Also, the beneficial considerations which we pointed out in our discussions on “the prescription of injunctions and factors responsible for it” and on “the wisdom underlying the quantification of various acts of worship”, are all applicable in the present context as well.

And God knows the best.

SECTION XXI

Khilāfah

210. It should be known that there are certain conditions that have been laid down for a person to be a *khalīfah*. He should be sane, adult, male, brave, sage, able to listen, observe and articulate. He should also be among those whose honour and the honour of his kinsfolk are generally recognized by the people. Also, he should be such that people should have no aversion to follow him. Besides, he should be reputed for his pursuit of the right course in public policies. All these things have been established by reason.
211. Furthermore, all communities among the progeny of Adam, despite their difference in religion and distance in dwellings, have been in agreement on the above conditions because they have appreciated the fact that the purposes for installing a *khalīfah* cannot be realized without these conditions. And whenever any course, contrary to these conditions, was followed, people witnessed the impropriety of this course which they disliked in their hearts but kept quiet in disgust.
212. The compulsive nature of these conditions is partly explained by the following statement of the Prophet: “A people who delegated their affairs to a woman shall never attain felicity”.¹⁰⁸
213. Besides, the Religion of Muṣṭafā (peace be upon him) in respect of the vicegerency of the Prophetic mission has taken a few other things into consideration. These include: belief in Islam, knowledge, and just and upright conduct because certain vital interests of the religious community cannot be safeguarded without them, according to the consensus of the Muslims. A cardinal principle in this respect has been provided in the following verse of the Qur’ān: “God has promised to those of you who believe and do good deeds that He will surely make them rulers in the earth as He made those before them rulers, and that He will surely establish for them their Religion

which He has chosen for them, and that He will surely give them security in exchange after their fear. They will serve Me, not associating aught with Me. And whoever is ungrateful after this, they are the transgressors”.¹⁰⁹

214. One of these conditions is that he [i.e. the *khalīfah*] should be a Qurashī. The Prophet has said: “The leaders are from amongst the Quraysh”.¹¹⁰ The reason warranting this qualification is that the Truth which God has manifested through the Prophet (peace be upon him) was revealed in the language of the Quraysh, and in keeping with their customs and conventions. Most of the quantifications of ‘*ibādāt* and specified punishments were those that were already in vogue among them. Also, many of the injunctions were laid down against the background provided by their society. That was why they were able to adopt and uphold them more than any other people among mankind.
215. Additionally, the Quraysh were the Prophet’s own people and group. They had nothing to take pride except in the exaltation of the Religion of Muḥammad (pace be upon him). Religious zeal was thus combined for them with a passion for race. Therefore, they provided the most suitable milieu for the establishment of, and adherence to, the revealed code of law.
216. Moreover, the *khalīfah* should be an individual from whose obedience people do not desist in consideration of his noble birth and high morals. For often those without noble birth are regarded as worthless and contemptible by the commonalty. Also he [i.e. the *khalīfah*] should be from amongst those who are known for enjoying prestigious and leading positions in the society, and whose group has a practical experience of marshalling people and conducting war and whose people are strong and prepared to protect and support him and dedicate their lives for his sake. All these qualities were not combined except in Quraysh, particularly after the investiture of the Prophet (peace be upon him) by God to carry out His mission and the rise of the Quraysh to a position of honour as a result thereof.
217. It was to this fact that Abū Bakr al-Ṣiddīq (may God be pleased with him) was referring when he said: “This mission shall not rise to prominence except through Quraysh who dwell in the middle of Arabia ...”¹¹¹

218. It is significant that no further condition was laid down that he (i.e. *khalīfah*) should be a Hāshimī. This was due to two reasons:

First, that people may not harbour any feelings of suspicion, and think that he [i.e. the Prophet] intended to establish his own dynastic rule like the rest of the kings. Such a suspicion would have been conducive to apostasy. It was also for this reason that the Prophet (peace be upon him) did not hand over the keys [of Ka'bah] to 'Abbās ibn 'Abd al-Muṭṭalib.¹¹²

Second, it is important that people should accept the *khalīfah* as such, and are unanimous in this acceptance, and extol him. Similarly, it is necessary that he establishes *hudūd*, strives for the defence of the religious community, and enforces the injunctions. The presence of all these qualities together is often difficult [even] in more than one individual at one time. If there were any condition that he should belong to a particular tribe, there would have been hardships and difficulties because that particular tribe may not have in its ranks a man possessing these qualities while another tribe might produce such an individual. For this reason, the jurists tend to prohibit that any condition be laid down for accepting someone as *khalīfah* such as the condition that he should belong to a small town. Rather they regard it permissible that he might belong to a big town.

219. It is possible to instal the *khalīfah* through any one of the following procedures:

- (a) By a mandate from those who are entitled to untie and bind (*ahl al-hall wa al-'aqd*) from amongst the '*ulamā*', chiefs, commanders of armies, who are men of understanding and are sincere to the Muslim community. This mode of the installation of the *khalīfah* was adopted in the case of Abū Bakr al-Ṣiddīq (may Allāh be pleased with him);
- (b) By a testament from the preceding *khalīfah* to the people in favour of some individual, as was the case in the establishment of the caliphate (*khilāfah*) of 'Umar (may Allāh be pleased with him);
- (c) By way of consultation, as was the case in the *khilāfah* of 'Uthmān ibn 'Affān (may Allāh be pleased with him);
- (d) By the dominance of a person over the people who fulfils the qualifications and establishes his authority over them like all the *khu-lafā'* who succeeded the *khilāfat al-nubuwwah* (vicegerency of the prophethood).¹¹³

220. If someone who does not fulfil the necessary conditions becomes dominant, it is not appropriate to immediately resort to disputation, because his deposition is often not possible without going through violence and strifes which would involve more harm than the benefits expected [by the installation of a duly qualified person as *khalīfah*]. When asked about such rulers: "Should we not oppose them by force? the Prophet (peace be upon him), replied: "No, as long as they establish Prayers among you".¹¹⁴ He further said: "Except when you find evident infidelity about which you possess a conclusive evidence sanctioned by God".¹¹⁵
221. In short, if the *khalīfah* turns infidel by neglecting anything which constitutes one of the essentials of Religion, opposing him by force is not only permissible, but becomes obligatory. Otherwise, it is neither permissible, nor obligatory, because in such a circumstance, the benefit of installing a *khalīfah* in office is nullified, and there is apprehension of great harm that would be caused to people by his mischief. Therefore, in such an event fighting against him shall be an act of *jihād* in the way of God.
222. The Prophet (peace be upon him) has said: "Hearing and obeying is an obligation of every Muslim, whether he likes the command or dislikes it, as long as he is not commanded to commit a sin. If he is commanded to commit sin, then he is absolved of the obligation to hear and obey".¹¹⁶
- (I say): Since an *imām* is installed for two kinds of public weal, by which religious and political affairs are regulated, and since the Prophet (peace be upon him) was sent for their sake, and the *imām* is the Prophet's deputy and an executor of his mission, therefore, obedience to the *imām* is indeed obedience to the Prophet. And disobedience to him would be tantamount to disobedience of the Prophet except when he commands to commit a sin. For then it would be evident that obedience to him is no longer an obedience to God, and in that event, he would cease to be a deputy of God's Prophet. This is why the Prophet (peace be upon him) said: "Whoever follows an *amīr*,¹¹⁷ he indeed follows me, and whoever disobeys an *amīr*, he indeed disobeys me".¹¹⁸
223. Further, the Prophet (peace be upon him) has said: "Verily the *imām* is a shield behind which his people fight their enemies, and through which they seek their own protection. If he commands piety and

guides them toward it, he shall be entitled to a reward for it. But if he pursues any other path, then he shall have his portion of the evil consequences".¹¹⁹

(I say): The Prophet (peace be upon him) regarded the *imām* as a shield because he is an instrument of inner cohesion among Muslims and a source of defence for them. The Prophet (peace be upon him) has also said: "Whoever finds something in his *amīr* which he detests, he should tolerate it, because whoever separates himself a single span of hand from the community and dies in that position, his death indeed shall be in the state of *Jāhiliyyah*".¹²⁰

(I say): This is because Islam is distinguished from *Jāhiliyyah* by addressing these two categories of public weal. And it is the *khalīfah* who deputises the Prophet in carrying out the purposes of this public weal. Therefore, when someone separates himself from the executor of this public weal, he falls in the category of those who are living in the *Jāhilī* era.¹²¹

224. The Prophet (peace be upon him) also said: "Any servant of God to whose care God gave a people, but he did not lend his fullest sincerity to their cause, he shall not [even] smell the fragrance of paradise".¹²²

(I say): Since the installation of *khalīfah* takes place for the realisation of certain vital interests, it is necessary that the *khalīfah* is directed to fulfil these objectives. At the same time, the people should also be urged to follow him so that these stipulated interests are achieved from both sides.

225. Moreover, since the *imām* cannot by himself perform the duties of collecting *ṣadaqāt*, and receiving '*ushr*'¹²³ and adjudicating the disputes in all corners of his realm, it was necessary to depute governors and judges. Further, since all these functionaries are occupied in a vocation relating to the public policy, they should be entitled to their livelihood from the exchequer. It was to this fact that Abū Bakr al-Ṣiddīq referred when he said on his appointment to the office of *khalīfah*: "My people knew that my trade was not insufficient for the maintenance of my family. Now that I have been occupied in the work of Muslims, therefore, the family of Abū Bakr will be fed from the exchequer while he shall be devoted to work for the Muslims".¹²⁴

226. Likewise, it is necessary that all functionaries of the government are required to adopt a course of convenience in carrying out their duties. At the same time they should be forbidden from exploitation and bribery. On the other hand, the people should also be required to cooperate with them so that the necessary objectives are achieved. There are several statements of the Prophet (peace be upon him) to guide us in this behalf such as the following: "There are some individuals who misappropriate the wealth of God [i.e. public exchequer] without any right. Such individuals shall have nothing but hell fire on the Day of Judgement".¹²⁵ He also said: "Whoever is appointed by us to perform a duty and we provide him with sustenance on that account, and yet he acquires something in excess to what has been given to him, it is indeed an act of embezzlement".¹²⁶ In another tradition, the Prophet (peace be upon him) cursed the giver as well as the receiver of bribe.¹²⁷

227. The idea in these directives is that all such practices jeopardise the envisaged public weal, and open avenues for corruption. Moreover, the Prophet (peace be upon him) has said: "We do not appoint to any office those who demand that office for themselves".¹²⁸

(I say): This is because a demand for wordly authority is seldom free from selfish motives. We also have the following saying of the Prophet (peace be upon him): "When a governmental functionary comes to serve you, let him leave while he is pleased with you".¹²⁹

Further, it is necessary that the amount to be provided to the functionaries of the state, in consideration of their work should be specified, so that the *imām* does not violate it by making any increase or decrease in it. Those appointed to various offices may also observe these limits. This is further elucidated by the following tradition of the Prophet (peace be upon him): "Whoever is a functionary on our behalf, he should get a wife; if he does not have a servant, he may have one; if he is without a house, he may acquire one".¹³⁰

228. Therefore, when the *imām* deputs a functionary in connection with the collection of *ṣadaqāt* he should fix such portion for him in the proceeds of *ṣadaqāt* as would be sufficient for his living. Additionally, some increment should also be provided to him, whereby he can satisfy the above needs. This is because excess has no limit, and also a mere subsistence allowance without any increment is something for which a functionary is not likely to exhaust himself, nor is he expected to take interest in his work.

Judiciary

229. It should be noted that disputation between people is something of the most common occurrence which gives rise to serious strife among them. This generates animosity, hatred, and severement of bonds among human beings. Selfish niggardliness tends to disrespect every right in defiance of all reason. Therefore, it was necessary to depute in every quarter someone who could settle disputes among people with justice and equity, and could also compel them to act accordingly, whether they liked the judgement or not. That was why the Prophet (peace be upon him) paid his utmost attention to deputing judges. Ever since then, Muslims have been consistently upholding the practice of the Prophet (peace be upon him) in this behalf.
230. Since adjudication among people brings in its wake possibilities of corruption and injustice, it was again pertinent to warn the people concerned against unfair judgement and to prescribe certain basic principles in order to regulate the conduct of the judiciary.
231. The Prophet (peace be upon him) has said: "Whoever gets appointed as judge over people, he is indeed slaughtered without a knife".¹³¹
(I say): This is to emphasize the fact that judicial office is an extremely heavy burden. Acceptance of this position involves risks of perdition except when God wills otherwise. Similar is the tradition of the Prophet (peace be upon him) which says: "Whoever seeks a judicial office, and demands it for himself, he is left to himself [i.e. he is left without any support from God]. But he who is compelled to perform this duty, God sends down an angel to help him discharge it".¹³²
232. The significance, as I can see, of this injunction lies in the fact that a candidate for judicial office is not often without a selfish motive to seek wealth, prestige, or position, in order to retaliate from some

enemy of his, etc. Therefore, the sincerity of purpose which brings Divine blessings is not actualized in such a situation.

233. The Prophet (peace be upon him) also said: "Judges are of three kinds: two of them are doomed to be cast in hell, while one of them shall be in Paradise. The one who will go to Paradise is the judge who knows the truth and decides accordingly. The other is he who knows the truth, yet he decides unjustly. He will surely be in hell. There is the third kind of judge who adjudicates among people ignorantly. He shall also go to hell".¹³³ (I say): The purport of this saying of the Prophet (peace be upon him) is that only those who are just, free from oppressiveness and partiality, and who are known for these virtues, are qualified to hold judicial office. Further, these persons should be learned enough to understand what is right, particularly in respect of judicial matters. The reason for this emphasis is quite evident, since the purpose of the required public weal cannot be realized without it.

234. The Prophet (peace be upon him) has further said: "An arbitrator should never decide anything between two parties, while he is overcome with fury".¹³⁴ (I say): The reason for the above command is that someone whose mind is overtaken by fury is not able to seriously consider the relevant arguments and the circumstances of the case, and is thus hindered from understanding the truth of the matter.

235. The Prophet (peace be upon him), also said: "When a ruler [i.e. a man in authority, whether administrative or judicial] exercises his *ijtihad* in deciding a matter, and makes a right decision, he is entitled to a double reward; but if he commits a mistake, then he shall be entitled to a single reward".¹³⁵ The word *ijtihad* occurring in the above tradition means: exhausting one's intellectual potential in establishing an argument. For human responsibility has been prescribed according to ability. While it is within the ability of a person to strive in the exercise of *ijtihad*, he cannot guarantee the attainment of truth.

236. The Prophet (peace be upon him) said to 'Alī: "When two parties submit any matter before you for judgement, you should not decide in favour of either of them unless you hear the contention of the other. In this manner, it is more probable that you will reach the right decision".¹³⁶ (I say): This is because by considering the arguments of both sides, the preferable course becomes clear.

237. It should be noted that in the judicial process there are two stages: first, to know the facts of the case concerning which dispute has arisen between two parties; second, the right and fair judgement warranted by those facts.
238. The judge may be in need of both or either of them. For example, if each of the two parties claims that an animal was owned by him, and had been born in his possession, or that a stone had been found by him in a mountain, the problem can be solved by knowing the facts of the case. For instance, in the dispute over bringing up (*ḥaḍānah*) the daughter of Ḥamzah, which took place between 'Ali, Zayd and Ja'far, facts of the case were already known, and what was needed was only the judgement.¹³⁷
239. Similarly, if a person sues someone for illegal seizure and the nature of the disputed object is such that its quality changes, and the defendant denies the charge, the need shall arise to know first the facts of the case as to whether there has actually been any illegal seizure. Subsequently, a judgement would be required, whether the seized object itself should be returned, or a value thereof.
240. The Prophet (peace be upon him) has laid down the mode of dealing with both the above stages of judicial process by providing general principles. For the first stage [i.e. determining the question of fact], nothing can be more appropriate than evidence and oath. This is so because the circumstances of a case can be found out by the information of those who witnessed them, or by the statement of the aggrieved party supported by the evidence that should make it probable that his statement is not false. The Prophet (peace be upon him) says: "If people were to be given things merely on their claims, some people would have claimed lives and properties of other people. But conclusive evidence (*al-bayyinah*) is the responsibility of the plaintiff, while the onus of oath is on the defendant".¹³⁸
241. A plaintiff is the one who makes a claim contrary to the existing situation and establishes a wrong. The defendant is the one who claims continuity of a past situation and relies on the *status quo*. Nothing is nearer to justice than considering the evidence which is brought forth by the plaintiff, and then considering the oath of the defendant who relies on the existing situation and defends himself, if the claim of the other party (i.e. the plaintiff) is not proved.

242. The Prophet (peace be upon him) has pointed out the reason for prescribing this principle in his above statement, viz. "If people were to be given..." What the Prophet meant to say was that if the claims of people were admitted without any scrutiny, this would have led to many injustices and wrongs. Hence the emphasis on *ḥujjah*, that is, conclusive evidence.
243. Further, it is necessary that the witnesses who give evidence are among the approved ones, according to the commandment of God in the Qur'ān: "... from amongst those you approve ..." ¹³⁹ This approval is to be accorded, after ascertaining sanity, majority, understanding, articulateness, faith in Islam, integrity, good nature and absolution from any past allegation.
244. The Prophet (peace be upon him) also said: "The evidence of a corrupt man, or a corrupt woman, or an adulterer or an adulteress or of a malicious person against his brother is not admissible. Similarly, the evidence of somebody in the service of, or in a state of subservience to, a family shall be liable to rejection". ¹⁴⁰

With regard to those convicted of *qadhf* (false accusation of unchastity), the command of God has been expressed in the following verse of the Qur'ān: "... and never accept their evidence. They are the transgressors, except those who afterwards repent ..." ¹⁴¹

In disqualifying witnesses, all other major sins have the same effect as *qadhf* and *zinā*.

245. This is because every information is capable of being right or wrong. It is through circumstantial indications that one of the possibilities is established. These circumstantial indications may appear in the informer, or in the matter about which information is given, or in any other thing. Nothing can more suitably serve as a guiding principle in this behalf than laying down qualifications for the informer (witness). It is around this principle that the injunctions of the *sharī'ah* revolve, in addition to the existing condition, and the original state, mentioned in the foregoing.
246. The above requirement has been met by prescribing conclusive evidence for the plaintiff and oaths for the defendant. Further, the nature of the various kinds of rights infringed upon determines the number of witnesses required. For instance, commission of *zinā* (adultery or fornication) cannot be established without four witnesses. This is

based on the Qur'ānic verse: "And those who accuse free women, and bring not four witnesses ..." ¹⁴²

247. In the foregoing we have discussed the rationale of prescribing four witnesses for adultery. Similarly, in cases of *ḥudūd* and *qīṣās*, the evidence of no less than two male witnesses has been prescribed. Moreover, there has been the consistent practice that the evidence of women is not admitted in *ḥudūd*. ¹⁴³ So far as financial rights are concerned, the evidence of one male and two females is provided. This is based on the Qur'ānic verse: "... but if there are not two men, then one man and two women ..." ¹⁴⁴ And God has, at the same time, mentioned the reason for prescribing multiple number in respect of female witnesses, and said: "... so that, if one of the two errs, one of them may remind the other ..." ¹⁴⁵ This means that they are deficient in [financial] intelligence, hence compensation of this deficiency by increasing the number of witnesses.

248. The Prophet (peace be upon him) has also decided some cases on the basis of one witness plus oath. ¹⁴⁶ For, if an honest witness is supplemented by oath, the case is further strengthened. The question of evidence is such that it should be dealt with by a degree of flexibility. Further, the consistent practice under the *sharī'ah* has been that if there is doubt, the two witnesses should be scrutinised. This is necessary because the evidence of two individuals is considered on the basis of their qualities, which might support preference of their truthfulness over their untruthfulness. It was, therefore, necessary to ascertain these qualities first. Another consistent practice under the *sharī'ah* has been that if there is doubt in proving a case, then the oaths should be accentuated so as to increase their sanctity by prescribing a definite time, venue and text for them. ¹⁴⁷ Because an oath becomes the true proof of the veracity of a statement when there are external circumstances showing that the maker of that statement cannot tell a lie in the presence of those circumstances. Therefore, the more there is suspicion the higher shall be the need for the strength of circumstances. By the text of the oath we mean further qualifying the essence and attributes of God. This provision is in accord with a tradition of the Prophet (peace be upon him), wherein he laid down the following mode: "I swear by God beside Whom there is no God, and Who is the Knower of all the unseen as well as the visible things ..." and such other modes of expression. ¹⁴⁸ Similarly, the time prescribed [for such an extraordinary oath] is after *'aṣr*, because God

Almighty says in this regard: "... you should detain them after the Prayers ..." ¹⁴⁹

249. As to the venue prescribed for such an oath, the witness should be made to stand between *rukṇ* [one of the four corners of the *Ka'bah*] and *maqām*,¹⁵⁰ if he happens to be in Makkah, or near the pulpit of the Prophet (peace be upon him) [in his mosque in Madīnah], if he is at Madīnah or near the pulpit of a mosque at any other place.¹⁵¹ This is because these places are regarded as sacred and their sanctity would accentuate the untruth of a statement, should a witness think of resorting to it.
250. There is also the need to warn people in the most serious manner about the evil consequences of committing anything contrary to what God has ordained for them with regard to the settlement of disputes, and finding out the truth of the matter in those disputes. The *sharī'ah* has given this warning in three ways:

First, that wilful commission of an act, which has been most emphatically prohibited by God, is tantamount to lack of piety, and is an act of insolence toward Him. Thus, while this attitude on the part of a witness was considered insolence toward God, its necessary consequences were also indicated, such as inescapable entry into the fire of the hell and disqualification for the Paradise, etc.

Second, that this attitude of non-observance of the prescribed norms of administering true and honest evidence, with full moral consciousness, amounts to striving for injustice. It becomes identical with theft and robbery or like conducting a thief to some wealth so as to enable him to steal it, or like abetting a highwayman. Thus the curse which descends from God, His Angels, and the people on those who strive to spread corruption, also automatically extends to him (i.e. the false witness), and he becomes liable to enter the hell.

Third, that it constitutes a defiance of what God has prescribed for His servants and an effort to prevent its function, according to the will of God as embodied in His *sharā'i'* (codes of law). Since oath has been prescribed to unfold the truth, and evidence has been laid down to reveal the circumstances of a case, practice of false evidence and oath closes the door of the public weal, which is the chief concern of the *sharī'ah*.

251. Among the things that close this door are:

- (i) Concealment of evidence, as the Qur'ān says: "... and whoever conceals it, his heart is surely sinful".¹⁵²
 - (ii) False evidence, which the Prophet (peace be upon him) has regarded as a major sin.
 - (iii) False oath about which the Prophet (peace be upon him) has said: "Whoever takes oath on a matter to which he is called to witness, and he makes a false statement in order to deprive a person of his legitimate right, he shall meet the wrath of God on the Day of Judgement".¹⁵³
 - (iv) False litigation, as the Prophet (peace be upon him) has said: "Whoever claims something which does not belong to him, he is not one of us, and he should be ready to occupy his place in hell".¹⁵⁴
 - (v) Acquiring something on the basis of a judicial decree when one is not actually entitled to it. In this connection we have the following statement of the Prophet (peace be upon him) to guide us: "Indeed I am a human being like you. You bring your disputes to me for judgement. At times, some of you is more eloquent in his argument than the other, and I may decide in his favour on the basis of what I hear from him. Therefore, if I decide to give somebody anything from the right of his brother, he should not take it from him, because he is in fact being given a portion of the hell-fire".¹⁵⁵
 - (vi) Among the things that close the door of public weal is habitual disputation and litigation for this attitude is not devoid of the possibility of creating discord among people. The Prophet (peace be upon him), says: "The most abominable of all people to God is a habitual disputant".¹⁵⁶
252. Moreover, the Prophet (peace be upon him) commended the attitude of avoiding disputations, whether they are for right or for wrong because abandoning them is in fact giving way to the temptation for generosity. This is also because often the right does not actually belong to its claimant, while he thinks that it does. Therefore, he can only be absolved of accountability with surety, by resolving to eschew disputation in both right and wrong. A case has been reported in the Prophetic tradition wherein two persons claimed title to the same animal. Each of them established, with full evidence, that it belonged to him and was born under his care. The Prophet (peace

be upon him) then decreed in favour of the actual possessor of the animal.¹⁵⁷

(I say): The principle underlying the verdict of the Prophet (peace be upon him) is that when two arguments are in conflict with each other, they are both nullified, and the disputed property remains with the actual possessor due to the absence of any valid cause warranting its removal from his possession. Or we can say that it is because one of the contentions is supported by the evident circumstance of possession.

