



**ISLAMIC
METHODOLOGY
IN HISTORY**

FAZLUR RAHMAN

ISLAMIC RESEARCH INSTITUTE
ISLAMABAD (PAKISTAN)

THE AUTHOR

Professor Fazlur Rahman, is an M.A. in Arabic from the University of the Punjab. He obtained his D. Phil. from Oxford in 1951. He taught for some time at the University of Durham and later at the Institute of Islamic Studies, McGill University, Montreal. He was the Director of the Islamic Research Institute during the period 1961—1968. He resigned from the Institute in 1968. At present he is Professor of Islamic Thought, University of Chicago, U.S.A.

Among his published works are :

- (1) *Prophecy in Islam*, London, 1958
- (2) Ibn Sina, *De Anima* (Arabic Text), Oxford, 1959
- (3) *Islam* (Weidenfeld and Nicolson, London)
- (4) *Major Themes of the Qur'ān*, Bibliotheca Islamica, Chicago, 1980
- (5) *Islamic Education and Modernity*.

He has also contributed numerous articles on Islam and Islamic subjects to scholarly periodicals of world wide reputation.



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ISLAMIC RESEARCH INSTITUTE
P.O. BOX 1035, ISLAMABAD - PAKISTAN

ISLAMIC RESEARCH INSTITUTE, ISLAMABAD

Publication No. 2

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**DR. MUHAMMAD HAMIDULLAH LIBRARY
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Cataloguing-in-Publication Data

Fazlur Rahman, 1919-1988.

Islamic Methodology in History.

(Islamic Research Institute, Islamabad; Publication
no. 2)

Bibliography: pp. 193-195.

Includes index.

1. Islamic law--Interpretation and construction.
2. Ijtihād. 3. Ijmā. 4. Sunnah. I. Title. II. Series.

ISBN 969 - 408 - 001 - 0 3rd Reprint 1995. 297.14 dc 20

Publisher and Printer

Islamic Research Institute's P.O Box No. 1035,
Islamabad, Pakistan.

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P R E F A C E

THIS book largely represents a series of articles which appeared in this Institute's Journal—*Islamic Studies*—from March, 1962 to June, 1963. Chapter 4, *Ijtihād in the Later Centuries*, constitutes a new addition. These articles were written under a conceived plan to show (a) the historical evolution of the application of the four basic principles of Islamic-thinking—which supply the framework for all Islamic thought—viz., the Qur'ān, the *Sunnah*, *Ijtihād*, *Ijmā'* and (b) their actual working on the Islamic development itself. Hence the title of the book: *Islamic Methodology in History*.

The fundamental importance of these four principles—which, it must be re-emphasized, are not just the principles of Islamic jurisprudence but of all Islamic thought—can hardly be over-estimated. Particularly important is the way these principles may be combined and applied; this difference can cause all the distance that exists between stagnation and movement, between progress and petrification. This difference stands revealed to us between the early and the later phases of the Islamic developments and this great historic discovery—towards which the Orientalist has contributed so much—can no longer be concealed behind the conventional medieval theory

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about these principles. It is obvious, therefore, that this work has not only a purely historical value but can be of great practical consequence and can indicate the way for further Islamic developments.

It must be fully recognized that much work still needs to be done to bring the treatment of this subject to comprehensiveness. Particularly, the principle of *Ijmā'* needs a full historical treatment, especially in relation to the concept of *Sunnah*. For example what was the actual state of the principle of *Ijmā'* when a whole wealth of opinions and doctrines was being given *Sunnah*-form? Was it an alternative to *Sunnah*? Why did some schools reject it? Although, however, much further research has to be and, we hope, will be done, the author expects that his basic convictions expressed in this book will be confirmed and that in its major contentions this book is correct.

The traditionalist-minded Muslims are not likely to accept the findings of this work easily. I can only plead with them that they should try to study this important problem with historical fair-mindedness and objectivity. I, for my part, am convinced, as a Muslim, that neither Islam nor the Muslim Community will suffer from facing the facts of history as they are; on the contrary, historical truth, like all truth, shall invigorate Islam for—as the Qur'ān tells us—God is in intimate touch with history.

Karachi :
6th December, 1964.

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FOREWORD

ALONGSIDE of economic blueprints and five-year plans the Muslims all over the world are now refreshingly devoting their attention to a reinterpretation of Islam in the context of modern times. Generally speaking, the desire for religious reconstruction and moral regeneration in the light of fundamental principles of Islam has, throughout their historical destiny, been deeply rooted among the Muslims—progressivists as well as traditionalists. Both the sections seem conscious of the fact that the only way for the Muslims of today, for an active and honourable participation in world affairs, is the reformulation of positive lines of conduct suitable to contemporary needs in the light of social and moral guidance offered by Islam. This, however, entails a great and heavy responsibility for all those engaged in the onerous task of reconstruction. Theirs is the endeavour to strike a happy balance between the divergent views of the traditionalists and the modernists, or in standard language, between conservatism and progressivism.

It was indeed unfortunate that Muslims during the preceding centuries closed the door of *Ijtihād*, result-

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ing in stagnation and lack of dynamism. Resurgence of the new spirit for a re-evaluation of their religious and moral attitudes towards the ever-emerging problems of life in a changing world has been spasmodic and relatively fruitless. Though thwarted, the spirit remained alive and was never wholly stifled. We find its periodic effulgence in the emergence of various reformist movements that convulsed the world of Islam from time to time. The Indo-Pakistan sub-continent was no exception. The lamp lit by Shāh Walīy Allāh al-Dihlawī continued to burn and shed its light. The Central Institute of Islamic Research may be regarded as a link in that long-drawn-out process. It was established by President Mohammad Ayub Khan (who is also its Patron-in-Chief) with the specific purpose of enabling the Muslims of Pakistan to lead their lives in accordance with the dictates of the Qur'ān and the *Sunnah*, in the light of modern developments and commensurate with the challenge of the time. By its very nature, however, the work of the Institute cannot remain confined to the geographical limits of Pakistan but will serve the *Ummah* in general. The people entrusted with this heavy responsibility are, therefore, required to have a clear and well-defined conception of their objectives with a view to their institutional implementation in the wider fabric of state organisation and national development. This

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is exactly what the members of the Institute are endeavouring to accomplish.

Conscious as we are of the fact that Islamic scholarship, during the past few centuries, has been more or less mechanical and semantic rather than interpretative or scientific, our efforts, howsoever humble and small, are directed towards breaking the thaw in Islamic thinking—both religious and moral. With these objectives in view, the Institute has decided to launch a series of publications, covering a wide and diverse field of Islamic studies, prepared mostly by its own members. The Institute has a definite direction and a cohesive ideology, although honest and academic difference of opinion is naturally allowed. We hope that the Muslims, living under the stress and strain of modern times, will find enough food for thought in these publications resulting ultimately in rekindling in them the burning desire, nay the longing, for exercising *Ijtihad*, the only pre-requisite for recapturing the pristine glory of Islam and for ensuring an honourable place for the Muslim *Ummah* in the comity of progressive, dynamic and living nations of the world. We also hope that these works will equally provide sound and solid scholarship for the non-Muslim Islamists.

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NOTE ON TRANSLITERATION

The system of transliteration of Arabic words adopted in this series is the same as has been employed by the editors of the *Encyclopaedia of Islam*, new edition, with the following exceptions: *q* has been used for *k* and *j* for *dj*, as these are more convenient to follow for English-knowing readers than the international signs. The use of *ch*, *dh*, *gh*, *kh*, *sh*, *th*, and *zh* with a subscript dash, although it may appear pedantic, has been considered necessary for the sake of accuracy and clearer pronunciation of letters peculiar to Arabic and Persian. As against the *Encyclopaedia*, *tā marbūṭah* has throughout been retained and shown by the ending *h* or *t*, as the case may be. This was also found necessary in order to avoid any confusion. In words of Persian origin the retention of the final *h* is essential as it stands for *hā-yi mukhtafī*, which should not be dispensed with.

References in the text to Qur'ānic verses are from the English translation of the Qur'ān by Mohammed Marmaduke Pickthall, *The Meaning of the Glorious Koran*, New York, 1955 (a Mentor Book).

Karachi :
9th December, 1964.

A. S. BAZMEE ANSARI,
General Editor

1

CONCEPTS *SUNNAH*, *IJTIHĀD* AND *IJMĀ'* IN THE EARLY PERIOD

I

SUNNAH is a behavioral concept—whether applied to physical or mental acts—and, further, denotes not merely a single act as such but in so far as this act is actually repeated or potentially repeatable. In other words, a *sunnah* is a law of behaviour whether instanced once or often. And since, strictly speaking, the behaviour in question is that of conscious agents who can “own” their acts, a *sunnah* is not just a law of behaviour (as laws of natural objects) but a normative moral law : the element of moral “ought” is an inseparable part of the meaning of the concept *Sunnah*. According to the view dominant among more recent Western scholars, *Sunnah* denotes the actual practice which, through being long established over successive generations, *gains* the status of normativeness and *becomes* “*Sunnah*”. This theory seems

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to make actual practice—over a period—not only temporarily but also logically prior to the element of normativeness and to make the latter rest on the former. It is obvious that this view derives its plausibility from the fact that since *Sunnah* is a behavioral concept, what is actually practised by a society over a long period, is considered not only its actual practice but also its normative practice. This is especially true of strongly cohesive societies like the tribal ones. But, surely, these practices could not have been established in the first place unless *ab initio* they were considered normative. Logically, therefore, the element of normativeness must be prior. And although it must be admitted that the fact of a custom's being long established adds a further element of normativeness to it—especially in conservative societies—this factor is quite different and must be radically disentangled from the initial normativeness.

That *Sunnah* essentially means "exemplary conduct" as such and that actually being followed is not a part of its meaning (although the *fulfilment* of the *Sunnah* necessarily consists in being followed) can be demonstrated by numerous examples such as the following. Ibn Durayd, in his *Jamharah* (and he is followed in this by other lexicographers), gives the original meaning of the verb *sannah* as "*ṣawwara (al-shay'a)*", i.e., to fashion a thing or produce it as a model. Next, it is applied to behaviour which is considered a model. Here (and this is the sense relevant to us here) *sannah* would be best translated by "he set an example". It is in this sense that Abū Yūsuf admonishes Hārūn al-Raṣhīd (see his *Kitāb al-Kharāj*, the chapter on *Ṣadaqāt*) asking the

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Caliph "to *introduce* (as distinguished from 'to follow') some good *sunnahs*".¹ In the same passage, Abū Yūsuf quotes the *Ḥadīth*, which may be very early, "whoever *introduces* a good *sunnah* will be rewarded . . . and whoever *introduces* a bad *sunnah* . . .", etc. If one asks how a *sunnah* could be bad if its essential meaning is not to be actually followed by others but to be morally normative, the answer (given by the author of *Lisān al-'Arab*, s.v.) is that those who set bad examples wish, nevertheless, to be followed by others and in most cases (perhaps in all cases) they do not think they are setting *bad* examples.

II

From the concept of normative or exemplary conduct there follows the concept of standard or correct conduct as a necessary complement. If I regard someone's behaviour as being exemplary for me then, in so far as I follow this example successfully, my behaviour will be thus far up to the standard or correct. There enters, therefore, an element of "straightness" or correctness into this enlarged complementary sense of the word "*sunnah*". It is in this sense that the expression "*ṣanan al-ṭarīq*" is used which means "the path straight ahead" or "the path without deviation".² The prevalent view that in its primary sense *sunnah* means "the trodden path" is not supported by any unique evidence,³ although, of course, a straight path without deviation implies that the path is already chalked out which it cannot be unless it has been already trodden. Further, the sense in which *sunnah* is a straight path without any deviation to the right or to the left also gives the meaning of a "mean

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between extremes" of the "middle way". In his letter to 'Uṭhmān al-Battī, Abū Ḥanīfah, while explaining his position with regard to a sinful Muslim, against the Khārijite extremism, describes his own view as that of *Ahl al-'adl wa'l-Sunnah*, i.e., "people of the mean and the middle path". "As regards the appellation *Murjite* which you have mentioned (regarding my view), what is the crime of a people who speak with balance ('adl = justice) and are described by deviationists by this name? On the contrary, these people are (not Murjites but) people of balance and the middle path."⁴ We shall show in the next chapter how the term "*sunnah*" actually evolved into this sense and, further, that it was on this principle of the "mean" that the *Ahl al-Sunnah* or the "orthodox" came into being.

III

Among the modern Western scholars, Ignaz Goldziher, the first great perceptive student of the evolution of the Muslim Tradition (although occasionally uncritical of his own assumptions), had maintained that immediately after the advent of the Prophet his practice and conduct had come to constitute the *Sunnah* for the young Muslim community and the ideality of the pre-Islamic Arab *sunnah* had come to cease. After Goldziher, however, this picture imperceptibly changed. While the Dutch scholar, Snouck Hurgronje, held that the Muslims themselves added to the *Sunnah* of the Prophet until almost all products of Muslim thought and practice came to be justified as the *Sunnah* of the Prophet, certain other notable authorities like Lammens and

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Margoliouth came to regard the *sunnah* as being entirely the work of the Arabs, pre-Islamic and post-Islamic—the continuity between the two periods having been stressed. The concept of the *Sunnah* of the Prophet was both explicitly and implicitly rejected. Joseph Schacht has taken over this view from Margoliouth and Lammens in his *Origins of Muhammadan Jurisprudence* wherein he seeks to maintain that the concept "*Sunnah* of the Prophet" is a relatively late concept and that for the early generations of the Muslims *sunnah* meant the practice of the Muslims themselves.

We have criticized, elsewhere, the grounds of this development in Western Islamic studies and have attempted to bring out the conceptual confusion with regard to *sunnah*.⁵ The reason why these scholars have rejected the concept of the Prophetic *Sunnah* is that they have found (i) that a part of the *content* of *Sunnah* is a direct continuation of the pre-Islamic customs and mores of the Arabs ; (ii) that by far the greater part of the *content* of the *Sunnah* was the result of the freethinking activity of the early legists of Islam who, by their personal *Ijtihād*, had made deductions from the existing *Sunnah* or practice and—most important of all—had incorporated new elements from without, especially from the Jewish sources and Byzantine and Persian administrative practices ; and, finally (iii) that later when the *Ḥadīth* develops into an overwhelming movement and becomes a mass-scale phenomenon in the later second and, especially, in the third centuries, this whole *content* of the early *Sunnah* comes to be verbally attributed to the Prophet himself under the aegis of the concept of the "*Sunnah* of the Prophet".

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Now, we shall show (1) that while the above story about the development of the *Sunnah* is essentially correct, it is correct about the *content* of the *Sunnah* only and not about the *concept* of the "*Sunnah* of the Prophet", i.e., that the "*Sunnah* of the Prophet" was a valid and operative concept from the very beginning of Islam and remained so throughout ; (2) that the *Sunnah*-content left by the Prophet was not very large in quantity and that it was not something meant to be absolutely specific ; (3) that the concept *Sunnah* after the time of the Prophet covered validly not only the *Sunnah* of the Prophet himself but also the interpretations of the Prophetic *Sunnah* ; (4) that the "*Sunnah*" in this last sense is co-extensive with the *Ijmā'* of the Community, which is essentially an ever-expanding process ; and, finally (5) that after the mass-scale *Ḥadīth* movement the organic relationship between the *Sunnah*, *Ijtihād* and *Ijmā'* was destroyed. In the next chapter we shall show the real genius of the *Ḥadīth* and how the *Sunnah* may be validly inferred from the *Ḥadīth*-material and how *Ijtihād* and *Ijmā'* may be made operative again.

IV

It may be gathered from the foregoing that the theory that the concept of the Prophetic *Sunnah* and even the content of the Prophetic *Sunnah* did not exist (outside the Qur'ānic pronouncements on legal and moral issues) draws its force from two considerations, viz. (1) that in actual fact most of the content of the *Sunnah* during the early generations of Islam is either a continuation of the pre-Islamic Arab practices or the result of assimilative-deductive thought-activity of the early Muslims themselves, and (2) that the

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Sunnah, in any case, implies a *tradition*, as distinguished from the activity of one person. This latter statement itself both enforces and is enforced by the first. In Sections I and II above we have advanced evidence to refute this assumption and have shown that *Sunnah* really means "the setting up of an example" with a view that it would or should be followed. Indeed, the Qur'ān speaks, in more than one place, of the "Sunnah of God that is unalterable" in connexion with the moral forces governing the rise and fall of communities and nations.⁶ Here it is only the ideality of the action-pattern of one Being, viz., God, that is involved. Now, the same Qur'ān speaks of the "exemplary conduct"⁷ of the Prophet,—in spite of its occasional criticism of the Prophet's conduct at certain points (and this latter point constitutes a unique moral argument for the revealed character of the Qur'ān). When the Word of God calls the Prophet's character "exemplary" and "great", is it conceivable that the Muslims, from the very beginning, should not have accepted it as a concept?

We have analyzed in our work *Islam* (see n. 5) the letter⁸ of Ḥasan al-Baṣrī written to 'Abd al-Malik b. Marwān (65-85 A. H.). There, Ḥasan speaks of the "*Sunnah* of the Prophet" with regard to the freedom of the human will, although he admits that there exists no formal and verbal tradition from the Prophet about this matter. This gives us a positive clue to the understanding of the concept of the "Prophetic *Sunnah*" and we shall revert to it later. Further, the pro-Hāshimī poet of the first and early second century of the Hijrah, al-Kumayt, says in one of his famous poems:

بای کتاب او بای سنه
تری جبهم عاراً علی و تحسب؟

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"On the basis of what Book or which *sunnah* do you regard my love for them as a disgrace?"

"Them" here means the progeny of the Prophet and the Banū Hāshim in general. The "Book" here is, of course, the Qur'ān. What can the word "*sunnah*" mean in this context except the "*Sunnah* of the Prophet"? This is certainly not the use of the word "*sunnah*" in the sense in which expressions like "the *Sunnah* of Madīnah," etc. are used by early legists. Nor can "*Sunnah*" here mean the "middle path" for that nuance develops a little later—as in the case of Abū Ḥanifah's letter mentioned above—after the conflict of theological opinion. The *Qaṣīdah* in which the word occurs is said by the author of *al-Aghānī* to be among the earliest compositions of al-Kumayt and was, therefore, probably written *circa* 100 A.H. or even before.⁹ Moreover, the use of the term here does not suggest that it is a new one but assumes that this sense is fully established. We cannot even read here any radical Shī'ah theological complication into the word "*sunnah*" for the poet is not an extreme dogmatic Shī'ah and explicitly says in one place that he neither rejects Abū Bakr and 'Umar nor calls them *Kāfir*.¹⁰

In his *Kitāb al-Kharāj*, Abū Yūsuf relates that the second Caliph, 'Umar, once wrote that he appointed people in several places to "teach people the Qur'ān and the *Sunnah of our Prophet*".¹¹ It may be said that this reference is rather late (second half of the second century A.H.) and that at that time the concept of the "Prophetic *Sunnah*" had been formed. What is important here, however, is the circumstantial truth of the statement itself. 'Umar had sent people, it is certain, to different countries, especially to Iraq. He had emphasized, it is also certain, the teaching of

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Arabic and Arabic literature. It goes without saying that the Qur'ān was taught as the nucleus of the new Teaching. But the Qur'ān is obviously not intelligible purely by itself—strictly situational as its revelations are. It would be utterly *irrational* to suppose that the Qur'ān was taught without involving in fact the activity of the Prophet as the central background activity which included policy, commands, decisions, etc. Nothing can give coherence to the Qur'ānic teaching except the actual life of the Prophet and the milieu in which he moved, and it would be a great childishness of the twentieth century to suppose that people immediately around the Prophet distinguished so radically between the Qur'ān and its exemplification in the Prophet that they retained the one but ignored the other, i.e., saw the one as divorced from the other. Did they never ask themselves the question—even implicitly—"why did God choose this person as the vehicle of His Message?" Completely nonsensical is that view of modern scholarship which, gained no doubt from later Muslim theological discussions themselves, makes the Prophet almost like a record in relation to Divine Revelation. Quite a different picture emerges from the Qur'ān itself which assigns a unique status to the Prophet whom it charges with a "heavy responsibility"¹² and whom it invariably represents as being excessively conscious of this responsibility.¹³

V

There was, therefore, undoubtedly the *Sunnah* of the Prophet. But what was its content and its character? Was it something absolutely specific laying

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down once and for all the details of rules about all spheres of human life as Medieval Muslim *Hadīth-Fiqh* literature suggests ?

Now, the overall picture of the Prophet's biography—if we look behind the colouring supplied by the Medieval legal mass—has certainly no tendency to suggest the impression of the Prophet as a *pan*-legist neatly regulating the fine details of human life from administration to those of ritual purity. The evidence, in fact, strongly suggests that the Prophet was primarily a moral reformer of mankind and that, apart from occasional decisions, which had the character of *ad hoc* cases, he seldom resorted to general legislation as a means of furthering the Islamic cause. In the Qur'ān itself general legislation forms a very tiny part of the Islamic teaching. But even the legal or quasi-legal part of the Qur'ān itself clearly displays a *situational* character. Quite situational, for example, are the Qur'ānic pronouncements on war and peace between the Muslims and their opponents—pronouncements which do express a certain general character about the ideal behaviour of the community *vis-à-vis* an enemy in a grim struggle but which are so situational that they can be regarded only as quasi-legal and not strictly and specifically legal.

A prophet is a person who is centrally and vitally interested in swinging history and moulding it on the Divine pattern. As such, neither the Prophetic Revelation nor the Prophetic behaviour can neglect the actual historical situation obtaining immediately and indulge in purely abstract generalities ; God speaks and the Prophet acts *in*, although certainly not merely *for*, a given historical context. This is what marks a prophet out from a visionary or even a

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mystic. The Qur'ān itself is replete with such evidence with regard both to the history of the past and the then contemporary scene. And yet the Message must—despite its being clothed in the flesh and blood of a particular situation—outflow through and beyond that given context of history. If we need a support besides an insight into the actual unfolding of the Qur'ān and the *Sunnah*, we have on our side Shāh Walīy Allāh of Dihli and a historian like Ibn Khaldūn.

To revert to the "Prophetic *Sunnah*". We have said that the early Islamic literature strongly suggests that the Prophet was not a *pan*-legist. For one thing, it can be concluded *à priori* that the Prophet, who was, until his death, engaged in a grim moral and political struggle against the Meccans and the Arabs and in organizing his community-state, could hardly have found time to lay down rules for the *minutiae* of life. Indeed, the Muslim community went about its normal business and did its day-to-day transactions, settling their normal business disputes by themselves in the light of commonsense and on the basis of their customs which, after certain modifications, were left intact by the Prophet. It was only in cases that became especially acute that the Prophet was called upon to decide and in certain cases the Qur'ān had to intervene.¹⁴ Mostly such cases were of an *ad hoc* nature and were treated informally and in an *ad hoc* manner. Thus, these cases could be taken as normative prophetic examples and quasi-precedents but not strictly and literally. Indeed, there is striking evidence¹⁵ that even in the case of times of formal prayers and their detailed manner the Prophet had not left an inflexible and rigid model. It was only on

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major policy decisions with regard to religion and state and on moral principles that the Prophet took formal action but even then the advice of his major Companions was sought and given publicly or privately. "In the behaviour of the Prophet, religious authority and democracy were blended with a *finesse* that defies description."¹⁸

That the Prophetic *Sunnah* was a general umbrella-concept rather than filled with an absolutely specific content flows directly, at a theoretical level, from the fact that the *Sunnah* is a behavioral term : since no two cases, in practice, are ever exactly identical in their situational setting—moral, psychological and material—*Sunnah* must, of necessity, allow of interpretation and adaptation. But quite apart from this theoretical analysis, there is abundant historical evidence to show that this was actually the case. The letter of Ḥasan al-Baṣrī mentioned previously is a glaring instance of this. In this letter, Ḥasan tells 'Abd al-Malik b. Marwān that although there is no *Ḥādīth* from the Prophet in favour of the freedom of the will and human responsibility, nevertheless this is the *Sunnah* of the Prophet. What this obviously means is that the Prophet (and his Companions) *have shown by their behaviour* that the doctrine of predetermination contradicts the Prophet's *implicit* teaching. This passage of Ḥasan is highly revelatory of the Prophetic *Sunnah* as being rather a pointer in a direction than an exactly laid-out series of rules, and demonstrates that it was precisely this notion of the "Ideal *Sunnah*" that was the basis of the early thought-activity of the Muslims, and that *ijtihād* and *ijmā'* are its necessary complements and forward reaches in which this *Sunnah* is progressively fulfilled.

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VI

The earliest extensive extant work on the *Ḥadīth* and on the *Sunnah* is the *Muwatta* of Mālik b. Anas (d. 179 A.H.). Mālik's wont is that at the beginning of each legal topic he quotes a *Ḥadīth* either from the Prophet, if available, or from the Companions, especially the first four Caliphs. This is usually followed by his remark : "And this is also the *Sunnah* with us," or "But the *Sunnah* with us is . . ." or, more frequently, "our practice (*amr* or '*amal*) is . . ." or, still more frequently, "our agreed practice (*al-amr al-mujtama' alayh*) is . . .". Again, with regard to the term "*Sunnah*", sometimes he simply says, "The *Sunnah* with us is . . .", and sometimes, "The established *Sunnah* has been (*qad maḍat al-Sunnatu*)". We shall now analyze the use of these closely allied and legally equivalent but somewhat differing phrases.

Mālik quotes a *Ḥadīth* from the Prophet that the Prophet granted a certain person the right of *shuf'ah*, i.e., the right of prior claim to purchase his partner's share of the property, which this partner wanted to dispose of. Mālik then observes, "And this is the *Sunnah* with us". Then he says that the famous lawyer of Madinah, Sa'id b. al-Musayyib (d. circa 90 A.H.) was once asked about *shuf'ah*, "Is there any *Sunnah* concerning it ?", whereupon Ibn al-Musayyib said, "yes ; *shuf'ah* is applicable only to houses and land . . .".

Now, it is a matter of importance to notice the obvious difference between the two usages of the term "*Sunnah*" in "This is the *Sunnah* with us" and "Is there any *Sunnah* with regard to *shuf'ah* ?" Whereas in the one case it does mean "the practice" or "estab-

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lished practice in Madīnah" it cannot mean this in the second case, for one does not ask, in the face of an agreed practice : "Is there any *Sunnah* with regard to this ?" In this case, then, *Sunnah* must mean an "authoritative" or "normative" precedent. But whose normative precedent ? Obviously in this case the *Sunnah* is either the *Sunnah* of the Prophet or of any subsequent authority under the *general* aegis of the Prophetic *Sunnah*, for we have already adduced evidence that the pre-Islamic Arab practice *as such* cannot be regarded as normative. But whereas it is clear that the *Sunnah* is under the *general* aegis of the Prophetic model, it is also clear that Ibn al-Musayyib *does not* mention the Prophet here. And Mālik quotes no *Ḥadīth*, in this matter, from the Prophet on the authority of Ibn al-Musayyib. It is thus obvious that the *Sunnah* in question could have been set by any Companion or a subsequent authority although it is not divorced from the *general* concept of the Prophetic *Sunnah*. Further, what these two statements on *Sunnah* in this particular case of *shuf'ah* conjointly imply is that *Sunnah* in sense (1)—an exemplary precedent, becomes, in Mālik's time, *Sunnah* in sense (2)—an agreed practice.

VII

The necessary instrument whereby the Prophetic model was progressively developed into a definite and specific code of human behaviour by the early generations of Muslims was responsible personal free-thought activity. This rational thinking, called "*Ra'y*" or "personal considered opinion" produced an immense wealth of legal, religious and moral ideas during the

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first century and a half approximately. But with all its wealth, the product of this activity became rather chaotic, i.e., the "Sunnah" of different religions—Hijāz, Iraq, Egypt, etc.—became divergent on almost every issue of detail. It was in the face of this interminable conflict of free opinion that Ibn al-Muqaffa' (d. 140 A.H.) declared that there was no agreed-upon *Sunnah* of the Prophet and advised the Caliph to exercise his own *Ijtihād*.¹⁷ But the intellectual and religious leaders of the Community thought otherwise. Already, the individual free thought (*Ra'y*) had given way to more systematic reasoning on the already existing *Sunnah* and on the Qur'ān. This systematic reasoning was called "Qiyās". On the other hand, the existing *Sunnah*—the result of earlier free opinion—was slowly reaching a point where it resulted in a fairly uniform acceptance by the Community—at least regional communities—like Hijāz, Iraq, etc. This is why both the terms "*Sunnah*" and "*Ijmā'*" are applied by Mālik to this body of opinion, existing in Madīnah, almost equivalently. But although both these terms are applied to this material, there is an important difference in the point of view inherent in each term. The "*Sunnah*" goes backward and has its starting-point in the "Ideal *Sunnah*" of the Prophet which has been progressively interpreted by *Ra'y* and *Qiyās*; the *Ijmā'* is this *Sunnah*-interpretation or simply "*Sunnah*" in our sense (2) above, as it slowly came to be commonly accepted by the consent of the Community.

Between, therefore, the Qur'ān and the "Ideal *Sunnah*" on the one hand and the *Ijmā'* or *Sunnah* in sense (2) on the other, there lies the inevitable activity of *Qiyās* or *Ijtihād*. Mālik, in his *Muwatta'*, fills

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continuous paragraphs by his own *Ijtihād* despite his ceaseless invocation of the "general practice at Madinah". But there is perhaps nothing more revealing of the *Ijtihād* activity in the existing literature of even the second century—when a fairly general common opinion was crystallizing throughout the Muslim world through the stabilization of the *Sunnah* in sense (2) and through the growing number of new *Ḥadīth* (the role of which shall be portrayed in the next chapter) than the *Kitāb al-Siyar al-Kabīr* of Muḥammad al-Shaybānī, the younger of the two illustrious pupils of Abū Ḥanifah. Al-Shaybānī died in 189 A.H., and his great commentator al-Sarakhsī (d. 483 A.H.) tells us¹⁸ that this work is the last one written by al-Shaybānī. The bulk of the book consists of al-Shaybānī's own *Ijtihād*, arising out of his criticism of early opinion. Quite apart from *Qiyās*, i.e., analogical reasoning, al-Shaybānī has often recourse to *Istihsān* in opposition to earlier precedents and exercises absolute reasoning.

The number of *Ḥadīths* from the Prophet quoted by al-Shaybānī is, indeed, extremely small. He quotes *Ḥadīths* frequently from the Companions and still more frequently from the "Successors" (*Tābi'ūn*—the generation after the Companions). But he criticizes and rejects sometimes a Companion's opinions as well. One illustration will suffice here. The question under discussion is : What can an individual Muslim soldier appropriate for himself from the territory of a defeated enemy in view of the fact that the property of the fallen enemy does not belong to any individual Muslim but to the conquering Muslims as a whole? "It has been related from (the Companion) Abū'l Dardā'," says al-Shaybānī, "that he said that there

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is no harm if Muslim soldiers take food (from the enemy's territory), bring it back to their family, eat it and also make presents of it (to others), provided they do not sell it. Now, Abū'l-Dardā' seems to have included making food-presents among the necessities like eating (for the soldiers themselves are allowed to eat the food in order to keep themselves alive which is a necessity). But we do not accept this for whereas eating is a basic necessity . . . making food-presents is not.'¹⁹ In connection with this, al-Shaybānī says, "We accept on this point the *Hadīth* of the 'Successor' Makḥūl (d. *circa* 114 A.H.). A (Muslim) man slaughtered a camel in the territory of the Byzantines and invited others to share it. Makḥūl said to someone from the Ghassānids: 'Won't you get up and bring us some meat from this slaughtered camel?' The man replied, 'This is plunder (i.e. has not been properly distributed according to the rules of *ghanīmah*)'. Makḥūl said, 'There is no plunder in what is permissible (i.e. food is allowed to be eaten)'."

Al-Shaybānī goes on, "It is also related from Makḥūl that he said that anybody who brings back home something from the enemy territory that has no value *there* but which may be of use to *him*, is allowed to do so. But this would hold good, according to us, only in regard to those things which have no special value in *our* territory either. Things (which may be valueless in the enemy territory but) which become valuable in *our* territory must be returned to the *māl al-ghanīmah*, for, by mere transportation the essence of a thing is not transformed. Makḥūl regarded the *fact* of transportation as having become a constitutive quality of a thing—like a craft'.²⁰ Al-Shaybānī, after this criticism, proceeds to confirm

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Makhūl's *ijtihād* that if a Muslim finds some petty object in the enemy territory, say a piece of wood, and by his own work transforms it into, say, a bowl, he is entitled to it. But he is not entitled to possess things which had been manufactured before he found them.

VIII

Examples of this type could be given almost endlessly but I have chosen one lengthy illustration of *Ijtihād* to give a peep to the reader into the actual working of the mind of early *mujtahid* Muslims. It should be abundantly clear by now that the *actual content* of the *Sunnah* of the early generations of Muslims was largely the product of *Ijtihād* when this *Ijtihād*, through an incessant interaction of opinion, developed the character of general acceptance or consensus of the Community, i.e. *Ijmā'*. This is why the term "*Sunnah*" in our sense (2), i.e. the actual practice, is used equivalently by Mālik with the term "*al-amr al-mujtama' 'alayhi*", i.e. *Ijmā'*. Thus, we see that the *Sunnah* and the *Ijmā'* literally merge into one another and are, in actual fact, *materially* identical. Even later, in the post-Shāfi'i period, when the two concepts are separated, something of the intimate relationship between the two remains. For, in the later period, when *Sunnah* came to designate only the *Sunnah* of the Prophet and this not only conceptually and, as it were, as an umbrella-idea—even then the agreed practice of the Companions still continued to be called *Sunnah*—*Sunnat al-Ṣaḥābah*. But where *Sunnah* ceases, *Ijmā'* takes over. Thus, the agreement of the Companions is both *Sunnat al-Ṣaḥābah* and *Ijmā' al-Ṣaḥābah*. This in itself was not a harmful

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change, provided the important status of *Ijmā'* were not affected and its right to continue to assimilate and create new fresh ideas and elements were not jeopardized. But what happened, unfortunately, in the post-Shāfi'i period was precisely this and in the next section we shall portray this development.

IX

We have, so far, established : (1) that the *Sunnah* of the early Muslims was, *conceptually and in a more or less general way*, closely attached to the *Sunnah* of the Prophet and that the view that the early practice of the Muslims was something divorced from the *concept* of the Prophetic *Sunnah* cannot hold water ; (2) that the actual specific *content* of this early Muslim *Sunnah* was, nevertheless, very largely the product of the Muslims themselves ; (3) that the creative agency of this content was the personal *Ijtihād*, crystallizing into *Ijmā'*, under the general direction of the Prophetic *Sunnah* which was not considered as being something very specific ; and (4) that the content of the *Sunnah* or *Sunnah* in sense (2) was identical with *Ijmā'*. This shows that *the community as a whole had assumed the necessary prerogative of creating and recreating the content of the Prophetic Sunnah and that Ijmā' was the guarantee for the rectitude, i.e. for the working infallibility* (as opposed to absolute or theoretical infallibility, such as assumed by the Christian Church) *of the new content.*

With this background in view, we can understand the real force of the famous second-century aphorism : "The *Sunnah* decides upon the Qur'ān ; the Qur'ān does not decide upon the *Sunnah*",

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which, without this background, sounds not only shocking but outright blasphemous. What the aphorism means is *that the Community, under the direction of the spirit (not the absolute letter) in which the Prophet acted in a given historical situation, shall authoritatively interpret and assign meaning to Revelation.* Let us give a concrete example of this. The Qur'ān provides that for a decision in most cases (other than adultery, etc.) the evidence of two males or one male and two females is required. In the established actual practice, however, civil cases were decided on the basis of one witness plus an oath. Some people objected to this practice and argued from the Qur'ān. Mālik (*Muwatta'*, the chapter "al-Yamīn ma' al-Shāhid") confirms this established practice which had most probably arisen out of the exigencies of the judicial procedure. Mālik also quotes a *Ḥadīth* in this connexion but ultimately relies on the established practice.

