

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَرْفَعُ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ

وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ

**Allāh exalts those of you who
believe and those who are given
knowledge to high ranks**

Holy Qur'ān (58 : 11)

MESSAGE OF THAQALAYN

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1. To provide a forum for scholars to make analytical studies of Islamic topics and themes.
2. To advance the cause of better understanding of the Qur'ān and the Ahl al-Bayt's ('a) contribution to Islam.
3. To publish English translations of Arabic and Persian works of Muslim scholars.
4. To endeavour to find Islamic answers to questions relating to the social, political, and moral problems of today.

* * * * *

Scholars and writers from all over the world are invited to contribute to this journal.

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References and notes should be listed at the end of the article and should contain complete bibliographical information.

Books and other items sent to the journal for review are welcomed.

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SYSTEM OF TRANSLITERATION OF ARABIC CHARACTERS

CONSONANTS:

ء	'	س	s	ل	l
ب	b	ش	sh	م	m
ت	t	ص	s	ن	n
ث	th	ض	z	هـ	h
ج	j	ط	t	و	w
ح	h	ظ	z	ی	y
خ	kh	ع	'	Persian Letters	
د	d	غ	gh	پ	p
ذ	dh	ف	f	چ	ch
ر	r	ق	q	ژ	zh
ز	z	ک	k	گ	g

VOWELS:

Long:	ا	ā	Short:	ـِ	a	Doubled	یـِ	iyy (final from i)	
	و	ū		ـُ	u		وـُ	uww (final from ū)	
	ی	ī		ـِ	i		Diphthongs:	وـِ	au or aw
				ـِ				یـِ	ay or ai

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Glimpses of Tashayyu‘ in Ahmad Bin Hanbal’s *Musnad*

By: Dr. Sayyid Kāzim Tabātabā‘i

Translated by: Sayyid ‘Alī Shahbāz

Abstract

Abū ‘Abdullāh Ahmad bin Muhammad bin Hanbal Shaybānī (166-241 AH/780-855 CE)¹ is the founder of one of the four schools of Sunni jurisprudence and his book *al-Musnad*² is considered among the most comprehensive and early collections of *hadīth*. It contains some 30,000 sayings attributed to the Prophet and the period of its writing makes it among the foremost of the *sihāh al-sittah* (six authentic books) of the Sunni sect. One of the characteristics of this work is the wide space given to *hadīth* concerning the merits of the Prophet’s Ahl al-Bayt, most of which are confirmed from the viewpoint of Shi‘ite Muslims as well. Compared to the other *hadīth* compendiums of the Sunnis, the *Musnad*’s emphasis on this subject is so pronounced that it has attracted the attention of orientalist and other researchers. The writer of this article has attempted to focus on this particular point of the *Musnad* and its author by selecting some of the *hadīth*

mentioned in this bulky compendium with a short explanation wherever necessary.

The key words of this brief article are Tashayyu‘, Ibn Hanbal, *Musnad*, *Hadīth* Compendiums, Merits of the Ahl al-Bayt (‘a), *Hadīth al-Ghadir*, *Hadīth al-Thaḳalayn*, *Hadīth al-Manzilah*.

Introduction

The *Musnad* of Ibn Hanbal is probably the first of the six books of *hadīth* considered authentic by Sunni Muslims, since its author died 15 years before the death of the senior-most of the six *hadīth* compilers, Muhammad bin Ismā‘īl al-Bukhārī (d. 256 AH), and 62 years before the last of them, Ahmad bin Shu‘ayb al-Nasā‘ī, passed away (303 AH). Throughout history, Sunni scholars have attached great importance to Ibn Hanbal’s *Musnad* and eulogized it. Hāfīz Abū Mūsā Madyānī (581 AH), writes:

This book is a great source and a reliable reference work for researchers of *hadīth*. The author has selected from the bulky *hadīth* literature, a large number of narrations to serve as guidelines and support for the people so that when differences arise they take refuge in them and cite them as authentic.³

Shams al-Dīn Muhammad bin Ahmad al-Dhahabī (748 AH) writes:

This book focuses on the *hadīth* of the Prophet. There are very few *hadīth* not included (in this collection) whose authenticity has been confirmed...One of the fortunate things about the *Musnad* is that we find very few *hadīth* which are considered inauthentic.⁴

Ibn al-Jazārī (833 AH) is even more ecstatic about Ibn Hanbal’s *Musnad*, and says:

On the face of the earth no better book of *hadīth* has been compiled.⁵

Ibn Hajar al-‘Asqalānī writes in *Tajrīd Zawā‘id al-Musnad al-Bazzāz*:

If a *hadīth* is mentioned in *Musnad* Ibn Hanbal, other *Masānīd* are not cited for its sources.

Jalāl al-Dīn al-Suyūti (849-911 AH)⁶ says:

Even the weak *hadīth* found in it are near to *hasan* (fair).⁷

Although these expressions are a clear exaggeration, they nonetheless confirm the importance of this book for the Sunnis. In the light of historical accounts, it was a habit among the Sunnis of the past to recite this book in the presence of scholars of *hadīth*, and at times such a recitation would be held in a sacred place. For instance, during the first half of the 9th century AH, Ibn Hanbal’s *Musnad* was recited in the presence of Shams al-Dīn Muhammad bin Muhammad al-Jazari in the Masjid al-Harām of Mecca with the last session ending in the month of Rabī‘ al-Awwal 828 AH.⁸ It is also reported that during the 12th century AH (18th century CE), a group of pious Sunnis gathered in the Prophet’s Mosque in Medina to recite Ibn Hanbal’s *Musnad* in 56 sessions.⁹

However, the most outstanding characteristic of the *Musnad* is that it contains several eye-catching *hadīth* on the merits of the Prophet’s Ahl al-Bayt (‘a), whereas most of the compilers of the other *masānīd*, *sihāh* and *sunan*, have either ignored these *ahādīth* or related a few of them. Ibn Hanbal got into trouble with the authorities for having related these *ahādīth* on the merits of the Ahl al-Bayt (‘a) and his house was searched on the orders of the ‘Abbāsīd caliph Mutawakkil on suspicion of supporting the Alawid cause.¹⁰

It is a well known fact that Ahmad bin Shu‘ayb al-Nasā‘ī, the last of the six Sunni compilers of the *sihāh al-sittah*, relied on Ahmad bin Hanbal’s narrations for writing his excellent work titled *Khasā‘is Amīr al-Mu‘minīn ‘Alī bin Abī Tālib* (‘a).¹¹ In short, the *Musnad* contains narrations, many of which are considered

authentic from the Shi'ite point of view. These are so pronounced when compared to the other Sunni collections of *hadīth* that orientalist and researchers have attempted to investigate the cause, and after drawing a comparison between Ahmad bin Hanbal and his contemporary compilers of the *sihāh al-sittah*, have come to the conclusion that Muhammad bin Ismā'il al-Bukhārī and Muslim bin Hajjāj al-Qushayrī, for fear of the 'Abbāsids, left out these *ahādīth* but since Ahmad was courageous he showed no fear in relating the *ahādīth* on the merits of Imam 'Alī ('a) and the Ahl al-Bayt ('a).¹²

Ibn Hanbal did not confine the merits of the Prophet's Ahl al-Bayt ('a) to his book, but whenever necessary he opened his mouth to speak about these virtues. Despite the fact that he held all the companions of the Prophet in great esteem and considered those who cursed them to be outside the pale of Islam,¹³ he strongly defended the superiority of the Prophet's immediate family against their enemies, especially against Mutawakkil who left no stone unturned in his enmity to the Ahl al-Bayt ('a). His son 'Abdullāh bin Ahmad relates:

Once, when I was sitting with my father, a group of the people of Karkh (a locality of Baghdad) came and started a discussion on the caliphate of Abi Bakr, 'Umar, 'Uthmān and (Imam) 'Alī [(a)]. My father raised his head and facing them said: O people, you have said enough concerning (Imam) 'Alī [(a)] and the caliphate. Be informed that the caliphate did not embellish (Imam) 'Alī [(a)] but it was (Imam) 'Alī [(a)] who embellished the caliphate.

Ibn Abī al-Hadīd Mu'tazili (d. 655 AH), commenting on the above remarks of Ahmad bin Hanbal says:

The meaning of this statement is that the other caliphs adorned themselves with the caliphate and the caliphate covered their flaws, but there was no shortcoming or deficiency in (Imam) 'Alī [(a)] to be made up by the caliphate.¹⁵

‘Abdullāh bin Ahmad bin Hanbal also quotes his father as saying:

No narration with genuine *isnād* (chain of authority) has been related on the merits of anyone else (of the companions), as in the case of (Imam) ‘Ali [(‘a)].¹⁶

He further states:

I asked my father what credence he had concerning the preferential merits of the companions? He replied: In the matter of caliphate, Abī Bakr, ‘Umar and ‘Uthmān are superior to all others. I asked him what about (Imam) ‘Ali [(‘a)]? He answered: O my son! (Imam) ‘Ali bin Abī Tālib [(‘a)] is from a family concerning whom (whose merits) no one can deliberate.¹⁷

One of the students of Ibn Hanbal narrates:

We were in the presence of Ahmad bin Hanbal when a person asked: O Abā ‘Abdillāh! What is your opinion about the *hadīth* which says that (Imam) ‘Ali (‘a) stated: “I am the distributor of hell?”

Ibn Hanbal replied: From what aspect do you doubt its credence? Has it not been related that the Prophet told (Imam) ‘Ali (‘a): “None will love you but the faithful believer and none will hate you but the hypocrite?”

We said: Yes.

He asked: Where is the place of the faithful believer?

In paradise, we answered.

He asked: Where is the place of the hypocrite?

In hell, we replied.

He said: Ali is thus the distributor of hell.¹⁸

Ibn Hanbal’s belief thus bears close resemblance to that of his teacher, Shāfi‘ī, who also recorded the merits and virtues of Imam ‘Ali (‘a) and his descendants and considered himself their devotee. When Ibn Hanbal was asked about the battle between

Imam ‘Alī (‘a) and Mu‘āwiyah bin Abī Sufyān, he said regarding them he knew nothing but good,¹⁹ but added that in the field of jurisprudential studies he found Imam ‘Alī (‘a) to be linked to the truth. For instance, when in his presence Shāfi‘ī was accused of tashayyu for listing Imam ‘Alī’s (‘a) battles with Mu‘āwiyah and the Khawārij under the rules of transgressors, he replied that among the companions of the Prophet, Imam ‘Alī (‘a) was the first leader who had to deal with the sedition and revolt of opponents.

This reply makes it clear that Shāfi‘ī’s categorizing of the battles between Imam ‘Alī (‘a) and Mu‘āwiyah under rules for transgressors, does not expose him to the fault-finding of his critics. In fact, for any fair observer, the verdict between Shāfi‘ī and his critics is that Mu‘āwiyah was a transgressor, as could be further confirmed by the famous saying of the Prophet to his companion ‘Ammār bin Yāsir: “*taqtuluka al-fi’ah al-bāghiyah*” (you will be killed by a party of transgressors).²⁰ No one can deny that ‘Ammār, while fighting on the side of Imam ‘Alī (‘a), was killed by the forces of Mu‘āwiyah during one of the battles of the Siffīn War, and thus in the light of this *hadīth*, beyond an iota of doubt, Mu‘āwiyah is a transgressor.²¹

Ibn Hanbal was a contemporary of four of the infallible Imams of the Prophet’s Household – Imam Mūsā al-Kāzim (‘a), Imam ‘Alī bin Mūsā al-Rizā (‘a), Imam Muhammad al-Jawād (‘a) and Imam ‘Alī al-Hādī (‘a). The author of *Rawzāt al-Jannāt* relates on the authority of Daylamī’s *Irshād al-Qulūb* that Ahmad bin Hanbal was a student of Imam al-Kāzim (‘a).²² Shaykh al-Tā’ifah Tūsī considers him among the students of Imam al-Rizā (‘a).²³ A contemporary researcher pointing out Ibn Hanbal’s links with Imāmī scholars, writes that he studied under many of those known to be followers of the school of Imam Ja‘far al-Sādiq (‘a), and for this reason he has often been criticised by the enemies of the Shi‘ites.²⁴

In view of the above facts it could be said that since Ahmad bin Hanbal was under the influence of the Infallible Imams (‘a) or their disciples or that he had a spirit of courage and fair-mindedness, he did not hesitate to include in his *Musnad* many of the *hadīth* on the virtues and merits of the Ahl al-Bayt (‘a). These *hadīth* are so eye-catching that one of the contemporary scholars has collected them in an exclusive work titled *Musnad al-Manāqib*.²⁵

In this article the writer has selected some *hadīth* from the *Musnad* and highlighted them with brief explanations.

1. Admonition to Kinsmen and Nomination of Imam ‘Alī (‘a)

Ahmad bin Hanbal says:

Aswad bin ‘Amir has related to us from Sharik from A‘mash from Minhal from ‘Abdullāh bin Asadi, that (Imam) ‘Alī (‘a) said: When the *āyah* “*And warn your relatives of nearest kin*” (26:214) was revealed, the Prophet gathered his family around him and treated 30 of them to a meal and then said: “Who is willing to guarantee my debts and commitments so that he should be with me in paradise and should be my successor from among my family.” A person whom Shurayk did not name, answered: O Messenger of Allah you are like a sea,²⁶ who can take charge of this responsibility. The Prophet repeated his statement to his relatives, and (Imam) ‘Alī [(‘a)] replied: “I will undertake this responsibility.”²⁷

Ahmad Muhammad Shākir the annotator of the *Musnad* has enumerated the *isnād* of this *hadīth* as *hasan* or fair. The same event has been narrated in greater detail in the words of Imam ‘Alī (‘a) in *hadīth* no. 1371 of the *Musnad* (vol. 2, pp. 352-353) and the annotator has termed its *isnād* as *sahīh* (authoritative).

2. *Hadīth al-Manzilah*

In 9 AH the Prophet prepared to march for the expedition against the Romans, and according to Shaykh Mufid and Shaykh Tūsī since he was concerned of the evil intentions of the enemies, he told Imam ‘Alī (‘a): “It is not advisable to leave Medina without me or you.” He subsequently placed Imam ‘Alī (‘a) in charge of Medina before departing for the expedition to Tabūk, and in order to quell the hypocrites’ ill-speaking of his cousin, he said the latter’s position to him was like that of Aaron to Prophet Moses (‘a). This saying is known as *Hadīth al-Manzilah* and has been reported by all scholars. Ibn Hanbal has recorded it in the *Musnad* twenty times through different chains of *isnād* on the authority of several companions of the Prophet including Jābir bin ‘Abdullāh al-Ansārī, Asmā’ bint ‘Umays, ‘Abdullāh bin ‘Abbās, Abī Sa‘īd al-Khidrī and Sa‘d bin Abī Waqqās.²⁸ The the last named has related it ten times and one of the versions reads as follows:

Abī Ahmad Zubayri quotes ‘Abdullāh bin Habib bin Abī Thābit from Hamzah bin ‘Abdullāh from his father and from Sa‘d (bin Abī Waqqās) who narrating this *hadīth* for us, said: When the Messenger of Allah left Medina for Tabuk he placed (Imam) ‘Alī [(‘a)] as his vicegerent in Medina. (Imam) ‘Alī [(‘a)] asked the Prophet: “Are you making me your vicegerent?” The Prophet replied: “Are you not happy that your position to me is that of Aaron to Moses, except that there is no Prophet after me?”²⁹

Ahmad Shākir has termed the *isnād* of this *hadīth* as fair.

3. Abī Bakr’s Dismissal from leading the *Hajj* and the Entrustment to Imam ‘Alī (‘a) to Convey *Surah al-Barà’ah*

Ibn Hanbal says of the event which occurred in the month of Dhī al-Hijjah, 9 AH:

Waki' has related to us from Isrā'il from Abī Ishāq from Zayd bin Yuthay' from Abī Bakr: The Prophet sent him (Abī Bakr) with *Sūrah al-Barā'ah* to the people of Mecca (to proclaim) that after this year no polytheist will be allowed at the *Hajj*, neither should the nude circumambulate the Ka'bah, none will enter paradise except the person who has become Muslim, whoever has a pact between him and the Messenger of Allah it is valid until the specified period, and Allah and His Messenger are free from any obligation to the polytheists. After a while, he told (Imam) 'Alī [(a)], may Allah be pleased with him: Overtake Abī Bakr and send him back to me and you proclaim (the *Sūrah* to the Meccans). (Imam) 'Alī [(a)] acted as per the instructions and when Abī Bakr returned to the Prophet he cried and said: O Messenger of Allah, did anything happen? He replied: Nothing has happened concerning you except good, but I have been commanded (by Allah) that these (commandments) should either be conveyed by my or by a man who is from me.³⁰

Ahmad Shākir, the annotator of the *Musnad* has considered the *isnād* of this *hadith* as *sahih* (authoritative) and has said that Zayd bin Yuthay' was a trustworthy person of the first generation of Muslims after the Prophet and the name of his father has also been mentioned as Uthay'.

Habashi bin Junādah al-Sulūki who took part in the Farewell Pilgrimage of the Prophet, has recorded four *hadith* with a similiar text in his own *Musnad* which confirms Ibn Hanbal's narration of the above *hadith*. Habashī quotes Abī Bakr that the Messenger of Allah (S) said:

'Alī is from me and I am from him. My words will not be conveyed except by me or by 'Alī.³¹

4. The Prophet's Declaration of Imam 'Alī's ('a) Vicegerency

Ahmad bin Hanbal says:

Burayrah (Aslamī) has related: The Prophet (S) despatched two regiments towards Yemen, one under the command of (Imam) 'Alī bin Abi Tālib [(‘a)] and the other led by Khālid bin Walid with instructions that when the two regiments are with each other they should be under the sole command of (Imam) 'Alī [(‘a)], and when they are separate they will remain under different commanders. We the Muslim forces, encountered the Yemeni tribe of Banī Zayd and fought and defeated these infidels. When their men had died fighting, the families surrendered and from among the captives, (Imam) 'Alī [(‘a)] chose a maid for himself. Burayrah continues: Khālid bin Walid sent me to the Prophet with a letter informing him of this matter. I submitted the letter to the Prophet and when he had read it I saw signs of anger appear on his face. I said: O Messenger of Allah (S), you sent me with a man instructing me to obey him, and accordingly I performed whatever duty I was ordered to do. The Messenger of Allah (S) said: *Lā taqa' fī 'Alīyyin fa innahū minnī wa ana minhu wa huwa waliyyukum ba'dī wa innahū minnī wa ana minhu wa huwa waliyyukum ba'dī* (Don't try to find faults with 'Alī, he is indeed from me and I am from him, he is your leader after me. He is from me and I am from him, he is your leader after me).³²

5. Hadīth al-Thaḡalayn

Ahmad bin Hanbal says:

Aswad bin 'Amir has related from Abi Isrā'il, i.e. Ismā'il bin Abi Ishāq Malaie, from 'Atiyyah from Abi Sa'id who quotes the Prophet as saying: "*Innī tārikun fikum al-thaḡalayn, ahaduhumā akbaru min al-akhar, Kitaballāh hablun mamdūdun min al-samā'-i ilā al-arz wa 'itratī Ahl-i Baytī, wa annahumā lan yaftaraqā hattā*

yaridā ‘alayya al-hawz” (I am leaving among you two precious things, one of which is greater than the other. The Book of Allah which is the rope extending from the sky to the earth and my progeny my Ahl al-Bayt. And the two will never part with each other until they return to me at the pool (of *kawthar* in paradise).³³

6. *Hadīth al-Ghadīr*

Ahmad bin Hanbal says:

‘Abdullāh bin Ahmad relates from ‘Alī bin Hakīm Awdī from Sharik from Abi Ishāq from Sa‘id bin Wahab and Zayd bin Yuyhay‘ both of whom have narrated: (Imam) ‘Alī [(‘a)] complained and addressed the people at Rahbah, saying: “All those who had heard the Prophet’s words at Ghadīr Khum, stand up.” The narrator says: Six persons on behalf of Sa‘id and six persons on behalf of Zayd stood up and bore testimony that they heard the Prophet say on the Day of *Ghadīr*: “*A laysa Allahu awlā bi al-mu‘minīn? Qālū: Balā. Qāla: Allahumma man kuntū mawlāh fa ‘Alīyyun mawlāh. Allahumma wālī man wālāh wa ‘adi man ‘adāh* (Is not God superior to the faithful? Yes! said the gathering. He said: O Allah! For whomsoever I am master ‘Alī is his master. O Allah! befriend his friends and despise his enemies)”.³⁴

Ibn Hanbal has recorded the event of Ghadīr over 30 times in his *Musnad* through different *isnād* or chains of authority and in the words of more than 10 companions of the Prophet.³⁵ The version of *Hadīth al-Ghadīr* mentioned above is from the notes of Ibn Hanbal’s son ‘Abdullāh on his father’s work. Ahmad Shākir the annotator of the *Musnad* has described as *sahīh* the *isnād* of this *hadīth* and has said about Sa‘id bin Wahab Khaywānī that he was among the trustworthy and experienced Muslims of the first generation after the Prophet.³⁶

7. Preventing the Prophet from Writing the Will

Ahmad bin Hanbal says:

Wahab bin Jarir has related from his father from Yūnus from Zuhārī from ‘Ubaydullāh that ‘Abdullāh bin ‘Abbās narrated a *hadīth* to us that the Prophet said in his last days: “Come, I will write for you a text so that you will never go astray after me”. Several persons including ‘Umar bin al-Khattāb were present and ‘Umar told the gathering: Pain has prevailed upon the Prophet. The Qur’ān is with you and the Book of Allah is sufficient for us. The gathering disputed with each other in this matter, with some repeating ‘Umar’s words and others telling him (‘Umar): Hearken, so that the Prophet may write something for you. Since voices were raised and disputes arose the Prophet felt distressed and told them firmly: “Get up and leave my presence”.

Ibn ‘Abbās added: The great tragedy is that, by their dispute and clamour, they prevented the Prophet from writing the will for them.³⁷

Ahmad Shākir describing the *isnād* of this *hadīth* as *sahīh*,³⁸ writes: This *hadīth* has been repeated in this book (*Musnad*) in the same words or in a summarised form in several places.³⁹

8. Three Merits of Imam ‘Alī (‘a) in One *Hadīth*

Ahmad bin Hanbal says:

Qutaybah bin Sa‘id has related to us from Hātam bin Ismā‘il from Bukayr bin Mismār from ‘Amir bin Sa‘d from his father (Sa‘d bin Abī Waqqās) who narrated the *hadīth* that when the Prophet on leaving for a campaign asked (Imam) ‘Alī (‘a) to stay (behind in the city) in his place, the latter said: “Are you leaving me with the women and children?” I heard the Prophet reply to him: “*Yā ‘Alī amā tarzā ‘an takūna minnī bi manzilati Hārūn min Mūsā illā annahū lā nabiyya ba‘dī* (O ‘Alī! Are you not pleased

that your position to me is similar to that of Aaron to Moses, except that prophethood will cease after me?)." (Sa'd bin Abi Waqqās says) I also heard (the Prophet say) on the Day of Khaybar: "*La-u'tiyanna al-rāyah rajulan yuhibbu Allaha wa Rasūlahū wa yuhibbuhu Allahu wa Rasūluh*" (I will give the standard to the man who loves Allah and His Prophet and who is loved (in turn) by Allah and His Prophet)." All of us raised our necks (to see). He said: "Call 'Alī to me." On hearing this instruction (Imam) 'Alī [(‘a)] was brought to the Prophet with sore eyes. The Prophet rubbed his eyes with his saliva and gave him the standard and through his hands Allah conquered Khaybar for the Muslims. And when the ayah "*Call our sons and your sons, and our women and your women and ourselves and yourselves*" (3:61) was revealed, the Messenger of Allah called 'Alī (‘a), Fātimah (‘a), Hasan (‘a) and Husayn (‘a) and said: "*Allahumma hāulā'i ahli* (O Allah these [persons] are my family)."40

The annotator of the *Musnad* considers the *isnād* of this *hadīth* as *sahīh* (authoritative) and writes:

This *hadīth* has also been recorded through Qutabiyah on the same chain of authority by Muslim and Tirmidhi in their books. At the beginning of this *hadīth*, it is mentioned in the two books (*Sahīh Muslim* and *Sahīh Tirmidhi*) that Mu'āwiyah (bin Abi Sufyān) ordered Sa'd (bin Abi Wāqqas) to curse (Imam) 'Alī (‘a), saying: What prevents you from cursing Abu Turab? Sa'd replied: "I remember three things which the Messenger of Allah said to (Imam) 'Alī (‘a) and accordingly I will never curse him. If only one of these virtues was for me I would have considered it better than possessing red-haired camels." Then he related the three virtues (of Imam 'Alī) for Mu'āwiyah as said before.⁴¹

9. The Merits of Imam ‘Alī (‘a) According to Ibn ‘Abbās

Ahmad bin Hanbal says:

Yahyā bin Hammād has related to us from Abī ‘Awwānah from Abī Balj from ‘Amr bin Maymūnah who narrated the *hadith*, saying: “I was sitting with (‘Abdullāh) bin ‘Abbās when nine parties approached him and said: Either get up and come with us or leave this place for us. Ibn ‘Abbās who at that time had not yet lost his eyesight, answered: I will come with you. They conferred with him in slow tones and we did not understand what they spoke about. Ibn ‘Abbās then returned to his place and while shaking his clothes said: Alas, alas! They are trying to fault with a man who has ten privileges (which he recounted as follows):

A. The Prophet (on the day of the conquest of Khaybar) said: “I will send the one whom God will never turn back distressed; he loves Allah and His Prophet.” Then he enquired: “Where is ‘Alī?” They answered that he was at home writhing in pain. He said: “May none of you be afflicted with pain.” Then ‘Alī came with his sore eyes in a state that he was almost unable to see a thing or the way. The Prophet blew his breath into his eyes and after shaking the standard thrice, handed it to ‘Alī, who returned victorious from this mission and brought with him (for the Prophet) Safiyyah bint Ibn Akhtab.⁴²

B. The Prophet had sent someone (Abī Bakr) for conveying *Sūrah al-Barā’ah* (to the people of Mecca). Then he sent (Imam) ‘Alī (‘a) after him to take charge of the *Sūrah* and said: “This *Sūrah* should not be conveyed except by him who is from me and I am from him.”