253. For the second stage of judicial process the Prophet (peace be upon him) has laid down certain principles to which recourse should be made. The cardinal principle is that if the facts of the case are known, then the dispute shall arise from a demand by both the parties for something which is originally permissible. The rule which invariably governs such cases is to give preference in view of an additional characteristic wherein there is some benefit for Muslims, or for the disputed thing itself, or in view of the fact that one of the parties had acquired that thing before the other, or by casting lots.¹⁵⁸
254. An example of the application of this rule is to be found in the dispute which took place between Zayd, 'Alī and Ja'far over the question of bringing up the daughter of Ḥamzah. The Prophet (peace be upon him) decided in favour of Ja'far, and remarked: "An aunt [mother's sister] is like mother".¹⁵⁹
255. Another example is the saying of the Prophet (peace be upon him) concerning *adhān* (call to Prayers): The text of the *ḥadīth* is: "... if people had known the great value of calling to the Prayers (*adhān*), and that of standing in the first row in congregational Prayers and then they had found no other means to attain it except by casting lots, they would have done that".¹⁶⁰
256. Also, whenever the Prophet (peace be upon him) intended to go on a journey, he used to cast lots between his wives.¹⁶¹
257. A dispute may arise in connection with any prior contract, or a forcible seizure, and each of the parties claims that it is more entitled to something than the other, and each of them has an equal benefit of doubt, then the verdict of the *sharī'ah* is to follow the '*urf*' (usage) common among the majority of the people. Also the texts of various contracts and confessions should be interpreted according

to their connotations that are generally accepted among the common people. In the same way, damages should be determined according to usage.¹⁶²

258. An example for the application of this rule is found in the case of Barā' ibn 'Āzib whose camel traversed a wall and damaged it. Each of the parties to the dispute put forward a contention. The Prophet (peace be upon him) decided the case according to the known convention of Arabia, namely: "That the owners of boundaries should guard their properties during the day while the owners of livestock should guard them during the night".¹⁶³
259. One of the principles on which many injunctions of the *sharī'ah* are based is: "Every privilege entails a liability". The source of this principle is the following verdict of the Prophet (peace be upon him): "Entitlement to *kharāj* is contingent upon liability"¹⁶⁴ because it is difficult to regulate all benefits in detail. Among these principles there is also the principle that whatever properties had been distributed and whatever bloodshed had taken place and the modes that had been adopted to dispose of these cases in the *jāhili* era shall not be re-opened. The *sharī'ah* was to proceed on the assumption that all actions shall be treated as originating after the *jāhili* era. These principles also include that possession of something shall be valid unless proof to the contrary is established. This is the idea which underlies the principle known as *istiṣhāb* (i.e. a contention relying on the continuity of a past state).
260. These principles also include that if there is no avenue open for investigation, the case should be decided according to the contention of the owner of the property in question, or both parties should cancel the agreement. This principle has been deduced from the following statement of the Prophet (peace be upon him): "If there is a dispute between a vendor and the vendee while the commodity of sale exists, and there is no conclusive proof with either of them, then the contention of the vendor shall prevail, or both of them shall have to rescind withdraw their contract of sale".¹⁶⁵
261. The cardinal principle governing all contracts is that everyone should fully receive his due, and each party should be bound to fulfil the terms to which he has committed himself, through the contract, unless, of course, there is any stipulation involving a violation of the *sharī'ah*. This principle is based on the following statement of the

- Prophet (peace be upon him): "Muslims shall observe their stipulations, except where any stipulation permits a prohibition or prohibits a permission".¹⁶⁶
262. Thus far, we have presented a portion of what the Prophet (peace be upon him), has prescribed for the second stage of judicial proceeding [i.e. the question of appropriate law applicable in a case after ascertaining the relevant circumstances].
263. Among the cases decided by the Prophet (peace be upon him) is the case of the upbringing the daughter of Ḥamzah. In this case, one of the disputing parties, 'Alī ibn Abī Ṭālib, contended: "She is my cousin and I have already taken her under my care". The other party, Ja'far ibn Abī Ṭālib, pleaded: "She is my cousin and her maternal aunt is married to me", while the third claimant, Zayd, submitted: "She is my brother's daughter". After hearing all the contending parties, the Prophet (peace be upon him), decided in favour of Ja'far ibn 'Abī Ṭālib and observed: "A maternal aunt is like the mother".¹⁶⁷
264. In a dispute over the lineage of a son born to a slave girl belonging to Zam'ah, Sa'd contented: "My brother had taken a pledge from me in this behalf". While the other party 'Abd ibn Zam'ah pleaded: "He is the son of the slave girl of my father, born in his bed". After hearing both the parties, the Prophet (peace be upon him), pronounced his judgement as follows: "He belongs to you, O 'Abd ibn Zam'ah, for a child essentially belongs to the mother. As to the adulterer, he should only get stones".¹⁶⁸
265. In the dispute between Zubayr and a man from amongst the Anṣār over the water passage from mountain to plain, the Prophet (peace be upon him) first advised something to accommodate the claims of both the parties and said: "Irrigate, O Zubayr, and then let the water flow to your neighbour!". But the man from the Anṣār got angry. Thereupon the Prophet (peace be upon him) granted full rights to Zubayr, and said: "Hold the water till it touches the walls".¹⁶⁹
266. In the dispute over the she-camel of Barā' ibn 'Āzib, which trespassed the boundary wall of a man from amongst the Anṣār and damaged it, the Prophet (peace be upon him) decreed as follows: "The owners of properties are bound to guard their properties in the day, while at night it is the duty of the owners of the cattle to guard their animals".¹⁷⁰

267. The Prophet (peace be upon him) also granted the right of pre-emption in respect of the properties that are not yet distributed. But after their demarcation takes place and roads are opened, then there is no room for pre-emption.¹⁷¹
268. In the foregoing we have discussed the main principles on which these judgements of the Prophet (peace be upon him), are based.
269. The Prophet (peace be upon him), also said: "If you have a dispute over the road, then let it be seven arms wide".¹⁷² I think, this is because when people established their settlements in open land free for all, and narrowed the space, there were disputes among them over the road. Some people wanted to narrow the road by building on the land. Others objected to it, and pleaded that leaving wider road was necessary. It was in this context that the Prophet (peace be upon him) decided that the standard width of the road shall be seven arms. This was because it was necessary that two lines of camels should be able to pass simultaneously on each side so that if one camel, laden with goods, comes from one side, and another from the opposite side, the road should be wide enough for their simultaneous passage otherwise there would be difficulties. Thus the width of the road was determined by the Prophet (peace be upon him) to be seven arms.
270. The Prophet (peace be upon him) has also said: "Whoever cultivates a land without the permission of its owners, he is entitled to nothing of its produce. He shall, however, be paid the cost of cultivation".¹⁷³ In my view, he (i.e. the unauthorised cultivator) has been treated as a workman who is employed to perform a profitable work. God indeed knows best.

SECTION XXIII

Jihād

271. It should be borne in mind that the most complete of all prescribed codes of law and the most perfect of all revealed religions is the one wherein *jihād* is enjoined.¹⁷⁴ For, prescription by God of various obligations of commission and omission for His servants may be illustrated by the example of a person whose slaves fall sick, whereupon he commands some of his close aides to administer a medicine to them. If he compels them to take the medicine and forces it down their throats, he will be justified to do so. But clemency requires that he explains to them the benefits of that medicine so that they may take the medicine with a desire for it. Further, clemency also demands that he should mix the medicine with honey so that the rational desire is reinforced by an instinctive longing.
272. Moreover, there are a lot of people who are dominated by lowly passions, beastly habits, and luciferian temptations in their craving for ascendancy and power. Their thought and imagination are inseparably attached to the customs of their ancestors, and they pay no heed to their benefits. They are neither prone to submit to the directions of the Prophet nor do they ponder over the benefits of these directions. Therefore, it is no mercy to them to stop at intellectually establishing the truth of Religion to them. Rather, true mercy towards them is to compel them so that Faith finds way to their minds despite themselves. It is like a bitter medicine administered to a sick man. Moreover, there can be no compulsion without eliminating those who are a source of great harm or aggression, or liquidating their force, and capturing their riches, so as to render them incapable of posing any challenge to Religion. Thus their followers and progeny are able to enter the fold of faith with free and conscious submission. That was why the Prophet (peace be upon him) wrote to the Caesar: "Verily you shall be accountable for the sins of your farmers".¹⁷⁵ It was to this fact that the Prophet (peace be upon him) alluded, when

he said: "What a marvel of God's will it is that there are people who enter the paradise in chains".¹⁷⁶

273. Besides, perfect mercy toward mankind requires that God guide them to virtuous conduct, deter the oppressors among them from their oppressive acts, and reform their modes of *irtifāqāt*, manners of house-keeping and norms of statecraft. This is because corrupt socio-political systems dominated by powerful predatory elements are like a growing cancer in human body. And without cutting off the sick part from the body, no human being can attain health. Anyone who is concerned with improving the state of a man, and restoring his ailing condition to normalcy, has no option but to cut off the sick part. For, if little amount of strong action necessarily leads to greater good, it ought to be taken inevitably.
274. In the history of Quraysh and their prominent men you can find an example of this. They were farthest among God's creatures from the virtuous ways of conduct, and were the worst of all oppressors against the weak. There used to be internecine fights among them in which they would try to capture each other. Most of these people never pondered over the conclusive proof of the Religion furnished by the Prophet (peace be upon him) nor did they ever think of any reason to justify their stand *vis-à-vis* the Prophet. Therefore, the Prophet (peace be upon him) fought against them, killing those of them whose grip was strongest over the people and whose egos were hardest until God's command ultimately prevailed and they surrendered to it. Thus these people became included among virtuous men and the affairs of their life were properly organised. Had there been no scope for *jihād* against such people in the *sharī'ah*, Divine grace could not have materialized in their favour.
275. Also because of God was displeased with the Arabs and the Persians, He decreed the fall of their empire and an end to their rule. It was against this background that the heart of the Prophet (peace be upon him) and through him the hearts of his Companions were inspired by God to take arms in the way of God so that the required objectives could be achieved. The Prophet (peace be upon him) and his Companions through the accomplishment of this mission became like angels who also strive for the execution of the Divine scheme. The difference between angelic and human undertakings is that the former struggle without being guided by any universal principle, while

human beings submit to the will of God, fight for the sake of a definite universal objective given by God Almighty.

276. Thus the performance of *jihād* becomes the greatest of all deeds on their part. That is why the act of killing is not attributed to its human agents. It is attributed to the Divine Being who issued the command to kill. This is like attributing the act of killing of a traitor to the ruler rather than the executioner, as the Qur'ān says: "...so you slew them not, but God slew them".¹⁷⁷ And it was to this fact that the Prophet (peace be upon him) alluded when he said: "...Verily God was displeased with the Arabs and the Persians except the remnants of the people of the Book..."¹⁷⁸ The Prophet (peace be upon him) also said: "... There shall be no Khosraus, nor any Caesars ..." ¹⁷⁹ meaning thereby that the era of those who follow the religions of *jāhiliyyah* has come to an end.
277. The rewarding virtues of *jihād* rest on a number of basic considerations. Among these considerations is that the performance of *jihād* amounts to establishing a conformity to the Divine scheme and inspiration. Therefore, by striving for the realization of the Divine scheme, one is overwhelmed by Divine mercy. Similarly, any effort to undo this scheme entails dissemination of curse. Moreover, negligence of the obligations of *jihād* during such times as the present era would deprive us of tremendous good.
278. Among these considerations is that since *jihād* is a hard work demanding strenuous struggle which involves sacrifice of life and property, leaving one's home, and abandoning other vital needs of life, those who accept its challenges are the ones whose loyalty to the Religion is purest and who prefer the life of the Hereafter to this temporal world and totally rely on God.
279. Among these considerations is also that one's heart can only be inspired to *jihād* if one is able to develop an attitude identical with that of the angels. The one most worthy of this perfection among all humans are those who are farthest from the evils of animality and in whose minds and hearts Religion is deeply seated. Such an attitude is truly indicative of one's purity of heart.
280. The above qualities are integral to *jihād* only when all its precedent conditions are fulfilled. The following tradition of the Prophet (peace be upon him) sheds ample light on this: "The Prophet (peace

be upon him) was asked: "Man sometimes fights to display bravery, sometimes he does so out of sheer fury. Which of these kinds of fight is to be reckoned in the way of God"? The Prophet (peace be upon him) replied: "The one who fights so that the word of God is exalted, that is reckoned in the way of God".¹⁸⁰

281. These considerations also include the fact that the reward in the Hereafter shall be realized in the form of the deed performed in this world. This is the purport of the following tradition of the Prophet (peace be upon him): "There is none who is injured in the way of God — and God knows best, who is injured in His way — but he shall appear on the Day of Judgement while his wound is still overflowing with blood and smelling of musk".¹⁸¹
282. Among these considerations is that since *jihād* is a deed approved by God and it is not normally performed without some expense, provision of horses tied at the frontier, and preparation of archery etc. It follows from this as a corollary that Divine approval should extend to these instruments and appurtenances as well because these are means to a sacred end.
283. Among these considerations also is that it is through *jihād* that the Religion is brought into full prominence, and pursuing its path is made like an inevitable course for humanity.
284. If you are able to comprehend these considerations, then you can easily appreciate the significance of the traditions pertaining to the rewarding value of *jihād*. The Prophet (peace be upon him) said: "In the Paradise, there are one hundred grades reserved for the *mujāhids*...."¹⁸² I think the purport of the above tradition is that the elevation of status in the world of recompense is a symbolic representation for the elevation of position in the sight of God. Since the human soul attains its bliss through utmost concentration on the proximity of God, and since *jihād* is a means to the paramountcy of the symbolic commands of God and His Religion and for the popularization of all those virtues that please God, therefore, all such actions that occasion the realization of these two objectives are rewarded with high stations in the Paradise. It has been said in a tradition concerning the one who recites the Qur'ān that it will be said to him in the Hereafter: "Recite and ascend further, and recite slowly, as you were wont to do in your worldly home".¹⁸³ Similarly, it has been said concerning *jihād* that it is conducive to the elevation of

stations, because the struggle of a *mujāhid* is fruitful in that it brings about the elevation of Religion. Therefore, he shall be entitled to a reward similar to what his actions consisted of.

285. Moreover, elevation of station is achieved by a variety of factors. Each factor is represented by a station in Paradise. Each station is as wide as the space between the heavens and the earth, because this represents the uppermost limit in the perceptive vistas of human mind. That is why it will be reflected in the world of recompense according to the capacity of human cognition.

286. The Prophet (peace be upon him) said: "A *mujāhid* in the cause of God is like the one who fasts with utmost devotion".¹⁸⁴ The meaning of this tradition, in my view, is that a person who fasts with dedication is preferred to others because he performs a strenuous act exclusively for the sake of God's pleasure and becomes like angels by seeking an aspect of similitude with them. Indeed, if the struggle of a *mujāhid* is strictly in accordance with the ordinances of the *shari'ah*, he really becomes like those who fast with extreme devotion in every respect. Since striving for the obedience of God is something the virtues of which are recognised by the people generally, and this act (i.e. *jihād*) is comprehended only by a few, he (i.e. *mujāhid*) was likened to a fasting man so that the real significance of this act becomes widely known.

287. Further, there was need to provide incentives for those acts that are preliminary to *jihād* without which *jihād* does not normally materialize like steeds of war and pasture, etc. This is because when God Almighty commands something and is pleased with it, knowing that it cannot materialize without certain preludes, then He prescribes and is pleased with those preludes as well. For example, concerning steeds of war it has been said in a tradition that: "They are better than this world and all that it contains",¹⁸⁵ and that: "It is better than fasting and praying a whole month, and that: "When he [i.e. the one who performs this deed] dies, his virtuous acts continue earning their rewards, he is continuously provided with his sustenance and becomes immune from the trials of the grave".¹⁸⁶

288. I think the meaning of "being better than this world and all that it contains" is that *jihād* is capable of yielding lasting fruits in the Hereafter, while every comfort of this world is perishable. Similarly, the significance of calling it better than fasting and praying a whole

month is that since it is a task that is cumbersome for our animal nature, and yet it is performed for the sake of God and in His way, it has been likened to pious acts like fasting and praying. Similarly, the significance of recurring reward is that *jihād* is an exercise of which every part depends on the other. It is like a structure in which the walls rest on the foundation and the roof rests over the walls.

289. *Jihād* made it possible for the early followers of Islam from the *Muhājirūn* and the *Anṣār* to be instrumental in the entry of the Quraysh and the people around them into the fold of Islam. Subsequently, God destined that Mesopotamia and Syria be conquered at their hands. Later on it was through the Muslims of these areas that God made the empires of the Persians and Romans subdued. And again, it was through the Muslims of these newly conquered realms that God actualized the conquests of India, Turkey and Sudan. In this way the benefits of *jihād* multiply incessantly, and it becomes, in that respect, similar to creating an endowment, building of inns, and other kinds of recurring charities.¹⁸⁷

290. As to the “immunity from the trials of the grave” [mentioned in the tradition cited above], it signifies the fact that the danger from *munkar* and *nakīr*¹⁸⁸ is incurred only by those whose minds and souls are not in accord with the Religion of Muḥammad (peace be upon him), and who do not come forward in response to his call to support his religious mission. But those who are vigilantly dedicated to *jihād*, consolidate their thoughts and sentiments to testify to his message and whose initiative had been aroused to march on with the light of God’s message shall naturally be immunised from this danger.

291. The Prophet (peace be upon him), said: “Whosoever equips a fighter in the way of God, it is as though he also fought; and whoever looks after a fighter’s family, he is also treated as though he fought”.¹⁸⁹ The Prophet (peace be upon him) also said: “The best of charity is to provide the shade of a tent in the cause of God”.¹⁹⁰ There are similar other traditions to this effect. The purport, as I think, of such traditions is that *jihād* is an exercise replete with tremendous benefits for the Muslim community, and it is the instrument of *jihād* alone which can bring about their victory. This is precisely the sense present in the words ‘*ghazw*’ and ‘*sadaqah*’ used in the above traditions. The Prophet (peace be upon him) said: “There is none who is injured in the way of God—and God knows best who is injured in His way —

but he shall appear on the Day of Judgement while his injury is still flowing with blood and smelling of musk".¹⁹¹

In my opinion an act remains attached to the human soul with its form and substance, and is conducive to multiplicity in its own fruits. And the Divine recompense is realised through the reflection of bounty and bliss in a form nearest to what is in store in the heavens. When a martyr will appear on the Day of Judgement, his act shall be manifest on him, and he shall be granted bounties in some form similar to his act.

While explaining the Qur'ānic verse: "And think not of those who are killed in God's way as dead. Nay, they are alive being provided sustenance from their Lord".¹⁹² The Prophet (peace be upon him) said: "Their spirits reside inside the bodies of green birds. There are candles hung on the Divine Throne for them. They wander about the Paradise as they wish, and then return to those candles".¹⁹³

292. In my opinion, among those martyred in the cause of God, two qualities are manifest. One is that their souls are fully gratified and filled with spirituality. Their consciousness of the objectives to which they dedicate themselves during their worldly existence never fades away. They are like the people who, while engaged in their normal pursuits of life, go to sleep. They are unlike those dead people who suffer severe diseases that change their temperaments and make them forget a great deal of what had been occupying them during their worldly lives.
293. The second quality of martyrs is that they are overwhelmed by the Divine mercy which encompasses the entirety of the cosmic system, including the *holy enclosure* and the angels present in the Divine proximity. When the spirit of a martyr leaves his body while it is filled with striving for the establishment of God's Religion, there opens between him and the *holy enclosure* a wide space from which love, bounty, and happiness are constantly showered upon him. This spirit is reflected in the *holy enclosure* in the form of a symbolic soul. Then his reward is reflected, according to what his soul contains. Thus, with the combination of these two qualities wonderful things emerge. Among these things is that the martyr's soul is reflected as attached to the Throne (*'arsh*) in some way. This is because this soul is included among the bearers of the Throne, and his concentration becomes focused on what is there.

294. Among these wonderful things also is that the martyr's soul is symbolised in the body of a green bird. He is given the form of a bird because he stands *vis-à-vis* angels in the same relationship as animals of earth, *vis-à-vis* birds. Thus the qualities of the common genus appear briefly in him, as the qualities of animals appear briefly in birds. He is assigned green colour for its beautiful spectacle. Among these wonderful things also is that the martyr's bounties and comforts are reflected in the sustenance provided during his worldly existence in the form of fruits and roasted meat.
295. Moreover, there was a need to distinguish the things that help refine the soul from those that do not lend such help. Because the *sharī'ah* has been instituted for two main objectives, namely, to organise the affairs of the people at the level of locality, state, and the universal community and to perfect the souls spiritually.

The Prophet (peace be upon him) was asked: "There is a man who fights for booties and there is yet another one who fights for fame. Who of them is truly fighting in the way of God"? The Prophet (peace be upon him), replied: "It is the one who fights so that the word of God is exalted, he indeed is reckoned as fighting in the way of God".¹⁹⁴

In my opinion, as stated before, this is because deeds are bodies and intentions are their spirits; and indeed the value of all deeds lies in the intentions that motivate them. A body without spirit is worthless. Nay, sometimes mere intentions may bear the fruits of actions even without being supplemented by the actions in case the latter is missed for any impediment caused by nature or necessity, without any omission on the part of the subject. This is precisely the purport of the Prophet's saying: "Indeed there are people in Madīnah who were by your side in every march you made forward, and in every valley that you traversed, but they were detained behind by a valid excuse".¹⁹⁵ But if anyone stays behind from *jihād*, out of his own omission, then he shall not be entitled to any reward, because no intention existed on his part to join it. The Prophet (peace be upon him) said: "Blessings are in the foreheads of horses".¹⁹⁶ He also said: "Good benefits are tied to the foreheads of horses till the Day of Judgement in the form of reward and booty".¹⁹⁷

296. It should also be noted that the Prophet (peace be upon him) has been sent with the universal vicegerency. The supremacy of his Religion over all other religions cannot be realized without *jihād* and

the necessary preparation for it including the procurement of its instruments. Therefore, if the Prophet's followers abandon *jihād* and pursue the tails of cows they will soon be overcome by disgrace, and the people of other religions will overpower them.

297. The Prophet (peace be upon him) said: "Whosoever keeps a mare in the way of God, motivated by faith in Him, and believing in His promise of reward, then the act of feeding it, quenching its thirst, and all its dropping and urine, shall weigh in the balance of his deeds on the Day of Judgement".¹⁹⁸ I think that since he labours in providing fodder and water to it, and in managing its dropping and urine, this act on his part is visualised in the form of that labour. Therefore, it shall appear in the same manner on the Day of Judgement.
298. The Prophet (peace be upon him) said: "God shall indeed admit three persons to Paradise simultaneously on account of one arrow: (i) the one who makes it in the hope of reward; (ii) the archer who shoots it; and (iii) the helper who hands it over to the archer".¹⁹⁹ The Prophet (peace be upon him) also said: "Whosoever shoots an arrow in the way of God it will be sufficient to free him from hell"²⁰⁰ In my view, since God knows that subduing infidels is not accomplished without these instruments, the pleasure of God, linked with the elimination of infidelity and oppression, is extended, *ipso facto*, to these instruments as well.
299. God says: "There is no blame on the blind, nor is there blame on the lame, nor is there blame on the sick ..."²⁰¹ God also says: "No blame lies on the weak, nor on the sick, nor on those who can find nothing to spend".²⁰² The Prophet (peace be upon him) said to someone: "Do you have parents?" He said: "Yes!" Thereupon the Prophet (peace be upon him) said: "Then accomplish your *jihād* in their service".²⁰³ I think that since the entire community's simultaneous pursuit of *jihād* would disturb their *irtifāqāt* [viz. their civic life], it was considered necessary that only a group from amongst them should devote themselves to it. Thus some people are exempted from this obligation on account of a valid cause. These causes have been designated expressly as such, since these are cases of hardship. Besides, in their joining the operations of *jihād*, there is no worthwhile help for the forces of Islam. On the contrary, harm is more apprehended from their participation.