An important feature of this *Sunnah-Ijmā'* phenomenon must be noticed at this stage. It is that this *informal Ijmā'* did not rule out differences of opinion. Not only was this *Ijmā'* regional—the *Sunnah-Ijmā'* of Madīnah, e.g. differed from that of Iraq—but even within each region differences existed although an *opinio generalis* was crystallizing. This itself reveals the nature of the process whereby *Ijmā'* was being arrived at, i.e. through differences in local usage and through different interpretations a general *opinio publica* was emerging, although at the same time the process of fresh thinking and interpretation was going on. This procedure of reaching *Ijmā'* or a common public opinion was utterly democratic in its temper. But at this juncture also a powerful movement had gained

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momentum to achieve standardization and uniformity throughout the Muslim world. The need for uniformity was pressing in the interests of administrative and legal procedures and tasks and that is why, as we have remarked earlier, Ibn al-Muqaffa' had advised the 'Abbāsid Caliph to impose his own decision in the absence of a universal agreement. This movement for uniformity, impatient with the slow-moving but democratic *Ijmā'*-process, recommended the substitution of the *Ḥadīth* for the twin principles of *Ijtihād* and *Ijmā'* and relegated these to the lowest position and, further, severed the *organic* relationship between the two. This seemed to put an end to the creative process but for the fact that *Ḥadīth* itself began to be created.

X

The mass-scale *Ḥadīth* movement, which we shall deal with in the next chapter had already started towards the turn of the first century but gained a strong impetus during the second century in the name of a uniform authority—the Prophet—and in the sphere of jurisprudence was spearheaded by al-Shāfi'ī whose decisive and successful intervention in the freely-moving Islamic thought-stream resulted in the fundamental formulation of the principles of Islamic jurisprudence as the succeeding ages have known and accepted them. Especially, in our present context, his arguments concerning the nature of *Ijmā'* have been truly momentous. He ceaselessly argued that the claims of his opponents—the representatives of the older schools—to have arrived at a state of general *Ijmā'* were quite unacceptable; that, apart from

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certain basic facts, like the number of prayers, etc., in fact not *Ijmā'* but difference prevailed on almost all issues, and that no formal council of Muslim representatives to reach agreements had been ever convened nor was such a step feasible.²¹ He non-committally states the opponents' view—and on occasions only reluctantly allows it, viz. that the early Caliphs, especially Abū Bakr and 'Umar, used to make public appeals for people to come forward with information about the Prophetic *Sunnah* when specific issues arose about which the Caliphs themselves were not in possession of such information.²² Actually, this argument of al-Shāfi'i's opponents was part of a larger argument that the Prophet's Companions had seen him behave in all sorts of situations and had acted in his spirit ; that the succeeding generation had, in their turn, witnessed the behaviour of the Companions ; and that through this process—involving mutual advice and criticism—by the third generation, the Prophetic *Sunnah* can be assumed to have been established in practice in the Community and, therefore, the vehicle of mass-scale *Ḥadīth*—beset with dangers of lack of verifiability—was not needed to support this *Sunnah*.²³ This argument was disallowed resolutely by al-Shāfi'i. The argument about the public appeals of the Caliphs seems to be an artifice introduced by the *Ahl al-Ijmā'* as a defence against the *Ahl al-Ḥadīth*, and the proof of its artificial character is al-Shāfi'i's scepticism towards it. But the larger argument had a great potentiality and apparently much truth. What weakened it in the eyes of al-Shāfi'i, however, was the differences of opinion prevailing among the schools. "You do not possess

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agreement (*ijmā'*) but disagreement (*iftirāq*)", he insistently pointed out.

It is clear that al-Shāfi'i's notion of *Ijmā'* was radically different from that of the early schools. His idea of *Ijmā'* was that of a formal and a total one ; he demanded an agreement which left no room for disagreement. He was undoubtedly responding to the exigencies of the time and was but a monumental representative of a trend that had long set in, working towards equilibrium and uniformity. But the notion of *Ijmā'* exhibited by the early schools was very different. For them, *Ijmā'* was not an imposed or manufactured static fact but an ongoing democratic process ; it was not a formal state but an informal, natural growth which at each step tolerates and, indeed, demands fresh and new thought and therefore must live not only *with* but also *upon* a certain amount of disagreement. We must exercise *Ijtihād*, they contended, and progressively the area of agreement would widen ; the remaining questions must be turned over to fresh *Ijtihād* or *Qiyās* so that a new *Ijmā'* could be arrived at.²⁴ But it is precisely the living and organic relationship between *Ijtihād* and *Ijmā'* that was severed in the successful formulation of al-Shāfi'i. The place of the living *Sunnah-Ijtihād-Ijmā'* he gives to the Prophetic *Sunnah* which, for him, does not serve as a general directive but as something absolutely literal and specific and whose only vehicle is the transmission of the *Ḥadīth*. The next place he assigns to the *Sunnah* of the Companions, especially of the first four Caliphs. In the third place he puts *Ijmā'* and, lastly, he accepts *Ijtihād*.²⁵

Thus, by reversing the natural order, *Ijtihād-Ijmā'* into *Ijmā'-Ijtihād*, their organic relationship was

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severed. *Ijmā'*, instead of being a process and something forward-looking,—coming at the end of free *Ijtihād*—came to be something static and backward-looking. It is that which, instead of having to be accomplished, is already accomplished in the past. Al-Shāfi'i's genius provided a mechanism that gave stability to our medieval socio-religious fabric but at the cost, in the long run, of creativity and originality. There is no doubt that even in later times Islam did assimilate new currents of spiritual and intellectual life—for, a living society can never stand quite still, but this Islam did not do so much as an active force, master of itself, but rather as a passive entity with whom these currents of life played. An important instance is point is *Ṣūfism*.

NOTES

1. Khalid b. 'Atabah al-Hudhali says (*Tāj al-'Arūs*, s.v.) :
ولا تجزغن من سنة أنت سرتها فأول راض سنة من يسيرها
"Do not be hesitant about a *sunnah* which you have introduced, for the first person to be satisfied with a *sunnah* is the one who has introduced it (i.e. has performed it first of all)."
2. *Vide* all the major dictionaries, s.v.
3. *Tāj al-'Arūs* refers it only to Shimr, although even there it is not absolutely clear whether *sunnah* is to be taken in a purely physical sense in its primitive connotation. There seems to be a widespread prejudice that the Arabs, in building abstract concepts, always used words which primarily denoted physical phenomena.
4. Published in the collection *Kitāb al-'Ālim wa'l-Mut'allim*, Cairo 1949, page 38. The major part of this letter has been translated into English in *Islam* by John Williams, (Great Religious Series), Washington D. C., 1961.
5. In the volume *Islam*, Chapter III, to be published by George Weidenfeld and Nicolson, London, in their series *History of Religion*.

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6. Qur'an, XXXIII : 62 ; XXXV : 43.
7. Qur'an XXXIII : 21 ; LX : 4, 6.
8. This letter was published by H. Ritter in *Der Islam*, Band, XXI, 67 ff.
9. *Al-Aghānī*, XV : 124 ; the *Ḥaṣhimiyyāt* of al-Kumayt were critically edited by J. Horowitz in 1904.
10. *Ḥaṣhimiyyāt*, poem no. 8, verse i ff.
11. Abū Yūsuf, *Kitāb al-Kharāj*, Cairo, 1302 A.H., p. 8, line 22.
12. Qur'an, LXXIII : 5.
13. Qur'an, XVIII : 6 ; XX : 1.
14. e.g. Qur'an, IV : 64.
15. For times of prayers, see the *Muwatta'a* of Mālik, *Ḥadīth* no. 1 : " . . . 'Umar ibn 'Abd al-'Aziz one day delayed a prayer. 'Urwah ibn al-Zubayr entered upon him and informed him that al-Mughīrah ibn Shu'bah, while in Kūfah, once delayed a prayer, but Abū Mas'ūd al-Anṣārī came to him and said : ' What is this, O Mughīrah ! Did you not know that Gabriel came down and prayed and the Prophet prayed (with him) ; then (again) Gabriel prayed (i.e. the next prayer) and the Prophet prayed (with him) ; then (again) Gabriel prayed (i.e. the third prayer) and the Prophet did likewise ; then (again) Gabriel prayed (i.e. the fourth prayer) and likewise did the Prophet ; and then (again) Gabriel prayed (i.e. the fifth prayer) and so did the Prophet ?' The Prophet then said, 'Have I been commanded this ?' (On hearing this) 'Umar ibn 'Abd al-'Azīz exclaimed, 'Mind what you are relating, O 'Urwah ! Is it the case that Gabriel it was who appointed the times of prayer for the Prophet ?' 'Urwah replied, 'So was Bashīr, son of Abū Mas'ūd al-Anṣārī in the habit of relating from his father'."

Henceforward, whenever prayers are emphasized in the *Ḥadīth*, the word "*Ṣalāh*" is almost invariably accompanied by the phrase "*'alā miqātiḥā*—[prayers] at their proper times". This seems to point to a campaign for the fixing of standard times for prayers.

16. Quoted from the manuscript of my above-mentioned work, *Islam*.

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17. Ibn al-Muqaffa', "Risālah fi 'l-Şaḥābah" in *Rasā'il al-Bulaghā'*, Cairo 1930.
18. Ḥaydarābād edition, 1335 A.H., I: 2.
19. *Ibid.*, II: 260.
20. *Ibid.*, II: 259.
21. *Kitāb al-Umm*, VII: 240 ff., 248, 256, 258.
22. *Ibid.*, VII: 242, 246.
23. *Ibid.*, VII: 242, etc.
24. See especially *ibid.*, VII: 255, 8 lines from the bottom ff.
25. Especially *ibid.*, 246, line 15.

2

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I

SOMETHING MORE ABOUT THE SUNNAH

IN the preceding chapter we had tried to underline the fact that the *Sunnah* of the Holy Prophet was an ideal which the early generations of Muslims sought to approximate by interpreting his example in terms of the new materials at their disposal and the new needs and that this continuous and progressive interpretation was also called "*Sunnah*", even if it varied according to different regions. This point is so fundamentally important for grasping the true nature of the early development of Islam and appears—after the full development of the Science of *Ḥadīth*—so new and, indeed, revolutionary, that it is worth our while devoting a little more attention to it in the light of further historical evidence before passing on to our treatment of *Ḥadīth*.

Abū Yūsuf, in his *al-Radd 'alā Siyar al Awzā'ī*, states the view of Abū Ḥanīfah that if a person in a non-Muslim territory becomes a Muslim, leaves his home and joins the Muslims, then in case this

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territory falls to Muslim arms, the property of this person will not be simply returned to him but will be included in the *māl al-ghanīmah*. The Syrian al-Awzā'ī rejects Abū Ḥanīfah's view, arguing that the Prophet, at the fall of Mecca, had returned the properties of men who had left Mecca, and had joined the Muslims in al-Madīnah. According to Abū Yūsuf, al-Awzā'ī said, "The person most worthy of being followed and whose *Sunnah* is most deserving of being adhered to is the Prophet." Abū Yūsuf, defending Abū Ḥanīfah, says that the practice of Muslims has been on Abū Ḥanīfah's side and that the Prophet's treatment of the Meccans was an exception: "So has been the *Sunnah* and the practice of Islam [although] the Prophet did not do so [at Mecca]." Abū Yūsuf then points out that the "Prophet's *Sunnah*" with the tribe of Hawāzin, had been still different. After their defeat, the Banū Hawāzin came and implored the Prophet for mercy and release of their captives and return of their property. The Prophet gave up his own share of the booty and was followed by others except some clans who refused to give up their share. The Prophet then compensated these clans and all the property and slaves of the Banū Ḥawāzin were returned.¹

The first point to be noticed in the above account is al-Awzā'ī's statement: "The person... whose *Sunnah* is most deserving of being followed is the Prophet." It obviously implies (i) that *Sunnah* or authoritative precedent can be set by any competent person, and (ii) that the *Sunnah* of the Prophet overarches all such precedents and has priority over them. But the second, equally important, point is the use of the term "*Sunnah*" by Abū Yūsuf in the above

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account. Abū Yūsuf first distinguishes between the *Sunnah* with regard to the point under discussion, i.e., the practice accepted by the Muslims on the one hand, and the Prophet's special action in the case of the fall of Mecca on the other. This action of the Prophet is regarded as an exception by Abū Yūsuf and, therefore, does not constitute *Sunnah* for *him*; for al-Awzā'ī, on the other hand, it does not constitute *Sunnah*. Thus, we see how through different interpretations, contrary conclusions are arrived at by these two legists. But also of great interest for us is the use of the term "*Sunnah*" by Abū Yūsuf in his second statement where he speaks of the "*Sunnah* of the Prophet" with regard to the Banū Hawāzin. This case too Abū Yūsuf regards as some kind of exception to the *Sunnah*; but the exception to the *Sunnah* is also termed "*Sunnah*". The most obvious inference from this must be that *when the situation so demands, the exception to the rule must be applied as a rule*. What a contrast this freedom of interpretation of the Prophetic *Sunnah*—in order to formulate the concrete *Sunnah* in sense (ii), i.e. the actual practice of that Community—presents to the rigid and inflexible doctrine of *Sunnah* inculcated by later legists. Here a freely flowing situational treatment of the Prophetic activity, there a once-and-for-all positing of immobile rules; here a ceaseless search for what the Prophet intended to achieve, there a rigid system, definite and defined, cast like a hard shell.

Abū Ḥanīfah considers undesirable the selling and buying of slaves captured in the enemy territory before they are brought to the land of the Muslims. On this al-Awzā'ī comments, "The Muslims have always been buying and selling war-captives in the *Dār al-Ḥarb*.

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No two (Muslims) have ever disagreed upon this point until the murder of (the Caliph) al-Walīd." Abū Yūsuf comments, "Judgment regarding what is lawful and what is unlawful cannot be based upon such statements as 'People have always been practising such and such'. For, much of what people have always been practising is unlawful and should not be practised. . . . The basis (of judgment) should be the *Sunnah* of the Prophet, or of the early generations (*salaf*), i.e. the Companions of the Prophet and men who have an understanding of the law."² Again, criticizing the *Sunnah*-concept of the Hījāzī lawyers, Abū Yusuf writes, "The lawyers of Hījāz give a decision and when they are asked for the authority they reply, 'This is the established *Sunnah*'. In all probability, this *Sunnah* is (the result of) some decision given by a market tax-collector (*'āmil al-sūq*) or a tax-collector in an outlying district."³ Certain points clearly emerge from these discussions and arguments and counter-arguments. First, the *Sunnah*-concept as used by early lawyers, including al-Awzā'ī, although it ideally goes back undoubtedly to the Prophetic Model, is nevertheless, in its actual *materieux*, inclusive of the practice of the Community. Indeed, al-Awzā'ī constantly speaks of the 'practice of the Muslims,' 'of the political (and military) leaders of the Muslims (*a'immat al-Muslimīn*)' and 'of the consonance of the learned' as synonymous terms just as Mālik talks of the practice of al-Madīnah. It is absolutely clear that we are here face to face with the living practice of the early generations of the Muslims. It is also quite obvious that this *Sunnah*—which we called "*Sunnah*" in sense (ii) in the previous chapter and which may be called the "living *Sunnah*"—is identical with the *Ijmā'* of

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the Community and includes the *ijtihād* of the 'ulamā' and of the political authorities in their day-to-day administration.

The second important point that emerges from this picture is that although the "living *Sunnah*" is still an on-going process—thanks to *Ijtihād* and *Ijmā'*—there is at the same time noticeable, by the middle of the second century, a development in the theoretical framework of the *Fiqh*, a development which is clearly visible in the statements of Abū Yūsuf and which began to become conscious first in Iraq. This development reflects a critical attitude towards the living *Sunnah* and contends that not any and every decision by a judge or a political leader may be regarded as part of the *Sunnah* and that only those well versed in law and possessed of a high degree of intelligence may be allowed to extend the living *Sunnah*. The idea of the living *Sunnah* is certainly not denied but a firm and sure methodology is sought to base this living *Sunnah* upon it.

II

EARLY DEVELOPMENT OF THE ḤADĪTH

That *Ḥadīth* from the Prophet must have existed from the very beginning of Islam is a fact which may not reasonably be doubted. Indeed, during the lifetime of the Prophet, it was perfectly natural for Muslims to talk about what the Prophet did or said, especially in a public capacity. The Arabs, who memorized and handed down poetry of their poets, sayings of their soothsayers and statements of their judges and tribal leaders, cannot be expected to fail to notice and narrate the deeds and sayings of one whom they acknowledged as the Prophet of God.

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Rejection of this natural phenomenon is tantamount to a grave irrationality, a sin against history. Their new *Sunnah*—the *Sunnah* of the Prophet—was much too important (an importance so emphatically enshrined in the Qur'an itself) to be either ignored or neglected, as we sought to establish in the previous chapter. This fact juts out like a restive rock in the religious history of Islam, reducing any religious or historical attempt to deny it to a ridiculous frivolity : the *Sunnah* of the Community is based upon, and has its source in, the *Sunnah* of the Prophet.

But the *Hadīth*, in the Prophet's own time, was largely an informal affair, for the only need for which it would be used was the guidance in the actual practice of the Muslims and this need was fulfilled by the Prophet himself. After his death, the *Hadīth* seems to have attained a semi-formal status for it was natural for the emerging generation to enquire about the Prophet. There is no evidence, however, that the *Hadīth* was compiled in any form even at this stage. The reason, again, seems to be this, viz., that whatever *Hadīth* existed—as the carrier of the Prophetic *Sunnah*—existed for *practical* purposes, i.e., as something which could generate and be elaborated into the practice of the Community. For this reason, it was interpreted by the rules and the judges freely according to the situation at hand and something was produced in course of time which we have described as the "living *Sunnah*". But when, by the third and fourth quarters of the first century, the living *Sunnah* had expanded vastly in different regions of the Muslim Empire through this process of interpretation in the interests of actual practice, and difference in law and legal practice widened, the *Hadīth* began to

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develop into a formal discipline.

It appears that the activity of the Hadīth transmitters was largely independent of, and, in cases, developed even in opposition to, the practice of the lawyers and judges. Whereas the lawyers based their legal work on the living *Sunnah* and interpreted their materials freely through their personal judgment in order to elaborate law, the Hadīth transmitters saw their task as consisting of *reporting*, with the purpose of promoting legal fixity and permanence. Although the exact relationship between the lawyers and the transmitters of the Hadīth in the earliest period is obscure for lack of sufficient materials, this much seems certain that these two represented in general the two terms of a tension between legal growth and legal permanence: the one interested in creating legal materials, the other seeking a neat methodology or a framework that would endow the legal materials with stability and consistency. It is also quite certain that in the early stages the majority of the Hadīth did not go back to the Prophet, due to the natural paucity of the Prophetic Hadīth, but to later generations. Certainly, in the extant works of the second century, most of the legal and even moral traditions are not from the Prophet but are traced back to the Companions, the "Successors" and to the third generation. But as time went on, the Hadīth movement, as though through an inner necessity imposed by its very purpose, tended to project the Hadīth backwards to its most natural anchoring point, the person of the Prophet. The early legal schools, whose basis was the living and expanding *Sunnah* rather than a body of fixed opinion attributed to the Prophet, naturally resisted this development. We

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have briefly outlined the rôle of al-Shāfi'i in this process in the previous chapter. Al-Shāfi'i constantly accuses the lawyers of "not transmitting the *Ḥadīth*" and of not making use in law, "of the little (*Ḥadīth*) you transmit".⁴ Such criticisms are made by al-Shāfi'i especially against the Hijāzīs but are equally turned against the Iraqians.

By the middle of the second century, the *Ḥadīth* movement had become fairly advanced and although most *Ḥadīth* was still attributed to persons other than the Prophet—the Companions and especially the generations after the Companions—nevertheless a part of legal opinion and dogmatic views of the early Muslims had begun to be projected back to the Prophet. We shall produce detailed evidence for this statement presently. But still, the *Ḥadīth* was interpreted and treated with great freedom. In the last chapter we adduced evidence from Mālik who often upholds the practice of al-Madīnah against the *Ḥadīth* and often bases his interpretations on his own opinion (*ra'y*). In the first section of this chapter we have seen how situationally Abū Yūsuf interprets the *Ḥadīth* produced by al-Awzā'i as an argument. Abū Yūsuf's works are full of instances of this kind. We have also seen above how Abū Yūsuf regards the expert lawyers as elaborators of the Prophetic *Sunnah* and creators of the living *Sunnah*. He rejects "lonely" *Ḥadīth* by which he does not mean, as was done later, a *Ḥadīth* which has only one chain of narrators but a *Ḥadīth* which stands alone as a kind of exception to the general *Sunnah*. For instance, Abū Ḥanīfah holds that a person who provides two horses for the *Jihād* is entitled to draw booty share for only one. Al-Awzā'i, on the other hand, allows both horses to claim shares

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and bases himself both on *Ḥadīth* and practice, saying, "This is a *Ḥadīth* well known to scholars and on which the political leaders have acted."⁵ Presumably, this was the administrative practice in Syria. Abū Yūsuf comments, "No tradition has come down to us from the Prophet or anyone of his Companions about allowing shares to both horses except one. But one *Ḥadīth* we regard as being solitary and do not consider valid. As for al-Awzā'i's statement that this has been the practice of the political leaders and the view of scholars, this is just like the people of Ḥijāz who keep asserting 'This is the established *Sunnah*'. This cannot be accepted as authoritative from ignorant people. Which political leader has practised it, and which scholar has accepted it? . . ."⁶

In the same work, Abū Yūsuf issues a general warning against uncritical acceptance of *Ḥadīth*: "*Ḥadīth* multiplies so much so that some *Ḥadīths* which are traced back through chains of transmission (*yukharraju*) are not well known to legal experts, nor do they conform to the Qur'ān and the *Sunnah*. Beware of solitary *Ḥadīths* and keep close to the 'collective spirit (*al-jamā'ah*)' of *Ḥadīth*."⁷ He adds: "Therefore, make the Qur'ān and the well-known *Sunnah* your guide and follow it."⁸ Thus, Abū Yūsuf establishes as the criterion of the "collective nature or spirit" of *Ḥadīth* the well-known *Sunnah*. (The term "collectivity" or "collective nature" is highly significant and we shall show in Section IV of this chapter that it is intimately connected with the term "*Sunnah*" and is then used to designate the majority or the "collectivity" of Muslims—the *Ahl al-Sunnah wa'l-Jamā'ah*.) Abū Yūsuf also quotes several *Ḥadīths* from the Prophet himself and from his Companions warning

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against *Ḥadīth* and even in rejection of it.⁹ This anti-*Ḥadīth Ḥadīth* must be, strictly historically speaking, a result of the phenomenon of *Ḥadīth* itself which is the logical condition for its emergence. But it is, indeed, highly probable that the anti-*Ḥadīth Ḥadīth* is prior to pro-*Ḥadīth Ḥadīth*. This lies in the very nature of the *Ḥadīth* process. Besides, whereas we find the former in Abū Yūsuf, the latter does not seem to occur until later, and even al-Shāfi'i, the great protagonist of *Ḥadīth*, produces two or three *Ḥadīths* only (which we shall discuss later) and bases his arguments for the acceptance of *Ḥadīth*, for the most part, on other materials—Qur'ānic and historical. But although Abū Yūsuf quotes several *Ḥadīths* from the Prophet about the forgery of *Ḥadīth*, he still does not know the famous *Ḥadīth* which later found a prominent place in the *Ṣiḥāh* works and which says, "He who deliberately reports lies about me shall prepare his seat in the Fire." This *Ḥadīth* was sought to be countered by another one which makes the Prophet say, "Whatever there be of good saying, you can take me to have said it."

Nevertheless, despite Abū Yūsuf's cautions against the "multiplication of *Ḥadīth*," a good deal of *Ḥadīth* had been, by his time, obviously projected back. For example, in his *Kitāb al-Āṭhār* a tradition is attributed once to 'Ā'ishah, wife of the Prophet, and again to the Companion, Ibn Mas'ud saying,

‘إن البلاء مؤكل بالكلام’

"Evil [or trouble (*al-balā'*)] is a concomitant of dialectical theology (*al-kalām*)."¹⁰ Another *Ḥadīth* attributes a deterministic doctrine of dogmatic theology to the Prophet himself. The Companion,

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Surāqah b. Mālik, asks the Prophet :

فحدثنا عن ديننا هذا كأننا خلقنا له الساعة نعمل لشيء قد جرت به المقادير وجفت به الأقلام أم لشيء يستقبل قال : بل لشيء قد جرت به المقادير وجفت به الأقلام ، قال ففيم العمل يا رسول الله صلعم، قال اعملوا فكل ميسر لما خلق - قال ثم قرأ هذه الآية فاما من اعطى واتقى وصدق بالحسنى... (الى آخر الآية).

“Tell us about this Faith of ours as though we were created for it [right] on the hour : are we working for something which has been already determined by Divine Decree and the Pen has become dry over it, or shall we work for something [of] which [the issue] shall be decided in the future ?” The Prophet answered, “Rather for something which has been decided by the Divine Decree and over which the Pen has run dry.” “What is, then, our action about ? O Prophet of God !” asked Surāqah, and the Prophet replied, “Work on ! for every person that has been made easy what he has been created for.” The Prophet then recited the words of the Qur’ān, “As for him who gives generously, fears (God) and approves of good things, We make good easy for him.”¹¹ We shall explain in Section IV, while discussing the emergence of the Muslim orthodoxy, the nature and the rôle of the freewill-determinism controversy of which such *Hadīth* as the one quoted here is a result. The verse of the Qur’ān quoted in this *Hadīth* is in unconcealed contradiction with the determinism preached in the *Hadīth*.

There is also a definite, though rudimentary, form of eschatological *Hadīth* implying the Second Advent of Jesus, although it is attributed not to the Prophet but to ‘Abd al-A‘lā described either as a *qāḍī* or as a story-

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teller (*qāṣṣ*)—the latter being most probably correct. An instance of the political *Ḥadīth* is the following : A man came to 'Ali and said :

ما رأيت احداً خيراً منك - فقال له هل رأيت النبي صلعم - قال لا - قال فهل رأيت ابا بكر وعمر رض - قال لا - قال لو اخبرتني انك رأيت النبي صلى الله عليه وسلم ضربت عنقك و لو اخبرتني انك رأيت ابا بكر وعمر رضى الله عنهما لا وجمعتك عقوبة -

"I have never seen anyone better than you." 'Ali asked, "Did you see the Prophet?" The man replied "No". "Did you see Abū Bakr and 'Umar?" enquired 'Ali and received a negative reply. "If you had told me that you had seen the Prophet," exclaimed 'Ali, "I would have executed you; and if you had said that you had known Abū Bakr and 'Umar, I would have administered dire punishment to you."¹² A moral legal *Ḥadīth* runs as follows :

The Prophet said to Abu Dharr :

يا ابا ذر الامرة امانة وهي يوم القيامة خزي و ندامة الا من اخذها بحقتها و ادى الذى عليه فيها .

"O Abū Dharr ! public office (*al-imrah* or *al-imārah*) is a trust which on the Day of Judgment shall turn into disgrace and repentance except for those who acquire such office properly and then fulfil the obligation (that it lays upon them)." Abū Yūsuf's fellow-legist, Muḥammad al-Shaybānī, says after narrating the same *Ḥadīth* that the Prophet added, "And how can he possibly do that ? O Abū Dharr !"¹³

III

THE ḤADĪTH MOVEMENT

The *Ḥadīth* materials continued to increase during the second century and the period represented above

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constitutes a transition period in the development of both the literature and the status of the Prophetic *Ḥadīth*. Al-Awzā'i regards the *Ḥadīth* of the Prophet as being endowed with fundamental obligatoriness but the *Sunnah* or living practice is of the same status with him. His appeals to the practice of the Community or its leaders are, to judge from the extant materials, the most regular feature of his legal argumentation. Mālik adduces *Ḥadīth* (not necessarily Prophetic *Ḥadīth*) to vindicate the Medinese *Sunnah* but regards the *Sunnah* in terms of actual importance, as being superior to the *Ḥadīth*. As for Abū Yūsuf and al-Shaybānī, very few of whose legal *Ḥadīths* go back to the Prophet at all, they interpret the *Ḥadīth* with a freedom whose instances we have seen above. The Iraqi school recognizes the supreme importance of the Prophetic *Ḥadīth* but the *Ḥadīth*, according to it, must be situationally interpreted in order that law may be deduced from it. There is only one point in his *al-Radd 'alā Siyar al-Awzā'i* on which Abū Yūsuf has recanted from Abū Ḥanīfah's position to that of al-Awzā'i on the basis of *Ḥadīth* although he could have easily interpreted that *Ḥadīth* if he had wished to. The point under discussion is the share of booty to be allotted to a Muslim for his horse for taking part in *Jihād* apart from his own share. It seems that a horse's share was double the share of a human being and the practice probably originated with the Prophet who wanted to encourage the breeding of horses for war in view of the paucity of riding animals suitable for war in early Islam. Indeed, there is evidence that the Prophet was anxious over this matter in the early stages of the Muslims' struggle against the pagan Arabs. Abū Ḥanīfah thought it improper that

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an animal should be treated preferentially in relation to a man,¹⁴ and he had also a precedent of 'Umar who approved of a booty distribution in Syria where one share was given to each man and also one share for every horse.¹⁵ We do not know what the practice at that time was and it is very likely that the practice differed in different regions. It is obvious that the chief determinant in this issue should be the relative scarcity or otherwise of the horses, the type of horse, the cost involved in maintaining a war-horse, etc. But al-Awzā'i states categorically that not only had the Prophet given to a horse twice the share of a soldier but that the "Muslims follow this until today". Abū Yūsuf, who otherwise liberally interprets the Prophetic and other precedents throughout, gives up his master's view on the ground that al-Awzā'i's position is supported by a tradition from the Prophet and from other Companions.¹⁶

This case is obviously a clear indication of the increasing power of the *Ḥadīth* over against the living *Sunnah* whose very life-blood was free and progressive interpretation. It was against this background that al-Shāfi'i, the "Champion of *Ḥadīth*," carried out his successful campaign to substitute the *Ḥadīth* for the living *Sunnah* as briefly described in the previous chapter. We shall illustrate al-Shāfi'i's attitude to the *Ḥadīth* and free interpretation by two examples which shall indicate the nature of the change and the power of the new trend that had set in in the legal thought of Islam. There was a difference of opinion among the jurists about the extent of the sternness of policy towards a non-Muslim people in state of war. Abū Ḥanīfah advocated a consistently stern policy on general grounds of strategy : such questions are con-

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sidered as to whether enemy livestock and trees should be destroyed ; whether anything should be exported to the enemy territory, especially goods of a strategic character ; whether the enemy, in case they shield themselves, say, with Muslim children, should be shot at ; whether war captives should be allowed to be redeemed by the enemy or not ; whether Muslim soldiers who find themselves without weapons during a battle may take such weapons from the public reserves (without permission, apparently).¹⁷ On all these matters. Abū Ḥanīfah recommends alternatives conducive to a successful issue in favour of Muslims and making for Muslim strength. The net result is an uncompromisingly stern policy. The only guiding principles of Abū Ḥanīfah seem to be those based on pure war strategy. On the first of the above-mentioned questions, where Abū Ḥanīfah seeks to support himself by a Qur'ānic verse, al-Awzā'ī who opposes Abū Ḥanīfah on all these points, adduces no Prophetic *Ḥadīth* but relies on injunctions reported to have been given by Abū Bakr to the troops, viz., that they should not destroy trees or animals. Abū Yūsuf, who takes the side of his master on all these issues and taunts al-Awzā'ī more than once with ignoring the interests of the Muslims,¹⁸ controverts the story of Abū Bakr's instructions and seeks to support his view from the incident of the Muslim treatment of Banū Qurayzah.

Al-Shāfi'ī is questioned on the same point¹⁹ by a Medinese who says that according to his school enemy property should be spared from destruction and refers to the above-mentioned injunctions of Abū Bakr. Al-Shāfi'ī declares himself unequivocally in favour of destroying the enemy property, to the exclusion of the animals. He bases himself on the historical *Ḥadīth*

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that the Prophet carried out wholesale destruction when the Muslims attacked Banū Naḍīr, Khaybar and al-Ṭā'if and asserts that this is the *Sunnah* of the Prophet.²⁰ Now, the fact is that with regard to the Jews of Banū Naḍīr and Khaybar, the Prophet had taken specially stern measures and historical facts render the conclusion inescapable that the past behaviour of the Jews was responsible for this. Indeed, it is highly probable that the Prophet wanted to drive the Jews out of Arabia. (This was later categorically stated in *Ḥadīth* form which is, however, historically unacceptable for banishing of Jews is attributed by *Ḥadīth* to 'Umar also.) As for al-Ṭā'if, it was the last post of resistance of the pagan Arabs and was stubbornly holding out even after the fall of Mecca. This is the reason why the Prophet took specially strong measures against it and is even said to have bombarded it with a catapult. It is highly illuminating to see that while Abū Ḥanīfah and al-Shāfi'i hold the same position, they do so for very different reasons. Whereas Abū Ḥanīfah's real grounds are common-sense war strategy for which he seeks support in the Qur'ān, al-Shāfi'i bases himself on literal *Ḥadīth* reports without taking the situational context into account. For al-Awzā'i, like the Medinese, the practice of the Muslims is authoritatively indicative of the Prophetic *Sunnah* and they adduce no arguments from the Prophet's campaigns against the Banū Naḍīr, Banū Qurayzah, Khaybar or al-Ṭā'if. On the question of killing the animals, however, al-Shāfi'i takes up a position similar to that of al-Awzā'i but again for very different reasons. Whereas the latter appeals to Abū Bakr's instructions, al-Shāfi'i has come to base himself on a *Ḥadīth* generally forbidding the killing

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of animals except for food—a *Ḥadīth* which, it is noteworthy, was not known to al-Awzā'i or to Abū Yūsuf.

A second instance of this new trend represented by al-Shāfi'i may be seen in the case of the institution of the *walīy* or guardian in marriage. The institution of the *walīy* must have been older than Islam and there are also reports from the Prophet and others about its importance. According to one report, a guardian is necessary only for a first marriage and a remarrying woman can dispense with it, while according to another no marriage is valid without a *walīy*. 'Umar is said to have forbidden women from marrying without the permission of their guardian, or an elder statesman of their family or the state. A Medinese tells al-Shāfi'i that he and his colleagues uphold the *walīy* institution for noble-born women but do not regard it necessary in the case of low-born ones. The idea behind this attitude seems to be that the *walīy* endows the marriage with a formal dignity which is not thought necessary in the case of a low-born woman. Al-Shāfi'i says to him, "What would you think if someone were to tell you that he will not permit the marriage of a low-born woman without a guardian for she is more liable to enter into a spurious marriage and to fall into evil than a noble-born one who has a sense of honour of her noble origin . . . Would such a person not be nearer the truth than you? Your opinion is too erroneous to need any more refutation than just to be stated."²¹ Al-Shāfi'i maintains that the *Ḥadīth* must be accepted, no distinctions made and no questions raised about it. It will be seen that al-Shāfi'i's interpretation of the *walīy* institution is not so much in terms of dignity and honour but in those of protecting the woman from evil and a public guarantee of

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genuine marriage. But although al-Shāfi'i has correctly analyzed the value (*'illat al-hukm*), he, in fact, warns against this kind of rational activity and recommends a literal acceptance of *Ḥadīth*.