C. He told his near of kin (children of ‘Abdul-Muttalib): “Who among you is ready to accept my *wilāyah* in this world and the hereafter?” They did not reply to him. ‘Alī (‘a) who was sitting

near him said: "I am your friend in this world and the hereafter." The Prophet said: "You are (indeed) my friend in this world and the hereafter." The Prophet again turned to the gathering and asked: "Who among you will choose my friendship in the world and the hereafter?" They did not reply but 'Alī said: "O Messenger of Allah! I choose your friendship in this world and hereafter." He said: "You are certainly my friend in this world and the hereafter."

D. He is the first one after Khadijah to practice the Muslim faith.

E. The Prophet raised his cloak and covering 'Alī, Fātimah, Hasan and Husayn with it, said: "*Indeed, Allah desires to remove uncleanness from you O Ahl al-Bayt and keep you pure as pure can be.*" (Holy Qur'ān 33:33)

F. (Imam) 'Alī sold (risked) his life, put on the Prophet's clothes and slept in his place when the infidels (of Mecca) intended to make the Prophet the target of their malevolence. 'Alī [(‘a)] was sleeping when Abi Bakr approached him thinking him to be the Prophet. (Imam) 'Alī [(‘a)] told him: "The Prophet has gone towards the well of Maymūn, go and join him." Abi Bakr left and entered the Cave of Thaur with him. The infidels started pelting (Imam) 'Alī [(‘a)] with stones (mistaking him to be the Prophet). He flexed himself, writhed in pain but did not remove the cloth covering his head. Only with the break of dawn did he remove aside the cloth covering his head.

G. When the Prophet was leaving Medina with the people for the Tabūk expedition, (Imam) 'Alī (‘a) asked him: "Am I not accompanying you?" The Prophet replied in the negative. (Imam) 'Alī (‘a) sighed and the Prophet told him: "Are you not pleased that your position to me is similar to that of Aaron to Moses, except that you are not a Prophet? Is it not proper for me to leave and you should stay as my vicegerent?"

H. The Prophet told him: “After me you are the Master and Leader of all faithful people.”

K. The Prophet said: “Close all doors (of houses) leading into the Mosque (of Medina) except that of the house of ‘Ali.” As a result he could enter the mosque in any state, since except for this passage there was no other entrance to his house.

L. The Prophet said: “For whomsoever I am Master, ‘Ali is his Master.”⁴³

10. The Canonical Meaning of Ahl al-Bayt (‘a)

Ibn Hanbal says:

A. Ahmad has related from Muhammad bin Mas‘ab from Awzā‘i from Shaddād Abī ‘Ammār who narrates: I approached Wāthilah bin Asqa’ while a group of people was with him and were speaking about (Imam) ‘Ali [(‘a)]. When they got up and left, Wāthilah said: Do you want me to inform you what I had seen of the Messenger of Allah (S). I replied in the affirmative. Wāthilah said: I went to Fātimah [(‘a)] to enquire about (Imam) ‘Ali [(‘a)] and she said that he had gone to the Messenger of Allah (S). I waited for him to come and saw the Messenger of Allah (S) approaching with ‘Ali, Hasan and Husayn. The Prophet entered with Hasan and Husayn holding either of his hands, and he went near to ‘Ali and Fātimah and made them sit on their knees in front of him and Hasan and Husayn. Then he covered them with his cloak and recited this ayah: “*Indeed, Allah desires to remove uncleanness from you O Ahl al-Bayt and keep you pure as pure can be.*” (Holy Qur’ān 33:33) Then he said: “*Allāhumma hāulā’i Ahlu Bayti wa Ahlu Bayti ahaqq* (O Allah these the people of my house and the people of my house are [certainly] most meritorious).”⁴⁴

B. Aswad bin ‘Amir has related to us from Hammād bin Salamah from ‘Ali bin Zayd from Anas bin Mālik who narrates

that for six months every morning when the Prophet came out (of his house), he would pass by the doorstep of Fātimah’s house and say: “To prayer O Ahl al-Bayt, *Indeed, Allah desires to remove uncleanness from you O Ahl al-Bayt and keep you pure as pure can be.*”⁴⁵

The above description reveals that the word Ahl al-Bayt in the context of this ayah is a canonical term established by the Holy Qur’ān and elucidated by the Prophet who determined the identity of this group. The Prophet by gathering his daughter Fātimah (‘a), her husband Imam ‘Alī (‘a) and the couple’s two sons Imam Hasan (‘a) and Imam Husayn (‘a) under his cloak and reciting this ayah which was revealed in praise of this group, made it clear that who actually are the Ahl al-Bayt and who are not included in the concept of this ayah.⁴⁶

An interesting point to note here is that although Ibn Hanbal’s narrations of the above *ahādīth* have made clear the concept of the Ahl al-Bayt in *Ayah al-Tathīr* (Verse of Purity), he has recorded under the section *Musnad Ahl al-Bayt* several *hadīth* not only from Imam Hasan and Imam Husayn (‘a) but from their uncles ‘Aqīl bin Abī Tālib and Ja‘far bin Abī Tālib as well as from their cousin ‘Abdullāh bin Ja‘far.⁴⁷ It is worth noting that the last three persons, despite being the meritorious scions of the Prophet’s clan, the Banī Hashim, are not members of the Ahl al-Bayt in view of the canonical term of the Qur’ānic ayah. This slip on the part of Ibn Hanbal can be explained by the *ahādīth* concerning Imam ‘Alī (‘a) which he has included in the so-called group *‘Asharah al-Mubashshirah* and also mixed up *ahādīth* on the merits of Hazrat Fātimah al-Zahrā’ (‘a) in the section titled *Musnad al-Nisā’*.⁴⁸

11. Friendship with the Ahl al-Bayt (‘a)

Ibn Hanbal says:

A. Ahmad has related from Ibn Numayr from A‘mash from ‘Adiyy bin Thābit from Zirr bin Husbaish from (Imam) ‘Alī [(‘a)] who narrates: By Allah! One of the covenants which the Messenger of Allah (S) bound me with, is this: “None will bear enmity towards me but the hypocrite and none will love me but the faithful believer.”⁴⁹

Ahmad Shākir regards the *isnād* of this *hadīth* as *sahih* and says about ‘Adiyy bin Thābit al-Ansārī al-Kūfi: He was one of the trustworthy persons of the first generation of Muslims after the Prophet and his being a Shi‘ah does not affect his narrations since he was trustworthy and truthful.

B. ‘Abdullāh bin Ahmad has recorded: Nasr bin ‘Alī Azdī narrates from ‘Alī bin Ja‘far from his brother (Imam) Mūsā bin Ja‘far [(‘a)] from his father (Imam) Ja‘far bin Muhammad (al-Sādiq) from his father (Muhammad bin ‘Alī al-Bāqir), and he from (his father Imam) ‘Alī bin al-Husayn [(‘a)], who from his father (Imam Husayn), and grandfather (Imam ‘Alī), who narrates the *hadīth* that the Messenger of Allah (S) holding the hands of Hasan and Husayn said: “*Man ahabbanī wa ahabba hadhayn wa abāhumā wa ummahumā kāna ma‘ī fi darajati yawm al-qiyāmah*” (Anyone who loves me and these two and their father and mother will be with me and on my station on the Day of Resurrection).⁵⁰

Ahmad Shākir considers the *isnād* of this *hadīth* as *sahih*. It is also worth noting that when Nasr bin ‘Alī Azdī narrated this *hadīth* he was subjected to 1000 whiplashes on the orders of the ‘Abbāsīd caliph al-Mutawakkil.⁵¹

C. Abū Ahmad (Muhammad bin ‘Abdullāh bin Zubayr Asādī) has related to us from Sufyān (Thawrī) from Abī Jihāf from Abī Hāzim from Abī Hurayrah who quotes a *hadīth* from the Messenger of Allah (S), saying: “*Man ahabbahumā faqad ahabbanī wa man abghazahumā faqad abghazanī, ya‘nī Hasanan wa Husaynan*” (Anyone who loves them, I mean Hasan and

Husayn, indeed loves me, and anyone who hates them, surely hates me).⁵²

Ahmad Shākīr considers the *isnād* of this *hadīth* as *sahīh*.

12. Imam ‘Alī’s (‘a) Comparison with Prophet Jesus (‘a)

Ibn Hanbal says:

‘Abdullāh bin Ahmad has related to us from Abū al-Harth Surayj bin Yūnus from Abū Hafs Abbār from Hakam bin ‘Abd al-Malik from Harth bin Hasīrah from Abi Sādiq from Rabi‘ah bin Nājidh from (Imam) ‘Alī (‘a), who narrates: The Messenger of Allah (S) told me: “*Fīka mathalun min ‘Isā, abghazathu al-Yahūd hattā bahatū ummahū, wa ahabbathu al-Nasārā hattā anzalūhu bi al-manzilati allatī laysa bih* (You are like Jesus. The Jews hated him so much that they slandered his mother, and the Christians because of their extreme devotion to him placed him in a position which was not his.” Then (Imam) ‘Alī (‘a) said: “*Yuhliku fiyya rajulān, muhibbun mufritun yuqarrizunī bi ma laysa fiyya, wa mubghizun yahmiluhū shan’ānī ‘alā an yabhatanī* (Two persons [groups] are doomed concerning me; the devoted extremist exalting me to what I am not, and the spiteful hater bearing malice towards me and slandering me).⁵³

The annotator of the *Musnad* considers the *isnād* of this *hadīth* as *hasan* (fair).

13. Sadaqah Forbidden to the Prophet’s Progeny

Ibn Hanbal says:

Muhammad bin Ja‘far has related from Shu‘bah from Burayd bin Abi Maryam from Abi Hawrā’ who narrates the *hadīth* that he told (Imam) Hasan bin ‘Alī (‘a): “What memories do you have of

(your grandfather) the Messenger of Allah (S).” He replied: “I remember that once when I picked up a date from the dates that were part of *zakāt* and placed it in my mouth, the Messenger of Allah (S) pulled it out of my mouth together with the saliva around it and threw it among the rest of the dates. He was asked (by his companions): O Messenger of Allah (S)! What would have happened if you had not taken from the child this one date? He replied: *Inna Al-a Muhammad la tahillu lanā al-sadaqah...* (For us the progeny of Muhammad, *sadaqah* [alms] is not permissible).”⁵⁴

According to Ahmad Shākir the *isnād* of this *hadīth* are *sahih*. This *hadīth* with slight variation in its text or chain of authority has been repeated over fifteen times in the *Musnad*.⁵⁵

14. Imam ‘Alī (‘a) will Fight for Interpretation of the Qur’ān

Ibn Hanbal says:

Waki‘ has related to us from Fitr from Ismā‘il bin Rajā’ from his father from Abi Sa‘id who narrates that the Messenger of Allah (S) said (addressing his companions): “*Inna minkum man yuqātīlu ‘alā ta’wīlih kamā qātaltu ‘ala tanzīlih*” (Who among you will fight for the interpretation [of the Qur’ān] as I fought on its revelation)? Abi Sa‘id says: At this Abi Bakr and ‘Umar got up but the Messenger of Allah (S) said: “*lā, wa lākin khāsif al-na’l* (No [not you] but the one who is busy mending the shoe).” (Abi Sa‘id adds): *Wa ‘Alīyun yakhsifū na’lahū* (And [Imam] ‘Alī [(‘a)] was mending his shoes.⁵⁶

It is recorded that during the Battle of Siffin the Prophet’s loyal companion ‘Ammar bin Yāsir who was on the side of Imam ‘Alī (‘a), referred to this famous *hadīth* of the Prophet in favour of Imam ‘Alī (‘a) while facing the Syrian army of the rebel Mu‘āwiyah bin Abi Sufyān, and recited the following epic verses (*rajaz*):

Nahnu zarabnākum ‘alā tanzīlih

Wa al-yawm nazribukum ‘alā ta’wīlih

(We had fought you on the revelation [of the Qur’ān] and today we are fighting you on its correct interpretation).⁵⁷

15. ‘Ammār Would be Killed by Transgressors

Ibn Hanbal says:

Abū Mu‘āwiyah has related to us from A‘mash from ‘Abd al-Rahmān bin Ziyād who quotes ‘Abdullāh bin Harth as saying: I was with Mu‘āwiyah (ibn Abī Sufyān) when he was returning from (the Battle of) Siffin and I was riding between him and ‘Amr bin ‘As, when ‘Abdullāh the son of ‘Amr bin ‘As said: Don’t you remember the Messenger of Allah had told ‘Ammār “*Waihaka yā ibn al-Sumayyah, taqtuluka al-fi’ah al-bāghiyah* (Bravo O son of Sumayyah! You will be killed by a group of transgressors).” ‘Amr bin ‘As turned to Mu‘āwiyah and said: Did you not hear what he says? Mu‘āwiyah replied: You find fault with us! Did we kill him? Those who brought him here are responsible for his death.⁵⁸

This *hadīth* has been recorded over twenty times in the *Musnad* on the authority of eight companions of the Prophet with variations in its text.⁵⁹ Ahmad Shākir considers this *hadīth* not only *sahīh* but *mutawātir* (regularly transmitted throughout the first three generations of Muslims by a large number of transmitters) and says that scholars have never doubted its veracity. Explaining the word *hannahū* (finding fault) as used by Mu‘āwiyah, he writes: It is clear that Mu‘āwiyah is not disputing this *hadīth* but is censuring ‘Abdullāh bin ‘Amr (bin ‘As) for remembering it in this situation (when ‘Ammār has been killed by his troops), since he fears that if his army knows that he is on the wrong track they would desert him. In view of this fact, Mu‘āwiyah was trying to misinterpret and give a wrong connotation to this *hadīth* by saying

that the killers of ‘Ammār are those that brought him to the battlefield.

Ahmad Shākir, quoting Ibn Hajar ‘Asqalānī’s comments in *Fath al-Bārī fī Tafsīr Sahīh al-Bukhārī* (vol. 1, p. 452), further writes:

This *hadīth* has been related by several companions of the Prophet including Qatādah bin Nu‘mān, Umm Salamah, Abī Hurayrah, ‘Abdullāh bin ‘Amr bin ‘As, ‘Uthmān bin ‘Affān, Hudhayfah al-Yamānī, Abū Ayyūb al-Ansārī, Abū Rāfi‘, Khuzaymah bin Thābit, Mu‘āwiyah, ‘Amr bin ‘As, Abū al-Yasar and ‘Ammār bin Yāsir himself. This *hadīth* is a firm proof of the virtues of (Imam) ‘Alī [(‘a)] and ‘Ammār and their standing with the Prophet. It is also a fitting reply to the enemies of (Imam) ‘Alī (*nawāsib* pl. of *nāsib*) who accuse him of error in his wars (during his caliphate).⁶⁰

16. Prophecy of the Martyrdom of Imam Husayn (‘a)

Ibn Hanbal says:

Muhammad bin ‘Ubayd has related to us from Sharhabil bin Madrak from ‘Abdullāh bin Nujayy from his father who narrates that he was marching with (Imam) ‘Alī [(‘a)] towards Siffin and when we reached Ninevah, (Imam) ‘Alī [(‘a)] cried in a loud voice: “O Abā ‘Abdillāh! Be patient. O Abā ‘Abdillāh! Be patient beside the River Euphrates.” I asked him: For what? He said: “Once when I went to the Prophet I saw tears in his eyes and asked him: O Messenger of Allah (S) who has made you upset? Why are your eyes moist with tears? He said: *Bal qāma min ‘indī Jibra‘ilu qabl, fahaddathanī anna al-Husayn yuqtulu bishatt al-Furāt. Qāla: Hal laka an ushimaka min turbatih? Qāla: Qultu: Na‘am. Famadda yadahū faqabaza qabzatan min turābin fa a‘tānihā. falam amliku ‘aynī an fāzatā* (A while ago [the Archangel] Gabriel left. He has

informed me that indeed Husayn will be killed beside the River Euphrates. Then he [the Prophet] said: Do you like to smell part of his soil [where Imam Husayn (‘a) will be killed]. I said: Yes. He stretched his hand and taking a fistful of soil gave it to me. As a result, tears started rolling down uncontrollably from my eyes.”⁶¹

The annotator of the *Musnad* regards the *isnād* of this *hadīth* as *sahīh* and writes that Nujayy is not the only one to narrate this from Imam ‘Alī (‘a).

17. The Number of the Prophet’s Righteous Successors

Ibn Hanbal says:

A. Hasan bin Mūsā has related to us from Hammād bin Zayd from Mujālid from Sha‘bi from Masrūq who says that in Kufa ‘Abdullāh bin Mas‘ūd was giving us lessons from the Holy Qur’ān when a person asked: O Abā ‘Abd al-Rahmān! Did you not ask the Prophet how many caliphs would this *ummah* have? ‘Abdullāh bin Mas‘ūd said: Since my coming to Iraq no one has posed me this question so far except you. Then he added: Yes! We did ask the Messenger of Allah (S) about this matter and he said: “*Ithnā-‘Ashara ka-‘iddati nuqabā’ Banī Isrā’īl* (Twelve, equal to the number of the Chieftans of Banī Isrā’īl).”⁶²

The *isnād* of this *hadīth* are *sahīh* according to Ahmad Shākir.

Ibn Hanbal says:

B. Sufyān bin ‘Uyaynah has related to us from ‘Abd al-Malik bin ‘Umayr from Jābir bin Samrah al-Suwā’i who narrates that he heard the Messenger of Allah (S) say: “*Lā yazāl hādha al-amr māziyan hattā yaqūm ithnā-‘ashara amīran* (This affair [religion] will continue until twelve leaders [Amīr] will rise).” Then he mentioned something which I did not hear, so I asked my father (who was sitting beside me), who said: “All of whom will be from the Quraysh.”⁶³

This *hadith* has been recorded over 40 times in Ibn Hanbal's *Musnad*⁶⁴ and in some versions the word *Khalifah* is found instead of Amir.⁶⁵ The version which I have selected here has the shortest chain of authority and reaches the Prophet through the medium of three narrators. Sunni scholars and exegetes of *hadith* have rather been perplexed and come up with unconvincing comments in their explanation of this particular *hadith* of the Prophet. They have been unable to reconcile with their beliefs the meaning of the figure of "twelve caliphs" as used by the Prophet. As a result we find conflicting and self-contradictory answers in their explanations.⁶⁶

18. The Uprising of the Mahdī ('a)

Ibn Hanbal says:

A. Hajjāj and Abū Na'im have related from Fitr from Qāsim bin Abi Bazzah from Abī al-Tufayl from (Imam) 'Alī [(‘a)], who quoted the Messenger of Allah (S) as saying: *Law lam yabqa mina al-dunyā illā yawmun laba'atha Allahu rajulan minnā yamla'uhā 'adlan kamā muli'at jawran* (If only a day were to remain for the end of the world, Allah will raise a man from my progeny who will fill it [the earth] with justice as it was filled with oppression)⁶⁷

Ibn Hanbal says:

B. Fazl bin Dukayn has related to us from Yāsin al-'Ijlī from Ibrāhīm bin Muhammad bin Hanafiyyah from his father (Imam) 'Alī [(‘a)], who quoted the Messenger of Allah (S) as saying: "*al-Mahdī minnā Ahla al-Bayt yuslihuhu Allahu fī laylatin* (The Mahdi is from us the Ahl al-Bayt, Allah will set right his affairs in [the course of] one night)."⁶⁸

Ibn Hanbal says:

C. Sufyān bin 'Uyaynah has related to us from 'Asim (bin Abi al-Najūd) from Zirr (bin Hubaysh) from 'Abdullāh (bin Mas'ūd) who narrates from the Messenger of Allah (S): "*Lā taqūm al-sā'ah*

hattā yalia rajulan min Ahli Baytī yuwātiū ismuhū ismī (The Day of Resurrection will not come until a man who is from my Ahl Bayt and whose name is my name, will rise).⁶⁹

Ahmad Shākir has termed the *isnād* of all three *hadīth* as *sahīh*, and has criticised the North African scholar ‘Abd al-Rahmān bin Muhammad bin Khaldūn (1332-1406) for rejecting the reports concerning the Mahdī (‘a). It is worth noting that Ibn Khaldūn in his famous *Muqaddimah* or Introduction to History has embarked on a lengthy discussion on the *ahādīth* concerning the Mahdī (‘a), and writes:

It has been well known (and generally accepted) by all Muslims in every epoch, that at the end of time a man from the Ahl al-Bayt (of the Prophet) will without fail make his appearance, one who will strengthen the religion and make justice triumph. The Muslims will follow him, and he will gain domination over the Muslim realm. He will be called the Mahdī...Evidence for this matter has been found in the *ahādīth* that religious leaders have published. They have been discussed by those who disapprove of (the matter) and have often been refuted by means of certain (other) *akhbār*.⁷⁰

Ibn Khaldūn in his discussion on the *ahādīth* concerning the Mahdī (‘a) says that those who reject the coming of the Mahdī have criticised these reports, which he acknowledges have been narrated on the authority of some of the prominent companions of the Prophet and have been recorded in all authoritative Sunni books, whose names he has mentioned. He writes:

Hadīth scholars acknowledge negative criticism to have precedence over positive criticism. If we find that some person in the chain of transmitters is accused of negligence, poor memory, weakness or poor judgement, it affects and weakens the soundness of the *hadīth*. It should not be said that the same faults often affect the persons (mentioned as authorities) in the two *Sahīhs* (Bukhārī and Muslim). The general consensus of *hadīth* transmitters

confirms the soundness of the contents (of the two *Sahihs*) as presented by Bukhārī and Muslim. The uninterrupted general consensus in Islam also confirms the acceptability of (the two *Sahihs*) and the necessity of acting in accordance with their contents. General consensus is the best protection and defence. Works other than the two *Sahihs* are not on the same level with them in this respect...⁷¹

He goes on to quote, one after another, several of the *ahādīth* from the Prophet concerning the Mahdī ('a), along with the chain of transmitters as found in the original sources, and tries to find fault with them in a manner which is clearly artificial. One of the *ahādīth* which he criticises is the narration that Ibn Hanbal has recorded on the authority of 'Abdullāh bin Mas'ūd. Ibn Khaldūn then directs his attack at 'Asim bin Abī al-Najūd even after acknowledging him to be "one of the seven authoritative Qur'ān readers."⁷² To deflect criticism from his assumption, he writes:

Were someone to argue that (Bukhārī and Muslim) published traditions of his, (we should reply that) they published them when there were also other (authorities for the same tradition), and that they did not use him as their basic authority.⁷³

The annotator of the *Musnad*, Ahmad Muhammad Shākīr, finds the criticism of Ibn Khaldūn unconvincing and rejecting it, writes:

Ibn Khaldūn attempted something for which he was not qualified and ventured into an arena which was not his domain. His preoccupation with state and political affairs and his serving of kings and nobles dominated his thought and speech, and as a result induced him to imagine that the report of the uprising and revolution of the Mahdī [(a)], was a (purely) Shi'ite belief. However, it is worth noting that first Ibn Khaldūn has not properly understood the statements of *hadīth* compilers that negative criticism (*jarh*) takes precedence over positive criticism (*ta'dīl*). If

he had properly understood their statements he would not have commented in this manner. It is also possible that he understood their purpose but since his thoughts were profoundly influenced by the political views of his times, he has tried to weaken the *ahādīth* concerning the Mahdi (‘a).

Second, ‘Asim bin Abi al-Najūd is considered one of the reputed reciters of the Holy Qur’ān and is also regarded as a trustworthy transmitter of *hadīth*. Maybe he has made mistakes in some *ahādīth* but these are not to the extent that his narration should be rejected. The strongest criticism against him is that he was not of good memory. But on the basis of such a single criticism, could we ignore him and consider this as a means of rejecting a report whose authenticity has been confirmed through various other chains and narrated in the words of several companions (of the Prophet)? The soundness of this report is to the extent that no one has any doubts about it, because among the transmitters could be seen just, truthful and candid persons. Moreover, since this *hadīth* has been narrated by other transmitters as well, the likelihood of a slip concerning someone whose memory being sharp is somewhat under doubt, is completely eliminated.⁷⁴

These were some of the examples of the large number of *hadīth* concerning the virtues of the Prophet’s Ahl al-Bayt (‘a) found in the *Musnad* of Ahmad bin Hanbal. The writer of the article had to limit his selection in view of the space. It is hoped that this article would serve the purpose of bridging the gap between the Muslims and promote better understanding of each other.

Notes

1. He is popularly known as Ibn Hanbal. Born in Baghdad or in Merv in Khurāsān (presently the city is in the Republic of

Turkmenistan), he started learning *hadīth* at the age of 16 and travelled to different places in collecting from scholars the sayings attributed to Prophet Muhammad (S). Among his prominent teachers, mention could be made of Sufyān bin ‘Uyaynah, ‘Abd al-Razzāq bin Hammām al-San‘ānī and Muhammad bin Idris al-Shāfi‘i. He left behind many works, the most famous of which is the *hadīth* compendium titled *al-Musnad*. His biographers have credited him with such characteristics as sharp memory, patience, purity of heart and thought, sincerity, courage and intellect. For further familiarity on his life, viewpoints and bases of thought, refer to the contemporary Egyptian scholar Shaykh Muhammad Abū Zuhrah’s work titled: *Ibn Hanbal – Hayātuhū wa ‘Asruhū, Arā’uhū wa Fiqhuh* (Ibn Hanbal – His Life and Times, His Views and His Fiqh), Egypt, Dār al-Fikr al-‘Arabī, 1367 AH/1947 CE.