300. God says: "Now God has lightened your burden, and He knows that there is weakness in you".²⁰⁴ In my opinion, exalting the word of God cannot be realized by any people without committing themselves to an attitude of steadfastness, mutual aid, and perseverance in the hardships of war. But if people become accustomed to escaping from hardships, this goal cannot be achieved. Nay, such an attitude might lead to utter disgrace. Also, running away is cowardice and a weakness of character. In fact, it is the lowest level of morality.
301. Moreover, it is necessary to determine some limit by which the difference between the obligatory and the non-obligatory could be distinguished. Also mutual help and favour cannot be demonstrated except when the factors of defeat outnumber the factors of victory. So this was first measured by ten times, because disbelief at that stage was rampant, and Muslims were quite small in number. If Muslims of those days were given a concession to flee, there would not have taken place any *jihād* at all. Later on, this measure of bravery was reduced to double, because mutual help and perseverance cannot be displayed in less than that measure.
302. Further, since *jihād* was prescribed for establishing the supremacy of the word of God, the necessary means of establishing this supremacy were also made obligatory. That is why it has been an obligation and a consistent practice on the part of the *imām* to organize defence of the frontiers of *Dār al-Islām*, to marshal fighting force, and to post commanders in all corners and frontiers. The Prophet (peace be upon him) and his successors have established practical precedents in this behalf.
303. Whenever the Prophet (peace be upon him) appointed anyone as commander of an army, or despatched a military detachment, he counselled him to fear God in his personal conduct, and to be kind toward the group of Muslims under his command. Thereafter, the Prophet (peace be upon him) used to say: "Fight in the name of God and in His cause; fight those who disbelieve in God, and do not be perfidious..."²⁰⁵
304. The Prophet (peace be upon him) forbade from perfidy, as this would dishearten Muslims and might give rise to discord among them. As a consequence of this, they might tend to prefer spoils to war. This attitude often leads to defeat. He forbade deception so that the protection of their pledges and guarantees is not nullified. Further, he

prohibited mutilation because it is a distortion of God's creation. He also forbade Muslims from killing infants because this would diminish the strength of Muslims, and would cause harm to them. If these infants remain alive, they would become their slaves, and the captives might enter the fold of Islam. Moreover, they (viz. infants) can neither inflict any injury upon an enemy, nor can they help any party.²⁰⁶

305. As to the invitation to choose either of the three options, they are in the following order:

- (i) That they embrace Islam along with its necessary implications of performing *hijrah* and *jihād*. In the event of their choosing this option, they shall be entitled to the same rights of booty and spoils of war as other Muslim fighters.
- (ii) That they embrace Islam without performing *hijrah* and *jihād* except when there is levy *en masse*. In this case, there will be no share for them in spoils or booties because booties are granted to those who are highest in the degree of importance, and then to those next to them in importance. Besides, the convention has it that the exchequer need not be burdened with an expenditure for those who are peacefully settled in their lands and are not participating in *jihād* in any manner. Therefore, there is no contradiction between this injunction, and the following statement of 'Umar: "If I lived more, there shall surely reach every shepherd, his portion of the booty, even if he is dwelling on an isolated pass of Ḥimyar and his forehead will not have even sweated in *jihād*"²⁰⁷ What 'Umar (may God be pleased with him) meant was that when the treasures of monarchs are acquired and large sums of *kharāj* (land tax) are brought, then after covering the portions of the fighters, there would still remain much.
- (iii) That they accept the position of the 'people of pledge' (*Ahl al-Dhimmah*) and pay the poll-tax (*jizyah*).²⁰⁸

306. From the first of these options, the following benefits are obtained: establishment of order in the world, elimination of mutual oppression among people, and refinement of their souls. These benefits lead to their salvation from hell-fire and to their striving in the advancement of the Divine mission on earth. The second option achieves their salvation from hell, but they are unable to attain the status of *mujāhids*. The third option brings about the fall of the infidel forces

and the glory of Muslims. It was for the achievement of such objectives, *inter alia*, that the Prophet (peace be upon him), was sent.

307. It is incumbent upon the *imām* to contemplate ways and means of enhancing the glory of Muslims and eliminating the possibilities of any aggression against them by the infidel forces. To that end, he should exercise *ijtihād* and exert his mental energies. He should act as his *ijtihād* guides him in the light of his own understanding, and in accordance with the precedents set by the Prophet (peace be upon him) and the exemplary pattern of his successors, (may God be pleased with them). This is because the *imām* is installed for certain specific objectives. These objectives cannot be achieved without pursuing the policy that we have spelled out above. The basic guidance in this behalf is to be discerned from the conduct of the Prophet (peace be upon him) in times of war and peace.
308. To sum up the traditions of the Prophet (peace be upon him) in this regard, we have to say that it is necessary that the frontiers of the Islamic realms are guarded by the armies to deter all those who might be arrayed nearby. Also, there should be appointed over such armies an individual who is brave, wise and sincere to Muslims. If the *imām* deems it necessary, he should dig trenches or construct fortresses as was done by the Prophet (peace be upon him). Also, when he (that is, the *imām*) sends a detachment, he should appoint over it a commander who is best of them or most useful for the interest of Muslims. Further, he should counsel his commanders pious behaviour in their private and public conduct as was done by the Prophet (peace be upon him).
309. When a commander sets out to the operation of war, he ought to assess the strength of his army and deploy his cavalry and fighting men. He should not accept anyone in his ranks under fifteen years of age as did the Prophet (peace be upon him).²⁰⁹
310. Also, he should not accept anybody who prompts people to desert, nor anyone who spreads rumours and through gossiping about enemy's power, demoralizes the Muslims. This injunction is based on the following verse of the Qur'ān: "... God did not like their going forth. So He withheld them and it was said: hold back with those who hold back. Had they gone forth with you, they would have added to you naught but trouble".²¹⁰

311. Further, he should not accept in his ranks any polytheist because the Prophet (peace be upon him) has said: "We do not take help from any polytheist, save in extreme necessity, and only when we can trust him".²¹¹
312. Nor should he accept young women whose presence might involve danger to their safety. However, he may allow elderly women to join. It is for this reason that the Prophet (peace be upon him) used to go to battle along with Umm Salīm and other senior ladies of the *Anṣār* who would bring water to the soldiers and served in the treatment of the injured.²¹²
313. Moreover, he should mobilize the army on the right and left flanks. He should designate a standard for each unit, appoint a commander for every battalion, and deploy a reconnaissance force, as was done by the Prophet (peace be upon him) on the day of the conquest of Makkah. These measures are extremely useful for frightening the enemy and for a better organisation of the battle. Further, he should also adopt certain passwords to be used by Muslim soldiers during night raids so that they do not kill each other by mistake. This has also been a practice of the Prophet (peace be upon him) in his battles. He should preferably go out to fight on Thursdays or on Mondays because during these two days human deeds are submitted before God.²¹³
314. Further, the commander should direct his soldiers to make so much advance as the weak among them can also endure except in cases of emergency. He should select best spots for their camping where water is most abundant, and should deploy guards, and *avant-garde* if he apprehends the enemy's attack.
315. Moreover, he should keep all matters secret, as far as possible, and should keep even his thoughts concealed, except from the wise and the sincere.
316. The Prophet (peace be upon him) has said: "There shall be no cutting of hands during battles".²¹⁴ The reason behind this command of the Prophet (peace be upon him) has been explained by 'Umar (may God be pleased with him). He says that this is because a person whose hand is chopped off (for theft) may be carried away by a diabolical rage to join the enemy forces. Besides, this might open the door for discord among people, which would jeopardise their vital interests.

317. He should fight the People of the Book and the Magians until they embrace Islam or accept to pay *jizyah* out of acknowledgement of superiority, while they are in a state of subjugation.²¹⁵
318. He should not kill infants and women. Nor any elderly person should be killed by him, except in extreme emergency like a night raid.²¹⁶ He should not cut down trees nor should he set anything on fire.²¹⁷ Also, he should not injure animals, except when there is a definite and necessary purpose to justify it, as was in the case of Buwayrah, a village inhabited by Banū Naḍīr.²¹⁸
319. He should not break any pledge. He should not arrest carriers of mail, because this would cut off communication between them. He may resort to misleading the enemy because "war is trickery".²¹⁹ He should strike the enemy unawares and should attack with artillery while encircling the enemy forces. He should also try to straiten the enemy. All these measures that we have enumerated above have been adopted by the Prophet (peace be upon him) according to the established tradition and they are an obvious necessity for every successful battle. Resort may also be made to hand to hand combat with the permission of the *imām* by those who are self-reliant, as was done by 'Alī and Ḥamzah (may God be pleased with them).²²⁰
320. The Muslims engaged in battle are permitted to appropriate whatever food or fodder is available to them without formal distribution into five portions, because there will be great hardship for them if concession is not allowed in this regard.
321. When Muslims take prisoners, the *imām* may exercise either of the four options: (i) to kill them; (ii) to take ransom [and set them free]; (iii) to set them free gratuitously; and (iv) to enslave them. He may choose the most expedient of these options.²²¹ He is also authorized to grant them protection individually or collectively.²²² The basis of this injunction is the verse of the Qur'ān: "...and if anyone of the idolaters seeks your protection, then protect him ..."²²³

This is so because the entry of these prisoners in the fold of Islam cannot be achieved without their mixing with Muslims and finding an opportunity to appreciate their reason and conduct. Besides, often need arises for a free passage of traders and the like [which prompts a lenient policy toward them]. Further, the *imām* may make peace with them in exchange for some monetary benefit, or even without any benefit. Also, because Muslims may become weak at times, and

stand in need of peace, or they might require money to strengthen themselves, such a policy might be warranted. At other times leniency is to be adopted because the Muslims might have to protect themselves from the animosity of a people in order to fight some other people, and so on.

322. The Prophet (peace be upon him) said: "Do not let me encounter any of you, coming on the Day of Judgement, with a braying camel placed round his neck, entreating: 'O Prophet of God, help me, And I would then have to say: I possess nothing for you, for I have already conveyed the message to you'".²²⁴

In a similar version of the tradition, we find the following words: "...with a mare hanging to his neck neighing, and a sheep bleating, while his breath is felling and garments fluttering ..."²²⁵

In my view, the basic idea conveyed in such traditions is that a sin assumes the form in which it is committed. The notion of carrying these animals represents their onus and the consequential torture. As to the sound to be produced by these animals, it represents the punishment inflicted upon the sinner by exposing his sin in this manner.

323. The Prophet (peace be upon him) said: "When you find somebody committing a breach of trust, burn all his belongings and beat him".²²⁶ This was the policy adopted by Abū Bakr and 'Umar also. In my opinion, the purpose of this injunction is to reprimand the culprit and to deter other people from committing a similar sin.

324. It may be borne in mind that the wealth acquired from the infidels is of two kinds:

(i) That which is acquired by pressing forward with horses and riding camels and bearing the hardships of war. This is called *ghanimah* (viz. spoils),²²⁷ and

(ii) that which is acquired without any fighting like *jizyah*, *kharāj* and 10% revenue recovered from their [i.e. enemy's] traders, or what is paid by the enemy, as part of any peace agreement, or whatever is left behind by the enemy fleeing in distress.²²⁸

325. *Ghanimah* is liable to extraction of one fifth, and this one fifth is expended for the purposes specified by God in the Qur'ān: "And know that whatever you acquire of spoils in war, one fifth of it is for

God, and for the Messenger, and for the near of kin, and the orphans and the needy and the wayfarer ..."²²⁹

The portion of the Prophet (peace be upon him) is dedicated, after his demise, to the common weal of the Muslim community, according to its priorities. The portion of the near of kin is given to the progeny of Hāshim and al-Muṭṭalib, the rich and the poor, male and female alike.²³⁰

326. In my view, the *imām* is authorised to determine the amounts to be spent in various areas specified above. 'Umar, for instance, increased the share of the Prophet's family from the exchequer of Muslims. He also provided aid from the exchequer to those in debt, or those who needed help for marriage, or who were otherwise needy.²³¹
327. The portion of orphans is to be paid to the young orphans. As to the portions of the poor and the needy, they should go to these categories. The *imām* is authorized to perform his function in respect of distribution according to his *ijtihād* whereby he should determine the order of precedence and priority in this behalf and act accordingly.
328. As to the remaining four fifths, the *imām* should distribute it among those who actually acquire this wealth. In this connection, he should consider the conditions of his army. He may grant booty to those for whom such a grant would prove most beneficial in the general interest of Muslims. This grant can be given in either of the following three ways:
 - (i) If the *imām*, while advancing in the enemy territory (*Dār al-ḥarb*) sends forward a battalion to attack a village: to men of such battalion he may grant one fourth, or one third, after taking out one fifth as mentioned before. So whatever has been acquired by this advance battalion, one fifth of it is to be extracted first. Then out of what remains, the *imām* may allocate one fourth, or one third for the warriors of this battalion, and the remainder may be included in the spoils of war to be distributed according to the relevant provisions of the law.
 - (ii) The *imām* may also allocate an amount, out of the spoils, for those who accomplish a useful task for the Muslims.²³² For example, he may announce that those who will conquer a certain fortress will be entitled to this much or those who will capture a prisoner will get this thing or those who would kill an enemy, will be given his spoils.²³³

If the *imām* promises them a reward from the exchequer of Muslims, he may do so. If he promises them anything from the spoils, then he may grant them from the four fifths, after setting aside one fifth according to the Qur'ānic injunctions.

- (iii) The *imām* may also designate some particular warriors, for paying special grants to them from the spoils for their meritorious achievements and bravery, as the Prophet (peace be upon him) granted to Salmah ibn al-Akwa', in the battle of Dhū Qarad, the portion of cavalry as well as infantry. This was because Salmah had achieved great success of tremendous benefit for the Muslims in this battle.²³⁴
- 329. In my view, the right position is that the spoils of an individual (enemy) warrior, who is killed, can be granted to the killer when the *imām* has already declared this reward for him, or when he decides to grant the spoils to him afterwards.
- 330. Further, the *imām* should extract from the spoils an amount to be given as a small gift, but it should be less than a full-fledged share. This amount should be granted to those women who treat the sick, cook the food, and look after the fighters, and to the slaves and children, and the guaranteed citizens (*Ahl al-Dhimma*) of *Dār al-Islām*.²³⁵ if they have been allowed to join the Muslim army by the *imām* for some purpose to be served by their presence.
- 331. If it is found that a part of the spoils was in fact a property of some Muslim which had been captured by the enemy earlier, this part shall be returned to its Muslim owner, without any price or consideration.²³⁶ The remaining parts will then be liable to distribution. The riders shall be entitled to three times the portion of the pedestrians.²³⁷
- 332. In my opinion, if the *imām* considers it expedient to grant to the camel riders, or marksmen something in excess, or to grant some amount less than a full-fledged share to the riders of Arabian horses in preference to those of ordinary horses, he may do so after consulting men of wisdom and knowledge, and reaching a consensus in that behalf. By the same process of mutual consultation, he should reconcile any variations that may be found in the reported conduct of the Prophet (peace be upon him) and his Companions, concerning similar situations.

333. All those individuals who are deputed by the commander, on various missions on behalf of the army, like carrying messages, guarding the army, and spying, may also receive grants from the spoils, even if these individuals might not have been physically present in the battle, as was in the case of ‘Uthmān, who was deputed at Madīnah in the battle of Badr.²³⁸
334. As to the wealth acquired from the infidels without fighting (i.e. *fay’*), it is to be distributed in accordance with the Divine command contained in the following verses:

Whatever God restored to His Messenger from the people of the towns, it is for God, and for the Messenger, and for the near of kin, and the orphans and the needy, and the wayfarer, so that it be not taken by turns, by the rich among you; and whatever the Messenger gives you accept it, and whatever he forbids you, abstain therefrom; and keep your duty to God. Surely God is severe in retribution. It is for the poor who fled, who were driven from their homes and their possessions, seeking grace of God, and His pleasure and helping God and His Messenger. These it is, that are the truthful. And those who set themselves up in the city and in the faith before them, love those who have fled to them, and find in their hearts no need of what they are given, and prefer them before themselves, though poverty may afflict them. And whoever is saved from niggardliness of his soul, these it is, that are the successful. And those who come after them say: our Lord, forgive us and our brethren, who had precedence of us in faith, and leave no spite in our hearts towards those who believe. Our Lord, surely Thou art kind, Merciful.²³⁹

When ‘Umar read these verses, he observed: “These verses include all Muslims”. Therefore, he gave the ruling that the proceeds of *fay’* be expended according to the degrees of priority, keeping in view the overall interest of the community rather than any particular interest.²⁴⁰

335. Traditions have differed in respect of the method of distributing the proceeds of *fay’*. Whenever the Prophet (peace be upon him) received *fay’*, he distributed it on the same day. Out of these, he granted to the married couples double the portion given to single

individuals.²⁴¹ The first *khalīfah* Abū Bakr used to grant to the free and the slave alike, taking their needs into full consideration. The second *khalīfah* ‘Umar established a bureau in which he maintained complete record of the needs and the entitlements of people. Every individual with his seniority in Islam, his trials, his dependents and his needs, all this information was preserved in this bureau.²⁴²

336. The basic point underlying the nature of these differences is that each of them, viz. the Prophet (peace be upon him) and his Successors, formulated a policy on the basis of his individual *ijtihād* and took into consideration the expediency of his own time.
337. The lands that come under the suzerainty of the Muslims are appropriated in either of the three manners with the discretion of the *imām*:
- (i) He may distribute them among those entitled to the spoils of war; or
 - (ii) he may designate them as a trust for the warriors as was done by the Prophet (peace be upon him) in Khaybar when he distributed half of the land and declared the other half a trust.²⁴³ While ‘Umar made the entire lands of the rural areas of Iraq (*Sawād*) a trust;²⁴⁴ or
 - (iii) he may also settle non-Muslims in these lands as guaranteed citizens. In respect of these citizens, we find that the Prophet (peace be upon him) instructed Mu‘ādh ibn Jabal to charge (as tax) one *dīnār* or Yamanite garment or its equivalent value from every major while ‘Umar, levied forty eight dirhams on the affluent, twenty four *dirhams* on those who had only normal means of livelihood and twelve *dirhams* on those who were poor but among the earning people.²⁴⁵
338. This shows that the determination of the amounts of these taxes is left to the discretion of the *imām* who is authorised to act according to the public weal. This is why the precedents in this regard appear to be at variance. The same, in my opinion, is the rule governing the leviable rate of *kharāj*, and all such matters in which precedents from the Prophet (peace be upon him) and his successors differ.
339. The acquisition of spoils and booty has been made permissible for us by God for reasons explained by the Prophet (peace be upon him) in the following tradition: “Spoils of war were not made permissible

for anyone before us. It was when God considered our weakness and disability that He made it permissible for us".²⁴⁶

The Prophet (peace be upon him) also said: "Verily God has favoured my community over others, for He made spoils of war permissible for us".²⁴⁷

340. Since we have already explained this in the foregoing part of our discussion, we shall not repeat it here. The cardinal principle in determining the items of expenditure is that there are certain foremost objectives that are to be pursued. They are as follows:
- (i) to maintain those human beings who are unable to do any work due to some chronic illness or who are in dire need of financial help for being remote from the sources of maintenance;
 - (ii) to protect the state from the treacheries of the infidel forces by defending its frontiers, expending on war, armament and cavalry;
 - (iii) to organize and regulate the affairs of the state, by maintaining security forces and judicial institutions, enforcing the penal code and establishing the system of *hisbah*;²⁴⁸
 - (iv) to preserve the *millah*, the universal Muslim community by employing *khaṭībs* (orators), *imāms*, preachers, and teachers; and
 - (v) to look after such collective interests as digging canals and building bridges, etc.
341. It should be borne in mind that the territories we are dealing with are of two kinds: first is the territory which belongs exclusively to the followers of Islam, or wherein Muslims are dominant, like Hījāz. The second is the territory where the majority of inhabitants are infidels and it comes under the control of Muslims by force or through a peace agreement.
342. The second type of territory shall always need large forces of men, equipment of war, appointment of judges, and posting of guards and government officials while the former type of territory may not require such arrangement in a full-fledged form and in abundance. It is the intent of the *sharī'ah* to distribute the consolidated sources of the exchequer among all territories in the most equitable manner. For instance, the *sharī'ah* has laid down the items of expenditure for

the proceeds of *zakāt* and *'ushr* in a manner that the purpose of providing adequate self-sufficiency to the needy is realized more than anything else. Similarly, the expenditure from the proceeds of spoils and booty has been channelized toward the purposes of preparing for war, protecting the Muslim community and organizing the affairs of the state, more than any other purpose. That is why the share of the orphans, the poor and the destitute in the booties and spoils of war, is less than their share in *ṣadaqāt*. And for the same reason the share of warriors in them is greater than it is in *ṣadaqāt*.

343. Moreover, since spoils are acquired by enduring hardships and pressing forward horses and camels, the warriors cannot be contended in their hearts without taking a share in them. And also, it is necessary that all such basic rules that have a universal application should take into account the conditions of the common people, rather than the particular few. It is also necessary to reinforce their rational conviction with a natural enthusiasm. This enthusiasm cannot be inculcated in them without giving them a portion of what they achieve in war. This is why four fifths of it were given to the warriors who accomplish victory. As to the booty (*fay'*), it is acquired merely by intimidation without any actual operation of war; therefore, it need not necessarily be confined to any particular category of people. Rather, this ought to be appropriated according to the level of priority in the society.
344. The origin of *khums* [one fifth taken from the spoils of war], is traceable to the one fourth portion which the leader of the community and his kin claimed as their right in the *jāhili* era. This practice was ingrained in their consciousness, and they found no straitness about it in their minds. A poet of those times mentioned this practice in his verse: "To us indeed belongs one fourth of the spoils of every attack, whether it be at Najd or in the lands of Tahā'im". Therefore, God prescribed one fifth for the needs of the government and the people on a pattern similar to the existing convention of Arabia. A parallel to this is to be found in the Divine practice of granting miraculous signs to the Prophets in a form similar to the images common among various communities. One fourth was given to the leader of the community and his kin in order to extol their position, and also because they were supposed to be engaged in managing the collective affairs on behalf of the general populace.²⁴⁹

345. Therefore, God appointed the portion of one fifth for His Prophet because he (peace be upon him) was occupied in looking after the community's affairs and could not devote himself to earn for his own family. It was, therefore, considered necessary that his expenses be borne by the exchequer of Muslims. Another consideration in prescribing *khums* was that victory was achieved, thanks to the call made by the Prophet (peace be upon him) and the overpowering prestige which God had conferred upon him. Thus he was like someone who directly participated in the battle.
346. *Khums* was also meant, *inter alia*, for the near of kin because their zeal for Islam was greater than other people. In those people religious zeal converged with ethnic enthusiasm, for their pride lay in the supremacy of the Religion of Muḥammad (peace be upon him). It also implied elevation of the position of the Prophet's family. Thus, this was a benefit which ultimately accrued to the community as a whole. As honouring the '*ulamā*' and *qurrā*' is conducive to enhancing the prestige of the True Religion, so also honouring the near of kin has the same significance.
347. One fifth was also prescribed, *inter alia*, for the needy who were referred to [in the Qur'ān] as the destitute, the poor and the orphans. Besides, it is also established in the tradition that the Prophet (peace be upon him) conferred grants from the proceeds of *khums* upon those whose hearts were inclined to the Truth; therefore, express mention of the five categories enumerated above was to stress their importance. Further, this express mention was made in the Qur'ānic text to underline the fundamental requirement of Islam that the wealth coming from the sources of *fay'* and *khums* is not taken in turns by the rich among the community, in disregard of the needy. Another wisdom underlying these injunctions is to close the door of evil thoughts about the Prophet (peace be upon him), and his relatives.
348. The various portions and shares less than the full-fledged portions have been prescribed because man does not often plunge himself in any fatal exercise, without some benefit, in which he is interested. This is an ingredient of the natural disposition and character of human beings, which ought to be taken into consideration. The allocation of three fourths of the shares in spoils for horsemen and one fourth of it for foot-soldiers is prescribed because the dependence of Muslims on the former, as well as their needs, are greater than the

latter. If you reflect over the conditions of armies, you will not doubt the fact that horsemen can neither be satisfied in their hearts, nor can their needs be fulfilled, unless they are given a reward three times the portion of the the foot-soldiers. This is a universal practice common among all communities of Arabs and non-Arabs despite their varying conditions and customs.

349. The Prophet (peace be upon him) said: “If I lived long enough by the will of God, I shall surely extern all Jews and Christians from the Arabian peninsula”. Further, the Prophet (peace be upon him) made a will to turn the polytheists out of the peninsula.

I think the Prophet (peace be upon him) knew that history is nothing but alternate turns of rise and fall. At any time, the forces of Islam might become weak and disunited. In such a circumstance, if the enemy was entrenched in the heartland of Islam, this will lead to the violation of the sanctity of the Rites of God.

350. He further directed their expulsion from around the seat of knowledge (i.e. Madīnah) and the area where the House of God is located. Moreover, association with the infidels results in the distortion of the faith of people and deviation of their minds. Since there was no possibility to avoid this association, he directed the Muslims to purify the two sanctuaries (*ḥarams*) of Makkah and Madīnah from these elements, Besides, what was destined to happen in the future had become evident to the Prophet (peace be upon him). That was why he had said: “Surely Religion shall eventually turn to Madīnah for refuge...”²⁵¹ Naturally, it could not be expected to serve as a citadel of Islam unless it was made free from the presence of the followers of all other religions.