The *Ḥadīth* movement, which represents the new change in the religious structure of Islam as a discipline and whose milestone is al-Shāfi'i's activity in law and legal *Ḥadīth*, demanded by its very nature that *Ḥadīth* should expand and that ever new *Ḥadīth* should continue to come into existence in new situations to face novel problems—social, moral, religious, etc. It is, of course, beyond the scope of this chapter to treat, in an exhaustive manner, all the fields wherein and points of view wherefrom ever new *Ḥadīth* came into being but the following shall serve as illustrations of both the nature and the scope of *Ḥadīth* formation. It is well known and admitted by the classical traditionists themselves that moral maxims and edifying statements and aphorisms may be attributed to the Prophet irrespective of whether this attribution is strictly historical or not. It was legal and dogmatic *Ḥadīth*, i.e. that concerning belief and practice which must, "strictly speaking," belong to the Prophet. First, it may, of course, be doubted once the principle of non-historicity is introduced at some level, whether this principle can stand confined to that level. If one thinks that a certain maxim contains a moral truth and may, therefore, be attributed to the Prophet, why should not a legal dictum which, according to someone, embodies a moral value—for law is nothing but a particular embodiment of moral principles—likewise be attributed to the Prophet? The majority of the contents of the *Ḥadīth* corpus is, in fact, nothing but

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the *Sunnah-Ijtihād* of the first generations of Muslims, an *ijtihād* which had its source in individual opinion but which in course of time and after tremendous struggles and conflicts against heresies and extreme sectarian opinion received the sanction of *Ijmā'*, i.e. the adherence of the majority of the Community. In other words, the earlier living *Sunnah* was reflected in the mirror of the *Hadīth* with the necessary addition of chains of narrators. There is, however, one major difference : whereas *Sunnah* was largely and primarily a practical phenomenon, geared as it was to *behaviorial* norms, *Hadīth* became the vehicle not only of legal norms but of religious beliefs and principles as well. We present here some examples.

We have noticed above the warnings against *Hadīth* by Abū Yūsuf. Some of these warnings are attributed to the Prophet himself and we have already remarked that it is highly probable that anti-*Hadīth* traditions originated before the pro-*Hadīth* traditions. The earliest extant account supporting *Hadīth* by a *Hadīth* is that of al-Shāfi'i. He quotes the following tradition :

ان النبي صلى الله عليه وسلم قال نضر الله عبداً سمع مقالتي فحفظها ووعاها وادأها فرب حامل فقه غير فقيه ورب حامل فقه الى من هو افقه منه ثلاث لا يغل عليهن قلب مسلم : اخلاص العمل لله والنصيحة للمسلمين ولزوم جماعتهم فان دعوتهم تحيط من ورائهم .

“The Prophet said, ‘May God make that man prosperous who hears my words, preserves them carefully in memory and then transmits them. For, there is many a bearer of wisdom who cannot understand it himself (but can only transmit it). And many a transmitter of wisdom transmits it to someone who can understand it better. There are three things with regard to which the heart of a Muslim is never stingy :

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working sincerely for God, active good-will for the Muslims and adhering to their majority for their mission (*da'wah*) will render them secure'.²² Another tradition quoted by him repeatedly is that the Prophet said :

قال النبي صلعم لا ألفين احدكم متكئا على اريكته يأتيه الامر من امرى مما نهيت عنه أو أمرت به فيقول ما ندرى ما وجدنا في كتاب الله اتبعناه .

"Let me not find anyone of you reclining on his seat and, when a command comes from me commanding something, or forbidding something, saying, 'I do not know (this) ; I follow that which I find in the Book of God'.²³ Lastly, there is the tradition according to which the Prophet said :

حدثوا عن بنى اسرائيل ولا حرج وحدثوا عنى ولا تكذبوا على .

"There is no harm in relating traditions from the Banū Isrā'il ; and relate traditions (also) from me but do not attribute traditions to me falsely."²⁴

The first of the above-mentioned three *Ḥadīths* is also adduced by al-Shāfi'i as an argument for *Ijmā'* which we shall discuss below. Here we begin by enunciating a general principle, viz. *that a Ḥadīth which involves a prediction, directly or indirectly, cannot, on strict historical grounds, be accepted as genuinely emanating from the Prophet and must be referred to the relevant period of later history.* We do not reject all predictions but only those which are fairly specific. This principle has been accepted by most classical traditionists themselves but has never been applied by them with the full rigour of strict historicity. While they reject absolutely specific predictions, viz.

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those which claim to indicate a specific day or date or place, they swallow without qualms predictions about the rise of Muslim theological and political groups and parties. We Muslims must decide whether, in face of strict historical evidence, we can accept and go on accepting predictive *Hadīth* and, if so, how far. There is a type of prediction contained, e.g. in the Qur'anic verse about the relative war-fortunes of the Persians and the Romans :

غلبت الروم في ادنى الارض وهم من بعد غلبهم سيغلبون في
بضع سنين - ^{٥٤} (الروم : ١-٣)

This kind of prediction is absolutely rational for while even ordinary human wisdom, with an insight into history, can successfully predict on such points as wars, economic slumps, etc., how much more infallibly can the Divine Wisdom. But I shall show that the predictions which the *Hadīth* involves directly or indirectly are not of this type. Indeed, I shall also show in the next section that the basic function of *Hadīth* was not so much history-writing but history-making and that contemporary phenomena were projected back in the form of *Hadīth* in order to succeed in moulding the Community on a certain spiritual, political and social pattern. We must emphasize again that it is not against the predictive quality of the Prophet, arising out of an insight into the workings of historic forces that we argue. On the contrary, we believe that the very greatness of the Prophet lies in the fact that, having a unique insight into the forces of history, he pressed them into the service of a Divinely inspired moral pattern. But there is a world of difference between this historic judgment and sooth-saying about, e.g. the false Prophet

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Musaylimah and the rise of the Mu'tazilah, Khawārij, Shī'ah, etc.

By predictive Ḥadīth we do not mean only such Ḥadīth as has the predictive form but also that which involves a prediction. For example, the Ḥadīth—

القدرية مجوس هذه الامة

“The Qadarīs (i.e. those who uphold the freedom of the human will) are the Magians of this Community,” although not directly predictive, involves a prediction. For, it presupposes a technical consciousness of the philosophical problem of freedom such as could develop only with the rise of dogmatic schisms. Now, in the light of our principle, all the three Ḥadīths cited above from al-Shāfi'i supporting the phenomenon of Ḥadīth itself are, historically speaking, extremely dubious. Take the first one. Besides, the obvious fact that for the Prophet to say what the first part of this Ḥadīth attributes to him is to insult his own Companions by calling them unintelligent, the Ḥadīth could only arise at a time when the legal acumen of the Muslims flared up and brilliant schools of legal opinion developed all over the then Muslim world from Iraq to Egypt. Further, it conjures up a picture of the Prophet and his Companions which is entirely artificial: the Prophet is portrayed as making speeches and issuing statements, not for the immediate needs of the contemporary Community but for the Community to preserve them word for word, for transmission to later generations who should understand them better! Nor will the second Ḥadīth bear examination: it presupposes an acceptance of the Qur'ān and a *wholesale* rejection of the *Sunnah*, a complete divorce of the latter from the former which, as we pointed out also

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in the last chapter, cannot be rationally and legitimately attributed to the Companions. How could the Companions, who accepted even the Word of God on the authority of the Prophet, reject that very authority of the Prophet *as a whole* (as distinguished from murmurs in certain quarters about a *particular* decision of the Prophet) ? For the Hadīth in question envisages a *total* rejection of the *Sunnah* in favour of the Qur'ān. It obviously arose in a later situation when the Hadīth movement had set in and claimed to be the unique vehicle (at the expense of the living *Sunnah*) of expressing the Prophetic *Sunnah* ; and its credentials to do so were questioned both by the *Ahl al-Kalām* and the earlier schools of law. Thus, this Hadīth turns out to be blatantly predictive. As for al-Shāfi'i's third Hadīth which says, "There is no harm in relating traditions from the Banū Isrā'il ; and relate traditions (also) from me but do not attribute to me traditions falsely," its case is no better. With certain alterations, this Hadīth has also survived in al-Bukhārī's *Ṣaḥīḥ*. But it is a historical fact that Judeo-Christian religious lore had begun to find its way into Islam at a very early date chiefly through the activity of popular preachers (*quṣṣāṣ*) who wanted to make their sermons as effective as possible. This movement was criticized by certain early traditions and sayings. There is, for example, a tradition that 'Umar once advocated the acceptance of certain Jewish traditions but was sternly forbidden by the Prophet to do so.²⁵ There is also a saying admonishing the Muslims to seek knowledge "not from popular preachers but from the *fuqahā*."²⁶ These endeavours to stem the tide of what came to be called "*Isrā'īliyyāt*" were then sought to be countered by such Hadīths

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as the present one. So much for the *Ḥadīth* basis of *Ḥadīth*. Let us now turn to *Ijmā'*.

Al-Shāfi'i has two *Ḥadīths* to quote to establish the validity of *Ijmā'*. His predecessors, of course, had the idea of *Ijmā'* but it seems to have been a natural growth. Even Abū Yusuf and al-Shaybāni who talk of sticking to the traditions and opinions of *al-jamā'ah* and *al-'āmmah*, do not bring in any *Ḥadīth*, i.e. a verbal report from the Prophet to support *Ijmā'*. One *Ḥadīth* of al-Shāfi'i in this connection is identical with the first *Ḥadīth* quoted above of which the first part we have already discussed concerning *Ḥadīth*. The second part says :

ثلاث لا يغفل عليهن قلب مسلم : اخلاص العمل لله والنصيحة
للمسلمين ولزوم جماعتهم فان دعوتهم تعيط من ورائهم .

“There are three things with regard to which the heart of a Muslim is never stingy : sincere action for God's sake, active good-will for the Muslims and sticking to the majority of the Muslims—for their mission will safeguard them.” Al-Shāfi'i's second *Ḥadīth* runs :

أن عمر ابن الخطاب خطب الناس بالجابية فقال ان رسول الله
صلعم قام فينا كمقامي فيكم فقال اكرموا اصحابي ثم الذين يلونهم
ثم الذين يلونهم ثم يظهر الكذب حتى ان الرجل ليحلف ولا
يستحلف ويشهد ولا يستشهد الا فمن سره حياة الجنة فليلزم
الجماعة فان الشيطان مع الفذ وهو من الاثنين أبعد .

“Umar gave a sermon in al-Jābiyah (a place in Syria) in which he said : ‘The Prophet (once) stood among us as I now stand among you and declared, ‘Honour my Companions first, then those who follow them and then those who follow these latter. Then (i.e. after these three generations) falsehood will become rampant so that a person will swear without being

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asked to swear and shall offer to give evidence without being asked to do so. Listen ! whosoever wants to be pleased with a spacious residence in Paradise, should (under these circumstances) stick to the majority of the Community. Satan is the companion of the isolated person ; if one person (is joined by another and) become two, Satan recedes from them proportionately. . . ."²⁷

The fact that earlier jurists, although insisting on *Ijmā'*, do not support it by any *Hadīth* is itself a fundamentally significant comment on the evolution of the *Hadīth* movement. Indeed, how much the situation had changed in this regard by the time of al-Shāfi'i can be tellingly illustrated by one example. Abū Yusuf, while warning against the flood of *Hadīth*, says that the Prophet once said :

ان الحديث سيفشوا عنى فما اتاكم عنى يوافق القرآن فهو عنى
وما اتاكم عنى يخالف القرآن فليس عنى-

"*Hadīth* in my name will spread ; so what comes to you in my name and agrees with the Qur'ān, take it as coming from me while what comes to you in my name but is in conflict with the Qur'ān cannot be from me."²⁸ As we pointed out earlier in this section, this type of anti-*Hadīth* *Hadīth* cannot be regarded as genuine. It represents, rather, a genuine effort not only on the part of the Mu'tazillah but on that of orthodox jurists to curb the *Hadīth* movement. But the *Hadīth* movement had become so strong only a few decades later that this particular *Hadīth*, regarded by Abū Yusuf as apparently genuine, was rejected by al-Shāfi'i as absolutely unreliable.²⁹

But what about the two *Hadīths* quoted by al-Shāfi'i to give a theoretical basis for *Ijmā'* ? The first

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of these two *Ḥadīth*s we have already found reason to declare unhistorical. Further, we shall show that it is part of a massive campaign carried out from the second century onwards to preserve the unitary fabric of the Community and to crystallize a middle-of-the-road orthodox majority, i.e. a majority which by being both a majority and middle-of-the-road would be deserving of the designation "orthodoxy". As for the second *Ḥadīth* quoted by al-Shāfi'i, it is so manifestly predictive that this hardly needs to be pointed out. This *Ḥadīth* gives the first formal hint that the first three generations—the Companions, their Successors and the Successors of the Successors—are to be regarded as the Fathers of the Islamic doctrine and practice and their teachings as the permanent basis for the religious structure of the Community. It is a point of great importance and interest to note that it is after approximately these three generations that the "living *Sunnah*" of these very generations starts getting canonized in the form of the *Ḥadīth*.

Al-Shāfi'i, immediately before quoting the *Ḥadīth* on *Ijmā'*, while defending *Ijmā'*, also states :

و نعلم أن عامتهم لا تجتمع على خلاف لسنة رسول الله ولا على
خطأ انشاء الله .

"We know (i.e. it is our conviction) that the majority ('*āmmah*) of them (i.e. Muslims) will not, God willing, agree on an error." After al-Shāfi'i, when *Ḥadīth* multiplies still further, this statement becomes a *Ḥadīth* and is attributed to the Prophet in the *Ṣaḥīḥ* of al-Tirmidhī by the change of the word "*khata'*" into "*ḍalālah*,"

ان امتي لا تجتمع على ضلالة
ان الله لا يجمع امتي على ضلالة
لن يجمع امتي الا على هدى

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and in the later centuries becomes very famous. Other formulations of this idea also come into existence such as the *Ḥadīth*, "God's hand is on the majority (*al-jamā'ah*)"³⁰ *يد الله على الجماعة* etc. But, as we said just now, the *Ijmā'-Ḥadīth* is a part of a campaign to crystallize a middle-of-the-road orthodoxy, to the consideration of which we must now turn.

IV

THE ḤADĪTH AND THE ORTHODOX

(*al-Sunnah wa'l-Jamā'ah*)

A very important feature of the religious history of Islam, neglect or underestimation of which must result in a total misunderstanding of that history, is the fact that from the very moment that political, theological and legal differences threatened the integrity of the Community, the idea to preserve its unity asserted itself. The doctrine that this unity will be some kind of a synthesis or the *via media* (*al-Sunnah*) is a necessary corollary of the same idea. Hence, the terms "*al-Sunnah wa'l-Jamā'ah*", as a single phrase, are not merely juxtaposed but are held to be correlates. Indeed, the most basic function of the Muslim 'orthodoxy' has been, since the very inception of the idea, not to dictate or define religious truth but to consolidate and formulate it ; neither to be an intermediary between God and man nor to be a warring group among groups but to stabilize and keep balance. The agents in this great drama of producing the structure of the orthodoxy are precisely the *Ahl al-Ḥadīth*.

The political wars, and, in their wake, theological

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and dogmatic controversies, gave rise to a specially prominent type of predictive *Hadīth* known as the '*Hadīth* about civil wars' (*Hadīth al-Fitan*). Its clear purpose was to steer a middle course especially between the *Khārijī* and *Shī'i* political and theological extremes. To justify *Hadīth* about civil wars, certain over-arching *Hadīths* were circulated such as the following from the Companion *Ḥudhayfah* who said :

قام فينا رسول الله صلى الله عليه وسلم مقاماً ما ترك شيئاً يكون في مقامه ذلك الى قيام الساعة الا حدث به حفظه من حفظ ونسيه من نسيه قد علمه اصحابي هؤلاء، وانه ليكون منه الشئى قد نسيه فاراه فاذا ذكره كما يذكر الرجل وجه الرجل اذا غاب عنه ثم اذا رآه عرفه - (متفق عليه)

"The Prophet once stood among us (to address us) in such a manner that he left nothing (important) that was to happen until the Hour of Judgment but that his address comprehended it. Those who remember it, remember it and there are those who have forgotten it... There are certain things in this address which I have forgotten but when I am confronted with them I remember them just as a person (vaguely) remembers the face of an absent person but when he sees him again he recognizes him." This *Hadīth* is quoted by both *al-Bukhārī* and *Muslim*.³¹ According to *Abū Dāwūd*, *Ḥudhayfah* said that the Prophet had identified every leader of a political dissension who had three hundred or more followers, by his name, his father's name and tribe :

والله ما أدري أنسى اصحابي ام تناسوا والله ما ترك رسول الله صلى الله عليه وسلم من قائد فتنة الى ان تنقضى الدنيا يبلغ من معه ثلثائة فصاعداً الا قد ساء لنا باسمه واسم ابيه واسم قبيلته .³²
(رواه ابو داؤد)

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A typical *Fitnah Hadith* is the following one from Muslim and al-Bukhārī allegedly reported, again, by Hudhayfah :

كان الناس يستلون رسول الله صلى الله عليه وسلم عن الخير و كنت اسأله عن الشر مخافة ان يدركنى فقلت : يا رسول الله انا كنا فى جاهلية وشر ف جاءنا الله لهذا الخير فهل بعد هذا الخير من شر ؟ قال : نعم - قلت : فهل بعد ذلك الشر من خير ؟ قال : نعم وفيه دخن قلت : وما دخنه ؟ قال : قوم يستنون بغير ستى و يهدون بغير هدى تعرف منهم و تنكر - قلت : فهل بعد ذلك الخير من شر ؟ قال : نعم ، دعاة على ابواب جهنم من اجابهم اليها قذفوه فيها قلت : يا رسول الله صفهم لنا قال : هم من جلدتنا و يتكلمون بالسنتنا قلت : فما تأمرنى ان ادركنى ذلك قال : تازم جماعة المسلمين و امامهم قلت : فان لم تكن لهم جماعة ولا امام قال : فاعتزل تلك الفرق كلها ولو ان تعض باصل شجرة حتى يدركك الموت و انت على ذلك (متفق عليه) و فى رواية المسلم قال : يكون بعدى ائمة لا يهتدون بهداى ولا يستنون بسنتى و سيقيم فيهم رجال قلوبهم قلوب الشياطين فى جبان انس - قال حذيفة قلت : كيف اصنع يا رسول الله ان ادركت ذلك ؟ قال : تسمع و تطيع الامير و ان ضرب ظهرك و اخذ مالك فاسمع و اطع .

“People used to ask the Prophet about good while I used to ask him about evil out of fear lest it should overtake me. So I said, ‘O Prophet of God ! we have been previously in ignorance and evil and then God brought us this good (through you) ; will there be evil again after the present good ?’ ‘Yes’, said the Prophet. ‘And will good return once again after that evil?’ I asked. The Prophet said, ‘Yes, but there will be a mixture of corruption in it.’ ‘What will be its corruption ?’ I asked. The Prophet replied, ‘Some people shall follow other than my *Sunnah* and shall lead people not whither I lead. Some of their deeds will be good, others bad.’ I asked, ‘Will there be, after

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this (mixed) good, again evil?' He said, 'Yes, propagandists standing at the gates of Hell ; whoever listens to them, they will throw him into it.' 'Describe them for us, O Prophet of God !' I requested. The Prophet said, 'They are from our own race, speaking the very same tongue.' 'What is your command for me in case I find myself in such a situation?' I asked. The Prophet said, 'Stick to the majority party of the Muslims and to their political leader.' 'But if they have no majority party nor a political leader' I enquired. The Prophet replied, 'Then forsake all the factions, even if you have to cling to the root of a tree until death overtakes you in this condition.'¹³³ According to another version in the *Ṣaḥīḥ* of Muslim the Prophet said, "After me shall come political leaders who will not be guided by my guidance and will not follow my *Sunnah*, and among them shall arise people whose hearts shall be the hearts of devils in the physical frames of humans." Hudhayfah says he asked, 'What shall I do, O Prophet of God ! if I find myself in such a situation?' Thereupon the Prophet answered, 'Listen and obey the political leader. And should he even strike your back and wrest your property, you should but listen and obey'.¹³⁴

Neither of these two *Ḥadīths* is, of course, acceptable as a genuine Prophetic saying any more than the preceding *Ḥadīth* (which is designed to be a sheet-anchor for all predictive *Ḥadīth*). What they jointly teach is to keep with the majority of the Muslims and obey the political leadership at any cost—except possibly infidelity. Thus, we see that the *Ijmā'-Ḥadīth* is grounded in a dire political necessity. And the dictum that one should obey even an unjust ruler is a counsel of wisdom dictated also by political needs

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arising out of incessant civil wars; it hearkens especially to those incurable professional rebels, the Khārijites. And a peculiarly anti-Khārijī Hadīth is the following which, over against Khārijī rebellionism, teaches absolute passivity and isolationism, viz. that the Prophet said :

قال رسول الله ستكون فتن القاعد فيها خير من القائم والقائم فيها خير من الماشى والماشى فيها خير من الساعى (الى آخر الحديث)

(رواه مسلم) —

"There shall be civil wars wherein a sit-at-home will be better than a standing person; and a standing person shall be better than one who walks; and one who walks will be better than one who runs . . ."³⁵

This Hadīth does nothing but to seek to counteract Khārijī activism and zest for political life. In fact, sometimes the isolationist Hadīth has gone so far as to annul the Ijmā' doctrine and to teach crass individualism. Thus the Prophet is reported to have advised 'Abd Allāh b. 'Amr b. al-'Āṣ :

كيف بك اذا ابقيت في حثالة من الناس مرجت عهودهم و
اماناتهم واختلفوا فكانوا هكذا وشبك بين اصابعه قال : ما تأمرني
قال : عليك بما تعرف ودع ما تنكر و عليك بخاصة نفسك و اياك
و عوامهم و في رواية الزم في بيتك و املك عليك لسانك وخذ
ما تعرف ودع ما تنكر و عليك بامر خاصة نفسك ودع امر العامة .
(رواه الترمذی)

"Stick to your home and control your tongue; take what you recognize as good and leave what you cannot recognize as good; and mind your own business and have nothing to do with the affairs of the public."³⁶

It is noteworthy that the word which we have rendered as "public" is *al-'āmmah* which in early literature is an equivalent of *al-jamā'ah* as we shall presently explain.

Not, however, all Sunnī Hadīth is anti-Khārijite.

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There is, for example, a *Hadīth* quoted by Ibn Hanbal, Abū Dāwūd, al-Tirmidhī and Ibn Mājah in which a political doctrine has been incorporated which is originally unmistakably Khārijī. According to this *Hadīth*, the Prophet said :

أوصيكم بتقوى الله والسمع والطاعة وإن كان عبداً حبشياً فإنه
من يعش منكم بعدى فيسرى اختلافاً كثيراً فعليكم بسنتي وسنة
ال خلفاء الراشدين المهديين تمسكوا بها وعضوا عليها بالنواجز -
(إلى آخر الحديث) (رواه أحمد و أبو داود والترمذی)

"My (last) advice to you is to fear God and to render absolute obedience (to the political leader) even if he be a black slave. Those of you who survive me shall see great differences (among Muslims); so stick to my *Sunnah* and that of the rightly-guided and divinely-led Caliphs."³⁷ In this *Hadīth*, the element of absolute obedience is anti-Khārijite but the extension of rulership to a "black slave" is so unmistakably Khārijī that it hits the eye. For the Sunnīs had upheld that "rulers are from the Quraysh," while the Shī'ah had demanded that rulership must belong to a descendant of the House of 'Alī. The Khārijites alone had extended the privilege of possible political leadership of the Community to every Muslim—"even though he be a black slave," the only condition being a man's fitness for the office. This phenomenon, viz. that the *Ahl al-Sunnah wa'l-Jamā'ah* have included in their doctrine certain elements from the right and certain others from the left wing, is not confined to this *Hadīth* alone which has been given here only for illustration. *This policy of synthesis and mediation is, indeed, of the essence of the Ahl al-Sunnah.*

But the idea of the "middle-path-majority", although certainly in its earliest phase born of political neces-

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sity, was bound to be applied in a theological-legal sense also as the political factions tended to create for themselves a theological-moral-legal basis. We have pointed, in the last article, to Abu Ḥanīfah's description of himself as one of "*Ahl al-'adl wa'l-Sunnah*" (i.e. people of balance and the middle path) in the context of a theological controversy. [In this connection one should also recall such terms as "*al-jamā'ah min al-Ḥadīth*" (i.e. the *Ḥadīth* recognized by the majority or the collective nature of *Ḥadīth*) and "*al-Sunnah al-ma'rūfah*" used frequently by Abū Yūsuf to distinguish these from the "peripheral" and "obscure" opinion.] This controversy, indeed, was the most acute, not only because it was the first general moral-theological controversy in Islam but also because due to its very nature, it threatened the fabric of the Muslim Community most seriously. This controversy was precisely this : What is the definition of a *mu'min* or a Muslim and can a man continue to be regarded as a Muslim even if he commits a *grave* moral error? The *Khārijites* not only declared such a person as a *kāfir* but they attributed *kufur* also to those who did not declare such a person as a *kāfir*, and further declared the necessity of *Jihād* against them. Against this alarming challenge the need was felt of a catholic definition of Islam which should be acceptable to the "majority". Would not such a definition necessarily be middle-of-the-road—and therefore, correct? The first reaction to the *Khārijī* uncompromising fanaticism was *Murji'ism*, i.e. the doctrine—most probably favoured by the *Umayyad* state—that a person who professes to be a Muslim should not be declared non-Muslim because of his deeds, and that the state of his inner spirit must be

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left to God for final judgment. Of course, if the Community was to survive at all some such definition was necessary and a modified Murji'ism—through making some sort of a distinction between Islam and *Īmān*—came, in course of time, to constitute an essential factor of orthodoxy, i.e. the beliefs of the majority of the Community. The following famous *Ḥadīth* is a typical Murji'ite *Ḥadīth* and is to be found in both *al-Bukhārī* and *Muslim*. The Companion, Abū Dharr, relates that the Prophet said :

ما من عبد قال لا اله الا الله ثم مات على ذلك الا دخل الجنة
 قلت : وان زنى وان سرق ؟ قال : وان زنى وان سرق ؟ قلت : وان
 زنى وان سرق ؟ قال : وان زنى وان سرق قلت : وان زنى وان سرق ؟
 قال : وان زنى وان سرق ؟ على رغم انف ابى ذر - (متفق عليه)

“There is none who confesses that ‘there is no god but God’ but that he shall enter Paradise.” Abū Dharr asked, “Even though he should commit adultery and theft?” “Even though he should commit adultery and theft”, replied the Prophet. Abū Dharr repeated the question three times and got the same answer from the Prophet who added with his third affirmation, “Though Abū Dharr's nose should be in the dust”—i.e. despite the wishes of Abū Dharr. We are told that whenever Abū Dharr related this *Ḥadīth*, he repeated the phrase (proudly), “Though Abū Dharr's nose should be in the dust.”³⁸ The same *Ḥadīth* is related by Abū Yūsuf in his *Kitāb al-Āthār*, the difference being that here it is not from Abū Dharr but from another Companion, Abu'l-Dardā'; and Abū Yūsuf adds that Abu'l-Dardā' used to relate this *Ḥadīth* every Friday by the pulpit of the Prophet.³⁹

In order partially to redress the moral shock which a sensitive person may experience at being told that

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people may continue to be good Muslims "even though they should commit adultery and theft," a more compromising and refined view was put forward in a *Ḥadīth* recorded by Abu Dāwūd and al-Tirmidhī, viz. that the Prophet said :

إذا زنى العبد خرج منه الايمان فكان فوق رأسه كالظلة فاذا
 خرج من ذلك العمل رجع اليه الايمان . (رواه الترمذى وابوداؤد)
 عن ابن عباس رضى الله عنهما قال قال رسول الله صلى الله عليه
 وسلم لا يزنى الزانى حين يزنى وهو مؤمن ولا يسرق السارق حين
 يسرق وهو مؤمن- (متفق عليه)

"When a person commits adultery, Faith goes out of him and remains above his head like a canopy ; but when he passes out of this (state of sinful) act, Faith returns to him."⁴⁰ As a result of this painstaking and heart-searching *Ḥadīth* activity amidst an atmosphere of interminable conflict, the Muslim orthodoxy—the *Ahl al-Sunnah* (i.e. the majority of the Community) finally formulated—at the hands of al-Ash'arī and al-Māturidī and their successors—a catholic definition of Islam which silenced *Khārijism* and *Mu'tazilism* and saved the Community from suicide.

The same overall picture emerges when we turn to the problem of the freedom of the human will *versus* Divine determinism—the second big rock (which directly grew out of the first, viz. the relationship of Faith to behaviour and the definition of a Muslim) that shook the Community during the second and third centuries. But whereas the first challenge came from the *Khawārij*, the second came from the *Mu'tazilah* who are, in a sense, the theological inheritors of the *Khawārij*. The two questions are also allied. For, if a man is free to will and (presumably)

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to act according to his will, then his actions are a direct index of the state of his inner Faith, and he is responsible for both his willing and acting. But if so, then the original controversy as to who is a Muslim and who is not will be opened again. In other words, Mu'tazilism is bound to resurrect Khārijism. Besides, the Mu'tazilah rationalism appeared to the religious-minded to be a form of gross humanism, an imposition upon God of what a certain number of men regard as truth and justice. Because probably of both these dangers, a vast amount of Hadīth came to be circulated emphasizing Divine determinism at different levels—of intention, motivation and act. We have noted above in Section II of this chapter a relatively early form of this deterministic Hadīth. But in course of time the Hadīth on this point multiplied. The Prophet is, for instance, reported to have said :

القدرية مجوس هذه الامة إن مرضوا فلا تعودوهم وان ماتوا فلا تشهدوهم - (رواه احمد و ابو داؤد عن عبد الله بن عمر)

"Believers in freedom of the human will are the Magians of this Community. Do not visit them when they fall sick ; do not attend their funerals when they die."⁴¹ This Hadīth, besides advocating an extreme stand of a total boycott of the Mu'tazilah, involves a series of technical steps in a sophisticated philosophic reasoning such as cannot be attributed to early seventh century Arabia. The suppressed argument is on the following lines. God is Omnipotent. But if there is an omnipotent being, no other being can even be potent, let alone omnipotent. But man, in order to have freedom of will and action, must be potent. Therefore, the admission of human freedom is the admission of two ultimate potencies—God and man,

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since, if we regard human potency as not being ultimate but only derivative from God, then freedom of the will becomes illusory. In history, Zoroastrianism has admitted two ultimate potencies—Yazdān and Ahriman. Belief in freedom of the human will is, therefore, a form of Zoroastrianism. According to another *Hadīth*, the Prophet said :

لا تجالسوا اهل القدر ولا تفتاحوهم - (رواه ابو داؤد)

“Do not have social intercourse with the believers in the freedom of the will, nor take your cases to them for decision.”⁴³ A *Hadīth* contained in Muslim and al-Bukhārī reports from the Prophet :

ان الله كتب على ابن آدم حظه من الزنا ادرك ذلك لا محالة
فزنا العين النظر وزنا اللسان النطق والنفس تمنجى وتشتهى والفرج
يصدق ذلك ويكذبه - (متفق عليه)

“It is pre-written for the son of Adam as to the exact amount of adultery he should commit. Now, the adultery of the eye is a (lustful) look, the adultery of the tongue is talk ; the soul wishes and desires while the sexual organ (only) confirms or belies.”⁴³ A number of *Hadīths* state categorically and graphically how God, when He created all the souls in Eternity, destined some to Paradise, others to Hell, and some adding, “I do not care !”⁴⁴ The Prophet, in a *Hadīth* to be found in al-Bukhārī and Muslim, says :

ان خلق احدكم يجمع في بطن امه اربعين يوماً نطفة ثم يكون
علقة مثل ذلك ثم يكون مضغة مثل ذلك ثم يبعث الله اليه ملكا
باربع كلمات فيكتب عمله و اجله و رزقه و شقى او سعيد ثم ينفخ فيه
الروح فوالذى لا اله غيره ان احدكم ليعمل بعمل اهل الجنة حتى
ما يكون بينه وبينها الا ذراع فيسبق عليه الكتاب فيعمل بعمل اهل
الجنة فيدخلها - (متفق عليه)

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"(When the embryo is four months old), God sends an angel with four Decrees which he writes down, viz. its actions, life-span, sustenance and whether it is blissful or damned . . . I swear by Him other than Whom there is no God, one of you continues to perform Paradise-winning acts until, when between him and Paradise, there is but a yard, Fate overtakes him and he performs actions deserving of Fire and thus enters Fire. . . "45

But again, not all *Hadīth* are deterministic in the sense of utter predestination and there are *Sunni Hadīths*—although fewer in number—which handle the matter quite differently. There is, e.g. the famous *Hadīth*, recorded both by al-Bukhari and Muslim, according to which the Prophet said :

كل مولود يولد على الفطرة فابواه يهودانه او ينصرانه او
يمجسانه - (الى آخر الحديث) -

"Every child is born in a natural state (i.e. a good state), but then its parents make either a Jew or a Christian or a Magian of it . . . "46 And in a *Hadīth* contained in al-Tirmidhī, Ibn Mājah and Aḥmad ibn Ḥanbal the Prophet was asked by a Companion,

ارأيت رقى نستريقها ودواء ننداوى به وتقاة نتقيها هل ترد
من قدر الله شيئاً؟ قال : هي من قدر الله - (رواه احمد والترمذى و
ابن ماجه)

"Do you think that amulets and medicines we use and precautionary measures (against illness, etc.) we take gainsay the Divine determinism?" The Prophet replied "(No), they are themselves a part of Divine determinism."47 To this category of *Hadīth* also belongs the report that when 'Umar once ordered that the Muslim army be removed from a place struck

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with plague, someone objected to his order saying,

أفراراً من قدر الله ؟

“Do you flee from the Decree of God ?” Whereupon ‘Umar is said to have replied,

نعم، من قدر الله الى قدر الله

“I flee from the Decree of God to the Decree of God.” Despite this second type of *Ḥadīth*, however, which was to keep balance with the deterministic *Ḥadīth*, the latter exercised a preponderating effect on the Sunnī orthodoxy as distinguished from the Shī‘ah (who, in this respect, continued the Mu‘tazilah tradition). Later a number of influential voices arose within Sunnī Islam against the preponderance of determinism, and especially of the Ṣūfī interpretation of it, among the most eminent of these are Ibn Taymiyyah and Shaykh Aḥmad Sirhindī.