2. *Musnad* (pl. *Masānīd*) is the name given to works where the *hadīth* are arranged in order of the names of the companions who after the Prophet are regarded as the prime source by the Sunnis. Several books were compiled under this title, of which Ahmad bin Hanbal’s *Musnad* is the most famous one.

3. Abū Mūsā al-Madyanī, *Khasā’is al-Musnad* (This treatise has been published at the beginning of Ibn Hanbal’s *Musnad* by Ahmad Muhammad Shākir), p. 21.

4. Al-Jazarī, Muhammad bin Muhammad, *al-Mus‘ad al-Ahmad fī Khatm-i Musnad al-Imam Ahmad*, p. 39. This treatise has also been included by Shākir in his introduction to the *Musnad*.

5. *Ibid*, p. 28.

6. Al-Suyūṭī, Jalāl al-Dīn, *Jāmi‘ al-Ahādīth*, compiled and arranged by ‘Abbās Ahmad Saqar and Ahmad ‘Abd al-Jawād, published in 21 volumes by Dār al-Fikr, Beirut, 1994.

7. *Hasan* or fair, according to Sunni traditionists is the term used to classify a *hadīth* which is traced to the Prophet or his companions or the second generation of Muslims, on the authority (*sanad*) of a person of short memory but considered reliable. This

type of *hadith* is also free of *shādh*, which means a tradition of reliable *isnād* but contrary to another similarly attested tradition.

8. Ibn al-Jazari, *al-Mus'ad al-Ahmad fi khatm Musnad al-Imam Ahmad*, pp. 53-55.

9. Al-Murādi, *Silk al-Durar*, vol. 4, p. 160

10. On Ibn Hanbal's accusation of support for the Alawids refer to Abū al-Faraj 'Abd al-Rahmān bin 'Alī bin al-Jawzi's *Manāqib al-Imam Ahmad bin Hanbal* with a foreword by 'Adil Nuwayhiz, Dār al-Afāq al-Jadidah Publishers, Beirut, pp. 359-362, 1973.

11. This work brought about the death of al-Nasā'i. It is said that when on a trip to Damascus he found the people of Syria ignorant of the lofty personality of Imam 'Alī ('a), he decided to write a book on the merits of the Commander of the Faithful. When al-Nasā'i started reading his work from the pulpit of the Mosque of Damascus, the enemies of the Prophet's Household pulled him down and beat him so severely that he succumbed to his injuries in Palestine.

12. Ahmad Amin, *Zuhā al-Islām*, 6th edition, vol. 2, pp. 122-123, published by Maktabah al-Nihzat al-Misriyyah, 1961.

13. Ibn al-Jawzi, *Manāqib al-Imam Ahmad bin Hanbal*, p. 165.

14. *Ibid.*

15. Ibn Abi al-Hadīd, *Sharh Nahj al-Balāghah*, vol. 1, p. 17.

16. Ibn al-Jawzi, *Manāqib al-Imam Ahmad bin Hanbal*, p. 163.

17. *Ibid.*

18. Abū al-Husayn Muhammad bin Abi Ya'lā, *Tabaqat al-Hanābilah*, vol. 1, p. 320, edited by Muhammad Hāmid al-Faqī, Cairo, 1952. It is interesting to note that Ibn Hanbal's reply bears close resemblance to the answer given by Imam Ja'far al-Sadiq ('a) to Mufazzal bin 'Umar concerning this same *hadith*. Imam 'Alī bin Mūsā al-Rizā ('a) also gave a similar reply to Ma'mūn; refer to

‘Allāmah Majlisi: *Bihār al-Anwār*, vol. 39, pp. 193-194, Dār al-Ihyā’ al-Turāth al-‘Arabī, Beirut. It is essential to know that according to many narrations, Imam ‘Alī (‘a) has stated: *I am the distributor of heaven and hell*”, *Bihār al-Anwār*, vol. 39, p. 199.

19. Ibn al-Jawzī, *Manāqib al-Imam Ahmad bin Hanbal*, p. 164.

20. *Bāghī* is used to describe a person who on the basis of a wrong cause rebels against and fights the just leader. In the view of Imami scholars, such a *bāghī* is a *kāfir*. Refer to al-Miqdād bin ‘Abdullāh al-Suyūri’s *Kanz al-‘Irfān fī fiqh al-Qur’ān*, edited by Muhammad Bāqir Behbūdī, al-Maktabah al-Murtazawīyyah, vol. 1, p. 386, Tehran 1384 AH.

21. For more details refer to Shaykh Muhammad Abū Zuhrah’s book *Ibn Hanbal: Hayātuhū wa ‘Asruhū, Arā’uhū wa Fiqhuh*, pp. 148-149.

22. Muhammad Bāqir al-Mūsawī al-Khwansārī, *Rawzāt al-Jannāt*, vol. 1, p. 187, Maktabah Ismā‘iliyān, Tehran, 1390 AH.

23. Al-Tūsī, Muhammad bin al-Hasan, *al-Rijāl*, p. 367, edited by Muhammad Sādiq Al-i Bahr al-‘Ulūm, 1st edition, Najaf, 1381/1961. Also refer to Sayyid Abū al-Qāsim al-Khu’ī: *Mu‘jam Rijāl al-Hadīth*, vol. 2, p. 260, 3rd edition, Dār al-Zahrā’, Beirut, 1403/1983.

24. Asad Haydar, *al-Imam al-Sādiq wa al-Madhāhib al-Arba‘ah*, vol. 2, pp. 503-506, 2nd edition, Dār al-Kitāb al-‘Arabī, Beirut, 1392/1971. The author has listed the names of Ibn Hanbal’s teachers, who according to him had Shi‘ite tendencies, but a review of Shi‘ite narrators in Sayyid al-Khu’ī’s *Mu‘jam Rijāl al-Hadīth* shows that no *hadīth* has been related from Ahmad bin Hanbal in authoritative Shi‘ite books of *hadīth*.

25. Ustādī, Rizā, *Musnad al-Rizā* (‘a) in 40 articles, p. 154, 1st edition, published by Kitāb-Khāneh Ayatullāh Mar‘ashī Najafī, Qum, 1413/1371.

26. Reference to the great generosity and munificence of the Prophet, Ahmad Shākir’s explanation on the margins of this *hadīth*.

27. Ahmad bin Hanbal, *al-Musnad*, annotated by Ahmad Muhammad Shākir in 15 volumes, Dār al-Ma‘ārif, Cairo, 1949-1958, *hadīth* no. 883.

28. Hamdī ‘Abd al-Majid al-Salafī, *Murshid al-Muhtār*, vol. 1, p. 239, 2nd edition, Beirut, 1407/1987.

29. *Al-Musnad*, *hadīth* no. 1600 (Ahmad Shākir).

30. *Al-Musnad*, *hadīth* no. 4.

31. Ibn Hanbal’s *Musnad* published in 6 volumes by Matba‘ah al-Maymaniyyah, vol. 4, pp. 164-165, 1st edition, Egypt, 1313 AH.

32. Ibn Hanbal’s *Musnad*, vol. 5, 356, Matba‘ah al-Maymaniyyah.

33. *Ibid*, vol. 3, p. 14. *Hadīth al-Thaqalayn* has been recorded extensively in the *Musnad*, e.g. vol. 3, pp. 17, 26 & 59; vol. 4, p. 367; vol. 5, pp. 181, 189, 190.

34. *Al-Musnad*, *hadīth* no. 950 (Ahmad Shākir).

35. Al-Salafī, *Murshid al-Muhtār*, vol. 3, pp. 156-157.

36. Ahmad Shākir’s explanation on *Hadīth al-Ghadīr*.

37. *Al-Musnad*, *hadīth* no. 2992 (Ahmad Shākir)

38. Refer to footnotes of the same *hadīth*.

39. *Al-Musnad*, *hadīth* nos. 2676 & 31111; also refer to *Musnad*, Matba‘ah al-Maymaniyyah, vol. 3, p. 346 (*Musnad Jābir bin ‘Abdullāh al-Ansārī*).

40. *Al-Musnad*, *hadīth* no. 1608 (Ahmad Shākir).

41. Muslim bin Hajjāj, *al-Jāmi‘ al-Sahīh*, vol. 2, pp. 236-237, Bulaq Press, Cairo, 1290 AH; Muhammad bin ‘Isā Tirmidhī: *al-Sunan (al-Jāmi‘ al-Sahīh)*, vol. 4, pp. 329-330, printed in India, 1328.

42. The conquest of Khaybar by Imam ‘Alī (‘a) is among the widely related *hadīth*. Ibn Hanbal has recorded this several times in

his *Musnad*, e.g. refer to vol. 3, p. 116 and vol. 4, p. 52, al-Maymuniyyah print.

43. We have mentioned this *hadīth* in brief because of its length. For the full text refer to *Musnad*, *hadīth* 3062 (Ahmad Shākīr), and also *hadīth* no. 3063 recorded through different *isnād*. Ahmad Shākīr considers the *isnād* of both the *hadīth* as *sahīh*.

44. *Musnad*, vol. 4, p. 107 (*Musnad Wāthilah bin Asqa*), Matba‘ah al-Maymaniyyah; also refer to vol. 6, pp. 292, 298, 304, 323 (*Musnad Umm-i Salamah*).

45. *Ibid*, vol. 3, p. 259 (*Musnad Anas bin Mālik*); also refer to vol. 3, p. 286.

46. On the identity of the Ahl al-Bayt.

47. *Al-Musnad*, vol. 3, pp. 167, 199 (Ahmad Shākīr)

48. For *hadīth* on Hazrat Fātimah al-Zahrā’ (‘a) refer to *al-Musnad*, vol. 6, p. 282, Matba‘ah al-Maymaniyyah.

49. *Al-Musnad*, *hadīth* no. 642 (Ahmad Shākīr). This *hadīth* has been recorded through a slightly different chain of authority (*isnād*) on pages 102 & 236 of the same book.

50. *Ibid*, *hadīth* no. 576. This *hadīth* has been added by Ibn Hanbal’s son ‘Abdullāh.

51. Ibn Hajar ‘Asqalānī, *Tahdhīb al-Tahdhīb*, vol. 1, p. 430, printed by Dā’irat al-Ma‘ārif al-‘Uthmāniyyah, Haiderabad Deccan (India).

52. *Al-Musnad*, *hadīth* no. 7863 (Ahmad Shākīr); also refer to *hadīth* nos. 6406 & 7392 of the same edition.

53. *Al-Musnad*, *hadīth* no. 1376 and also *hadīth* no. 1377 with a slight variation in its text and a different chain of authority (Ahmad Shākīr).

54. *Al-Musnad*, *hadīth* no. 1727 (Ahmad Shākīr)

55. Among these mention could be made of *Hadīth* nos. 1723, 1725, 1731, & 7744 of *Musnad*. Also refer to al-Salafi: *Murshid al-Muhtār*, vol. 1, p. 177 for similar *hadīth*.

56. *Al-Musnad*, Matba'ah al-Maymaniyyah, vol. 3, pp. 31 & 33; also refer to p. 82 of the same volume where the *hadith* says Imam 'Ali ('a) was mending the Prophet's shoes.

57. Tāhā Husayn, *al-Fitnah al-Kubrā* ('Ali and Prophethood), vol. 2, p. 77, 6th edition, Dār al-Ma'ārif, Egypt, 1969.

58. *Al-Musnad*, *hadith* no. 6499 (Ahmad Shākir).

59. Also refer to *hadith* nos. 6500, 6926, 6927. For other instances of its recording in the *Musnad* refer to al-Salafī: *Murshid al-Muhtār*, vol. 2, p. 39. For details on the Prophet's prophecy and 'Ammar's martyrdom refer to Muhammad bin Jarir al-Tabarī: *Tārikh al-Rusul wa al-Mulūk*, vol. 5, pp. 38 to 42, annotated by Muhammad Abū al-Fazl Ibrahim, 2nd edition, Dār al-Ma'ārif, Egypt, 1971.

60. *Al-Musnad*, *hadith* nos. 209, 210.

61. *Ibid*, *hadith* no. 6480 (Ahmad Shākir).

62. *Ibid*, *hadith* no. 3781. Refer to Holy Qur'ān (5:12) regarding the *Nuqabā'* (Chieftans) of Banī Isrā'il.

63. *Al-Musnad*, vol. 5, p. 101. Also refer to al-Safārīnī, Shams al-Dīn Muhammad: *Sharh Thulāthiyyāt Ahmad*, vol. 1, p. 539, first edition, 1380, Damascus.

64. Al-Salafī, *Murshad al-Muhtār*, vol. 3, p. 380.

65. E.g. refer to *Musnad*, al-Maymaniyyah print.

66. For more information on the views of the Sunnis refer to al-Safārīnī: *Sharh Thulāthiyyāt Ahmad*, vol. 2, pp. 540-566. Also see al-'Askarī, Sayyid Murtazā: *Naqsh-e A'immah dar Ihyā'-e Dīn*, vol. 11, pp. 74-84.

67. *Al-Musnad*, *hadith* no. 773.

68. *Ibid*, *hadith* no. 645.

69. *Ibid*, *hadith* no. 3571. There are several other *hadith* in the *Musnad* concerning the uprising of the Mahdī ('a), e.g. *hadith* nos. 3572, 3573, 4098, 4279 etc. Most of the *isnād* of these *ahadith* have been confirmed as *sahih*.

70. Ibn Khaldūn, *al-Muqaddimah*, translated by Franz Rosenthal, vol. 2, pp. 156-157, published by Routledge & Kegan Paul, London, 1986.

71. *Ibid*, vol. 2, p. 158.

72. *Ibid*, vol. 2, p. 159.

73. *Ibid*, vol. 2, p. 162.

74. Shākir, *Sharh al-Musnad*, vol. 5, pp. 197-198.

Towards Freedom and Dignity in the Paradigm of Karbalà and Damascus

By: Jawād Iqbāl Amīrī

Since time immemorial human beings have sought freedom and dignity. In traditional terms one might even find some justification for saying that these two are among the defining characteristics of human beings.¹ Admittedly, both these notions as used hitherto, are vague. In today's analytic academic climate, terms need to be clearly distinguished and defined and their various nuances and applications brought out as clearly as possible before they are used.

In the context of this essay then, we use the term freedom to mean both metaphysical freedom and personal freedom vis-à-vis social and environmental compulsions. Dignity is undoubtedly a value term, and ordinarily one would not have to make out the inner connexion between freedom and dignity given that any human being who had a reasonable degree of belief in his own freedom, to whatever extent, would to that extent feel dignified at least in his own sight. The contemporary academic climate of all-

pervasive scepticism, however, refuses to countenance the two notions as put forward in this essay or to see their inner connexion. Although we have no exclusive concern here with the way these two key notions are viewed by contemporary philosophy we shall be concerned to show the meaning of these notions for the righteous personalities of the events of Karbalā and Damascus and the difference that reliance on the paradigms of Karbalā and Damascus would make to our lives vis-ā-vis freedom and dignity. This will necessitate reference to contemporary thought, albeit tangentially.

Before proceeding further we should like to explain the choice of Damascus in conjunction with Karbalā. Karbalā represents in the late Dr. ‘Alī Shari‘ati’s words, ‘Blood’. Damascus, also in Shari‘ati’s words is ‘Message’.² What transpired on the plains of Karbalā during the first ten days of Muharram, 61 AH, was conveyed across space and time by Imam Husayn’s (‘a) valiant sister and fearless campaigner the Lady Zaynab (‘a), daughter of Imam ‘Alī (‘a) and Sayyidah Fātimah (‘a). It would be wrong, however, to separate the two stages as those of deeds and words. Karbalā is word made flesh and Damascus is that same flesh, speaking out to preserve the immortal sacrifice made by Imam Husayn (‘a) to celebrate the pre-eternal divine convenor between the Creator and the creatures.

We had mentioned above in passing the inner connexion between freedom and dignity. In itself, however, freedom is too vague a concept to be understood on its own. Living as we do at the start of the 21st century of the Christian calendar, our lives are in many ways affected and even circumscribed by political dimensions, hence the tendency to conceive of freedom mainly in political terms. This is not to say that freedom does not have an over-political connotation. On the contrary, the political dimension is a very important one but it isn’t the only one. Yet if one refuses to put the political dimension in the centre, then one is confronted

with two more basic questions, namely, that of the dimensions in regard to which the concept of freedom is applicable, and the criteriological question of the relative importance which can and ought to be assigned to spheres in relation to which the notion of freedom is applicable.

The answers to these questions would traditionally lead to an inquiry into the nature of Being and of Man's place in it.³ Yet one is reminded promptly that we live in a post-modern age in which all such questions reek of anachronism. When undertaking such an inquiry however one must keep in mind the fact that the answer should be sought not on the basis of what is currently efficacious but what is universally true. A brief detour into the history of western thought should give us an idea of how western notions of freedom are inapplicable to our context, not because they belong to a foreign culture but because they are based in a current of thought that focuses arbitrarily on the transitory, evanescent and parochial and refuses to regard the abiding, the eternal and the universal. One must not fail to remark here that western thought has displayed both these contrasting characteristics at particular times but has been unable to effect a reconciliation of the two at any one time.

The post-modern or quasi post-modern age we live in, is the offshoot of the modern age.

It will not fail the readers' notice that modernity is the special target of criticism in what follows, as exemplifying a mode of thought based on Quantity rather than Quality. Lest this is construed as an unqualified endorsement of traditionalism we should hasten to add that in certain matters traditionalism is equally reprehensible. While modernity appears to be an attempt towards sociological metaphysics, traditionalism tries to make transcendental a particular mode of living as being universal and categorical. This has led most regrettably to a complete paralysis on its part, of independent critical evaluation of the milieu it

idealizes. Hence the almost complete neglect by traditionalism of the event of Karbalā as the source of inspiration and guidance.

Ideationally this age was inaugurated by Descartes' rejection of what was for him the received form of thought, or Scholasticism. Scholasticism shares with traditional thought many key themes including conceptions and visions of reality and of the cosmos. The human is a complex being created by God and standing at the summit of His Creation. This vision sees the entire cosmos as His creature and God Himself as transcending the cosmos so that He is both immanent in, but also transcendent, to the cosmos. The human entity is only potentially superior to the rest of the cosmos. Insofar as he masters the base and vile elements of his being, viz., his instincts, emotions and narrow motivations, and orients them to the servitude of the Lord, he is able to climb the summit to perfection. What enables Man to scale the height is his faculty of discernment divinely imbued in him and called by the name of intellect. The intellect when informed by the higher spheres of the heart; when dealing with mundane matters, is reason, and when integrated into a whole, is Primordial Man, having all his faculties and elements in their proper place. In his ideational economy, freedom is the ability to shake off one's bondage to all the lower elements, namely instincts, emotions and human reason and to orient himself to the Divine. In the exercise of this freedom lies the key to the attainment of one's dignity.⁴

By inaugurating what has now come to be known as modernity, Descartes rejected all these elements.⁵ The ideational alternative he presented consisted of a very impoverished picture of the cosmos. For one thing this was a consequence of Descartes' method, which aimed not at discovering what being consisted of, or its contours so to say, but at trying to find out whether and how knowledge was possible. In the process he totally dispensed with the divine component of the process of acquisition of knowledge, namely revelation. He set forth the idea that reality was of a bi-

level nature, matter or material on the one hand, and ideas on the other, the latter being a product of a self-contained human reason. Moreover the two levels of reality had nary a thing to do with each other. On closer inspection it became clear that this conception of reality had been advanced to pave the way for a political conception of human freedom rather than an ontological one. For the western man in general and for Descartes' intellectual successors in particular, it was necessary to use one's putative rational capacities to achieve freedom. However, two hundred and fifty years down the line, the German thinker Schopenhauer (1788-1860) and later Nietzsche saw in the Cartesian conception of reason an obstacle rather than an aid to the attainment of human freedom. Freud (1856-1939), the celebrated German psychoanalyst, completed this rout of the Cartesian notion of rationality by putting forward the idea that instincts were the defining feature of Man and rationality as conceived in the western tradition was merely a ploy to deprive Man of his true (read instinctive) freedom. This then in a nutshell is the denouncement of the modern conception of rationality. Conspicuous in this entire saga is the absence of any conception of Man's true ontological constitution in the larger scheme of things and therefore of his worth as such. To add to this sorry state of things is the fact that these ideas have so pervaded the intellectual atmosphere of Muslim societies that many a purblind thinker equates Imam Husayn's ('a) struggle as one aimed primarily at achieving political freedom for the contemporaneous Muslims.

That Imam Husayn's ('a) struggle also aimed at achieving freedom and dignity is beyond any pale of doubt; that is not the issue, in fact. What we ought to do, however, is to discover what these two terms meant for the Imam, for his august family and for his illustrious and worthy successors (upon all of whom be peace and blessings of the Lord). Every care must be taken not to read our own narrow and specific understanding of these two notions

back into the actions of one who personifies and embodies in his very self, universality and eternity. This universality and eternity relates at once to two aspects, the linear historical aspect and the vertical metaphysical aspect.

As to the first aspect, need one remind oneself that Imam Husayn ('a) carried forward in his person the mission for the achievement of human dignity and freedom initiated by the first prophet, Adam ('a), and brought to finality by the Last of the Messengers, Prophet Muhammad (S)?⁶ In fact, as we have argued elsewhere in another context, Imam Husayn's ('a) movement was simultaneously a successful attempt to safeguard the meaning of the finality of Prophet Muhammad's (S) messengerhood.⁷ This is one of the meanings of the Prophet's cryptic but profound exclamations regarding the nature of his relationship with his grandson, when he says: "Husayn is from me and I am from Husayn."

The fact that the chain of revelation and messengerhood, which began with Adam ('a) and ended with Prophet Muhammad (S) constitutes a single thread, relates to the second aspect, the metaphysical one. It is this aspect which gives us a glimpse into the primordial and unchanging essence of Man, what the Holy Qur'ān calls *Dīn-i Qayyim* and *Dīn-i Hanīf*.⁸ There is no gainsaying the fact that prophets have been sent unto mankind in many different places and times, each of those places and times being seemingly unlike the others. Yet the core of the messages brought by each of the prophets was identical because despite being revealed in different space-time frameworks, those messages address themselves to the inner core in Man which is eternal, unchanging and stable. The Holy Qur'ān calls this *Fitrah*, which can be translated as God-given nature. The Holy Book explains the fact in the following way:

"Then set your face uprightly for the (right) religion, in accordance with the natural disposition which God has instilled

into Mankind; No change can there be in the creation of god. This (uprightness) is the stablished religion; but most people know not.” (Sūrah al-Rūm, 30:30)

The *āyah* points clearly to something of universal and eternal significance. Even as the Holy Book relates to us incidents and events of past communities from an eminently wholesome axiological perspective, it affords us some glimpse into pre-eternity. And the two, temporality and pre-eternity, are not two disjointed aspects of the Qur’ānic narration.

The Holy Qur’ān, and only the Holy Qur’ān, weaves the two into a harmonious instructive whole for mankind. As for the Word of God, the Holy Book affords humanity a rare glimpse into the metaphysical dimension not available to us through merely anthropic means. As the personification of the Word, Prophet Muhammad (S), as also the Prophets before him, demonstrate the possibility par excellence, of weaving the two dimensions together and thereby demonstrate also the verity of the Prophet’s saying that: Verily God created Adam in His own image.

All this is central to our presentation as we shall show presently. Connected very intimately with the import of Verse 30 of *Sūrah al-Rūm* quoted above, is the verse from *Sūrah Yāsīn* where the Lord reminds Man of his pre-eternal covenant with Him. The verse is as much a reminiscence of an event, albeit a pre-eternal one, as of the exalted origins of mankind. There is something in Man which creates with it a remembrance and consciousness of its exalted station and origins within itself. As the Lord reminds us:

“Did I not enjoin on you, O you children of Adam, that you should not worship Satan – since verily he is your open foe – and that you should worship Me (alone)? This is the right way.” (Sūrah Yāsīn, 36: 60-61).

These two verses must be read in conjunction with the many other verses of the Holy Book wherein the role and aims of the Prophet are adverted to. Characteristically, the Holy Qur'ān relates them allegorically but it never fails to point to the central aim of all the prophets whose exploits are adverted to: the delivery of the message of *Tawhīd*. With unfailing regularity the Qur'ān points to the steadfast adherence to and affirmation of, the doctrine of *Tawhīd* by each of the prophets, and with the same regularity it highlights not only those who opposed the message of *Tawhīd* – Pharaoh, Korah, Hāmān, Nimrod, Abī Lahab to name only a few – but also the causes and roots of the manifest paradigm. It points out deviation from the True Path and as such the forgetting of the pre-eternal divine covenant. In every case the roots and causes lie within the human self and take on diverse forms and shapes. In *Sūrah 'Ankabūt*, for instance, three vicious examples are pointed out: Pharaoh, Korah, and Hāmān. Each of them is obsessed with something external, not for its own sake but on account of a glaring defect within their own selves. Arrogance, greed and lust, for instance, are cardinal sins and so are the obsession with acquisition and exercise of worldly power. The Holy Qur'ān as the Book of Mercy and Guidance does not fail to point out that these manifest deviations and aberrations result from preoccupation with and bondage to something external, created and finite. Most often, especially in the case of very primitive peoples, the roots lie in man's error in exalting a finite, material object to the status of deity. In the Qur'ānic drama of human history the prophets are shown to be divinely inspired and designated individuals who invariably remind mankind of their divine origins and show their present wretched condition to be a function, not so much of external compulsion, but the failure of men's intellects to distinguish between truth and falsehood, virtue and vice, right and wrong, principally because they attributed power, sovereignty and dominion to created things instead of to the One True Lord. The

Qur'ānic presentation of the role of the prophets in mankind's eternal struggle for freedom shows them to be directing their efforts and energies basically at purifying the souls of human beings and ridding their intellectuals of false conceptions rather than drawing up a manifesto for redistributing the control of material resources. This last, of course, is included in their programme and duty, and follows as a corollary to the purification of selves and enlightening of intellects. The Commander of the Faithful, Imam 'Ali ('a) says in the very first sermon of *Nahj al-Balāghah* regarding the mission of the prophets: "... and the (the prophets) bring to the surface the buried treasures of the (the people's) intellects".