Notes and References

PART ONE

1. The present study is not interested *per se* in the biographical details of Shāh Walī Allāh, of which only those aspects will be taken notice of in the following pages, which have a direct bearing on our subject, and our references to them will be quite brief. Recourse may be had to the following well-known sources for further biographical information about Shāh Walī Allāh: Raḥīm Bakhsh, *Hayāt-i Walī* (Lahore, 1955); Fazle Mahmood, *A Study of the Life and Works on Shāh Walī Allāh* (Lahore: 1972); G.N. Jalbani, *Life of Shāh Walī Allāh* (Delhi: 1981); Allāh Ditta Muztar, *Shāh Walī Allāh: A Saint Scholar of Muslim India* (Islamabad: 1979).
2. This tumultuous period was full of recurrent crises and untold miseries for the Muslim community in India and has been a subject of keen interest of historians. See, for example, Mahmud Husain, ed., *A History of the Freedom Movement*, Karachi: 1957, vol. 1, pp. 108-109, and 195; Abdur Rashid, *A Short History of Pakistan*, ed., I. H. Qureshi (Karachi: 1967), vol. 3, p. 131; W. Irvine, *Later Mughals* (Calcutta: 1921-22), vol. 1, p. 21; vol. 2, pp. 370-71; Jadunath Sarkar, *The Fall of the Mughal Empire* (Calcutta: 1925-30), vol. 2, p. 37; I. H. Qureshi, *Ulema in Politics* (Karachi: 1974), pp. 99-106; Shāh 'Abd al-'Azīz, *Mulfūzāt* (Urdu translation) (Karachi: 1960).
3. See Mahmud Husain, *A History of the Freedom Movement*, vol. 1, pp. 91-92; W. Irvine, *Later Mughals*, vol. 1, pp. 277-78; Jadunath Sarkar, *The Fall of the Mughal Empire*, vol. 1, pp. 86-88; Tara Chand, *History of Freedom Movement in India* (Calcutta: 1961), vol. 1, pp. 101-02.
4. For an appreciation of the revivalist aspect of Shāh Walī Allāh's contribution, see the celebrated work by one of the most outstanding scholars of Pakistan in recent times, Sayyid Abu'l A'lā Mawdūdī, (d. 1979) *A Short History of the Revivalist Movements in Islam* (Lahore: 1963). The above work is an English version of the author's celebrated book in Urdu titled: *Tajdīd va Ihya'-i Dīn* (Lahore: 1952). In this work, the author has highlighted the revivalist role of Shāh Walī Allāh and the significance of reformation as a principle of socio-political movement in Islam.
5. See Mahmood Ahmad Ghazi, *Islamic Renaissance in South Asia: The Role of Shāh Walī Allāh*, under publication by the Islamic Research Institute, Islamabad.

6. Sayyid Abū al-Alā Mawdūdī, "Manṣabi-i Tajdīd kī Ḥaqīqat aur Tārīkh-i Tajdīd mēṇ Ḥazrat Shāh Walī Allāh kā Maqām", in *al-Furqān* (Special issue on Shāh Walī Allāh, ed., Muḥammad Manzūr Nu'mānī), (Bareilly: 1941), pp. 105-107 (hereinafter referred to as Mawdudi, *Furqān* (Special Number)). For a detailed study of the impact of this movement on Muslim life in India see Muin ul-Haq, *The Great Revolution of 1857* (Lahore: 1979), pp. 13-37.
7. See Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, ed., M. Saeed Sheikh (Lahore: 1986).
8. Abdul Hamid Siddiqi, "Renaissance in Indo-Pakistan: Shāh Walī Allāh Dihlawī", in M.M. Sharif, ed., *A History of Muslim Philosophy* (Karachi: 1983), vol. 2, p. 1577 (hereinafter referred to as Siddiqi "Renaissance").
9. See Qureshi, *Ulema in Politics*, pp. 111-126; see also Qureshi, *The Muslim Community of the Indo-Pakistan Sub-Continent* (The Hague: 1962), p. 162.
10. See 'Ubayd Allah Sindhī, *Shāh Walī Allāh aur Unkā Falsafah* (Lahore: 1964), pp. 45-47 (hereinafter referred to as *Falsafah* (Urdu)).
11. See, e.g., some of his juridical discussions representing this trend in his *Hujjat Allāh al-Bālighah* (Lahore: n.d.), pp. 124-27 (hereinafter referred to as *Hujjah*); see also Sindhī, *Falsafah*, pp. 185-206.
12. See Qureshi, *Ulema in Politics*, pp. 121-22; Sindhī, *Falsafah*, pp. 28-30. For further study of Shāh Walī Allāh's approach to the problem of existence and his reconciliatory view of the two major doctrines of the Muslim mystical philosophy, see chapter two, below. See also Shāh Walī Allāh, *Maktūb-i Madanī*, Urdu tr., Muḥammad Ḥanīf Nadvī (Urdu) (Lahore: 1965), pp. 6, 23-36; Siddiqi, "Renaissance", pp. 1569-72.
13. Sindhī, *Falsafah*, pp. 28-30, 209-224.
14. See Mawdudi, *Furqān* (Special Number), pp. 62-67.
15. For a better understanding of this aspect of Shāh Walī Allāh's philosophy see his discussion on the essence, nature and scope of bliss (*sa'ādah*) and the means for its attainment, etc. in *Hujjah*, pp. 50-56.
16. Sindhī, *Falsafah*, pp. 31-37, 45-47.
17. See Shāh Walī Allāh, *al-Fawz al-Kabīr fī Uṣūl al-Tafsīr*, Arabic tr. Muḥammad Munīr al-Dimashqī (Karachi: 1960), pp. 1-14; Sindhī, *Falsafah*, pp. 49-51 (hereinafter referred to as *al-Fawz*).
18. Shāh Walī Allāh, *Fath al-Rahmān fī Tarjamāt al-Qur'ān* (Karachi: Tāj Kampanī, n.d.). It is a simple and lucid rendering of the Qur'ān into Persian, with brief explanatory notes here and there. The latest edition of this translation was printed in 1993 at the Da'wah Academy, International Islamic University, Islamabad.

19. See Abū Hāmid Muḥammad al-Ghazālī, *al-Mustasfā min 'Ilm al-Uṣūl*, vol. 2 (Qum: 1364 Hijrī Solar Calendar), p. 350.
20. Sindhī, *Falsafah*, pp. 49-51.
21. Shāh Walī Allāh, *al-Fawz*, pp. 1-14; Sindhī, *Falsafah*, pp. 51-53.
22. The term *mutashābih*, derived from the Qur'ān (3:7), has been used in the literature on Qur'ānic exegesis to denote the verses whose meaning is liable to several interpretations. Some of these interpretations pose the problem of an apparently anthropomorphic connotation.
23. See Sindhī, *Falsafah* p. 69. With regard to the possibility of arriving at a definite meaning of the verses categorized as *mutashābih*, Shāh Walī Allāh's opinion is based on the interpretation of the verse (3:7) of the Qur'ān in the explanation of which exegetes had been holding variant views. See, for example, Muḥammad 'Abduh al-Falāḥ, *Ashraf al-Hawāshī* (Lahore: n.d.), p. 61. This commentary on the Qur'ān, though concise, is strictly within the framework of authentic traditions. For further insight, see an earlier and in-depth study, regarded as one of the basic works on the principles of exegesis, Jalāl al-Dīn al-Suyūṭī, *al-Itqān fī 'Ulūm al-Qur'ān*, (Lahore: 1980) vol. 2, pp. 2-13.
24. Sindhī, *Falsafah*, p. 108.
25. Shāh Walī Allāh's approach to *Sunnah* as essentially a commentary on the Qur'ān appears to be an influence of Imam al-Shafī'ī whose jurisprudence is considered to be premised on this principle. This approach of Shāh Walī Allāh is most conspicuously reflected in the treatment of juridical issues in the *Hujjah*. See *Hujjah*, pp. 128-29, 136-38; Sindhī, *Falsafah*, p. 109.
26. Shāh Walī Allāh, *Hujjah*, pp. 129-31.
27. Ibid., pp. 147-52.
28. Ibid., pp. 105-8.
29. *Ijmā'* has been regarded as an independent source of law by a large number of jurists. Ibn al-Humām defines it as follows: "It is the consensus of the *mujtahids* of a particular age in the religious community of the Prophet Muḥammad". See Kamāl al-Dīn Muḥammad ibn al-Humām, *al-Taḥrīr fī Uṣūl al-Fiqh* (Cairo: 1351 A.H.), p. 399.
30. Sindhī, "Imām Walī Allāh kī Hikmat kā Ijmālī Ta'aruf" in *al-Furqān* (Special Number), pp. 277-78.
31. Shāh Walī Allāh discusses at length the issue of the authority of *ijmā'*. The authoritative *ijmā'*, according to him, consists of the consensus of the Prophet's immediate successors, and that alone is a binding source of law. See Shāh Walī Allāh, *Qurrat al-'Aynayn fī Tafḍīl al-Shaykhayn* (Lahore: 1976), pp. 26-27, 50-60; *Izālat al-Khafā' 'an Khilāfat al-Khulafā'* (Karachi: 1976), vol. 1, pp. 60-62, 212-15, 430-41 (hereinafter referred to

- as *Izālah*). For a more comprehensive view of Shāh Walī Allāh's stand on various juridical issues see Maẓhar Baqā', *Uṣūl al-Fiqh aur Shāh Walī Allāh* (Karachi: 1986), pp. 380-393 (hereinafter referred to as *Uṣūl al-Fiqh*).
32. *Qiyās*, according to Shāh Walī Allāh, is the extension of the verdict of a principal injunction on the basis of a common factor of causality. See *Hujjah*, pp. 129-31. For further details see Maẓhar Baqā', *Uṣūl al-Fiqh*, pp. 425-55.
 33. Shāh Walī Allāh, *Maktūb-i Madanī*, p. 2. See also Sindhī, *al-Furqān* (Special Number), pp. 320-21; and *Falsafah*, pp. 194-99.
 34. See n. 12 above; see also Shāh Walī Allāh, *Maktūb-i-Madanī*, p. 2.
 35. According to Shiblī Nu'mānī, the intellectual degeneration which had set in the Muslim scholarship since the time of Ibn Taymiyyah and Ibn Rushd was arrested by Shāh Walī Allāh "whose subtle arguments eclipsed the academic accomplishments of al-Ghazālī". Shiblī Nu'mānī, *'Ilm al-Kalām* (Aligarh: 1906), p. 109. For an account of the historical development of *Kalām*, see *ibid.*, pp. 30-35, 56-84.
 36. For a contemporary Western scholar's view of the development of *Kalām* as a distinct discipline, see W. Montgomery Watt, *The Formative Period of Islamic Thought* (Edinburgh: 1973), pp. 180-204 and 303-16.
 37. For an appraisal of Imām Rāzī's contribution to *Kalām*, see Shiblī Nu'mānī, *'Ilm al-Kalām*, pp. 68-86.
 38. *Ibid.*, pp. 153-76.
 39. Shāh Walī Allāh, *Hujjah*, p. 3.
 40. Shāh Walī Allāh himself spells out the major features of the science of *asrār al-dīn* in his introduction to the *Hujjah*. See Shāh Walī Allāh, *Hujjah*, pp. 4-11.
 41. *Ibid.*, pp. 19-28.
 42. Sindhī, *Falsafah*, pp. 209-24.
 43. Nu'mānī, *'Ilm al-Kalām*, pp. 56-66.
 44. See *ibid.*, pp. 109-119 for a brief, but comprehensive account of Shāh Walī Allāh's original contribution to *Kalām*.
 45. Sindhī, *Falsafah*, pp. 210-15.
 46. Sindhī, *Falsafah*, pp. 28-31. See also Shāh Walī Allāh, *al-Khayr al-Kathīr* (Akora Khatak: 1959), pp. 4-16.
 47. Shāh Walī Allāh, *Hujjah*, pp. 11-13; Shāh Ismā'īl Shahīd *'Abaqāt*, tr. Manāẓir Aḥsan Gīlanī (Hyderabad: India, n.d.), pp. 99-104. Another important source of the ontological doctrines of Shāh Walī Allāh is his own brief but comprehensive work titled *Saṭa'āt*, tr. Muḥammad Matīn Hāshimī (Lahore: 1990), pp. 57-107.

48. Shāh Walī Allāh, *al-Taḥmīmāt al-Ilāhiyyah* (Bijnaur: 1936), vol. 1, pp. 117-120, 165-167; Muḥammad Sarvar, *Armaghān-i Shāh Walī Allāh* (Lahore: 1988), pp. 244-256.
49. *Waḥdat al-shuhūd* is not exactly a full-fledged doctrine of the same consequence and significance as *waḥdat al-wujūd*. Rather, the former only signifies the contention of its votaries, represented by Shaykh Aḥmad Sirhindī and his disciples, that the state experienced at a certain stage of the spiritual journey, which seems to be that of a unity of existence, is merely a perception and not a reality. See Burhan Ahmad Faruqi, *The Mujaddid's Conception of Tauhid* (Lahore: 1974), p.119. See also his scholarly and critical exposition of Shāh Walī Allāh's metaphysical doctrines in *ibid.*, chapter II.
50. See n. 12 above.
51. Shāh Walī Allāh, *al-Taḥmīmāt al-Ilāhiyyah*, pp. 186-88.
52. Shahīd, '*Abaqāt*', pp. 65-92.
53. *Ibid.*, pp. 88-93; see also Sindhī, *Falsafah*, pp. 78-80. Among the earlier thinkers who defended Ibn 'Arabī, Fakhr al-Dīn al-Rāzī and 'Abd al-Wahhāb al-Sha'rānī (d. 973/1565) are especially worth mentioning. The latter has demonstrated in his seminal work: *Al-Yawāqīt wa al-Jawāhir Fī Bayāni 'Aqā'id al-Akābir* (Beirut: 1997) that the views of leading sufis specially those of Ibn 'Arabī are fully in accord with the theological postulates of the orthodoxy. After Shāh Walī Allāh also there emerged many supporters of Ibn 'Arabī. All these advocates of the doctrine of *waḥdat al-wujūd*, however, endeavoured to put forward such explanations of this doctrine as could be consistent with the theological position of the mainstream Muslim scholars on the subject through the ages. These advocates of post-Walī Allāh era included such celebrated luminaries as Maulana Ashraf 'Alī Thanvī (d. 1943) who produced a full-fledged work titled *Tanbīh al-Ṭarabī fī Tanzīh Ibn al-'Arabī* (lit. "Awakening the Ecstatic Concerning the Vindication of Ibn 'Arabī"), in his defence. See Muhammad Ismā'īl, "Shaykh-i Akbar Muḥyī al-Dīn Ibn al-'Arabī", in *al-Raḥīm*, Hyderabad: vol.2, no. 3, August 1964, pp. 25-27. For a Western view of Ibn 'Arabī's philosophy of existence and the related aspects of Divine creative process, see Henry Corbin, *Creative Imagination in the Sufism of Ibn 'Arabī*, tr. from the French by Ralph Manheim (Princeton: 1969), pp. 179-207. See also the seminal work by a contemporary Islamic scholar, William C. Chittick, *The Sufi Path of Knowledge* (Albany, NY: 1989).
54. Shahīd, '*Abaqāt*', 65-92; Sindhī, *Falsafah*, pp.80-81; Shāh Walī Allāh, *Maktūb-i Madanī*, pp. 30-36.
55. Sindhī, *Falsafah*, pp. 81-82.
56. Shāh Walī Allāh, *al-Taḥmīmāt al-Ilāhiyyah*, vol. 1, pp. 106-109 and 246-256.

57. Sindhī, *Sharḥ Hujjat Allāh al-Bālighah* (Lahore: 1950), pp. 75-78 (hereinafter referred to as *Sharḥ*).
58. Ibid., p. 74.
59. Such attempts at explaining the concept of God exclusively within a rationalist framework have lent themselves to strong criticism by other philosophers of both the past and the present. See, for instance, the critical discussion by a leading scholar of our time, Syed Zafarul Hasan, *Philosophy: A Critique* (Lahore: 1988), especially the chapter on "Philosophical Theism", pp. 137-153.
60. Shāh Walī Allāh, *Hujjah*, pp. 19-24.
61. Shāh Walī Allāh, *al-Budūr al-Bāzighah*, tr. J.M.S. Baljon (Lahore: 1980), p. 10 (hereinafter referred to as *Budūr* (English)).
62. Shahīd, 'Abaqāt, p. 410.
63. Shāh Walī Allāh, *Hujjah*, pp. 13-14.
64. See Malik Ghulām Murtaẓā, *Shāh Walī Allāh kā Falsafah* (Lahore: n.d.), pp. 37-38.
65. Shahīd, 'Abaqāt, p. 425.
66. Although Shāh Walī Allāh derives his concept of 'ālam al-mithāl, like other mystic philosophers before him, by interpreting a number of Prophetic traditions, yet early traces of a similar concept are found in the "world of forms" of Plato (d. 347 B.C.) According to this theory:

... a general idea or concept is immutable, timeless, one over many, intellectually apprehensible, and capable of precise definition, at the end of a piece of pure ratiocination, because it is an independently existing real thing or entity. As our world contains people, trees, stones, planets, storms and harvests, so a second and superior or transcendental world contains concept objects. As Socrates and Peloponnesus name perceptible objects here, so justice, equity, unity, and similarity, name intellectually apprehensible objects there.

... Furthermore, as the human mind or soul gets into contact—though only perfunctory and imperfect contact—with ordinary things and happenings in this world by sight, hearing, touch and so on, so the human mind or soul gets into nonsensible contact with the ideal and eternal objects of the transcendental world. (Gilbert Ryle, art. "Plato" in *The Encyclopaedia of Philosophy*, New York: 1967, vol. 6, p. 314).

It would make an interesting study if the two doctrines are examined in comparison with each other. An in-depth comparison might bring out further similarities between the ideas of a fourth century B.C. Greek philosopher, and an eighteenth century Muslim thinker of India. The possibility

of a revelational source of knowledge, being available to Plato—which source had never been wholly extinct in any era or area—might, to some extent, explain this similarity. For details see W. D. Ross, *Plato's Theory of Ideas* (Oxford: 1953) and Friedreich Solmsen, *Plato's Theology* (New York: 1942).

67. In the chapter on 'ālam al-mithāl in *Hujjah*, Shāh Walī Allāh gives many illustrative examples of this idea. For instance, this material world is reflected in it in the form of an old woman, with mixed black and white hair, blue teeth and a wide mouth. Death is represented by a male sheep which, according to a tradition, will be slaughtered on the Day of Judgment, whereby this phenomenon will come to an end. These abstract forms include many acts of virtue and vice, that are not objects of our physical cognition in this temporal world.
68. Shāh Walī Allāh, *Hujjah*, p. 14; *Sindhī*, *Sharḥ*, pp. 103-104.
69. *Sindhī*, *Sharḥ* pp. 112-113; Shahīd, 'Abaqāt, pp. 205-210.
70. Shahīd, 'Abaqāt, pp. 205-210; *Sindhī*, *Sharḥ*, pp. 113-114. Shāh Walī Allāh, *al-Budūr al-Bāzighah*, ed., M.S.H, Masumi (Hyderabad: 1970), pp. 28–30. (Hereinafter referred to as *Budūr*). In the ancient Greek thought also, there are some elements of a similar idea. According to this idea:

[T]he world was conceived as a whole, while some part of it, usually man, was seen as a model or epitome of it. According to one version of this ancient analogy, man and the Universe are constructed according to the same harmonious proportions, each sympathetically attuned to the other, each a cosmos ordered according to reason. By an imaginative leap, the universe itself was thought to be like man, living and conscious, a divine creature whose nature is reflected in human existence.

Animism and panpsychism also regard the world as alive throughout, but the microcosm idea is distinct in emphasizing the unity or kinship of all life and thought in the world. If man is the microcosm of the universe, then not only is every thing animated by some soul or other, but there is one world soul by which everything is animated. See Donald Levy, "Macrocosm and Microcosm" in *The Encyclopaedia of Philosophy*, vol. 6, pp. 121-122;

See also R.A. Nicholson, *Studies in Islamic Mysticism* (Cambridge: 1980), pp. 121-125; For further Islamic background and exposition of this sufi doctrine in the writings of other scholars before and after Shāh Walī Allāh see: Shafqat Allāh, "al-'Allamah 'Abd al-'Azīz al-Farhārī wa Risālatuhū 'an 'Ālam al-Mithāl" in *al-Dirāsāt al-Islāmiyyah* (Oct-Dec. 2000).

71. *Sindhī*, *Sharḥ*, pp. 114-27. Latin equivalents of the Arabic terms *unviersum permagnum* and *repercussus permagnum* have been borrowed from the above source.

72. Shāh Walī Allāh, *al-Taḥḥīmat al-Ilāhiyyah*, pp. 19-21; *Budūr*, pp. 127-34.
73. See the English translation of *Hujjah* (hereinafter referred to as "translation"), Section I, Paras 4-5. In all subsequent references to the "translation" we shall refer to the numbers of paragraphs rather than pages. Shāh Walī Allāh, *Budūr* (English), pp. 32-33; Cf. Abū Ḥāmid Muḥammad al-Ghazālī, *Maqāsid al-Falāsifah* (Cairo: 1331 A.H.), pp. 276-84.
74. Translation, Section I, Paras 4-5; Shāh Walī Allāh, *Budūr* (English), pp. 33-38.
75. Shāh Walī Allāh, *Hujjah*, pp. 26-27.
76. Qur'ān 57:25.
77. Shāh Walī Allāh, *Hujjah*, pp. 53-55. See also the discussion of a contemporary scholar on the ethical philosophy of Shah Walī Allah: A.J. Halepota, *The Philosophy of Shāh Walī Allāh* (Lahore: n.d.), pp. 54-60. See also Sindhī, *Shāh Walī Allāh aur Unkī Siyāsī Tahrik* (Lahore: 1965), pp. 203-205.
78. Shāh Walī Allāh, *Hujjah*, pp. 20-24.
79. Sindhī, *Falsafah*, pp. 218-21.
80. Ibid.
81. Translation, Section XII, Paras 80-84.
82. Translation, Section XIII, Paras 86-87.
83. Shāh Walī Allāh, *al-Khayr al-Kathīr*, pp. 98-103.
84. Ibid.
85. Translation, Section XV, Paras 121-128.
86. Ibid., Section XIII, Paras 90-91.
87. See, for detail, the chapter on the philosophy of *taklīf* in Shāh Walī Allāh, *Hujjah*, pp. 20-24.
88. In the Qur'ānic verse 30:30 the word *fiṭrah* refers to this balanced state, according to Shāh Walī Allāh. See Muḥammad Sarvar, *Armaghān-i Shāh Walī Allāh*, p. 294; see also Shāh Walī Allāh, *Hujjah*, pp. 50-51.
89. According to Shāh Walī Allāh, the *sharī'ah* is a completion of *taqdīr*. He defines *taqdīr* as a measured course eternally calculated for every species by God. *Taklīf* completes the formation of human species through the gratification of its urges. For each species has a given form and a definite nature. There are certain acts and morals which are appropriate for man's peculiar formation. By virtue of this formation, man instinctively receives certain intuitions from nature according to its recurrent needs. See Sarvar, *Armaghan-i Shāh Walī Allāh*, pp. 293-94.

90. Ibid.
91. Translation, Section XIV, Para 107.
92. Ibid., Paras 103-05.
93. Ibid., Section XV, Paras 117-20.
94. See Shāh Walī Allāh, *al-Juz' al-Laṭīf fī Tarjamat al-'Abd al-Ḍa'īf; Anfās al-'Ārifīn* and *al-Qawl al-Jamīl*, as quoted in Mazhar Baqā', *Uṣūl al-Fiqh*, p. 130.
95. *Sindhī, Falsafah*, pp. 28-29.
96. Ibid., p. 29.
97. Ibid., pp. 28-32.
98. Ibid., pp. 31-37.
99. Abridged by Muḥammad Manzūr Nu'mānī in *al-Furqān* (Special Number), p. 404.
100. For further information on the early education of Shāh Walī Allāh, see Mazhar Baqā', *Uṣūl al-Fiqh*, pp. 126-34.
101. Nu'mānī, *'Ilm al-Kalām*, pp. 102-04.
102. *Sindhī, Falsafah*, pp. 39-42; Mazhar Baqā', *Uṣūl al-Fiqh*, pp. 91-94.
103. Ibid., pp. 97-98.
104. *Sindhī, Falsafah*, 42-44. See also: Shāh Walī Allāh, *Fiqh-i 'Umar*, ed. and tr. into Urdu by Abū Yahyā Imām Khān (Lahore: 1987).
105. *Sindhī, Falsafah*, pp. 138-48.
106. Muḥammad Uways Nadvī, "Shāh Walī Allāh kā Ēk 'Ilmī Ma'khadh" in *al-Furqān* (Special Number), pp. 370-73; J.M.S. Baljon, *Religion and Thought of Shāh Walī Allāh Dihlawī* (Leiden: 1986), pp. 200-201. According to Mazhar Baqā', Shāh Walī Allāh's admiration for Ibn Taymiyyah is indicated by the fact that he wrote a full-fledged treatise on Ibn Taymiyyah, highlighting his great genius and valuable contribution to Islamic scholarship. See Mazhar Baqā', *Uṣūl al-Fiqh*, p. 93.
107. See, e.g., Shāh Walī Allāh's discussion of the universal paradigm of society. Translation, Section X, Paras 68-71.
108. *Sindhī, Falsafah*, pp. 45-47.
109. Baljon, *Religion and Thought of Shāh Walī Allāh Dihlawī*, p. 192. According to Professor Baljon, the principle of mutual aid as a central element in a social order is not an original idea of Shāh Walī Allāh, since it has also been underlined as an essential component of cooperation for the maintenance of human society by Ibn Sinā. See his *Kitāb al-Najāt* (Cairo: 1913),

p. 498 and Ibn Khaldūn, *al-Muqaddimah* (Paris: 1958), p. 368. It is, however, submitted that any social or political doctrine of Shāh Walī Allāh should be viewed with reference to, and as an integral part of, his overall philosophy of life and in the framework of his socio-political thought. For, if we were to compare between fragments of his ideas and the writings of other earlier socio-political thinkers in and outside the Muslim tradition, there will surely be found many more areas of similarity. But the worth of Shāh Walī Allāh's socio-political ideas, as an original contribution to Islamic thought, lies in that he has developed a pervasive view of life in the context of which he theorized the phenomena of human social organization. It is Shāh Walī Allāh's characteristic pervasiveness of approach to the complex and multi-faceted enterprise of life, explaining in relation to it, the individual, familial, social, economic, political, international and even religious and spiritual undertakings of man and society, that makes his contribution original and unparalleled. In all fairness, therefore, Shāh Walī Allāh, should be duly credited for it.