The same endeavour of the *Ahl al-Sunnah* to steer a “middle path” and keep excessive trends in check is visible in the phenomenon of the pro- and anti-Ṣūfī *Ḥadīth*. This is not the place to go into details of the origins of Ṣūfism, but without denying that (as in every society) there must have been among the Companions those in whose temperament puritanical and devotional trends were stronger than purely activist traits, it must be admitted that Ṣūfism, as it developed from the second and, especially, third centuries, has little justification in the pristine practice of the Community. Its original impetuses came from politico-civil wars on the one hand and from the development of the law on the other. Its earliest manifestations are excessive individualist isolationism and ultra-puritanical asceticism. We have noted above the extreme isolationist *Ḥadīth* in connection

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with internecine wars. But this type of *Ḥadīth* expresses not only a political attitude but also a definite spiritual character. Further, according to a *Ḥadīth* in al-Bukhārī, *Kitāb al-Jihād*, the Prophet is represented as recommending that one should go "into a mountain cavity (*shī'b*), and leave people alone".⁴⁸

... مومن في شعب من الشعاب يتقى الله و يدع الناس من شره .

That this *Ḥadīth* should occur in the *Ṣaḥīḥ* of al-Bukhārī in the very chapter devoted to *Jihād* is a remarkable evidence both of the growing power of the *Ṣūfī* movement and the catholic spirit of the *Ahl al-Sunnah*. But there are also equally powerful and extremely interesting counter-*Ḥadīths*. The *Ḥadīths* strongly recommending the earning of livelihood (against the extreme interpretation of the *Ṣūfī* concept of *Tawakkul*) and condemning uncompromising indulgence in devotional piety are too well known to be documented in detail.⁴⁹ A pointed *Ḥadīth* in this connection declares *Jihād* to be the Islamic equivalent of monasticism:⁵⁰

رهبانية هذه الأمة الجهاد في سبيل الله عز وجل .

But the most remarkable *Ḥadīth* of this type is the one according to which the Prophet said :

حُبِّ لي من الدنيا النساء والطيب و جعل قرة عيني في الصلوة .

"Dear to me among (the things of) this world are women and scent ; but my (true) enjoyment is in prayers."⁵¹ Each of these three individual elements of this *Ḥadīth* undoubtedly represents the *Sunnah* of the Prophet. But the way the enjoyment of this world has been combined with prayers in one breath and the mechanical juxtaposition of values of utterly different *genre* cannot but be an artificial construction quite unattributable to the Prophet. Indeed, it is certain

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that the *Hadīth* must have been directed against a target, and this target cannot be anything else but a Şufistic form of unintegrated spirituality.

In the developments outlined in the previous and the present sections we have deliberately chosen examples from what may be said to constitute the "Fundamental *Hadīth*", i.e. *Hadīth* which elucidates fundamental developments in the religious history of Islam in its classical, formative period and throws the formation of the orthodoxy (Sunnism) into bold relief. We have left out on purpose the development of the specifically legal *Hadīth*—although, of course, a concept like that of *Ijmā'* is directly relevant as part of the framework of Muslim law also—because the specifically legal *Hadīth* does not so elucidate the crystallization of the orthodoxy as does the Fundamental *Hadīth*. But otherwise the legal *Hadīth* shares the character of the "Fundamental *Hadīth*" and exhibits the same development in that legal *Hadīth*, reflects the "living *Sunnah*" of the early generations of the Muslims and not merely the Prophetic *Sunnah* in a specific and literal sense. Whether the literal Prophetic *Sunnah*, in its entirety, can be disentangled from the "living *Sunnah*" reflected in the *Hadīth* is extremely doubtful, if not impossible, although certain fundamental traits can be definitely delineated if a serious and systematic academic effort is made. And, surely, considerations of pure scholarship apart, Muslims are Islamically duty-bound to make such an effort and to trace the different stages through which legal *Hadīth* passed subsequently, point by point.

Take, e.g. the question of *Ribā* in *Hadīth*. (We are not discussing the question of interest in Islam as such but illustrating the problem of legal *Hadīth*.) There

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are two things which the Qur'ān makes clear about the *Ribā* institution : (i) that it was a system whereby the substantive sum or commodity was multiplied "several-fold" (Qur'ān, III : 130), and, therefore, (ii) that it was opposed to fair commerce, even though those who indulged in *Ribā* tried to maintain that it was a form of commercial transaction (Qur'ān, II : 275 ff.). The only description or definition of *Ribā* that the historical *Ḥadīth* gives is what corroborates the Qur'ānic statements, viz. that the debtor, after the expiry of the fixed term of the debt, was asked either to pay up or to increase the capital.⁵² There is no other shred of *historical* evidence. But the purely legal *Ḥadīth* subsequently multiplies and most certainly reflects the living *Sunnah* of the early period for its formulation is based on legal practice and opinion. That there has been a development on the matter is clearly demonstrable. For one thing, there is a "blanket" *Ḥadīth* attributed to 'Umar saying that the Prophet did not explain what comes under *Ribā* and, therefore, in the spirit of caution one ought to enlarge the coverage of *Ribā* prohibition as much as possible.⁵³ But despite the continuous attempt at systematization of legal thought on the matter, not only is this development fairly visible in the *Ḥadīth*, but there still remained blatant contradictions, e.g. on the question as to whether selling of animals on the basis of interest in kind is allowed or not—each view is supported by *Ḥadīths*.⁵⁴ The oft-quoted *Ḥadīth* that commodities covered by *Ribā* must be exchanged "in equal amount and con-presently" is obviously contradicted by an equally famous *Ḥadīth* that *Ribā* is only on deferred payment and has no relevance to con-present exchange.⁵⁵ This state of affairs apparently

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reflects two schools of legal opinion on the matter. The tendency has undoubtedly been towards greater strictness and rigidity, and later, indeed, not only interest but even the acceptance of a present by the creditor from the debtor is forbidden by *Hadīth*,⁶⁶ We move far, indeed, from the Qur'ānic background and a general principle is put forward in the form of a *Hadīth* which states, "Every advantage that may accrue from the credit is interest".⁶⁷ Even the exchange of manufactured gold and silver for an increased quantity of the same raw materials—an increase justified and, indeed, necessitated by workmanship and labour comes to be forbidden.⁶⁸

V

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We have, in the foregoing, analyzed "abjectively" and, in the eyes of those with strong traditionalist attitudes and sensibilities, ruthlessly (and perhaps also unfairly) some of the main lines of *Hadīth*. But we must be clear as to what exactly all this amount to. It is absolutely imperative to be exactly clear about the real issues at stake particularly because there are strong trends in our society which in the name of what they call "progressivism" wish to brush aside the *Hadīth* and the Prophetic *Sunnah*. In their anxiety to "clear the way", they resort to methods much more questionable than Nero's method of rebuilding Rome. Not only are the trends in question lacking in the foresight, they exhibit a singular lack of clarity of issues and a dismal ignorance of the evolution of *Hadīth* itself. Without any grounding either in scholarship or in insight, they sometimes tell us that the *Hadīth* is

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unhistorical and *therefore* unreliable as a guide to the Prophetic *Sunnah*. At other times we are naïvely told that *Ḥadīth* may be history but it has no *Shari'ah* normativeness, i.e. even if *Ḥadīth* is genuine, it contains no *Sunnah* for us. "Progress" we all want, not *despite* Islam, nor *besides* Islam but *because of* Islam for we all believe that Islam, as it was launched as a movement on earth in the seventh century Arabia, represented pure progress—moral and material. But we can neither share nor forgive "confusionism" and obscurantism. What shall we progress *from* and what shall we progress *with*, and, indeed, *whereto* shall we progress? An answer to these questions demands a sober and constructive recourse to our history. What is the real relationship between *Sunnah* and *Ḥadīth*? Go to the contemporary crusading and verbose disquisitions on *Ḥadīth* for an answer to this crucial question and search in vain for an answer. It may be remarked here that there was no group in classical Islam—be it the *Khawārij* or the *Mu'tazilah*—who ever denied the validity of the *Sunnah*⁵⁹ and that what they objected to was the formulation of the *Sunnah* in *Ḥadīth* terms.

We may further point to the pathetic irony that very often the anti-*Ḥadīth* argument (which is also assumed to be anti-*Sunnah*) is based on subjectively and naïvely selected *Ḥadīth* to the effect that the Prophet or 'Umar or someone else from the earliest authorities had forbidden or discouraged the transmission of *Ḥadīth* from the Prophet. Besides the intrinsic irrationality of this point of view, this anti-*Ḥadīth* *Ḥadīth* turns out, on closer historical examination, to be itself a direct product of the *Ḥadīth* movement. And if all *Ḥadīth* is given up, what

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remains but a yawning chasm of fourteen centuries between us and the Prophet? And in the vacuity of this chasm not only must the Qur'ān slip from our fingers under our subjective whims—for the only thing that anchors it is the Prophetic activity itself—but even the very existence and integrity of the Qur'ān and, indeed, the existence of the Prophet himself become an unwarranted myth.

We shall now endeavour to show that technical *Ḥadīth*, as distinguished from the historical and biographical *Ḥadīth*, although it is by and large not historical, must nevertheless be considered as normative in a basic sense and we shall try to indicate by illustration what this basic sense is. These are the points we wish to make in this connection :

- (1) That the technical *Ḥadīth* is by and large not historical in its actual formulations is shown by the various examples dealt with in the preceding pages. It may be said that we have, after all, given a few examples from a vast literature and that our conclusion is too sweeping. Now the first thing to be remembered in this connection is that the examples we have adduced are what we have called "Fundamental *Ḥadīth*", i.e. *Ḥadīth* concerned with the Islamic Methodology itself. If the *Ḥadīth* about the fundamental principles of *Ijmā'* and *Ḥadīth* themselves proves unhistorical, the *prima facie* case for the historicity of most other *Ḥadīth* is demolished. It must be noticed that we are saying "most other *Ḥadīth*" and not "all other *Ḥadīth*." But this difference between "most" and "all"—with the notable exception of *Ḥadīth*

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about the *Farā'id*—is all but theoretical and is, at present at least, neither locatable nor definable : the credentials of each *Ḥadīth* must be separately examined on historical grounds. The second objection against us must be that we have not taken the *Isnād*—the guaranteeing chain of transmission—into account. Now, we do not underrate the importance of *Isnād*. Quite apart from the fact that *Isnād* gave rise to a vast and genuine biographical information literature—a unique Islamic achievement—, it has certainly contributed to minimizing *Ḥadīth* forgery. Indeed, a vast number of forged *Ḥadīths* have been eliminated by the untiring activity of our traditionists on the basis of *Isnād*. But although *Isnād* is important in a negative manner, it cannot constitute a *positive final* argument. For although a person 'A' who is generally considered reliable may be shown to have actually met another generally reliable person 'B' (which point is itself hard to establish), this constitutes *no* proof that a particular *Ḥadīth* in question was transmitted by 'B' to 'A'. But the most fatal objection to considering *Isnād* the positive final argument is that *Isnād* itself is a relatively late development originating around the turn of the first century.⁶⁰ The professedly predictive *Ḥadīths* about political troubles in al-Bukhārī and Muslim have excellent *Isnāds* and yet we cannot accept them if we are historically honest.

(2) But the most fundamental objection to our

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thesis of non-historicity of *Hadīth* will not be scientific but religious, viz., that *Hadīth* will thus turn out to be a gigantic conspiracy. The question, however, is whether the *Ahl al-Hadīth* themselves regarded their activity as strictly historical. We recall here the *Hadīth* already quoted above, viz. that the Prophet said :

ما قيل من قول حسن فانا قلته،
ما جاءكم عنى من خير قلته اولم اقله فانا اقله و ما
اتاكم من شرفانى لا اقول الشر،
اذا سمعتم الحديث عنى تعرفه قلوبكم وتلين له
اشعاركم و ابشاركم وترون انه منكم قريب فانا اولاكم
به و اذا سمعتم الحديث عنى تنكره قلوبكم و تتنفر منه
اشعاركم و ابشاركم و ترون انه بعيد منكم فانا
ابعدكم منه .

“Whatever of *good* saying there be, I can be taken to have said it.” It is idle to say that this refers only to *moral Hadīth*, for political and legal *Hadīth* has obvious moral implications. Even the famous *Hadīth* according to which the Prophet said :

من كذب على متعمدا فليتبوا مقعده من النار
“Whoever tells a deliberate lie about me, should prepare a seat in Hell,” was later modified to read, “Whoever tells a deliberate lie . . . in order to lead people astray . . .” On this basis then a general principle was formulated that “*Hadīth* arousing pious feelings is not to be rejected.” This principle is attributed by al-Nawawi [see his commentary on the *Ṣaḥīḥ* of Muslim, Karachi (n.d.),

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vol. I, p. 8] to the Karrāmiyah and he complains that many ignorant people and preachers have followed it. Even the famous *Ḥadīth* according to which *Ḥadīth* which is in consonance with the Qur'ān is to be accepted, does anything but argue for historicity. It must, therefore, be concluded that *Ḥadīth* represents the interpreted spirit of the Prophetic teaching—it represents the "living *Sunnah*".

- (3) But if the *Ḥadīth* is not strictly historical, it is quite obvious that it is not divorced from the Prophet's *Sunnah*, either. Indeed, there is an intimate and ineliminable connection between the *Ḥadīth* and the Prophet's *Sunnah*. We recall what we established in the first chapter, viz. that the earliest generations of Muslims—judges, lawyers, theoreticians and politicians—had elaborated and interpreted the Prophetic Model (*Sunnah*) in the interests of the needs of the Muslims and the resultant product in each generation was the *Sunnah* in sense (ii), i.e. the living *Sunnah*. Now, the *Ḥadīth* is nothing but a reflection in a verbal mode of this living *Sunnah*. The Prophet's *Sunnah* is, therefore, in the *Ḥadīth* just as it existed in the living *Sunnah*. But the living *Sunnah* contained not only the general Prophetic Model but also regionally standardized interpretations of that Model—thanks to the ceaseless activity of personal *Ijtihād* and *Ijmā'*. That is why innumerable differences existed in the living *Sunnah*. But this is exactly true of

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Hadīth also. This is because Hadīth reflects the living *Sunnah*. Indeed, a striking feature of Hadīth is its diversity and the fact that almost on all points it reflects different points of view. This point, while it shows the lack of strict historicity of Hadīth, just like the earlier living *Sunnah*, has been the most potent factor of catholicity in the hands of the *Ahl al-Sunnah*, i.e. the Majority of the Muslims. For the *Ahl al-Sunnah*, through Hadīth, tried—largely successfully—to steer a middle course and produce a middle-of-the-road synthesis. The main relevant difference between the living *Sunnah* of the early generations and Hadīth formulation is that whereas the former was a living and on-going process, the latter is formal and has sought to confer absolute permanence on the living *Sunnah* synthesis of roughly the first three centuries. This, no doubt, was the need of the hour, for an on-going process without some formalization threatens, at some point of time or another, to break the continuity of the process itself by destroying its identity. But what resulted from Hadīth eventually was not *some* formalization but a total fixation. The present need undoubtedly is to re-loosen this formalism and to resume the threads from the point where the living *Sunnah* had voluntarily emptied itself into the Hadīth dam. But it is at precisely this juncture that a voice whispers (besides much other wild advice), "Hadīth and/or *Sunnah* are incurable reactionarism ; leave them

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roundly if you want to progress". Is this the voice of hope at despair? The application of the principle in the following illustration will tell.

- (4) We have said repeatedly—perhaps to the annoyance of some readers—that *Ḥadīth*, although it has as its ultimate basis the Prophetic Model, represents the workings of the early generations on that model. *Ḥadīth*, in fact, is the sum total of *aphorisms* formulated and put out by Muslims themselves, ostensibly about the Prophet although not without an ultimate historical touch with the Prophet. Its very aphoristic character shows that it is not historical. It is rather a gigantic and monumental commentary on the Prophet by the early Community. Therefore, though based on the Prophet, it also constitutes an epitome of wisdom of classical Muslims.

Now, if we listen to the voice referred to above, we get alarming results. We have shown above that the *Ḥadīth* about *Ijmā'*, for example, is *historically unacceptable*. If we follow the voice, we should reject the doctrine of *Ijmā'*. But, can we? At this stage, however, the voice might say that *Ijmā'* can be grounded in the Qur'ān for the Book of God says:

واعتصموا بحبل الله جميعا ولا تفرقوا

"Cling together to the rope of God and do not disperse" (Qur'ān, III : 103). But although this is a command for unity, it is not exactly *Ijmā'*, for *Ijmā'* is "*unanimously arriving at a decision*". If this verse had meant *Ijma'*, al-Shāfi'i and others would long ago

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have advanced it as an argument on the point. But let us suppose the Qur'ānic verse does mean *Ijmā'*. Even then the nature of *Ijmā'* remains unspecified. Is it something statistical or qualitative? i.e., is *Ijmā'* total or does it leave room for difference of opinion? Now, we find a good deal of Hadīth which encourages the expression of a dissenting voice, and such Hadīth appears in various direct and indirect forms. This shows that one *Ijmā'* may be changed by a subsequent *Ijmā'* and further that *Ijmā'* is a matter of practice and not that of pure theory involving truth values. An *Ijmā'* can be right or wrong, or partly right and partly wrong, rather than true or false. The Community, indeed, cannot take itself for granted claiming theoretical infallibility. It must always *aspire* both to understand and to do the right.

The character of Hadīth is, therefore, essentially synthetic. Further, when we test the *Ijmā'*-Hadīth on what is *historically* known about the Prophet, we find that the former develops out of the Prophetic *Sunnah*, for the Prophet not only made every effort to keep the Community together, he both encouraged and elicited a unity of thought and purpose. The Qur'ānic term "shūrā" refers to this activity. And this catholic and synthetic character of Hadīth is not confined to this one point—it runs through almost the entire gamut of moral, social, legal and political doctrines. We have brought out this synthetic character of Hadīth while discussing the formulation and expression of the Orthodoxy in the last section.

It must, of course, be emphatically pointed out that a revaluation of different elements in Hadīth and their thorough reinterpretation under the changed moral and social conditions of today must be carried

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out. This can be done only by a historical study of the *Ḥadīth*—by reducing it to the “living *Sunnah*” and by clearly distinguishing from the situational background the real value embodied in it. We shall find thereby that some of the major emphases of our traditional Orthodoxy will have to be modified and re-stated. Take, e.g. the case of determinism and free-will. At the time of the early Umayyads who advocated pure determinism, free-will had to be emphasized and this is precisely what Ḥasan al-Baṣrī and the early Mu'tazilah did. But when the Mu'tazilah humanism seemed to run riot and threatened the very bases of religion, Aḥmad b. Ḥanbal and his colleagues accentuated the Will and Power of God over against the Mu'tazilah rationalism. But this doctrine of Divine Power and determinism subsequently became, and remains to this day, the hallmark of Orthodoxy. This has surely outrun its original function and has been in fact very injurious to the moral and social life of the Community especially through its wilder interpretations by later philosophers and Ṣūfis. The preponderant deterministic traditions in the works of *Ḥadīth* must, therefore, be interpreted in their correct historical perspective and their true *functional* significance in *historical context* clearly brought out. The same principle of interpretation must be applied to other spiritual and social problems such as the age-old tension between the *Sharī'ah* and claims of Ṣūfī adepts.

On the very same principle of situational interpretation, by resurrecting the real moral value from the situational background, must be handled the problem of legal *Ḥadīth*. We must view the legal *Ḥadīth* as a problem to be re-treated and not as a ready-made law

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to be directly applied. This is certainly a delicate question and must be handled wisely and cautiously, but handled it must be. Recall, e.g., the question of interest. The Qur'ān, as stated above, brings out the real reason behind the prohibition of *Ribā* saying that it cannot come under the definition of a commercial transaction because it is a process whereby the capital is unjustly increased manifold. The historical *Ḥadīth* confirms this by informing us that this was, in fact, the practice of the pre-Islamic Arabs. But we have seen the moral strictness by which legal opinion brought various activities under the definition of *Ribā* by formulating a general principle that *every loan which brings any advantage to the creditor is Ribā*. In the same breath we are told that *Ribā* applies exclusively to the articles of food, gold and silver and beyond these it has no application.⁶¹ This obviously implies that, say, a certain quantity of cotton may be loaned on the stipulation that six months hence it must be returned with any amount of increase the creditor wishes to impose at the time of stipulation. This, of course, contradicts the general principle quoted just now. This whole development shows that it is a progressive moral interpretation of the Qur'ānic prohibition sought to be rigidly formalized. We have certainly no reason to accept *this* specific moral-legal interpretation in all situations and under all conditions. Further, that the bank interest of today is legitimately covered by the definition of commerce is difficult to deny. It is for the economists and the monetary technicians to say whether interest-less banking can function in today's world or not. If it works, it is all to the good. But if it does not, then to insist that today's commercial banking—with an

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overall controlled economy—comes under the Qur'ānic prohibition and is banned by the Prophetic *Sunnah* is not so much historical or religious honesty but an acute crisis of human confidence and uncompromising cynicism. The Qur'ān and the *Sunnah* were given for intelligent moral understanding and implementation, not for rigid formalism.

On some such line of re-treatment, we can reduce the *Ḥadīth* to *Sunnah*—what it was in the beginning—and by situational interpretation can resurrect the norms which we can then apply to our situation today. It will have been noticed that although we do not accept *Ḥadīth* in general as strictly historical, we have not used the terms “forgery” or “concoction” with reference to it but have employed the term “formulation”. This is because although *Ḥadīth*, *verbally speaking*, does not go back to the Prophet, its spirit certainly does, and *Ḥadīth* is largely the situational interpretation and formulation of this Prophetic Model or spirit. This term “forgery” and its equivalents would, therefore, be false when used about the nature of *Ḥadīth* and the term “formulation” would be literally true. We cannot call *Ḥadīth* a forgery because it reflects the living *Sunnah* and the living *Sunnah* was not a forgery but a progressive interpretation and formulation of the Prophetic *Sunnah*. What we want now to do is to recast the *Ḥadīth* into living *Sunnah* terms by historical interpretation so that we may be able to derive norms from it for ourselves through an adequate ethical theory and its legal re-embodiment.

One anxiety will trouble many conscientious Muslims. It is that it is found impossible to locate and define the historically and specifically Prophetic

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content of the *Sunnah*, then the connection between the Prophet and the Community would become elusive and the concept "Prophetic *Sunnah*" would be irrevocably liquidated. But this worry is not real. To begin with, there are a number of things which are undeniable historical contents of the Prophetic *Sunnah*. Prayer, *zakāt*, fasting, pilgrimage, etc. with their detailed manner of application, are so Prophetic that only a dishonest or an insane person would deny this. Indeed, the historical *Ḥadīth*, i.e., the biography of the Prophet, is, in its main points, absolutely clear and would serve as the chief anchoring point of the technical *Ḥadīth* itself when the latter is interpreted. Indeed, the overall character not only of the Prophet but of the early Community is indubitably fixed and, in its essential features, is *not at all* open to question—even though there may be questions about the historical details. It is against this background of what is surely known of the Prophet and the early Community (besides the Qur'ān) that we can interpret *Ḥadīth*. The purely Prophetic elements in technical *Ḥadīth* may be hard to trace, it may even be impossible to recover the entirety of them without a shadow of doubt, but a certain amount will undoubtedly be retrieved. But our argument does involve a reversal of the traditional picture on one salient point in that we are putting more reliance on pure history than *Ḥadīth* and are seeking to judge the latter partly in the light of the former (*partly* because there is also the Qur'ān) whereas the traditional picture is the other way round. But the traditional picture is already biased in favour of technical *Ḥadīth*; there is no intrinsic evidence for this claim and much intrinsic evidence that we have adduced is *against* it.

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The alleged criticism of Muḥammad ibn Ishāq, an early biographer of the Prophet, by Mālik is probably itself a later traditionist view for we find Abū Yūsuf quoting from Ibn Ishāq.⁶²

NOTES

1. Abū Yūsuf's *al-Radd 'alā Siyar al-Awzā'i* Hyderabad (n.d.), pp. 131-51 and pp. 32-3.
2. *Ibid.*, p. 76.
3. *Ibid.*, p. 11.
4. Al-Shāfi'i, *Kitāb al-Umm*, VII, 239, last line ; 240, line 5.
5. Abū Yūsuf, *op. cit.*, p. 40 ff.
6. *Ibid.*, p. 41.
7. *Ibid.*, p. 31.
8. *Ibid.*, p. 32.
9. *Ibid.*, pp. 24-32.
10. Abū Yūsuf *Āṭhār* (Cairo 1355 A. H.) Nos. 887, 889. It is possible that "*al-Kalām*" originally meant just "talk" but by Abū Yūsuf's time it had acquired a technical meaning.
11. *Ibid.*, No. 581.
12. *Ibid.*, No. 924.
13. *Ibid.*, No. 947 and the footnote.
14. Abū Yūsuf, *al-Radd*, etc., p. 21.
15. *Ibid.*, footnote to p. 17.
16. *Ibid.*, p. 21.
17. *Ibid.*, pp. 85, 61-2, 65, 75, 13-7.
18. *Ibid.*, 15, 85, etc.
19. *Kitāb al-Umm*, VII, 212-3.
20. *Ibid.*, p. 212.
21. *Ibid.*, pp. 906-7.
22. Al-Shāfi'i, *al-Risālah*, ed. Aḥmad Muḥammad Shākir, Cairo, 1309 A.H., pp. 401-2.
23. *Ibid.*, pp. 403-4.
24. *Ibid.*, pp. 397-8.
25. Apud *Mishkāt al-Maṣābiḥ*, Dihlī, 1932, pp. 30, 32.
26. Abū Yūsuf, *Āṭhār*, No. 959.
27. Al-Shāfi'i, *al-Risālah*, pp. 473-4.
28. Abū Yūsuf, *al-Radd*, etc., p. 25.

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29. *Al-Risālah*, p. 224.
30. *Al-Tirmidhī, Kitāb al-Fitan*, No. 7.
31. Apud *Mishkāt al-Maṣābiḥ*, p. 461.
32. Apud *ibid.*, p. 463.
33. Apud *ibid.*, p. 461.
34. Apud *ibid.*, p. 462.
35. Apud *ibid.*, p. 462.
36. Apud *ibid.*, p. 464.
37. Apud *ibid.*, p. 30.
38. Apud *ibid.*, p. 14.
39. Abū Yūsuf, *Aḥḥār*, No. 891.
40. Apud *Mishkāt*, p. 18 ; see also p. 17, the *Hadīth* from al-Bukhārī and Muslim, "The adulterer does not commit adultery in a state of Faith . . . "
41. Apud *ibid.*, p. 22.
42. Apud *ibid.*, p. 22.
43. Apud *ibid.*, p. 20.
44. Apud *ibid.*, pp. 23, 20, etc.
45. Apud *ibid.*, p. 20.
46. Apud *ibid.*, p. 21.
47. Apud *ibid.*, p. 22.
48. Al-Bukhārī, *Kitāb al-Jihād*, No. 2.
49. e.g. Apud *Mishkāt*. p. 27 ; pp. 241-3 ; and several *Hadīths* in *Kitāb al-Ilm*, pp. 32-38.
50. Aḥmad b. Ḥanbal, *Musnad*, 3, 82, 266.
51. Al-Nasā'ī, '*Ishrat al-Nisā'*', No. 1,
52. Al-Shāfi'ī, *al-Risālah*, p. 234 ; al-Bayhaqī, *al-Sunan al-Kubrā*, Hyderabad, 1352 A.H., V ; 275.
53. Apud *Mishkāt*, p. 246.
54. Apud *Mishkāt*, p. 245 (both *Hadīths* are given there) ; al-Bayhaqī, *op. cit.*, pp. 287-8.
55. For the first view, see al-Bayhaqī, *op. cit.*, *ibid.*, pp., 280-81.
56. Apud *Mishkāt*, p. 246.
57. e.g., al-Bayhaqī, *op. cit.*, p. 350, line 10 ff.
58. *Ibid.*, p. 279, 15ff.
59. For the *Mu'tazilah* see Al-Shāfi'ī, *Kitāb al-Umm*, VII ; p. 252, line 15. For the *Khārijī* acceptance of *Sunnah*, see e.g. al-Jāhīz, *al-Bayān*, Cairo 1948, VII ; 122, line 13, a speech by the *Khārijī* (Ibādi) leader, Abū Ḥamzah. The

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- Khārijis, indeed, even accepted Ḥadīth (see Ibn Qutaybah, *Ta'wīl mukhtalif al-Ḥadīth*, Cairo, 1326 A. H., p. 3.
60. See L. Caetani, *Annali Dell' Islam*, Introduction, section on *Isnād*. The beginnings of *Isnād* are generally attributed by Muslim authorities themselves to the Civil War (*al-Fitnah*), i.e. the murder of the Umayyad Caliph al-Walīd. See also J. Schacht, *Origins*, etc., p. 36.
61. Al-Bayhaqī, *op. cit.*, p. 286.
62. Abū Yūsuf, *al-Radd* . . . pp. 7, 12, etc.

3

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IN Chapter 2 entitled "*Sunnah and Ḥadīth*",¹ we treated of the emergence of the *Ahl al-Sunnah wa'l-Jamā'ah*. We underlined there the most fundamental characteristic of the *Ahl al-Sunnah* in its genesis as consisting in an effort to synthesize extremes, to stabilize and stick to the middle path. It was undoubtedly this activity that saved the Community from evaporation and, both for its consolidation and progress, it was absolutely essential that this basic impulse of *Tasannun* should remain alive. When, however, Sunnī Islam (*i.e.* the religio-political attitudes of the middle-of-the-road majority) had received an explicitly formulated content and an "orthodoxy", in a narrower sense of the term, had come into existence through the progressive formulation and elaboration of the *Ḥadīth* and the legal system (both of which went hand in hand)—as shown in the last chapter—a remarkable social equilibrium and cohesion was achieved. There may have been religious societies before—and there was certainly Judaism—which

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achieved a tremendous degree of cohesion. But Judaism was not and is not a universal brotherhood : it is not based on any idealism, for idealism, when not universalized, becomes sheer moral mockery. Buddhism and Christianity were the two great universalistic movements, but to develop a social fabric on a positively religiously (*i.e.* idealistically) constituted basis seems to have been none of *their* concerns. Islam is the first actual movement known to history, that has taken society seriously and history meaningfully because it perceived that the betterment of this world was not a hopeless task nor just a *pis aller* but a task in which God and man are involved together. In the post-Islamic era, it is only Communism that has expressly and systematically set out to mould history. But Communism, being an extreme form of modern Western humanism, and believing in the utterest relativism of values, substituted for the spiritual tyranny of the self-styled vicars of God, the naked tyranny of man over man. The example of Communism (the creed whose deflation is occurring before our own eyes) brings home to us the Islamic lesson that whereas the betterment of this world and man stands at the very centre of the Divine interest, the positive relationship between man and man—*i.e.* society—requires the trans-human reference to God.

To revert to Islamic history. After the perfection of an elaborate theological, legal, political and social system, the equilibrium and consolidation that ensued created a tremendous effulgence in the intellectual, spiritual, scientific and generally in all the cultural fields. It is certainly not within the scope of the present study to portray the results of this cultural exuberance and creativity which it is the rightful and

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ardent desire of the reawakened Muslim to recapture. What we wish to essay in the following is to prove that although the social equilibrium achieved did bestow an extraordinary fecundity and creativity on the Muslim civilization, nevertheless, this phenomenal growth was relatively short-lived because the *content* of this structure was invested with a halo of sacredness and unchangeability since it came to be looked upon as uniquely deducible from the Qur'an and the Prophetic *Sunnah*. The growth and flowering of Islamic culture was, therefore, stifled at its very roots and almost at the very moment when it began to blossom. This is because the actual content of the interpretation of the Qur'ān and the Prophetic *Sunnah*, the content which we described in the previous chapters as the "living *sunnah*", ceased to be living *sunnah*, i.e., an on-going process and came to be regarded as the unique incarnation of the Will of God.

In the previous chapter we described the genesis of some of the important political, theological and moral doctrines and showed how these doctrines, which had originated in the "living *sunnah*" as a product of Islamic history acting on the Qur'ān and the Prophetic *Sunnah*, were transformed, through the medium of the *Hadith*, into immutable articles of Faith. Now we shall study in somewhat closer detail the workings of the same doctrine-content after it had been so transformed and what effects this had on the future of the Community. For the sake of convenience, we shall divide our enquiry into certain major fields. It should again be borne in mind that no attempt has been made for an exhaustive historical survey of these fields but shall confine ourselves

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to certain pertinent observations as to how the Muslim activity in these fields affected and was affected by the doctrine-content formulated through the medium of the *Ḥadīth*.

I

THE POLITICAL ORDER

In Chapter 2 we briefly hinted at the causes that shaped the political attitudes of the vast body of the Muslims as distinguished from the *Khārijites* and the *Shī'ah*. Indeed, it is the emergence of these sects and their political activity, especially that of the *Khārijites*, that supplied Sunnism with its political content. At the outset, the Sunnīs certainly mediated between the two extremes at least at the doctrinal level. Instead of the *Shī'i* legitimist claims, they successfully insisted on the *Ijmā'* of the Community and its representative chief executive, the Caliph, who was, in theory, deposable. But against the *Khārijī* rebellionism and, especially, in face of the actual civil wars, the Sunnīs, *i.e.* the majority of the Community, accentuated the idea of *laissez faire* and an abstention from politics. Doctrines of submissiveness to the *de facto* authority were given tremendous weight and in the last chapter we quoted *Ḥadīth* that advocates absolute pacifism and even total isolationism has been quoted. There is little doubt that the original impulse behind all such doctrines and their protective *Ḥadīth* is the common-sense principle that *any law is better than lawlessness*, but once the doctrine was given out and accepted as guaranteed by the Prophetic authority, it became part of the permanent furniture of Sunni

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belief—the Sunnīs had, for ever, become the king's party, almost any king.

Even so, the doctrine of purely political pacifism, if it had not come to be supported by certain other powerful moral and spiritual factors, might not have resulted in a simple acceptance of political opportunism. Unfortunately, however, certain other developments took place which, in course of time, came to have the effect of advocating not only political but even moral passivity. Here attention is drawn specifically to the doctrine that a person who professes "there is no god but God" enters paradise "even though he commits adultery or theft". This formula, couched in the form of a very famous *Ḥadīth*² was, in the beginning, undoubtedly designed to provide a kind of a legal definition of a Muslim and to save the Community from dogmatic civil wars. But once it was accepted not only as a legal definition but also as a constituent of the substance of the creed, its actual effect was bound to be in favour of moral apathy, despite a good deal of *Ḥadīth* to the contrary which could, however, never revoke the *Ḥadīth* in question. The truth is that a considerable part of external solidarity of the Community was achieved at the expense of the inner density of the faith. No community can, of course, remain without the watchful guardians of its conscience, and Sunnī Islam has never been without men of acute faith and conscience, who have risked and even given their lives in protest against compromises, but the fact remains—and remains fundamentally important in the history of Islam—that a combination of a deliberately cultivated political docility and a general moral passivity not only made political opportunism possible but seemed to bestow

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upon it a doctrinal rectitude.