The Qur'ān does not deny the efficiency of material causes, these are held to be effective in their own way. But the Qur'ān regards man to be responsible for his actions. Action in its sophisticated philosophical sense is a central category in the Qur'ān's axiological conception. We do not wish to enter here into a discussion of whether the Holy Book prescribes to the notion of predetermination, soft determinism, compatibilism or indeterminism.⁹ Suffice it to say that the Shi'ite doctrine, as based on the Qur'ān and the sayings of the Prophet and the Imams, propounds a view of indeterminism known as *al-amr bayn al-amrayn* and we subscribe to the same view.

It was just such a view that led the prophets to rally people for reform. But the prophets' call was directed primarily at the inner self, the self which is patterned on God's image and the self that has stood witness to the Lordship of the One True Creator in pre-eternity. The prophets have striven to make men realize that their true freedom lies in recognizing their spiritual origins and in trying to transcend one's material confines. Not only have the prophets, each one of them, served as exemplars for seekers of freedom they have actively helped those enlightened human beings who were truly and sincerely interested in shaking off the diverse

material and psychological shackles to achieve genuine spiritual liberation.

These material and psychological shackles can take on myriad forms. Even as the slave who is coerced into servitude is in physical fetters, the master who finds pleasure in enslaving him (the slave) is himself slave to his own passions, arrogance and covetousness. These latter are more oppressive forms of servitude than the ostensible one but there is none as devious and as deceptive as the conceit and vanity that snares one's ego. Only the recognition that there is no true self but the divine self ensures that the first steps towards freedom are taken. To go on to demonstrate practically the negation of one's ego is the exordium to the languages stage in the interminable inner ascent of man to God. It is in this sense that the *Sūrah al-Fātihah* represents our feelings as:

"Thee only do we worship and from Thee only do we seek succour."(1: 3)

The same thing when put in a negative, admonitory tone is expressed thus in *Sūrah al-Hashar* :

"And be not like those who are oblivious of God and whom He therefore causes to be oblivious of (what is good for) their own selves."(59:19)

From the vintage point of the prophetic mission, especially that of the last Prophet (S), the *Sūrah al-Jumu'ah* has this to say:

"It is He who has raised up among the unschooled (ummiyyin) a Messenger from among them to recite His signs to them (and) to purify them, and to teach them the Book and the Wisdom though before that they were in manifest error. And (unto) others from among them who have not yet joined them. And He is the Ever-prevalent, the All-Wise." (62: 2-3)

The upshot of the prophetic mission is the teaching of the Book and the Wisdom. The desiderata for this is (one) the

recitation of the signs to the people so as to, (two) purify them. Quite clearly the people must be freed from the dross of superficiality and imperfection, liberated, as it were, from the clutches of human faults and foibles and from the myopia of literalism to be able to learn the Book and the Wisdom. When such purification has been achieved and the self liberated from its narrow prison of egoism, striving for the establishment of social justice is but a natural corollary. As god puts in *Sūrah al-Hadīd*.

“Indeed, We sent Our Messengers with the clear signs, and sent down with them the Book and the Balance so that mankind might stablish justice.” (57: 25)

In the verse of *Sūrah al-Jumu‘ah* there is reference to future generations too. Given the privileged nature of prophethood as a divine institution and also given the fact of the end of this institution with Prophet Muhammad (S), the function of conveying the message cannot be vested in the *Ummah* at large though the *Ummah* does have an ancillary role. The primary function can only be performed by individuals of great spiritual and moral rectitude, handpicked not by creatures but by the Creator Himself. This is ensured through the institution of *wilāyat*, which is, as it were, a natural adjunct of the function of prophethood. Revelation (*tanzīl*) does come to an end but being by its very nature exalted and cryptic it finds its protectors and exegetes in the divinely invested guides of the Household of the Prophet. The Prophet’s proclamation of Imam ‘Alī (‘a) as *Maulā* on the 18th of Dhī al-Hijjah 10 A.H. and its corroboration with the revelation of these verses of *Sūrah al-Mā‘idah* attests to this:

“Today I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam for you as religion.” (5: 3)

Equally important in this context is the following proclamation by the Prophet (S) whereby he sets up under divine guidance, two complementary models of conduct for humanity.

Verily, I am leaving behind two precious things (*thaqalayn*) among you: the Book of God and my kindred (*'itrah*) my household (Ahl al-Bayt); for indeed, the two never separate until they come back to me by the Pond (of *al-Kawthar*) on the Judgement Day.¹⁰

The Book and the Person, as it were. Once again we can see in hindsight the Wisdom of the Lord at work here. The Book provides in crystalline and stable condition the verbal expression of what is quintessentially beyond, not below, language. Let this verbal expression itself be reduced to meaningless letters, the progeny of the Prophet stand as active expressions and embodiments of the Word of the Lord. Contra Post-Modernism” The essence of the Book gets preserved both intellectually (knowing) and ontologically (being). Contra Modernism: The essence is not an uprooted rational construct of the infrahuman being. But this however is another discussion and not directly relevant to our present topic.

In the backdrop then of our sketch above, freedom is not some facile superficial notion relating to the shaking off of familial, social and political compulsions in order to attain personal desires. In fact the personal is personal only insofar as it is aware of one's total and absolute dependence on the Divine self. Only by allying oneself with and putting oneself in servitude to the One True Lord can one break off the shackles that hold men in thrall to nature, society, history and ultimately to one's own chimerical self. In this also lie Man's dignity and worth. After all, if one came to realize as one must, that there is only One True Overpowering and Eternal Being, Who not only creates but sustains the entire cosmos at each and every instant, then it seems entirely reasonable to pledge one's allegiance to that One Being and to strive to extricate

oneself from all other bonds of dependence and servitude. Islam is just this realization and its central doctrine. *Tawhid*, refers to this notion of the unity and concatenation of all existence as the manifestation of the attributes of the One True Lord. The enunciation of this doctrine with consciousness of its implications in this spatio-temporal frame of existence is merely a re-enactment of humanity's covenant entered into with divinity in pre-eternity. The entire chain of prophets beginning with Adam ('a) and ending with Prophet Muhammad (S), is an unbroken series of efforts to make Man realize his exalted origins and to liberate him from all false bonds of servitude. One might think that the mission becomes redundant with the end of prophethood but that is not true. We have had occasion above to refer to the liberalist streak in man in passing. When this liberalist streak is combined with the cynical and the deviant we have a potentially volatile mixture such as was witnessed among Muslims immediately following the passing away of the Prophet (S). More importantly Islam is a realistic code and it has a true conception of human capacity for good and evil. The Prophet (S) delivered with utmost honesty, truthfulness and sincerity the Message of the Lord. The delivery was both objective as expressed in the verbal form of the message and subjective as expressed most harmoniously and faithfully in his own conduct (*sīrah*). The Prophet could not and did not compel people to conform to the message against their wishes. This was also a practical reflection of Islam's conception of freedom.

The early history of Islam shows the distribution of mankind into three categories depending upon their visceral acceptance of the Message. These were the Muslims, divided qualitatively into *Muslim* and *Mu'min*, the *Kuffār* (sing. *Kāfir*) or the unbelievers and the *Munāfiqīn* (sing. *Munāfiq*) or the hypocrites. The characteristics of each of these categories are described graphically by the Holy Book not only in material and psychological terms that but also in

soteriological and eschatological terms. One might easily transpose this distribution and categorization into any age.

The believers, the most praiseworthy and excellent group of people, were those who truly emulated to the best of their own ability the life and conduct Prophet Muhammad (S). This lifestyle was freely chosen and reflected the conception and vision of human dignity that these believers shared with the Prophet. A sampling of their views should help to clarify the pristine ideals of those believers of the community.

Categorizing worship with reference to the intentions with which it is carried out, Imam 'Alī ('a) is reported to have said:

A group of people worshipped God out of desire for reward: this is the worship of traders. Another group worshipped God out of fear; this is the worship of slaves. Yet another group worshipped God out of gratitude; this is the worship of freemen.¹¹

He is also reported to have said:

Even if God had not warned those disobedient to Him of chastisement, it was (still) obligatory by way of gratefulness for his favours that He should not be disobeyed.¹²

Here we find an inner connexion being made between worship of and obedience to the Lord, as the way to freedom. In Islam, worship is not merely ritualistic but is related to obedience of the commands of the Lord and that too at the deeper and more profound level of one's intention, and it is this which establishes in the eyes of the Leader of free men, Prophet Muhammad (S), man's self respect. Consider the following aphorisms attributed to him:

Whoever desires to be the most honourable of men, let him be wary of God, the Almighty and the Glorious.¹³

The absence of need does not lie in abundance of wealth but it lies in inner plenitude.¹⁴

The Commander of the Faithful, Imam ‘Ali (‘a), has this to say on this subject:

There is no honour greater than personal piety.

He also said:

Hold your own personal worth high by indifference to lowly thing and base goals.¹⁵

The fourth Imam, ‘Ali ibn al-Husayn Zayn al-‘Abidin (‘a), says:

I would not exchange my self-respect for the most precious thing in the world.¹⁶

That the immediate successors of the Holy Prophet, the Imams ‘Ali (‘a), Hasan (‘a) and Husayn (‘a), all worked to uphold this dignity in the eyes of the Lord by living and exemplifying the faith to the fullest is without an iota of doubt. There are detractors who have cavilled at what they see as faults and peccadilloes of these saints. But when one scrutinizes closely the yardstick whereby these detractors evaluate historical personalities we find them critically wanting in adherence to pristine Islamic criteria.

The question then naturally arises as to what went wrong with the Muslim society for Karbalā to have taken place. The explanation that the Umayyads were a sybaritic and lecherous lot or that they had a long-standing enmity with the Hashimites is simply not plausible enough.

Not that the Umayyads were not sybaritic and lecherous; nor can it be gainsaid that they bore no enmity towards the Banī Hāshim. They did not suddenly develop these traits forty years after the passing away of the Prophet (S). One need give no greater example of their wretchedness than the Battle of Uhud in which the wife of Abī Sufyān, Hind, had her slave tear out the liver of the Prince of Martyrs, the Prophet’s uncle, Hamzah. Yet as long as the community held to, at least ostensibly, the principles that the

Prophet was preaching and practicing, no manifest schism and no patent departure from the prophetic ideal was countenanced. The Prophet's death removed the last vestige of dissimulation and it soon became clear that only a handful of companions along with the Ahl al-Bayt ('a) stood firm to the letter and the spirit of the revelation. With the passage of time, past conquests, not present deeds, became the measure of dignity. The dignity was traded for the acquisition of fabulous comforts.¹⁷ When the noble and exalted companion, Abī Dharr, rose to confront these dangerous deviations, he was exiled and met with what most saw was an ignominious death in exile. The community had very soon forgotten, where the real roots of ignominy lay. Literalism was riding a crest wave thereby restricting Islam to the time span of revelation, and *jihād* to the campaigns enforced on the Prophet, thus deliberately consigning to oblivion the Prophet's remark on seeing the returning armies from the battlefield, say: "Blessed are those who have performed the minor *jihād* and have yet to perform the major one. When asked, what is the major *jihād*, the Prophet replied: "The *jihād* of the self" (struggle against self).

Only in an atmosphere pervaded by fear generated by a despotic authority which knew hedonism to be the jugular vein of the populace could the Umayyads have decided to stage the vicious, contumacious atrocity in Karbalā that they did. Imam Husayn ('a) and his companions were not the first ones to bear the brunt of Umayyad savagery but they were certainly the most distinguished, principally in the eyes of God and secretly in the minds and memories of those who had seen the Prophet shower his grandsons with profuse love. This was not just grandfatherly love but love motivated purely by God-consciousness under the influence of which the Prophet had at divine behest crowned them Leaders of the Youth of Paradise. It was this august family, their friends and their posterity that lay slaughtered on the sands of Karbalā on the 10th Muharram, 61 AH by the minions of Yazid and

later dragged through the streets of Kūfah and Damascus by this bands of infidels. By all standards of worldly conduct, the Prophet's Ahl al-Bayt ('a) had forfeited both freedom and dignity. It was this very understanding (sic) which made Yazid's governor at Medina mock the Prophet (S) at his blessed grave by exclaiming:

O Muhammad, no news came (from the unseen) nor did you receive revelation. Verily we have avenged our defeat at Badr and Uhad.

That he made these remarks were outrage enough, that he got away with it with nary a finger being raised by the docile and mute audience witness to the sacrilegious outburst is another. Karbalā took place because of just such docility and muteness on the part of the Muslims, a docility and muteness which had roots in fear, and the fear itself was a result of their refusal to pay the price of freedom and dignity as visualized and practiced by the luminaries of Islam. The capacity and disgrace to which the Ahl al-Bayt ('a) and their supporters were subjected could scarcely do anything to take away the honour, dignity and privilege bestowed on them from on high. As to freedom it was vouched for them by the Lord Himself for their having sold their souls to Him in return for His Pleasure. What most had then failed to realize, and we fail to do still, is that their captivity and disgrace is a slap on the face of a mere biological humanity which has lost all its sense of dignity, worth, discernment and purpose. Only the satan in Man could let such indignity to the countenance of the Lord ever take place. A humanity which has lost its ability to recognize and revere the Manifestation of its Lord's Visage is a humanity not worth its name. Shariati was not just being poetic when he exclaimed in connexion with the martyrs of Karbalā. "They (the dead) are living, we (the living) are dead."

The episodes of Karbalā and Damascus serve to expose now as then, a patent contradiction in thoughts of Muslims be they common people, so-called intellectuals or those claiming exclusive

privilege over spirituality. On the one hand, Muslims actively sought and still seek worldly gain, pleasure and comfort; on the other, when it comes to implementing Islam's moral code in their lives, they display a most despicable inactivity, relegating everything to divine imitative. Imam 'Alī ('a) was referring to this very tendency when he said: ["You seek actively after that which the Lord has promised you (worldly provision) but display total heedlessness and inactivity for that thing for which you will be questioned on the Day of Judgement (i.e. good deeds)."]

The inactivity and unconcern for the truth it was which the Ummayyads tapped seemingly to their own advantage. When slowly but surely the heinous nature of their crime began to unravel before the eyes of the populace they tried to lay the responsibility for that at the divine doorstep. When the family and supporters of the Doyen of Martyrs (upon all of whom the peace) were brought before the notorious criminal, the governor of Kūfah, 'Ubaydullāh bin Ziyād, he addressed the Lady Zaynab ('a) thus:

Praise be to God who has disgraced you, killed you and revealed the false nature of your claims.

To this the lady Zaynab ('a) retorted:

"Praise be to God who has favoured us with His Prophet, Muhammad, may God bless him and his family, and He has purified us completely from sin. He only disgraces the greater sinner and reveals the false nature of the profligate. Such men are not amongst us, praise be to God.

"How do you consider God treated your House?", asked Ibn Ziyād. "God decreed death for them and they went forward (bravely) to their resting places," replied Zaynab ('a). "God will gather you and us together. You will plead your excuses to Him and we will be your adversaries before Him."¹⁸

Academically speaking, this represents a classic formulation of the Shi'ite doctrine of *al-amr bayn al-amrayn*, or neither

absolute determinism nor absolute freedom. For those who claim that crystallization of Shi'ite doctrine was a later development this is proof of the remarkable continuity of thought from the Prophet to Imam 'Alī ('a) and to his illustrious sons and daughters.

However, what we wish to point out is of a more practical nature. Our point is that whatever difference there existed among the early community regarding the right to rule, the paramountcy of the Ahl al-Bayt ('a) was beyond doubt. In the words of the Holy Qur'ān, they were the *Ahl al-Dhikr* (16: 43 & 21: 7), the people who were incessant recipients of benedictions from the Lord and His Angels since pre-eternity, and they were those cleansed of all impurities by the Lord Himself as only He can (33: 33). True, with the ascent of Mu'awiyah ibn Abu Sufyan to the throne of Damascus, an indefatigable campaign to discredit their worth by concocting spurious traditions in the name of the Prophet had begun. Yet there were many people like Zayd bin Arqam and Jabir ibn Abdullah al-Ansari who could still recall vividly what the Prophet had said in eulogy of His family. Notwithstanding the incessant dissemination of lies about the Ahl al-Bayt ('a) on a grand scale, the truth was in vogue too albeit in the manner of a subterranean current. The blasphemous audacity of the Umayyads at Karbalā reflects their design to discredit the theomorphic concept of Man elevated into a criterion by the Prophet himself and of which, he and his family were the paragons. The mute majority had been conniving with the rulers and would almost have let the Umayyads raze the edifice of Islam to the ground had not Imam Husayn ('a) revived Islam at Karbalā and had not Lady Zaynab ('a) immortalized that sacrifice through her intrepid eloquence while still a seemingly helpless captive in Kūfah and Damascus. It was Imam Husayn ('a) who drove home the meaning of dignity both with his actions and words. His immortal words speak to us across the sands of time: "Death with dignity" said he "is superior to life in dishonour."

This sacrifice then refutes conclusively the stand of the early predestinarians on the one hand, and on the other, shows the inefficacy of political compulsion for the morally cleansed and pure. Political compulsion, the Ahl al-Bayt show in Karbalā and Damascus, only works when one's moral foundations are either weak or hollow. This leads to another all-important point: The superiority of *Imamah* over *Ummah*. Karbalā and Damascus demonstrate the inherent spiritual and moral superiority and vitality of the *Imāmah*, therefore its centrality in terms of guidance, over the *Ummah*. There is nothing intrinsically sound about the *Ummah*, it being as amendable to error as is conceivable, except that it align itself with the Pole of Right Guidance. After all, it was not the *Ummah* who stood between the Umayyads and their nefarious scheme of total distortion as well as of abrogation of pristine Islam. Rather, it was the divinely guided personality of Imam Husayn ('a) and his band of die-hard supporters who made sure that this recidivist counter-revolution would not succeed. The *Ummah* of course had a very important role to play in this but only negatively. First by allowing itself to be lulled into forgetting the true ideals and practices of the faith. This, of course, was a direct consequence of their turning away from the Pole of Right Guidance (*Imāmah*). Secondly, by deceiving itself into believing that power was the guarantee and hallmark of possession of true faith thereby paving the way for all power-seekers and power-mongers to use the faith for their own ulterior motives. Karbalā is an extreme example of the play by power-seekers to do just that. But Karbalā was not the only occasion when such efforts have been made. The scale and magnitude of the atrocities perpetrated as well as the outstanding merit of the oppressed ensured that the oppressor did not get away with it. Time and again in this essay have we referred to the role played by Lady Zaynab ('a) in exposing the crimes of Yazīd and his minions. The *Ummah* cannot take credit for having prevented Yazīd from perpetrating his evil design.

Our point then is, what if the oppressed is not – and of course cannot be – of the same standing as Imam Husayn (‘a) and Lady Zaynab (‘a)? Without a Zaynab (‘a) to speak for them and given the perennial indifference of humanity to Yazīd and his likes, how many a Karbalā, how many a grand crime, have we connived at, been part of, abetted or condoned? By merely weeping for the martyrs of Karbalā as a group of unfortunate victims we ignore the fact that they were deliberate victims of a grand scheme to wipe out the divine spark in humanity. The oppressors probably may not have had anything against Husayn (‘a) as Husayn (‘a). But they clearly saw just as we fail to do, that Husayn ibn ‘Alī (‘a) was the very embodiment of that human being created in the image of the Lord. With this image out of the way, extirpated if you like, they could fully enjoy the license to live an absolutely de-divinesed, therefore de-humanized life. With nothing there to remind them of Man’s inherent link to Heaven they could very well revel in their self-created paradise of gore and lust. These are not counterfactual postulations. Cast a cursory but disinterested look at Umayyad history in particular and of human history in general and you will find such despots wallowing in precisely such sybaritism and Epicureanism. One inevitable fallout of such hedonism is invariably a forfeiture of Man’s freedom and dignity for in such cases Man is prevented from liberating himself from instinctual, physical and psychological prisons and denied the opportunity to attain the station of dignity rightfully reserved for theomorphic beings. Two, the worth of Man in such dispensations is not intrinsic but relative. We have shown above that the worth of Man is intrinsically good insofar as he realizes the divine in him. Some of this he is but a compound of instincts and guidelines. In this backdrop the historical Karbalā itself and every re-enactment of it is a grave threat to the entire history of human struggle from the bondage of the lowly and the base, for whereas the Holy Prophet’s ministry consummates the entire positive history of theomorphic

mankind, Karbalā marks a reversal to prehistory and is therefore a despicable attempt to sabotage human evolution, the latter being meant not in a Darwinian but in a spiritual sense.

Taking the above as backdrop let us try to reflect on the relevance of that entire complex of events for our times.

From our vantage point we can, should we desire to, witness the many thought currents and political systems on offer today. It might, of course, be objected that there aren't many on offer today what with the triumph of capitalism and liberalism. Let us beware however the Marxism in its many varieties is also staging a comeback. It might also be objected that these are thought – currents totally foreign to us. But then, this is not reason enough to reject outright something possibly of value. Here too, then we may refer to Karbalā as the extension of Islamic Revolution.

For one thing, Karbalā clearly lays down criteria for personal and collective conduct. God-orientation is the hallmark of Karbalā not just in the abstract but in the sense of liberating Man from all the dark forces of nature, history, society and self, and setting him on the interminable journey towards the Exalted Creator. The pertinent question here is, does any of the systems of idea and scale of values even come close to these criteria gleaned from Karbalā? The answer is bound to be a resounding no. After all, it should not take a genius to espy that all these systems conceive of Man almost exclusively in consumptive-economic terms. Production for consumption, consumption for production and a possibly equitable distribution of produce are the highest goals conceivable in these systems. There is no way the Muslim mind and his spirit will find relief and comfort in such partial, limited, solutions though their utility within a vastly expanded framework cannot be ruled out. There is something else too that needs to be considered here: The question about freedom and dignity, which is central to this essay.

As we pointed out in the opening paragraphs, freedom is a metaphysical issue and dignity an axiological one. With

metaphysics totally banished from the West's ideological horizon, one may no longer expect any fundamental and ultimate solution to this issue. Metaphysics is not only passing, it is anachronistic in the West's ideational matrix. It was no coincidence that the demolition of the West's notion of metaphysics took place at the hands of Nietzsche, the very man who was allowed to proclaim triumphantly like his own fictive character, the madman: "God is dead". This proclamation does away with one stroke not only academic metaphysics but the sources of all norms and values. If ever there was any attempt in human history at mimicking and reduplicating the Umayyads it was this. The only difference is that this movement succeeded in a clime and an age where no divinely designated individual stood up to thwart it. Husayn ('a) after all is unique. He couldn't be ever reduplicated although, for sure, any attempt to counter this blasphemy can only find inspiration and sustenance from the Martyr of Karbalā, for he it is for whom perennial Divine Sustenance has been vouched by the Qur'ān itself. This does not mean however that we should let matters rest at that. At the risk of appearing antinomic, one must state that the West has built a colossal information edifice "founded", it would appear, on these non-foundations. By giving them widespread currency the West would like us to buy into the notions they are bandying about as if these were the absolute truth. Of these notions, freedom and dignity are shown to be quasi-perennial human goals but attainable only under the canopy of Western civilization. Having allowed themselves to be disenfranchised, as it were, of such key concepts as human essence, human dignity and human freedom the West would like us to believe that the notion of human essence is a relic of a bygone era, that freedom pertains mainly, almost exclusively, to the social and political domain and that dignity lies in being able to exercise the only types of freedom on offer, viz. political and economic freedom. Here as in every other field of endeavour, Karbalā beckons us. We now have a fourfold duty:

1. First to delve deep into the message of Karbalā and Damascus to bring out the riches of ideas and exemplary actions that will bring light to a stymied age. This will entail quarrying from these rich mines the value and relevance of timeless and perennial concepts to the surface for an age steeped in skepticism.

2. Second, to find common grounds with traditional cultures of both the East and the West, in order, to acquaint them of the cosmic dimensions of the message of Karbalā. Karbalā is a source of hope for freedom lovers around the globe. So far we seem to have monopolized it.

3. Third, to construct an ideational–intellectual edifice which should begin to serve as an alternative to the current dominant epistemic paradigm which is shot through with contradictions in the way it sets up an opposition between the positive and the normative and at best relegates the normative to the status of the non real. A most egregious example of this is the U.S. psychologist. B.F. Skinner's work, *Beyond Freedom and Dignity*¹⁹ in which he took for granted the supremacy of the epistemology of the physical sciences and on that basis went on to argue that one must dispense with the notion of freedom altogether, for only determinism makes scientific postulates viable. Dignity being a value concept, therefore non-scientific, should also be done away with. Needless to say, within the behaviourist stream of Western psychology – which by the way totally lacks of the notion of psyche – Skinner holds an eminent place. All this notwithstanding, there has followed very little sustained critique of the various schools of philosophy and of physical and natural sciences from the Muslim world.²⁰ A future critique will hopefully base itself on the insights from Karbalā and Damascus. Parallel to this critique is required constructive ideation, principally in the fields of

philosophical anthropology, epistemology, logic and metaphysics. The great and worthy son of Islam, Mullā Sadrā, provides both a foundation and a point of departure for constructive contemporary ideation, an ideation that ought.

4. Fourth, and primary, we must strive simultaneously with the rediscovery of the true meaning of the message of Karbalā and Damascus to realize the criteria given us by the Holy Prophet's family in our personal conduct as well as in the criteria which form the undercurrent of our societies. Failing this we risk making ourselves egregious examples of contradictions. After all, how can we weep for and commemorate the martyrs of Karbalā and the captives of Damascus and yet go on to evaluate individuals merely, according to their wealth, material possession and social standing? Although the worth of ideas is definitely not linked to whether they are practiced or not, it is definitely a measure of the wholesomeness and soundness of human intelligence that people practice what they preach.