110. Sindhī, *Falsafah*, pp. 163-70.
111. Siddiqi, "Renaissance", p. 1559.
112. Translation, Section XII, Paras 78-80.
113. Siddiqi, "Renaissance", p. 1560.
114. Translation, Section XVIII, Paras 161-162; Sindhī, *Shāh Walī Allāh Aur Unkī Siyāsī Tahrik*, p. 41.
115. Translation, Section XII, Paras 80-82.
116. Maris Biesanz and John Hiltunin, *Introduction to Sociology* (New Jersey: 1978), p. 7. See also Howard Baecker and Harry Barnes, *Social Thought from Lore to Science* (Washington D.C.:1952), pp. 564-94.
117. Ilyas Ba-Yunus, "Contemporary Sociology: An Islamic Critique" in *Islam: Source and Purpose of Knowledge*, Islamization of Knowledge Series no. 5 (Herndon, VA: 1988), p. 275.
118. Biesanz and Hiltunin, *Introduction to Sociology*, pp. 16-17; see also Alvin W. Gouldner, *The Coming Crisis of Western Sociology* (New York: 1970), pp. 20-24.
119. Max Weber, *Protestant Ethic and the Spirit of Capitalism*, tr. Talcott Parsons (New York: 1945), *passim*.
120. See David Riesman, *The Lonely Crowd: A Study of the Changing American Character* (New York: 1965), *passim*.
121. See Robin Williams, *American Society: A Sociological Interpretation* (New York: 1970), *passim*.
122. Biesanz and Hiltunin. *Introduction to Sociology*, p. 16.

123. Ibid., p. 7.
124. The multi-dimensional approach referred to here is very conspicuous in his major works: *Hujjah*, *Budūr*, *Izālah* and *Tafhīmāt*. For a fuller discussion on some of these works see chapters 2-5 of part two of the present work.
125. How keenly Shāh Walī Allāh observed the events taking place around him, is reflected in the letters he wrote to some of his contemporary kings and nobles. See for example, letters nos. 1 and 2 in Khalīq Aḥmad Nizāmī, ed., *Shāh Walī Allāh kē Siyāsī Maktūbāt* (Delhi: 1969), pp. 3-17.
126. Ibid.
127. Translation, Section XVIII, Paras 152-164.
128. See pp. 33-34 above.
129. *Sharī'ah* and *ṭarīqah* represent the two main aspects of the Divine guidance whose mutual relationship and total compatibility have also been expatiated upon by Sirhindī before this was done by Shāh Walī Allāh. For Sirhindī's views on this relationship see Malik Ḥasan 'Alī, *Ta'limāt-i Mujaddidiyah: Maktubāt kī Roshnī mēn* (Sheikhupura: 1965), pp. 95-109.
130. See Shāh Walī Allāh, *Hujjah*, vol. 1, p.6. For details about Fārābī's ideas see M.S.H. Masumī, "al-Fārābī" in M.M. Sharif, ed., *A History of Muslim Philosophy*, vol. 1, pp. 713-717. For Ghazālī see M.A. Abdul Khaliq, "Ethics" in ibid., vol. 1, pp. 624-37. For points of similarity between Shāh Walī Allāh and Māwardī, see Muhammad Qamaruddin Khan, "al-Māwardī" in ibid., pp. 719-31. See also Aḥmad ibn Muḥammad ibn Ya'qūb al-Māwardī, *al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyyah* (Cairo: 1966), pp. 5-21.
131. Ibrahim Madkour, "al-Fārābī" in M.M. Sharif, *A History of Muslim Philosophy*, vol. 1, p. 450.
132. 'Abd al-Salam Nadvī, *Ḥukamā'-i Islām* (Azamgarh: 1953), vol. 1, pp. 125, 311-12.
133. It is difficult to ascertain as to who was the first to grant him the title of *al-Mu'allim al-Thānī*, the second teacher, but generally the writers on Muslim Philosophy and logic have been using this epithet for him since the earliest times subsequent to Fārābī. See Ibrahim Madkour, "al-Fārābī" in M.M. Sharif, *A History of Muslim Philosophy*, vol. 1, p. 455.
134. Translation, Section XI, Paras 72-77 and Section XIII, Paras 85-101.
135. Ibrahim Madkour, "al-Fārābī" in M.M. Sharif, *A History of Muslim Philosophy*, vol. 1, p. 453.
136. Abū Naṣr al-Fārābī, *Iḥṣā' al-'Ulūm* (Cairo: 1949).
137. Muhammad Iqbal, *Reconstruction*, pp. 23-49.
138. Abū Naṣr al-Fārābī, *Ārā' Ahl al-Madīnah al-Fāḍilah* (Beirut: 1959), p. 85.

139. See Shāh Walī Allāh, *Hujjah*, vol. 1, pp. 50-58.
140. Ibid.
141. Qur'ān 2: 164. There are numerous other verses that convey the same sense.
142. Abū Naṣr al-Fārābī, *al-Siyāsah al-Madaniyyah* (Hyderabad (India): 1346 A.H.), pp. 4-5.
143. Fārābī, *Ārā'*, p. 77, as quoted in H.K. Sherwani, *Studies in Muslim Political Thought and Administration* (Lahore: 1970), p. 69.
144. Māwardī, *al-Aḥkām al-Sulṭāniyyah*, pp. 5-21.
145. For a fuller discussion on Ibn Taymiyyah's impact on Shāh Walī Allāh, see Muḥammad Uvays Nadvī in *al-Furqān* (Special Number), pp. 369-373.
146. See Badawī Ṭabānah's "Introduction" to *Iḥyā' 'Ulūm al-Dīn* (Cairo: 1957), pp. 3-38. For a more in-depth study of Ghazālī's concept of social virtues see M. Umaruddin, *Ethical Philosophy of al-Ghazālī* (Lahore: 1988), pp. 191-216. The discussion of Ghazālī's concept of vice significantly determines the philosophical parameters for the doctrine of virtue expounded by him. For a comparison with Shāh Walī Allāh's ideas on this subject see *ibid.*, pp. 159-190 and Shāh Walī Allāh, *Hujjah*, pp. 58-82.
147. Translation, Section I, Paras 1-13.
148. It is significant that in the context of the biological laws too, Shāh Walī Allāh uses the term *sharī'ah*. Thus, it seems, that he conceives the function of the Divine law in two spheres namely, biological and social. As we would probe further in our study of the social ideas of Shāh Walī Allāh, we will be able to show that he develops his thesis further along the same line, that is, identifying a necessary congruence between the social laws of the *sharī'ah* and the biological laws of *fiṭrah* (nature). To him, each of these spheres fully complements the other.
149. Translation, Section I, Paras 1-6. See also Shāh Walī Allāh, *Budūr* (English), pp. 31-32.
150. Translation, Section I, Paras 3-6. See also Shāh Walī Allāh, *Budūr* (English), p. 32.
151. Translation, Section 1, Paras 3-6.
152. See *ibid.*, p. 31.
153. Muhsin Mahdi, *Ibn Khaldun's Philosophy of History* (Chicago: 1964), p. 173.
154. See Charles Darwin, *The Origin of Species* (London: 1859).
155. Translation, Section I, Paras 4-5.
156. *Ibid.*, Paras 6-7.

157. Ibid.
158. Ibid., Paras 8-9.
159. See pp. 45-47 above.
160. Shāh Walī Allāh, *Budūr* (English), p. 32.
161. However, one peculiarity which makes the animal instinct different from the human disposition is that in the former there is a dominant physio-biological factor or *nafs* or *ṭabī'ah* to which its intelligence ('*aql*) and volitional faculty (*qalb*) are in absolute subservience. (Shāh Walī Allāh, *Hujjah*, p. 33; Shahīd, '*Abaqāt*', p. 114). In human dispositions, on the other hand, the influence of intelligence or intellect is the predominant factor. See Halepota, *Philosophy of Shāh Walī Allāh*, p. 26.
162. Shāh Walī Allāh, *Budūr* (English), p. 33. For further details of the ideas of Shāh Walī Allāh on this subject see Halepota, *Philosophy of Shāh Walī Allāh*, pp. 31-33. For the psychological dimension of human personality in the philosophy of Shāh Walī Allāh, see *ibid.*, pp. 33-34.
163. Translation, Section I, Paras 10-11.
164. Ibid.
165. Ibid. See also Shāh Walī Allāh, *Budūr* (English), p. 64. In the context of the cultural evolution in society and its various stages, Shāh Walī Allāh employs a number of key terms representing his own original concepts. But the terms "virtuous practices" (*sunan ṣāliḥah*), "virtuous realms" (*al-aqālīm al-ṣāliḥah*), and "temperate realms" (*al-aqālīm al-mu'tadilah*) seem to have their roots in the classical Muslim social thought. Unlike other social terms coined by Shāh Walī Allāh, which he explains in some detail in *Hujjah* and *Budūr*, he uses these terms apparently taking for granted the familiarity of his readers with these terms since he does not explain them. We are inclined to assume, therefore, that such terms as "virtuous realms" (*al-aqālīm al-ṣāliḥah*) and "temperate realms" (*al-aqālīm al-mu'tadilah*) represent the typical ecological approach, as it were, to the classification of societies in the early social thought of Islam. See. e.g., 'Abd al-Raḥmān ibn Khaldūn, *al-Muqaddimah* (Beirut: n.d.), pp. 82-91; see also 'Abd al-Wāḥid Siddīqī, "Shāh Walī Allāh kī ba'z 'Umrānī Iṣṭilāḥāt" in *al-Raḥīm*, (June: 1964), pp. 74-76.
166. Translation, Section I, Para 12.
167. Ibid., Para 13.
168. Ibid.
169. Translation, Section VI, Para 37. There are some indications of similarity between different socio-political thinkers, representing various epochs and traditions, with regard to their explanation of the growth of cities, evolution of social culture, and the development of political organization. See, for

instance, Plato's *Compendium Legum Platonis* (preserved for posterity by Fārābī in his *Talkhīṣ Nawāmīs Aflāṭūn*), (London: 1952), vl. 3, pp. 16-18.

170. Halepota, *Philosophy of Shāh Walī Allāh*, pp. 107-08.
171. Translation, Section II, Para 14.
172. See George Gaylord Simpson, "The Biological Nature of Man" in S.L. Washburn and C. Jay Phyllis, eds., *Perspectives on Human Evolution* (New York: 1968).
173. See John Limber, "Language in Child and Chimp" in *American Psychologist*, vol. 32, pp. 280-95.
174. Translation, Section II, Para 15.
175. Ibid., Para 16.
176. Ibid.
177. Ibid., Section I, Para 6.
178. Ibid., Section II, Para 16.
179. Biesanz, *Introduction to Sociology*, p. 46.
180. Shāh Walī Allāh, *Budūr* (English), pp. 63-82.
181. Translation, Section III, Para 17.
182. Halepota, *Philosophy of Shāh Walī Allāh*, p. 55.
183. Translation, Section III, Para 18.
184. Ibid., Paras 19-21.
185. Ibid., Para 19.
186. Ibid., Paras 19-20.
187. Ibid., Para 21.
188. Ibid.
189. Ibid., Section IV, Para 22.
190. Shāh Walī Allāh, *Budūr* (English), p. 69.
191. Translation, Section IV, Para 22; Shāh Walī Allāh, *Budūr* (English), pp. 69-70.
192. Shāh Walī Allāh, *Budūr* (English), pp. 70-71. Translation, *ibid.*, Para 23.
193. Translation, Section IV, Para 24.
194. David A. Schultz, *The Changing Family: Its Function and Future* (New Jersey: 1976), p. 64; Gerald R. Leslie, *The Family in Social Context* (New York: 1967), p. 27.

195. In the terminology of contemporary sociology, such a minimum size of family is referred to as nuclear family. See Richard Adam, "An Enquiry Into The Nature of the Family", in Gertrude R. Dole and Robert L. Gruneiro, eds. *Essays in the Science of Culture* (New York: 1960), pp. 35-49.
196. Shāh Walī Allāh, *Budūr* (English), p. 72.
197. Translation, Section IV, Para 31.
198. Translation, Section IV, Para 22; Shāh Walī Allāh, *Budūr* (English), p. 72.
199. Translation, Section IV, Para 22.
200. Ibid.
201. Translation, Section IV, Para 27.
202. Ibid., p. 344; Shāh Walī Allāh, *Budūr* (English), p. 72.
203. Shāh Walī Allāh, *Hujjah*, vol. 2, p. 135.
204. Translation, Section V, Para 36.
205. This principle is a legal maxim derived from the Prophet's tradition to this effect. It is included also in the legal maxims of *Majallah*, the Ottoman Civil Code. See *Majallat al-Ahkām al-'Adliyyah*, art. 87.
206. Translation, Section IV, Para 30.
207. Ibid., Para 31.
208. Shāh Walī Allāh, *Budūr* (English), pp. 77-82; Translation Section V, Para 33.
209. Translation, Section V, Para 33.
210. Shāh Walī Allāh, *Budūr* (English), p. 77.
211. Ibid., p. 78; Translation, Section V, Paras 33-34.
212. Shāh Walī Allāh, *Budūr* (English), p. 78-79. There are some interesting similarities between Shāh Walī Allāh and Ibn Khaldūn in the identification of essential crafts and vocations. Each of them, however, seems to have mainly derived his ideas from an empirical observation of society in his own time. See Ibn Khaldūn, *Muqaddimah*, pp. 405-14.
213. Shāh Walī Allāh, *Budūr* (English), pp. 78-79.
214. Translation, Section V, Para 35.
215. Shāh Walī Allāh, *Budūr* (English), p. 80.
216. Translation, Section V, Para 36.
217. Ibid.
218. Ibid.

219. Translation, Section V, Para 36. Shāh Walī Allāh, *Budūr* (English), p. 80-82.
220. Shāh Walī Allāh, *Budūr* (English), pp. 80-82.
221. See Translation, Section VI, Para 37.
222. Ibid.
223. Shāh Walī Allāh, *Budūr* (English), p. 83.
224. Mahmood Ahmad Ghazi, "State and Politics in the Philosophy of Shāh Walī Allāh", in Klaus Ferdinand and Mehdi Mozaffari, eds., *Islam, State and Society* (London: 1988), p. 92.
225. Shāh Walī Allāh, *Budūr* (English), pp. 82-83.
226. Ibid., p. 83.
227. Ghazi, "State and Politics", p. 92; see also Shāh Walī Allāh, *Budūr*, pp. 91-92. It is interesting to note that Ibn Khaldūn is inclined toward making a distinction between religious, socio-political, and intellectual organizations functioning independently of each other. In the case of Shāh Walī Allāh, however, it is *siyāsat al-madīnah* (although the terms used by both are almost identical), which is pervasive and which integrates diverse pursuits of collective life that a society requires for its mundane as well as spiritual well-being. See Ibn Khaldūn, *al-Muqaddimah*, pp. 302-11.
228. Translation, Section VI, Paras 38-39.
229. Ibid., pp. 356-59; Shāh Walī Allāh, *Budūr* (English), pp. 83-85.
230. Shāh Walī Allāh, *Budūr*, pp. 95-96; see also the editor's note on these pages.
231. Translation, Section VIII, Paras 55 and 61.
232. *Khilāfah* is the classical term used to this day to denote collective vicegerency of the Muslim community represented by the Islamic political order established on the pattern of the early model of state which emerged in Madīnah immediately after the Prophet's demise in 11 A.H. See also Translation, Section XXI, Paras 210-228. It should be noted that we have used the term "state" for *khilāfah* merely for want of a better equivalent in English.
233. Ibid.
234. Translation, Section VII, Para 48; Shāh Walī Allāh *Budūr* (English), pp. 86-88.
235. Translation, Section VII, Paras 48-49.
236. Ibid. For further elaboration of the qualifications of rulers, according to Shāh Walī Allāh, see Mahmood Ahmad Ghazi, "State and Politics", p. 94.

237. Translation, Section VIII, Para 55.
238. Ibid., Para 57.
239. Ibid., Para 61.
240. Shāh Walī Allāh, *Budūr*, p. 112.
241. Ibid., pp. 89-90. Translation, Section VIII, Para 61.
242. Translation, Section VIII, Para 61. Shāh Walī Allāh, *Budūr* (English), pp. 93-94.
243. The term *naqīb* has been used in the Qur'ān (5:12) with reference to the twelve chiefs who were appointed by God among the Children of Isrā'īl. The same term was also used, in the context of the oath of allegiance (*bay'ah*), made by the inhabitants of Madīnah (*Anṣār*), to the Prophet (peace be upon him), prior to *hijrah*. See, for detail, the commentary on the above verse in Muḥammad 'Alī Kāndhlawī, *Ma'ālim al-Qur'ān* (Sialkot: 1978), vol. 6, pp. 371-73.
244. Translation, Section VIII, Para 61.
245. Ibid. and Shāh Walī Allāh, *Budūr* (Arabic), p. 111.
246. Translation, Section VIII, Para 61. Shāh Walī Allāh, *Budūr* (Arabic), p. 112.
247. Shāh Walī Allāh, *Budūr* (Arabic), p. 101.
248. Ibid., p. 102.
249. Ibid., pp. 102-103. According to Ibn Khaldūn, the sources of strength for a political organization are glory and solidarity that are sustainable by maintaining formidable armed forces. Notwithstanding some minor points of similarity between him and Shāh Walī Allāh, the former seems to lay greater emphasis on the material strength of a state than on its moral and spiritual strength. See, Ibn Khaldūn, *al-Muqaddimah*, pp. 294-297. Hence the main causes of decay in a state, in Ibn Khaldūn's opinion, consist in weakness in the military capability of the state, which is chiefly contingent—according to him—upon abundance of wealth and material resources. See also *ibid.*, pp. 359-64.
250. Translation, Section IX, Paras 62-67.
251. Translation, Section vi, Paras 37-45.
252. Mahmood Ahmad Ghazi, "State and Politics", p. 94.
253. Shāh Walī Allāh, *Budūr*, pp. 109-10.
254. See Translation, Section I, Para 13.
255. Shāh Walī Allāh, *Budūr*, pp. 106-09.
256. Translation, Section IX, Para 62.

257. Ibid., Paras 63-64; Shāh Walī Allāh, *Budūr*, pp. 113-14.
258. See for an explanation of the two typical terms employed by Shāh Walī Allāh in discussing the distinctive characteristics of humans and beasts, namely: *al-ra'y al-kullī*, and *al-ray al-juz'ī*. Translation, Section I, Paras 1-6. For a more detailed discussion see Halepota, *Philosophy of Shāh Walī Allāh*, p. 54-69.
259. Translation, Section IX, Paras 64-66.
260. For biographical enquiries see Ibn Khallikān, *Wafayāt al-A'yān* (Cairo: 1858), vol. 2, pp. 112-14; see also Ibrahim Madkour, *La place d' Al-Farabi dans l'ecole philosophique Musulman* (Paris: 1934).
261. Ann K.S. Lambton, *State and Government in Medieval Islam* (New York: 1985), p. 73. See also Māwardī, *al-Aḥkām al-Sulṭāniyyah*, pp. 5-6.
262. Translation, Section IX, Paras 66-67.
263. Ibid.
264. Ibid.
265. Ibid. These and some other privileges of rulers have also been taken note of by Ibn Khaldūn. See Ibn Khaldūn, *al-Muqaddimah*, pp. 257-70.
266. Shāh Walī Allāh, *Budūr*, pp. 106-09, 112.
267. The ultimate fountainhead for moral guidance, according to Shāh Walī Allāh, is the teaching of Prophets. See Translation, Section XII, Paras 78-80.
268. Shāh Walī Allāh, *Budūr*, pp. 113-14.
269. Translation, Section IX, Para 64.
270. Ibid.
271. Shāh Walī Allāh, *Budūr*, p. 65. For further elaboration of this point see 'Ubayd Allāh Sindhī, *Shāh Walī Allāh aur Unkī Siyāsī Tahrik*, pp. 500-53.
272. Mahmood Ahmad Ghazi, "State and Politics", pp. 95-96.
273. Translation, Section X, Paras 68-71.
274. Ibid.
275. Ibid. For the roots of human moral traits in the psychic disposition of man as explained in the ethical philosophy of Shāh Walī Allāh. See Halepota, *Philosophy of Shāh Walī Allāh*, pp. 31-47.
276. Translation, Section X, Paras 68-71. This chapter discusses empirical bases for the universal application of the principles of *irtifāqāt* propounded by Shāh Walī Allāh.

277. Aḥmad Amīn, ed., *Ḥayy Ibn Yaqzān li Ibn Sinā wa Ibn Ṭufayl wa al-Suhrawardī* (Baghdad: 1958), pp. 9-14, 57-131. For biographical details about Ibn Ṭufayl and his contribution to Muslim philosophical thought and an English summary of *Ḥayy b. Yaqzān*, see Bakhtiar Husain Siddiqi, "Ibn Ṭufayl" in M.M. Sharif, ed., *A History of Muslim Philosophy*, vol. 1, pp. 526-539.
278. See Translation, Section X, Para 71.
279. Shāh Walī Allāh, *ʿUdūr*, p. 125.
280. See the discussion under the sub-heading: "Man and his *raison detre*", in chap. 2, pp. 20-22 above.
281. Translation, Section I, Para 4.
282. *Iqtirāb* is the singular of *iqtirābāt*, lit. seeking proximity. The root of this infinitive is "q-r-b" which carries the sense of nearness.
283. Shāh Walī Allāh, *Budūr*, pp. 119-20, 126-34.
284. Ibid., pp. 90-96.
285. See Bashīr Aḥmad Ludhiyānvī, *Irtifāqāt-i Ma'āshiyah* (Lahore: 1969), p. 146.
286. For an explanation of the title *khalīfah* and other related terms see Aḥmad ibn 'Abd Allāh al-Qalqashandī, *Ma'āthir al-Ināfah fī Ma'ālim al-Khilāfah*, ed., 'Abd al-Sattār Faraj (Beirut: n.d.), pp. 8-16.
287. W.M. Watt, "God's Caliph: Qur'ānic Interpretation and the Umayyad Caliphs", in C.E. Bosworth, ed., *Iran and Islam* (Edinburgh: 1971), p. 568.
288. Lambton, *State and Government in Medieval Islam*, p. 15.
289. See the relevant tradition concerning the designation of Abū Bakr by the Prophet (peace be upon him), as *imām* in Abū Yūsuf, Ya'qūb ibn Ibrāhīm *Kitāb al-Āthār* (Beirut: 1355 A.H.), p. 57.
290. See some of these traditions and their political significance in Mahmood Ahmad Ghazi, "State and Politics", pp. 97-102. See also another contemporary discussion of the various titles used for *khalīfah* and other Muslim rulers in Muḥammad Farūq al-Nabhān, *Niẓām al-Ḥukm fī al-Islām* (Beirut: 1988), pp. 400-405.
291. Muṣṭafā Ḥilmī, *Niẓām al-Khilāfah fī al-Fikr al-Islāmī* (Alexandria: 1977), pp. 395-401; Māwardī, *al-Aḥkām al-Sulṭāniyyah*, p.5; Lambton, *State and Government in Medieval Islam*, pp. 37-42.
292. Shāh Walī Allāh, *Izālah*, vol. 1, pp. 15-17.
293. Ibid., p. 17.

