

*“Call to the path of thy Lord with wisdom and goodly exhortation,
and argue with people in the best manner.” (Holy Quran, 16:125)*

The Light **AND** **ISLAMIC REVIEW**

**Exponent of Islam and the Lahore Ahmadiyya Movement
for over eighty years**

July – September 2010

In the spirit of the above-cited verse, this periodical attempts to dispel misunderstandings about the religion of Islam and endeavors to facilitate inter-faith dialogue based on reason and rationality.

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احمدیہ انجمن اشاعت اسلام لاہور

◆ Ahmadiyya Anjuman Isha‘at Islam Lahore Inc., U.S.A. ◆
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The Light was founded in 1921 as the organ of the AHMADIYYA ANJUMAN ISHA'AT ISLAM (Ahmadiyya Association for the Propagation of Islam) of Lahore, Pakistan. *The Islamic Review* was published in England from 1913 for over 50 years, and in the U.S.A. from 1980 to 1991. The present periodical represents the beliefs of the worldwide branches of the Ahmadiyya Anjuman Isha'at Islam, Lahore.

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The main objective of the A.A.I.I.L. is to present the true, original message of Islam to the whole world — Islam as it is found in the Holy Quran and the life of the Holy Prophet Muhammad, obscured today by grave misconceptions and wrong popular notions.

Islam seeks to attract the *hearts and minds* of people towards the truth, by means of reasoning and the natural beauty of its principles.

Hazrat Mirza Ghulam Ahmad (d. 1908), our Founder, arose to remind the world that Islam is:

International: It recognizes prophets being raised among all nations and requires Muslims to believe in them all. Truth and goodness can be found in all religions. God treats all human beings equally, regardless of race, nationality or religion.

Peaceful: Allows use of force only in unavoidable self-defence. Teaches Muslims to live peacefully under any rule which accords them freedom of religion.

Tolerant: Gives full freedom to everyone to hold and practise any creed or religion. Requires us to tolerate differences of belief and opinion.

Rational: In all matters, it urges use of human reason and knowledge. Blind following is condemned and independence of thought is granted.

Inspiring: Worship is not a ritual, but provides living contact with a Living God, Who answers prayers and speaks to His righteous servants even today as in the past.

Non-sectarian: Every person professing Islam by the words *La ilaha ill-Allah, Muhammad-ur rasul-ullah* (There is no god but Allah, and Muhammad is the Messenger of Allah) is a Muslim. A Muslim cannot be expelled from Islam by anyone.

Hazrat Mirza Ghulam Ahmad taught that *no* prophet, old or new, is to arise after the Holy Prophet Muhammad. However, *Mujaddids* will be raised by God to revive and rekindle the light of Islam.

About ourselves

Ahmadiyya Anjuman Isha'at Islam Lahore has branches in many countries including:

U.S.A.	Australia
U.K.	Canada
Holland	Fiji
Indonesia	Germany
Suriname	India
Trinidad	South Africa
Guyana	Philippines

Achievements:

The Anjuman has produced extensive literature on Islam, originally in English and Urdu, including translations of the Holy Quran with commentaries. These books are being translated into other languages, including French, German, Spanish, Dutch, Russian, Chinese, and Arabic. The Anjuman has run several Muslim missions around the world, including the first ever in Western Europe.

History:

1889: Hazrat Mirza Ghulam Ahmad founds the Ahmadiyya Movement.

1901: Movement given name *Ahmadiyya* after Holy Prophet Muhammad's other famous name *Ahmad*.

1905: Hazrat Mirza appoints central body (Anjuman) to manage the Movement.

1908: Death of Hazrat Mirza. Succeeded by Maulana Nur-ud-Din as Head.

1914: Death of Maulana Nur-ud-Din. Ahmadiyya Anjuman Isha'at Islam founded at Lahore as continuation of the original Anjuman. Maulana Muhammad Ali elected as Head.

1951: Death of Maulana Muhammad Ali after fifty years of glorious service to the cause of Islam. Maulana Sadr-ud-Din (d. 1981) becomes Head.

1981–1996: Dr Saeed Ahmad Khan, an eminent medical doctor and religious scholar, led the Movement, at a time of intense persecution.

1996–2002: Prof. Dr Asghar Hameed, a distinguished retired University Professor of Mathematics, and learned Islamic scholar, served as Head.

2002: Prof. Dr Abdul Karim Saeed Pasha elected Head.

President Obama on “Just War”

Assessing the President’s Nobel Peace Prize Speech
in light of the Islamic Principles/Rules of War

By Fazeel S. Khan

Introduction

President Barack Obama received accolades from all quarters (the left and the right, the military-oriented and the peace activists, domestic press and international media) for his insightful speech on the occasion of his Nobel Peace Prize award ceremony. His speech (copied in pertinent part below) consisted of a substantive analysis of the conditions of peace, justice and war, and their relation to one another. In particular, a discussion of the “Just War” theory was in focus.

Just War theorists, as articulated by President Obama in his speech, attempt to reconcile the feelings of moral abhorrence towards war with an acknowledgment that war may sometimes be necessary. In essence, the theory is founded on a conflict of interests the resolution of which is based on certain criteria, with the aim at ultimately establishing lasting peace and justice. This doctrine, having its roots in Roman philosophical and Catholic military ethics, is accepted by the Western world, in some form or other, as a guide to states’ decisions on when and how to undertake military action. Interestingly, the most common criticism against Islam is that it is a religion that advocates violence. It is believed by many that Islam promotes unconditional war against infidels for purposes of establishing the predominance of Islam and the governance of sharia law throughout the entire world. And why is this interesting? Because, far from endorsing a culture of aggressive warfare, the religion of Islam outlines and codifies the principles of the “Just War” theory in its very holy scripture. Over fourteen hundred years ago, the Holy Quran revealed that lasting peace and justice is the goal for humanity, but military force is, under certain conditions, morally justified. A review of President Obama’s acclaimed Nobel Peace Prize speech reveals the commonality between the basic elements of the Just War theory and the principles/rules of war in Islam.

Permissible War in Islam

The Holy Quran explains this philosophical balance of war (an act that is undesirable) being the means to establish peace (which is the ultimate goal) as follows:

Fighting is enjoined on you, though it is disliked by you; and it may be that you dislike a thing while it is good for you, and it may be that you love a thing while

it is evil for you; and God knows while you know not. (2:216)

... And were it not for God’s repelling some men by others, the earth would certainly be in a state of disorder; but God is full of grace to the worlds. (2:251)

Hence, war is not glorified in any way; rather it is clearly stated as being a condition that is “disliked”. And the permission to fight, it is explained, is an illustration of God’s “grace”, there being great benefit for humanity in its application under the right conditions.

The Holy Quran does not leave mankind without guidance as to the conditions under which war is permissible or justified; it provides:

Permission (to fight) is given to those on whom war is made, because they are oppressed. (22:39)

Thus, Islam permits Muslims to engage in war only in **self-defense**; that is, when being “oppressed” by others. Lest it be asserted that “oppression” is a vague term, broad enough to include the most minor of circumstances, the very next verse in the Holy Quran explains what “oppression” constitutes. It states:

Those who are driven from their homes without a just cause except that they say: Our Lord is God. And if God did not repel some people by others, cloisters, and churches, and synagogues, and mosques in which God’s name is much remembered, would have been pulled down. (22:40)

Accordingly, the type of “oppression” that justifies military conflict is when the rights to life and liberty are appropriated and freedom of religion (for all) is annexed. Islam permits fighting in order to establish peace and order and halt unlawful deprivation of rights (in particular, religious freedom). Clearly, this is a polar opposite to the understanding of the “jihadists” of today who claim Islam instructs Muslims to fight others in order to deprive them of their religious freedom and compel them to follow Islam.

In Islam, war, aside from being conditional, must be a **last resort**. All attempts at agreeing to terms of resolution of conflicts must be first exhausted. Every student of the early history of Islam is well aware of the Holy Prophet Muhammad’s practice of entering into treaties, agreements and covenants with others, so as to identify rights and protections of all parties and provide order in society. It is only when such treaties were broken, repeatedly, and it was clear the opposing party was acting in bad faith, having no desire to honor the terms of the covenant, that the Holy Prophet engaged in fight-

ing, under the appropriate conditions, as a last resort. As for those groups that repeatedly breached the terms of the agreements, the Holy Quran provides:

They respect neither ties of relationship nor covenant, in the case of a believer (i.e. the Muslims). And these are they who go beyond the limits. (9:10)

...