The Khārijites got themselves crushed out and obliterated for all practical purposes in a long and protracted series of open and bloody conflicts with the state and the Community in general. The Shī'ah, which after its initial phase of a purely political legitimism, functioned for a time as a movement of socio-cultural protest and reform within Islam, went underground during the second and the third centuries and under suppressive pressure from without, adopted subversive tactics. When they re-emerged on the scene, especially in the form of the politically successful Ismā'īlī movement, they had become transformed beyond recognition by a theological structure at the centre of which stands the doctrine of Imamalogy—a clear and unmistakeable influence of Gnostic-Christian ideas (that had been pushed down into a subterranean life by the force of the developing Islamic ideology)—and distinguished by the isolationist doctrine of the *Taqīyah*. Instead of resuming life as a healthy criticism and a constructive opposition within the broad framework of the twin principles of *Ijtihād-Ijmā'*, Shī'ism was now pressed into quite different channels: substituting for *Ijmā'* the theoretical guidance of the infallible Imām. On the moral plane, as we shall show, Shī'ism did seek to keep certain healthier principles alive so far as the freedom and responsibility of the human will is concerned, but at the political and theological planes (which had also obvious and direct moral implications of fundamental importance), Shī'ism seemed to reach a point of no-return. Indeed, one most striking fact—a fact which no Muslim caring for a genuine reconstruction of Muslim society with a progressive

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content can ever afford to ignore—about the religious history of Islam is that *Islam has always been subjected to extremisms, not only political but theological and moral as well.* The *Ahl al-Sunnah wa'l-Jamā'ah* whose very genesis had been on an assumed plea of moderation, mediation and synthesis—which is an on-going process—and who, indeed, actually functioned as such a force in the early stages, themselves became, after the content of their system had fully developed, authoritarian, rigid and intolerant. Instead of continuing to be a synthesizing and absorbing force they became transformed into a party-among-parties with all its rejecting and exclusivist attitudes.

It took time, however, for the absolutely pacifistic attitudes of Sunnism to harden. At the time of the downfall of the Umayyads and the establishment of the 'Abbāsids, the state of affairs was naturally still very liquid. Ibn al-Muqaffa' (second quarter of the second century) complains that Muslims largely suffer from political extremism, one party contending that the political authority must be upset if it disobeys God or, rather, if it seeks to implement what constitutes disobedience to God, while the other party contends that the political authority must be placed by definition, as it were, beyond criticism, Ibn al-Muqaffa' roundly dismisses the second group. With the first group he agrees that لا طاعة لخلق في معصية الخالق "there is no obedience (to the ruler) in disobedience of God," but he pointedly asks, if anybody is to be obeyed in righteousness, including the political authority, and if everybody is to be disobeyed, including the political authority, in what is deemed to be not righteousness, then what is the difference between the political authority and non-authority? How can,

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therefore, any political authority, worthy of the name, survive? Ibn al-Muqaffa', therefore, suggests that while the dictum itself is correct, it is used as a camouflage for sedition and rebellion and, further, that whatever any particular group thinks to be the correct interpretation of the obedience or disobedience to God, it seeks to impose it on others by attempting to seize the political machinery.³

It is to be remarked that Ibn al-Muqaffa', while stating the view of both political extremes, does not refer to any *Ḥadīth* or even alleged *Ḥadīth*, either on the side of rebellionism or absolute pacifism. And, indeed, no such *Ḥadīth* is contained either in the *Muwatṭa* of Mālik or the *Āṭhār* of Abū Yūsuf two eminent men of the second century. Ibn al-Muqaffa' certainly assumes that the state stands under the moral norms of Islam, but he insists that, in judging whether a particular state is so conforming or not, all contending groups must exercise that robust, healthy and constructive common sense which Islam did so much to inculcate and that, above all, the integrity of the Community and the stability of the state must never be lost sight of. We do not deny that pacifist *Ḥadīth* was there : indeed, our analysis of the political *Ḥadīth* in the last chapter has clearly shown that this *Ḥadīth* was proved by *Khārijism*. What we are saying is that neither Ibn al-Muqaffa' nor Mālik nor yet Abū Yūsuf makes any reference to such *Ḥadīth*.

But the collectors of *Ḥadīth* during the third century zealously collected pacifist *Ḥadīth* and, at the political level, pacifism henceforward is permanently erected into the dogmatic structure of Islam. A Muslim, from now on, does not possess the right of political resistance—that is to say, not only actually, but

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even formally and theoretically. Many students of Muslim political history and theory—both Westerners and Muslim Modernists—have postulated an increasing influence on Islam of old Iranian ideas of kingship, where kings were regarded as sacred and inviolate. This story does not seem true. It is true that the political authority was vested with a quasi-inviolable character and later also expressions like “the shadow of God” are used, even by the orthodox—*e.g.*, by Ibn Taymīyah.⁴ But when the orthodoxy contends that “even an unjust ruler ought to be obeyed” and that *السلطان ظل الله* “the Sulṭān is the shadow of God,” we get the apparently strange result that “even an unjust ruler is the shadow of God”. Since by no stretch of imagination can this extreme construction be literally attributed to orthodoxy—least of all to a man like Ibn Taymīyah, the only meaning we can attach to the phrase “shadow of God” is that of a rallying point and a guarantee for security. And when we look at the earlier insistence of the orthodoxy, couched in *Ḥadīth* form, *تلتزم جماعة المسلمين و امامهم* “to keep to the majority of the Muslims and their political authority,” the meaning becomes absolutely clear. No metaphysical implications, therefore, of the old Iranian or other equivalent doctrine of rulership may be read into this dictum.

However, a closer reflection will reveal that a total conformism and pacifism, no matter through what noble purpose motivated, is completely self-defeating, for it inculcates political passivity and indifference and, subsequently, a fatal sense of suspicion against the government. And this is exactly what happened in Islam. If the maintenance of the solidarity of the Community was an overall objective

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—as, indeed, it was and should have been—then, to ensure political stability, adequate political institutions should have been erected. The *Shūrā*, e.g., could have been developed into an effective and permanent organization. But nothing like this was achieved. The 'Ulamā' continued, on the one hand, to strenuously advocate absolute obedience (and this was their concession to realism) and, on the other, to draw perfectionist pictures of an ideal caliph (which was of course a statement of idealism). There seemed no bridge between the two and whenever there is an unbridged (also seemingly unbridgeable) gap between the ideal and the real, cynicism, that most destructive poison for any society, is an inevitable result. Political opportunism, which, to some extent, exists in all societies, becomes, under such cynical attitudes, the hallmark of political life.

The ground was thus prepared and justification supplied for visitation of the Muslim world from the fourth century onward by sultān after sultān and amīr after amīr. The decrepitude of the Baghdād Caliphate was hastened. These *de facto* rulers, mostly men of tremendous initiative, ability and cynical wisdom, turned, with the help of the doctrine of predeterminism (whose effects also we shall portray presently), the very principle which had fired the Khārijī fanaticism, upside down: "Rule belongs to God alone (*in-i'l-ḥukmu illā li'llāh*, Qur'ān, VI : 57)" came to be construed as meaning that whatever political authority had come to be constituted, was so constituted through the Divine will. Amīrs would rise with their mercenary hordes and make a clean sweep of vast territories, but the Muslims could do nothing—nothing, that is to say, religiously except to obey.

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Under political opportunism, unstable rule is the order, stability a pure accident. This led to unsettled conditions. Destruction of property, especially urban property, is great during continuous political shifts and military movements. The Muslim urban life, during the later Middle Ages of Islam, was devastated. Since every new adventurer had to pay his soldiery and put some money in the treasury, people were heavily taxed, especially, in the first centuries of this type of political unsettlement, the urban population—the professional classes and more particularly the commercial classes. Ibn Khaldūn tells us how big cities could be devastated by the whirlwinds of change in despotic rule.⁵ Later on, when cities could no longer support the heavy taxation, the burden had to be borne by the peasantry which was, in course of time, reduced to the direst poverty. It is this heavy taxation against which Shāh Walī Allāh of Delhi also recorded his vigorous protest in the eighteenth century and called it anti-Islamic, since this taxation was not used for the welfare and the development of the people but to satisfy the primitive and selfish impulses of the aristocracy.

When professional classes weaken and commerce declines in the cities, the ground beneath any cultural development worthy of the name, is removed. The existence of a robust middle class is absolutely essential for any cultural development—spiritual, intellectual or artistic. We do not, of course, say that the political instability described above and unwittingly, though indirectly supported by the religious attitudes inculcated by the orthodoxy, was the only reason for the deterioration of the Islamic civilization. But we do say that it was both an extremely important factor

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and a major symptom of deterioration. The middle class that was produced by the equilibrium achieved after the first two centuries or so resulted in a brilliant civilization at all levels. It was intellectually and scientifically the torch-bearer of humanity ; in arts its effulgence produced unrivalled masterpieces, especially in architecture and poetry : and in religious leadership, of course, it was unique, But this extraordinary creativity could not be sustained for a long enough time with a strong enough impetus to take deeper roots in society.

In political theory, then, the orthodoxy of the two political extremes, adopted the extreme of absolute obedience and conformism. (This does not and need not deny the fact that some exceptional religious leaders sometimes courageously withstood what they considered to be unrighteous commands of rulers.) This it did originally to preserve the integrity and safety of the Community. But the doctrine has been retained as a feature of orthodoxy even until today, long after the original needs have passed and even forgotten by the orthodoxy itself. That is to say, a genuine historical need was erected into a kind of dogma, with serious results for the politico-social ethic of the Muslim society in the later Middle Ages, where it encouraged political opportunism on the one hand and generally inculcated political apathy among the people on the other. What is imperatively required is a healthy interest in the state and a constructive criticism of the government affairs, keeping in view the overriding need of the integrity of the Community and the stability of the state.

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II

THE MORAL PRINCIPLES

The same story is repeated at the moral plane on the fundamental question of human freedom and accountability. The Qur'ān and the Prophet's behaviour had provided an adequate framework to ensure (i) the maximum of creative human energy and (ii) the keeping of this human creativity on the right moral track. The Qur'ān vividly and forcefully emphasized all those tensions that are necessary for this purpose. It severely warned against those nihilist trends which lead man to regard himself as law unto himself and are summed up in the pregnant term "*takabbur*" and called upon him to submit himself to the moral law. On the other hand, it raised genuine optimism to the maximum, condemned hopelessness as one of the gravest errors, charged man with limitless potentialities and made him squarely responsible for discharging this "trust". The Qur'ān is not interested in a discussion of the problem of the "freedom of the human will" or "determinism" but, on the basis of a true appreciation of the human nature, in releasing to the maximum the creative moral energy of man. The Prophet, in his deeds and sayings, was an actual paradigm of this attitude and the response he evoked from his Companions was nothing essentially otherwise.

About a century, however, after the Prophet's death, this practical moral bent gave way to fierce speculation on the problem. Every religion has, at some stage, to formulate theologically its implicit world-view, but unfortunately in the intellectual developments in Islam during the second and the third centuries a situation was created where each of the

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two major contending groups—the Mu'tazilah and their opponents—found themselves developing in the abstract only one term of the concrete moral tension strongly advocated by the Qur'ān. In order to raise the moral creativity of men, the Qur'ān had emphasized the potentialities and the accountability of man—and the strict justice of God. The Mu'tazilah asserted this point and this point only, so that they became irretrievable prisoners of their own position. But in order to assert the absolute supremacy of the moral law, the Qur'ān had equally emphatically stressed the Power, Will and Majesty of God. The religious opponents of the Mu'tazilah, in whose eyes the latter were denuding God of all godhead and substituting a naked humanism for the essentials of religion, in their turn, accentuated the Will and Power of God only, so much so that they became mortgaged to this doctrine totally and irrevocably and, in course of time, erected determinism into an unalterable part of the orthodox creed. The "orthodoxy" was thus once again manoeuvred into an extreme position. In place of the living, concrete and synthetic moral tension of the Qur'an and the Prophetic *Sunnah* we have again a conflict of pure and naked extremes. What the "orthodoxy" did was essentially to take the latter of these two extremes and instal it into its dogmatic structure. Or, rather, the "orthodoxy" came into existence on the very plea and with the very programme of installing the omnipotence of God and impotence of man into a dogma.

In Chapter 2 attention has been drawn to the pre-deterministic *Ḥadīth* of the *Ahl al-Sunnah* and also to the opposite *Ḥadīth* and the terrific preponderance of the former over the latter has been pointed out. It has also been briefly hinted at the situation that forced

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such a formulation of *Hadīth*. This is not the place to trace the origin and development of this problem in Islam but, as said in the last chapter, its beginnings are connected with the problem of how faith is related to acts and with the definition of a Muslim. The Umayyad state had favoured determinism, for they feared that a stress on human freedom and initiative might unseat them. The doctrine that faith must be regarded as essentially independent of acts and that acts must be judged leniently also well suited an attitude of mind that favoured determinism. The doctrine of the essential independence of faith *vis-à-vis* acts was regarded by the majority of the Community as a necessary defence against *Khārijism* and was adopted in a modified form. In itself, this doctrine was harmless, indeed, necessary provided it was fully understood that it was designed to provide only an external, legal definition of a Muslim and did not describe the content of Islam as such. This unfortunately was not kept in view and the doctrine of the independence of faith of works was allowed to become not merely a formal but a *real* definition of a Muslim. This was undoubtedly the result of exasperation against *Khārijism* and other internal disputes, but it was an extreme and, in the long run, a morally suicidal measure : it was almost an exact Muslim replica of the Christian doctrine of "Justification by Faith".

This attitude of mind was bound to result in an undue easing of the religious conscience which obviously lowers the moral tension and proportionately the moral standards. Undoubtedly, there is much other *Hadīth* that seeks to establish a positive relationship between faith and acts, between the inner state of the moral agent and its outward expression, and in

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the previous chapter we have also cited such *Hadīth*. But the kind of function that the first type of *Hadīth* was called upon to perform was definitive and, as has been just observed, its defining character was not only formal and external and, therefore, purely legal but came to be regarded as *essential*, *i.e.*, it defined the essence of Islam. Its very status, therefore, conferred upon it an incorrigibility, *i.e.* an inherent capacity for not being effectively counteracted, no matter how much emphasis is laid on the opposite, complimentary point of view, which was undoubtedly done.

But this was not all. For the orthodoxy, as we have just seen, was also compelled by the actual situation created by the *Khawārij* and the *Mu'tazilah*, especially the latter, to assert uncompromisingly the Will and Power of God in a way where they felt duty-bound to rob man of all potency. As recent historical research has revealed, the *Mu'tazilah* were a group of Muslim intellectuals who, in an arena of great ideological conflict in the Middle East in the early centuries of Islam, had successfully defended Islam against Gnosticism, Christianity, Zoroastrianism and Buddhism. They were no mere intellectual idlers. One of the weapons with which they had defended Islam was the doctrine of human free-will and responsibility. This doctrine they had undoubtedly derived from the *Qur'ān* and had then sought to formulate it in terms of the current stock of philosophical ideas of Greek origin. Their intellectual tools were, however, not sufficient (any more than were those of people they were opposing outside Islam). In their actual formulations, therefore, they came to express human freedom in a way which smacked of being clearly humanistic and seemed to rob God of His godhead.

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But the solution proposed and finally adopted by the orthodoxy suffered from the same disadvantage. It represented the other extreme, and when combined with the orthodox position on the question of the relationship of faith and behaviour outlined above, it constituted a terribly powerful bulwark against the spiritual-moral attitude behind human initiative and creativity. Whereas in the hands of Ibn Ḥanbal the emphasis on the Power and Majesty of God was a simple assertion of the religious impulse, the later theologians like al-Ash'arī, al-Māturīdī and especially their successors transformed it into a full-fledged theological doctrine. But their intellectual tools were no better than those of the Mu'tazilah and thus the doctrine developed one-sidedly in favour of determinism. A little later, during the fourth and the fifth centuries, the Muslim philosophers, being pure rationalists, developed determinism still further and, by an identification of causal, rational and theistic forms of determinism, produced a truly imposing deterministic structure of the universe—and of man.

The theologians, who were otherwise opposed to the teachings of the philosophers, were nevertheless not slow in availing themselves of the vast arsenal of the philosophical stock of ideas in favour of determinism, the only element rejected by them in this connection being rationalism. During the sixth century, the famous and influential theologian, Fakhr al-Dīn al-Rāzī (d. 606) was a theistic predestinarian of a truly frightening order. For the sake of illustration, one of his highly skilful arguments advanced against human potency may be noted here. He argues⁶ :

لو كان العبد موجدا لافعال نفسه لكان عالماً بتفاصيل افعاله و هو
غير عالم بتفاصيل افعال نفسه فوجب ان لا يكون موجداً لها

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that in order to be able to act, the would-be agent must know exactly what he is doing ; otherwise he cannot be said to 'act'. But in order to know exactly what I am doing, *e.g.*, when I am said to move my finger, I must know the consequences of this act. But when I move my finger, an infinite series of motions is initiated (both in my body and outside it) which I can never *possibly* know. I cannot, therefore, be said even to be able to move my finger. The motion of my finger is, therefore, an event which is created by God, or, rather, God had created it in eternity in His infinite Wisdom and Knowledge.

Most Şufî theosophs carried the doctrine to much greater lengths and, in fact, transformed it completely under their utterly monistic world-view : instead of saying, "Every act or occurrence is created by God," they ended up by saying, "Every act or occurrence is God" through the intermediate statement, "Every act or occurrence is a manifestation of God". Not only was there no agent besides God, there was *just nothing* besides Him. The effects of this development on the moral texture of the Community shall deal with a little more fully in the next section. The fact is that the chief property of the spiritual and intellectual life of the Muslims approximately from the seventh century onward is fatalism and the moral-psychological attitude that goes with it. We do not deny the obvious fact that the Muslim normally went on working for his living—*e.g.*, a peasant tilled his land and did not sit down in the conviction that if God had pre-written that his crop should grow then he had to do nothing. But what we do say is, and this is, surely, the problem here at the practical level, that the Muslim's initiative, intellectually and physically, became severely pros-

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cribed until it was almost numbed.

Thus, we see once again that a particular extreme solution, designed for a particular extreme ailment at a particular juncture of Islamic religious history, became a permanent feature of the orthodox content of Islam, and, further, that this extreme solution became extremer and extremer as century after century passed. Ibn Taymiyah (d. 728), in his critique of Muslim extremists on this very point wrote :

وينبغي ان يعلم ان هذا المقام زل فيه طوائف من اهل الكلام والتصوف و صاروا فيه الى ما هو شر من قول المعتزلة ونحوهم من القدرية فان هولاء يعظمون الامر والنهي والوعد والوعيد وطاعة الله ورسوله و يأمرون بالمعروف وينهون عن المنكر لكن ضلوا في القدر واعتقدوا انهم اذا اثبتوا مشيئة عامة وقدرة شاملة وخلقاً متناولاً لكل شئ لزم من ذلك القدر في عدل الرب وحكمته وغلطوا في ذلك فتقابل هولاء قوم من العلماء والعباد واهل الكلام والتصوف فاثبتوا القدر و آمنوا بان الله رب كل شئ وملكه والله ما شاء كان وما لم يشأ لم يكن والله خالق كل شئ وهذا حسن وهذا صواب ولكنهم قصروا في الامر والنهي والوعد والوعيد حتى غلب بعضهم الى الاحاد وفساروا من جنس المشركين الذين قالوا لو شاء الله ما اشركنا ولا آباؤنا ولا حرمنا من شئ فاولئك القدرية وان كانوا يشبهون المجوس من حيث انهم اثبتوا فاعلاً لما اعتقدوه شراً غير الله سبحانه فهولاء شابهوا المشركين الذين قالوا لو شاء الله ما اشركنا ولا آباؤنا ولا حرمنا من شئ فالشركون شر من المجوس.

"It ought to be known that on this point many groups of theologians and Şufis have erred and have adopted a position which is, actually, worse than that of the Mu'tazilah and other upholders of the freedom of the will (which the theologians and Şufis had sought to remedy). For, the upholders of the freedom of the will (at

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least) emphasize the Command (of God, *i.e.* the moral imperative) . . . and command good and forbid evil. But they were misled on the question of Divine Omnipotence and thought that the affirmation of a Universal Divine Will and Power . . . would rob God of Justice and Wisdom—but they were mistaken. These were then confronted by a number of 'Ulamā' (*i.e.* of the orthodoxy), pious men and theologians and Ṣūfis who affirmed the absolute Power of God . . . which was so far so good. But they let go the side of command and prohibition (*i.e.* the moral side) . . . and became like those Associationists (*Mushrikūn*) who (as the Qur'ān informs us) told the Prophet 'If God had so willed, we would not have committed *shirk*. . . . Therefore, although the Mu'tazilah did resemble the Zoroastrians in so far as they affirmed an agent other than God for what they believed to be evil this other group resembled the Associationists (*Mushrikūn*), who are much worse than the Zoroastrians.'"⁷

The two great reformers of the Indo-Pakistan sub-continent, Shaykh Aḥmad Sirhindī of seventeenth century and Shāh Walīy Allāh of the eighteenth century, also made this a fundamental point in their attempts at a reconstruction of the spiritual and moral foundations of the Community. Since, however, their endeavours on the problem are related to Ṣūfistic background, something will be said of them in the following section. But despite the influential voice of these reformers who were opposed in their own times—Ibn Taymiyah (who died in prison) and Sirhindī (who almost died in prison) having been especially bitterly opposed—it is abundantly evident from the

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foregoing brief sketch that the doctrine of predestination has been the rule in our life, the opposite has been the exception and the weight of this doctrine has been so great in all its manifestations that it has undoubtedly numbed the initiative of the Community as a whole. Apart from the Khārijites and the Mu'tazilah, both of which groups became extinct in Islamic history, the Shī'ah were the only major group that insisted on freedom of the human will in its creed. But this item of creed has been rendered practically ineffectual and defunct in Shī'ism itself because Shī'ism completely disregarded the majority of the Community and chose to develop on its own lines and also because freedom of the will is rather pointless in an authoritarian system of Imāmology and alongside of the doctrine of Taqīyah.

III

SPIRITUAL LIFE : ṢUFISM

We are not here concerned with the history of Ṣufism, much less with the entire content of Ṣufi thought and practice but only with certain of its major features as they stand related to our present argument. This argument as it has built up so far says (1) that in order to face certain particular historical exigencies of an extreme nature, our orthodoxy was led, during its early, formative phase, to adopt certain more or less extreme remedial measures ; but (2) that since the door of re-thinking (Ijtihād) was closed ; after this period, these early measures became part of the permanent content of our orthodox structure. It has been endeavoured to demonstrate that in the politico-social sphere and, more particularly at the moral plane,

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the combined effects of some of the doctrines regarded as fundamental by our orthodoxy did have, and could not fail to have, disastrous consequences for the moral constitution of the Community ; its political attitude was a strong contributory cause of inducing political cynicism which is so patently evident in our political life; its moral emphases could lead only to pessimism. Where cynicism and pessimism are allowed to grow, life itself revolts and seeks other avenues of self-expression and self-fulfilment—healthy or not-so-healthy. We shall now briefly try to establish two points: (a) that Şūfism, in the beginning, was a moral-spiritual protest against certain developments of politico-doctrinal nature within the Community ; but (b) that after things ossified in the manner described above, Şūfism took over as a movement of popular religion and from the sixth-seventh centuries (twelfth-thirteenth centuries of the Christian era) established itself with its peculiar ethos *not only as a religion within religion but as a religion above religion.*

It must be repeated that we are not here concerned with analysing the content of Şūfism historically and tracing its elements to foreign sources. It need not be denied and, indeed, it is convinced that the Şūfī movement came under certain fundamental influences from without, especially in its later stages of development. Nor is this in itself bad : every movement assimilates elements that come its way in the course of its expansion. But we are here concerned strictly with a functional enquiry : the overall build-up, operation and legacy of Şūfism within Islam.

That among the Companions of the Prophet there must have been those whose natural bent of mind was more towards contemplation and introversion should,

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we submit, be accepted even though later Şūfi assertions about Abū Dharr al-Ghifārī, Abū Hurayrah and others may not be acceptable as historical truth. But the emphasis of such Companions on inner life and devotion could not have constituted a "way of life" independent of the society building ethos of the Community at large—on the contrary, it must have helped deepen the moral consciousness involved in that ethos, as, indeed, was the case pre-eminently with the Prophet himself whose religious experience itself issued out in the form of the Islamic movement. It would be a simple oddity to attribute to any one of the Companions anything like, say, the ecstasies of an Abū Yazīd al-Bisṭāmī or the theosophic lyrics of an Ibn 'Arabī. But a little later a vigorous movement of asceticism gets underway and is in full swing during the second century. The great name of Ḥasan al-Baṣrī is also associated with it. It is essentially a moral movement, emphasizing and re-emphasizing the interiorization, deepening and purification of the moral motive and warning man of the awful responsibility that life lays on his shoulders. On the face of it, there is nothing wrong with this for the Qur'ān and the Prophet fully support it. But unfortunately as this movement proceeded, it exhibited all the symptoms of an *extreme reaction*. It developed a one-sided *Zuhd*, an excessive preoccupation with world-negation, an unintegrated spirituality and then gradually a formal system of moral gymnastics. This certainly could not be supported by, indeed it ran directly counter to, the Qur'ān and the *Sunnah*. For the Qur'ān and the *Sunnah* had called upon Muslims to forgo comfort and, if necessary, property "in the Path of Allāh" i.e., to build something higher and positive—a socio-moral

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order. But the new *Zuhd* taught the Muslim not to possess anything ; you obviously cannot forgo or spend anything which you do not possess. As for the "Path of Allāh", its Ṣafī interpretation soon unfolded itself as we shall presently see. What had happened ?

It seems that this phenomenon can be adequately understood only as a severe and extreme reaction to certain developments within Islam. The first of these developments is the breakdown of effective political leadership and authority after 'Alī, when, under chaotic conditions, the early Umayyads, the *Khawārij*, the *Shī'ah*, the partisans of 'Abd Allāh ibn al-Zubayr and others put forward their warring claims. The most important positive idea that took birth at this juncture was that of the "integral Community" or *Jamā'ah* which we discussed in the previous chapter. But another strong sentiment that asserted itself and inadvertently sought to negate the very idea of *Jamā'ah* is emphatically individualistic and isolationist in character. We also alluded to this in Chapter 2 and pointed to the considerable isolationist *Ḥadīth* that came into circulation in this connection—*Ḥadīth* that asks every individual to "mind his own business" and not to "take part in the affairs of the public," i.e. politics and government. In this connection a *Ḥadīth* which we quoted from al-Bukhārī's *Ṣaḥīḥ* recommending retirement to a mountain-pass and "leaving people alone" is specially recalled. Indeed, the entire body of that *Ḥadīth* which lies commonly diffused in our *Ḥadīth* Collections and which, in slightly varying forms of language, defines a Muslim as—

السلام من سلم المسلمون من لسانه و يده و المؤمن من امنه الناس
على دماهم و اموالهم (رواه الترمذى و النسائى و زاد البيهقى فى شعب

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الإيمان برواية فضالة و الجاهد من جاهد نفسه في طاعة الله و المهاجر
من هجر الخطايا و الذنوب) — (مشكوة المصاييح ، طبع اصح المطابع ،
دهلي ، ١٩٣٢ م ، ص ١٥) -

"one from whose tongue and hands other Muslims are safe" is rooted in this very background of unbridled and irresponsible politics and civil wars. Sensitive spirits could not have remained unaffected by these conditions ; but the way they reacted was the advocacy of a withdrawal of the soul inward from the external world, after an initial period of puritanism and asceticism. That there were already in the Middle East equivalent attitudes spread by other religions—notably Christianity and Buddhism—and that influences from these must have come into Islam at some stage, must be accepted. The problem, however, is : what prepared certain circles among the Muslims to accept such an attitude to life *despite* the Qur'an and the *Sunnah* ? Nor is this question really answered by stating what is essentially true, *viz.* that many of the new converts in the Fertile Crescent became Muslims more or less externally only and that inwardly they were either unable or unwilling to shed their previous spiritual make-up. For the question remains : why were these converts or their progenies even later not consolidated into a genuinely Islamic attitude to life?—on the contrary, the world-denying spirit becomes stronger with the passage of time.

Out of the failure of political life to meet adequately the proper inner aspirations of the people, Messianism developed rapidly in Islam. In one form, these Messianic hopes simply took over the doctrine of the "Second Advent" of Jesus, from Christianity. The orthodoxy in course of time adopted it. In another form, which seems to have taken birth in Shī'i circles

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but came into Sunnism through the activity of early Şufis, these millennial aspirations are expressed in the doctrine of the Mahdī—the figure who will finally effect the victory of justice and Islam over tyranny and injustice. That this doctrine came into Islam through the Şufis is made certain by the fact that the beginnings of Şufism are clearly connected with the early popular preachers—known by various names—who used Messianism in their sermons to satisfy the politically disillusioned and morally starved masses. In the beginning, the two doctrines—that of the re-appearance of Jesus and that of the Mahdī—are quite distinct, since their historical sources are quite different, but later the two figures are brought together, although not entirely successfully.

What is important for us at present is the effect of this Messianism on the general morale of the Community. Of course Messianism is itself the result of a low pitch of morale as was the case with the Jews during their exile. But once accepted strictly, it accentuates hopelessness. Combined with other moral and material factors described before, it is exactly this hopelessness that was perpetuated by Messianism in Islam. What it really amounts to is that history is declared to be irredeemable and a kind of hope or rather consolation is developed about something (the Mahdī or the Messiah) which although it pretends to be historical, has, nevertheless nothing to do with history but in reality with what might be called "trans-history". That is to say, what really matters is the *consolation* itself and not any historical fact. It is both interesting and highly instructive to note in this connection that in order to make room for a Messianic figure the earlier materials of *Hadīth* itself were forced

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in a new direction. In Chapter 2 we have discussed a *Hadīth* about *Ijmā'* quoted by al-Shāfi'i according to which the Prophet said :

اكرموا اصحابي فانهم خياركم ثم الذين يلونهم ثم الذين يلونهم ثم يظهر الكذب—(مشكوة المصابيح، صفحہ ۵۰۴).

"Honour my Companions, then those who follow them and then those who follow these latter. . . Then falsehood will spread. . . ." As we commented upon this *Hadīth*, this is a clear attempt at declaring religiously authoritative the results of the activity of the first three generations of the Muslims—the "Companions," the "Successors" and the "Successors of the Successors". Now, this *Hadīth* does not contain the slightest hint about Messianism. Later, however, other versions of the same *Hadīth* become current, e.g.

خير امتي قرني ثم الذين يلونهم ثم الذين يلونهم ثم ان بعدهم قوما يشهدون ولا يستشهدون ويخونون ولا يؤتمنون وينذرون ولا يفنون ويظهر فيهم السمن—(مشكوة المصابيح، ص ۵۰۳-۵۰۴).

The best generation is mine (*khayr al-qurūni qarnī*), then those who follow them . . . , etc." These are then given a decidedly Messianic twist. This is because it must be accepted that history is going, and is bound to go, from bad to worse and is, indeed, doomed, if a Messiah is to come.

But Ṣūfism could not remain content even with a "trans-historic" event when this became part of common doctrine. It enacted yet a different piece, this time not a trans-historic one but a purely spiritual, meta-historic one. It constructed an invisible hierarchy of "averting" saints with the "Pole" (*Qutb*) at its pinnacle. But for this ever-present hierarchy, it taught, the whole universe would collapse. Again, we do not know exactly whether Shī'ism influenced

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Şūfism or vice versa, but we do know that about the same time the Shi'ī concept of the "absent (*ghā'ib*) Imām" was being transformed theologically into that of a "hidden power" as opposed to the actual, visible political power which was in the hands of the Sunnis. This transformation was effected by extremer Shi'ī sects. But in whichever direction the influence lay, it is quite obvious that Şūfism, through this doctrine, was effecting the withdrawal of the soul from the external world to an invisible realm, this withdrawal being not merely at the individual but at the collective level. This doctrine too, although it was never officially accepted by the orthodoxy, gained wide recognition not only from the masses but even at the hands of the 'Ulamā' as the 'Ulamā' slowly became helpless against, and began to succumb to Şūfism.

This problem of the mutual relationship between the 'Ulamā' and their activity on the one hand and the forces represented by the Şūfis on the other was the second fundamental factor, besides the political developments, in providing the real impetus to Şūfism. Islam, as a texture of moral-social life, demanded its formulation in legal terms. The Prophet and the early leaders of Islam had laid the foundations of a legal pattern but the working out of this pattern into a system was achieved only later. Achieved it had to be, for the vastly increased needs of administration after expansion imperatively demanded this; and, in fact, the legal system of Islam was the first Islamic discipline to mature. But many people, to whom the inwardness and personalization of religion appeared as the very soul of religion, looked askance at this impersonal legal structure as an adequate expression of Islam. The lawyers, of course, had made every

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effort to keep the moral impulse alive in the law, so much so that a modern Western scholar has described this law as a "discussion on the duties of Muslims".⁸ Nevertheless, law can regulate only the "externals". Who shall be the guardian of the inner tribunal of conscience in man if the 'Ulamā's task was mainly to give legal decisions? The Şufis claimed to be precisely such people.

The 'Ulamā' were naturally suspicious of this claim, for the guardianship of the conscience or the "heart", they rightly insisted, was not a matter open to inspection, and they warned against such an exclusive doctorship of the soul. But it is equally true that the 'Ulamā' failed to diagnose the real source of strength behind the Şufi protests and claims; they ought to have attempted to integrate into the orthodox structure itself what Şufism fundamentally stood for—the life of the heart in so far as it makes human personality truly moral. The 'Ulamā' did not do so, but it was probably under their and similar criticisms of the utter privacy and lawlessness of the early Şufi procedure that the Şufis began to systematize their experiences in terms of what are called "Stations (*Maqāmāt*)"; a moral-spiritual itinerary of the soul beginning usually with "repentance (*Tawbah*)" which in Şufi terminology means renunciation of the world. But the Şufi method did not remain purely moral for long but gradually became submerged under the ideal of ecstasy and the results were not just moral purification but rather tall Şufi claims which became very frequent and improper and were called "*Şaṭaḥāt*". These, indeed, ran exactly counter to the very ideal of moral purification and, in fact, one of the great representatives of the Şufi movement, Manşūr al-

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Ḥallāj (i.e. a wool-carder), had to pay with his life at the beginning of the fourth century.

The 'Ulamā' certainly could not be expected to share this particular goal of the Ṣūfīs—an ecstatic obliteration of the self. But things did not stop there. Soon after the *Fiqh* systems, the Muslims developed the science of *Kalām* or theology as a necessary weapon to defend Islam on the arena of warring ideologies. Exactly as a parallel to this, the Ṣūfīs now claimed not only an inner path of "purification" or even ecstasy but a unique way of inner knowledge, a gnose-*ma'rifah*, which they radically opposed to the reason of the rationalists and the 'ilm of the 'Ulamā', this latter being bound up in form with the former. The 'Ulamā' again failed to recognize the genuine element in the Ṣūfī claim. They rightly pointed out that the Ṣūfī *Ma'rifah* was condemned to privacy and that each man's *Ma'rifah* would be his own. But what was needed was an adequate framework which would rehabilitate the Ṣūfī "intuition" into reason by bringing out the true nature of the latter as both perceptive and formulative. In this way, the Ṣūfī "intuition" should have been made chargeable with publicity, so to say, and accountable to true reason, as must be the case in the nature of things.

As it was, however, the 'Ulamā' failed to do so, while the attempts of some of the sober and orthodox Ṣūfīs to devise a set of antithetical and complementary categories⁹ to do justice both to the fact of inner experience and its outward testing and formulation did not actually prove adequate and did not bear much fruit until a person of the originality and perception of Shaykh Aḥmad Sirhindī (d. 1035/1625) appeared. By that time a terrible fundamental damage had

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already been done. But before things came to this pass, Islam had witnessed a profound attempt at reformation and integration of the spiritual and the formal elements in Muslim life, an attempt which truly activated, for a time, the forces of inner regeneration in the Muslim Community. This was the work of al-Ghazālī (d. 606/1111). He told the 'Ulamā' in clear terms that, unless reinvested with fresh meaning, their theology and law—although to be respected—must remain an empty shell: on the other hand, he forcefully tried to bring home to the Şūfī that his experiences could not be allowed to wander and that the content of these experiences must submit to a test other than the experience itself, viz. the values of Islam.