This break of ideal and reality it was that brought about Karbalā. By this we mean to say that the refusal not only of the ruling and the privileged class, but also of the common people to realize the ideals in their lives by following the ideal personalities among them, led them to the pits where they connived at and condoned the martyrdom of the Ideal Man among them. For long have we been putting up with such conditions in our midst. Not for nothing do we Muslims find ourselves among the wretched of the earth today. Commitment to Karbalā is a prescription not only for lending support to our ideational edifice but also most importantly for ensuring the imminent reappearance of the Imam of the Age, our Lord Mahdī (May Allah hasten his reappearance).

Let us make sure then that with God's Help we protect ourselves from becoming causes of another Karbalā in our time.

Notes:

1. We say in traditional terms because in this post-metaphysical age all mention of essence is philosophical proscribed. The traditional notion of definition is “per genus et differentia” or genus plus differentia. Both these terms, having fallen prey to Humean-Neitzschean–Darwinian scythes, are used only pragmatically. Because the term does not refer to anything tangible it is no longer admissible, in philosophy at least.

2. Shari‘ati summed it up very nicely when he said: “Every Revolution has two visages, Blood and Message”. Cf. Shari‘ati, ‘Ali-Martyrdom (Shahādat) p. 109. (Trans by Lāleh Bakhtiyār and Husayn Sālih), Tehran, Abū Dharr Foundation. n.d

3. The traditional concept of reality is exemplified as far as occidental philosophy is concerned in the works of thinkers as diverse as Plato, Aristotle, Plotinus, St. Augustine and Aquinas. For a synoptic view see Walsh, Martin J-A, *History of Philosophy* (London, Geoffrey Chapman, 1985)

4. These notions are well expressed in the many works of Seyyed Hossein Nasr. See for instance (i) *An Introduction to Islamic Cosmological Doctrines* (Boulder, 1978). (ii) *Three Muslim Sages* (rpt. Suhail Academy, Lahore 1988) and (iii) *Knowledge and the Sacred* (rpt. Suhail Academy, Lahore 1988).

5. For a nice rounded view of Cartesian philosophy see Bernard Williams, *Descartes* (Brighton, Harvester, 1978).

6. See *Ziyārat-i Wārith* (English translation) in *Supplications Prayers & Ziyārats* (Ansariyan, Qum, n.d.).

7. See my “*Shahādat, Sa‘ādat Aur Shahādat-i Uzmā*” in *Daily Jasarat* (Karachi, Friday Special Magazine, May 8-14, 1998).

8. The full text of the holy verses are given below.

9. On this see the following lucid presentations (i) Mutahhari, Murtazā, *An Introduction to ‘Ilm al-Kalām* translated by A.Q. Qarā’i in *Al-Tawhīd* Vol. II no. 2 (Tehran IPO); (ii) S. Muḳtabā

Mūsawī Lārī, *God and His Attributes*, p. 159-192, trans. Hamid Algar (Potomac MD. 1989), vol. I of this work on Foundations of Islamic Doctrine; (iii) Hā'irī, Shaykh Fazlullāh, *Decree & Destiny. The Freedom of No Choice* (Element Books, Shaftesbury, 1991).

10. For the text and authenticity of this *Hadīth* see the excellent research articles by the editorial staff of *Al-Tawhīd* (English) appearing in the following issues Vol. VIII Nos. 1-4 (op. Cit).

11. *Nahj al-Balāghah* Aphorism no. 237 Eng. Trans. Sayyid Muhammad Askari Jafery – (Chehel Sutoon Library, Tehran 1977).

12. *Ibid.*, Aphorism no. 290.

13. Al-Majlisī, *Bihār al-Anwār*, vol. 17, p. 364.

14. *Ibid.*

15. *Nahj al-Fasāhah*, p. 504.

16. Al-Nūrī, Hāj Mirzā Husan, *Mustadrak al-Wasā'il*, Vol. 2, p. 364.

17. This has been brought out very clearly by 'Alī Shari'atī in his *Once Again Abū Dharr*, trans. Husayn Salih (Abū Dharr Foundation, Tehran, n.d.)

18. Al-Mufid, *Kitāb al-Irshād* (The Book of Guidance), trans. I.K.A. Howard, Muhammadi Trust, London, 1980.

19. See Skinner, B.F. *Beyond Freedom and Dignity* (Knopf, New York, 1971).

20. Mere sustained critique is not enough. It must be backed up by original ideation, an ideation rooted in tradition, but also to meet the needs and challenges of the present in this society has a key role to play by encouraging free thought and original ideation. We already have contemporary examples in Muslim thinkers like 'Allāmah Sayyid Muhammad Husayn Tabātabā'i, Martyr Sayyid Muhammad Bāqir al-Sadr, Martyr Murtazā Mutahhari, Sayyid Mujtabā Mūsawī Lārī, as also S.M. Naqīb al-Attās, S. Parvez Manzoor, Ziauddin Sardar, Munawwar-Ahmed Anees, Gulzar Haidar and Osman Bakar. Almost all of them have produced works

of great merit not because of their Muslim background, since some of them have done so probably because they live in a non-Muslim milieu.

The Islamic Righting of Human Rights

By: Dr. Muhammad Legenhausen

“O you who believe! Fear Allah as is right that He be feared, and do not die except as Muslims.” (3:102)

The term ‘right’ is not found in the Qur’an with the modern sense of the ‘rights of man’, ‘consumer rights’, and even ‘animal rights’, that pepper the newspapers of our cities. The sense of ‘right’ in Islamic sources, the Qur’an and *ahadith*, is of what is due to one or is befitting because of the harmonious hierarchical order of the universe. This is the sense of ‘right’ in which it is God’s right that He be feared, and this is also the sense of ‘right’ employed in the essay attributed to Imam ‘Ali ibn al-Husayn Zayn al-‘Abidin (‘a), *Risālah al-Huqūq* (The Treatise on Rights):¹

The greatest of God’s rights against you is the right which He has made incumbent upon you for Himself and which is the root of all rights, then those which He has made incumbent upon you in yourself, from your crown to your foot, in keeping with the diversity of your organs. He has given your tongue a right against you, your hearing a right against you, your sight a right against you, your hand a right against you, your leg a right against you, your stomach a right against you, and your private part a right

against you. These are the seven organs through which acts take place.

Then He gave your acts rights against you: He gave your ritual prayer a right against you, your fasting a right against you, your charity a right against you, your offering a right against you, and your acts a right against you.

Then these rights extend out from you to others who have rights against you. The most incumbent of them against you are the rights toward your leaders, then the rights toward your subjects, then the rights toward your relatives.²

One of the major challenges posed by the modern Western world for the Islamic world pertains to the issue of rights, particularly, human rights. In what follows, I would like to consider the nature of this challenge and reflect upon how the religious orientation of Islam may provide guidance for the articulation of a response.

The challenge is moral as well as political. The foreign policy of the US during the last decades of the twentieth century has focused on the issues of human rights and democratization. Of course, US policy has not been consistent in this regard. As Samuel P. Huntington remarks, the 'paradox of democracy' has weakened the will of the West to promote democracy in the post-Cold War world. By the 'paradox of democracy', Huntington means that democratically elected governments in non-Western societies may reject Western political domination and refuse to cooperate with Western policy initiatives. Huntington writes:

The West was relieved when the Algerian military intervened in 1992 and canceled the election which the fundamentalist FIS clearly was going to win. Western governments also were reassured when the fundamentalist Welfare Party in Turkey and the nationalist BJP in India were excluded from power after scoring electoral victories in 1995 and 1996. On the other hand, within the

context of its revolution, Iran in some respects, has one of the more democratic regimes in the Islamic world, and competitive elections in many Arab countries including Saudi Arabia and Egypt would almost surely produce governments far less sympathetic to Western interests than their undemocratic predecessors.³

However, despite the inconsistencies in Western policies, it remains the case that Western governments continue to lean heavily on human rights to justify their policies. The inconsistencies mentioned by Huntington are really a distraction, for they invite an *ad hominem* response that fails to address the deeper moral issues raised by the challenge of human rights.

The moral challenge may be posed by those opposed to Islam as a condemnation of Islam itself: since human rights are trampled by Islamic governments, there is something morally lacking in Islam. A rather superficial sort of response is to be found in the claim that violations of human rights occur no more frequently in societies with Islamic governments than in societies governed by secularist regimes. This response is superficial because it seems to accept the presumption that respect for human rights may be used as a moral criterion by which to justify the condemnation of a religion. Another sort of response is also unsatisfying: the concept of human rights is foreign to Islam, so all value judgements made on the basis of human rights are to be rejected as un-Islamic. This response is unsatisfying because the consequent does not follow from the antecedent. It is salutary to understand why the entailment does not hold.

First, I should explain what I mean by saying that the concept of human rights is foreign to Islam. Actually, it would be more appropriate to speak of a family of concepts of human rights, because moral and political theorists in the West have developed differing concepts of rights about which there is considerable controversy. However, these concepts have a shared history with roots in Roman jurisprudence and Stoic natural law theory. The

concepts that developed in the West from these roots, through Ockham, Hobbes and Locke, to contemporary theorists, such as Wellman, Nozick and Raz, have, until very recently, been completely isolated from comparable ideas discussed in the intellectual world of Islam.

Since Western ideas of human rights only became familiar in the Islamic world with the constitutional movements of the nineteenth century, and since the concepts dominating contemporary political discussions of human rights in international forums are grounded in Western traditions of political thought, it is fair to say that the concept of human rights is foreign to Islam. From this it does not follow that all value judgements made on the basis of human rights should be considered un-Islamic, if by *un-Islamic* we refer to that which conflicts with the doctrines and values of Islam. Some judgements made on the basis of un-Islamic systems of thought may be in agreement with Islam. For instance, one may arrive at the judgement that the poor should be helped on the basis of Marxism, Buddhism or Islam; in fact, this is such a trite judgement (although no less important for being trite) that it would be hard to find a system of thought with serious numbers of adherents that did not agree with helping the poor.

So, we have to be careful to distinguish the conceptual systems in the context of which value judgements arise from those value judgements themselves. The refutation of a conceptual system is not sufficient to refute the truth of the judgements based upon it. In order to refute those judgements, one must bring reasons against them from the conceptual resources one accepts. This is why much, but far from all, of what is contained in the Universal Declaration of Human Rights⁴ has been condoned by Muslim thinkers, and restated in the *Islamic Declaration of Human Rights*.⁵

Despite the possibility of agreement about judgements originating from totally different conceptual perspectives, there is a danger that unconscious conceptual leakage can take place when

the agreement, and even disagreement, about particular judgements is articulated. Perhaps it can be of assistance to consider a medical prohibition given by a physician to his patient against eating pork because of its high cholesterol content. Suppose the patient is a Muslim and refrains from pork because of the religious sanction. The doctor and his patient agree on the judgement that pork is to be avoided, but the conceptual systems upon which the judgement is based are very different. It may be a point of fact that the Muslim's diet is low in cholesterol even if it is not a matter of principle. The concept of the low-cholesterol diet is foreign to Islam, as the concept of ritual impurity (*nijasah*) is foreign to modern medicine. Of course, the situation with regard to rights is more complicated than this. To explore the complications, we need to have a clear picture of the Western concept of human rights.

In his *Universal Human Rights in Theory and Practice*,⁶ Jack Donnelly provides a concise lucid account of the modern Western concepts of rights, and of human rights in particular. In modern legal theory, there is a huge difference between saying that it is right for *A* to have χ , and saying that *A* has a right to χ , but the difference, according to rights theorists, need not show up as a difference in extension, that is, it may turn out to be the case that for all χ , it is right for *A* to have χ if and only if *A* has a right to χ . The difference, rather, concerns the force of the claim, procedures of enforcement and the special social practices brought into play by the rights claim. The special force of the rights claim, according to Ronald Dworkin,⁷ derives from the fact that the *trump* other sorts of considerations, such as utility, that is, rights are normally considered to be inviolable, they cannot be swept aside for the sake of political or social exigency. Secondly, one who makes a rights claim initiates a procedure through which the violation of rights is to be redressed and through which procedures are to be established for the protection of those rights.

Human rights are extralegal rights that ground moral claims made on political systems to establish legal entitlements for individuals. Human rights are held to arise from the essential moral nature of man, (according to the International Human Rights Conventions) from “the inherent dignity of the human person.” Donnelly writes, “Human rights represent a social choice of a particular moral vision of human potentiality, which rests on a particular substantive account of the minimum requirements of a life of dignity.”⁸ Human rights are rights of individual human persons. Families, corporations, nations and peoples have no human rights.⁹ Human rights, however, can be, and typically are, claimed against institutions rather than individuals, although human rights claims against individuals are also made. Those against whom human rights claims are rightly made have a duty to provide for those rights.

Although the modern Western concept of human rights arises from a concept of human dignity and the duties which must be carried out to ensure respect for that dignity, we must be careful to distinguish recognition of dignity-based duties from recognition of human rights. A moral person may consider it a personal duty to assist a beggar because of the human dignity of the beggar, and he may accept that he is duty bound to tell the truth because this is required by the human dignity of those who listen to him, yet his assistance and truth telling is not a response to a human rights claim on the part of the beggar, the listener or anyone else, because there is no question here of entitlement, of the inviolability of this duty in the face of moral conflict, or of the initiation of procedures of redress by the persons to whom those having the duty in question may be obliged.

While it is typical among Muslim writers on human rights to attempt to show how various human rights established by modern conventions may be supported by religious sources, these writers tend to ignore the specific philosophical foundations of

human rights concepts, and the differences between the recognition of rights and recognition of duties. Donnelly writes:

Many authors even argue that contemporary human rights doctrines merely replicate 1,400-year-old Islamic ideas.... But these claims prove to be almost entirely without basis.... Muslims are regularly and forcefully enjoined to treat their fellow men with respect and dignity, but the bases for these injunctions are divine commands that establish only duties, not human rights.... In Islam, in the realm of human rights (read: human dignity) what matters is duty rather than rights. And whatever rights do exist are a consequence of one's status or actions, not the simple fact that one is a human being.... One might even argue that "there is no aspect of human need but Islam, in its ethical, social and liturgical precepts, has made provision for it" (Tabandeh 1970: 10). The social and political precepts of Islam do reflect a strong concern for human good and human dignity. Such a concern is important in itself, and even a prerequisite for human rights notions. But it is in no way equivalent to a concern for, or recognition of, human rights.¹⁰

So, it seems that we have a human number of Muslim authors who do not distinguish between deserving χ and having a right to χ , and who claim that important human rights are recognized in Islam. The question for these authors then becomes one of sorting out the differences between what rights humans have according to Islam and what rights they have according to Western liberal theories. Tabandeh, for example, is careful to point out that many rights accorded to women by the Universal Declaration of Human Rights must be rejected or modified to conform to Islamic law, but it is assumed that there is a recognition of rights in Islamic law.

If, as Donnelly claims, there is no recognition of human rights in Islamic law, why do so many Muslim authors mistakenly assume the contrary? Donnelly himself suggests one reason: "the

social and political precepts of Islam do reflect a strong concern for human good and human dignity.” Another reason is that in traditional Islamic jurisprudence we do find the expressions *haqq Allah* and *haqq al-'abd* or *haqq al-nass*, which are naturally translated as ‘the right of Allah’ and ‘the right of the servant’ or ‘right of the people’. While these expressions do not allude to the Western concept of a right, but rather to what is due to God or a person because of the stipulations of religious law, nevertheless they facilitate the assimilation of the Western concept of rights to Islamic culture. Take, for example, the right to life. Recognition of the moral right to life in the context of Western culture is taken to justify the enactment of legal entitlements and protections together with procedures of redress. Cases in which killing is held to be justified, such as war, capital punishment and abortion, must be demonstrated to be warranted exceptions to the general prohibition against killing that follows from right. The reasoning in Islamic jurisprudence takes a reverse course, that is, the jurist begins with particular statements of the Qur’an and narrations attributed to the Prophet and Imams, and comes to the conclusion that in Islam there is a general prohibition against killing, since cases in which killing is permitted seem to require some justification as a deviation from the general rule. On the basis of this general rule, any violation of the rule may be said to be a violation of what is due to the person, even if the matter would not normally be put this way in traditional jurisprudence. Finally, since a general rule against killing may be taken to imply that it is due to every person not to be killed (except in cases of defense, war or capital punishment), it is natural to put this by saying that the right to life is recognized in Islam.¹¹

Donnelly would no doubt protest that the result of this process is still not the Western concept of a right to life because the Islamic right to life does not provide moral support for the sorts of entitlements and protections found in Western law. But this is a question for Islamic legal theory. Contemporary Islamic laws

contain many procedures not found in traditional *shari'ah* introduced in order to accord with the needs and expectations of contemporary Muslim society. There seems no reason why the recognition of Islamic rights by Muslims cannot play the role of grounding the sorts of legal entitlements and protections emphasized by Donnelly.

In conclusion, the precise concept of human rights common in the West has its own history in Western moral and political thought and has legal ramifications not found in traditional Islamic law. Nevertheless, there is fertile ground in contemporary Islamic legal thought for the development of Islamic theories of rights with similar sorts of legal implications to those emphasized by Donnelly. So, even if Donnelly is right to claim that Islam does not contain within its traditions the Western concept of human rights, it is consistent with the introduction of a human rights concept analogous to that common in the West. This consistency helps to explain why so many Muslim authors have attempted to show how to derive various rights from Islamic sources, and why the Islamic Conference has been willing to draw up its own declaration of rights.

Donnelly draws the conclusion that in Islam, there is no concern for or recognition of human rights because he is careful enough to notice the differences between the peculiarities of the Western concept of rights and the moral categories enshrined in traditional Islamic law. These differences are important and often overlooked, not only by those who seek to defend Islam by showing how Islamic rights can be derived, but also by liberals who argue for the universal applicability of human rights.

Perhaps the most important American political philosopher of the twentieth century is John Rawls, and the concept of rights is central to his liberal theory of justice. In his Oxford Amnesty lecture of 1993, Rawls argues that the concept of rights he has defended is not peculiar to the liberal tradition, but that any well-

ordered nonliberal society must honour basic human rights.¹² Given the peculiarities of the Western concept of human rights, Rawls' claim is astonishing. Certainly it would seem plausible to acknowledge the possibility of a well-ordered nonliberal society in which there are universal obligations and legal protections but from which the specific concept of human rights with all its legal ramifications is notably absent. Indeed, it would seem that this was the sort of society to which many people aspired in the medieval period, whether Christian or Muslim.

Rawls begins by stating three requirements for a well-ordered nonliberal society: (1) it must be peaceful and gain its legitimate aims through diplomacy and trade; (2) the system of law must be sincerely and not unreasonably believed to be guided by a common good conception of justice, taking into account people's essential interests and imposing moral duties and obligations on all members of society; (3) it must respect basic human rights.

Rawls claims that the third requirement follows from the second as follows:

The argument for this conclusion [i.e., that a well-ordered nonliberal society must respect human rights] is that the second requirement rules out violations of these rights. For to satisfy it, a society's legal order must impose moral duties and obligations on all persons in its territory and it must embody a reasonable consultation hierarchy which will protect human rights. A sincere and reasonable belief on the part of judges and other officials that the system of law is guided by a common good conception of justice has the same result. Such a belief is simply unreasonable, it not irrational, when those rights are infringed.¹³

Rawls makes the mistake of assuming that when rights are not infringed, they are honoured or respected. This is like the mistake of one who claims that Smith respects the religious prohibition against pork, when Smith abstains from pork to keep his cholesterol count low. Philosophers are familiar with the

distinction between *conforming* to a rule and *following* a rule. An analogous distinction should be made between mere conformity with rights and respects for rights.

Conformity to rights means that the outcome of the legal, moral and social arrangements in a society is that rights are not infringed. Conformity to rights in this sense does not require possession of the concept of rights or knowledge that conformity has been achieved. Obviously, there need be no conscious desire to conform. Conformity to rights does not imply anything about the concepts involved in maintaining this conformity; it merely implies the absence of violations. To honour rights, however, as distinct from just conforming to them, one must be conscious of rights as such, that is, one must employ the concept of rights. This requires more than a mere absence of violations. To honour rights is to conform to rights intentionally, to conform to rights by trying to conform to them, to conform to rights because of acting on the basis of a desire to achieve conformity.¹⁴

The sort of protection of human rights required of a well-ordered nonliberal society by Rawls' argument is nothing more than conformity to human rights, or an ideal absence of violations. But violations of human rights may be avoided without any conscious employment of the concept of human rights in the precise sense discussed by liberal theorists. One may be horrified by torture and live in a society in which torture is effectively prohibited without seeing torture as a violation of human rights. The effective prohibition of torture in a society does not require the currency of a human rights concept in that society. So, Rawls is plainly mistaken when he jumps from the need for protection of human rights in a well-ordered nonliberal society to the conclusion that human rights must be honoured in such societies.

Rawls' mistake is like the mistake attributed by Donnelly to Muslims who find a basis for human rights in Islam. The fact that many human rights are protected by Islamic law does not entail that

Islamic law respects these human rights, because the precise concept of a human right with the legal ramifications of rights claims in modern Western societies is strikingly absent from traditional Islamic law. Of course, Muslims are free to adapt and modify the Western concept of human rights in such a way as to become consistent with the teachings and rulings of Islam, and the concept of Islamic rights might then play a legitimate role in the formulation of civil law in Muslim societies, expositions of Islamic international law, and Islamic versions of what Rawls calls 'the law of peoples'.¹⁵ Muslims are driven in this direction by Western accusations that there is no respect for human rights in Islam. It is difficult for Muslims to disagree with the concept of human rights without being accused of condoning violations of human rights. Violations of many human rights are so abhorrent that it is quite natural for Muslims to respond to criticism by pointing out that such violations are as inconsistent with the moral and political values of Islam as they are inconsistent with liberal values. From there, it is a very short step to the adaptation of the concept of rights with various modifications to bring the concept into conformity with Islamic thought.

Traditionalists might respond with a wholesale rejection of the concept of rights as foreign to Islam. This seems somewhat of an overreaction. Even if the concept of rights is not to be found in medieval formulations of Islamic law, this does not mean that a contemporary jurist will not be able to derive an Islamic concept of rights consistent with the religious sources.

There is a need for caution here. The result of the widespread introduction of a concept of rights analogous to the Western concept but based on Islamic sources may be insidious in its own way. When the concept of rights gains common currency in the political discourse of a society, this has profound effects on the ways in which people think about morals, law, the self and society, and the relations among them. Muslims need to begin to consider

whether these changes are in harmony with the basic values of Islam. Even if the concept of rights can be completely Islamicized, when the language of rights is used in international political forums there will be a tendency to assimilate the Islamic concept to the accepted usage governing the Western liberal concept.

Although the contemporary Western liberal concept of rights is typically traced to the eighteenth century, particularly to the American and French revolutions, it is only in the last thirty or forty years that rights have come to dominate social-political thought in the West. Indeed, this domination has reached the extent that virtually all political claims today are made in terms of rights. Arguments against interference by others are made as claims that we have a right that protects us from such interference. Arguments in favour of interference with actions undertaken by others are made as claims that we have a right that protects us from such interference. Arguments in favour of interference with actions result in a violation of our rights. Those who smoke claim that laws against smoking violate their rights to pursue happiness by smoking. Those who do not smoke claim that smokers violate their rights to fresh air. The resolution of such conflicting rights claims requires moral argument that is often lacking because rights claims come to be seen as fundamental.

When rights are taken to be fundamental, political discourse becomes extremist and fanatical. There is no room for argument when competing rights claims are taken to express basic rights. Liberals might be surprised to find themselves accused by Muslims of fanaticism and extremism, but Islam provides a framework for thinking about the law in terms of the sorts of textual support needed to back a legal decision, and the ways in which rational considerations must be assessed. Islamic rights claims can never be taken as absolute and fundamental.

If political controversy among Muslims is put in the language of Islamic values, scholars can debate relative priorities

and importance of various particular rulings and judgements in an attempt to formulate policies most harmonious with Islam. The introduction of the language of rights, however, even Islamic rights, will have a tendency to stifle debate, because it is assumed that rights are (nearly) irrevocable. Without the doctrine that rights are inviolate, or nearly so, the authority of rights in contemporary Western political discourse would evaporate, for it is by reason of their inviolability that rights provide such a strong advantage to those who are recognized to possess them. One contemporary critic of liberalism, Ronald Beiner, suggests that “we should consider dispensing with the whole language of rights, for it is simply that way of speaking about what is politically desirable that disposes us to assert claims that are taken as absolute and inviolate.”¹⁶

Beiner continues by pointing out another disadvantage of rights that might make Muslims want to hesitate about wholesale adoption of the concept of rights:

A further drawback of the rhetoric of rights discourse is that all rights, as rights, tend to be treated as occupying an equal level, in abstraction from the heterogeneous and differentiated considerations that lead us to describe something as good or as advantageous. The attraction of this rhetoric, indeed, lies precisely in its abstractness, its lack of differentiation with regard to the substance of various entitlements (we might call it the leveling effect)... Rather than inquiring into what is actually at stake in a given argument, the very fact that a supposed right is in jeopardy introduces an extra measure of passion and intemperance into the debate, regardless of what is being debated. This problem derives from the formalism of rights discourse, in contrast to the substantive character of deliberation conducted in the language of good.¹⁷

Rights are taken to be inviolable, or nearly inviolable. Considerations of utility or the needs of the community as a whole are supposed to be trumped by rights claims. Since individuals

make rights claims against institutions, the result is a tendency toward individualism. Even if it is legitimate to identify the rights given to individuals by Islam, a political discourse dominated by such rights claims would still be unbalanced from the point of view of Islam because it would place community interests at lower priority without scriptural justification. It is worthy of note that Hegel also objected to the individualist tendency of rights claims.