And if they break their oaths after their agreement and revile your religion, then fight the leaders of disbelief – surely their oaths are nothing – so that they may desist. (9:12)

Will you not fight a people who broke their oaths and aimed at the expulsion of the Messenger (i.e. Prophet Muhammad), and they attacked you first? ... (9:13)

The following verses show that there are limits to be established in societal / inter-communal relations, and war can be resorted to only when groups “go beyond the limits”. It is also clear that the objective is to provide circumstances by which those groups “may desist” from the wrongful conduct. Moreover, the breach must be accompanied by some actual harm, as in the case of “expulsion” or “attacking” those honoring the terms of the agreements.

Islam also places limitations on the parameters of war. The offensive must be **proportional**, never in excess of what is required to establish peace and order. The Holy Quran states:

And fight in the way of God against those who fight against you, but be not aggressive. Surely God does not love the aggressors. (2:190)

And if they incline to peace, you must also incline to it, and trust in God ... (8:61)

Accordingly, once peace and order is established, war must cease; aggression against the opposing side is discounted as sinful. Moreover, once it is indicated that the opposing side is inclined to resume peaceful relations, it is mandatory to cease any offensive. How more clearly could it be explained that the purpose of war in Islam is simply to establish peace and never to be the basis of aggression against others?

In Islam, the practice of war is not only limited in terms of when it may be commenced and when it must cease, but also by specific rules of conduct during war. The Holy Prophet Muhammad emphasized the humane treatment of members of the opposing group and forbade the killing of civilians. It is reported that he said:

“Do not kill any old person, any child or any woman” (Abu Dawud).

“Do not kill the monks in monasteries” (Musnad of Ibn Hanbal).

“Do not kill the people who are sitting in places of worship” (Musnad of Ibn Hanbal).

This understanding of civilized treatment during times of war was an entrenched principle followed and elaborated on by the righteous Caliphs after the Holy Prophet Muhammad’s demise. Hazrat Abu Bakr, the first successor to the Holy Prophet Muhammad, provided the following detailed set of rules of conduct during war:

Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy’s flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.

The foregoing analysis of the principles/rules of war in Islam, fashioned over 1400 years ago, is fully supported by the widely accepted Just War Theory. Below is reproduced pertinent parts of President Obama’s Nobel Peace Prize award ceremony speech, in which he expounds on the Just War Theory. A review of President Obama’s masterful dissertation shows just how congruent the doctrines of the Just War Theory are to the principles/rules of war in Islam as outlined above. Relevant portions of the speech are bolded to provide emphasis, and the entire transcript of the speech is available at: <http://www.whitehouse.gov/the-press-office/remarks-president-acceptance-nobel-peace-prize>.

President Obama’s Discussion on Permissible War

THE PRESIDENT: Your Majesties, Your Royal Highnesses, distinguished members of the Norwegian Nobel Committee, citizens of America, and citizens of the world:

I receive this honor with deep gratitude and great humility. It is an award that speaks to our highest aspirations — that for all the cruelty and hardship of our world, we are not mere prisoners of fate. Our actions matter, and can bend history in the direction of justice.

But perhaps the most profound issue surrounding my receipt of this prize is the fact that I am the Commander-in-Chief of the military of a nation in the midst of two

wars. One of these wars is winding down. The other is a conflict that America did not seek; one in which we are joined by 42 other countries — including Norway — in an effort to defend ourselves and all nations from further attacks.

Still, we are at war, and I'm responsible for the deployment of thousands of young Americans to battle in a distant land. Some will kill, and some will be killed. And so I come here with an acute sense of the costs of armed conflict — filled with **difficult questions about the relationship between war and peace, and our effort to replace one with the other.**

Now these questions are not new. War, in one form or another, appeared with the first man. At the dawn of history, its morality was not questioned; it was simply a fact, like drought or disease — the manner in which tribes and then civilizations sought power and settled their differences.

And over time, as codes of law sought to control violence within groups, so did philosophers and clerics and statesmen seek to regulate the destructive power of war. The concept of a “just war” emerged, suggesting that war is justified only when certain conditions were met: if it is waged as a last resort or in self-defense; if the force used is proportional; and if, whenever possible, civilians are spared from violence.

Of course, we know that for most of history, this concept of “just war” was rarely observed. The capacity of human beings to think up new ways to kill one another proved inexhaustible, as did our capacity to exempt from mercy those who look different or pray to a different God. Wars between armies gave way to wars between nations — total wars in which the distinction between combatant and civilian became blurred. In the span of 30 years, such carnage would twice engulf this continent. And while it's hard to conceive of a cause more just than the defeat of the Third Reich and the Axis powers, World War II was a conflict in which the total number of civilians who died exceeded the number of soldiers who perished.

In the wake of such destruction, and with the advent of the nuclear age, it became clear to victor and vanquished alike that the world needed institutions to prevent another world war. And so, a quarter century after the United States Senate rejected the League of Nations — an idea for which Woodrow Wilson received this prize — America led the world in constructing an architecture to keep the peace: a Marshall Plan and a United Nations, mechanisms to govern the waging of war, treaties to protect human rights, prevent genocide, restrict the most dangerous weapons.

I do not bring with me today a definitive solution to the problems of war. What I do know is that meeting these challenges will require the same vision, hard work, and persistence of those men and women who acted so boldly decades ago. And it will require us to think in new ways about the notions of just war and the imperatives of a just peace.

We must begin by acknowledging the hard truth: We will not eradicate violent conflict in our lifetimes. There will be times when nations — acting individually or in concert — will find the use of force not only necessary but morally justified.

I make this statement mindful of what Martin Luther King Jr. said in this same ceremony years ago: “Violence never brings permanent peace. It solves no social problem: it merely creates new and more complicated ones.” As someone who stands here as a direct consequence of Dr. King's life work, I am living testimony to the moral force of non-violence. I know there's nothing weak — nothing passive — nothing naïve — in the creed and lives of Gandhi and King.

But as a head of state sworn to protect and defend my nation, I cannot be guided by their examples alone. I face the world as it is, and cannot stand idle in the face of threats to the American people. For make no mistake: Evil does exist in the world. A non-violent movement could not have halted Hitler's armies. Negotiations cannot convince al Qaeda's leaders to lay down their arms. **To say that force may sometimes be necessary is not a call to cynicism — it is a recognition of history; the imperfections of man and the limits of reason.**

So yes, the instruments of war do have a role to play in preserving the peace. And yet this truth must coexist with another — that no matter how justified, war promises human tragedy. The soldier's courage and sacrifice is full of glory, expressing devotion to country, to cause, to comrades in arms. But war itself is never glorious, and we must never trumpet it as such.

So part of our challenge is reconciling these two seemingly irreconcilable truths — that war is sometimes necessary, and war at some level is an expression of human folly. Concretely, we must direct our effort to the task that President Kennedy called for long ago. “Let us focus,” he said, “on a more practical, more attainable peace, based not on a sudden revolution in human nature but on a gradual evolution in human institutions.” A gradual evolution of human institutions.

America's commitment to global security will never waver. But in a world in which threats are more diffuse, and missions more complex, America cannot act alone. America alone cannot secure the peace. This is true in

Afghanistan. This is true in failed states like Somalia, where terrorism and piracy is joined by famine and human suffering. And sadly, it will continue to be true in unstable regions for years to come.

The leaders and soldiers of NATO countries, and other friends and allies, demonstrate this truth through the capacity and courage they've shown in Afghanistan. But in many countries, there is a disconnect between the efforts of those who serve and the ambivalence of the broader public. I understand why war is not popular, but I also know this: The belief that peace is desirable is rarely enough to achieve it. Peace requires responsibility. Peace entails sacrifice. That's why NATO continues to be indispensable. That's why we must strengthen U.N. and regional peacekeeping, and not leave the task to a few countries. That's why we honor those who return home from peacekeeping and training abroad to Oslo and Rome; to Ottawa and Sydney; to Dhaka and Kigali — we honor them not as makers of war, but of wagers — but as wagers of peace.

Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. That is what makes us different from those whom we fight. That is a source of our strength. That is why I prohibited torture. That is why I ordered the prison at Guantanamo Bay closed. And that is why I have reaffirmed America's commitment to abide by the Geneva Conventions. We lose ourselves when we compromise the very ideals that we fight to defend. (Applause.) And we honor — we honor those ideals by upholding them not when it's easy, but when it is hard.

As the world grows smaller, you might think it would be easier for human beings to recognize how similar we are; to understand that we're all basically seeking the same things; that we all hope for the chance to live out our lives with some measure of happiness and fulfillment for ourselves and our families.

And yet somehow, given the dizzying pace of globalization, the cultural leveling of modernity, it perhaps comes as no surprise that people fear the loss of what they cherish in their particular identities — their race, their tribe, and perhaps most powerfully their religion. In some places, this fear has led to conflict. At times, it even feels like we're moving backwards. We see it in the Middle East, as the conflict between Arabs and Jews seems to harden. We see it in nations that are torn asunder by tribal lines.