294. The term *jāhiliyyah* had been used since the time of the Prophet as an antithesis to Islam. It denotes a condition of faith and practice which is devoid of the guidance of Islam, particularly on the pattern that existed prior to the Prophetic era. The tradition cited by Shāh Walī Allāh has been, reported, *inter alia*, by Muslim, in *al-Ṣaḥīḥ*, vol. 3 (Cairo: 1955), p. 1478.
295. Shāh Walī Allāh, *Izālah*, pp. 14-15.
296. Shāh Walī Allāh, *al-Taḥfīmāt al-Ilāhiyyah*, vol. 1, p. 13.
297. Muḥammad Sarvar, *Armaghān-i Shāh Walī Allāh*, p. 276.
298. Shāh Walī Allāh, *Izālah*, vol. 1, p. 13.
299. See Translation, Section VII, Paras 48-50 and Section XXI, Paras 210-13.
300. Translation, Section XII, Paras 210-218.
301. The term *kabā'ir* (major sins) used by Shāh Walī Allāh denotes the acts expressly prohibited by the injunctions of the Qur'ān and the *Sunnah*.
302. Shāh Walī Allāh, *Izālah*, vol. 1, p. 20.
303. Ibid., pp. 20-21. The condition of possessing thorough religious knowledge, juridical understanding and other qualifications of *khalīfah* discussed by Shāh Walī Allāh have been more or less similarly mentioned in the works of most of the classical Muslim political thinkers like Juwaynī, Ghazālī, Ibn Khaldūn, Abū Ya'lā and Māwardī. See a comparative discussion of the opinions of these thinkers in Muḥammad Farūq al-Nabhān, *Nizām al-Ḥukm fī al-Islām*, pp. 412-27.
304. Translation, Section XXI, Paras 214-215. See the source of this tradition in Part Three (note 110). For the opinions of earlier authorities on the question of paternal ancestry of *khalīfah* see al-Nabhān, *Nizām al-Ḥukm fī al-Islām*, pp. 24-27.
305. Shāh Walī Allāh, *Izālah*, vol. 1, pp. 18-21.
306. For the significance of this institution in the Islamic political and constitutional theory, see Muṣṭafā Ḥilmī, *Nizām al-Khilāfah fī al-Fikr al-Islāmī*, pp. 416-423; Abū Bakr al-Bāqillānī, *al-Tamhīd fī al-Radd 'alā al-Mulḥidah wa al-Mu'aṭṭilah* (Cairo: 1947), p. 178; Māwardī, *al-Aḥkām al-Sulṭāniyyah*, pp. 6-10; al-Nabhān, *Nizām al-Ḥukm fī al-Islām*, pp. 430-32.
307. Shāh Walī Allāh, *Izālah*, vol. 1, p. 23.
308. Ibid., p. 24; Translation, Section XXI, Para 219.
309. Shāh Walī Allāh, *Izālah*, vol. 1, p. 23.
310. On the constitutional position of jurists with regard to *de facto* political authority see Māwardī, *al-Aḥkām al-Sulṭāniyyah*, pp. 33-34; on the modes of establishment of *khalīfah* see al-Qalqashandī, *Ma'āthir al-Inafāh fī Ma'ālim al-Khilāfah*, pp. 39-59.

311. Shāh Walī Allāh, *Izālah*, vol. 1, pp. 23-24; Translation, Section XXI, Para 220. See also an analysis of the views of the early political philosophers on the constitutional aspects of deposing unqualified rulers in Muṣṭafā Hilmī op. cit., pp. 440-46; on the question of conditional cooperation with rulers within the limits prescribed by the *sharī'ah* see Mawdūdī, *Islāmī Riyāsat* (Lahore: 1988), pp. 407-18.
312. Shāh Walī Allāh, *Izālah*, vol. 1, p. 26.
313. Translation, Section XXI, Para 219.
314. The term *ṣadaqāt* (pl. of *ṣadaqah*, which may be approximately translated as "charity"), stands for an elaborate system of compulsory religious tax to be levied by the Islamic state on the excess wealth or savings of those affluent Muslim citizens who reach a specified ceiling. The proceeds are to be expended on the eight items specified in the Qur'ān (9: 60). See also the elaborate exposition of Ibn Taymiyyah on the question of valid means of expenditure from the exchequer recognized in the *sharī'ah* in his *al-Siyāsah al-Shar'iyyah fī Islāh al-Rā'ī wa al-Ra'iyyah* (Beirut: n.d.), pp. 55-67.
315. *Amīr al-Ḥajj* was the title given to the dignitary appointed by the *khalīfah* to lead the pilgrimage and supervise the affairs related to this important pillar of Islam on that occasion.
316. Shāh Walī Allāh, *Izālah*, vol. 1, pp. 28-30. See also al-Māwardī, *al-Aḥkām al-Sultāniyyah*, pp. 15-16. He identifies ten responsibilities of the *khalīfah* which are more or less similar to the ones recognized by Shāh Walī Allāh. See also al-Qalqashandī, *Ma'āthir al-Ināfah fī Ma'ālim al-Khilāfah*, pp. 59-62 and al-Nabhān, *Nizām al-Ḥukm fī al-Islām*, pp. 465-74.
317. Shāh Walī Allāh, *Izālah*, vol. 1, p. 26.
318. Qur'ān 2:55.
319. According to Shāh Walī Allāh, the word *minkum* ("from amongst you"), occurring in the verse quoted above, is noteworthy in that it confines the signification of this verse to the early adherents of Islam, who actually attended the occasion of the revelation of this particular verse. The second important aspect of his argument is that since the Divine promise contained in this verse was contingent upon the acceptance of Faith by the first addressees of the Qur'ān, and that this promise was made in the most emphatic and categorical terms, therefore, there is no reason why this promise should not have materialized in respect of those who responded to the Prophet's call. Hence the application of this verse to the early Caliphs, particularly the first two of them, is beyond all doubt.
320. See Shāh Walī Allāh, *Izālah*, vol. 1, pp. 43-73.
321. *Muhājirūn* are those Muslims who migrated from Makkah to Madīnah along with the Prophet (peace be upon him). According to Shāh Walī Allāh,

- verses 22:39-41 clearly imply Divine promise of establishing their rule in the land. See Shāh Walī Allāh, *Izālah*, vol. 1, pp. 43-45.
322. These high ranks of the faithful have been mentioned in the Qur'ān. See 4:69-70 in Sūrah 4; see also the commentary on the above verses in Muḥammad 'Alī Kandhlawī, *Ma'ālim al-Qur'ān*, vol. 6, pp. 367-70.
323. Shāh Walī Allāh explains in detail each component of these qualifications for *khilāfah khāṣṣah* and substantiates, with evidence from early history, his contention that the four immediate successors of the Prophet (peace be upon him), particularly the first two of them, were tacitly designated, not only by the Prophet which is also recognized by some scholars (see, for instance, Ḥamid al-Anṣārī Ghazī, *Islām kā Nizām-i Hukūmat*, 3rd ed. Lahore: n.d., pp. 100-120)—but also by the implicit suggestions made in a number of Qur'ānic verses. See Shāh Walī Allāh, *Izālah*, vol. 1, pp. 43-73.
324. *Ibid.*, pp. 27-28.
325. *Ibid.*, p. 42.
326. *Ibid.*, p. 39.
327. *Ibid.*, p. 31. For a background to the discussions of the classical jurists and political thinkers of Islam concerning the nature of relations between the state and its citizens, see Lambton, *State and Government in Medieval Islam*, pp. 307-15.
328. Translation, Section XXI, Paras 220-222; see also the factors warranting the removal of the *khilāfah* in al-Qalqashandī, *Ma'āthir al-Ināfah fī Ma'ālim al-Khilāfah*, pp. 64-74.
329. *Ibid.*, Para 220.
330. *Ibid.*
331. Shāh Walī Allāh, *Izālah*, vol. 1, p. 32.
332. *Ibid.*, pp. 31-33.
333. Translation, from the Sections on politics, Para 209.
334. For a contemporary discussion of the ideas of al-Bāqillānī and Māwardī see Lambton, *State and Government in Medieval Islam*, pp. 69-82 and 83-102.
335. See chapter 4 above, on the theory of *irtifāqāt*. See also Translation, Sections I-IX, Paras 1-67.
336. The term *jizyah* denotes the poll-tax levied on non-Muslims living under the protection of the Islamic state. See Abū Yūsuf, *Kitāb al-Kharāj*, pp. 120-49. The author, a well-known disciple of Imām Abū Ḥanīfah and one of the early founders of his school, held the office of the Chief Justice under the Abbasid Caliph, Hārūn al-Rashīd, and wrote the above treatise at the latter's request.

337. Translation, from the Section on politics, Para 207.
338. Ibid.
339. Ibid., Para 208.
340. Ibid., Para 209.
341. Qur'ān 5:32.
342. Shāh Walī Allāh, *Hujjah*, vol. 2, p. 151.
343. Ibid., pp. 151-56.
344. Ibid.
345. Ibid., pp. 153-68. For an earlier juridical discussion on these crimes see 'Abd al-Wahhāb al-Sha'rānī, *al-Mizān al-Kubrā* (Cairo: 1279 A.H.), vol. 2, pp. 171-94.
346. Shāh Walī Allāh, *Hujjah*, vol. 2, p.151; see also 'Alā' al-Dīn ibn Mas'ūd al-Kāsānī, *Badā'i 'al-Ṣanā'i'* (Karachi: 1400 A.H), vol. 2, pp. 33-40.
347. Shāh Walī Allāh, *Hujjah*, p. 166.
348. Ibid., p. 167. For the detailed rules of the *sharī'ah* with regard to judicature see Abū Bakr Aḥmad ibn 'Umar al-Khaṣṣāf, *Sharḥ Adab al-Qāḍī*, tr. Saeed Ahmad (Islamabad: 1987), vol. 1, pp. 67-109.
349. Translation, Section XXII, Paras 237-70.
350. Ibid., Section XXIII, Para 271.
351. Ibid., Para 272.
352. Aḥmad Ibn Ḥanbal, *Musnad* (Cairo: 1313 A.H.), vol. 2, p. 306.
353. Translation, Section XXIII, Paras 272-273.
354. Qur'ān 8:17.
355. Shāh Walī Allāh, *Hujjah*, vol. 2, pp. 170-174. For an early discussion based on the Prophetic traditions about *jihād* see 'Abd Allāh ibn al-Mubārak *Kitāb al-Jihād*, ed., Nazīh Ḥammād (Beirut: 1971), *passim*.
356. Translation, Section XXIII, Paras 271-75.
357. Translation, Section XXIII, Paras 278-79.
358. Ibid., Paras 280-81.
359. Ibid., Para 282.
360. Ibid., Paras 283-84.
361. Ibid.

362. Ibid., Para 289. For a detailed and authentic account of the early battles of Islam see Muḥammad ibn 'Umar al-Wāqidī, ed., M. Jones, *al-Maghāzī* (Cairo: 1966), *passim*.
363. Translation, Section XXIII, Para 296.
364. Ibid., Paras 299-302.
365. Ibid., Para 302.
366. Ibid., Paras 303-04. For details of the Prophet's conduct in war, see an early source *Akhhbār al-Nabī* in Muḥammad ibn Ibn Sa'ad *Ṭabaqāt*, (Karachi: 1983), vol. 1, pp. 302-75. For the principles of Islamic international law (both public and private), see the relevant provisions of Islamic legal injunctions regulating the mandatory conduct of state in war: Muhammad Ḥamidullah, *The Muslim Conduct of State* (Lahore: 1973), pp. 179-284.
367. For the full text of the relevant tradition see Ibn Ḥanbal, *Musnad*, vol. 4, p. 240. For the Prophet's precedents in war, see the work of a contemporary scholar, Muḥammad Sa'id Ramaḍān al-Būṭī, *Fiqh al-Sīrah* (Damascus: 1980), pp. 211-311.
368. See Shāh Walī Allāh, *Hujjah*, vol. 2, p. 175.
369. The term *hijrah* denotes migration in the way of God for the protection of Faith and the furtherance of its cause. See, for the significance of *hijrah* in early Islam, Mahmood Ahmad Ghazi, *The Hijrah: Its Philosophy and Message for Modern Man* (Lahore: 1980), *passim*.
370. Translation, Section XXIII, Paras 305-06.
371. Ibid., Para 321.
372. In this context, the term *imām* seems to stand for whoever acts as the leader in-charge of the Muslims concerned with the issue in question. The standard definition of the title has been offered, among others, by 'Alī ibn Muḥammad al-Sharīf al-Jurjānī (d. 816 A.H.) as follows: "*imām* is the one who exercises general authority in religious as well as worldly matters". See al-Jurjānī, *Kitāb al-Ta'rifāt* (Beirut: 1969), p. 37.
373. Translation, Section XXIII, Paras 324-47. See also a legal commentary on the relevant verses of *Sūrat al-Anfāl* (*Sūrah* 8) in Shaykh Aḥmad (alias Mullā Jīwan Jaunpūri), *al-Tafsīrat al-Aḥmadiyyah fī Bayān al-Āyāt al-Shar'īyyah* (Bombay: 1327 A.H.), pp. 428-48.
374. Translation, Section XXIII, Paras 308-12.
375. Ibid., Para 307.

PART TWO

376. For an appreciation of Shāh Walī Allāh as an author see Abū al-Ḥasan 'Alī Nadvī, "Ḥaẓrat Shāh Walī Allāh ba Ḥaythiyat-i Muṣannif" in *al-Furqān* (Special Number), pp. 359-368. See also the volume on Shāh Walī Allāh in his series entitled: *Tarīkh-i Da'wat va 'Azīmat* (Lucknow: 1984), *passim*. Syed Abū al-Nazar Amrōhvi Rīzvī, "Shāh Walī Allāh aur Unkī ba'z 'Ilmī Khuṣūṣiyyāt" in *al-Furqān*, (Special Number), pp. 376-426. See also Muḥammad Manzūr Nu'mānī, *ibid.*, General Introduction to the Life and Works of Shāh Walī Allāh, pp. 401-26. It may be mentioned here that the last article also contains a summary of the short autobiographical account of Shāh Walī Allāh.
377. For the details of the historical authenticity of various works attributed to Shāh Walī Allāh see Muḥammad Ayyūb Qādirī, "Shāh Walī Allāh sē Mansūb Taṣānīf" in *al-Raḥīm*, vol. 2, no. 1 (June, 1964), pp. 14-26; Bashīr Aḥmad Ludhiyānvī, *Irtifāqāt-i Ma'āshīyyah*, pp. 17-32; Ghulām Muṣṭafā Qāsimī, "Shāh Walī Allāh kī Tālīfāt par Ēk Nazar" in *al-Raḥīm*, vol. 4, no. 1 (June 1966), pp. 31-36.
378. According to M.S.H. Masumi, the learned editor of *al-Budūr al-Bāzighah*, however, *Budūr* was written after the *Hujjah*. See *Budūr*, p. 111. But looking at the development and further elaboration of the very ideas in the *Hujjah*, found concisely but succinctly in the *Budūr*, the present writer is tentatively inclined to the opposite view, pending the availability of any authentic historical record which might furnish some definite evidence to the contrary on this point, in future.
379. Halepota, *Philosophy of Shāh Walī Allāh*, pp. 53-69.
380. This seems to be an inference from the verse 20:5 of the Qur'ān; see also Shāh Walī Allāh, *Budūr*, pp. 2-9.
381. Shāh Walī Allāh, *Badūr*, p. 2.
382. *Ibid.*, p. 31.
383. *Ibid.*, pp. 32-42.
384. *Ibid.*, pp. 61-4.
385. Halepota, *Philosophy of Shāh Walī Allāh*, pp. 54-55.
386. Shāh Walī Allāh, *Hujjah*, vol. 1, pp. 26-29.
387. Shāh Walī Allāh, *Budūr*, pp. 47-60. For a detailed discussion of the psychological aspects of human behaviour in the philosophy of Shāh Walī Allāh see Halepota, *Philosophy of Shāh Walī Allāh*, pp. 54-66.
388. Shāh Walī Allāh, *Budūr*, pp. 61-113.

389. *Iqtirābāt*, plural of *iqtirāb* is Shāh Walī Allāh's special term for human endeavours toward attaining Divine proximity conducive to salvation in the Hereafter. See *ibid.*, pp. 115-116.
390. *Ibid.*, pp. 125-27.
391. *Ibid.*, p. 127.
392. *Ibid.*, pp. 127-34.
393. *Ibid.*, pp. 135-239.
394. *Ibid.*, p. 240.
395. *Ibid.*, pp. 241-54.
396. *Ibid.*, p. 256.
397. Shāh Walī Allāh, *Izālah*, p. 8.
398. See the translator's note, *ibid.*, p. 5.
399. *Ibid.*, pp. 8-9.
400. *Ibid.*, p. 12.
401. *Ibid.*, pp. 13-35.
402. All this discussion is spread throughout *Izālah* and is replete with original insights on this subject. See *Ibid.*, pp. 75-610.
403. See the elaborate discussion of the extraordinary attributes and achievements of the early caliphs in Shāh Walī Allāh, *Izālah*, vol. 2, *passim*.
404. Mahmood Ahmad Ghazi, "Political Letters of Shāh Walī Allāh" in *Journal of Pakistan Historical Society*, vol. 30 (April, 1982), pt. 2, pp. 87-88.
405. See Khalīq Aḥmad Nizāmī, *Shāh Walī Allāh kē Siyāsī Maktūbāt* (Delhi: 1969).
406. *Ibid.*, pp. 42-46.
407. *Ibid.*, letter no. 2, pp. 6-17.
408. Mahmood Ahmad Ghazi, "Political Letters", p. 90.
409. Nizāmī, *Shāh Walī Allāh kē Siyāsī Maktūbāt*, p. 232.
410. *Ibid.*, letter no. 6, p. 21.
411. See also *ibid.*, letter no. 8, p. 24.
412. *Ibid.*, p. 25.
413. Shāh Walī Allāh, *Hujjah*, p. 3.
414. *Ibid.*
415. See Shāh Walī Allāh, *Hujjat Allāh al-Bālighah*, Urdu trans. 'Abd al-Raḥīm (Lahore: 1983), vol. 2, p. 102.

416. Ibid.
417. Muḥammad Manzūr Nu'mānī, in *al-Furqān* (Special Number), p. 407.
418. Abū al-Ḥasan 'Alī Nadvī, "Ḥazrat Shāh Walī Allāh ba Ḥaythiyat Muṣannif" in *al-Furqān* (Special Number), p. 363.
419. Shāh Walī Allāh, *Hujjah*, p. 3.
420. Ibid., p. 4.
421. Ibid., p. 11.
422. Ibid.
423. Ibid. pp. 11-31.
424. Ibid., pp. 31-32.
425. Ibid., pp. 38-49.
426. Ibid., pp. 50-51.
427. Ibid., p. 50.
428. Ibid., pp. 56-58.
429. Ibid., pp. 58-59.
430. Ibid., pp. 60-61.
431. Ibid., pp. 82-128.
432. Ibid., pp. 128-162.
433. *Taqlīd* denotes a strict adherence to the opinions of one jurist or his school without scrutinizing the evidence supporting these opinions. See *ibid.*, pp. 126-128.
434. *Sunan* is a term used in the *Ḥadīth* literature for the collections of *aḥādīth* according to subjects such as *īmān*, *ṭahārah*, *ṣalāh*, *ṣawm*, *zakāh*, *ḥajj* and *jihād* (e.g., *Sunan Abī Dāwūd*).
435. *Jāmi'* signifies a *ḥadīth* compilation covering all the typical eight subjects included in such early works as *al-Jāmi'* by al-Tirmidhī. These eight subjects are; *īmān*, *aḥkām*, *akhlāq*, *fitan*, *qaṣaṣ*, *tafsīr*, *adab*, and *riqāq*.
436. Shāh Walī Allāh, *Hujjah*, p. 162.

PART THREE

1. Qur'ān 2:246.
2. Qur'ān 17:40.
3. Qur'ān 2:193.
4. Qur'ān 13:8.
5. *Karāmāt*, plural of *karāmah*, i.e. the semi-miraculous signs seen in persons below the rank of a Prophet. But unlike the miracles of the Prophets, *karāmāt* are strictly personal experiences devoid of any normative value. See Muḥammad Ajmal, "'Ilm aur Madhabī Wāridāt" in *Maqālāt-i Ajmal*, ed. Shīmā Majid (Lahore: 1987), pp. 87-101.
6. Qur'ān 62:2.
7. Qur'ān 3:109.
8. Abū Dawūd Sulaymān ibn al-Ash'ath al-Sajistānī, *Sunan* (Kanpur: 1346 A.H.), vol. 1, p. 54.
9. For the philosophical aspect of the institution of Prophethood in Islam, see the scholarly exposition of Khalifa Abdul Hakim, *The Prophet and His Message* (Lahore: 1987), pp. 1-26, 238-58.
10. Qur'ān 37:171-73.
11. Jalāl al-Dīn al-Suyūṭī, *Jam' al-Jawāmi'* (Cairo: Dār al-Kutub al-Miṣriyyah, 1288 A.H.), vol. 1, pp. 477-478. See also Ismā'il ibn Muḥammad al-'Ajlūnī, *Kashf al-Khafā' wa Muzīl al-Albās 'ammā Ishṭahara min al-Aḥādīth 'alā Alsinat al-Nās* (Cairo: 1351 A.H.), vol. 1, p. 311.
12. Qur'ān 53:42.
13. See Abū Muḥammad Ḥusayn ibn Mas'ūd al-Baghawī (d. 516 A.H.), *Ma'ālim al-Tanzīl*, (Beirut: 1986), vol. 4, p. 255. The editors of this early work on *tafsīr* say that they were unable to trace this tradition in any early sources of *Ḥadīth*.
14. For the doctrinal bases of these juridical schools in the early Islamic period see Abū Zahrah, *Ta'rīkh al-Madhāhib al-Fiqhiyyah* (Cairo: n.d.), pp. 31-41 and 175-181. See also an early source of the Ḥanafī school: Muḥammad ibn al-Ḥasan al-Shaybānī, *Kitāb al-Ḥujjah 'alā Ahl al-Madīnah*, 4 vols. (Lahore: 1981).
15. Qur'ān 2 : 189. This verse alludes to Mu'ādh ibn Jabal and another Companion from the *Anṣār*. The two of them are reported to have put this question to the Prophet (peace be upon him) concerning the lunar phenomenon. See al-Baghawī, *Ma'ālim al-Tanzīl*, commentary on verse 2:189.

16. Qur'ān 42:13.
17. Mujāhid ibn Jabr al-Makkī, *Tafsīr Mujāhid*, ed., 'Abd al-Raḥmān Sūrtī (Dawḥah, Qatar: 1976), p. 574.
18. Qur'ān 23:52-3.
19. Qur'ān 5:48.
20. Muḥammad ibn Ismā'īl al-Bukhārī, *al-Jāmi' al-Ṣaḥīḥ* (Damascus: 1987), vol. 1, p. 11.
21. Qur'ān 22:67.
22. Qur'ān 2:275.
23. For details concerning *kharāj* and '*ushr*' see Yaḥyā ibn Ādam al-Qurashī (d. 203 A.H.), *Kitāb al-Kharāj*, ed., Aḥmad Muḥammad Shākir (Cairo: 1384 A.H.); also see *infra* n. 208.
24. Qur'ān 2:93. See, for the background to the revelation of this verse, al-Qurṭubī, *al-Jāmi' li Aḥkām al-Qur'ān* (Cairo: 1936), vol. 4, pp. 134-136. For the prohibition of camel's meat and milk among the Israelites see the tradition cited by Abū 'Īsa al-Tirmidhī, *al-Jāmi'* (Karachi: 1984), vol. 2, p. 144.
25. Abū Dāwūd, *Sunan*, vol. 1, p. 204.
26. Abū Husayn Muslim ibn al-Ḥajjāj, *Ṣaḥīḥ* (Beirut: 1954), vol. 4, p. 1831.
27. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 49.
28. Abū 'Abd Allāh Muḥammad ibn Yazīd ibn Mājah, *Sunan* (Cairo: 1952), vol. 2, p. 963.
29. *Ibid.*, vol. 1, p. 547.
30. The doctrine of abrogation, a subject of lengthy discussions among the classical Qur'ānic exegetes and jurists, is mainly based on the verse 2:106 of the Qur'ān.
31. Qur'ān 23:53.
32. Qur'ān 13:11.
33. Bukhārī, *Ṣaḥīḥ*, vol. 1, p. 116.
34. The Old Testament has listed the kins with whom marriage is unlawful, but it does not mention the sister's daughter as one of them. However, a more extensive search might reveal the Jewish source of this injunction in that religion as contented by Shāh Walī Allāh. See *Holy Bible*, King James Version (New York: 1967), Lev. 18 : 2-30, pp. 150-51.
35. Qur'ān 22:78.
36. Qur'ān, 37:83.