Not only does the contemporary political discourse of competing rights claims promote individualism, it promotes a perception of the citizenry as a body of competing claimants for the recognition of conflicting rights. In fact, individuals usually do not advance rights claims alone, but as members of interest groups. Each group pursues its interests through the advancement of rights claims as inviolable or nearly inviolable. This makes compromise or an attempt to find a solution best for all competing parties detestable to those who consider their rights to be infringed. The climate of political debate thus becomes adversarial and confrontational. The courts become mired in the adjudication of competing rights claims as each group pursues its own interests in the attempt to win favourable interpretations of the law. This has profound effects on the tone of social-political intercourse. As Muslims embrace Islamicized rights, we need to ask whether the sort of polity that will emerge from competing claims to Islamic rights accords with the values promoted by Islam.

Rights are valued because they protect interests. As different groups in society organize to compete for winning their conflicting interests, rights come to be viewed as goods to be divided among the competitors. Just as scarcity provides the occasion for programmes of distributive justice with respect to material goods, conflict provides the occasion for programs of distributive justice with regard to rights. Rights cannot be given freely to all who claim them because rights conflict. Not all claims to rights can be honoured. As a result, those who seek to win them

consider rights to be good that can and should be distributed by the state. The sort of attitude produced seems incompatible with the reliance on God emphasized in Islam. Muslims should not look to the state as the means for the solution of all their problems. The attitude of the pious Muslim should be one of trust in God and submission to His will. Muslims tend to conform to human rights because this is required of them by Islam, but the dominant consideration of the pious (*muttaqī*) is care to see to it that duties are performed. By contrast, the attitude of the Westerner who seeks to advance his own interests with claims to be corresponding right seems selfish, or at least self-centered.

The idea that there are some things that are due to one by right is not foreign to Islamic law. As mentioned earlier, the expression *haqq Allah* (the right of Allah) and *haqq al-'abd* (the right of the servant) or *haqq al-nāss* (right of the people) do occur in medieval texts of Islamic jurisprudence, and modern Muslim defenders of the idea that Islam contains its own concept of rights often make reference to these expressions.¹⁸ But what is meant by these terms is that is due to Allah or a person according to Islamic law. For example, the paying of *fitriyah* at the end of Ramazān is the right of God, and the right an heir has to his inheritance is an instance of the right of the servant, but the term *right* (*haqq*) is not used here in the modern sense of rights as moral trumps on the basis of which legal arguments and proceedings can be initiated. The point is not a mere quibble over words. Someone might object by saying, "OK. I admit that there is this narrow technical sense of *right* current in Western political philosophy, and that this concept is foreign to Islam. But there is a broader, more inclusive sense of right, in which we can say that the sorts of entitlements that are the subject of discussion by Western theorists and those protected by Islamic law are both rights. Why insist on the narrow meaning, especially given the fact that in discussions of rights among Muslims, this narrow meaning does not seem to be intended." We

cannot simply muddle along with a sloppy inclusive meaning because the meaning of *human rights* dominant in international political discussion is the Western liberal one. It is this notion that is used when mention is made of *human rights organizations*, when various governments are censured because of their supposedly poor human rights records, and when Western governments claim to be promoting human rights through their foreign policies.

Muslims do a disservice to their own societies and to Islamic law if they try to fend off objections to their human rights records by answering the charges against them with the claim that they are proponents of *Islamic* human rights. Consider, for example, the problem of child labour. Human rights organizations condemn governments for permitting child labour with the charge that the rights of the children are being violated. If we respond by saying that the Islamic concept of human rights does not provide for any right violated by child labour, we give the impression that in our view, there is nothing wrong with it, and implicitly we endorse the idea that the sole standard of just government is the protection of human rights, albeit, Islamic human rights. On the other hand, the very same impression is made by the respond that the Islamic concept of human rights *does* contain protections against child labour. It does not matter very much whether we insist that the philosophy behind Western liberal human rights is very different from that supporting Islamic conceptions of human rights, whether the basis for rights is in human nature or divine justice and compassion or both or neither. No matter which of the responses mentioned is presented, the political discourse of rights is endorsed, and since this discourse is dominated by Western liberal conceptions of rights together with the adversarial use of rights claims, the way is opened for the encroachment of liberal political culture in Islamic thought. This is the mechanism by which cultural invasion takes place.

More importantly, the Islamizing of human rights concepts shifts the focus of attention from the victims of practices often forbidden by Islam to debates over which rights deserve the Islamic stamp of approval and debates over humanism and theologically oriented philosophies. The poverty and masses of uneducated people in their societies certainly is no less distressing to Muslims than to Western advocates of human rights. Often, however, even the best Islamic government is simply unable to eradicate these problems. Muslims, in concert with their religious and governmental institutions, need to develop strategies to combat the offenses against God's law that take place in their societies. They do not need the distraction of diplomatic, economic and military pressure to adopt the general programme of Western liberal human rights. Such pressure really is cultural imperialism, although it seems to be accepted as morally permissible even by such sensitive thinkers as Rawls, Donnelly, and too many others to mention.

The real need is to develop Islamic norms and institutionalized procedures to protect them. The Muslim family needs protection from erosion no less than the poor and underprivileged in Muslim societies need protection from legal abuses. It is time to admit that we have not yet discovered an effective strategy for the implementation of Islamic law and the protection of Islamic values in modern society. This should not be cause for shame or embarrassment, unless Muslims react by either closing their eyes to the difficulties they face or abandoning divine guidance in favour of the ways of the West, may Allah protect us from these twin devils: the failure to recognize our own shortcomings and the attempt to remove our shortcomings by casting aside what God has given us.

In conclusion, I would suggest that Muslims eschew the language of human rights because: (1) it invites the evaluation of Islam according to the standards of the Western liberal tradition, (2) it smuggles concepts from the Western liberal tradition into the

political discourse of Muslims, (3) it promotes litigious adversarial competition among various interest groups in society, (4) it fosters the idea that it is the responsibility of the state to satisfy individual interests through the distribution of rights, (5) it stifles balanced consideration of community and institutional values in favour of insistence on individual freedoms, (6) it stifles reasoned political discussion because it presupposes that rights must be nearly absolute and fundamental, (7) when Muslim intellectuals glorify the 'Islamic human rights' protected by traditional Islamic law,¹⁹ this belies the need for the development of legal procedures and protections in modern Muslim societies to prevent abuses and injustices that were never imagined by medieval *fuqaha*, so that instead of genuine *ijtihad* on the new problems, Western solutions are simply adopted without comment, (8) it shifts attention from the need to take steps to eliminate injustice to differences over which rights are to be recognized and the philosophical foundations of rights. At the same time that I advocate rejection of the language of human rights, I call on Muslims to resist Western claims to the universality of human rights, claims for which serious theorists have failed to provide serious arguments. Muslim resistance to these claims requires a greater familiarity on the part of Muslims with Western rights theories in social-political philosophy as well as jurisprudence. To counter the Western political pressure for the enforcement of human rights, Muslims need to stand strong and ready to defend Islamic values, but at the same time, greater efforts must be made to explain Islamic thought about rights in the West. These comments may be considered rejectionist or anti-modernist, but on the other hand, I advocate the recognition of deficiencies in traditional Islamic law for dealing with modern problems, particularly with regard to how to control the nation state, how social institutions independent of the state may function in Islamic society, and how to deal with such mundane problems as widespread unemployment, educational deficiencies and widespread poverty.

While liberals would introduce the machinery of Western human rights to deal with these problems, and traditionalists seem to think medieval Islamic legal rulings are sufficient for the task, I suggest that more work needs to be done to find solutions to contemporary problems consonant with the teachings and values of Islam. Traditional legal procedures are not sufficient for this task. Although I urge resistance against Western pressures to adopt the programme of liberal human rights, I also recognize the benefit to be gained through cooperation with some international human rights advocacy groups to develop strategies for the elimination of injustices recognized as such by Muslims and liberals alike. The struggle against injustice must be so prominent among Muslims that they become famous for such concerns, for it is only in this way that we can hope to provide the religious moral conscience so much needed in today's world.

And struggle for Allah as is right that you struggle for Him. He has chosen you and has not laid upon you any hardship in religion, the faith of your father Abraham. He named you Muslims before and in this, that the Apostle may be a witness over you and you be witness over the people; so establish prayer and pay the zakah and hold fast by Allah. He is your master. How excellent the master and how excellent the helper. (22:78)

Notes:

1 The translation is included as an appendix to William C. Chittick's translation of *Al-Sahifah al-Sajjadiyyah, The Psalms of Islam* (London: Muhammadi Trust, 1987), 279-292.

2 Ibid., 282.

3 Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (New York: Simon & Schuster, 1997), 198.

4 The Universal Declaration of Human Rights was adopted without dissent by the General Assembly of the United Nations on December 10, 1948.

5 The Islamic Conference ratified an Islamic Declaration of Human Rights in December 1989 in Tehran, and then finalized it at a meeting in Cairo. See Muhammad 'Ali Taskhiri, "The Analysis and Development of the Concept of Human Rights," *Message of Thaqaalayn*, Vol. 3, No. 4, Winter 1998, 61-74.

6 Jack Donnelly, *Universal Human Rights in Theory and Practice*, (Ithaca: Cornell, 1993).

7 Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977).

8 Donnelly, 17.

9 However, there are recent official statements holding the right to self-determination to be a human right of states. See U.N. documents number E/CN.4/1987/SR.10, pp. 7 (Ukraine) and 10 (Cuba); *ibid.*, SR.11, pp. 13 (U.S.S.R.) and 14 (Morocco); and *ibid.*, SR.14, p. 5 (Argentina), cited in Donnelly, p. 148, fn. 3.

10 Donnelly, 51-52. The reference to Tabandeh is Sultanhussein Tabandeh, *A Muslim Commentary on the Universal Declaration of Human Rights* (London: F.T. Goulding and Company, 1970).

11 See Mahdi Muntazir Qa'im, "Life and Liberty", *Message of Thaqaalayn*, Vol. 4, No. 1, Spring 1998/1418, 79-102.

12 John Rawls, "The Law of Peoples," in Stephen Shute and Susan Hurley, eds., *On Human Rights: The Oxford Amnesty Lectures 1993* (New York: Basic Books, 1993), 41-82.

13 Rawls, 63.

14 This paragraph is modeled on Philip Pettit's explanation of the difference between conformity to a rule and following a rule in his article, "Problem of Ruling-Following," in Jonathan Dancy and Ernest Sosa, eds., *A Comparison to Epistemology*, (Oxford: Blackwell, 1992), 388.

15 "By the law of peoples I mean a political conception of right and justice that applies to the principles and norms of international law and practice." Rawls, 42.

16 Ronald Beiner, *What's the Matter with Liberalism?* (Berkeley: University of California Press, 1992), 91.

17 *Ibid.*, 91-92.

18 See "Human Rights" by Ann Elizabeth Mayer in John L. Esposito, ed., *The Oxford Encyclopedia of the Modern Islamic World* (New York: Oxford University Press, 1995). 143-148. Also see Ann Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder: 1991).

19 As in the essays on rights in Islam by Tuhami Negra (Tunis) and 'Abd al-'Aziz Kamil (Cairo and Kuwait) in A. Boudihiba, ed., *The Different Aspects of Islamic Culture: The Individual and Society in Islam* (Paris: UNESCO Publishing, 1998).

A Pragmatic Approach to the Implementation of *Shari'ah* in Islamic Iran

By: Muhammad Sa'eed Bahman-Pour

During the past two centuries the Muslim world has experienced two very different kinds of legal moods. The first mood, starting from the mid-nineteenth century, was a struggle to replace the time-honoured *Shari'ah* legal system with the modern, secular laws and regulations. This usually started by introducing the secular codes of Western inspiration, first into criminal and commercial laws, and gradually extending it to matters of family and personal disputes.¹ The second mood, which is rather a recent phenomenon, is a call for re-implementation of *Shari'ah* in the evolved social and economic structure and secularized legal systems of Muslim countries.

Both these attitudes have had their own justifications. As to the former mood, the justification came through an aspiration to regain the old Islamic glory lost in a spate of defeats inflicted on Muslims by the West. The Ottoman defeat by Russia in 1769, the French onslaught on Egypt in 1798, the occupation of Lebanon by

France in 1860 and of Egypt by Britain in 1883, ‘Abbās Mirzā’s defeat in Iran by the Russians and the occupation of Iran’s southern islands by Dutch and British forces, and finally and most crucially the downfall of the Ottoman Empire, the central power core of Islam, led Muslim politicians and intellectuals to rethink the whole system of their beliefs. According to Hamīd Enāyat,² the military defeats inflicted by the West shattered the conscience of the Ottoman Turks who for several centuries were conceited of their way of life and the power of their state. They were, therefore, motivated to look for the causes of their impotence and to rectify what had gone wrong. Obviously their first exigency was to rebuild and restructure their disintegrated armies. But it soon transpired that the rebuilding of the armed forces would not be possible in isolation and without restructuring of other aspects of life, such as the system of education, the economic infrastructure, and the legal system. Thus the so-called wave of reformism swept the Muslim lands and the people and politicians alike, lost their faith in the old Islamic way of life and the very values which were sanctioned and cherished by it.

However, it was soon realized that not only the lost glory of Islam was not reinstated by means of such reforms and the economic, political and social conditions of Islamic countries did not improve through Westernization, but it was the very identity of Muslims which was being lost to secularism. Thus the second mood materialized and gained widespread support among the Muslim masses and the intelligentsia alike. However, no sooner they turned to orthodoxy, and tried to revive the laws of *Shari‘ah* and accord their social and legal systems with its standards than they were faced with a host of arduous and baffling problems. The social reforms introduced during the era of modernization had created so much change in the structure of Muslim societies that they had completely alienated them from their traditional legal, political and social settings, while the *Shari‘ah* codes had not

developed accordingly. And how could a set of rules modeled for the old social structure be implemented in a totally new and different society?

However, this difficulty did not wither away the Islamic fervour and aspiration for a society based on *Shari'ah* rulings. It was the values, the standards, and the spiritual atmosphere that mattered, and not the practical hindrances that should have been overcome in one way or another. Therefore, today the cry for implementation of the *Shari'ah* is heard from all corners of the Islamic world, from Indonesia and Malaysia in the east to Tunisia and Morocco in the west, and from Central Asia in the north to Sudan in the south, including such important countries as Turkey, Egypt and Pakistan. However, notwithstanding this fact, an agreement does not exist between the Muslim '*ulamā*' and intellectuals with regards to the way in which the *Shari'ah* should be implemented into the changed and ever-changing social institutions. At one end there are those whom I call the idealists, who adamantly believe that the *Shari'ah* law is a set of sacred codes derived from the Qur'an and the *sunnah* by early Muslim jurists and must be enforced as it is found in the traditional books of Islamic jurisprudence. In their view it is the social institutions and structures that must be changed to suit the system of *Shari'ah* and not vice a voluntary process to be moulded by any individual or group, and nobody could ever contain its developments. However they think that the *Shari'ah* rulings, through an everlasting *ijtihad*, are adjustable enough to accommodate any kind of social change. *Shari'ah*, in their view, is a flexible system that must convey the underlying value and the basic spirit of Islamic principles into all aspects of social and individual life, and is not a rigid framework which could easily break away as soon as the slightest change has occurred in the social environment. In other words, it is the content of the *Shari'ah* that can be preserved and not its form.

This latter attitude is, principally, more suited to the Shi‘i version of the Islamic legal system, which is based on a non-ending *ijtihād*, according to which new verdicts could be found for unprecedented cases and situations. However, the Shi‘i *ulamā’* themselves are divided on this matter. After all, it is not easy to incorporate change into a system that is based on unchangeable traditions and principles. A clear example of this division is found in the bitter controversies over the establishment of the constitutional system of government in Iran. In those disputes Mirzā Muhammad Husayn Nā‘ini (1856-1936) of Najaf sided with the Constitutionalists, while a prominent ‘*ālim* of Tehran, namely Shaykh Fazlullah Nūrī (1842-1902), found the idea non-Islamic “because it provided for a legislative body, which would infringe on divinely revealed laws”.³ The disputes even polarized two very respectful *marja’* (supreme religious leaders) of the time, namely Ayatullah Muhammad Kāzim Khurāsānī siding with the Constitutionalists and Ayatullah Sayyid Muhammad Kāzim Yazdī, siding with their opponents.

However, Iran, under Imam Khumaynī, pursued a pragmatic approach towards the issue of implementation of the *Sharī‘ah*, the standards of which are regarded as the most sacred by its politicians. This approach, which is quite alien even to the *ijtihādī* minds of many Shi‘i jurists, was formulated by Imam Khumaynī himself, and was put into practice despite strong objections from many traditional and even progressive clerics. In what follows, I will cite some instances of such a pragmatic approach in different areas of Iranian social life. These instances are significant since they have taken place under the authority of the Islamic *Sharī‘ah*, and since they actually carry with themselves labels characterizing them as Islamic rulings. Although in some cases they appeared to contradict the traditional formulations, however, they were considered by Imam Khumaynī to be new instances of *ijtihād* and therefore an extension of *Sharī‘ah*, which in his view was

applicable at all times and in all places. The theoretical implications of these instances are enormously great for Shi'ah jurisprudence and the theory behind them is remarkably audacious, the credit of which is reserved for Imam Khumayni himself.

Before I proceed to mention a handful of such instances, a quick review of the theory behind them is not out of place. The theory has, in fact, a seemingly controversial title, namely *Wilāyat-e Mutlaqah Faqih*, "The Absolute Authority of the Jurisprudent".

Absolute authority here does not mean an absolute or despotic form of government, as it is usually understood by political analysts and is construed by some political factions inside Iran. It is rather the kind of authority that the late Nā'inī, in his famous book, *Tanbih al-Ummah wa Tanzih al-Millah* (Awakening the Ummah and Purifying the Creed), proves to be a prerogative of the *mujtahids*, according to which they are entitled to legislate rule and regulations which are categorized by Nā'inī under '*siasat-e naw'iyah*' (policy of expediency). This type of rules are "not expressed" (*ghayr mansūs*) in the *Shari'ah* and do not follow any definite order. They are affected by time and place and would change according to different interests and exigencies – and this is why there is no mention of them in the *Shari'ah* – and depend on views and attitudes of related authorities.⁴ However, Nā'inī believed such authority to be limited within the boundaries of the expressed (*mansūs*) laws of *Shari'ah*, while Imam Khumayni held that this authority is entrusted to *mujtahids* in an absolute way. Imam Khumayni himself often used to complain that the concept of *Wilāyat-e Faqih*, was not well understood. In one of his speeches in 1979 after entrusting the task of restricting private ownership to the government he said "this is one of the authorities that emanates from *Wilāyat-e Faqih*, but unfortunately our intellectuals do not understand what *Wilāyat-e Faqih* is?"⁵

In fact, *Wilāyat-e Faqih* in Imam Khumayni's opinion is the solution for making Islamic laws and regulations compatible with

structural changes in society in an absolute manner and not simply within the framework of “expressed” and indubitable Islamic injunctions. A glance at the statements of Imam Khumaynī on the issue would make it fully clear that by *Wilāyat-e Mutlaqah Faqīh* he really meant an absolute authority to devise and make laws and regulations in accordance with social exigencies. This does not mean that the *mujtahids* are entitled to change the *Sharī‘ah*. It means their duty is to derive rulings from *Sharī‘ah* sources for those subjects that seem to be unchanged in the course of time but after a careful look appear to be a totally new phenomena requiring different rulings. His views on this issue are fully explicit and free from any ambiguity. For example, in a message sent to the *ulamā’* on February 22, 1988, he said:

“Time and place are two key factors for *ijtihād*. The same subject that a rule had been issued about it in the past might, in a different political, social and economic setting, require a new ruling. This means that a careful look at the economic, social and political relations would reveal that the same subject, that is not apparently different from its former form, might turn into a new issue, which deserves to be subject of a new ruling.”⁶

On September 24, 1988 Imam Khumaynī wrote in response to an *‘ālim* who had questioned him about his rulings concerning chess and other issues:

“As per your excellency’s inquiry, *rihān*, *sabq* and *ramāyah* and martial arts which were used during battles in the past are exclusive to archery and horse-riding and so on, as is the case with *anfāl* (natural wealth), which has been a stipend for Shī‘ites. Can Shī‘ites today freely ruin forests with such and such a machinery, destroy whatever that protects the environment, and endanger the life of millions of people with no one having the right to prevent them of such a doing? Based on Your Excellency’s estimation of *hadīth* and the sayings of the Prophet (S) and his Household,

modern civilization and its amenities should be discarded completely, and people should dwell in ruins or live forever in forests.”⁷

However, this absolute authority is not practiced according to the discretion of a single person. A system is devised through which all the laws that seem contrary to the expressed rulings of *Shari‘ah* are ratified. When a law ratified in *Majlis* (parliament) is vetoed by the Council of Guardians on grounds of its contradiction to the *Shari‘ah*. The State Expediency Council can overturn the latter’s decision on grounds of changed social conditions. In fact Imam Khumayni lays great emphasis on the role of government in this regard, i.e. a government, led by a qualified jurispudent. Wherever there is a word on *Wilāyat-e Faqih*, Imam Khumayni means by *wilāyat* a government system led by a jurispudent, and not the *wilāyat* of a single person. The decisions made at the Islamic Consultative Assembly (parliament) or the government cabinet or the State Expediency Council or the Guardians Council would be considered legitimate through their reliance on absolute *wilāyat*.

It is the government that determines the practical philosophy of confrontation against blasphemy and idolatory or internal and external problems. The theological debates raised at schools within the framework of theories are not only not practical but could lead us into deadlocks, which would be an apparent violation of the constitution.⁸

In the face of a government manifesting the absolute *wilāyat*, none of the expressed and indubitable rules of Islam can offer resistance. Such a view would undoubtedly create enormous theoretical problems in most religious circles.

The point worth nothing here is that, for the late Imam the rules devised by such a government are not a secondary rules, they are not devices imposed by social exigencies at the expense of

religious principles, rather they are the rules which are based on the very principles. Due to the same reason, Imam Khumayni emphasized that “government rulings are part of prime and fundamental rules [of Islam.]”⁹

Admittedly, Imam Khumayni was fully aware of the necessity of change in social laws and regulations and he sought the solution in absolute divine *wilāyat* (authority) in changing or abrogating laws on the basis of special social conditions. This was the case, in his view, when the task was entrusted to the Prophet and after him fell within the jurisdiction of the ideally just government. Imam Khumayni’s reference to issues urged by new social parameters such as military service, taxes, price coding, etc. reveals the dynamic way in which he dealt with these developments.

The idea of the “absolute authority of the jurispudent”, therefore would not recognize any limit for change in the Islamic legal system as long as it is based on broad Islamic principles.

Having discussed the theoretical background, we can now proceed to mention some of the practical cases, which have been dealt with in line with the above-mentioned theory. The following examples are only a few instances of considerable number of laws enacted or reformed after the victory of the Islamic Revolution in Iran, which fall outside the boundaries of traditional jurisprudence.

Private Ownership

The concept of private ownership is regarded as one of the most undisputed principles in the Islamic law. However, in the constitution and in the civil code of the Islamic Republic of Iran this principle is restricted in many aspects. According to the constitution large sections of the industry are regarded as public sector to which no private ownership could be claimed. Moreover according to the civil code the ownership of urban and agricultural lands, pastures and mines are restricted in many occasions.¹⁰ In

some cases the right to benefit from one's own property is denied, like excavations on a private property for archeological items, hidden treasures and underground mines.¹¹

On the other hand, new concepts of ownership have emerged of which no precedent is found in the *Shari'ah* law. Copyright is one example. Traditionally the Shi'i jurists did not consider such a right to be binding according to Islamic law.¹² However, while in power, Imam Khumayni overturned the verdict due to the chaos that would have occurred otherwise. Interestingly enough such a new concept of property, in its turn, changed some legal concepts concerning inherited property. For example the rights of the owners of a copyright are transferable only for a period of 30 years after their death, subject to their will or the inheritance regulations. Exacting time limits on the ownership of a property is an unprecedented concept in the Islamic legal literature.

The Employment Act

The Employment Act was one of the most controversial legal issues in Iran after the revolution. It took about 12 years of hot debates before it was finally ratified in 1991. Restricting in its contents the principle of mutual free will in contracts, the act is a clear example of evolution of the rules of Islamic transactions according to Shi'a jurisprudence. Prior to this act the relationship between the workers and the employers was defined on the basis of *hire of service*. Accordingly, the employer and the employee could basically agree on any terms, as long as it did not violate the standards of *Shari'ah*. It was obvious that in a society replete with a huge work force and a high rate of unemployment such terms would not have been to the best interests of the workers. The Employment Act actually gave the government, as a third party, the power to impose stipulations on employers to protect employees' rights. Similar regulations were enacted for tenancy contracts to protect tenants against proprietors.

Women's Rights

One of the most spectacular legal adjustments after the Islamic Revolution took place in the area of women's rights. The modifications covered many aspects, from political participation to family law to health and education. Prior to the Islamic Revolution the right for women to be elected as members of parliament or otherwise was denied almost unanimously by all *ulamā'*. However, the right was included in the constitution of the Islamic Republic a few months after the revolution. This was so objectionable to some traditional *ulamā'* that in a letter to Imam Khumaynī they reminded him of the fact that such a right was explicitly against the standards of *Shari'ah*.¹³

Another remarkable development with respect to women's rights occurred in the domain of family law. Shortly after the revolution the High Judiciary Council, in an ordinance to the registration office ruled that no contract of marriage should be concluded without several stipulations put against the groom,¹⁴ including:

a. In any case of divorce filed by the husband, provided that the divorce application is not grounded on the wife's misconduct, half of the husband's property, obtained during the partnership, is transferred to the wife.

b. The wife is authorized to act as the husband's proxy to divorce herself in a court subject to conditions mentioned in the marriage certificate. These conditions include: the husband's misconduct; his decline to pay proper alimony for more than six months; presuming a profession contrary to woman's status and prestige; addiction; marrying another women without the wife's consent.