And most dangerously, we see it in the way that religion is used to justify the murder of innocents by

those who have distorted and defiled the great religion of Islam, and who attacked my country from Afghanistan. These extremists are not the first to kill in the name of God; the cruelties of the Crusades are amply recorded. But they remind us that no Holy War can ever be a just war. For if you truly believe that you are carrying out divine will, then there is no need for restraint — no need to spare the pregnant mother, or the medic, or the Red Cross worker, or even a person of one's own faith. Such a warped view of religion is not just incompatible with the concept of peace, but I believe it's incompatible with the very purpose of faith — for the one rule that lies at the heart of every major religion is that we do unto others as we would have them do unto us.

Adhering to this law of love has always been the core struggle of human nature. For we are fallible. We make mistakes, and fall victim to the temptations of pride, and power, and sometimes evil. Even those of us with the best of intentions will at times fail to right the wrongs before us.

But we do not have to think that human nature is perfect for us to still believe that the human condition can be perfected. We do not have to live in an idealized world to still reach for those ideals that will make it a better place. The non-violence practiced by men like Gandhi and King may not have been practical or possible in every circumstance, but the love that they preached — their fundamental faith in human progress — that must always be the North Star that guides us on our journey.

For if we lose that faith — if we dismiss it as silly or naïve; if we divorce it from the decisions that we make on issues of war and peace — then we lose what's best about humanity. We lose our sense of possibility. We lose our moral compass.

Like generations have before us, we must reject that future. As Dr. King said at this occasion so many years ago, "I refuse to accept despair as the final response to the ambiguities of history. I refuse to accept the idea that the 'isness' of man's present condition makes him morally incapable of reaching up for the eternal 'oughtness' that forever confronts him."

Let us reach for the world that ought to be — that spark of the divine that still stirs within each of our souls.

Somewhere today, in the here and now, in the world as it is, a soldier sees he's outgunned, but stands firm to keep the peace. Somewhere today, in this world, a young protestor awaits the brutality of her government, but has the courage to march on. Somewhere today, a mother facing punishing poverty still takes the time to

teach her child, scrapes together what few coins she has to send that child to school — because she believes that a cruel world still has a place for that child’s dreams.

Let us live by their example. We can acknowledge that oppression will always be with us, and still strive for justice. We can admit the intractability of depravation, and still strive for dignity. Clear-eyed, we can understand that there will be war, and still strive for peace. We can do that — for that is the story of human progress; that’s the hope of all the world; and at this moment of challenge, that must be our work here on Earth.

Thank you very much. ■

From Islamophobia to “Islamophilia”:

Recollections from a Three-Week Sojourn
in Turkey

By Prof. Belinda F. Espiritu

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Turkey, the *mystic* and the *beloved*. These are two words I have chosen to capture my observations, insights, and recollections of Turkey during a three-week sojourn there with my husband, which was made possible through the sponsorship of a benevolent group of Turkish Naqshbandi Sufi Muslims. Our purpose in going to Turkey was two-fold: one, to go on a spiritual journey of Islamic philosophy, and two, to pursue our respective academic interests in intercultural communi-

cation by studying Turkish culture and communication behavior. I found out that Turkey is a country that is both *mystical* and *beloved*. “Mysticism” is “the belief that direct knowledge of God or ultimate reality is attainable through immediate intuition or insight or interior reflection” (The Merriam-Webster Dictionary, 2004). “Beloved” means “dearly loved” or “someone who is dearly loved”. In this essay, beloved also means “blessed” or conferred blessings upon. The aim of this essay is to show in what ways and for what reasons Turkey is both mystical and beloved, and thus provide a more in-depth understanding of this country, its people and their religion.

Turkey is a country where culture, civilization, nature, and history blend as to create a fabulous and mystical aura. Its natural environment is delicately interwoven with a history that includes Roman, Byzantine, and Ottoman times. As a country where many places are Biblical/Qur-anic and sacred, Turkey is also considered as a holy land. It is where the early seven Christian Churches can be found such as Smyrna, Ephesus, Sardis, Pergamum, Laodicea, Philadelphia, and Thyatira. In this country, the three great world religions – Judaism, Christianity, and Islam – meet and share some common roots. Turkey is the birthplace of Abraham, the father of the Jews, Christians, and Muslims; of Paul, the Christian evangelist; of Job, the suffering man who was rewarded for his faithfulness to God; and the place where Noah and his family alighted from the ark after the Great Flood subsided (which is in Mt. Agri, more popularly known as Mt. Ararat).

Turkish people are a beloved people for being pious, soft-hearted, and very loving. They are also beloved for their endearing cultural and communicative values and practices like community living, constant remembrance of God (*zikr*), regular prayers (*namaz*), inclination to form attachments to people they dearly love (*nisbah*) – whether alive or dead (even to Sufi saints (*eyliyaullah*) and great spiritual personages who are now in the next life) – sensitivity of heart, and ability to have a great depth of feeling, love, and compassion. In academic terms, they have a high social contextuality, highly developed civilization, and ethnic pride and identity, which are characteristically Turkish, Mediterranean, Asian and above all, Islamic. They value harmony in relationships, like all Asians; they value silence and contemplation; they value unity of nature and humans; they value refinement of manners and way of life in general which is reflected in their highly developed art, poetry, music, architecture, cuisine, perfumery, silver-smith, and other industries.

As a country that is located on the intersection point of Asian, European, and African continents, referred to

as the “Lands of the Old World”, Turkey is a country of “utmost strategic importance in the world with its geopolitical location” (Dogan, 2005, p. 15). It is generously endowed with divine gifts of all sorts of scenic wonders and is a unique bridge between Eastern and Western civilizations. It is linked to the oceans through the Black Sea, Marmara and Mediterranean seas, which encircle it on three sides. It is an elevated and mountainous country with all types and ages of geographical formations, and is replete with seas, rivers, streams, lakes, and plains as well as lands fit for husbandry and raising livestock. Located in the temperate zone, it is possible to enjoy the four seasons and different climates simultaneously in Turkey (Dogan, 2005, p. 20). Truly a blessed country – mystical even in its showcase of seasons, typography, geography, and peoples’ physical attributes, which are a mixture of Central Asian and Mediterranean features – Turkey deserves to be more widely known and recognized by people all over the world.

From Islamophobia to Islamophilia

In a time when Islamophobia is being played up by the media, a look at how beautifully Islam is practiced in Turkey can turn over Islamophobia into “Islamophilia”, a word I coin to refer to a deep appreciation of and even love for the Islamic religion, which can be experienced not only by Muslims but also persons who embrace other religions or philosophies in life.

The 600-year Ottoman rule in Sunni Turkey (1299-1923) enabled the institutionalization and practice of Islamic religion throughout the whole country as evidenced by the fact that 99% of Turkey now is Muslim, while the remaining 1% can be grouped as Orthodox, Catholic, Protestant, Armenian, Jew, and Assyrian. Mosques reverberating with Arabic chants and suffused with silence and solemnity abound in Turkey. Faucets and fountains for the ritual washing (*wudhu*) before prayers are available in every mosque, whether outside or inside it. The sound of water drops from the fountains or faucets is a source of contemplation of Allah’s creative act, wisdom, and power.

The call to prayer (*adhan*) which can be heard at appointed times shows how spirituality is part and parcel of the Turkish way of life as the Turkish people piously go to the mosques or pray at their homes facing the Kaaba in Mecca to worship Allah. I was there to see how the Turkish people constantly remember God, worship Him profoundly with their prostrations on the floor, bow altogether and prostrate altogether, while some engage in individual or private prayers in corners of the mosques. The Turks engage themselves in the contemplation of God, or *tafakkur* in Arabic, which manifests their constant striving to keep connected with Allah in their hearts.

On our second night in Turkey, we had the privilege to watch *whirling dervishes*, or Mawlawi disciples on the path of spiritual perfection who perform whirling dances that are mystical in nature. These whirling motions or dances could be interpreted as the sign of their intoxication with the thought of God who keeps things in motion in the universe, or a sign of their intoxication with love for God. The motions they perform are symbolically spiritual. The dervishes, or disciples, who wear white as a symbol of their burial shroud and “entering the Ocean of Love”, perform a series of bows as a sign of respect and obeisance to their spiritual master who is with them on the platform. From a criss-crossed posture of their arms and hands touching their shoulders, they then move their arms slowly from below going up beyond their heads to signify their growth in spiritual maturity. They then spread their arms outwards and whirl and whirl in ecstasy or in imitation of the motions set and kept by God in the universe – the motion of the atoms in the nucleus, the motion of the planets in the solar systems, the cycle of life and seasons on the earth. The existence of groups of whirling dervishes speaks of the mystical bent of the Turkish people, of their desire to keep their minds and hearts turned to God, to be so lost in Him, or to be constantly connected to Him in one’s heart. Dervishes’ lodges were many before Kemal Ataturk, the father of secular Turkey, ordered them closed, which is the reason why whirling dervishes’ motions are now performed like cultural presentations in theaters big or small.