But barely a century after al-Ghazālī, about the time when Şūfism becomes a mass phenomenon, Ibn 'Arabī (d. 638/1240) and after him his followers, develop a doctrine that is out and out pantheistic and issue it in the name of mystic intuition. As we have also pointed out in another place,¹⁰ this theosophic Şūfism was nothing more or less than pure philosophy masquerading under the name of Şūfism—a movement which had begun with the ideal of moral edification. The fact is that philosophy, after it had been attacked by al-Ghazālī, went underground and reappeared in the name of theosophic intuitionism. The pantheistic content of this theosophy apart, the greatest disservice that it did to the intellectual life of the Community was the sharp cleavage it made between what it called "Reason" and "*Kashf*" and claimed the latter for itself in order to seek security under its supposedly unassailable citadel whereas "Reason" was declared to be absolutely fallible. Now,

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whenever the organic relationship between perceptive and formulative reason is thus cut in a society, it can never hope to keep alive any intellectual tradition of a high calibre.

As for the doctrine of pantheism, there can be no doubt about its nihilistic effects upon the moral tension of the ego. So long as pantheism remains a purely intellectual affair, it does not matter very much religiously; and at the intellectual level it may be opposed by other theories. But once it grips the moral fibre of a society—as it did affect the Şūfis generally in the later Muslim Middle Ages and, through them, the masses—it cannot fail to sap it. When one sings with 'Irāqī:

“When He divulged His secret Himself,
Why should He blame poor 'Irāqī?”¹¹

or says with the formulator of the famous aphorism: 'He Himself is the jug, Himself the jug-maker, and Himself the jug-clay' (خود کوزه و خود کوزه گر و خود (گل کوزه), one has given up the very idea of the moral struggle and cannot but proclaim, and proclaim seriously with all its consequences, “All is He (*hamah ūst*)”.

It is against this moral degeneration originating from pantheism that certain valiant spirits fought with a considerable and increasing success among the educated classes of Muslims from Ibn Taymīyah in the fourteenth century to Muḥammad Iqbāl in the twentieth. Ibn Taymīyah's virulent campaign against pantheistic Şūfism is well known, although it is a serious error,¹² commonly committed, to regard him as an enemy of all expressions of Şūfism. But the most brilliant analysis of the various types of pantheism and its most acute criticism from an ethical standpoint

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was the achievement of Shaykh Ahmad Sirhindī (*Mujaddid-i Alf-i Thānī*). His work demonstrates, through a genuine dialectic of religious experience, the true organic nature of the inner experience and the reality of the external world, necessitating a subsumption of the former to the latter, of the intuitive perception to the moral order. Sirhindī thereby proved the supreme status of *Sharī'ah*—the moral command of God. A century and a half later, Shāh Waliy Allāh of Delhi gave a new solution by accepting the premises of Ibn 'Arabī but by reinstating at the same time the full reality of the moral order *within this framework*.¹³

Despite the efforts of these few outstanding personalities, however, Ṣūfism, as a vehement expression of popular religion, has reigned supreme in Islam. The truth is that since the twelfth century—since the establishment of the popular Ṣūfī orders or *Tarīqahs*—mass religion, surcharged with primitive emotionalism, expressing itself through systematic techniques of suggestion and auto-suggestion and both supporting and supported by veritable congeries of superstitions, swamped Islam from the one end of the world to the other. Where is the effort to build a moral-social order on earth—the unmistakable stand of pristine Islam? Instead, we have the Shaykh and his authority, an endless mythology of saints, miracles, and tombs, hypnotization and self-hypnotization and, indeed, crass charlatanism and sheer exploitation of the poor and the ignorant.

Ṣūfism, at bottom, undoubtedly speaks to certain fundamental religious needs of man. What is required is to discern these necessary elements, to disentangle them from the emotional and sociological *débris* and to

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reintegrate them into a uniform, "integral" Islam. Since *Ijtihād* and *Ijmā'*—the effective framework of Islamic thinking—came to an early stop, the inner integrity of Islam was destroyed, each element forcing its own way out in a direction it pleased or happened to take and thus parallel, indeed mutually opposed "Islams" developed throughout the later centuries. We have briefly seen above the main course that Şufistic Islam took and why. We shall next discuss the philosophical movement and the system of education and then attempt to draw certain overall conclusions.

IV

THE PHILOSOPHICAL MOVEMENT

The philosophical movement in Islam, whose fruits constitute one of the richest treasures of the Islamic intellectual culture and whose influence on the Western thought was so deep, palpable and enduring, was a continuity of the Mu'tazilites' experiences of rationalistic thinking during the second, third and the fourth centuries. The first great Muslim philosopher, al-Kindī (d. *circa* 260/873) had undoubtedly a Mu'tazilah background. The Mu'tazilah rationalism, however, can hardly be described as purely philosophical for in its main scope it was confined to theological problems. They were, *e.g.* keenly interested in the problem of free-will but the centre of gravity of their thought was not this problem philosophically or absolutely speaking but largely in so far as it affected the concept of God, *i.e.*, whether free-will was or was not compatible with the idea of a *Just God*.

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With the philosophers a wholly new era of Muslim civilization opens and one of the most brilliant chapters of all human thought as well. Free, absolutely free, activity of human reason extends its field at once to all corners of existence and life. It studies unfettered analyses and judges the data of all the physical, biological and human sciences. The Muslim philosophers include in their philosophical works, treatises on movement and space, the soul, the plants and the animals, astronomy, mathematics, music, and metaphysics. Very often a philosopher is also a great doctor and a scientist like al-Rāzī, Ibn Sinā and Ibn Rushd. The physical sciences treated of by the philosophers—unless they happen to be experimental scientists also—are not, strictly speaking, "scientific" but rather philosophical. None the less, their works even in these fields are masterpieces of fine, speculative and strictly logical reasoning and they accepted whatever conclusions seemed to follow from this rational activity. Our concern just now, however, is only with that part of their teaching which impinges directly on religion and therefore interacted at points violently with the orthodox creed with tragic results immediately for philosophy but in the long run for orthodoxy itself. Let us turn at once to the religious aspects of the philosopher's thought.

The most fundamental fact about the religious thought of the philosophers—especially Ibn Sinā whose doctrines have been historically the most important (because they were for the first time elaborated into a full-fledged system)—is that *on all the points where the frontiers of religion and rational thought met, the two neither reached utterly different results nor yet were they identical but seemed to run parallel to one another.*

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This happened not just on one point but *all along the line* where the traditional theology and philosophy faced one another. From this fact of systematic parallelism, the philosophers made the *saltus mortalis* and concluded (1) that philosophy and religion were ultimately tackling exactly the same questions, dealing with exactly the same facts and in exactly the same way, (2) that the Prophet was, therefore, primarily a philosopher, but (3) that since the Prophet's addressees were not the intellectual *élite* but the masses, who could not understand the philosophic truth, the Prophetic Revelation naturally catered for their needs and "talked down" to their level in terms intelligible to them.

Religion had taught that the world was created by God by His sheer command "Be !" Man's reason has, for ages, been vexed by trying to understand how the world could be created out of nothing and how it could have been created *in time*. Although Aristotle is the first philosopher to have actually declared the cosmos as such to be eternal, *i.e.*, uncreated, philosophers have usually assented to this view. Purely rationally speaking, however, an eternity of the world in the past is also quite inconceivable and full of absurdities and in Medieval times a process started in philosophy, which culminated in Kant but to which al-Ghazālī, Ibn Rushd and Thomas Aquinas had made no small contributions in their own way, declaring the problem to be rationally insoluble—a great philosophic tragedy, indeed. Ibn Sīnā had elaborated his own solution to this problem. By a very intricate process of thought which we have expounded elsewhere,¹⁴ Ibn Sīnā effected a fundamental change both in the Aristotelian concept of the movement of the

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universe and the Neoplatonic concept of emanation and, having arrived at his theory of existence, he declared (1) that both the universe as a whole and everything therein derived its existence directly from God and (2) that the world as a whole was, nevertheless, eternal and was not "created" by God at any moment of time although it *depends* on God. He contended that the genuinely religious stake (which was absolutely rational) in this whole problem was not that the world should be "created out of nothing at a time" (*ḥādīth*) but that the world should be contingent, dependent upon God (*mumkin*).¹⁵ Ibn Sīnā thereby explicitly accused the orthodox theologians of lack of discernment of the genuinely religious demands and of confusing the issues rationally. Whatever the philosophical mechanics of this theory of Ibn Sīnā, its net result is that God is the "ground" of the Universe and *explains* the latter ; without Him the world would be "groundless," unintelligible, irrational.

This problem and its solution provided Ibn Sīnā with the guiding and crucial experience for his philosophic thought on all the problems of traditional religion and proved decisive for his philosophic attitude to this whole sensitive region which he took very seriously. He came to realize that religion was not at all wrong, as against atheism and "naturalism," in asserting the idea of a God of Supreme Being ; further, it was also essentially right in asserting that this world depended on this God. And yet—Ibn Sīnā was equally led to believe—religion was most certainly incorrect if it literally asserted, as it seems to do, the *creatio ex nihilo* of the world. The perilous belief, therefore, became firmly implanted in his mind that *religious and philosophical truths are identically the*

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same; only religion, since it is not limited to the few but is for all, necessarily accommodates itself to the level of mass intelligence and is, therefore, a kind of philosophy for the masses and does not tell the naked truth but talks in parables. A century later, his great successor, Ibn Ruṣhd, in his *Faṣl al-Maqāl*, put forward a semi-similar, semi-different view and came very near to asserting a theory of "two truths"—a religious one and a rational one. This theory of the "double truth" later became famous in the thirteenth-century Europe where it still falsely continues to be attributed to Siger of Brabantia, a famous thirteenth-century follower of Ibn Ruṣhd's philosophy at the Paris University, whose doctrines were severely "condemned" by Thomas Aquinas. Actually, no one known to history has ever asserted this theory of "double truth".

Once this principle of parallelism between religion and philosophy was apparently accepted, it did not fail to be confirmed on many other points. Religion had taught that there would be a Day of Reckoning when bodies shall be resurrected. The philosophers, especially al-Fārābī and Ibn Sīnā, rejected the idea of a physical resurrection on several grounds. Ibn Sīnā, who accepted physical resurrection in his ordinary philosophical works "on the basis of the *Sharī'ah*," wrote a special, esoteric treatise *al-Risālah al-Aḍḥawīyah* (so called because he wrote it in one morning), where he declared the whole idea of a physical resurrection "to be impossible". But the philosophers firmly believed in the survival of the soul and therefore in a spiritual hereafter with its *psychic* pleasures and pains. Al-Fārābī believed in the survival only of "good souls"; bad souls, according to him, simply get annihilated; he, therefore, only speaks of spiritual bliss and

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not of punishment in the Hereafter.¹⁶ Here again Ibn Sinā was struck by the philosophy-religion parallelism: his philosophy had confirmed that there was an after-life; religion taught resurrection of the flesh in the Hereafter; religion had to do this because it is aimed at the masses of "dullards"; otherwise religion is no more than philosophy.

It must, of course, be borne in mind that the parallelism that seems to emerge on all these fateful points between philosophy and religion is the result of the conscious approach of the philosophers towards religion. Otherwise, other philosophic views would have been possible. It would have been, for example, possible to hold that neither soul nor body can survive or be resurrected. On the other hand, if the philosophers had been a little more bold and Islam-minded it might not have been altogether impossible to hold philosophically that the body is resurrectible in some sense and that without it the soul means nothing. Indeed, Ibn Sinā sometimes almost comes close to asserting a quasi-physical resurrection for "undeveloped souls".

But it is not this particular theory or that of the philosophers that constituted the serious problem for Islam, even though al-Ghazālī apparently thought that the philosophical doctrine of the eternity of the world was the most serious problem for Islam raised by the rationalists, since he devotes a lion's share of his *Tahāfut al-Falāsifah* to this question. What was really most serious, and something to which al-Ghazālī devotes precious little space in his refutation of the philosophers, is what the phenomenon of religion-philosophy parallelism led the philosophers to believe with regard to the mutual relationship of

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religion and philosophy. In particular, the most capital mistake made by al-Fārābī and Ibn Sīnā was to assimilate religious or moral truth to intellectual or "natural" truth. In their theory of knowledge, when they treat of religious cognition their statements, which are at points very profound and original, simply make no distinction whatsoever between higher religio-moral cognition and other forms of intellectual cognition. For them, a moral principle is, in its cognitive aspects, exactly like a mathematical proposition. They do not realize that religio-moral experience, although it certainly has a cognitive element, radically differs from other forms of cognition in the sense that it is full of *authority, meaning and imperiousness* for the subject whereas ordinary form of cognition is simply informative. A man who has a genuinely religious experience is automatically transformed by that experience. Because of this failure to recognize this difference and taking their stand firmly on the phenomenon of parallelism, the philosophers assimilated the Prophet to the philosopher, the prophetic experience to intellectual cognition (plus, of course, the capacity to influence people, which a philosopher does not possess). This line of thought further confirmed them in their thoroughly Hellenized idea of God—as a principle which "explains" this world, rather than a Creator who *directs* this world; as an intellectual formula rather than as a moral and dynamic imperative.

This was really, and at bottom, the centre of conflict between the Hellenizing philosophers and the representatives of the Islamic tradition. This conflict was felt and sensed by al-Ghazālī and more especially by Ibn Taymīyah in his *Kitāb al-Nubuwwāt* where

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the philosophers' 'inactive' principle is opposed to the acting, Commanding God of the Qur'ān.¹⁷ But the conflict, although it was thus felt, was never fully and consciously formulated. If it had been formulated clearly with its implications, the wholesale attack on philosophy as such by the orthodoxy would perhaps not have occurred. It would have then been seen that, after all, al-Fārābī and Ibn Sinā's type of thought is not the only philosophy that is possible; that certain failures may have characterized *this particular* philosophy, but philosophy as such need not be strangled and, indeed, that orthodoxy itself rested on certain assumptions which it would do well to intellectually formulate.

The truth, however, is that even the philosophers were not really aware of the centre of conflict between their thought and revealed religion. We have outlined just above their failure to develop a theory of knowledge that would do justice to religious facts and moral cognition. Indeed, when one scans the entire work of the Muslim philosophers, one is struck by the peculiar inattention shown to ethics. Certain treatises of certain minor philosophers on morals do not add up to much. It is widely believed by modern Western scholars that this is because the philosophers were afraid of producing a rival system of "do's" and "don'ts" to the *Shari'ah* and so they left morals and the practical life to the *Sharī'ah*. There may be some truth in this, although it needs to be added that the philosophers were most probably too enamoured of their metaphysical heights to condescend to climb down to ethics. Yet, if only they had made the very assumptions of the *Sharī'ah*-law itself an object of serious study and thought, they might have

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come out with quite a different philosophy and the orthodoxy might have in turn been the richer for it instead of starving itself intellectually and ultimately spiritually by a one-sided unthinking attack on philosophy.

Intellectual liberalism is of the essence of a great and advancing culture. But for allowing latitude to the mind of man and trusting basically in its goodness, soundness and sanity, modern culture should commit suicide not merely in its liberal aspects but also in its conservative side. For conservatism can remain meaningful and enlightened only when there is liberalism ; should conservatism become unenlightened (*i.e.*, fail to see why it should be conservative, on what points and to what extent it should exert the pressure), the entire culture must decay. This is what unfortunately happened in Islam. If an al-Fārābī or an Ibn Sīnā had outraged, on certain points, the dogmatic theology and perhaps exceeded in interpreting the Qur'ān, the orthodoxy, in al-Ghazālī and others afterwards, equally outraged humanity as such including its own very being, by condemning all philosophy as such and its necessary instrument, the human reason.

One striking fact about the phenomenon of the rise of philosophy in Islam is that it was sporadic and individual and never took the form of a movement or a tradition expressing itself through established schools of thought. It was much too short-lived and took no enduring roots as a high-level, original thought-activity. There must have been several socio-economic and political reasons for the early death of philosophy as, for example, the political instability we have already described earlier. But one most fundamental and palpable reason is the fact

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that the orthodoxy, after the attack upon philosophy by al-Ghazālī, proscribed it completely and did not allow it to grow any further, or rather destroyed the very conditions for its growth. The orthodox treatment of philosophy is strongly reminiscent of their treatment of the doctrines of the Mu'tazilah. Just as the 'Ulamā' had founded the science of *Kalām* to counter Mu'tazilah rationalism, so now they expanded the contents of *Kalām*-theology to reckon with the theses of the philosophers. We shall presently have a closer look at the contents of this extended *Kalām*. At about the same time the orthodox also developed fully their system of education and elaborated curricula after a process of *ad hoc* and sporadic teaching, whose beginnings reach back into the earliest times of Islam. Once they assumed firm control of education and schools and established *Kalām* into a kind of pseudo-substitute for the genuine intellectualism, which only philosophic thought could generate, philosophy was effectively outlawed from the Muslim world.

Thus, the only places where thinkers could be engineered, *viz.*, the *madrasahs* were, from the very time of their systematic foundation in the world of Islam, swept bare of pure thought. Nevertheless, although there was no room for any high level teaching of philosophy in the *madrasahs*, certain lesser and introductory compendia and commentaries were often taught to sharpen the minds of the pupils. Even outside the *madrasahs* a certain amount of interest in philosophical commentaries did remain. Although all this never added up to very much in terms of original thought, it did keep the tension alive, and the orthodox, especially their right wing, kept up unabated

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pressure against this "anti-*Sharī'ah*" branch of learning. An ingenious and satirical poem written by 'Abd al-'Aziz al-Pahrārawī, an able scholar with a fluent pen but hitherto unknown to the world of scholarship (he belonged to the small village of Pahrār near Multān and died as late as 1239/1823-24), illustrates this orthodox attitude to philosophy very effectively. The poem reads :

ويا علماء الهند طال بقاءكم	وزال بفضل الله عنكم بلاءكم
رجوتم بعلم العقل فوز سعادة	واى لآخشي ان يخيب رجاءكم
فما في تصانيف الاثير هداية	ولا في اشارات ابن سينا شفاءكم
وما كان شرح الصدر للصدر شارحاً	بل ازداد منه في الصدور صداءكم
وبازغة لآضوء فيها اذا بدت	واظلم منها كالليالي ذكاءكم
وسلمكم مما يفيد تسفلاً	وليس به نحو العالي ارتقاءكم
اخذتم علوم الكفر شرعاً كما	فلاسفة اليونان هم انبياءكم

The author then goes on to admonish the "philosophy-stricken" scholars to treat their "rational ailment" with " *'ilm al-Shar'*—i.e. the *Ṣaḥīḥ* and *Ḥasan Ḥadīths* from the Prophet". For their interest and because they make a satirical play on the *titles* of some well-known philosophy texts and compendia, we give here a translation of the above verses :

"O the '*Ulamā*' of India ! may you live long !

And, through God's grace, your affliction removed.

You hope, by rational knowledge, to attain to bliss ;

I am, indeed, fearful lest your hopes come to naught.

For there is no "Guidance"¹⁸ in Athīr's works,

Nor any hope of your "Recovery"¹⁸ in the

"Allusions" of Ibn Sīnā.

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The "Commentary of Şadr"⁹ is no opener of the breasts—

Indeed, it augments the restlessness of your minds.

The "Brilliant Sun",²⁰ even when it shines, is without light ;

It has rendered your intelligence obscure and dark.

As for your "*Sullam*",²¹ it is only good for descending ;

It offers little basis for ascension to heights.

You adopted infidel sciences as God's Command as though

The Greek philosophers were your prophets."

V

CHARACTER OF EDUCATION

The orthodox attitude to philosophy and to the "rational sciences" in general leads us directly to a brief examination of the origin, development and nature of the Muslim educational system and its contents. Our intention is not to survey the growth of educational institutions in Islam nor to portray exhaustively the syllabi that were taught therein but to characterize, in broad terms, the Muslims' concept of knowledge, as it developed, in order to bring out its historical interaction with Islam.

The Qur'ān has frequently used the term 'ilm' and its derivatives in the general and comprehensive sense of "knowledge" whether it is through learning or thinking or experience, etc. It follows from this that this would be the sense in which this word was used during the Prophet's time. In the generations after

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the Companions, however, Islam began to grow as a *tradition*. There is evidence that 'ilm began to be used for knowledge which one acquires by learning, more particularly of the past generations (the Prophet, the Companions, etc.) while the exercise of understanding and thought on these traditional materials was termed 'fiqh' (literally: understanding). The fact is not of small interest that the 'ilm-fiqh pair corresponds in this early usage almost exactly to the *Hadīth-Sunnah* pair; *Hadīth* being the traditional materials while *Sunnah* being the deductions, on the basis of thought, from these materials.²² This fact constitutes one of the strongest arguments—if we still need any—to prove that *Sunnah* for the early generations of Muslims, was not just the *Sunnah* of the Prophet but included all the legal points, decisions, etc. deduced from it by rational thought.

The essential point we wish to make here is that the term 'ilm' had early on received a traditionalist rather than a rational bias in Islamic history. Connected with this meaning of the term 'ilm', i.e., of tradition and especially of what the Prophet was reported to have said or done, is the famous phrase "ṭalab al-'ilm" or "seeking of knowledge". Although later on in Islam, and especially in modern times, the phrase has acquired a general application once again, it cannot be historically doubted that it arose among the traditionalist circles with a definite meaning: ṭalab al-'ilm meant a long and arduous process of travelling from place to place and country to country, sitting at the feet of a traditionalist master and acquiring from him his store of tradition. Later on and in other circles the application of the term "knowledge" widens, e.g. in the well-known adage:

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"Knowledge is of two kinds : that of religious matters and that of human bodies (i.e., medicine)." ²³ As for the term "*fiqh*" we have seen that early on it was used to signify thought, understanding, etc., i.e., a process. Later, however, when the legal system grew, this term came to be applied to law, not so much as a process of understanding legal issues but as a body of legal knowledge, the *concrete result* of legal thought. Still later, after the fourth century or thereabouts, the term "*fiqh*" ceased altogether to have any reference to understanding or thought which, indeed, came to be forbidden, and was exclusively reserved for the *body* of legal knowledge produced by the earlier generations. There is also some evidence that when *Kalām*-theology was formulated, sometimes the word '*ilm*' was applied to it exclusively in contradistinction to '*fiqh*'. Thus, the meanings given to these terms in the early stages came to be almost reversed but not permanently.

Orthodox Muslims did not develop systematic higher education in the early centuries. Their schools were only of a primary level where children were taught the Qur'ān, reading and writing and also often the rudiments of arithmetic. The higher education centred around personalities rather than colleges. Pupils would move from one renowned *Shaykh* to another and obtain certificates. The subjects studied were exclusively traditional. For lack of organization, there was no method of systematic feeding of this higher education from the primary stages: the two were entirely separate. The first important place of learning created by the central government under al-Ma'mūn's orders—the famous "*Bayt al-Ḥikmah*" or the "House of Wisdom" at Baghdād was captured by the Mu'tazilah rationalists and, in fact, the arm of the

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state was virulently turned against the orthodoxy. Similarly, the Shi'ah made organised efforts to propagate their views and created schools, the most famous of which, al-Azhar, established by the Fāṭimids, came under the orthodox control only after the Ayyūbids overthrew the Fāṭimids.

From these experiences and challenges from different groups, the orthodox '*Ulamā*' learnt the lesson and set about to organize and control education. The first really great orthodox college was created by the Saljūq *wazīr* Nizām al-Mulk in the eleventh century (A.C.) at which the illustrious al-Ghazālī served also as professor. This was the crucial, formative stage of the Muslim higher education. But at the same time occurred the philosophic movement discussed in the last section. The philosophers, who were also almost invariably scientists and scientific thinkers, were attacked by the orthodoxy. This rendered the orthodoxy's attitude especially towards positive knowledge on the whole extremely unhealthy. The result was that the '*Ulamā*' were able to save intact their heritage which, in its basic structure of ideas, is undoubtedly faithful to Islam, but at a great cost: it robbed the orthodox content of education and thought of the very breath of life. No structure of ideas can ever hope to make good or even command respect for a long time—let alone be fruitful—unless it is in constant interaction with living, growing stream of positive and scientific thought. It is a sheer delusion to imagine that by stifling free, positive thought one can save religion for by doing so, religion itself gets starved and impoverished. The result was that after a few centuries, the real "Dark Ages" of Islam, the orthodoxy was left with little more than an empty

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shell, a threadbare formal structure with hardly any content.

Al-Ghazālī, in his *Munqidh*, had protested that since the philosophers were also scientists and since some of their philosophical theses conflicted with religion, many ignorant people took pride in wantonly rejecting even their scientific propositions which were obviously true. In this statement, al-Ghazālī had shown remarkable power of discernment and had rebuked the cheap defenders of religion against reason. But al-Ghazālī also used the same argument the other way around and said that since many people were impressed by the scientific thought of the philosophers, they also began to look upon their philosophical theses as indubitable truth and gave unqualified credence to them. This statement too was absolutely correct. But from this, al-Ghazālī drew the fatal conclusion that, therefore, people should be discouraged from studying even the scientific works of the philosophers. This was the first blow the orthodoxy explicitly and formally dealt to positive knowledge and ultimately also to itself and it was subsequently echoed by innumerable representatives of the orthodoxy down the ages.

The brilliant 8th/14th century jurist, al-Shāṭibī, lays it down as a fundamental principle in his *Kitāb al-Muwāfaqāt* that purely intellectual disciplines such as philosophic thought must not be cultivated since they are not related to action and are, therefore, dangerous. He outright rejects the plea that even pure thought is necessary for ultimately it does affect the formulation of the objectives of human action.²⁴ He categorically denies that reason has any primary role in law-making or even in the formulation of the

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moral imperatives,²⁵ even though he himself has exercised a great deal of rational power in fixing the "goals of the *Sharī'ah* (*aghrāḍ al-Sharī'ah*)". Ibn Taymīyah's vituperations against philosophy and rationalism in general are well known. Shaykh Aḥmad Sirhindī, the important seventeenth-century reformer and original thinker, to whose work we have briefly alluded before in these pages,²⁶ himself unreservedly condemns both philosophy and the sciences. Philosophers he ridicules; about arithmetic he says that one should not waste time on it but only learn enough to calculate shares of inheritance and to determine the direction of the Ka'bah. Geometry he declares to be most useless: what good is it, he asks, to know that the sum of the angles of a triangle is equal to two right angles? ²⁷ We could multiply the catalogue of the orthodox condemnations of positive thought and science but the illustrations given here should suffice.

The names cited here are august, indeed. These personalities have made positive contributions to the spiritual history of Islam whose importance may be said to range between 'immense' and 'capital'. Yet, towards positive knowledge their attitude can be characterized only as fatal. In their criticisms of actual philosophers and of actual products of reason one must agree. We ourselves have underlined the excesses to which certain philosophical doctrines had gone. But when the orthodoxy condemned—generation after generation—human reason as such, this extreme and wholesale attack was not only not healthy but downright suicidal. Free-thought, by its very nature, is bound to exceed on certain points; it is a consequence of its very life. Its remedy is not to stifle it but to keep on criticizing it. Intellectualism

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is something so frail that in shackles it surely dies. In other words "free-thought" and "thought" have exactly the same meaning ; you cannot remove freedom and then hope that thought would survive. In sum, even in this field what happened in Islam was what we have repeatedly noticed in Section II of this chapter as happening to Islam in general : *Islam was subjected to extremes and the orthodoxy, as though by some inexorable law felt impelled to crush positive thought out of existence.* A very hard and fast distinction was thus made between the Sharī'ah and the non-Sharī'ah sciences or the "religious" and the secular fields of learning, which caused an incalculable deterioration in the quality and standards of Islamic education and thought itself.

It is essential to observe the principle of integration of knowledge in order to keep thought and education healthy (to some extent this is also the danger in the present age of specialization which is being kept in check so far only by the presence of a small number of outstanding people who are both specialists and thinkers). Having effectively banished the rational and scientific disciplines, the 'Ulamā' incorporated certain elements of philosophy, especially logic, in their theology as a preparatory science or as an "instrumental" science. In face of the philosophical theses impinging on religion, the scope of *Kalām* was further enlarged to include formal treatments of those theses—such as Prophethood, Resurrection of the bodies, Creation, etc. Henceforward the doctrine of atomism in physics becomes a part and parcel of Muslim *Kalām*-theology since, it was thought that, atomism does not require causation and hence allowed for the direct Finger of God to interfere in every

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event. All this is clearly set out in the theological work of al-Shahrastānī, the first formal theologian, that appeared after al-Ghazālī's attack on the philosophers.

As we pointed out in Section III of this chapter, philosophy, when attacked by the orthodox 'Ulamā', went underground and, so far as much of its content was concerned, it found a spacious home within theosophic Şūfism. In Şūfism it even cut itself loose from the checks that reason had imposed upon it. Now, Şūfism was, as a whole, strongly opposed to education and threw its massive weight on the wholesale abandonment of intellectual culture in the interests of its spiritual "path". Such an attitude, when restricted to an infinitesimal minority, may not be harmful but since Şūfism became a mass movement since the twelfth century, its effects have been simply devastating on the intellectual life of Islam. Since the twelfth century, the best and most creative minds of Islam have been drifting away from the orthodox system of education to Şūfism. One has only to pick up any collection of Şūfī biographies to see how many people "left formal, external education" and joined the Şūfī ranks. The 'Ulamā' were left with little more than dry bones, the real currents of life having escaped their system and taken their own way—far more dangerous than that of the Mu'tazilites or the philosophers.

But within the religious system, which thus came to constitute both the entire scope and the sole preserve of the *madrasahs*, there remained curious fundamental inconsistencies both among the Sunnis and the Shī'ah—inconsistencies which could have been removed only by further growth through a critical and constructive

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free-thought. On one important point such contradiction in the Sunnī system was pinpointed by Ibn Taymīyah himself. While protesting against the doctrine of determinism in Sunnī theology (*Kalām*), he pointed out that one and the same person, when he is a theologian, believes in a rigorous determinism and impotency of the human will, but when he behaves a *Faqīh*—either in the capacity of a *Qāḍī* or a *Muftī*, he has to assume freedom and efficacy of the human will.²⁸ This is a fundamental anomaly and yet theology is supposed to be an intellectual defence of the creed and the postulates of *Fiqh* as the "crown of the *Sharī'ah* sciences". Such a position is surely a result of the fact that intellectualism was never owned and integrated into the religious system. Indeed, it was spurned under the claim of the "self-sufficiency of the *Sharī'ah*-sciences, especially of their crown."²⁹ But the *Shī'ah* system is even more anomalous. It is to be admitted in all fairness that the *Shī'ah* law puts greater emphasis on the "intention" of the agent on several points than many other schools of Sunnī law and this seems to be a consequence of their theology which espouses freedom of the human will. But, to begin with, what value do human mind, conscience and free-will have alongside of an infallible Imām? An infallible Imām, strictly speaking, does not need humans but automatons as his instruments. Secondly, it is strange that the *Shī'ah* emphasis on human freedom did not lead to any new legal postulates and principles and, in the field of legal thought, the *Shī'ah* are not at all any different from the Sunnis. It is, indeed, a curious phenomenon of Muslim religious history that even the *Mu'tazilah* who claimed to derive moral imperatives (*ḥusn wa quḥ*—right and

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wrong) directly from reason did not differ in legal matters at all from the rest of the Community, although law is no more than application of morals to a society. We are not, of course, supporting the Mu'tazilah stand on morals but simply noting and trying to analyse and understand contradictions. For us, a rational understanding of the Qur'ān and the *Sunnah* is the only reliable method for arriving at moral imperatives and legal enactments.

But quite apart from the content of these sciences and what was taught, the question as to *how* it was taught is equally important. Here we find that the emphasis was placed on *books* rather than on subjects or disciplines. A pupil learnt not *Fiqh* but *Hidayah* or some other work ; he studied or rather went through *al-Bayḍawī* and not the science of Qur'ānic exegesis as such, and so on. This method, which was quite congenial to the general intellectual temper, further strengthened the process of learning things by rote rather than grasping them by understanding, criticizing them and analysing them. There were occasional criticisms³⁰ of this educational system, especially of its content by eminent men but to no avail. This does not mean that Islam did not produce men of original thought and of high intellectual calibre verging on genius even in the later centuries. But their number has been very few, indeed ; and they rose through their own native ability rather than having been engineered in the *madrāsahs*. Nor do we wish to say that a good educational system always produces geniuses : intellectual prodigies are, indeed, relatively a rare commodity. But the function of a good educational system is to keep the *normal intellectual level* high enough both in the interests

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of the normal products to realize the best in them and to give a "take-off" advantage to the exceptionally gifted ones. The trouble with the Muslim system was that its normal standards were kept at a very low point so that it neither produced good normalities nor afforded a "take-off" advantage to the exceptional cases as they deserved. Indeed, many a modern scholar have been led by this phenomenon to ask the question whether intellectual barrenness is not a concomitant of Islam, and a few more dogmatic ones have even answered it in the affirmative.

CONCLUSION

In the foregoing chapters we have sketched out the fundamental developments in the rise and evolution of Islamic methodology, i.e., the framework of principles within which Islamic thinking takes place. These principles are (besides, of course, the Qur'ān) *Sunnah*, *Ijtihād* and *Ijmā'*. We found that, in early history, the latter two concepts were intimately bound up not only with one another but also with the concept of *Sunnah* which, starting from the *Sunnah* of the Prophet, became an on-going creative process of interpretation and elaboration which was given the sanction of *Ijmā'*. This process of creativity stopped, however, grinding slowly to a standstill when this living *Sunnah* began to be cast in *Ḥadīth* form and attributed to the Prophet. In this process, the internal differences of opinion on legal, moral and political issues played a decisive rôle. The process, which began perhaps around the turn of the first and the second centuries, gathered a terrific momentum during the second century and reached its fruition in the third century. So strong was the power of this

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movement that the older schools of legal opinion based on free-thought had to accept al-Shāfi'i's contention that even an isolated *Ḥadīth*, attested only by one chain of narrators, must be given overriding authority over rational personal opinion and even practice or *Ijmā'*. Al-Shāfi'i is asked as to why he sets the criterion for establishing the authenticity of *Ḥadīth* lower than for establishing evidence in a court since in the latter case at least two witnesses are usually required while, for *Ḥadīth*, al-Shāfi'i was prepared to accept the evidence only of one person. Al-Shāfi'i's reply is that whereas in a court case witnesses may be interested in the issue one way or the other and, in any case, their evidence produces consequences that may affect some people adversely and others favourably, this presumption does not exist with regard to the Prophetic *Ḥadīth* in which people would be only objectively interested and whereby the entire Community uniformly affected.³¹ Since this reply is patently unsatisfactory in view of the obvious fact that people are motivated to give currency to their views by involving the Prophetic authority, wherever possible, it only reveals the force of the *Ḥadīth*-movement itself.