37. Muslim, *Ṣaḥīḥ*, vol. 1, pp. 184-86.
38. The term *ifk*, derived from the Qur'ānic verses 24:11-17, alludes to the false accusation levelled against Sayyidah 'Ā'ishah, the Mother of the Faithful (may God be pleased with her). The above verses were revealed to furnish Divine vindication of her character. Bukhārī has recorded the incident in a detailed report narrated by him in his *Ṣaḥīḥ*. See Bukhārī, *Ṣaḥīḥ*, vol. 4, pp. 1774-78.
39. Qur'ān 58:1-4.
40. Qur'ān 5:101.
41. Muslim, *Ṣaḥīḥ*, vol. 2, p. 975.
42. See n. 26 above.
43. Abū Jā'far Muḥammad ibn Jarīr al-Ṭabarī, *Jāmi' al-Bayān fī Tafsīr al-Qur'ān*, ed. Maḥmūd Muḥammad Shākir (Cairo: 1374), vol. 2, pp. 204-06.
44. Mālik ibn Anas, *al-Muwatta'* (Beirut: 1951), vol. 2, p. 885.
45. Qur'ān 5:38.
46. Qur'ān 24:2.
47. Aḥmad ibn Ḥanbal, *Musnad*, vol. 3, p. 476.
48. Ibn Mājah, *Sunan*, vol. 2, p. 1189.
49. Ibn Ḥanbal, *Musnad*, vol. 5, p. 257.
50. *Ibid.*, vol. 2, p. 381.
51. *Ibid.*, vol. 5, p. 266.
52. For further information on the pre-Islamic Arab culture, see 'Umar Farrūkh, *Ta'rikh al-Jāhiliyyah* (Beirut: 1964), pp. 149-168.
53. See Abū Dāwūd, *Sunan*, vol. 2, pp. 268-69; see also Aḥmad ibn 'Alī al-Ya'qūbī, *Ta'rikh al-Ya'qūbī* (Najaf: 1358 A.H.), vol. 1, pp. 213-14.
54. *Qasāmah* is the principle of collective liability in *diyyah* if the actual murderer is not traceable. See Abū Dāwūd, *Sunan*, vol. 2, pp. 265-66 and Ibn Ḥanbal, *Musnad*, vol. 5, p. 432.
55. Abū Dāwūd, *Sunan*, vol. 2, pp. 257 and 378-379.
56. For the bases of these injunctions in the *Sunnah*, see Ibn Mājah, *Sunan*, vol. 1, p. 586. For other details concerning the provisions of land revenue in Islam see a historical-cum-juridical work, Muftī Muḥammad Shafī', *Islām kā Nizāmi-i Arāḍī* (Karachi: 1383 A.H.), pp. 14-48.
57. *Holy Bible*, Lev. 20 : 10, p. 153; Ex. 22 : 2, p. 98; Gen. 9 : 6, p. 14.

58. Features of pre-Islamic religious culture have been an important subject of study from the earliest times. It was against this background that many Muslim scholars attempted to explain a number of social, psychological and anthropological dimensions of the injunctions of Islam. Shāh Walī Allāh is no exception to this. For further information on the religious life of the Arabs before the advent of Islam, see Muḥammad 'Izzah Darwazah, *Ta'rīkh al-Jins al-'Arabī* (Beirut: 1961), vol. 5, pp. 269-306.
59. Ibn Ḥanbal, *Sunan*, vol. 2, pp. 233 and 240 and vol. 5, pp. 92 and 99.
60. *Ibid.*, vol. 5, p. 72.
61. Qur'ān 2:279. See also Abū al-Fidā' Ismā'il ibn 'Umar ibn Kathīr, *Tafsīr al-Qur'ān al-'Aẓīm* (Cairo: 1956), commentary on the above verses of the Qur'ān.
62. See 'Abd Allāh ibn al-Muqaffa', *Kalīlah wa Dimnah* (Cairo: 1936), p. 77.
63. See n.58 above. See also Maḥmūd Shukrī al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab* (Cairo: 1924), vol. 2, pp. 194-244.
64. Qur'ān 3:109.
65. See Abū al-Fidā' Ismā'il ibn 'Umar ibn Kathīr, *al-Bidāyah wa al-Nihāyah*, (Cairo: 1932), vol. 7, pp. 18-113.
66. See 'Alī ibn Husayn al-Mas'ūdī, *Murūj al-Dhahab* (Cairo: 1948), vol. 2, p. 331. See also *ibid.*, pp. 87-88.
67. Abū Dāwūd, *Sunan*, vol. 2, p. 236.
68. See n. 59 above.
69. Ibn Ḥanbal, *Musnad*, vol. 3, pp. 129 and 183.
70. *ibid.*, vol. 2, p. 151.
71. This requirement of paying tribute, which represents a symbolic acknowledgement of Islam's ascendancy, is based on the verse 9:29 of the Qur'ān.
72. Qur'ān 22:78.
73. For details see Jawwād 'Alī, *Ta'rīkh al-'Arab Qabl al-Islām* (Beirut: 1980), vol. 4, pp. 14-15, 438; vol. 6, pp. 34,69,76-81. For further information on pagan and polytheistic practices in the pre-Islamic Arabian society, see al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 2, pp. 286-300.
74. *Ibid.*, vol. 2, p. 36.
75. Al-Ālūsī gives an elaborate and comprehensive survey of the religious concepts and rites prevalent among the Arabs which were nullified by Islam. See *ibid.*, vol. 2, pp. 301-366.
76. For a discussion of *irtifāqāt*, see *supra*, Sections I to VIII.
77. Qur'ān 32:3.

78. Qur'ān 31:25.
79. Qur'ān 6:41.
80. Qur'ān 17:67.
81. Analogy for the unseen (*ghayb*) drawn from the seen (*shahādah*) means the speculation that the authority of certain presumably holy persons in the Divine scheme was similar to that of smaller kings within a vast worldly empire ruled by a mighty emperor.
82. Qur'ān 66:6.
83. Ibn Ḥanbal, *Musnad*, vol. 1, p. 256, vol. 4, p. 438. For further biographical and literary information on Umayyah ibn Abī al-Ṣalt (d. 624 C.E.), see Jurjī Zaydān, *Ta'rīkh Ādāb al-Lughah al-'Arabiyyah* (Beirut: 1983), vol. 1, pp. 132-33.
84. Among important sources for the study of pre-Islamic religious concepts is the available material of poetry attributed to that age. See Nūrī Ḥammūdī al-Qaysī, *Dirāsāt fī al-Shi'r al-Jāhili* (Baghdad: 1972), pp. 30-43.
85. Qur'ān 6:91.
86. Qur'ān 25:7.
87. Qur'ān 46:9.
88. Quss ibn Sā'idah al-Ayādī (d. circa 600 C.E.) was a Christian hermit renowned for his oratory, wisdom and monotheistic ideas in pre-Islamic Arabia. For details see Aḥmad Ḥasan al-Zayyāt, *Ta'rīkh al-Adab al-'Arabī*, 23rd ed. (Cairo: n.d.), pp. 20-22. See also Ibn Kathīr, *al-Bidāyah wa al-Nihāyah*, vol. 2, pp. 230-37; Jurjī Zaydān, *Tārīkh Ādāb al-Lughah al-'Arabiyyah*, p. 135; al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 1, pp. 172-78, 267, 309.
89. Zayd ibn 'Amr ibn Nafīl (d. circa 620 C.E) was a poet from the Quraysh known for his abandonment of paganism and idolatry in the *jāhili* era. He was a cousin of the Caliph 'Umar and belonged to the famous 'Adī tribe. See Abū al-Faraj al-Iṣbahānī, *Kitāb al-Aghānī* (Cairo: 1223 A.H), vol. 2, pp. 15-19. For further biographical information see Ibn Kathīr, *al-Bidāyah wa al-Nihāyah*, pp. 237-43; and al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 2, pp. 244-58.
90. For further details about 'Amr ibn Luḥayy and his role in the propagation of idolatry in pre-Islamic Arabia. See al-Mas'ūdī, *Murāj al-Dhahab*, vol. 2, pp. 56-57; Ibn Kathīr, *al-Bidāyah wa al-Nihāyah*, pp. 187-90.
91. Al-Iṣbahānī, *Kitāb al-Aghānī*, vol. 2, pp. 15-19; see also n. 89 above.
92. Ibn Ḥanbal, *Musnad*, vol. 4, p. 388.
93. Al-Ālūsī, *Bulūgh al-'Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 2, pp. 194-244.

94. See The Old Testament, in *The New Scofield Reference Bible* (Great Britain, 1967), Gen. 17 : 9-14; see also *Holy Bible*, Rom. 4 : 1-12, pp. 1215-16.
95. Al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 2, pp. 194-244.
96. Farrūkh, *Ta'rīkh al-Jāhiliyyah*, pp. 149-68.
97. Bukhārī, *Ṣaḥīḥ*, vol. 1, pp. 4-5.
98. Ibid., vol. 2, pp. 903-05.
99. Ibid., vol. 4, p.1637; see also al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 2, p. 288.
100. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 718.
101. 'Āṣ ibn Wā'il (d. circa 620 C.E.) was one of the chiefs of Quraysh in pre-Islamic Arabia. He was the father of the prominent Companion of the Prophet, 'Amr ibn al-'Āṣ, the conqueror of Egypt. See Khayr al-Dīn al-Ziriklī, *al-A'lām* (Beirut: 1980) vol.3, p. 247; see also Abū Ja'far, Muḥammad ibn Ḥabīb al-Baghdādī (d. 245 A.H.), *Kitāb al-Muḥabbar* (Lahore: n.d.), pp. 133, 158, 161, 170 and 176.
102. Al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 3, p. 66; Jurjī Zaydān, *Ta'rīkh Ādāb al-Lughah al-'Arabiyyah*, vol. 1, pp. 178-84.
103. Al-Ālūsī, *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*, vol. 3, p.66; Jurjī, Zaydān, *Ta'rīkh Ādāb al-Lughah al-'Arabiyyah*, pp. 178-84.
104. Bukhārī, *Ṣaḥīḥ*, vol. 2, pp. 580-81.
105. See *supra*, nn. 73 and 90. For the role of 'Amr ibn Luḥayy in the popularization of idolatry in pre-Islamic Arabia see al-Ya'qūbī, *Ta'rīkh al-Ya'qūbī*, vol. 1, pp. 211-14 and 'Abd al-Raḥmān ibn Khaldūn, *Ta'rīkh* (Cairo: 1936), vol. 2, pp. 156-158.
106. Ibn Ḥanbal, *Musnad*, vol. 6, pp. 116 and 232.
107. The term *imām* denotes intellectual and religious leader of the community of the faithful who possesses knowledge, piety and wisdom. In other contexts, however, the same term stands for a ruler who fulfills the requisite qualifications laid down in Islam, as we shall see later.
108. Bukhārī, *Ṣaḥīḥ*, vol. 4, p. 1610.
109. Qur'ān 24:55.
110. Ibn Ḥanbal, *Musnad*, vol. 3, p. 129, 183 and vol. 4, p. 421.
111. For this and other statements of political significance of the early successors, see Shāh Walī Allāh, *Izālah*, vol. 1, pp. 2-18.

112. On the occasion of the conquest of Makkah, instead of handing over the keys of the House of God to his uncle, 'Abbās ibn 'Abd al-Muṭṭalib, the Prophet (peace be upon him) retained the privilege of having them with their erstwhile keepers. This gesture, according to Shāh Walī Allāh, was meant to emphasize the egalitarian message of Islam which recognized no exclusive privilege of any family. See, for the details of this event, Ibn Ḥanbal, *Musnad*, vol. 2, p. 103.
113. On the installation of the early caliphs, their legitimacy, and the mode of their election see Shāh Walī Allāh, *Izālah*, vol. 1, pp. 2-18. See also Abū Dāwūd, *Sunan*, vol. 2, p. 52 and Ibn Ḥanbal, *Musnad*, vol. 2, pp. 185-188.
114. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1481.
115. Ibid., vol. 3, p. 1470.
116. Ibid., vol. 3, p. 1569.
117. *Amīr*, in this context, is a general term, which stands for any authority validly established within the religio-political order of Islam.
118. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1466.
119. Ibid., vol. 3, p. 1471.
120. Ibid., vol. 3, p. 1477.
121. The term *jāhiliyyah* has been inaccurately translated by some contemporary writers as ignorance. It has, in fact, been used in the classical literature as the way of life that is an anti-thesis to Islam. The root J-H-L, apart from ignorance, also carries a sense of violence. If the root of Islam is S-L-M (i.e. peace), its anti-thesis should naturally be peacelessness or violence. *Jāhiliyyah* is thus, an ethos devoid of the compassion and clemency that is characteristic of Islam. For a further exploration of the signification of this term see Farrūkh, *Ta'rīkh al-Jāhiliyyah*, *passim*.
122. Bukhārī, *Ṣaḥīḥ*, vol. 6, p. 2614.
123. '*Ushr* (lit. one tenth part of something) is the 10% compulsory religious tax deducted from the agricultural produce, subject to certain conditions. See n. 23 above.
124. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 729.
125. Ibid., vol. 3, p. 1135.
126. Abū Dāwūd, *Sunan*, vol. 2, p. 52.
127. Ibn Mājah, *Sunan*, vol. 2, p. 775.
128. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 789; see also another tradition pertaining to self candidature in Abū Dāwūd, *Sunan*, vol. 2, p. 50 and Bukhārī, *Ṣaḥīḥ*, vol. 6, p. 2613.

129. Ibn Ḥanbal, *Musnad*, vol. 4, p. 360. The text of this tradition, as we have been able to locate, contains the word *muṣaddiq*, collector, rather than 'āmil (governor), which occurs in the version cited by Shāh Walī Allāh. However, this variation in text does not significantly affect the implication in the context of the present discussion.
130. Abū Dāwūd, *Sunan*, vol. 2, pp. 52-53.
131. Ibn Mājah, *Sunan*, vol. 2, p. 774. For a detailed juridical discussion of the relevant provisions of Islamic law of judicature, see Muḥammad ibn Idrīs al-Shāfi'ī, *Kitāb al-Umm* (Cairo: 1324 A.H.), vol. 6, pp. 201-79, vol. 7, pp. 2-87 and Muḥammad ibn al-Ḥasan al-Shaybānī, *al-Jāmi' al-Ṣaḡhīr* (Karachi: n.d.), pp. 313-31.
132. Ibn Mājah, *Sunan*, vol. 2, p. 774.
133. Ibid., vol. 2, p. 776.
134. Bukhārī, *Ṣaḡhīh*, vol. 6, p. 2616.
135. Ibn Mājah, *Sunan*, vol. 2, p. 776.
136. Ibn Ḥanbal, *Musnad*, vol. 1, pp. 143 and 150.
137. Bukhārī, *Ṣaḡhīh*, vol. 2, p. 960.
138. Ibn Mājah, *Sunan*, vol. 2, p. 778.
139. Qur'ān 2:282.
140. Ibn Mājah, *Sunan*, vol. 2, p. 792.
141. Qur'ān 24:4-5.
142. Qur'ān 24:4-5.
143. Abū Bakr 'Abd Allāh ibn Muḥammad ibn Abī Shaybah, *al-Muṣannaf*, (Karachi: 1986), vol. 10, p. 58; 'Abd al-Razzāq Abū Bakr ibn Humām al-Ṣan'ānī, *al-Muṣannaf* (Beirut: 1972), vol. 8, pp. 329-32.
144. Qur'ān 2:282.
145. Qur'ān 2:282.
146. Ibn Mājah, *Sunan*, vol. 2, p. 793.
147. Tirmidhī, *al-Jāmi'*, vol. 2, pp. 106-10.
148. Abū Bakr al-Jaṣṣās, a leading authority on the legal study of the Qur'ān, while commenting on the verse 2: 282, has discussed at length the provisions of the laws of evidence in the Qur'ān. See Abū Bakr Aḥmad ibn 'Alī al-Jaṣṣās, *Aḥkām al-Qur'ān* (Lahore: 1980), vol. 1, pp. 494-522; see also Tirmidhī, *al-Jāmi'*, vol. 2, p. 110.
149. Qur'ān 7:106.

150. *Maqām* (lit. standing place) is the spot in al-Masjid al-Ḥarām at Makkah where Prophet Ibrāhīm stood while building the Ka'bah. The sanctity of this spot has been underlined in the Qur'ān. See Qur'ān 2:125.
151. Ibn Mājah, *Sunan*, vol. 2, p. 779.
152. Qur'ān 2:283.
153. Ibn Mājah, *Sunan*, vol. 2, p. 777.
154. Muslim, *Ṣaḥīḥ*, vol. 1, pp. 79-80.
155. Ibn Mājah, *Sunan*, vol. 2, p. 777.
156. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 767.
157. 'Alī ibn 'Umar ibn Mahdī al-Dārquṭnī, *Sunan*, vol. 2 (Delhi: 1310 A.H.), p. 513.
158. For the Prophet's precedent of deciding a dispute by casting of lots, see Ibn Abī Shaybah, *al-Muṣannaf*, vol. 6, p. 318.
159. See *supra*, n. 137. The Prophet preferred Ja'far in his judgement, because the latter's wife happened to be the maternal aunt of the girl whose care was solicited by the three disputing Companions of the Prophet (peace be upon him).
160. The text of the tradition is: "If people had known the tremendous religious value of calling to prayers and that of the standing in the first row in congregational prayers, and then they had found no means to attain it other than casting lots, they surely would have done so". See Ibn Ḥanbal, *Musnad*, vol. 2, pp. 303, 533.
161. Ibn Mājah, *Sunan*, vol. 2, p. 786.
162. For the significance of '*urf*' (usage) and '*ādah*' (custom) as evidence in Islamic law, see al-Fathī al-Duraynī, *al-Manāḥij al-Uṣūliyyah fī al-Ijtihād bi al-Ra'y*, vol. 1 (Damascus: 1976), pp. 579-634.
163. Ibn Mājah, *Sunan*, vol. 2, p. 781.
164. Ibn Ḥanbal, *Musnad*, vol. 6, p. 237.
165. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1163.
166. Tirmidhī, *al-Jāmi'*, vol. 1, p. 251.
167. See *supra*, nn. 137 and 159.
168. Ibn Ḥanbal, *Musnad*, vol. 2, pp. 239, 280, 386, 400, 406, 475 and 492 and Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 852.
169. Bukhārī, *Ṣaḥīḥ*, vol. 1, p. 166 and vol. 6, p. 5.
170. Ibn Mājah, *Sunan*, vol. 2, p. 781.
171. Ibn Abī Shaybah, *al-Muṣannaf*, vol. 7, pp. 171-73.

172. Ibn Mājah, *Sunan*, vol. 2, p. 784.
173. Tirmidhī, *al-Jāmi'*, vol. 1, p. 253.
174. It should be noted that Ibn Khaldūn classifies the phenomenon of war—which, according to him, is intrinsic to human nature—into moral and immoral categories, reckoning *jihād* in the former category. He clarifies the concept of *jihād* in contradistinction to oppressive, aggressive and expansionist wars, illustrating his views with reference to historical events. See Ibn Khaldūn, *Muqaddimah*, pp. 270-79.
175. Ibn Ḥanbal, *Musnad*, vol. 4, pp. 162 and 266.
176. *Ibid.*, vol. 2, p. 306.
177. Qur'ān 8:17.
178. Muslim, *Ṣaḥīḥ*, vol. 1, p. 2197; Ibn Ḥanbal, *Musnad*, vol. 2, p. 306 and vol. 4, p. 162.
179. See n. 59 above.
180. Ibn Ḥanbal, *Musnad*, vol. 4, pp. 392, 397, 402, 405 and 417.
181. *Ibid.*, vol. 2, pp. 242, 400 and 531; Muslim, *Ṣaḥīḥ*, vol. 3, p. 1496.
182. Bukhārī, *Ṣaḥīḥ*, vol. 3, p. 1028 and Ibn Ḥanbal, *Musnad*, vol. 2, pp. 325 and 355.
183. Ibn Ḥanbal, *Musnad*, vol. 2, p. 192.
184. Muslim, *Ṣaḥīḥ*, vol. 2, p. 1498.
185. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 1059.
186. Muslim, *Ṣaḥīḥ*, vol. 2, p. 1520; Ibn Hanbal, *Musnad*, vol. 1, pp. 62, 65, 66 and 75.
187. For an historical account of these conquests, see Ibn Kathīr, *al-Bidāyah wa al-Nihāyah*, vols. 7-10.
188. *Munkar* and *nakīr* are the names of the two Angels who are commissioned to pose questions to the dead concerning their faith. For further elaboration see Abū Ḥāmid al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn*, (Cairo: 1957), vol. 4, pp. 483-488.
189. Bukhārī, *Ṣaḥīḥ*, vol. 3, p. 1045-46 and Ibn Ḥanbal, *Musnad*, vol. 1, p. 20 and 53, vol. 4, pp. 115-17.
190. This report could not be traced in any of the available well-known sources of the traditions. However, the sense of this tradition is implied in the significations of several other statements of the Prophet (peace be upon him), some of which have been cited earlier.
191. See *supra*, n. 181.

192. Qur'ān 3:169.
193. Muslim, *Ṣaḥīḥ*, vol. 3, pp. 1502-03; Ibn Ḥanbal, *Musnad*, vol. 1, p. 266, vol. 4, p. 386.
194. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 923 and Ibn Ḥanbal, *Musnad*, vol. 3, pp. 103, 160, 182, 214, 300 and 341.
195. Ibn Mājah, *Sunan*, vol. 2, p. 923; Ibn Ḥanbal, *Musnad*, vol. 3, pp. 103, 160, 182, 214, 300 and 341.
196. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1494 and Ibn Ḥanbal, *Musnad*, vol. 3, pp. 114, 127 and 171.
197. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1493; Ibn Ḥanbal, *Musnad*, vol. 3, p. 39, vol. 5, p. 181.
198. Bukhārī, *Ṣaḥīḥ*, vol. 3, p. 1048; Ibn Ḥanbal, *Musnad*, vol. 2, p. 374.
199. Ibn Mājah, *Sunan*, vol. 2, p. 940; Ibn Ḥanbal, *Musnad*, vol. 4, pp. 144, 146, 148 and 154.
200. Ibn Ḥanbal, *Musnad*, vol. 4, pp. 113 and 384.
201. Qur'ān 48:17.
202. Qur'ān 9:91.
203. Ibn Ḥanbal, *Musnad*, vol. 2, pp. 14 and 197.
204. Qur'ān 8:66.
205. Ibn Mājah, *Sunan*, vol. 2, pp. 953-54; Abū Dāwūd, *Sunan*, vol. 1, pp. 351-52. The rest of this tradition, as reported in the above sources, reads as follows: "...do not deceive, do not mutilate, do not kill an infant, when you encounter your enemy from amongst the polytheists, invite them to three options. Accept from them whatever of these options is chosen by them, and then refrain from fighting".
206. For prohibition of mutilation, breach of faith, killing of women and children and other instructions of the Prophet (peace be upon him) and about proper conduct in war see Bukhārī, *Ṣaḥīḥ*, vol. 3, p. 1098; Muslim, *Ṣaḥīḥ*, vol. 3, pp. 1357-58; Ibn Ḥanbal, *Musnad*, vol. 4, pp. 246, 307, 428-29; Abū Dāwūd, *Sunan*, vol. 1, pp. 335-56 and vol. 2, pp. 2-29.
207. Ibn Ḥanbal, *Musnad*, vol. 1, p. 42.
208. *Jizyah* is a tax levied on such non-Muslim citizens of the Islamic state as, pursuant to an agreement, accept to live under the supremacy of the *sharī'ah*. Their religious observances, lives, and properties are guaranteed by the Islamic state and they pay this tax in consideration of that guarantee and as an acknowledgement of the suzerainty of the Islamic State. Further, they are exempted from fighting along with the Muslims. These citizens of the Islamic state are called *Ahl al-Dhimmah*. Their sole obligation consists

- in living peacefully and remaining neutral in any conflict between Muslims and non-Muslims. For further details see Abū Yūsuf, *Kitāb al-Kharāj*, pp. 120-49; see also *supra*, n. 23.
209. Abū Dāwūd, *Sunan*, vol. 2, p. 54; Tirmidhī, *al-Jāmi'*, vol. 1, p. 300.
 210. Qur'ān 9:46-7.
 211. Ibn Mājah, *Sunan*, vol. 2, p. 945; Ibn Ḥanbal, *Musnad*, vol. 6, pp. 68, 149.
 212. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1443.
 213. Ibn Ḥanbal, *Musnad*, vol. 2, pp. 268, 329, 484, vol. 5, p. 209.
 214. Abū Dāwūd, *Sunan*, vol. 2, p. 249.
 215. *Supra*, n. 208.
 216. Muslim, *Ṣaḥīḥ*, vol. 3, pp. 1364-65.
 217. *Ibid.*, pp. 1365-66.
 218. Banū Naḍīr were one of the two main Jewish tribes in Madīnah. *Ibid.*
 219. Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 1102; Muslim, *Ṣaḥīḥ*, vol. 3, p. 1361.
 220. Abū Dāwūd, *Sunan*, vol. 2, p. 5.
 221. The provision of these options is based on verse 47: 4 of the Qur'ān.
 222. Abū Dāwūd, *Sunan*, vol. 2, pp. 10-11.
 223. Qur'ān 9:6.
 224. Ibn Ḥanbal, *Musnad*, vol. 2, p. 246.
 225. *Ibid.*, vol. 4, p. 189, vol. 5, pp. 40, 99.
 226. Abū Dāwūd, *Sunan*, vol. 2, p. 15; Ibn Ḥanbal, *Musnad*, vol. 1, p. 22.
 227. Disposal of wealth acquired from the spoils of war is regulated by the *Sharī'ah* in accordance with well-defined rules. For further details, see early juridical discussion of the subject in Abū Yūsuf, *Kitāb al-Kharāj*, pp. 18-23.
 228. Wealth obtained from non-Muslim sources without war is designated as *fay'* and is dealt with, under a separate heading in Islamic legal literature. See *ibid.*, pp. 23-27; see also al-Khaṭīb Muḥammad al-Sharbīnī, *Mughnī al-Muḥtāj* (Beirut: n.d.), vol. 2, p. 92.
 229. Qur'ān 8:41.
 230. Al-Sharbīnī, *Mughnī al-Muḥtāj*, p. 94.
 231. *Supra*, n. 227.
 232. Abū Dāwūd, *Sunan*, vol. 1, p. 342.
 233. Muslim, *Ṣaḥīḥ*, vol. 3, pp. 1370-71.