The Turkish people constantly remember death and keep their attachments with their beloved spiritual masters and honored personages by making their tombs into shrines (*mazhars*) where people can constantly visit. Our visit in these tombs was part of our spiritual journey in Turkey as we praised God for the lives of these saints. Some of these saints’ tombs are grounds open to the sky so that the rain can fall on their graves, and the roses planted on them can bloom beautifully during spring and summertime. The rain symbolizes God’s mercy and compassion (*rahma*), while the rose symbolizes the human soul beautified and nourished by God’s mercy.

The constant use of religious expressions like *Inshallah* (If Allah wills or God willing), *Mashaallah* (Allah is wonderful!), *Elhamdulillah* (Praise be to Allah), *Subhanallah* (Glory be to Allah!), and others make the Turks unabashedly pious, which means that being God-absorbed is a natural part of their consciousness and daily life. I found out that *madrassas* or Quranic schools for boys and girls are found all over Turkey for learning Qur-an and other Islamic precepts and teachings. *Sohbets*, which are equivalent to Christian fellowships and Bible study groups, are regularly done

in Turkey for boys' groups, girls' groups, men's groups, women's groups, or by families.

That Islam is beautifully practiced in Turkey is even more manifested in the presence of soup kitchens for the poor, scholarships for poor students in the Qur-anic schools, an orphanage for the orphaned children of Bosnia, and the *vakfi* or endowment foundations to help the needy. Muslims before their death can bequeath their wealth in the form of foundations to provide for the immediate needs of the destitutes like food, coal or wood for burning during winter, clothing especially winter clothes, and education. I have seen a few such foundations like the Sumuncu Baba foundation in the city of Bursa. Sumuncu Baba Hazretleri was a holy man in Bursa City who was filled with compassion for the poor that he himself baked bread and distributed these to the hungry during the 13th century. When he died, a Foundation was made in honor of him which exists up to the present. This Foundation continues to bake the same kind of bread that Sumuncu Baba himself baked when he was still alive for distribution to the poor. The Sumuncu Baba Foundation also gives winter clothing to the poor, facilitates medical services to the sick and needy, and provides scholarship to poor students. The Gypsies in Turkey are among the recipients of the charities given by the Sumuncu Baba Foundation.

A Culture of Sobriety, Restraint, Refinement, Sensitivity, and Love

Turkish Muslims practice the segregation of men and women in schools and during meal times to practice restraint in interaction between the opposite sexes. Muslims are known for their modesty in their attire both for men and women, but especially for the women who can only show their faces, hands, and feet to men that with whom they are not related. Touching between the opposite sexes, if they are not members of the same family or extended family, is also prohibited. This way, they prevent flirtations between the opposite sexes and preserve chastity and fidelity in marriages. The problems of premarital sex and teenage pregnancies are very minimal in Turkey compared to societies where there is so much more freedom for men and women to freely mingle with each other. Most Turkish men are married to only one wife, which further shows their restraint and spirituality.

I also noticed the formality of attire and the sobriety and refinement of manners of the Turks. I did not see Turks laughing aloud or teasing one another in public, and certainly no public drinking of alcoholic beverages for the sake of getting wild and drunk. When we rode in a bus from Istanbul to Bursa City, my husband and I were impressed by the conductor who served us like an airplane flight attendant. He was wearing a tuxedo and

he served us food and drinks during the three-hour trip to Bursa Sharif, the city where the Ottoman rulers originally made their first capital. The Turks behave with a refined manner—a refinement that is reflected in the cleanliness of their surroundings, the minimizing of air and water pollution, the absence of noise pollution, and the artistic bent as shown even in the way they artfully arrange their fishes, fruits, and vegetables for sale in their shops. The refinement of the Turks' ways and manners was engendered by their pious observance of Islam not only in its form but also in spirit (*tassawuf*), which means practicing Islam as a religion of love and compassion, of high morality and justice, of knowledge and wisdom, moderation, and of kindness and good behavior (Osman Nuri Topbas Effendi, 2003, pp. 9-11).

Turkish cuisine also reflects the refinement and the blessedness of the Turkish people. The evolution of the glorious cuisine of Turkey was a result of the combination of three key elements: "a nurturing environment, the imperial kitchen, and a long social tradition" (Sancar, 2005). Turkey is blessed with an abundance and diversity of foodstuff due to its rich flora, fauna and regional differentiation. Secondly, the hundreds of cooks who were all eager to please the royal palate contributed to the perfection of the Turkish cuisine. Thirdly, the longevity of the social organization, which is a millennium old, led to the evolution and perfection of a grand Ottoman cuisine. A rich variety of food found only in Mediterranean areas can be found in Turkey such as dates, figs, olives, other kinds of fruits and nuts, and different kinds of cheese. Some of the examples of Turkish cuisine which put to shame the "life-diminishing" Western fast foods nowadays are the stuffed pastries known as *borek*, stuffed vegetables known as *dolma*, *kebab* or grilled meat (of sheep), and *helva* desserts. Turks are also fond of fresh vegetable salads and, of course, yoghurt, which is their contribution to the world.

Turkish cuisine reflects as well the people's spirituality through symbolism and practice (Sancar, 2005). Examples of a religious tradition imbued with food metaphors are found in Sufism (which is the essence of Islamic spirituality); particularly in the poetry of the 13th century mystic from Konya, Turkey named Mevlana Celaleddin Rumi, and in the verses of classical Turkish poetry and music (Sancar, 2005). Mevlana in his magnum opus, "Mathnawi" tells the story of the chickpea which complained to the woman cooking it as it was cooked in boiling water to make it soft and fit for human intake. The story of the chickpea describes the suffering of the soul before its arrival at Divine Love. The peasant eating the dessert known as "helva" for the first time symbolizes the discovery of Divine Love by the follower of the Sufi Order. The squeezing of the sour

grapes into wine represents the maturation of the human soul, and experiencing Divine Love is described by the metaphor of “intoxication” (Sancar, 2005). Dr. Fahriye Sancar writes that these mystical ideas are still very much alive in present-day Turkey, where food and drinks are enjoyed with recitations of mystical poetry and dignified conversation (2005). Endless drinking of tea follows the meal, serving as the time for fellowship. When families receive guests, the women eat and fellowship with women; the men eat and fellowship with men. This practice shows the restraint practiced by the Turks in communication as they place much discipline and ordering of interaction in consideration of gender differences.

There are many customs or non-verbal and verbal ways of communicating affection that the Turks practice such as hugging and kissing (men to men and women to women), placing one’s hands in between the other person’s hands and then rubbing the palms of one’s hands in one’s face as a way of appropriating the blessings of God coming from the person, and the giving of presents to their guests. Turkish Muslims also rub their palms in their faces after making supplications to God as a sign of appropriating God’s blessings to one’s self. The most heartwarming custom or nonverbal means of communicating affection of all is *placing one’s hand on one’s heart as a way of greeting a person, either in welcoming or saying goodbye to a person, to mean that one will keep the person in one’s heart, or that one feels love for the other person*. In my three-week sojourn in Turkey, I had hugged and had been hugged by so many Muslim sisters as I was brought from house to house for meals and *sohbets*. I hugged them lightly or at times tightly, kissed them, placed my hands in between theirs, and placed my right hand on my heart in greeting or saying goodbye to both sisters and brothers. Turks also express their love and affection for a fellow sister or a fellow brother by saying “I love you” for this love to be known by the other person.

Reflections from our Three-week Sojourn in Turkey

The insights I gained from my three-week sojourn in Turkey has societal implications. These insights have been enriched by the ideas from *Sufi Wisdom*, a magazine which propagates Sunni Islamic spirituality in Turkey and by the ideas of a Filipino Christian humanitarian activist named Howard Dee. These insights are listed and explained below:

In our society, we need to bring back an appreciation of silence and contemplation in our lives.

Our society which is heavily influenced by the secularizing forces from the West has become filled with noise

from the media and from those we create that we failed to listen to “the sound of water drops or rain drops” or “gaze at a nature’s work of art” to appreciate life’s mysteries, or to contemplate the Divine Creator of these things. A Sufi master in Turkey wrote about this poignantly: “*For those who can hear, there are many different songs that emanate from a delicate flower, a singing nightingale, and a flowing river. Nights tell countless stories. For those who are aware, how many morning breezes are there those arrive with the winds?*” (Osman Nuri Topbas Effendi, Fall 2005, p. 21).