Such stipulations, which are increasing in number day by day, are in fact legal devices to give women the rights they rightfully demand in a modern social setting.

National Resources

The concept of national resources is a new concept germinated only after the creation of nation states. However, a related concept exists in the Shi'i version of Islamic law under the title *al-anfāl*. These are the resources like forests, rivers, thickets, and the like that could not be owned privately and the control of which is entrusted to the Infallible Imam ('a) or the Islamic government. Since Shi'ites, during their history, never accepted the sovereignty of the de facto Islamic governments to be just and rightfully authorized, their jurists traditionally passed judgements that such resources could be owned privately by members of the Shi'ite community as long as their Infallible Imam ('a) lived in occultation (*ghaybah*). In fact many traditions are reported to this effect from the Infallible Imams. In *Tahrir al-wasilah*, his book of *fatwās* compiled before the Islamic Revolution, Imam Khumayni explicitly ruled that during the period of occultation of the 12th Imam ('a) the private ownership of *anfāl* was permissible for Shi'i individuals.¹⁵ However shortly after the revolution this ruling was repealed despite objections from many clerics. In a letter to Ayatullah Qadiri, which I quoted earlier, he wrote concerning to the issue of *anfāl*:

Can Shi'ites today freely ruin forests with such and such a machinery, destroy whatever that protects the environment, and endanger the life of millions of people with no one having the right to prevent them of such a doing? Based on Your Excellency's estimation of *hadith* and the sayings of the Prophet (S) and his Household, modern civilization and its amenities should be discarded completely, and people should dwell in ruins or live forever in forests."¹⁶

The Statue of Negative Prescription

Another controversial issue, which had a direct bearing on the standards of the Islamic judicial code, was the issue of negative prescription in legal cases. According to Article 731 of the Legal Procedure Code, practiced before the Islamic Revolution, negative prescription was a period of time after the elapse of which no case was to be heard in a court.¹⁷ In 1983 this law was identified by the Council of Guardians to be contrary to the standards of justice included in the *Shari'ah*, on the grounds that rights could not be abrogated in the course of time. Obviously this law did not mean to cancel the due rights of the litigants, but to prevent the litigants to misuse their right of appeal in order to impede the executive of justice. Hence the absence of the law caused grave difficulties in the system of justice and therefore it was reintroduced to the legal procedures in 1992.¹⁸

These are but a few examples that I cited here as a sample of numerous adjustments and modifications introduced into a *Shari'ah* based legal system in Iran. In fact all laws ratified in the State Expediency Council after they are vetoed in the Council of Guardians are examples of the pragmatic approach that Iran has assumed in the implementation of *Shari'ah* under the Islamic Republic.

Notes:

1. Anderson, J. N. D., *Islamic Law in the Modern World*, London, 1959, pp. 90-93

2. Enāyat, Hamid, *Seyri dar Andisheh Siyāsi-e Arab*, Tehran, 1358 SH, p. 200.

3. Dale F. Eickelman and James Piscatori, *Muslim Politics*, Princeton, 1996, p. 27.

4. Nā'ini, Mirzā Muhammad Husayn, *Tanbīh al-Ummah wa Tanzih al-Millah*, with a preface by Ayatullah Sayyid Mahmūd Tāliqāni, p. 102.

5. *Sahīfah-ye Nūr*, vol. 10, p. 139.

6. *Ibid.* vol. 21, p. 98.

7. *Ibid.* vol. 21, p. 34.

8. *Ibid.* vol. 21, p. 98.

9. *Ibid.* vol. 20, p. 174.

10. A. 'Abdi and S. Kalhur, *Mabāhithī dar Jāmi'ah Shenāsi-e Huqūqī Iran*, Tehran, p. 69.

11. *Ibid.* p. 70.

12. Imam Khumayni, Sayyid Ruhullāh, *Tahrīr al-Wasilah*, Qum, 1390 AH, vol. 2.

13. A. 'Abdi and S. Kalhur, *Mabāhithī dar Jāmi'ah Shenāsi-e Huqūqī Iran*, p. 74.

14. *Ibid.* p. 75.

15. *Tahrīr al-Wasilah*, vol. 1, p. 369.

16. *Sahīfah-ye Nūr*, vol. 21, p. 34.

17. *Mabāhithī dar Jāmi'ah Shenāsi-e Huqūqī Iran*, p. 124.

18. *Ibid.* p. 125.

A Glance at Historiography in Shi'ite Culture

(Part 2)

By: Rasūl Ja'fariyān

Translated by Dr. Delārām Furādī

Arabic and Persian Works of 'Twelver Sunnis' on the Twelve Imams ('a) from the 6th to 10th Centuries

From among the Sunnis, several scholars for various reasons, have written books on the lives of the Twelve Imams ('a). This is apart from those Sunni scholars who wrote books on the merits of the Ahl al-Bayt ('a) in general and whose works have been introduced by Sayyid 'Abd al-'Aziz Tabātabā'i in his series of articles entitled *Ahl al-Bayt fi al-Maktabah al-'Arabiyyah* in the quarterly magazine *Turāthanā*. The term 'Twelver Imami Sunnis' can be safely used to describe this group of authors. The first book in this regard is the *Tadhkirah al-Khawāss* of Yusuf bin Farghali bin 'Abdullāh al-Baghdadī Sibṭ Abi al-Faraj 'Abd al-Rahmān bin al-Jawzī (581-654). The author has dwelt on the virtues of the Ahl al-Bayt ('a) and given an account of the lives and merits of all the Twelve Imams ('a). Among the books which no longer exist *Kitāb al-Al* of Ibn Khālawayh (d. 370) must have been a similar work as

could be gleaned from its passages quoted by Irbili in *his Kashf al-Ghummah*.

One of the outstanding figures of this trend among the Sunnis was Kamāl al-Dīn Muhammad bin Talhah Shāfi'ī (d. 652) the author of the renowned *book Matālib al-Su'ul fi Manāqib Al-i al-Rasūl*. Irbili has praised him for his excellent account of the lives of the Twelve Imams ('a). 'Abd al-'Azīz bin Muhammad known as Ibn Akhzar Gunābādī (d. 611) in his book *Ma'ālim al-'Itrah al-Nabawiyyah wa Ma'ārif Ahl al-Bayt al-Fātimiyyah al-'Alawiyyah* has written on the lives of only eleven of the Twelve Imams ('a) and for this reason he has been criticised by 'Alī bin 'Isā Irbili.⁴²

Two other important examples of Sunni books are *al-Fusūl al-Muhimmah fi Ma'rifah Ahwāl al-A'immah* by Ibn Sabbāgh Mālikī (d. 855) and *al-Shadharāt al-Dhahabiyyah fi Tarājim al-A'immah al-Ithnā 'Ashariyyah 'ind al-Imāmiyyah* by Shams al-Dīn Muhammad bin Tulūn (d. 953). Hamdullāh Mustawfī the author of *Nuzhat al-Qulūb* in his historical account titled *Tārikh-i Guzīdah*, begins with the history of the first three caliphs and then elaborates on the life and virtues of Amīr al-Mu'minīn Imam 'Alī ibn Abī Tālib ('a). In continuation, on page 198 he writes about the life of Imam Hasan ('a) using the phrase *Amīr al-Mu'minīn wa Hafīd Rasūl Rabb al-'Alamīn Imam al-Mujtabā, Hasan bin 'Alī al-Murtazā* ('a) which means "Commander of the Faithful, Grandson of the Messenger of the Lord of the Worlds, the Chosen Imam, Hasan the son of 'Alī the Pleased." The thirtieth chapter of the thirtieth section deals with the lives of the other Imams. Mustawfī writes: "Concerning the rest of Imams, the pleasure of Allah be upon them all, they were the proof of Allah for mankind. The period of their imamate, starting from 4th of Safar 49 AH till Ramazān 264, was 215 years and 7 months. The Imams did not rule as caliphs, but since they were deserving (to be caliphs), the benediction of their status travels like perfume on the road of

epitome to bring proof.” This discussion continues till the account of the life of the Imam of the Age (‘a).⁴³

Another important work is *Fasl al-Khitāb* by Khwājah Muhammad Pārsā who lived in the ninth century AH. Despite his insistence on being a Sunni and even his strong stances against the Rafidites, he has written about the lives of the Imams (‘a). This part of the book has been published in volume 4 of the series of books titled Islamic Heritage of Iran. The author of *Rawzāt al-Jinān wa Jannāt al Jinān*, Darwish Husayn Karbalā’i (10th century AH) has also dedicated a lengthy section in his book on the lives of the Imams (‘a). This book has been published.

Among the outstanding works of this nature is the valuable book *Wasīlah al-Khādīm ilā al-Makhdūm dar Sharh Salawāt Chāhardah Ma’sūm* by Fazlullāh bin Rūzbahān Khunjī (d. 927) who is famous for his antagonism towards the Shi‘ites and especially the Safawid dynasty. This is an exclusive book on the lives of the Fourteen Infallibles.⁴⁴ *Kunh al-Akhhār* is the title of a book on the lives of the Twelve Imams (‘a) and was compiled in the 10th century AH in the Ottoman realm.⁴⁵ Even Ibn Hajar Haythamī who wrote *al-Sawā’iq al-Muhriqah* in refutation of what he called the beliefs of the Rafidites, has devoted the whole book to the lives and merits of the Twelve Imams (‘a). One of the most important figures in this regard is Mullā Husayn Kāshifī who in his book *Rawzah al-Shuhadā’* has written a brief account of the lives of the Prophets and the Twelve Imams (‘a) as well as issues concerning mourning for them. The most detailed section of this book is dedicated to Imam Husayn (‘a). Another noteworthy book by this particular group of Sunnis is Kamāl al-Dīn Khwārazmī’s *al-Maqsad al-Aqsā*, which in addition to the lives of the caliphs gives an account of the Twelve Imams (‘a).

Persian Works by Imamis from the 7th till 10th Centuries

Few Persian works written by the Imami Shi'ites during the 7th-10th centuries AH have survived today. However, whatever extant literature of this type is available it is worth full consideration. The invaluable work entitled *Naqz* by 'Abd al-Jalil Qazvīnī Rāzī is a *kalāmī*-historical book written in defence of Shi'ites as a refutation of a work written against the Shi'ites. This important work includes exclusive information from the sixth century AH especially on the Shi'ites, their cultural situation and the political circumstances of the time. In this book the author also mentions that he has written a book on *hadīth ifk*⁴⁶ in defence of 'Ayishah. He mentions this work in order to say that the Shi'ites do not insult the wives of Prophet Muhammad (S) as alleged.

Three works have been compiled by a very active Shi'ite writer of the late 7th century AH which are all of *kalāmī*-historical nature. 'Imād al-Dīn Tabarī the author of *Kāmil Bahā'ī*, *Manāqib al-Tāhirīn* and *Tuhfat al-Abrār* takes a *kalāmī*-historical look at important Shi'ah issues and occasionally gives information on the times they were written. The voluminous book *Ahsan al-Kibār fī Ma'rifat al-'Immah al-Abrār* by Sayyid Muhammad bin Abī Zayd bin 'Arabshāh Warāminī on the lives of the Imams was written in the year 740 AH. Several copies of this work are found including the manuscript in the Ayatullāh Mar'ashī Library. The summary of this book by 'Alī bin Hasan Zawāreh'ī titled *Lawāmi' al-Anwār* is also available.

The book *Rāmesh Afzā-ye Al-i Muhammad* by Muhammad bin Husayn Muhtasib is a ten-volume work on the history of the Prophets and Imams ('a). Muntajab al-Dīn Ibn Bābawayh had seen the book and studied part of it under the author.⁴⁷ Two quotations from it are also mentioned in the *Manāqib* of Ibn Shahr Ashūb, one of which concerns the life of Imam Hasan al-Mujtaba ('a) and the other on the knowledge of Imam Sādiq ('a).⁴⁸ Muntajab al-Dīn has mentioned this book in *al-Fihrist* but no trace has been found of it

after the 8th century. *Mabāhij al-Muhaj fī Manāhij al-Hujaj* is the work of Qutb al-Dīn Kayzari the outstanding Shi'ite writer who most probably lived in the sixth century AH. This book which is in Arabic was translated into Persian by Hasan bin Husayn Shī'ī Sabziwārī in the eighth century under the title *Bahjat al-Mabāhij*. He presented this translation to Khwājah Nizām al-Dīn Yahyā bin Shams al-Dīn who ruled in Khurāsān as one of the commanders of the Sarbedārān movement from 753-759 AH. *Bahjat al-Mabāhij* was rendered into rhyme during the 10th century AH by the poet Hayrati Tunī of Kāshān. Hasan Shī'ī Sabziwārī is also the author of *Rāhat al-Arwāh wa Munis al-Ashbāh*, a book which devotes itself to the life of Prophet Muhammad (S) and his Ahl al-Bayt ('a). Copies of this work are available.⁵⁰

There is a work titled *Tārīkh-i Muhammadī*, or *Tārīkh-i Rashīdī* as it is also known. This book has also been mentioned by two other names: *Tārīkh-i Dawāzdah Imām* or *Fihrist-i A'imma*. The description of this book in the library catalogue says: "On the dates of the birth of the Prophet and the Imams as well as their places of birth, their agnomen, titles, geneology and resting place." The manuscript of this work is in the Tabriz National Library, number 3626 and dated 20th of Dhī al-Qa'dah 819 AH.⁵¹ The author of this book is Mullā Hasan Kāshī, who was close to Sultān Muhammad Khodā-Bandah and played an important role in the Tashayyū' of that era. He wrote this book in Hillah and Baghdad in the year 708 AH when he was sixty years old.⁵² A book under the title *Tārīkh-i 'Itrat* was also compiled in the year 803 in Aleppo, Syria, and has recently been published by the late Dāneshpazhuh.⁵³

Among the most detailed works on the early history of Islam by Persian-speaking Shi'ites is *Nuzhat al-Kirām wa Bustān al-'Awām*, written by Jamāl al-Dīn Murtazā Muhammad bin Husayn bin Hasan al-Rāzī who lived in the late sixth and early seventh century AH. This two-volume work has recently been researched and published by Muhammad Shirwānī. The book contains

narrations on the characteristics and biography of Prophet Muhammad (S) until the twenty-first chapter. After that until the 30th chapter of the first volume, the author writes about Abī Bakr and other topics. The second volume of the book till the sixtieth chapter focuses on the miracles of the 14 Infallibles till Imam Mahdī (may Allah hasten his reappearance). This work along with the book *Ahsan al-Kibār* should be considered the most comprehensive Shi'ite work in Persian written in the medieval period of Iranian history since the advent of Islam. It is worth noting that this book despite being in Persian, drew the attention of Ibn Tāwūs who asked it to be translated into Arabic in view of its importance. In one case he has quoted some topics of this book in his own work *Faraj al-Mahmum*.⁵⁴ A *maqṭal* written in Persian verse by Abu al-Mafākhir al-Rāzī in the 6th century, was used as a source for *Rawzāh al-Shuhadā'* by Mullā Husayn Kāshifī.

Historiography on the Eve of the Safawid Era

After the glorious era of the Islamic civilisation till the 6th and 7th centuries AH, compilations in most fields of scholarship were faced with repetition, stagnation and useless descriptions, most of which lacked scientific methods. Of course, there were rare cases, which should be considered as exceptions. For example, during the Mongol Ilkhanid era the science of historiography enjoyed a high position and works like *Jāmi' al-Tawārikh*, *Jahāngushā-ye Juwaynī* and *Tārikh-i Hāfiz-i Abrū* are indications of this high status. After that there is no sign of such works in the eastern lands of Islam, although in the western parts, especially in Syria and Egypt, scholars such as Dhahabī, Safadī, Ibn Hajar, Ibn 'Imād Hanbalī, Sālihi Shāmī, Maqrīzī, Kutubī and several others flourished. But neither the Sunnis nor the Shi'ites compiled valuable works like those they had written during the first few centuries such as the *Tārikh Nayshābūr*, *Tārikh Bayhaq*, *Tārikh Jurjān*, *Tārikh Rayy* and other similar books. Historiography during

this era, apart from regional history about certain dynasties, was faced with stagnation.

In this period nothing significant was accomplished in the history of Islam either. The Sufis who dominated the east during these times wrote a few works in the 9th century on the esoteric ranks of their spiritual leaders and the chains of their shaykhs, which naturally included parts of the history of Islam and the Infallible Imams ('a). In these histories due to the dominance of the Sufi viewpoint a type of non-experimental historiography became the fashion with the compilations mainly tracing the classes and grades of saintly figures over the past few centuries. The lives of their spiritual leaders take shape outside the normal circle of people's lives and everything is rather exaggerated manyfold beyond reasonable limits. A long list of such works which lack scientific value from the viewpoint of historiography and which lost whatever worth they had with the disappearance of Sufism, have been mentioned in the history section of Storey's Persian Literature.

Some of the best known of these books written by the Sunni Sufis, from which people could derive certain historiographical perspectives, are *al-Maqsad al-Aqsā fi Tarjamah al-Mustaqsā* (we have no information of the original Arabic version and what is available is only the Persian translation made by Kamāl al-Dīn Husayn Khwārazmī in the 9th century AH);⁵⁵ *al-Mujtabā min Kitāb al-Mujtabā fi Sīrah al-Mustafā*;⁵⁶ *Siyar al-Nabī* by Jāmi;⁵⁷ *Mawlūd-i Hazrat-i Risālat Panāh Muhammadi* by Jāmi;⁵⁸ *Shawāhid al-Nubuwwah li Taqwiyah Yaqīn Ahl al-Futuwwah* also by Jāmi;⁵⁹ (this is a renowned work and hundreds of handwritten copies of it are available); *Bayān Haqā'iq Ahwāl Sayyid al-Mursalīn* by Jamāl al-Dīn Ahmad Ardīstānī known as Pir Jamāl Sufi;⁶⁰ *Ma'ārij al-Nubuwwah fi Madārij al-Futuwwah* by Mu'īn al-Dīn Farāhī (d. 907);⁶¹ *Rawzah al-Ahbāb fi Siyar al-Nabī wa al-Al wa al-Ashāb* by Amīr Jamāl al-Dīn Atā'ullāh bin Fazlullāh

Husaynī Dashtakī written in the year 900 which was also very renowned,⁶² *Tuhfat al-Ahibbā fi Manāqib Al al-'Abā'* by the same author which is on the merits of the Ahl-al-Bayt ('a);⁶³ *Athār-i Ahmadī* by Ahmad bin Tāj al-Din Hasan bin Sayf al-Dīn Istarābādī. These were some of the works of the Twelver Sunnis which have been published recently by the Mirath-i Maktub Publications of Tehran through the efforts of Mir Hashim Muhaddith.

There are several other Sufi works of sacral nature written in either prose or poetry, of which mention could be made of *Nādir al-Mi'rāj wa Bahr al-Asrār*, *Hamleh-ye Haydarī*, and *Muhārabah-ye Ghazanfarī*. These books have been mentioned because of their influence on Shi'ite historiography of the period. A clear example in this regard is Mullā Husayn Kāshifi's *Rawzah al-Shuhadā'* which has accurately transferred to Iranian Shi'ism the viewpoints prevailing in Herat and was itself an influential text among the Shi'ites for several centuries.

Spread of Tashayyu' and Beginning of Shi'ite Historiography during the Safawid Era

It should be noted that during the Safawid period, part of the historiography is related to the recording of historical developments of the Safawid State. We do not intend to describe such compilations whose outstanding examples are the different *'Alam Arās*⁶⁵ and the *Khulāsah al-Tawārikh*. We only intend to point out those historical books that exclusively deal with the history of the advent of Islam, such as the biography of Prophet Muhammad (S) and the accounts of the life of the Imams ('a). It is worth noting that the authors of the first type of works were not religious scholars but rather another class of the Safawid society such as secretaries, writers and in some instances poets. Here we shall focus on historiography in the Safawid and Qajarid eras which was of the same nature.

After the reign of its founder Shāh Ismā'il and the end of the first phase of the Safawid dynasty, the second phase began, that is the era of the stabilization under Shāh Tahmāsb. Among the important policies of the Safawid state was paying special attention to Shi'ism and safeguarding it as one of the main pillars of the new government. Shāh Tahmāsb who was fully aware of this factor, proceeded to deepen the roots of Shi'ite ideology in Iran and for forty years made various efforts to consolidate it. In the field of history the main objective from the evidential point of view was to make the people familiar with the lives of the Infallible Imams ('a) as well as present them with a critical analysis of the enemies of the Imams ('a) during the early centuries of Islam. It is worth noting that Iran, especially its eastern parts, was well familiar with the virtues of the Imams ('a) and the promotion of this trend led to the further spread of Shi'ism.

Shāh Tahmāsb for instance, issued instructions for the translation into Persian of the valuable book entitled *Kashf al-Ghummah* in order to promote the Shi'ite doctrine among the people. One of the translators of this work, Ni'matullāh bin Quraysh Razavī by name, writes in his preface to the translation: "Since his majesty Shāh Tahmāsb was determined to make the people familiar with the principles of *tawallī* (love of the Prophet's Ahl al-Bayt) and *tabbarī* (hatred of the enemies of the Ahl al-Bayt), and since the majority of the people of the time were unaware of the history of the Infallible Imams ('a) and did not know in detail about their great merits, therefore he gave orders that anyone who undertakes the translation into Persian of the book *Kashf al-Ghummah fī Ma'rifah al-A'imma* which is a comprehensive work on this subject, will make it beneficial for all, and the faithful will become more firm in their awareness of the Infallible Imams ('a), and this would be a great blessing and a benediction for all." Quraysh adds that it was for this reason that he undertook the task of translating the book.⁶⁶

Another reason for writing the history of Islam during the Safawid period was the growth of *akhbārī* and *hadīthī* tendencies. It is worth noting that even among the Sunnis the closing of the door of *ijtihād* coupled with the domination of *akhbārī ideas*, had weakened jurist and rational thought (philosophy). As a result their potential was directed towards the writing of history and works of *rijāl*. On the other hand, among the Shi'ites in the post-Shaykh Mufid period, since the door of *akhbār* or traditions had been closed, not only *ijtihādī fiqh* was strengthened but *kalām* and philosophy witnessed growth and development. This trend naturally limited the scope of historiography and *rijālī* works. But with the revival of *akhbārī* ideas in the Safawid period historiography also re-emerged to a certain extent except that these ideas became another factor for restricting the role of history in *kalāmī* discussions, especially in the discourse on Imamate. These debates were similar to those which had appeared in the third century in such books as *al-Istighāthah fī Bida' al-Thalāthah*.

One major peculiarity of the Safawid era even among the Shi'ites living in other lands such as Bahrayn, was that they did not have access to a wide variety of historical works. Unlike the era of Ibn Tāwūs and Irbili when the books of the Sunnis were widely circulated in Iraq and were also referred by the Shi'ites, in Iran and Bahrayn of the Safawid days, only Shi'ite books were available. What has been mentioned from the Sunni books in such works as *Ithbāt al-Hudā* and *Bihār al-Anwār*, etc., are not direct quotations but have mostly been borrowed from the books of Ibn Bitriq, Ibn Tāwūs, Irbili and the like. However, there are some exemptions in this regard including the direct use of Sunni works as well as words and phrases found in them.

The early historical sources like *Tārīkh al-Tabarī* or the works of al-Dhahabī and Ibn Kathīr which were in wide circulation in the Sunni world, were not available to the Shi'ite scholars. Of the 20 volumes of catalogues of manuscripts published so far by

the Ayatullāh Mar'ashī Library in Qum, not even a single copy of *Tārīkh al-Tabarī* has been mentioned. There seems to be dearth of early Shi'ite historical sources as well, in view of the fact that only one manuscript of al-Mas'ūdī's *Murūj al-Dhahab* is found in the catalogues published by the Mar'ashī Library, while *Tārīkh al-Yaqūbī* – another Shi'ite work – is conspicuously absent. As a matter of fact no manuscript of *Tārīkh al-Ya'qūbī* has so far been traced in Iran. We should also know that 'Allāmah Majlisī did not have any copy of Shaykh Mufid's *al-Jamal*. This is all indicative of the extreme poverty of this period concerning the availability of renowned historical sources while we cannot even visualise access to such unknown early works such as *Ansāb al-Ashrāf* which have recently come to light in the Muslim world.

This paucity of early historical sources explains the ambiguity in the several treatises written in the second half of the Safawid period on Abū Muslim Khurāsānī, as to whether he was an Imami Shi'ite or an Abbasid loyalist. A Safawid writer who introduced him as an ardent supporter of the Abbasid cause had access only to *Murūj al-Dhahab* and has quoted it as if he had found an uncut diamond.⁶⁷

But this should not distract attention from the fact that during this period a large number of books in Arabic and Persian were written on the life and conduct of the Imams ('a) and narrations related to them. None of these works could however match the volumes of 'Allāmah Majlisī's *Bihār al-Anwār* in terms of its comprehensiveness and order. Volumes 11 to 14 of this encyclopaedic work deal exclusively with the accounts of the Prophets from the Shi'ite sources, the most important of which have been supported by the *āyahs* of the holy Qur'ān and their interpretation and have occasionally been explained in the text. The biography of Prophet Muhammad (S) is spread over 8 volumes (15 to 22) and is in great detail. The method of classification of

subjects by ‘Allāmah Majlisī is worth noting and shows his meticulousness and diligence.

Volume 15 starts with the account of the ancestors of Prophet Muhammad (S) and ends with his period of youth. Volume 16 is related to the marriage of the Prophet with Khadijah al-Kubrā and covers his personal characteristics including morals and behaviour. Volume 17 starts with a detailed discussion on the infallibility of the Prophet and allegations of oversight against him, and ends with his miracles.