After all, the possible views on political, moral and legal matters had been projected back to the Prophet, a battle of ideas began within Islam which was finally resolved by the efforts of the *Ahl al-Ḥadīth* who, throughout the third century, collected *Ḥadīth* that largely expressed the views of the majority and as such may be regarded as expressing, as a whole, the spirit of the Prophetic teaching. It is these views of the "middle-of-the-road" majority (*Ahl al-Sunnah wa'l-Jamā'ah*), with a certain marginal latitude towards the

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right and the left, that, thanks to the activity of the *Ahl al-Ḥadīth*, crystallized the "orthodox" point of view and led, during the fourth century—at the hands of al-Ash'arī and al-Māturīdī—to the formulation of the orthodox creed and theology. This entire development, remarkable for the cohesion of its internal structure, resulted in creating a sense of equilibrium and balance that is probably unique in the history of mankind in its gigantic dimensions. It was this fact that was responsible for the sudden flowering of the brilliant Muslim civilization.

But the basis on which this equilibrium had been built did not allow further growth and development. In every society, of course, there must be an element of conservatism for mere social change and growth cannot even take place without the controlling hand which supplies the element of continuity amidst change. But just as no society can live on mere change, similarly no society can survive for long by mere conservatism. And yet the very basal structure of the Islamic methodology, as it developed, made for nothing but conservatism. The content of the Muslim system, backed as it was by the *Ḥadīth*, came to have the character of an eternal truth, unchangeable and irrevisable. Yet, as we have shown, this content arose actually in history and has its full significance only within that historical, situational context. Divorced from that situation and eternalized, it blocked and could not fail to block progress in all the spheres of life reviewed by us briefly in the last part: political and moral principles, spiritual life, intellectual activity and education. When the orthodoxy thus incarcerated itself, unhealthy and un-Islamic forces took over and swept across the entire body of the Muslim world.

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Since the eighteenth century, Muslim society has been gripped by an acute sense of deterioration and failure, often varying on a crisis. During the eighteenth century, various movements started in different parts of the Muslim world to regenerate Muslim society. This continued during the nineteenth century. The essential diagnosis arrived at by the leaders of these reform movements asserts that Muslims have reached this stage through ceasing to be "pure" Muslims since the purity of pristine Islam has been compromised with un-Islamic accretions both in doctrine and practice. In so far as these efforts have gone to liberate Islam from the numbing Medieval influences, their influence has been certainly salutary in activating creative forces and in this connection the term "*Ijtihād*" has once again assumed great importance, at least in theory. To begin with, these very movements (and especially that of Muḥammad ibn 'Abd al-Wahhāb in the Arabian Peninsula), which are now regarded generally as good orthodoxy, were attacked bitterly by the conservative medieval forces and the echoes of this struggle are still far from being dead. Indeed, a very large part of Islam still suffers from those very superstitious and un-Islamic accretions against which these movements rose in revolt.

But even where these movements have been successful, they have hardly solved the problem of deterioration facing the Muslim society, although their influence may be largely taken to have prepared the ground for such a solution. The reason for *their* failure is that they take "pristine Islam" i.e., the Qur'ān and the Prophetic *Sunnah*, in too simple, narrow and static terms. In sum, they believe that if the Muslims were to "follow," i.e., repeat and

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reproduce exactly what their seventh-century forefathers did, they would recover their rightful position "with God", i.e., both in this world and the next. But the big question is: how can a piece of history be literally repeated? The only sense, therefore, that this dictum can yield is that Muslims must perform and enact in the twentieth century that whose moral and spiritual dimensions match those of the Muslims' performance in the seventh and eighth centuries. But this means not just a simple "return" to the Qur'ān and the *Sunnah* as they were acted in the past but a true *understanding* of them that would give us guidance *today*. A simple return to the past is, of course, a return to the graves. And when we go back to the early Muslim generations, this process of a living understanding of the Qur'ān and the *Sunnah* is exactly what we find there.

Since the nineteenth century, the Muslim world has felt the impact of the West—first political and then cultural. The political hegemony of the West has largely receded and, in parts, is still receding although the securing of political ends through economic ascendancy is now the rule of the day. But the real problem of the Muslim society is to assimilate, adapt, modify and reject the forces generated *within its own fabric* by the introduction of new institutions—of education, of industry, of communication, etc.—according as these forces are purely good, necessary evils, or positively harmful. The new forces have an ethic of their own and a simple return to the past is certainly no way to solve this problem—unless we want to delude ourselves. But recourse to the Qur'ān and *Sunnah* in order to get therefrom an understanding of, and guidance for, solving our new problems will

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undoubtedly meet the situation. This is because the Qur'an and the Prophet's activity guided and were actually involved in society-building. Besides, therefore, certain general principles that lie enunciated in the Qur'an and certain Prophetic precepts, their *actual* handling of social situations is fraught with meaning for us. But the meaning is not that we should repeat that very situation now, which is an absurd task, but rather to draw lessons from this concrete historic paradigm.

NOTES

1. See Chapter 2, pp. 27-84.
2. *Ibid.*
3. Ibn al-Muqaffa', R. fi 'l-Şahābah in *Rasā'il al-Bulaghā'*, Cairo, 1951, pp. 120-21.
4. For example, in his *al-Siyāsah al-Şar'iyyah*, Cairo, 1951, p. 173, where the statement 'the political authority (sultān) is the shadow of God on earth' is even given as a *ḥadīth* which becomes current in later centuries. Ibn Taymīyah follows this up with the quotation, "Sixty years of an unjust ruler are better than one night without any political authority".
5. *Muqaddimah*: see Section II (ed. M. Quatremère, vol. I, p. 270), where Ibn Khaldūn describes how city-life decays under uncouth and specially bedouin rulers.
6. Al-Rāzī, *Kitāb al-Arba'in fi Uşūl al-Dīn*, Hyderabad, 1353 A. H., p. 23 ff. A little earlier on the same page an interesting argument of the Mu'tazilī Abu'l-Ḥusayn al-Baṣrī for the opposite thesis of freedom, based on direct self-consciousness is given.
7. R. fi 'l-amr wa'l-irādah in *Majmū'at al-Rasā'il al-Kubrā'*, Cairo, 1323 A.H., I: 334, l. 13, p. 335, l. 6.
8. Gibb, H. A. R., *Mohammedanism*, Mentor Publications, p. 80 (bottom) and p. 81, l. 5. The judgment in quotation marks there comes from Snouck Hurgronje.
9. These categories are "Unity-and-Plurality", (*Waḥdah wa-Katharah*)", "Sobriety-and-Intoxication (*Şahw wa-Sukr*)",

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"Presence-and-Absence (*Huḍūr wa-Ghaybah*)", etc. See a discussion of these in the *Introduction* to my forthcoming book, *The Selected Letters of Shaykh Ahmad Sirhindī*.

10. The forthcoming volume entitled *Islam* (in the Weidenfeld and Nicolson Series, *History of Religion*), Chapter VII.
11. A famous *ghazal* of 'Irāqī ends with this verse :

چو خود کردند راز خویشتن فاش
عراقی را چرا بد نام کردند ؟

12. See his *al-Rasā'il al-Kubrā*, vol. II, p. 97.
13. See, e.g., his *Hujjat Allāh al-Bālighah*, vol. I, the chapter entitled "Inshiqāq al-Taklīf min al-Taqdīr", i.e. "How Obligation flows from Determinism". This, however, must be brought into relation with his other writings based on monistic principles.
14. See my chapter on "Ibn Sīnā" in the *History of Muslim Philosophy*, edited by M. M. Sharif, published by Otto Harrassowitz, Weisbaden, West Germany, 1964; and also my contribution *Philosophy and Orthodoxy* to the Harry Wolfson *Festschrift* published by the Jewish Academy of America, New York, 1962 (?).
15. *Kitāb al-Najāt*, Cairo, 1938, pp. 213-14.
16. See his *al-Madīnah al-Fāḍilah*, ed. A. Nadir, Beirut, 1959, p. 118. As I have shown in my *Prophecy in Islam*, London, 1958, this belief which is certainly not Islamic, comes from the Hellenic sources, although al-Fārābī tries to quote the Qur'an in his support.
17. Ibn Taymīyah, *Kitāb al-Nubuwwāt*, Cairo, 1346 A.H., p. 168, ll. 4-23.
18. "Guidance to Wisdom" (*Hidāyat al-Ḥikmah*) is a well-known work of Athīr al-Dīn Mufaḍḍal b. 'Umar al-Abharī (d. 663/1264). The two names in inverted commas *al-Shifā'* and *al-Ishārāt*—are the famous works of Ibn Sīnā.
19. The linguistic point here is that the Arabic "*Sharḥ al-Ṣadr*" can also mean "an opening of the breast," i.e., illumination of the mind besides meaning the "Commentary of Ṣadrā" (Mulla Ṣadrā on Ibn Sīnā).
20. "The Brilliant Sun" (*al-Shams al-Bāzighah*) by Mulla Maḥmūd of Jawnpūr (see *Encyclopaedia of Islam*, new ed.

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s.v. al-FĀRŪKĪ by A. S. Bazmee Ansari).

21. *Sullam*—a staircase or a flight of steps—is the name of a famous text by Muhibb Allāh of Bihār (see *Encyclopaedia of Islam*, new ed., s. v. al-BIHĀRĪ by A. S. Bazmee Ansari).
22. That *ḥadīth* meant the traditional materials whereas *Sunnah* signified the deduction of *practical norms* from these materials by the exercise of understanding, can be illustrated by the following examples: " 'Abd al-Raḥmān ibn al-Mahdī (d. 198 A.H.) is reported to have said that Sufyān al-Thawrī was an authority (*imām*) on *ḥadīth* but not on *Sunnah* and that the opposite was true of al-Awzā'ī; Mālik combined in himself both types of expert and masterly qualities". See al-Zurqānī, *apud* I. Goldziher, *Muhammadanische Studien*,² 1961, vol. II, p. 12. Similarly, Abū Dāwūd (*apud* Goldziher, *ibid.*, p. 11, footnote 6), after narrating a *ḥadīth* about a person who kills an animal during the state of *iḥrām*, quotes Aḥmad b. Ḥanbal as saying: 'There are five *sunnahs* (i.e., points of law) that follow from this *ḥadīth*.'
23. This must have occurred after the introduction of medical knowledge, for the term '*abdān*' used here means human or living bodies as opposed to the term '*ajsām*'. It also underlines the utilitarian intent of the statement in singling out medicine from among all the sciences.
24. *K. al-Muwāfaqāt*, Cairo, 1302 A. H., vol. I, p. 16, *The Fifth Proposition*, especially p. 19.
25. *Ibid.*, p. 11, *The Third Proposition*.
26. *Islamic Studies*, Journal of the Central Institute of Islamic Research, Karachi, i/4, p. 21, l. 38 ff.
27. *Maktūbāt*, vol. I, No. 266. We are told there: "Among their (the philosophers') firm and sure sciences is mathematics which is utterly meaningless and absolutely useless".
28. Ibn Taymiyah, *Majmū'at al-Rasā'il al-Kubrā*, vol. I, Cairo, 1323 A. H.; the short treatise entitled *fi'l-'amr wa'l-'irādah*, pp. 361-2.
29. See al-Ījī's *Mawāqif* with al-Jurjānī's commentary, vol. I, *Introduction*, where the point of the self-sufficiency of '*Ilm' al-Kalām*' is fervently argued. The point at issue is whether a

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general question like the existence of God should be entrusted to a prior science like Metaphysics. The latter view is rejected as this would imply that even the "crown of the *Shari'ah* sciences" is not self-sufficient.

30. See the chapter on Education in my forthcoming book *Islam*, being published by Weidenfeld and Nicolson, London.
31. Al-Shāfi'i, *al-Risālah*, ed. Aḥmad Muḥammad Shākir, Cairo, 1309 A. H., p. 372 ff., specially pp. 391-3; see also p. 373, where al-Shāfi'i states categorically: "In *ḥadīth* I accept the report of a single person and (even) of a single woman whereas I accept neither of these as evidence in a court. Again, in *ḥadīth* I accept, 'so-and-so told me', provided he is not a forger, but as court evidence, I shall accept nothing but 'I heard', 'I saw' or 'He made me a witness of'." On the same page, however, al-Shāfi'i states that sometimes he would refuse to accept *ḥadīths* from people whose evidence would be accepted in court, because *ḥadīth* transmission can produce great changes in *ḥadīth*-content and it is important to use the right words to convey the meaning. See also al-Shāfi'i's rather curious argument in *Ikhtilāf al-Ḥadīth* (published on the margin of *K. al-Umm*, VII: 12 ff.), that if people accepted single person's reports about the Prophet during his lifetime, such acceptance became all the more necessary after the Prophet's death. Al-Shāfi'i's point apparently is that a person could, without disadvantage, reject a report about the Prophet during the latter's lifetime since he could go back to the original source but that after the Prophet's death the original source has been removed. But it is obvious that this argument can be turned the other way round with a far greater force since after his death the Prophet can no longer deny false reports about him.

4

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THE World of Islam and Islamic scholarship are by now familiar with the proposition that "the gate of *Ijtihād* (fresh thinking) in Islam was closed". Nobody quite knows when the "gate of *Ijtihād*" was closed or who exactly closed it. There is no statement to be found anywhere by anyone about the desirability or the necessity of such a closure, or of the fact of actually closing the gate, although one finds *judgments* by later writers, that the "gate of *Ijtihād* has been closed".¹ Such judgments are passed on earlier *states of affairs* and do not, so far as we can see, refer to any given statement about the closing of the gate of *Ijtihād*. It may, therefore, be safely concluded that whereas the gate of *Ijtihād* was never formally closed by anyone—that is to say, by any great authority in Islam—nevertheless a *state of affairs* had gradually but surely come to prevail in the Muslim World where

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thinking on the whole, and as a general rule, ceased. In Chapters 1 and 2 we have described the rise and early growth of the methodology of Islamic thought and particularly the development that the concept "Sunnah of the Prophet" underwent through the *Ḥadīth* movement ; in Chapter 3 we outlined the facts of these developments on the spiritual and intellectual life of the Community and we particularly endeavoured to underline the facts as to how the development of *Ḥadīth* helped the formulation of certain important politico-moral tenets of the orthodoxy which, in turn, affected directly the spiritual and intellectual life of the Community. All these results had, in the final analysis, come to be sanctioned by *Ijmā'* or consensus of the Community. We shall now consider briefly this methodology of Islamic thinking particularly the doctrine of *Ijtihād*, as it was finally formulated in and for the later Middle Ages of Islam under the impact of developments described in the foregoing pages and shall endeavour to outline its salient characteristics. We shall find, among other things, that, so far as jurisprudence is concerned, the gate of *Ijtihād* was never formally closed but that a gradual contraction of thinking occurred over a period of several centuries through various causes and that hence the treatment of *Ijtihād* in the juristic literature became rather formal even at the hands of liberal medieval thinkers.

(1) Indeed, the very first characteristic that a student of medieval Islamic juristic literature is impressed with is its formalism. To a larger extent, this formalism, as our argument in the preceding chapters has shown, is a result of the way this framework or methodology developed. We have shown that both the *Sunnah* and the *Ijmā'* were cut off from the process of

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Ijtihād which, therefore, became a formal affair. But even more than this fact, the actual content that had developed within this methodological scheme but had been eternalized as the dogma of Islam under the prophetic authority, could not fail to affect, in turn, the nature of the methodology itself which had first given birth to this content. This content of Islam we briefly outlined in Chapter 3. Indeed, certain consequences of the dogmas and attitudes propounded and accepted by the orthodoxy reacted on the bases of law. Since, for example, the orthodoxy first rejected the position of the Mu'tazilah on the role of reason, this anti-rational theological position affected their attitude to legal thought also and their standard works formally deny any role to reason in law-making. Even one of the most rational and liberal-minded representatives of the orthodoxy, the Shāfi'ī al-Āmidī (d. 631 A.H.) states in his famous work on jurisprudence :

"You should know that there is no judge (or arbiter) except God and there is no judgment but His. A necessary entailment of this (proposition) is that reason cannot declare things to be good or bad and that it cannot necessitate gratitude towards the bestower of bounties. There is, indeed, no rule (or judgment) before the revelation of the Shari'ah."²

This is the most fundamental point on which dogmatic theology and its formulations have entered into jurisprudence. There are also other doctrines like the inefficacy of the human will which have done so. We shall return to these points in a different context later ; here we wish to point out that the formalism of juristic thinking is, in no small measure,

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due also to the formalism of the *Kalām*. Actually, the attempt to integrate jurisprudence into the larger field of Islamic thought is in itself not to be derided but, on the contrary, to be commended and encouraged. Only in this manner can a synthetic whole be built of the total human mental endeavour. Indeed, if the Muslims had not brought their general world-view to bear on jurisprudence, this would have led to a basic incoherence. But the trouble is that the theological dogmas, as they were formulated and subsequently held with tenacity, were in themselves one-sided reactions rather than genuine syntheses as we have previously shown. Their integration with, or rather imposition upon, the legal theory was unfortunate. Since they were found in formal theology so they were installed formally in juristic thinking. One major result of this formalism is, therefore, the existence of blatant contradictions in the juristic doctrine.

(2) In the previous chapter we have referred to an inconsistency pointed out by Ibn Taymiyah between the natural assumptions of law which presumes man to be free and responsible and those of Sunni *Kalām* which considers man to be a divine automaton.³ There are also other inconsistencies. For example, the majority of the theologians even to this day hold that, in matters of belief, particularly in the case of the existence of God and Muḥammad's Prophethood (and allied matters), authority alone is insufficient and that these beliefs must be grounded by all Muslims in reason. But in the field of law they teach *Taqīd* (i.e. unquestioning acceptance of authority) at least to the majority of Muslims and in practice to all Muslims. These contradictions become accentuated when *Kalām*-theology enters into jurisprudence. Let

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us give an illustration. We have noted above a passage from al-Āmidī to the effect that reason has no role in law since it cannot declare things to be good or bad. This is, of course, the unanimous verdict of Sunnī jurists ever since the development of *Kalām*-theology. There is no trace of it in the earliest schools of the Ḥijāz or 'Irāq whose reliance on reason we have dealt with in the first chapter. In Chapter 3 we had quoted al-Shāṭibī (d. 790 A.H.) writing in the same vein as al-Āmidī.⁴ Here is a much more explicit and categorical statement of al-Shāṭibī :

“This principle (that man's knowledge is imperfect whereas Divine knowledge is perfect) includes the essences of things both as a whole and in detail and the attributes, states, actions and laws of things equally as a whole and in detail. For even one single thing out of the totality of things is known in its completeness only to God so that nothing whatever of it escapes His knowledge—its essence, its attributes, its laws. Man's knowledge of the same thing, on the other hand, is defective and imperfect—whether man tries to comprehend its essence, attributes, states or laws. This is something man indubitably experiences within himself.”⁵

The conclusion which al-Shāṭibī obviously wishes to draw from the imperfection of human knowledge is that human knowledge based on reason and experience cannot be trusted at all and, therefore, cannot lead to action. For unless this conclusion is drawn, his argument loses its force, since otherwise one might say—as, indeed, one normally does—that imperfection of knowledge does not necessarily entail its utter inadequacy. This entire argument, therefore, rests

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on the obviously wrong assumption that if human knowledge is always *imperfect*, it must, for that reason, be absolutely *inadequate* and hence quite *unreliable*. Although al-Shāṭibī has given a general argument about "knowledge of things", his real purpose, however, is to prove the utter inadequacy of human reason to apprehend moral truths and hence its uselessness, indeed, dangerousness as an instrument for the formulation of law. Immediately after this general argument stated just now, al-Shāṭibī, therefore, puts forward another argument. According to this, there are certain truths of which man possesses necessary knowledge, others from whose knowledge he is equally necessarily debarred and thirdly there is the 'contingent (*mumkin*)' knowledge which he may or may not possess. This last division covers the entire field of human reasoning whether deductive or inductive. Now al-Shāṭibī holds that nothing or almost nothing in this field can be really and truly known to man—because of the ever-present possibility or actuality of difference of opinion among men—unless a sure and unfailing authority informs us. The laws of the *Sharī'ah*, he maintains, fall into this category and hence must be based only on revealed authority.⁶

The warp and woof of the above arguments rests on a patent denial of faith in the intellectual and moral powers of man. Man is incapable of knowing anything true or doing anything good without being commanded on authority. This depreciation of human faculties, which is in such a palpable conflict with the recurrent invitation of the Qur'ān to man to "think", "understand", "reflect" and "ponder", is unfortunately the standard dogma of Sunnī theology. Its net result must be stark cynicism. But when this

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theological dogma becomes the prolegomenon of legal philosophy, its consequences for the Sunni view of human action and its value *per se* must be far-reaching, indeed. Let us hear al-Āmidī again on the good and evil quality of acts. "Our companions (*i.e.* the Sunnis) and most of those who possess understanding ('*uqalā*') believe that acts in themselves cannot be described either as good or as bad because reason cannot declare acts to be either good or bad. They think that descriptions 'good' and 'bad' are applicable in three senses which are only relative and not real. The first is the application of the term 'good' to that which suits one's objective and the 'bad' is that which is opposed to it. Now this is not a real attribution because good and bad change with the change of objectives. . . . The second is that the term 'good' is applied to that whose doer the law-giver (*shāri'*) has declared to be praiseworthy . . . while 'bad' is that the doer of which has been condemned by the law-giver. . . . But this also varies according as the command of the law-giver varies regarding actions." Al-Āmidī's third category is essentially identical with the second.

This is the utterest moral relativism imaginable. It has been resorted to by the upholders of the *Sunnah* in order to countertext the Mu'tazilite thesis of the power of human reason to know good and evil. So strong was the orthodox reaction against the Mu'tazilah that they were prepared to employ any arguments, sceptical, cynical, relativistic—indeed anything they could lay their hands on in the rich armoury of Greek philosophical ideas—no matter how obviously incompatible this might be with the fundamental teachings of the Qur'ān and the actual

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Sunnah of the Prophet. Where does the Qur'ān say and, indeed, how can it even tolerate that man can neither know anything nor act? How can any religion befriend scepticism? And, strangest of all, can any genuine moral system accept this kind of relativism?

There is, however, an important difference between the positions of al-Āmidī and al-Shāṭibī which we shall clarify later more fully in a different context but which may be pointed out here. Whereas al-Shāṭibī generally employs only sceptical arguments to show the powerlessness of the human reason "to declare things good and bad", al-Āmidī uses arguments of moral relativism—of which, of course, scepticism will be a consequence, i.e. the doctrine, that there is nothing good or bad in itself. If there is nothing good or evil in itself, then neither human reason nor yet Divine Revelation can declare anything to be either good or evil in itself. This is an extreme position but it has also been adopted by the Sunnī *Kalām*-theology. The question is asked: if things are neither good nor bad in themselves, then why should anyone follow the Revelation if he is not to follow his reason? The answer to this question given by the Sunnī *Kalām* is that although things are neither good nor bad in themselves they *become* so by Divine declaration. The difficulty, however, remains unsolved for many reasons not the least being that if things become good or bad by a Divine declaration—although they are not so in themselves—why can they not become good or bad by a declaration of the human reason? Al-Shāṭibī, however, unlike al-Āmidī, does not say that things are neither good nor bad in themselves; he merely asserts that the goodness and

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evil of things cannot be known to the human reason and must, therefore, be established only on Revealed authority.

(3) This is, however, one side of the picture. We have to see the other side in order to convince ourselves that the picture drawn above of the complete inanity of human reason is not true. The two pictures may be mutually contradictory; in fact, they are patently so and this is a result, as we stated earlier, of the starkly formal character of this juristic literature. However, in face of the evidence it is impossible to conclude that the "gate of *Ijtihād* was closed". On the subject of *Ijtihād*, al-Āmidī is so emphatic that he insists that the Prophet was also duty-bound to exercise it just as anybody else although he was in a more favourable position with regard to the rectitude of his *Ijtihād* because he was the recipient of Revelation. Al-Āmidī, however, makes it abundantly clear that the Prophet's *Ijtihād* was, nevertheless, fallible, although on this point once again he exhibits a contradictory position by making statements to the contrary as we shall see soon. We shall quote here one passage from him on this point although he has elaborated a very lengthy argument involving thesis and counter-thesis:

"The Book (of God) says, 'Think, O people of understanding!' Now God has given a general command to people of understanding to think; the Prophet, being the greatest of these, is included in this generality Again, God says (addressing the Prophet), 'Consult them in the affairs', but consultation can take place only in those things wherein a rule is arrived at through *Ijtihād* and not through Revelation. Again, God reprimands the Prophet

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concerning the war captives of Badr. . . . This shows that the Prophet's decision had come about on the basis of *Ijtihād* and not through Revelation. Similarly, God says, 'May God forgive you! Why did you permit these people (to stay at home during *Jihād*)?' thus reproaching him and pointing out his mistake. . . ."¹⁸

Ijtihād, then, is a necessity not only for an ordinary Muslim but even for the Prophet himself. So far as the ordinary Muslim is concerned it will be of varying qualities due to the capacities of people but the important point to note is that everybody must "exert himself". There will be a very large number of people who are not able enough to do original thinking ; but these also are capable and must exercise this capacity—of reaching a broad judgment as to which of the two or more conflicting opinions is or is likely to be true. As for the Prophet, he is the *Mujtahid par excellence* since he is possessed of the greatest wisdom besides being the recipient of Revelation. But even so, far from being infallible, he was liable to commit errors of judgment. The effects of this view on al-Āmidī's conception of the Prophetic *Sunnah* are obvious enough. No matter how great and perfect a human the Prophet in his non-Qur'ānic pronouncements and acts be—which he undoubtedly is—he cannot be beyond error. And this, as we shall see presently, is what al-Āmidī also maintains. But so strong is the hold of the disputative spirit which has generated the formalism that we have spoken of before, that al-Āmidī contradicts his stated views on the Prophetic *Ijtihād*. While replying to the objection to his view that it will bring all results of *Ijtihād* into doubt with particularly serious consequences for the

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absolute authority of the Prophet's decisions, al-Āmidī tells us: "We do not admit that all *Ijtihād* is exposed to error, our argument being that the Companions are agreed on (certain results of *Ijtihād*). Now, the *Ijtihād* of the Prophet cannot fall short of the *Ijtihād* of those who are competent to arrive at an agreement (*Ijmā'*). Thus the Prophet was protected from error in his *Ijtihād*."⁹

What is the cause of this contradiction and the attribution of absolute infallibility to the Prophet? It is obviously the later orthodox doctrine of *Ijmā'*, which declares the agreement of the Community to be protected from error. For if the Community is eternally immune from error, i.e. if the particular decisions of the Community are eternally valid without reference to the spatio-temporal context within which they take place, why should the Prophet's particular decisions be denied this privilege? This is obvious from the preceding quotation from al-Āmidī; it is brought out still more emphatically in his statement: "The *Ijtihād* of the Prophet cannot be inferior to that of the Community whose protection from error has been established by the Prophet's statements—if it is not weightier than the Community's *Ijtihād*."¹⁰ We are not saying that there was no concept of the Prophet's immunity from error independent of the concept of the infallibility of the Community; in fact, historically speaking, the former is prior to the latter. But even granting the extreme position, never literally held by anyone among the orthodox with its consequence that the *Sunnah* of the Prophet is the result of a "silent revelation (*wahy khafīy*)," this immunity is rather a "macro-infallibility" rather than a "micro-infallibility", i.e. it asserts that the Prophet's be-

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haviour is *on the whole* absolutely inerrant but not in detail. We shall discuss the orthodox views on this point shortly. But what largely rendered it infallible in details and in all the individual cases was not so much the doctrine of the Prophetic infallibility but the doctrine of the "micro-infallibility" of the *Ijmā'* or agreement of the Community. It is also this doctrine which explains the contradiction in al-Āmidī on the point.

Ijtihād, then, is the necessary duty of a Muslim—according to his capacity. It follows that a person will form views according as truth appears to him and on the basis of what he deems right. Al-Shāṭibī's position on the subject is not essentially different and he categorically states that a "*Mujtahid* is to follow what his *Ijtihād* leads him to" provided this *Ijtihād* is not in conflict with the "objectives of the Law-Giver and is in harmony with the purposes of the *Sharī'ah*".¹¹ Somewhat inconsistently, al-Shāṭibī goes on to say that in case of a conflict between his *Ijtihād* and the *Sharī'ah*-proof, the *Mujtahid* must give up his *Ijtihād*. The question, however, arises as to how a *Mujtahid* will ever be in a position to be in conflict with *Sharī'ah* such that he will be able to recognize this conflict? For *Ijtihād* is continuous process and in all such cases where a *Mujtahid* will be in a position to recognize the conflict, he will amend his present *Ijtihād* and arrive at a new one. A still more fundamental question is: how can the "objectives of the law-giver" themselves be located and formulated without the operation of *Ijtihād*? In spite of al-Shāṭibī's cautious approach, however, he is of the view that even a man-in-the-street who is no *Mujtahid* should be able to make up his own mind as to whom

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to follow in case of difference of opinion. There is little doubt, however, that al-Shāṭibī inclines more towards *Taqīd* (following of authority) than does al-Āmidī because the former advocates, for the man-in-the-street, *Taqīd* of *persons* and not of *opinions* for he thinks that it is easier for a simple person to identify people as "more learned" or "less learned" than to assess opinions as better or worse.¹² The dangers in such an approach, which, however, is descriptively true, are obvious enough. It tends to degrade the intelligence of the simple man still further and blunt his power of discernment. Far truer is al-Āmidī's statement that the Qur'ānic summons to think and reflect are universal and include all humans.

(4) Consistently with his relativistic approach described earlier, al-Āmidī, like several other Sunni jurists—e.g. al-Qāḍī Abū Bakr al-Bāqillānī—enunciates the startling principle that, in the field open to *Ijtihād*, in view of the actual and possible differences of opinion, one must conclude that truth is not one but many and that every *Mujtahid* is right in his findings. Here we must try to be very clear as to what exactly is being said and what are its consequences. The present doctrine, to begin with, is not identical with the doctrine accepted by the generality of the Sunnīs and the Shī'ah but rejected by some of the Mu'tazilah and the Khawārij that a *Mujtahid* who hits the truth is rewarded by God twice but that a person whose *Ijtihād* is erroneous also deserves a reward from Him. The doctrine stated and supported by al-Āmidī does not and cannot talk of a *failure* of *Ijtihād* because the truth is that which the *Mujtahid* has concluded :

"As for *Ijtihād*, we maintain that every *Mujtahid* is right ; thus the Prophet is even more entitled to being

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regarded as correct in his *Ijtihād*. (The doctrine of) error in *Ijtihād* is based on the assumption that the rule (or law=*ḥukm*) according to God is in reality only one (among several alternatives) with regard to a single situation. But this is not the case, for the rule with God concerning every situation is that whither the thinking of a *Mujtahid* leads him."¹³

Secondly, it is to be noted that this position is not the same as that which says that the truth is in reality only one in each case but that the differing *Mujtahids* may either not perceive it or that each may perceive in his own way and the complete truth may elude all. This last position has been adopted by the majority of the Sunnis. Thus al-Shāṭibi', while admitting that people will never actually agree in their *Ijtihād*-results, still maintains that the truth must be only one in each case. This position is, of course, *prima facie* the most acceptable one even on rational grounds. For, on the one hand, a thinker will naturally regard that as true which he has thought out—until he thinks better—and, on the other, he must concede that the truth is one which he is seeking to aim at progressively. Indeed, this last assumption is the very ground for his endeavour to think better and improve his *Ijtihād*. That no two *Mujtahids* will actually and absolutely agree on their findings is stated by al-Shāṭibi so emphatically that he thinks that even the Khawārij cannot be absolutely identified as being in error, despite the Hadīth to the contrary. In this connection al-Shāṭibi also points out that no two views (i.e. sights) will ever be the same.¹⁴ The truth, however, must be one for, "objects of knowledge do not differ with different ways of looking at them since they are realities-in-themselves. It is, therefore, im-

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possible that the opinions of all *Mujtahids* concerning them be correct . . . the correct one will be only one. This (correct one) will be known only through proofs but proofs contradict one another".¹⁵

Al-Shāṭibī, of course, wants to draw the conclusion from these statements that human reason is utterly fallible and therefore cannot be relied upon. If so, then he has no grounds on which to assert *Ijtihād* but he does both in the same breath. Actually, the general Sunnī position on the role of reason, which is also the position of al-Shāṭibī, is, in its consequences, essentially the same as the Shī'ī position, because from the premise of the inanity of human reason both conclude that there *must be a source of sure knowledge*. Now, as al-Shāṭibī points out,¹⁶ the Shī'ī position (which asserts the continuance of such a source of sure knowledge in the form of the infallible *Imām*, and is, therefore, more consistent than that of the Sunnis who only treat the Qur'ān and the *Sunnah* as the sure knowledge but then reject and accept human reason at the same time) is necessary for everyone to adopt who will not rely on the capability of human reason—despite its frailties and failures. The only cure for this contradiction and for a smooth, uninhibited development of Islamic law and thought in general is to evince a healthy faith in the fact that human faculties of reason and moral perception are adequate enough if exercised well although never beyond error.

But the position of al-Āmidī which is the opposite extreme to the Shī'ī position, is a natural consequence of the *rational moral relativism* espoused also by the Sunnī theology. If things are not good or bad in themselves, as the Sunnī position asserts, and hence reason cannot declare them so, then what else can be

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Ijtihād than "I think so-and-so" and "he thinks such-and-such"? And since there is no truth there to be known, my *Ijtihād* must be as true and as false (actually, these categories do not strictly apply) as yours and; what is more, my *Ijtihād* now must be as true and as false as was previously even though the two may be diametrically opposed to one another and so on. This is an incurable relativism and cannot, by definition, talk of improvement of insight or progressive unfolding of the truth.

(5) In practice, however, one salutary effect of the Sunnī position is that it allows for and tolerates differences of opinion and even regards this phenomenon as of positive value. For this, it is not, of course, necessary to hold a relativistic doctrine about truth and contend that whatever a *Mujtahid* thinks, that is the truth for him, as some eminent Sunnīs like al-Bāqillānī and al-Āmidī have held. If, however, this view is regarded only as *descriptive of facts* rather than as an ideal, it is necessarily true. For it is a factual necessity that every genuine *Mujtahid*, having arrived at a decision at a particular time, should regard his decision as true and those that more or less differ from his as being more or less false. It is, however, equally necessary from the *ideal* side that every genuine *Mujtahid*, no matter how much finality he may come to attribute to any particular decision of his, should always be prepared to withdraw his claim to "know" in the light of fresh evidence and reasoning. It is this which constitutes the transcendental quality and unity of truth.

On the other extreme to this relativity are the Shī'ah who believe that truth is one but can be known only through the sinless and infallible *Imām*. This

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later conclusion is drawn from the premise which the Shi'ah hold in common with the Sunnis that human reason is so fallible that it is unreliable. In the last section, we have referred to al-Shāṭibī's statement made with perfect logic, that the Sunnis and the Shi'ah are in basic agreement about the inanity of human reason. If the Sunnis had been more consistent they should also have relied on an infallible *Imām*; on the other hand, they necessarily chose to rely on human reason (*Qiyās* and *Ijtihād*) and are thus involved in a fundamental contradiction. The net result of their actual position is that human reason, although fallible, is not unreliable—which is the only safe and acceptable way for humanity—but this is not what they actually say. The Shi'ah position is certainly consistent at least in its form but expresses no more than a pious wish. It is essentially an extreme form of wishful thinking projected into history. But even supposing that an infallible human—the *Imām*—does exist, only a *Mujtahid* can get into touch with him. And who locates a genuine *Mujtahid*? And even if it were possible to locate a genuine *Mujtahid*, with unflinching certainty, is the contact of the *Mujtahid* with the Invisible *Imām* infallible? Is infallibility, indeed, a communicable quality? These are all questions that are, to our mind, unanswerable although it must be admitted that the wish and search for certainty are extremely powerful motives in man. But certainty has not merely to be wished and then postulated, it has to be actively and positively searched for. It is one of the strange phenomena of the distribution and development of religious ideas in Islam that while Shi'ism had adopted so many tenets from the Mu'tazilite theology, it chose to reject the arch-

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doctrine of the Mu'tazilah that human reason could discover good and evil with *some* certainty. The reason is perhaps that the idea of the personal authority of the *Imām* had previously imposed itself as a consequence of the political developments and then the person of the *Imām* had also theologically to be invested with infallibility.