Rabia Broadbeck, a very reflective Swiss woman who converted to Islam, has this to say about the rat race in our society and its capitalist, consumerist spirit:

Modern man is running around talking, trading, shuffling for personal profit, which means he is occupied with nothing else other than himself. He forgot silence, and how to listen to the silence of the heart’s speech. In other words, he lost the capacity to love, which is due the fact that he forgot the Lord of all the worlds. This world is robbed of its own substance; we lost our roots (November 2006, p. 13).

The thrust of our educational system is towards developing science and technology for the development of our country. There is nothing wrong with this, but too much emphasis on scientific advances and technological development to the neglect of the spiritual dimension makes the things we do so mechanical and soulless. Science and religion can complement each other if we do not divorce them from one another.

We have neglected a sense of restraint and sobriety in our society. We need to bring back and cultivate a sense of modesty, moderation, gentle manners, and a sense of discipline in our daily conduct.

In our very free society, we need to put a sense of restraint and discipline in the way we dress up, the way we talk, the way we behave towards one another particularly with the opposite sex, the way we behave towards our surroundings and country as a whole. Both men and women need to keep a sense of modesty and propriety in the way we dress up, upholding moral virtue in every way we comport ourselves. In this way, we will behave like nobles and act nobly towards our surroundings. This would engender cleanliness, order, and discipline in our physical surroundings such as in the streets and public establishments.

The restraint and refinement of the Turkish way of life stands in contrast with the spontaneity and excessive freedom of the West. Spontaneity needs to be bal-

anced by restraint and refinement of manners. Spontaneity is good when done with refinement of manners, but spontaneity alone can lead to immodesty in the way we dress, to rudeness in the way we talk and speak to one another, to callousness in the way we deal with our environment like carelessly using unrefined fuel for our vehicles and polluting our land, bodies of water, and air. Refinement of manners entails living more seriously and developing our spirituality as a people—both Christian and Muslim. By living more seriously our spirituality as a people will result into a greater respect and love for God and one another; more gentleness in our speaking and acting; more modesty in our comportment; and more refined behavior in dealing with one another and with our environment. These will further lead to the elimination of discord, division, bickering, graft and corruption, and insensitivity to the plight of the poor around us.

We need to emphasize Muslim-Christian unity at a time when some malevolent forces try to foment conflict between these two main religions in the world.

At a time when Islamophobia is being played up by the media, the essential nature of Islam - a religion of love and mercy – needs to be shown to the world. Instead of pitting one against the other, Christians and Muslims need to affirm their unity despite their differences in beliefs and practices.

My three-week sojourn in Turkey was made possible through the kindness of some very good and pious Naqshbandi Sufi Muslims who treated us with great kindness, generosity, and hospitality. My cultural immersion in Turkey enabled me to eat with many Muslim sisters, talk and share with them about different things, express love and affection for them through hugging and kissing, and even pray with them. These made me feel a sense of oneness with all Muslim brothers and sisters not just in Turkey but all over the world.

It will be good to reflect on what Fatma Sezai wrote about “seeing humanity as one community, one body, one brotherhood”:

Human beings should see themselves as inhabitants of the world, living in a global consciousness, enjoying a multicultural education. This is the Islamic consciousness; seeing humanity as one community, one body, one brotherhood (Sezai, Jan./Feb. 2007, p. 13).

I will argue, however, that this is not just the Islamic consciousness—this is spiritual consciousness of Christians as well, and of any person of good will. People all over the world need to unite themselves to

fight against the common global problems of injustice and exploitation of the helpless by the powerful, environmental abuse, and abuse of human relationships. Instead of reinforcing hostility between Christians and Muslims, we need to see that we cannot and “should not dispel darkness with darkness”; “we cannot fight evil by committing evil”; we cannot and “should not answer aggression with aggression”, hate with hate, hostility with hostility (Sezai, Jan./Feb. 2007, p. 13) but only by forgiveness and love. We need rather to cultivate a deep appreciation and understanding of each other’s religion. If differences exist, we can emphasize what are common among us such as respect for the Creator, love for all human beings, and care for all animate and inanimate things on the earth.

We need to foster sensitivity to the needs of the poor and the oppressed, and to work for social justice – even to the point of institutionalizing zakat or charity to the poor.

One painful truth in today’s world is the exploitation of the powerful against the helpless which have reached dangerous proportions. There is “the rapidly growing gap between the rich and the poor, the strong and the weak, the owners and the suppressed, the privileged and the underprivileged, between military supremacy and the minorities” (Sezai, Jan./Feb. 2007, p. 13). What happened is that the West is suffering from indigestion, boredom, and suffocation, while the East is suffering from hunger (Sezai, Jan./Feb. 2007, p. 13).

Capitalism, which now dominates the world’s economic and political systems, promising global prosperity for all, resulted to the share of the poorest of the world’s peoples being reduced by half in the last decade of globalization, rendering the poor even poorer. The result is “the alienation of the poor masses of peoples amid great prosperity” (Dee, 2003, p. 6). In my country, the Philippines, for example, forty percent of Filipinos live in sub-human destitute conditions. Howard Dee frighteningly observed that in the Philippines, injustice is institutionalized in the presence of a new breed of terrorists—prominent persons in society using law enforcement agencies and courts of justice to bring injustice, accompanied with death, upon helpless tribal and minority communities (Dee, 2003, p. 10).

Sufi Islam in Turkey benevolently promoted the public establishment of soup kitchens for the hungry and the giving of charity to the poor and the needy. In the Philippines where Christianity is the predominant religion, both Catholic and Protestant Churches together with the business sector must assist government to reform itself, “to bring about good and humane governance, to render public service beyond self, to provide our poor a preferential advantage with dignity, to

enforce the law fairly and fearlessly, and to cleanse itself of all that is unjust and corrupt” (Dee, 2003, p. 13). There is an urgent need to “save our poor from their degradation, return to them their human dignity and for their children a future....” (Dee, 2003, p. 13).

Epilogue

These are my insights and recollections of Turkey, as my husband and I had the wonderful privilege of immersing ourselves in it to glimpse at the beauty of the place, to know its culture, and to interact and even make friends with its people. We were in awe of its beauty, impressed by its high form of civilization, touched by the generosity and warmth of its people, and spiritually reenergized by its mystical quality. Yet, I also perceived that a struggle is going on in Turkey between the mystical quality of its Islamic spirituality and the advent of secularizing forces from the West. Nevertheless, its mystical nature shines through, reverberating in its glorious mosques, in the blessed shrines and tombs of Sufi saints and of their departed, and in the inner silence in the hearts of its contemplative people.

Through the passing of time, Turkey has retained its mystical and blessed quality. It will always remain beloved for its people, its fascinating history and culture, and its geographical wonders. Lastly, I have come to realize that Turkey and its people have become and will always remain beloved to my heart. ■

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[The following article is reproduced, with minor changes, from Chapter Three of the book “The Religion of Islam” by Maulana Muhammad Ali. This article provides a thorough review of the concept of “Ijtihad” (or exercise of judgment) as a source of law, in addition to the Quran and Hadith/Sunnah, in Islam. The purpose of publishing this article is to rebut the common allegation that Islamic law (or shariah) requires following strict, rigid rules that may not necessarily apply to new situations. Far from repressing the use of reasoning and exercise of judgment, the entrenched doctrine of Ijtihad in Islam, as clearly outlined in this article, encourages independence of thought and promotes the application of new rules (albeit within the scope of the broad principles outlined in the Quran and hadith/sunnah) to address ever-changing times.]

CHAPTER III

IJTIHĀD OR EXERCISE OF JUDGEMENT

Ijtihād is the third source from which the laws of Islām are drawn. The word itself is derived from the root *jahd* which means *exerting oneself to the utmost* or *to the best of one’s ability*, and *Ijtihād*, which literally conveys the same significance, is technically applicable to a lawyer’s *exerting the faculties of mind to the utmost for the purpose of forming an opinion in a case of law respecting a doubtful and difficult point* (LL.).

Value of reason recognized

Reasoning or the exercise of judgement, in theological as well as in legal matters, plays a very important part in the religion of Islām, and the value of reason is expressly recognized in the Holy Qur’ān, which is full of exhortations like the following: “Do you not reflect?” “Do you not understand?” “Have you no sense?” “There are signs in this for a people who reflect;” “There are signs in this for a people who understand;” and so on. Those who do not use their reasoning faculty are compared to animals, and spoken of as being deaf, dumb and blind:

“And the parable of those who disbelieve is as the parable of one who calls out to that which hears no more than a call and a cry. Deaf, dumb, blind, so they have no sense” (2:171).