234. Ibid., pp. 1433-1441; Ibn Ḥanbal, *Musnad*, vol. 4, p. 53.
235. Abū Dāwūd, *Sunan*, vol. 2, p. 181.
236. Ibn Ḥanbal, *Musnad*, vol. 2, pp. 2, 80.
237. Ibid.
238. See *supra*, n. 235.
239. Qur'ān 59:7-10.
240. Abū Dāwūd, *Sunan*, vol. 2, p. 57.
241. Ibid., p. 54; Ibn Ḥanbal, *Musnad*, vol. 6, pp. 25, 29.
242. Abū Dāwūd, *Sunan*, vol. 2, pp. 53-54.
243. Ibid., p. 69.
244. See Abū Yūsuf, *Kitāb al-Kharāj*, pp. 28-41, 57-67.
245. Ibid., pp. 71-75, 120-149.
246. Muslim, *Ṣaḥīḥ*, vol. 3, pp. 1366-67.
247. Ibn Ḥanbal, *Musnad*, vol. 5, pp. 248 and 256.
248. *Hisbah* has been a well-established institution in Islam which functioned under the *khalīfah* to check and maintain public morality. Its functionaries were permitted to resort to penal action where the circumstances of the case involving any serious contravention of the norms of public morality so warranted. The institution was separate and distinct from the executive and independent of the judiciary, and dealt with such matters as were normally outside the jurisdiction of governments as well as courts. See Māwardī, *al-Aḥkām al-Sultāniyyah*, pp. 240-259. For a contemporary discussion on the significance and role of this institution in the classical era of the Islamic state, with particular reference to relevant historical precedents of early Islam: Mahmood Ahmad Ghazi, *Adab al-Qāḍī* (Islamabad: 1983), pp. 751-778.
249. Ibn Ḥanbal, *Musnad*, vol. 4, pp. 257, 378 and 379.
250. Muslim, *Ṣaḥīḥ*, vol. 3, p. 1388.
251. Ibn Ḥanbal, *Musnad*, vol. 1, p. 184; vol. 2, p. 286 and 422.

Bibliography

Abdul Khaliq, M.A. Art. "Ethics: al-Ghazālī". Ed. M.M. Sharif. *Hisotry of Muslim Philosophy*. Karachi: 1983.

'Abd al-'Azīz, Shāh. *Malfūzāt*. (Urdu translation). Karachi: 1960.

'Abd al-Hakīm, Jalāl al-Dīn. *Jām' al-Jawāmi'*, ms. no. 95. Cairo: Dār al-Kutub al-Miṣriyyah, 1288 A.H.

Abdur Rashid. *Short Hisotry of Pakistan*. Ed. I. H. Qureshi. Karachi: 1967.

Abū Dāwūd, Sulaymān ibn al-Ash'ath al-Sajistānī. *Sunan*. Kānpūr: 1346 A.H.

Abū Yūsuf, Ya'qūb ibn Ibrāhīm. *Kitāb al-Āthār*. Beirut: 1355 A.H.

———. *Kitāb al-Kharāj*. Cairo: 1382 A.H.

Abū Zahrah, Muḥammad. *Ta'rīkh al-Madhāhib al-Fiqhiyyah*. Cairo: n.d.

Adams, Richard. "An Enquiry into the Nature of the Family" in Gertrude R. Dole and Robert L. Gurneiro. Eds. *Essays in the Science of Culture*. New York: 1960.

Al-'Ajlūnī, Ismā'īl ibn Muḥammad. *Kashf al-Khafā' wa Muẓīl al-Albās 'am mā Ishahara min al-Aḥādith 'alā Alsinat al-Nās*. Cairo: 1351 A.H.

Al-Ālūsī, Maḥmūd Shukrī. *Bulūgh al-Arab fī Ma'rifat Aḥwāl al-'Arab*. Cairo: 1924.

Amīn, Aḥmad. Ed. *Ḥayy ibn Yaqzān li Ibn Sīnā wa Ibn Ṭufayl wa al-Suhrawardī*. Baghdad: 1958.

Baecker, Howard and Harry Barnes. *Social Thought from Lore to Science*. Washington, D.C.: 1952.

Al-Baghawī, Abū Muḥammad Ḥusayn ibn Mas'ūd. *Ma'ā'lim al-Tanzīl*. Beirut: 1986.

Baljon, J.M.S. *Religion and Thought of Shāh Walī Allāh Dihlawī*. Leiden: 1986.

Baqā', Mazhar. *Uṣūl al-Fiqh aur Shāh Walī Allāh*. Karachi: 1986.

Al-Bāqillānī, Abū Bakr. *Al-Tamhīd fī al-Radd 'alā al-Mulḥidah wa al-Mu'aṭṭilah*. Cairo: 1947.

Biesanz, Maris and John Hiltunin. *Introduction to Sociology*. New Jersey: 1978.

Bukhārī, Muhammad ibn Ismā'īl. *Al-Jamī' al-Ṣaḥīḥ*. Damascus: 1987.

Al-Būṭī, Muḥammad Sa'īd Ramaḍān. *Fiqh al-Sīrah*. Damascus: 1980.

Chand, Tara. *History of Freedom Movement in India*. Calcutta: 1961.

- Chittick, William C. *The Sufi Path of Knowledge*. Albany, N.Y: 1989.
- Corbin, Henry. *Creative Imagination in the Sufism of Ibn Arabī*. Tr. from French by Ralph Manheim. Princeton: 1969.
- Darwazah, Muḥammad 'Izzat. *Ta'rikh al-Jins al-'Arabī*. Beirut: 1961.
- Darwin, Charles. *The Origin of Species*. London: 1859.
- Al-Dārquṭnī, 'Alī ibn 'Umar ibn Maḥdī. *Sunan*. Delhi: 1310 A.H.
- Al-Duraynī, Fathī. *Al-Manāḥij al-Uṣūliyyah fī al-Ijtihād bi al-Ra'y*. Damascus: 1976.
- Al-Falāḥ, Muḥammad 'Abduh. *Ashraf al-Hawāshī*. Lahore: n.d.
- Al-Fārābī, Abū Naṣr. *Arā' Ahl al-Madīnah al-Fāḍilah*. Beirut: 1959.
- . *Iḥṣā' al-'Ulūm*. Cairo: 1949.
- . *Al-Siyāsah al-Madaniyyah*. Hyderabad (India): 1346 A.H.
- Farrūkh, 'Umar. *Ta'rikh al-Jāhiliyyah*. Beirut: 1964.
- Faruqī, Burhan Ahmad. *Mujaddid's Concept of Tauhid*. Lahore: 1974.
- Al-Ghazālī, Abū Ḥāmid Muḥammad. *Ihyā' 'Ulūm al-Dīn*. Cairo: 1957.
- Ghāzī, Ḥāmid al-Anṣārī. *Islām kā Nizām-i Hukūmat*. 3rd edn. Lahore: n.d.
- Ghazi, Mahmood Ahmad. *Adab al-Qāzī*. Islamabad: Islamic Research Institute, 1983.
- . *Islamic Renaissance in South Asia: The Role of Shāh Walī Allāh*. Currently under print at the Islamic Research Institute, Islamabad.
- . "State and Politics in the Philosophy of Shāh Walī Allāh" in Ferdinand Klaus and Mehdi Mozaffari. Eds. *Islam: State and Society*. London: 1988.
- . *The Hijrah: Its Philosophy and Message for the Modern Man*. Lahore: 1980.
- Gouldner, Alvin W. *The Coming Crisis of Western Sociology*. New York: 1970.
- . *Maqāṣid al-Falāsifah*. Cairo: 1331 A.H.
- . *Al-Mustasfā min 'Ilm al-Uṣūl*. Qum: 1364 A.H.
- Mahmood, Fazle. *Study of the Life and Works on Shāh Walī Allāh*. Lahore: 1972.
- Halepota, A.J. *The Philosophy of Shāh Walī Allāh*. Lahore: n.d.
- Hamidullah, Muhammad. *The Muslim Conduct of State*. Lahore: 1973.
- Hasan, Syed Zafarul. *Philosophy: A Critique*. Lahore: 1988.
- Ḥilmī, Muṣṭafā. *Nizām al-Khilāfah fī al-Fikr al-Islāmī*. Alexandria: 1977.
- The Holy Bible*. (King James' Version). New York: 1967.
- Husain, Mahmud. Ed. *History of the Freedom Movement*. Karachi: 1957.
- Al-Huwaysh, Muḥammad ibn Ibrāhīm. *Al-'Uqūbāt al-Shar'īyyah*. Riyadh: 1979.
- Ibn Abī Shaybah, Abū Bakr 'Abd Allāh ibn Muḥammad. *Al-Muṣnaf*, Karachi: 1986.
- Ibn Ḥabīb, Abū Jā'far Muḥammad (al-Baghdādī). *Kitāb al-Muḥabbar*. Lahore: n.d.
- Ibn Ḥanbal, Ahmad. *Musnad*. Cairo: 1313 A.H.

- Ibn al-Humām, Kamāl al-Dīn Muḥammad. *Al-Taḥrīr fī Uṣūl al-Fiqh*. Cairo: 1351 A.H.
- Ibn Kathīr, Abū al-Fidā' Ismā'īl ibn 'Umar. *Al-Bidāyah wa al-Nihāyah*. Cairo: 1932.
- . *Tafsīr al-Qur'ān al-'Aẓīm*. Cairo: 1956.
- Ibn Khaldūn, 'Abd al-Raḥmān. *Al-Muqaddimah*. Paris: 1958.
- . *Ta'rīkh*. Cairo: 1936.
- Ibn Khallikān. *Wafayāt al-A'yān*. Cairo: 1858.
- Ibn Mājah, Abū 'Abd Allāh Muḥammad ibn Yazīd. *Sunan*. Cairo: 1952.
- Ibn al-Mubārak, 'Abd Allāh. *Kitāb al-Jihād*. Ed. Nazīh Ḥammād. Beirut: 1987.
- Ibn al-Muqaffā', 'Abd Allāh. *Kalīlah wa Dimnah*. Cairo: 1936.
- Ibn Sa'd, Muḥammad. *Al-Tabaqāt*. Karachi: 1983.
- Ibn Sīna. *Kitāb al-Najāt*. Cairo: 1913.
- Ibn Taymiyyah, Taqī al-Dīn Aḥmad. *Al-Siyāsah al-Shar'iyyah fī Iṣlāḥ al-Rā'ī wa al-Ra'iyyah*. Beirut: n.d.
- Ba-Yunus, Ilyas. "Contemporary Sociology: An Islamic Critique" in *Islam: Sources and Purpose of Knowledge*. Islamization of Knowledge Series no. 5. Herndon: International Institute of Islamic Thought, 1988.
- Iqbal, Muhammad. *The Reconstruction of Religious Thought in Islam*. Ed. M. Saeed Sheikh. Lahore: 1986.
- Irvine, W. *Later Mughals*. Calcutta: 1921-1922.
- Al-Iṣbahānī, Abū al-Faraj. *Kitāb al-Aghānī*. Cairo: 1223 A.H.
- Ismā'īl, Muḥammad. "Shaykh-i Akbar Muḥīy al-Dīn Ibn-i 'Arabī". *Al-Raḥīm*. Hyderabad: (Paksitan), vol. II, no. 3, August 1964.
- Jalbani, G.N. *Life of Shāh Walī Allāh*. Delhi: 1981.
- Al-Jaṣṣās, Abū Bakr Aḥmad ibn 'Alī. *Aḥkām al-Qur'ān*. Lahore: 1980.
- Al-Jurjānī, 'Alī ibn Muḥammad al-Sharīf. *Kitāb al-Ta'rīfāt*. Beirut: 1969.
- Kāndhlavī, Muḥammad 'Alī. *Ma'ālim al-Qur'ān*. Sialkot: 1978.
- Al-Kāsānī, 'Alā' al-Dīn ibn Mas'ūd. *Badā'i' al-Ṣanā'i'*. Karachi: 1400 A.H.
- Khan, Muhammad Qamaruddin. Art. "Al-Māwardī". Ed. M.M. Sharif. *History of Muslim Philosophy*. Karachi: 1983.
- Al-Khaṣṣāf, Abū Bakr Aḥmad ibn 'Umar. *Sharḥ Adab al-Qāḍī*. Tr. Sa'īd Aḥmad. Islamabad: 1987.
- Lambton, Ann K.S. *The State and Government in Medieval Islam*. New York: 1985.
- Leslie, Gerald R. *The Family in the Social Context*. New York: 1967.
- Levy, Donald. "Macrocosm and Microcosm". *The Encyclopaedia of Philosophy*. New York: 1967.
- Ludhiyānvī, Bashīr Aḥmad. *Irtifāqāt-i Ma'āshīyyah*. Lahore: 1969.

- Madkour, Ibrahim. Art. "Al-Fārābī". Ed., M.M. Sharif, *History of Muslim Philosophy*. Karachi: 1983.
- . *La Place d'al-Fārābī dans l'école Philosophique Musulman*. Paris: 1934.
- Mahdi, Muhsin. *Ibn Khaldūn's Philosophy of History*. Chicago: 1964.
- Malik, Ḥasan 'Alī. *Ta'limāt-i Mujaddidiyyah: Maktūbāt ki Roshnī mēn*. Sheikhpura: 1965.
- Mālik ibn Anas. *Al-Muwatta'*. Beirut: 1951.
- Al-Mas'ūdī, 'Alī ibn al-Ḥusayn. *Murūj al-Dhahab*. Cairo: 1948.
- Masumi, M.S.H. Art. "Al-Fārābī". Ed. M.M. Sharif. *History of Muslim Philosophy*. Karachi: 1983.
- Al-Māwardī, Aḥmad ibn Muḥammad ibn Yā'qūb. *Al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyyah*. Cairo: 1966.
- Mawdudi, Sayyid Abul Ala. *Short History of the Revivalist Movements in Islam*. Lahore: 1963.
- . *Islāmī Riyāsat*. Lahore: 1988.
- . *Tajdīd va Iḥyā-'i Dīn*. Lahore: 1952.
- . "Maṣṣabi-i Tajdīd kī Ḥaqīqat aur Tārīkh-i Tajdīd mēn Ḥaẓrat Shāh Walī Allāh kā Maqām" in *al-Furqān* (Special Number on Shāh Walī Allāh). Ed. Muḥammad Manzūr Nu'mānī. Bareilly: 1941.
- Muin ul-Haq. *The Great Revolution of 1857*. Lahore: 1979.
- Mujāhid ibn Jabr. *Tafsīr Mujāhid*. Ed. 'Abd al-Raḥmān Sūrtī. Dawḥah, Qatar: 1976.
- Muslim, Abū al-Ḥusayn ibn al-Ḥajjāj al-Qushayrī. *Ṣaḥīḥ*. Beirut: 1954.
- Muztar, Allah Ditta. *Shāh Walī Allāh: Saint Scholar of Muslim India*. Islamabad: 1979.
- Al-Nabḥān, Muḥammad Fārūq. *Niẓām al-Ḥukm fī al-Islām*. Beirut: 1988.
- Nadawī, Sayyid Abū al-Ḥasan. "Ḥaẓrat Shāh Walī Allāh ba Ḥaythiyat Muṣannif". *Al-Furqān*, (Special Number). Ed. Muḥammad Manzūr Nu'mānī. Bareilly: 1941.
- . *Tārīkh-i Da'wat va 'Azīmat*. Lucknow: 1984.
- Nadvī, 'Abd al-Salām. *Ḥukamā'-i Islām*. Azamgarh: 1953.
- Nadvī, Muḥammad Uways. "Shāh Walī Allāh kā Ēk 'Ilmī Ma'khadh." *Al-Furqān*. (Special Number). Ed. Muḥammad Manzūr Nu'mānī. Bareilly: 1941.
- The New Scofield Reference Bible*. London: 1967.
- Nicholson, R.A. *Studies in Islamic Mysticism*. Cambridge: 1980.
- Niẓāmī, Khalīq Aḥmad. *Shāh Walī Allāh kē Siyāsī Maktūbāt*. Delhi: 1969.
- Nu'mānī, Shiblī. *Ilm al-Kalām*. Aligarh: 1906.
- Pfeiffer, John E. *The Emergence of Man*. New York: n.d.
- Plato's *Compendium Legum Platonis*. Ed. Franciscus Gabrieli. London: 1952.
- Qādirī, Muḥammad Ayyūb. "Shāh Walī Allāh sē Mansūb Taṣānīf". *Al-Raḥīm*. Vol. 2, no. 1 June 1964 pp. 14-26.

- Al-Qalqashandī, Aḥmad ibn 'Abd Allāh. *Ma'āthir al-Ināfah fī Ma'ālim al-Khilāfah*. Ed. 'Abd al-Sattār Faraj. Beirut: n.d.
- Qāsimī, Ghulām Muṣṭafā. "Shāh Walī Allāh kī Ta'līfāt par Ēk Nazar". *Al-Raḥīm*. Vol. IV, no. 1, June 1966.
- Al-Qaysī, Nūrī Ḥamūdī. *Dirāsāt fī al-Shi'r al-Jāhili*. Baghdad: 1972.
- Al-Qurashī, Yaḥya Ibn Ādam. *Kitāb al-Kharāj*. Ed. Aḥmad Muḥammad Shākir. Cairo: 1384 A.H.
- Al-Qurtubī. *Al-Jāmi' li Aḥkām al-Qur'ān*. Cairo: 1936.
- Qureshi, I.H. *The Muslim Community of the Indo-Pakistan Subcontinent*. The Hague: 1962.
- . *Ulema in Politics*. Karachi: 1974.
- Raḥīm Bukhsh. *Ḥayāt-i Walī*. Lahore: 1955.
- Rizvī, Sayyid Abū al-Nazar Amrōhvī. "Shāh Walī Allāh aur Unkī ba'z 'Ilmī Iṣṭilāḥāt". *Al-Furqān*.
- Ross, W.D. *Plato's Theory of Ideas*. Oxford: 1953.
- Ryle, Gilbert. Art. "Plato". *The Encyclopaedia of Philosophy*. New York: 1967.
- Al-Ṣan'ānī. 'Abd al-Razzāq Abū Bakr ibn Humām. *Al-Muṣannaf*. Beirut: 1972.
- Sarkar, Jadunath. *The Fall of the Mughal Empire*. Calcutta: 1925-1930.
- Sarvar, Muḥammad. *Armaghān-i Shāh Walī Allāh*. Lahore: 1988.
- Schultz, David A. *The Changing Family: Its Function and Future*. New Jersey: 1976.
- Shafī', Muftī Muḥammad. *Islām kā Nizāmi-i Arāzī*. Karachi: 1383 A.H.
- Al-Shāfi'ī, Muḥammad ibn Idrīs. *Kitāb al-Umm*. Cairo: 1324 A.H.
- Shafqatullah. "Al-'Allamah 'Abd al-'Azīz al-Farhārī wa Risālatuh 'an 'Ālam al-Mithāl" in: *Al-Dirasat al-Islamiyyah*, quarterly journal of the Islamic Research Institute, Islamabad. Oct-Dec, 2000.
- Al-Sharbīnī, Muḥammad al-Khaṭīb. *Mughnī al-Muḥtāj*. Beirut: n.d.
- Al-Shaybānī, Muḥammad ibn al-Ḥasan. *Kitāb al-Ḥujjah 'alā Ahl al-Madīnah*. Lahore: 1981.
- . *Al-Jāmi' al-Ṣaghīr*. Karachi: n.d.
- Al-Sha'rānī, 'Abd al-Wahhāb. *Al-Mizān al-Kubrā*. Cairo: 1279 A.H.
- . *Al-Yawāqīt wa al-Jawāhar fī Bayān 'Aqā'id al-Akābir*. Beirut: 1997.
- Shāh Walī Allāh. *Hujjat Allāh al-Bālighah*. Tr. into Urdu by 'Abd al-Raḥīm. Lahore: 1983.
- . *Al-Budūr al-Bāzighah*. Ed. M.S.H. Masumi. Hyderabad: 1970.
- . *Fath al-Raḥmān fī Tarjamat al-Qur'ān*. Karachi: n.d.
- . *Al-Fawz al-Kabīr fī Uṣūl al-Tafsīr*. Arabic tr., Muḥammad Munīr al-Dimashqī. Karachi: 1960.
- . *Izālat al-Khafā' 'an Khilāfat al-Khulafā'*. Karachi: 1976.

- . *Al-Khayr al-Kathīr*. Akora Khatak: 1959.
- . *Maktūb-i Madanī*. Urdu translation by Muḥammad Ḥanīf Nadavī. Lahore: 1965.
- . *Qurrat al-'Aynayn fī Tafdīl al-Shaykhayn*. Lahore: 1976.
- . *Sata'āt*. Tr. Muḥammad Matīn Ḥashīrū. Lahore: 1990.
- . *Al-Tafhīmāt al-Ilāhiyyah*. Bijnaur. U.P. (India): 1936.
- Shahīd, Shāh Ismā'īl. *Al-'Abaqāt*. Tr. Manāzīr Aḥsan Gīlānī. Hyderabad, India: n.d.
- Shaykh Aḥmad alias Mullā Jīwan al-Jaunpurī. *Al-Tafsīrāt al-Aḥmadiyyah fī Bayān al-Āyāt al-Shar'īyyah*. Bombay.
- Sherwani, H.K. *Studies in Muslim Political Thought and Administration*. Lahore: 1970.
- Ṣiddīqī, 'Abd al-Wahīd. "Shāh Walī Allāh kī ba'z 'Umraṇī Iṣṭilāḥāt". *Al-Raḥīm*. June 1964.
- Siddiqi, Bakhtyar Husain. Art. "Ibn Tufail". M.M. Sharif. Ed. *History of Muslim Philosophy*. Karachi: 1983.
- Siddiqi, Abdul Hamid. Art. "Renaissance in Indo-Pakistan: Shāh Walī Allāh Dihlawī". Ed. M.M. Sharif. *History of Muslim Philosophy*. Karachi: 1983.
- Simpson, George Gaylord. "The Biological Nature of Man". Ed. S.L. Washburn and Phyllis C. Jay. *Perspectives on Human Evolution*. New York: 1968.
- Sindhī, 'Ubayd Allāh. *Shāh Walī Allāh aur Unkā Falsafah*. Lahore: 1964.
- . *Sharḥ-i Hujjat Allāh al-Bālighah*. Lahore: 1950.
- . *Shāh Walī Allāh aur Unkī Siyāsi Tahrik*. Lahore: 1965.
- Solmsen, Friedrich. *Plato's Theology*. New York: 1942.
- Al-Suyūṭī, Jalāl al-Dīn. *Al-Itqān Fī 'Ulūm al-Qur'ān*. Lahore: 1980.
- Al-Ṭabarī, Abū Ja'far Muḥammad ibn Jarīr. *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*. Ed. Maḥmūd Muḥammad Shākir. Cairo: 1374.
- Al-Tirmidhī, Muḥammad Ibn 'Īsā. *Al-Jāmi'*. Karachi: 1984.
- Umaruddin, M. *Ethical Philosophy of al-Ghazali*. Lahore: 1988.
- Āl-Wāqidī, Muḥammad ibn 'Umar. *Al-Maghāzī*. Cairo: 1966.
- Watt, W.M. Art. "God's Caliph: Qur'ānic Interpretation and the Umayyad Claims". In. C.E. Bosworth. Ed. *Iran and Islam*. Edinburgh: 1971.
- . *The Formative Period of Islamic Thought*. Edinburgh: 1973.
- Weber, Max. *Protestant Ethic and the Spirit of Capitalism*. Tr. from German, Talcott Parsons. New York: 1948.
- Williams, Robin. *American Society: A Sociological Interpretation*. New York: 1970.
- Al-Ya'qūbī, Aḥmad ibn 'Alī. *Ta'rīkh al-Ya'qūbī*. Najaf: 1358 A.H.
- Zaydān, Jurjī. *Ta'rīkh Ādāb al-Lughah al-'Arabiyyah*. Beirut: 1983.
- Al-Zayyāt, Aḥmad Ḥasan. *Ta'rīkh al-Adab al-'Arabī*. 23rd ed. Cairo: n.d.
- Al-Zirikilī, Khayr al-Dīn. *Al-A'lām*. Beirut: 1980.

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