The majority of the Sunnis and the Mu'tazilah, however, while believing in the oneness of truth, allow difference of opinion. They say that although truth is one, it can be reached through reasoning "by an accident". They believe that while the effort of reasoning is absolutely essential, there is no guarantee that every reasoning will hit at the truth and, therefore, profoundly add that even after all human effort, it remains a matter of chance and accident.¹⁷ It is like a treasure-trove which one may search for and employ clues but its final discovery always hinges on "good luck". A similar conclusion is reached by al-Shāṭibī through a slightly different route. While discussing the question as to whether one can declare certain sects to be outside the pale of Islam and attribute *Kufr* to them, al-Shāṭibī categorically states that it is not possible to locate absolutely the capital errors of these sects so that they may be stigmatized as *Kufr*. This inability to condemn any sect which claims to be Muslim as being outside Islam, according to al-Shāṭibī, is because God does not want to expose anyone from among the Muslim Community but wants to put upon the entire Community His mantle of protection. Al-Shāṭibī is quite clear that erroneous beliefs and practices can and must be exposed but it is impossible to locate absolutely the holders of these practices. He says that one cannot

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even condemn the Khawārij as complete *kāfirs* even though there is a good deal of predictive *Hadīth* about them. It follows that when we try to locate the "Right Path" through *Ijtihād* (which we must do) we cannot demand complete unity: "if we are to locate (the 'correct path'), through *Ijtihād*, *Ijtihād* does not require any unanimity with regard to its object. Do you not see that scholars have decisively held the view that no two views (of a thing) can be identical in the nature of things? If the heretical sects had been determined by a clear test there would have been no difficulty (in locating them). But even there, it is difficult to decide in the case of (even) the Khawārij with all their erroneousness and even though the Holy Prophet had foretold and specified their signs (If this be the case with regard to those people about whom there is a textual indication), what about those about whom there is no indication whatsoever?"¹⁸

(6) Al-Āmidī's position on the Holy Prophet's *Sunnah* is intimately connected with his statements on the problem of *Ijtihād*. We have seen in the foregoing that despite his occasional statements to the contrary al-Āmidī is a strong champion of the view that it was possible for the Prophet to make errors of judgment, although he states that this question is a controversial one among the Community and that it is not possible to reach any absolute decision.¹⁹ While discussing the specific question of the fallibility or otherwise of the *Sunnah*, al-Āmidī states that while the entire Community is agreed that a Prophet cannot deliberately err in those questions which are evidenced by definite miracles, there is no agreement with regard to points where a Prophet may involuntarily and non-deliberately make a mistake. Al-Āmidī himself agrees

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with Abū Bakr al-Bāqillānī in holding that it is possible for a Prophet to commit an error unknowingly.²⁰ It is clear from these statements that while the Prophet's judgments, decisions, sayings and actions are, taken as a whole, free from fundamental mistakes and errors, it is possible that, in details, the Prophet's conduct is not beyond fallibility. This view, wherein both the Sunnis and the Mu'tazilah largely agree, viz., that the Prophet's *Sunnah* is, as a whole, infallible and correct but may not be so in details, is, nevertheless, grounded differently by the Mu'tazilah and the Sunnis. The Mu'tazilah base their doctrine on rational argument and say that the Prophet must be regarded as immune from fundamental errors and as infallible on the whole because it would be irrational to believe that a person capable of committing large-scale errors should be the recipient of the Divine Revelation, viz., the Qur'ān; on the other hand, to believe that the Prophet is beyond all errors would put him beyond the pale of humanity which is also absolutely irrational. The Sunnis, on the other hand, refuse to have recourse to such rational argumentation and base themselves squarely on authority. But in their authority they find the exact counterparts of the Mu'tazilah rationality for the Holy Qur'ān also calls the Prophet's conduct "great"²¹ and describes it as a "model" for mankind²², but the same Qur'ān also describes the Prophet as human and asks the Prophet to pray, "O God ! increase me in knowledge".²³

(7) The question has been discussed by all writers on *Ijtihād* as to the qualifications which a person must possess before he becomes a *Mujtahid*. The earlier authorities among these medieval writers talk of an absolute *Ijtihād* (*Ijtihād Muṭlaq*) and a partial *Ijtihād*

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exercised only in certain matters. Later, this division becomes threefold and *Ijtihād* is divided into *Ijtihād Muṭlaq*, i.e. an absolute *Ijtihād*, *Ijtihād Muqayyad*, i.e. a limited *Ijtihād* and *Ijtihād fi'l-Madhhab*, i.e. *Ijtihād* within a given school of Islamic law. This division is undoubtedly formalistic and rather artificial. Only two among the writers on this subject, namely al-Ghazālī and Fakhr al-Dīn al-Rāzī, say that what is first of all and most essentially required, even before Islamic scholarship, is the intellectual capacity to make deductions; the rest merely talk of scholarly equipment by way of knowledge of the materials of the Qur'ān and the *Sunnah*, of the historical knowledge about the transmitters of the Traditions, about the *Nāsikh* and *Mansūkh*, etc. Al-Ghazālī says, "Arguments (valid in law) are of three kinds: rational which prove the case by themselves; arguments from the Sharī'ah which are valid in law because the Sharī'ah has laid them down and thirdly, conventional arguments by which we mean linguistic usages".²⁴ On this al-Shawkānī comments that *Ijtihād* is based exclusively on the arguments of the Sharī'ah and not on rational arguments and since reason is not the source of legislation it is not necessary to be learned in rational sciences in order to be a *Mujtahid*.²⁵ But while the late medieval jurists do not generally include a training in rational disciplines among the prerequisites of *Ijtihād* and al-Ghazālī and al-Rāzī are the lonely exceptions, the list of other subjects becomes large, heavy and rather formal and artificial as we proceed.

Al-Āmidī states that a *Mujtahid* should know the fundamentals of faith as set out in the creed, viz., that God exists with His attributes, that God is the Giver

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of Commands, that the Prophet was true in his mission and that this mission has reached us, although it is not necessary for the *Mujtahid* to go into the philosophic details of all these problems like an expert theologian. Further, the *Mujtahid* should know how to deduce laws from the bases of the *Sharī'ah* and should be able to state and set out these deductions clearly. For this, it is necessary that he should know the materials of the *Sunnah*, the criticism of *Hadīth* on the basis of its transmitters, the occasions of revelations, the *Nāsikh* and the *Mansūkh* and that he should know fairly well the Arabic language although, again, it is not necessary that a person should be an expert in the philological sciences. These are the conditions for the *Mujtahid Muṭlaq*. As for the partial *Mujtahid*, concerned only with certain problems, it is not necessary for him to possess all this knowledge but only to know sufficiently about the problems that are under consideration before him.

The question as to whether partial *Ijtihād* is possible at all without the capacity to perform absolute *Ijtihād* is a matter of controversy among the jurists of Islam and although the majority seems to have decided in favour of such a division, there are undoubtedly voices against it. The arguments for and against the possibility of partial *Ijtihād* are set out by al-Ījī (d. 756 A.H.) in his commentary on the famous juristic work of Ibn al-Ḥājjib (d. 646 A.H.). To us, this kind of a basic division into partial and total *Ijtihād* seems rather artificial as we have pointed out before. It is, of course, true that one person may be an expert, say, in the law of contract and is not a towering mind in the whole range of law, but this is, surely, a non-essential consideration for, given the proper applica-

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tion, he can equally become expert in other branches of law. What is more fundamentally important is his intellectual calibre (to which al-Ghazālī also adds a moral calibre if the findings of a jurist are to have a weight in the eyes of the public) about which our juristic literature says relatively little.

The list of the traditional disciplines given, viz., *Ḥadīth*, *Tafsīr*, the historical criticism of the transmitters, the questions on which *Ijmā'* has occurred (for those jurists who believe in *Ijmā'*) is no doubt seemingly imposing and, at first glance, seems difficult to fulfil. But when one closely examines this list and its contents, it does not seem to us an over-requirement. Of course, for the earliest *Mujtahids* in Islam these disciplines do not exist: there were very few materials that they had to study because these materials did not exist in their days and, in fact, it is they and their successors who have created these materials. As history progresses and as the Muslims recede from the original sources, their task in one sense becomes weightier, because in addition to possessing the essential intellectual equipment, the historical materials that they have to study increase every day; but this is natural. When, therefore, Iqbāl, says, "the theoretical possibility of this degree of *Ijtihād* (i.e., *Ijtihād Muṭlaq*) is admitted by the Sunnīs, but in practice it has always been denied ever since the establishment of the schools, inasmuch as the idea of complete *Ijtihād* is hedged round by conditions which are well-nigh impossible of realisation in a single individual",²⁶ he cannot be referring to any stated conditions by jurists but simply to their unwillingness to perform *Ijtihād* or to allow it to be performed. Theoretically speaking, the conditions of *Ijtihād* are

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not, after all, too difficult of attainment. The essential point, however, is that, in actual practice, as Iqbāl tells us, this *Ijtihād* has been denied. The reasons subsequently enumerated by Iqbāl for the actual stoppage of *Ijtihād* are undoubtedly correct. The denial of *Ijtihād* in practice has been the result not of externally over-strenuous qualifications but because of a deep desire to give permanence to the legal structure, once it was formulated and elaborated, in order to bring about and ensure unity and cohesiveness of the Muslim *Ummah*. We have pointed out recurrently in the earlier part of this work that the *Ḥadīth* movement launched by al-Shāfi'i in the domain of law was itself a bid for uniformity amidst what threatened to be legal and dogmatic chaos. Subsequently, as Iqbāl tells us, after the destruction of the Baghdād Caliphate and the break-up of the political unity of the Muslim World, the religious leadership concentrated all the more on ensuring the unity of the *Ummah* through law and other institutions. Such unity has, no doubt, reigned in the Muslim World but at the cost of inner growth as the Muslim World suddenly discovered under the impact of the foreign powers during the eighteenth and nineteenth centuries. But at the theoretical level the door of *Ijtihād* has always remained open and no jurist has ever closed it. To the causes enumerated by Iqbāl must also be added the gradual deterioration of intellectual standards and the impoverishment of the intelligentsia of Islam over the years through a gradual narrowing down of the educational system which we have also described in the preceding chapter.

IJTIHĀD IN THE LATER CENTURIES

NOTES

1. Although the "gate of *Ijtihād*" was never formally closed, as we have shown at the end of this chapter, '*Taqīd*' or acceptance of mere authority became so rampant that *Ijtihād* became practically non-existent. '*Taqīd*' was originally recommended for the common man although for long it was conceded that even the common man has the power of discernment enough to decide between conflicting views. Later, however, '*Taqīd*' enveloped almost all members of the Muslim society. Voices against this have been arising, particularly since the appearance of Ibn Taymīyah, and '*Taqīd*' and closing of the door of *Ijtihād* have been imputed to the immediately earlier generations ever since. Proportionately the emphasis on the necessity of *Ijtihād* has increased particularly since the Islamic reform movements of the eighteenth century. The Muslim Modernist has espoused *Ijtihād* all the more and with all the greater sense of urgency since the impact on Islamic society of the new forces in all its forms.
2. Al-Āmidī, *K. al-Iḥkām fī Uṣūl al-Aḥkām*, Cairo, 1332/1914, I: 113.
3. See above, p. 138.
4. See above, p. 135.
5. Al-Shāṭibī, *K. al-I'tisām*, Cairo, 1332/1914, III: 216.
6. *Ibid.*, III: 218; the whole discussion starts on page 217.
7. Al-Āmidī, *op. cit.*, I: 113-14.
8. *Ibid.*, IV: 222-3.
9. *Ibid.*, p. 235.
10. *Ibid.*, p. 233.
11. Al-Shāṭibī, *op. cit.*, III: 251.
12. *Ibid.*, p. 255.
13. Al-Āmidī, *op. cit.*, IV: 234.
14. Al-Shāṭibī, *op. cit.*, III: 178.
15. *Ibid.*, pp. 217-18.
16. *Ibid.*, p. 218.
17. Al-Āmidī, *op. cit.*, IV: 246.
18. Al-Shāṭibī, *op. cit.*, III: 178.
19. Al-Āmidī, *op. cit.*, I: 243-4.

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20. *Ibid.*, I: 243; on page 244 even commission of grave errors —by mistake, of course—on the Prophet's part is also thought possible.
21. Qur'an, LXVIII: 4.
22. Qur'an, XXXIII: 21.
23. Qur'an, XX: 110.
24. *Al-Mustasfā*, Cairo, 1937. II: 102, line 11.
25. *Irshād al-Fuḥūl*, Cairo, 1347 A.H., p. 222.
26. Iqbāl, Muḥammad, *Reconstruction of Religious Thought in Islam*, Lahore, 1960, p. 149.

5

SOCIAL CHANGE AND EARLY *SUNNAH*

I

THE PROBLEM BEFORE US

WHEN new forces of massive magnitude—socio-economic, cultural-moral or political—occur in or to a society, the fate of that society naturally depends on how far it is able to meet the new challenges creatively. If it can avoid the two extremes of panicking and recoiling upon itself and seeking delusive shelters in the past on the one hand, and sacrificing or compromising its very ideals on the other, and can react to the new forces with self-confidence by necessary assimilation, absorption, rejection and other forms of positive creativity, it will develop a new dimension for its inner aspirations, a new meaning and scope for its ideals. Should it, however, choose, by volition or force of circumstance, the second of the two extremes we have just mentioned and succumb to the new forces, it will obviously undergo a metamorphosis ; its being will no longer remain the same and, indeed, it may even perish in the process of transformation and be

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swallowed up by another socio-cultural organism. But more surely fatal than this mistake is the one we have mentioned as the first extreme. Should a society begin to live in the past—however sweet its memories—and fail to face the realities of the present squarely—however unpleasant they be,—it must become a fossil ; and it is an unalterable law of God that fossils do not survive for long : “We did them no injustice ; it is they who did injustice to themselves” (XI : 101 ; XVI : 33, etc.).

Roughly speaking, for about a century Muslim society has been experiencing the onset, within its fabric, of tremendous forces let loose by what is generally called “Modernity” whose source has lain in the contemporary West. Certain conscious efforts have been made by Muslim thinkers both in the Indo-Pakistan subcontinent and in the Middle East, particularly around the end of the last century, to meet the new challenges by creative absorption, adjustment, etc. With the rise, however, of independent Muslim states during the past two decades or so and their emancipation from the foreign political domination, these influences of Modernity have naturally been accelerated in pace and momentum. We say “naturally” because with the all-too-justifiable desire for developing the potential resources on the part of these countries—natural and human—instruments of mass economic production and movement, mass-education, media of mass-communication, etc., are absolutely inescapable. Muslim society has plunged itself into the Industrial Age—if it did not do so, its fate would be sealed. But these vast and massive impacts require a creative response *of equal dimensions* if our society is to progress Islamically. This

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calls for a relentless process of hard, clear, systematic and synthetic thinking, which is not yet visible in the Muslim World. By and large, and in effect, we are still suffering from intellectual indolence and consequently, for all practical purposes, are experiencing the two extreme attitudes born of this indolence, to which we have just now pointed, *viz.* (a) a *laissez-faire* attitude towards the new forces which makes us simply drift, and (b) an attitude of escape to the past which may seem emotionally more satisfying immediately but which is, in fact, the more obviously fatal of the two attitudes.

Fortunately, there are strong guiding lines for us in the early history of the Community when the Qur'anic teaching and the Prophetic *Sunnah* (the ideal legacy of the Prophetic activity) were creatively elaborated and interpreted to meet the new factors and impacts upon Muslim society into the "living *Sunnah*" of the Community. In Chapters 1 and 2 we have studied at some length the phenomenon of this developing, moving "living *Sunnah*". This was not just an academic exercise motivated through sheer historical curiosity : if it is historically true, then it is *fraught with meaning for us now, and, indeed, for ever*. In the sequel, we shall illustrate the development of this early "living *Sunnah*" with concrete examples, endeavouring in each case to show the situational background—the forces that called forth a certain measure—and by pointing out the extent of the newness of the cases we hope to bring out their true magnitude. These illustrations have three objectives in view : (i) They strikingly drive home the reality of the "living *Sunnah*"; (ii) they are intended as pointers for future developments ; (iii)

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they constitute a humble suggestion to the 'Ulamā' that if the study of early *Ḥadīth*-materials is carried through with constructive purposiveness under the canons of historical criticism and in relation to the historico-sociological background, they take on quite a new meaning. A *Ḥadīth*, say, in *al-Muwatta'*, that 'Umar did so-and-so, when read as mere *Ḥadīth*, i.e., as an isolated report, remains a blank and yields little; but when one fully comprehends the sociological forces that brought the action about, it becomes meaningful *for us now* and assumes an entirely new dimension.

In what sense does it become meaningful for us now? As a pointer to our future development, as we said in (ii) above. It is of capital importance to realize, however, that a pointer is, by its very nature, generally indicative rather than specifically legislative. The "living *Sunnah*" of our early forefathers, therefore, while it has lessons for us as a genuine and successful interpretation of the Qur'ān and the Prophetic activity for the early days of the Community, is, in its flesh and blood, absolutely irrepeatable, for history really never repeats itself so far as societies and their structures are concerned. There is only one sense in which our early history is repeatable—and, indeed, in that sense it must be repeated if we are to live as progressive Muslims at all, viz., just as those generations met their own situation adequately by freely interpreting the Qur'ān and *Sunnah* of the Prophet—by emphasizing the ideal and the principles and re-embodying them in a fresh texture of their own contemporary history—we must perform the same feat for ourselves, with our own effort, for our own contemporary history.

In one way, the following examples have been

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chosen somewhat at random in the sense that many more examples of the kind exist in books out of which only these *happen* to be given here. But these are as good as any others in illustrating the points outlined above and in establishing our thesis. In another sense, however, these examples are not altogether the results of random choice but have been largely determined by one major consideration which will become apparent to any careful reader. This is the fact that most of the examples have been chosen from 'Umar's legislation and decisions. The reason for this is not far to seek. It was in the time of 'Umar that, due to sudden and vast conquests, big sociological and political problems arose in Madīnah itself and in the conquered lands. Sociologically speaking, perhaps the biggest problem was the presence of an immense increase in the numbers of slaves and slave-girls or, rather, bondsmen and bondswomen. The same element in the population, when gradually freed, became so powerful that it contributed directly to the subsequent overthrow of the Umayyad rule. While going through the *Muwaṭṭa'* of Mālik one is impressed with the social legislation of 'Umar, especially with regard to the slave problem, and more especially with regard to the problem of the slave-girls. Secondly, therefore, many of these examples happen to be drawn from the *Muwaṭṭa'*.

II

SOME ILLUSTRATIONS

A—*Law of War*

- (1) The practice of the Prophet had been that if a

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certain tribe did not surrender peacefully but was reduced after armed conflict, its lands were confiscated and distributed among the Muslim soldiers as part of the booty. This was probably an old law of war. But the Muslims accepted it as the *Sunnah* of the Prophet, as part of the mechanism of devastating the enemy and rewarding the Muslim fighter and, indeed, this law remained operative in the early small-scale conquests of the Muslims outside Arabia. When, however, Iraq (*Sawād*) and Egypt were conquered and added to the Muslim territory in 'Umar's time, he refused to distribute these massive territories among the Arab soldiers and dispossess the original inhabitants. There was solid opposition against 'Umar's stand even though he was not alone in holding this opinion but several other men of eminence agreed with him. The opposition hardened so much that a kind of crisis developed, but 'Umar remained firm and tried to argue his case on the ground that if Arab soldiers became land-settlers they would cease to be fighters, although his real considerations, as it subsequently turned out, were based on a keen sense of socio-economic justice. One day 'Umar came upon the following verse of the Qur'ān which, in a very general way, did support his view and in broad terms embodied his unshakeable faith in justice : " . . . And those who shall come after them shall say : O our Lord ! forgive us and those of our brethren who have preceded us in Faith . . . Verily, Thou art kind, benevolent" (LIX : 10). This verse most decisively shows that he was motivated by fundamental considerations of socio-economic justice : he refused to concede the distribution of one whole country after another among the Muslim-Arab soldiery to the neglect of the world

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population and future generations.¹

But this case reveals certain features of paramount importance in connection with the interpretation of the Qur'an and the Prophet's *Sunnah*. The Prophet had undoubtedly confiscated the territories that had fallen after a fight. This fact is historically so clear and firm that it is this kind of unambiguous pronouncement or behaviour that later legists term *muḥkam* or *manṣūṣ*. *The truth, however, is that this hard and fast distinction between muḥkam and mutashābih, between naṣṣ and non-naṣṣ does not exist for the very early generations of Muslims.* It is this type of case that has led Joseph Schacht to assert repeatedly in his *Origins of Muhammedan Jurisprudence* that in the early development of *Fiqh* the Qur'an is "introduced invariably at a secondary stage" (e.g. p. 224). This is an extraordinary statement to make. But it certainly points to something and this something is that the early generations were not bound by what later came to be called 'naṣṣ' or the letter of the text. This case of 'Umar is a striking case of this kind. What 'Umar and those who agreed with him—and ultimately everyone had to agree—felt most strongly was that the Prophet was acting within a restricted *milieu* of tribes, *that, therefore, you cannot carry on the same practice where vast territories and whole peoples are involved ; otherwise you violate the very principles of justice for which the Prophet had been fighting all his life.* One thing is certain : that although 'Umar obviously departed formally from the *Sunnah* of the Prophet on a major point, he did so in the interest of implementing the essence of the Prophet's *Sunnah*. Indeed, there are few men in history who have carried on the mission of the Prophet so creatively, so

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effectively and so well. But these are the choices and the decisions which every *living* society has to face almost incessantly but particularly at times when massive new factors enter into it.

B—Criminal Law

(2) It is well known that 'Umar suspended the *Hadd* punishment for theft during a period of acute scarcity of food.

C—Social Legislation

(3) 'Umar ordered, "Whatever slave-girl gives birth to a child from her master, can neither be sold by him nor given away as a gift nor left as a part of his inheritance. She belongs to her master during his lifetime (*i.e.* unless she is freed by him), but on his death will become automatically free."² We know that a "mother-of-the-child (*umm al-walad*)", as a slave-girl who bore a child was called since early Islamic days, could be sold, given away as a gift and was, of course, on the death of her master, inherited during the lifetime of the Prophet—although this was an old custom of the Arabs, which the Prophet did not forbid because apparently it did not constitute a big social problem. In one respect, however, the slave-girl got a special concession in very early Islam—besides the overall improvement that occurred through Qur'ānic legislation and moral exhortation with regard to slaves in general. This is that when she bore a child, she was called "*umm al-walad*" and, as such, given special treatment.

Not until 'Umar's time, however, was a legislative measure taken to ensure that the "mother-of-the-child" could neither be sold nor given away as gift nor yet

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could she be retained as a slave after the master was dead. At the latter's death, indeed, both she and her offspring must enjoy equal freedom. What had happened since the Prophet's days that a custom even backed by his own "silent" approval (*Sunnah sukūtiyah*) had to be legislated against? Obviously, something vitally Islamic was at stake and on closer examination we find that a big problem of social justice had been raised by certain new factors in the society. The great influx of slaves and slave-girls raised many problems. Especially acute was the problem of those slave-girls—whose number was very large—that bore children. If these were bought and sold and given away as gifts, what would be its effect on society? More especially, what would be its effect on children, on their morale and morals? These were the considerations that led 'Umar to put a ban on their sale and indeed, on their slavery *after the master's death*. So far as the master's life is concerned, since the woman has borne him children, he is assumed to show her great consideration by an almost physical necessity, as it were. 'Umar, therefore, curtailed the "rights" of slave-owning men and even went against a *Sunnah in order to keep the bases of the Sunnah alive, strong and progressively prosperous*.

For the traditional students of the *Ḥadīth*, i.e. 'Ulamā', the above-quoted measure of 'Umar is merely a *Ḥadīth*, i.e. a report about a "saying of 'Umar". Since the genuinely historical reports are *not* studied with an eye on the historico-sociological background which would make them "live" before our own eyes, they are read as dead matter, shorn of any meaning *for us now*. May we request our 'Ulamā' to study these materials with the necessary and

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relevant background? We feel certain that once this is done, the whole question of how the Qur'ān and the *Sunnah* are to be interpreted will take on a new meaning for the traditional students of the *madrasah*.

(3A) Mālik holds³ that if a man-slave contracts with his master to purchase his freedom on payment of instalments to his master but dies before completing the instalments, then, if such a "contractual slave (*mukātab*)" has left a "mother-of-the-child" and also children who are too weak to complete the instalments left over by their father and thus earn their own freedom as well as that of the "mother-of-the-child", then *the "mother-of-the-child" must be sold in order to purchase the freedom for the children.*

The really interesting feature of this comment of Mālik is that it is not brought into relation with 'Umar's order banning the sale of the "mothers-of-children". Of course, the case Mālik is discussing may be different from those covered by 'Umar's order; but Mālik does not even mention 'Umar's order, discuss its relevance or otherwise to the case in point and mark out the latter's differential, etc. This is, indeed, a most fundamental and striking feature of our *Fiqh*, that its various parts and legal points and enunciations do not actually tie up with one another to make it a real well-knit system. That is why it has been aptly described as a "discussion on a Muslim's duties" rather than a legal system in the strict sense. Indeed, even a casual student cannot fail to notice this "atomicity" of *Fiqh*—the, in effect, intellectually unrelated development of almost all of its enunciations. Therefore, rather than being a system, it is a huge mass of atoms, each atom being a kind of a system in itself. Broadly speaking, therefore, *Fiqh*

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constitutes *materials* for a legal system but is *not* a legal system itself. We do not, however, deny that *Fiqh* is endowed with a sufficiently definite character which marks it out from other legal systems—this character being the result of its Islamicity—; what we deny is that it is a logically connected, intellectually worked out, and, therefore, a closely enough knit legal system.

(4) Connected with (3) above is 'Umar's decision that if a slave is grossly maltreated by his or her master, the state must intervene. Mālik reports that 'Umar ordered the freeing of a slave-girl who had been tortured by her master.⁴

(5) 'Umar issued an order with the following statement: "How about men who cohabit with their slave-girls but then neglect them (and subsequently refuse to own children born of these slave-girls on the pretext that they were never sure where these girls had been visiting). For me it is sufficient ground that the master of a slave-girl should admit having cohabited with her that I should declare the child to be his. So either control your slave-girls or let them go."⁵ Just consider the dimensions of the social evil arising from the non-recognition of children by anyone as their father—either the ostensible father or the real one. The problem, however, arose in the first place by the immense number of slave-girls who probably could not even be controlled by their masters. We now understand more fully the significance of (3) above, *viz.* 'Umar's measure to declare slave-girls with children free and rehabilitate them in society.

D—Law of Evidence

(6) A man came to 'Umar from Iraq and said: "I

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have come to you for something which has neither head nor tail (i.e. is as difficult to treat as a vicious circle)." "What is it?" inquired 'Umar. The man said: "In our country (Iraq) false evidence has become rampant." "Is this really so?" asked 'Umar and "yes" was the man's reply. Thereupon 'Umar said: "By God, none shall be imprisoned under Islam except on the evidence of unimpeachable witnesses."⁸ The law of evidence in Islam, of course, lays down certain criteria of reliability of witnesses although these are rather formal. But what is of importance here is that an important part of the procedural law is being given a fresh meaning because of the new situational context that had arisen. It may be objected that this report of Mālik may not be able to stand the test of strict historical criticism for, to begin with, we do not know who this "man" was that came from Iraq and complained to 'Umar. But our point about the fresh interpretation of laws and investing these with new emphasis and even new meaning in the light of the changing sociological situation remains perfectly valid whether or not the story itself is true and, if true, whether it is true about 'Umar or about somebody else.

(7) A slave who, under a contract, was allowed by his master to purchase his freedom by instalments was called a "*mukātab* (a slave contracted-for-freedom)". A man was thought to be under no *legal* compulsion to allow his slave to purchase freedom but this was undoubtedly encouraged by state policies. Actually, the words of the Qur'ān, "And contract them (the slaves) for freedom, if you think they are any good" (XXIV: 33) hardly admit of any doubt as to the uncompromising intention of the Qur'ān to free slaves

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and abolish slavery. But with the influx of a large number of slaves—under the war ethics of those days—the intention of the Qur'ān could not be immediately carried out and subsequently this became one of those major points on which the Qur'ānic ideals were thwarted by the Community at large. The words of the Qur'ān, "If you think they are any good" are not a restriction on freeing of slaves. All that they mean is that if a slave cannot earn to purchase his freedom then he cannot be expected to stand on his own feet, when set free and even when set free, he will be a slave.

Once, however, a slave had contracted for freedom, the question arose whether a slave, on showing good cause, could pay all his instalments at once—if he could earn so much and hence offered to do so—and free himself without going through the entire period of the instalments. Mālik says: "Furāfiṣah [Porphyrius (?)—apparently a Graeco-Syrian name] Ibn 'Umayr, the Ḥanafite (this has no reference to the famous school of Islamic law but to a tribe) had a *mukātab* who proposed to the former that he accept from the latter all the sums of the *mukātabah*-contract at once (because the slave had grounds for getting freedom early). Furāfiṣah refused the offer. The *mukātab* came to the Umawī Marwān, then governor of Madīnah, and petitioned to him. Marwān called Furāfiṣah and asked him to accept the offer but the latter refused again. Marwān then ordered that the contract money should be taken from the slave and put in the public treasury, while to the slave he said: 'Go! you are a free man.' When Furāfiṣah saw this, he took the money."⁷ Commenting upon this Mālik says: "Therefore, our established practice (*al-amr* ; we have

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pointed out before, however, that Mālik uses the terms 'al-amr', 'al-'amal', 'al-sunnah', and 'al-amr al-mujtama' 'alayhi' as equivalent terms for the practice or *Sunnah* at Madīnah) is that when his special circumstances enable a *mukātab* to pay up all his dues, even before they are due, it is permitted to him to do so and his master may not refuse . . . ”.

We have cited this case in order to make two points. First, along with the previously cited examples, it brings out clearly the measures that were taken by the state-authorities to enfranchise the slaves. Secondly, this illustration forces vividly upon our attention the fact, oft-repeated previously, that *Sunnah*, i.e., the living practice of the Community, is not just the work of the Prophet as the post-Shāfi'i *Fiqh*-doctrine claims, but is the result of the progressive thought—and decision-making activity of the Muslims. Here Marwān Ibn al-Ḥakam's decision is part of the practice or *Sunnah* according to Mālik. Exactly the same is true of the concept of *Sunnah* in al-Awzā'i, the younger contemporary of Mālik in Syria. The 'Irāqī school started with the same living tradition but gradually exhibited greater freedom in legal ratiocination and depended less on actual decisions taken in the past. About the middle of the second century, however, this free thought began more and more to take the form of traditions (*Ḥadīth*). But the 'Irāqī *Ḥadīth* is, at bottom, no less regional than the Medinese *Sunnah* or the "practice" of al-Awzā'i.

III

GENERAL CONCLUSION

The illustrations given above—and a host of other

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examples many of which we have not given and some of which we have provided in the previous chapters—demonstrate beyond any shadow of doubt that our earliest generations looked upon the teaching of the Qur'ān and the *Sunnah* of the Holy Prophet not as something static but essentially as something that moves through different social forms and moves creatively. Islam is the name of certain norms and ideals which are to be progressively realized through different social phenomena and set-ups. Indeed, Islam, understood properly, ever seeks new and fresh forms for self-realization and finds these forms. Social institutions are one of the most important sectors of the Islamic activity and expression. Social institutions, therefore, must become proper vehicles for the carriage and dispensation of Islamic values—of social justice and creativity, etc. This is the clear lesson that we learn from the early development of the *Sunnah*.

We do not wish to be misunderstood. We especially and carefully reject that vagrant attitude of empty liberalism or negative spiritualism that seeks to drive a wedge between the form and the essence and says that what matters is the essence and that the form is at best its cumbersome companion. We say that the form and the essence are coevals, inter-dependent and each necessary and desirable. But we know that even forms have a way of changing and yet remaining the same. What is injurious to a living faith and a living society is not forms but formalism. 'Umar changed the form of the Prophet's *Sunnah* of War in certain fundamental aspects and yet that very Prophet's *Sunnah* was all the more prosperous because of this change. The Muslims, indeed, changed the

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Qur'anic law of evidence and, instead of insisting on two witnesses, began deciding cases on the basis of one witness and an oath. They knew that what the Qur'an was after was to establish justice and not two witnesses. If now we can have a recorded self-confession (provided its authenticity is otherwise established beyond doubt) may we not even dispense with conventional modes of evidence in a given case ?

But these examples are vital and potent enough to raise other and much bigger issues to which we must give constructive and decisive replies. In the world, as it stands constituted today, is it or is it not among our paramount duties to create the best moral and material conditions for the coming generations? If it is, can we honestly allow the reckless multiplication of population whom we can neither properly nourish nor educate? Does it make good Islamic sense? And if it is the absolutely inalienable 'right' of a Muslim to procreate in season and out of season, can we accept the alternate but desperate course of strict regimentation of labour? The first course is easier, but if not adopted today, tomorrow the choice will no longer be ours and the other alternative will simply impose itself upon us. Again, if we adopt the first course, how much raising of the standard of living do we want before relaxing controls, is another question. But all these are problems that must be answered *now*; and they must be answered from the depths of the Islamic conscience, not from a mimicry of the past. If the right and successful answer emerges now from the Islamic conscience, therein shall live the *Sunnah* of the Prophet.

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NOTES

1. Abū Yūsuf, *K. al-Kharāj*, Cairo, 1302 A.H., p. 20.
2. Mālik, *al-Muwatta'*, Cairo, 1370/1951, II : 776.
3. *Ibid.*, p. 798.
4. *Ibid.*, p. 776.
5. *Ibid.*, pp. 742-3; passage translated here is at the top of page 743.
6. *Ibid.*, p. 720.
7. *Ibid.*, p. 800.

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ABOUT THE BOOK

This book gives in outline the historical evolution of the four basic principles of Islamic thought, namely the *Qur'an*, *Sunnah*, *Ijtihad* and *Ijma'*. The author discusses very lucidly the actual working of these principles on the Islamic development itself as also their application. The fundamental importance of these principles need not be emphasized as they are not just the principles of Islamic Jurisprudence but of all Islamic thought. The book traces the concepts, *Sunnah*, *Ijtihad* and *Ijma'*, not only in the early period of Islam but also discusses what shape *Ijtihad* took in the later centuries. It also deals with the post-formative developments in Islam, and gives a full-dressed discussion of *Sunnah* and *Hadith* and what these terms really mean.

"This book is an important contribution of the current debate on Islamic ideals. Its major value lies in the clarifications it has made on the meaning of the *Sunnah*. Far from the tendency to reject out of hand all that has happened since the original impulse of Islam in the life of the Prophet, it seeks to project what Muslims of various regions and times and sects have made of that historical guideline." — *The Pakistan Times*, Lahore.