“They have hearts wherewith they understand not, and they have eyes wherewith they see not, and they have ears wherewith they hear not. They are as cattle; nay, there are more astray” (7:179).

“The vilest of beasts in Allāh’s sight are the deaf, the dumb, who understand not” (8:22). “Or thinkest thou that most of them hear or understand? They are but as the cattle; nay, they are farther astray from the path” (25:44).

While those who do not exercise their reason or judgement are condemned, those who do it are praised:

“In the creation of the heavens and the earth and the alternation of the night and the day, there are surely signs for men of understanding. Those who remember Allāh standing and sitting and (lying) on their sides, and reflect on the creation of the heavens and the earth” (3:190, 191).

The Holy Qur’ān does recognize revelation as a source of knowledge higher than reason, but at the same time admits that the truth of the principles established by revelation may be judged by reason, and hence it is that it repeatedly appeals to reason and denounces those who do not use their reasoning faculty. It also recognizes the necessity of the exercise of judgement in order to arrive at a decision: “But if any news of security or fear comes to them, they spread it abroad. And if they had referred it to the Messenger and to those in authority among them, those of them who can *search out the knowledge* of it would have known it” (4:83).¹

The verse recognizes the principle of the exercise of judgement which is the same as *Ijtihād*, and though the occasion on which it is mentioned is a particular one, the principle recognized is general.

The Holy Prophet allowed exercise of judgement in religious matters

The exercise of judgement (*ijtihad*) is recognized in Ḥadīth as the means by which a decision may be arrived at when there is no direction in the Holy Qur’ān or Ḥadīth. The following ḥadīth is regarded as the basis of *Ijtihād* in Islām: “On being appointed Governor of Yaman, Mu’ādh was asked by the Holy Prophet as to the rule by which he would abide. He replied “By the law of the Holy Qur’ān.’ ‘But if you do not find any direction therein’, asked the Holy Prophet. ‘Then I will act according to the practice (*Sunnah*) of the Holy Prophet,’ was the reply. ‘But if you do not find any direction therein,’ he was again asked. ‘Then I will exercise my judgement (*ajtahidu*) and act on that,’ came the reply. The Holy Prophet raised his hands and said: ‘Praise be to Allāh Who guides the messenger of His Apostle as He pleases’ ” (AD. 23:11). This ḥadīth shows not only that the Holy Prophet approved of the exercise of judgement, but also that his Companions

were well aware of the principle, and that reasoning or exercise of judgement by others was freely resorted to when necessary, even in the Holy Prophet’s lifetime.

Exercise of Judgement by the Companions

It is a mistake to suppose that the exercise of judgement to meet the new circumstances only came into vogue with the four great jurists (*Imāms*) whose opinion is now generally accepted in the Islamic world. The work had begun, as already shown, in the Holy Prophet’s lifetime, since it was impossible to refer every case to him. After the Holy prophet’s death, the principle of *Ijtihād* obtained a wider prevalence, and as new areas were added to the material and spiritual realm of Islām, the need of resorting to the exercise of judgement became greater. Nor did the Caliphs arrogate all authority to themselves. They had a council to which every important case was referred, and its decision by a majority of votes was accepted by the Caliph as well as by the Muslim public. Thus Suyūṭī writes in his *History of the Caliphs* on the authority of Abū al-Qāsim Baghwi reporting from Maimūn son of Mihrān: “When a case came before Abū Bakr (the first Caliph), he used to consult the Book of God; if he found anything in it by which he could decide, he did so; if he did not find it in the Book, and he knew of a practice or saying of the Messenger of God, he decided according to it; and if he was unable to find anything there, he used to question the Muslims if they knew of any decision of the Holy Prophet in a matter of that kind, and a company of people thus gathered round him, every one of whom stated what he knew from the Holy Prophet, and Abū Bakr would say, ‘Praise be to God Who had kept among us those who remember what the Holy Prophet said’; but if he was unable to find anything in the practice of the Holy prophet, he gathered the heads of the people, and the best of them, and consulted them, and if they agreed upon one opinion (by a majority) he decided accordingly.”²

It is true that it was not exactly a legislative assembly in the modern sense, but the nucleus of a legislative assembly can clearly be seen in this council which decided all important affairs and, when necessary, promulgated laws. It was also supreme in both religious and temporal matters. The same rule was followed by ‘Umar, the second Caliph, who resorted to *Ijtihād* very freely, but took care always to gather the most learned Companions for consultation. When there was a difference of opinion, the decision of the majority was acted upon. Besides this council, there were great individual

teachers, such as ‘A’ishah, Ibn ‘Abbās, Ibn ‘Umar and others, whose opinion was highly revered. Decisions were given and laws made and promulgated subject only to the one condition that they were neither contrary to the Holy Qur’ān nor to the practice of the Holy Prophet.

Great Jurists: Imām Abū Hanifah

In the second century of the Hijrah era arose the great jurists who codified the Islamic law according to the need of their time. The first of these, and the one who claims the allegiance of the greater part of the Muslim world, was Abū Ḥanifah Nu‘mān ibn Thābit, born in Baṣrah in 80 A.H. (699 A.D.), a Persian by descent. His centre of activity, however, was Kūfah, and he passed away in 150 A.H. (767 A.D.). The basis of his analogical reasoning (*qiyās*) was the Holy Qur’ān, and he accepted Ḥadīth only when he was fully satisfied as to its authenticity; and, as the collectors had not yet commenced the work of collection, and Kūfah itself was not a great centre of that branch of learning, naturally Abū Ḥanifah accepted very few ḥadīth, and always resorted to the Holy Qur’ān for his juristic views. Later on when Ḥadīth was collected, and was more in vogue, the followers of the Ḥanafī system — as Abū Ḥanifah’s school of thought was called — introduced into it more ḥadīth. Abū Ḥanifah had two famous disciples, Muḥammad and Abū Yūsuf, and it is mostly their views of the great master’s teaching that now form the basis of the Ḥanafī system. Abū Ḥanifah was a man of highly independent character, and when, towards the close of his life, the then Muslim Government wanted to win him over to its side, he preferred imprisonment to an office which would have interfered with his independence of thought. His system is not only the first in point of time but is also that which claims allegiance from the great majority of Muslims, and a development of which on the right lines would have resulted in immense benefit to the Muslim world. It was he who first directed attention to the great value of analogical reasoning (*qiyās*) in legislation. He also laid down the principle of equity, whereby not only could new laws be made, but even logical conclusions could be controverted when proved inequitable. He recognized the authority of customs and usages, but exercised and inculcated independence of judgment to such an extent that he and his followers were called “upholders of private judgement” (*ahl al-ra’y*) by the followers of other schools.

Imām Mālik

The second famous jurist, Mālik ibn Anas, was born in Madinah in 93 A.H. (713 A.D.); he worked and died there at the age of eighty-two. He limited himself almost entirely to the ḥadīth which he found in Madinah, relating more especially to the practice which prevailed there, and his system of jurisprudence is based entirely on the Ḥadīth and practices of the people of Madinah. He was scrupulously careful in giving judgement, and whenever he had the least doubt as to the correctness of his decision, he would say: “I do not know.” His book, *Muwatṭā*, though a comparatively small collection of Ḥadīth, and limited only to the ḥadīth and practices of the people of Madinah, is the first work of its kind, and one of the most authoritative.

Imām Shāfi‘i

The third jurist, Abū Abd Allāh Muḥammad ibn Idrīs al-Shāfi‘i, was born in Palestine in the year 150 A.H. (767 A.D.). He passed his youth at Makkah, but he worked for the most part in Egypt, where he died in 204 A.H. In his day he was unrivalled for his knowledge of the Holy Qur’ān, and took immense pains in studying the Ḥadīth, travelling from place to place in search of information. He was intimately acquainted with the Ḥanafī and the Mālikī schools of thought, but that which he himself founded was based largely on Ḥadīth, as distinguished from the Ḥanafī system which was founded on the Holy Qur’ān and made very little use of Ḥadīth. Over the Mālikī system, which is also based on Ḥadīth, it had this advantage that the Ḥadīth made use of by Shāfi‘i was more extensive, and was collected from different centres, while Mālik contented himself only with what he found at Madinah.

Imām Aḥmad

The last of the four great jurists was Aḥmad ibn Ḥanbal, who was born in Baghdād in 164 A.H. and died there in 241. He too made a very extensive study of Ḥadīth, his famous work on the subject — the *Musnad* of Aḥmad ibn Ḥanbal — containing nearly thirty thousand ḥadīth. This monumental compilation, prepared by his son ‘Abd Allāh, was based on the material collected by the Imām himself. In the *Musnad*, however, as already remarked, ḥadīth are not arranged according to subject-matter but according to names of the Companions to whom they are ultimately traced. Though the *Musnad* of Aḥmad contains a large number of ḥadīth, it does not apply those strict rules of criticism

favoured by men like Bukhārī and Muslim. It was indeed only an arrangement according to subject-matter that made a criticism of Ḥadīth possible, and the *Musnads*, in which reports relating to the same matter were scattered throughout the book, could not devote much attention to the subject matter, and were not even sufficiently strict in scrutinizing the line of transmission. Accordingly, the *Musnad* of Aḥmad cannot claim the same reliability as regards its material as can the collections of the other famous collectors. From the very nature of his exertions, it is evident that Aḥmad ibn Ḥanbal made very little use of reasoning, and as he depended almost entirely on Ḥadīth, the result was that he admitted even the weakest report. It would thus appear that from the system of Abū Ḥanīfah, who applied reasoning very freely and sought to deduce all questions from the Holy Qur’ān by the help of reason, the system of Aḥmad ibn Ḥanbal is distinguished by the fact that it makes the least possible use of reason, and thus there was a marked falling off in the last of the four great jurists from the high ideals of the first, so far as the application of reason to matters of religion is concerned. Even the system of Abū Ḥanīfah himself deteriorated on account of the later jurists of that school not developing the master’s high ideal, with the consequence that the world of Islām gradually gave up reasoning or exercise of judgement (*Ijtihād*) and stagnation reigned in the place of healthy development.

Different methods of formulating new laws

The four Jurists (*Imāms*) who are accepted by the entire *Sunnī* world of Islām, are thus agreed in giving an important place in legislation to *Ijtihād*, and the *Shī‘as* attached to it an even greater importance.³ In fact, the sphere of *Ijtihād* is a very wide one, since it seeks to fulfil all the requirements of the Muslim community which are not met with expressly in the Holy Qur’ān and the Ḥadīth. The great jurists of Islām have endeavoured to meet these demands by various methods, technically known as *qiyās* (analogical reasoning), *istiḥṣān* (equity), *istiṣlāh* (public good), and *istidlāl* (inference). Before proceeding further, a brief description of these methods may be given to show how new laws are evolved by adopting them.⁴

Qiyās or reasoning based on analogy

The most important of these methods, and the one which has almost a universal sanction, is *qiyās*⁵ which may be described as ‘reasoning based on analogy’. A

case comes up for decision, which is not expressly provided for either in the Holy Qur’ān or in the Ḥadīth. The jurist looks for a case resembling it in the Holy Qur’ān or in Ḥadīth, and, by reasoning on the basis of analogy, arrives at a decision. Thus it is an extension of the law as met with in the Holy Qur’ān and Ḥadīth, but it is not of equal authority with them, for no jurist has ever claimed infallibility for analogical deductions, or for decisions and laws which are based on *qiyās*; and it is a reorganized principle of *Ijtihād* that the jurist may err in his judgement. Hence it is that so many differences of juristic deductions exist even among the highest authorities. From its very nature the *qiyās* of one generation may be rejected by a following generation.

Istiḥṣān or Exercise of Private Judgement and Istiṣlāh or Deduction based on Public Good

Istiḥṣān,⁶ in the terminology of the jurists, means the *exercise of private judgement, not on the basis of analogy but on that of public good or the interest of justice*. According to the Ḥanafī school, when a deduction based on analogy is not acceptable either because it is against the broader rules of justice or because it is not in the interest of the public good, and is likely to cause undue inconvenience to those to whom it is applied, the jurist is at liberty to reject the same, and to adopt instead a rule which is conducive to public good, or is in consonance with the broader rules of justice. This method is peculiar to the Ḥanafī system, but owing to strong opposition from the other schools of thought, it has not, even in that system, been developed to its full extent. The principle underlying it is, however, a very sound one and is quite in accordance with the spirit of the Holy Qur’ān. There is, moreover, less liability to error in this method than in far-fetched analogy, which often leads to narrow results opposed to the broad spirit of the Holy Book. In the school of Imām Mālik, a similar rule is adopted under the name of *istiṣlāh* which means “*a deduction of law based on considerations of public good*”.

Istidlāl or inference

Istidlāl literally signifies *the inferring of one thing from another*, and the two chief sources recognized for such inferences are customs and usages, and the laws of religions revealed before Islām. It is admitted that customs and usages which prevailed in Arabia at the advent of Islām, and which were not abrogated by Islām, have the force of law. On the same principle, customs and

usages prevailing anywhere, when not opposed to the spirit of the teachings of the Holy Qur’ān or not forbidden by it, would be admissible, because, according to a well-known maxim of the jurists, “permissibility is the original principle,” and therefore what has not been declared unlawful is permissible. In fact, as a custom is recognized by a vast majority of the people, it is looked upon as having the force of *Ijmā’*, and, hence, it has precedence over a rule of law derived from analogy. The only condition required is that it must not be opposed to a clear text of the Holy Qur’ān or a reliable *ḥadīth* of the Holy Prophet. The Ḥanafī law lays special stress on the value of customs and usages.⁷ As regards laws revealed previous to Islām, opinion is divided. Some jurists hold that all such laws as have not been expressly abrogated have the force of law even now, while others argue that they have not. According to the Ḥanafī school, those laws of the previous religions are binding which have been mentioned in the Holy Qur’ān without being abrogated.

Three degrees of *Ijtihād*

Later jurists speak of three degrees of *Ijtihād*, though there is no authority for this in either the Holy Qur’ān or the *Ḥadīth* or in the writings of the great Imāms. These three are: exercise of judgement in legislation (*ijtihād filshar’*) in a juristic system, (*Ijtihād fil-madhab*), and in particular cases (*Ijtihād fil-masā’il*). The first kind of *Ijtihād* (exercise of judgement) in the making of new laws, is supposed to have been limited to the first three centuries and, practically, it centres in the four Imāms who, it is thought, codified all law and included in their systems whatever was reported from the Companions and the generation next to them (*Tābi’in*). Of course, it is not laid down in so many clear words that the door of *Ijtihād* for making laws is closed after the second century of Hijrah, but it is said that the condition necessary for a jurist of the first degree have not been met with in any person after the first four Imāms, and it is further supposed that they will not be met with in any person till the Day of Judgement. These conditions are three: a comprehensive knowledge of the Holy Qur’ān in its different aspects, a knowledge of the *Ḥadīth* with its lines of transmission, text and varieties of significance, and a knowledge of the different aspects of *qiyās* (reasoning).⁸ No reason is given why these conditions were met with only in four men in the second century of Hijrah, and why they were not met with in any person among the Companions or in the first century. It is an assertion without a basis. The second degree of *Ijtihād* — exer-

cise of judgement in a juristic system — is said to have been granted to the immediate disciples of the first four Imāms. Muḥammad and Abū Yūsuf, the two famous disciples of Abū Ḥanīfah, belong to this class, and their unanimous opinion on any point must be accepted, even if it goes against that of their master. The third degree of *Ijtihād* — pertaining to particular cases — was attainable by later jurists who could solve special cases that came before them which had not been decided by the jurists of the first two degrees, but such decisions must be in absolute accordance with the opinion of the latter. The door of such *Ijtihād* is also supposed to have been closed after the sixth century of Hijrah. And at present, it is said, there can be only *muqallidīn*, literally “those who follow another in what he says or does, firmly believing him to be right therein, regardless of proof or evidence.” They may only quote a decision (*fatwā*) from any of the earlier authorities, or when there are differing opinions of the earlier jurisconsults they can choose one of them, but they cannot question the correctness of what has been said. Thus *Ijtihād* which was never considered to be an absolute authority by the great Imāms or their immediate disciples is now practically placed on the same level with the Holy Qur’ān and the *Ḥadīth* and hence no one now is considered to be fit for *Ijtihād*.

The door of *Ijtihād* is still open

But it is a mistake to suppose that the door of *Ijtihād* was closed after the four Imāms mentioned above. It is quite clear that the free exercise of judgement was allowed by the Holy Qur’ān, while both the Holy Qur’ān and the *Ḥadīth* explicitly allowed analogical deduction (*istinbāt*), and it was on the basis of these directions that the Muslim world continued to exercise its judgement in making laws for itself. The Companions made use of it even in the Holy Prophet’s lifetime, when it was not convenient to refer a matter to him personally; and after his death, as new circumstances arose, new laws were made by a majority of the Caliph’s council and new decisions given by the learned among the Companions; the next generation (*Tābi’ūn*) added upto the knowledge of the Companions; and each succeeding generation, not satisfied with what the previous one had achieved, freely applied its judgement.

The second century saw the four great luminaries appear on the horizon of *Ijtihād*, and the appearance of these great jurists one after another, each evidently dissatisfied with what his predecessor had achieved, is another conclusive argument that Islām permitted

human judgement to be exercised freely to meet new circumstances. Mālik was not content with what his great predecessor Abū Ḥanīfah had accomplished, nor Shāfi‘ī with what his two predecessors had done; and in spite of the three having practically exhausted the well of jurisprudence, Aḥmad ibn Ḥanbal gave to a world, whose thirst for knowledge was ever on the increase, the result of the application of his own judgement. The great jurists not only applied their judgement to new circumstances but they also differed in their principle of jurisprudence, which shows that no one of them considered the others infallible. If they were not infallible then, how did they become such after so many centuries when the mere lapse of time necessitated new legislation to meet new requirements? That the Holy Prophet opened the door of *Ijtihād* is only too clear, that he never ordered it to be closed after a certain time is admitted on all hands; and even the great Imāms never closed that door. Neither Abū Ḥanīfah, nor Mālik, nor Shāfi‘ī, nor yet Aḥmad ibn Ḥanbal ever said that no one after him shall be permitted to exercise his own judgement, nor did any one of them claim to be infallible; neither does any book on the principles of jurisprudence (*uṣūl*) lay down that the exercise of a man’s own judgement for the making of new laws was forbidden to the Muslims after the four Imāms, nor yet that their *Ijtihād* has the same absolute authority as the Holy Qur’ān and the Ḥadīth.

Ijtihād was a great blessing to the Muslim people; it was the only way through which the needs of succeeding generations and the requirements of different races merging into Islām could be met. Neither the Holy prophet, nor any of his Companions, nor any of the great jurists ever said that Muslims were forbidden to apply their own judgement to new circumstances and the ever changing needs of a growing community after a certain time; nor has any one of them said, what in fact no one could say, that no new circumstances would arise after the second century. What happened was that the attention of the great intellects of the third century was directed towards the collection and criticism of the Ḥadīth. On the other hand, the four Imāms rose so high above the ordinary jurists that the latter were dwarfed into insignificance, and the impression gained ground gradually that no one could exercise his judgement independently of the former. This impression in its turn led to limitations upon *Ijtihād* and the independence of thought to which Islām had given an impetus. Being thus restrained by a false impression, the intellect of Islām suffered a heavy loss and the increasing demand

of knowledge being brought to a standstill, stagnation and ignorance took its place.

Independence of thought recognized

The Holy Qur’ān recognizes independence of opinion for one and all, and requires that absolute obedience be given only to God and His Messenger: “O you who believe, obey Allāh and obey the Messenger and those in authority from among you; then if you quarrel about anything, refer it to Allāh and the Messenger” (4:59). This verse speaks first of obedience to those in authority (*ulu-l-amr*), along with the obedience to the Messenger, and then mentions disputes which, it says, must be settled by referring them to God and His Messenger. The omission of *ulu-l-amr* from the latter portion of the verse shows clearly that the *quarrel* here spoken of relates to differences with *ulu-l-amr*, and in the case of such a difference the only authority is that of God and the Messenger, or the Holy Qur’ān and the Ḥadīth. Every authority in Islām, whether temporal or spiritual, is included in *ulu-l-amr*, and independence of thought for every Muslim is thus recognized by allowing him to differ with all except the Holy Qur’ān and the Ḥadīth. The Companions, the Collectors of Ḥadīth, the four Imāms and the other jurists being thus included in *ulu-l-amr*, must be obeyed ordinarily, but to differ with any one or all of them, when one has the authority of the Holy Qur’ān and the Ḥadīth is expressly permitted. And since the ultimate test of the correctness of Ḥadīth is the Holy Qur’ān itself, the conclusion is evident that Islām allows independence of thought subject only to one thing, that the principles laid down in the Holy Qur’ān are not contravened.

It will thus be seen that any Muslim community has the right to make any law for itself, the only condition being that such law shall not contravene any principle laid down by the Holy Qur’ān. The impression prevailing in the Muslim world at present that no one has the right, even in the light of the new circumstances which a thousand years of the world’s progress have brought about, to differ with the four Imāms, is entirely a mistaken one. The right to differ with the highest of men below the Holy prophet is a Muslim’s birthright, and to take away that right is to stifle the very existence of Islām. Under the present circumstances, when conditions have quite changed and the world has been moving on for a thousand years, while the Muslims have more or less stagnated, it is the duty of Muslim states and Muslim peoples to apply their own judgement to the changed conditions, and find out the ways and means for their

temporal salvation. In fact, the closing of the door on the free exercise of judgement, and the tendency to stifle independence of thought which took hold of the Muslim world after the third century of Hijrah, was condemned by the Holy Prophet himself who said: “The best of the generations is my generation, then the second and then the third; then will come a people in which there is no good.”⁹ And again he said: “The best of this community (*ummah*) are the first of them and the last of them; among the first of them is the Messenger of Allāh, and among the last of them is Jesus, son of Mary,¹⁰ and between these is a crooked way, they are not of me nor am I of them.”¹¹

The three generations in the first ḥadīth refer to three centuries, the first century being the century of the Companions, since the last of them died at the end of the first century after the Holy Prophet and the second and third being those of the next two generations known as *Tābi‘in* and *taba‘ Tābi‘in*. As a matter of fact, we find that while independence of thought was freely exercised in the first three centuries, and even Muḥammad and Abū Yūsuf, the immediate followers of Abū Ḥanīfah, did not hesitate to differ with their great leader, rigidity became the rule thereafter with only rare exceptions. The time when independence of thought was not exercised is, therefore, denounced by the Holy Prophet himself, as the time of a *crooked company*. ■

Footnotes:

- 1 The original word for the italicized portion is *yastanbiḥūn* from *istinbāḥ* which is derived from *nabaḥ al-bi‘ra*, meaning ‘he dug out a well and brought forth water.’ The *istinbāḥ* of the jurist is derived from this, and it signifies the searching out of the hidden meaning by his *ijtihād* and is the same as *istikhrāj*, i.e., analogical deduction (TA).
- 2 *T.Kh.*, p. 40.
- 3 *Ijmā‘*, of which I shall speak later, and which means really the *Ijtihād* of many, and *Ijtihād*, are thus looked upon as two more sources of the Islāmic law along with the Holy Qur‘ān and the Sunnah, though only the latter two regarded as *al-adillat al-qaṭ‘iyya* or absolute arguments or authorities, the former two being called *al-adillat al-ijtihādiyya* or arguments obtained by exertion.
- 4 Sir ‘Abd al-Raḥīm has very ably dealt with this subject in his *Muḥammadan Jurisprudence* where he has referred to original authorities. I am indebted to him for the material used here.
- 5 Literally, *measuring by or comparing with, or judging by comparing with, a thing*, while the jurists apply it to “a process of deduction by which the law of a text is applied to cases which, though not covered by the language, are governed by the reason of the text” (MJ).
- 6 Literally, *considering a thing to be good or preferring a thing*.
- 7 It is thus laid down in *Al-Ashbāh wal-Naẓā‘ir*. “Many decisions of law are based on usage and customs, so much so that it has been taken as a principle of laws” (MJ.).
- 8 KA. IV, P. 15.
- 9 KU. VI, 2068.
- 10 By Jesus, son of Mary, is meant the Messiah who was promised to the Muslims, as he is plainly called *Imāmukum min-kum* i.e., “your Imām from among yourselves” (Bu. 60:49)
- 11 KU. VI, 2073.

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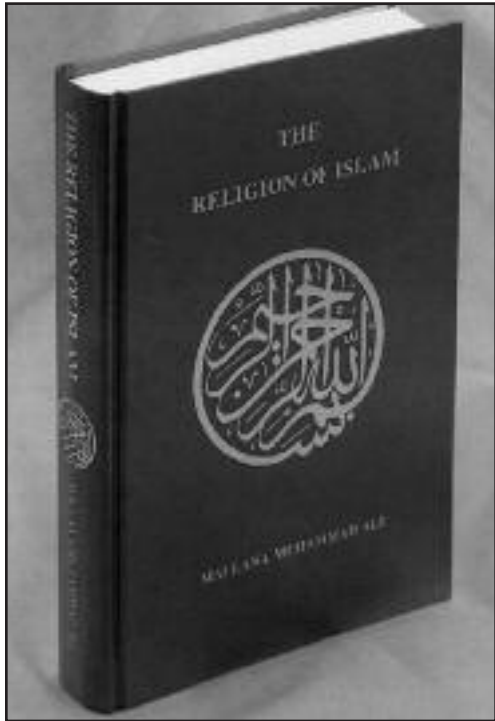
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