The first section of the 18th volume is an account of the miracles, divine appointment to prophethood (*mab‘ath*) and ascension (*mi‘rāj*). Volume 19 includes the events after *mab‘ath* until the Battle of Badr. Volume 20 deals with the military campaigns the Prophet was forced to wage against the infidels, and ends with the Truce of Hudaibiyah and the sending of letters to the kings and rulers inviting them to accept Islam. Volume 21 covers the period till the farewell pilgrimage (*Hajjat al-Widā‘*) of the Prophet. The 22nd volume gives an account of the relatives and kinsmen of the Prophet, especially his wives and his close companions and ends with his passing away from the world. Volumes 23 to 27 are devoted to the subject of Imamate. Volumes 28 to 31 dwell on the history and characteristics of the caliphs and have been published recently. Volumes 32 to 53 deal with the history, exemplary conduct and merits of the Imams (‘a).

In this great encyclopaedia, except for some Shi‘ite works like Shaykh Mufid’s *al-Jamal* which he had not seen, ‘Allāmah Majlisī has included whatever he could get hold of the written heritage of the Shi‘ites in this field.

Another great work of encyclopaedic nature was compiled during this era by the ‘Allāmah’s student Shaykh ‘Abdullāh ibn Nūr al-Dīn al-Bahrānī under the title *al-‘Awālim*. This book also sought to integrate the works of the Shi‘ites in various fields. Like *Bihār al-Anwār*, some of its volumes deal exclusively with the

question of Imamate and the Imams ('a), and have been recently published by Mu'assasah al-Imām al-Mahdī ('a) of Qum.

'Allāmah Majlisī wrote in Persian a book on the life and history of the 14 Infallibles ('a) under the title *Jalā' al-'Uyūn*, a work that enjoyed wide popularity for several centuries. Shaykh Hurr al-'Amili's work entitled *Ithbāt al-Hudā* is a unique and comprehensive book of its kind on the life of the Imams ('a) and narrations related to them. The miracles attributed to Prophet Muhammad (S) and the Imams ('a) have been collected in *Madinah al-Ma'ājiz* written by Sayyid Hāshim al-Bahrānī (d. 1107 or 1109). This work has recently been published in 8 volumes.

The books written in the Safawid period on Imamate, *manāqib* and the history of the Imams ('a) cannot be counted. However, most of these works lack any scientific value, a situation that prevailed through the Safawid and Qajarid eras. Despite improvement of Iran's foreign relations during the Qajarid era when travels to the holy shrines in Iraq as well as the *Hajj* pilgrimage to Mecca were greatly facilitated, libraries in Iran did not see any growth and as a result no new major work was accomplished.

It is worth noting that during the Qajarid era, not only the religious scholars but also state officials and secretaries were engaged in writing books on the history of Islam, especially *maqatal* works on the martyrdom of Imam Husayn ('a). An example in this regard is *Fayz al-Dumū'* which has been written in beautiful style and was published recently by the Nashr-i Mirāth-i Maktūb. Another example is the book *Qamqām-i Zakhār wa Samsām-i Batār* by the Governor of Fars Province, Farhād Mirza Mu'tamid al-Dawlah (son of 'Abbās Mirzā the elder son of Fath 'Alī Shah Qājār who died fighting the Russian invaders in what is now the Republic of Azerbaijan). This work is an account of the martyrdom of Imam Husayn ('a) and has been published several times.⁶⁸ The biggest historical work of this period is *Nāsikh al-Tawārīkh*, which

has devoted some volumes to the life of the Prophet and the Imams, but at present except for the section dealing with the history of the Qajarid dynasty and written by Muhammad Taqī Sepehr Kāshānī, the rest of the book is not considered of any historical value.

Maḡtal Works During the Safawid and Qajarid Eras

A major portion of Shi'ite historiography of the past few centuries is made of *maḡtal* works. It is a well established fact that the holding of mourning ceremonies for Imam Husayn ('a) was very much in vogue in the eastern parts of Iran before the Safawids came to power. Kāshifī wrote the *Rawzah al-Shuhadā'* for the predominantly Sunnis region of Herat and Khurāsān at a time when the Safawid state was being established in western Iran and had no sway in the east. However, with the establishment of the Safawid State, 'Ashūrā' ceremonies became more profound and new books were compiled in this regard. This trend grew and spread all over Iran until the end of the Qajarid dynasty and each year new works both in prose and poetry were added to the existing heritage. Unfortunately, during this period, no care and precision was taken from the perspective of historical value and the principal sources were not consulted with meticulousity. What such writings mainly focus on in this period is mourning, elegy and tragedy. This is actually how the issue of martyrdom was viewed in this period and less attention was paid to the historical context. The majority of these works have been prepared to suit mourning ceremonies in order to make the people cry more. The following is a list of such books which have been written since the Safawid era onwards. Most of these books belong to the Qajarid era.

Iksir al-'Ibādah fī Asrār al-Shahādah by Mullā Aqā Darbandī (Storey, p. 986)

Amwāj al Bukā' (Storey 979; Mar'ashi, 7165)

Bahr al-Bukā' fī Masā'ib al-Ma'sūmin (al-Dhari'ah, vol. 26/84)

- Bahr al-Huzn* (Storey, p. 990)
Bahr al-Dumū' (Mar'ashī, 2592)
Bahr-i Gham (Storey, p. 964)
Bustān-i Mātām (Storey, p. 1001)
Bukā' al-'Ayn (Mar'ashī, 6582)
Balā wa Ibtīlā dar Ruydād-i Karbalā' (Storey, p. 960)
Bayt al-Ahzān (Storey, p. 976)
Khulāsah al-Masā'ib (Storey, p. 1017)
Dāstān-i Gham (Storey, p. 964; Mar'ashī, 2916)
Dam' al-'Ayn 'alā Khasā'is al-Husayn (Storey, p. 995)
Al-Dam'ah al-Sākibah fī al-Musibah al-Rātibah (al-Dharī 'ah, vol. 264/8)
Riyāz al-Bukā' (al-Dharī 'ah, vol. 6/1)
Rawzah Husayniyyah (Storey, p. 951; Mar'ashī, 6224, 6545)
Rawzah al-Khawāss (Mar'ashī, 3001)
Rawzah al-Shuhadā'-i Yazdī (Mar'ashī, 156)
Riyāz al-Ahzān (Storey, p. 172)
Riyāz al-Ahzān (*Masjid-i A'zam* Library Catalogue, Qum, 215)
Riyāz al-Shahādah fī Zikr Masā'ib al-Sādah (Storey, p. 958)
Sirr al-Asrār fī Musibah al-A'immah al-Athār (Storey, p. 996)
Tariq al-Bukā' (al-Dharī 'ah, vol. 15/164)
Tūfān al-Bukā' (Storey, p. 967)
'Ummān al-Bukā' (Storey, p. 982)
'Ayn al-Bukā' (Storey, p. 941)
'Ayn al-Dumū' (Mar'ashī, 440)
Fayz al-Dumū' (Storey, p. 988)

- Qabasāt al-Ahzān* (Storey, p. 989)
Kanz al-Bākin (Storey, p. 4550)
Kanz al-Mihan (Storey, p. 991)
Kanz al-Masā'ib (Storey, pp. 969, 987)
Lubb 'Ayn al-Bukā' (Storey, p. 942)
Lisān al-Dhākirīn (Storey, p. 970)
Mātamkadah (Storey, p. 963, 975)
Mubkī al-'Uyūn (Mar'ashī, 5006)
Majālis al-Majfa'ah (Storey, p. 945)
Mujrī al-Bukā' (*al-Dharī'ah*, vol. 2/40)
Majma' al-Masā'ib fī Nawā'ib al-Atā'ib (Mar'ashī, 3369, 5425, 6643)
Majma' al-Masā'ib Māzandarāni (Mar'ashī, 6572)
Muhriq al-Qulūb (Storey, p. 943)
Muhīt al-'Azā (Storey, p. 945)
Makhzan al-Bukā' (Mar'ashī, 1645; Storey, p. 969)
Ma'din al-Bukā' fī Maqṭal al-Sayyid al-Shuhadā' (Mar'ashī, 3017)
Miftāh al-Bukā' fī Musībah Khāmis al-'Abā (Mar'ashī, 2363)
Miftāh al-Bukā' (Mutahharī Library, 5/921)
Manāhil al-Bukā' (Mar'ashī, 3455)
Manba' al-Bukā' (*al-Dharī'ah*, vol. 22/358)
Muhayyij al-Ahzān (Storey, p. 959)
Najāh al-'Asīn (Storey, p.1000)
Nūr al-'Ayn fī Jawāz al-Bukā' (*al-Dharī'ah*, vol. 24/372)
Wasīlah al-Bukā' (Mar'ashī, 5500)
Wasīlah al-Najāh (Storey, p. 961)
Yanbū' al-Dumū' (Mar'ashī, 3083)

Paying close attention to the names of these books shows that there are some key words in them such as *bukā'* (crying), *huzn* (sadness), *ibtīlā'* (suffering), *ashk* (tears), and *musibat* (calamity). During this era Karbalā was viewed more from the angle of such meanings than from the historical viewpoint. Another noteworthy point in these works is that the astonishment rising from the death of Imam Husayn's (S) companions led these latter day authors to exaggerate the figures of the enemies killed by them in battle. In this regard a look at the work *Asrār al-Shahādah* by Mullā Aqā Darbandī shows astronomical figures which cannot be proved through any historical means. Such works were so far from reality that even Mirzā Husayn Nūrī who was an *akhbārī* scholar has included the greater part of such weak narrations in his book *Mustadrak al-Wasā'il*, and later he decided to write a separate book entitled *Lu'lu' wa Marjān* in which he has launched a scathing attack on the writers of *maqal* and the reciters of such weak narrations.

Notes:

42. *Kashf al-Ghummah*, vol. 2, p. 306. It seems that nothing has remained from the book *Ma'ālim*, although parts of it have been mentioned by Irbili; refer to *Kashf al-Ghummah*, p. 121.

43. *Tārīkh-e Guzīdah*, p. 207.

44. This book was published with the efforts of the writer of this article (Rasūl Ja'fariyān) by the Ayatullāh Mar'ashī Library, Qum. The new edition of this book, after due research on the basis of a newly discovered manuscript, has been published by Ansāriyān Publishers, Qum.

45. Refer to the Persian quarterly, *Nashr-e Dānesh*, 14th year of publication (1376 SH, month of Esfand (Feb.-March, 1998), p. 58.

46. *Kitāb al-Naqz*, pp. 115, 295.

47. Muntajab al-Dīn, *al-Fihrist*, p. 108.

48. Refer to *Ta'liqat al-Fihrist*, Muntajab al-Dīn, published by Urmawī, pp. 435, the letter *Shin*, p. 394.

49. Storey, *Persian Literature*, pp. 785-786.

50. *Ibid*, p. 785.

51. Munzawī, 'Alī Naqī, *List of Persian Manuscripts*, p. 2704

52. Storey, *Persian Literature*, p. 899.

53. Refer to the Introduction in *Bustān al-Kirām*, p. 15, where the late Dāneshpazhuh has given an account of Arabic and Persian on the Ahl al-Bayt ('a) written by both the Sunnis and the Shi'ites. Unfortunately this information is not so complete.

54. Kohlberg, Etan, *A Medieval Muslim Scholar at Work - Ibn Tāwūs & His Library*, p. 306.

55. Storey, p. 775.

56. *Ibid*, p. 791.

57. *Ibid*, p. 92.

58. *Ibid*, p. 795.

59. *Ibid*, pp. 797, 802.

60. *Ibid*, pp. 792-793.

61. *Ibid*, pp. 803, 810.

62. *Ibid*, pp. 810, 818.

63. *Ibid*, p. 818.

64. *Ibid*, p. 819.

65. Such as the '*Alam Arā-ye Shāh Ismā'īl*', '*Alam Arā-ye Shāh Tahmāsb*', '*Alam Arā-ye Safawī*', '*Alam Arā-ye 'Abbāsī*', and after the Safawid period, the '*Alam Arā-ye Nādirī*'.

66. Refer to the book *Causes of the Safawid Downfall*, and the article *Translation of Religious Texts into Persian during the Safawid Era*. Two other translations have been mentioned in the article.

67. Refer to *Mirāth-e Islāmī Iran* (Islamic Heritage of Iran), published by the Ayatullah Mar'ashī Najafī Library, part 2 titled *Three Treatises on Abū Muslim and Abū Muslims*.

68. Storey, p. 865.

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International Congress on Martyr Sadr

(Part 1)

A three-day international congress was held in Tehran in commemoration of the contemporary theologian, philosopher and thinker, Grand Ayatullāh Sayyid Muhammad Bāqir al-Sadr, who was martyred after imprisonment and torture, along with his learned sister Bint al-Hudā, in April 1980 by the Ba‘thist regime of Iraq. Sayyid Muhammad Bāqir al-Sadr who was 47 years at the time of his martyrdom, was a dynamic scholar whose books revolutionised the concept of economy in Islam. Among his works, mention could be made of *Iqtisādunā* (Our Economy), *al-Bank al-lā Ribawī* (Usury-Free Banking) and *Falsafatunā* (Our Philosophy).

The Message of Thaqalayn, in view of the services of this great scholar to the mission of Prophet Muhammad (S) and his Infallible Ahl al-Bayt (‘a) as well as his profound influence on the teaching of *fiqh*, coupled with his refusal to yield to political oppression, has decided to present its readers a brief report of the proceedings of the congress.

The congress was inaugurated at the al-Zahrā’ Husayniyyah of the Islamic Culture and Communications Organization on the 20th of January, with scholars from Iran and abroad in attendance. After reading the message of the Leader of the Islamic Revolution

Ayatullāh Sayyid ‘Alī Khāmene’i to the audience, Secretary-General of the Congress, Ayatullāh Muḡammad ‘Alī Taskhīrī, who studied under Martyr Sadr at the celebrated theological school of holy Najaf, delivered a speech. He said, we should not mourn during his commemoration congress, rather we should present him with tears of joy as a tribute. He added: “When I recall that grand scholar, I cannot help but remember his face that was covered with dust and blood. Thus I hope you will excuse me, if my words and writing have transgressed the limits of this congress, since the person whom we are commemorating in this congress himself surpassed all boundaries.”

Ayatullāh Taskhīrī pointed to the dynamism of Martyr Sadr, saying: “He explored new grounds in all fields, whether it was his courtesy and manners, or his thoughts and his ideology. He was martyred when he had traversed only 46 years of his fruitful life. Nevertheless, during this short period he became known to the world of Islam as a great Islamic thinker. His knowledge was accompanied with actions and he always practiced his theories. He combined politics with religion and linked modernity and ingenuity with the true traditions of the past. He also solved many of the issues considered as dilemmas in today’s world, making his friends marvel at him to the bewilderment of his opponents.”

Ayatullāh Taskhīrī then referred to Martyr Sadr’s scientific and political activities, pointing out that he reached the level of *ijtihād* at the young age of 20 and at 24 he started teaching *khārij* (equalent to post-doctoral courses taught at higher academies of modern education). At the age 40 he published his *al-Risālah al-‘Amaliyyah* and became known as an absolute source of *taqlīd*, said Taskhīrī, noting that over 150 of the students greatly benefited from his infinite source of knowledge. He further elaborated that at the age of 17 Sayyid Sadr published his first work, wrote *Falsafutnā* at the age of 24, and at 38 he presented the book on the *Logical Basis of Inductive Reasoning* to the world of science and

thought. Ayatullāh Taskhīrī reiterated that whatever scientific field he entered he pioneered new and dynamic theories, among which reference could be made to Qur'ānic sciences, the Prophet's biography, history of the fundamentals of belief (*Usūl al-'Aqā'id*), *fiqh*, the principles of jurisprudence, the science of *rijāl*, economics, and politics.

Ayatullāh Taskhīrī then enumerated the scientific and political struggles of Martyr Sadr, saying the Islamic *ummah*, especially the followers of the school of Ahl al-Bayt ('a), should be proud of the fact that he was one of the greatest jurists, explored new grounds in religious thought and was a martyr to its cause. He drew the attention of the congress to the position of Martyr Sadr towards the Islamic Revolution, saying: "According to Martyr Sadr the Islamic Revolution was a divine gift, and it was so valuable that he sacrificed his precious life in support of this divine blessing."

Following the speech of the Secretary-General, another prominent student of Martyr Sadr, Ayatullāh Sayyid Kāzīm Hā'irī, delivered a speech. He said: "His loss was such that even mountains shook in sorrow. His blessed life saw the victory of the Islamic Revolution under the leadership of Imam Khumaynī, an event which created joy in his heart and made all difficulties seem easy. The great master became so happy on the triumph of the Islamic Revolution in Iran that he expressed two viewpoints, one about his own self and the other about his students who were now at the theological school of Qum. He said that if Imam Khumaynī were to ask him to serve as his representative in a small village, he would gladly do so. At the same time, he advised his students to dissolve themselves in (the personality of) Imam Khumaynī, as the latter had dissolved himself in Islam. As soon as we received this letter, we made copies of it and distributed it among his other students."

He added, although the concept of the Islamic Republic was not materialised in Iraq, Ayatullāh Sadr witnessed this phenomenon in Iran. He said: “The materialisation of Islamic Republic in Iraq, will be the fruition of his efforts and activities and could make up for part of our sorrows resulting from his loss, although we can never forget him.” Ayatullāh Hā’irī, stressing the continuation of the movement set in motion in Iraq by Martyr Sadr, thanked the organisers of the congress and expressed special appreciation in this regard for the Leader of the Islamic Revolution, Ayatullāh Sayyid ‘Alī Khāmene’i, adding, that besides the sentimental aspects of this useful gathering, the important issue is to continue the path of Martyr Sadr and promote his ideas in the arena of science, economy and political struggle, in order to take this path towards perfection. He elaborated: “I had heard him (Martyr Sadr) several times say that although he had written the book *Iqtisādunā*, it is the duty of others to complete and develop the ideas expressed in it, instead of leaving it at this stage.”

Iqtisādunā still remains unrivalled, said Ayatullāh Hā’irī, recalling that Martyr Sadr as part of his activities had written a series of booklets under the title, *A Profile of Islamic Economics*, which he sent to the Islamic Republic of Iran. He added that this work was in response to those who claim that Islam is incapable of administering modern life, has nothing new to offer and cannot keep pace with progress. The book touches on the spacio-temporal requirements in the domain of economics, he said, adding: “It speaks of the school of economics and not the science of economics itself. It describes ownership, distribution of wealth, consumption, etc as falling into the domain of the economic school, for which Islam has its own laws. Martyr Sadr held that fixed rules are those laws, which cover the basic needs of the society like the need for water or bread. Islam has a complete set of laws for these economic issues. As for the laws which are not of fixed nature, he believed that these are determined by the *waliyy-i amr* in view of

the exigencies. In economic affairs the *waliyy-i amr* can exercise his authority to issue laws which are compatible with the changed circumstances and modern needs without violating the letter and spirit of the divine law.”

Ayatullāh Hā'irī, quoting Martyr Sadr, said this could be done in the following two cases:

1. Close attention to spacio-temporal exigencies, for which the *waliyy-i amr* can consult relevant experts and economists; e. g. concerning matters of defence, he can consult with military experts.

2. An issue which cannot be solved except through the *waliyy-i amr*. The *waliyy* should therefore be a *faqīh* who is well versed in the Holy Qur'ān and the *sunnah* of the Prophet, and is aware that the Book of God and the *hadith* have specified the objectives but made no reference to the details. In such cases, the *waliyy-i faqīh* can determine the spacio-temporal laws on the basis of the fixed Islamic principles.

Secularists also insist on expediency but they focus only on the external aspects of exigencies and on what they call actual interests, whereas the *waliyy-i faqīh* has the expediency of Muslims and Islamic goals on his mind. This is the point of connection between what exists in Islam and what the *waliyy-i faqīh* says. This is the source of economics in Islam.

In these booklets, Martyr Sadr has discussed five aspects of the Islamic economics, said Ayatullāh Hā'irī and added that the real outcome of this commemorative congress should be to tread in the footsteps of Ayatullāh Sayyid Muhammad Bāqir Sadr, otherwise the gathering will be no more than sentimental. One of the ambitions of Martyr Sadr, he said, was to write a book on a comparative study of jurisprudence in Islam and the West, since if non-Muslim scholars read Islamic books they do not understand anything. This gap should be bridged, Ayatullāh Hā'irī said, and disclosing that he had written a two-volume book titled *fiqh of*

Contracts, he called on scholars and the congress to elaborate on the efforts and activities of Martyr Sadr.

Another key speaker who addressed the first day's morning session of the Martyr Sadr International Congress was Director of the Jeddah-based Islamic Development Bank (IDB), Dr Ahmad Muhammad 'Alī. Lauding the intellectual dynamism of the late scholar, he said: "Ayatullāh Sadr's book *Falsafatunā* has greatly stressed the need for a massive and coordinated struggle against the non-divine and materialist philosophy." He noted: "Martyr Sadr has written excellently on the Islamic banking system. He has also written a number of books on the issue of individual and collective interests in Islam. He believed that ownership is a fundamental matter. He attached significance to individual or private ownership, which did not contradict social relations and emphasised the spiritual value of the human being as the vicegerent of God on the earth. Martyr Sadr focused on Islamic ethics in economic affairs. He did not view personal ownership as an absolute right, holding that this issue is closely tied to divine revelation."

The IDB chief contended that Islamic economics is an independent system, based on the Holy Qur'ān and the Prophet's *sunnah*. He pointed out that Martyr Sadr has offered numerous solutions within the framework of the Islamic *sharī'ah* to economic issues, an effort which greatly benefits not just the Islamic *ummah* but all humanity. According to Martyr Sadr, development should heed spiritual values, and that production and consumption should be the means for serving the *ummah*, said Dr Muhammad 'Alī and cited the main Islamic principles stressed by Martyr Sadr, as follows:

1. Sources of capital and wealth in the public and private sectors.
2. Ownership of wealth and capital in the public and private sectors.

3. Production should be at the service of the man, not vice versa.
4. Capital distribution should be based on work and needs.
5. Elimination of any form of hoarding.
6. Government's role in drawing laws for ensuring prosperity and salvation of mankind.

The IDB Chief further pointed out: "According to Martyr Sadr, the government has a role to play in Islamic economic matters. In his book *Iqtisādunā*, he has described the principles of Islamic economics. Muslim students and thinkers have studied this book (*Iqtisādunā*), and it is a major source for postgraduate studies. We have conducted extensive researches at the Bank of Development and Research, an affiliated body of the IDB, and are ready to exchange our experiences with other Islamic countries." The achievements of 'Allāmah Sadr and other Muslim '*ulamā*' concerning Islamic banking are still far from complete, and everybody should work to complete and bring their efforts to fruition, concluded Dr. Muhammad Ahmad 'Alī.

The next speaker to take the podium was former President of Sudan and the current Secretary-General of the Islamic Call Organisation, 'Abd al-Rahmān Suwār al-Dhahab. He warmly greeted the Islamic Republic of Iran "and the great people of Iran who have adopted the administrative methods of the Prophets and Infallible Imams" He said: "When the University of Khartoum requested me in 1973 to prepare a textbook on Islamic economics, I found out that the only source on this topic was the book by Ayatullāh Sayyid Sadr."

Drawing attention to Martyr Sadr's contention that only the Islamic government can fully develop the talents of the Islamic world, Suwar al-Dhahab said: "The dangers which 'Allāmah Sadr saw before the Islamic world still exist today. They include the dangers of global disbelief, internal dangers and the dangers of power and wealth." He, however, added that the Islamic *ummah*

has successfully left behind different stages, and despite weakness and perplexity in certain areas, has seen the heroic resistance of some Islamic peoples against oppression. He singled out the Islamic Republic and said, "The Iranian people are the vanguards of the Islamic *ummah* since they stride in the path of the Infallible Imams. They have had powerful leaders, among whom Imam Khumayni was a consummate example in our era. The late Imam instilled the spirit of *jihād* and martyrdom-seeking. The Islamic Revolution was a strong earthquake, which rocked the enemies. It is crystal clear that Imam Khumayni managed to revitalize Islam, and prove the meanness of the enemies. Our presence at the Sadr Congress is because of the fact that this great martyr was an unrivalled genius, whose thoughts have made him outstanding among the contemporary scholars. His numerous writings confirm his constant effort. He explained the role of religious leadership, proving that the religious authorities and the leader are heirs of the Prophets. We have to revere him, and preserve his valuable legacy not only in the books but also in practice. We have to materialise this legacy, so that the Muslim world would reap benefits from it, and find solutions to its problems."

The next speaker at the gathering was Hujjat al-Islam Sayyid Hasan Sadr, who presented his paper titled *Confrontation until Martyrdom*. There are many one-sided personalities in history, he said, and hailed his great teacher as a rare multi-sided genius. Elaborating on the services to Islam of Martyr Sadr, he said: "He fought the most oppressive regime of the region and the important point is that he had decided to attain martyrdom in his sacred path. But, did he have any practical plan in this regard? Did he follow a certain plan in his political activities? These questions can be answered in the three messages issued by my martyred teacher which are still available in his own voice, as well as through his declarations. We should not judge these messages far removed from the exigencies of time. He accomplished many valuable

works, which make him eternal in the history. Martyr Sadr had a high opinion of the Iraqi people in view of their key role in important events. In his first message to the Iraqi people, he said: "O the Muslim people of Iraq! I am speaking with you. O the freeborn and noble people! I have strong faith in your spirit." In his second message to the Iraqi people, he said the strong nations of the world are but tyrants. Ayatullāh Sadr had decided to continue his struggle until attaining the glory of martyrdom."

At the end of his speech Sayyid Hasan Sadr stressed that any administration that must eventually replace the Ba'athist minority regime in Baghdad, should be founded on justice. The Iraqi people should be left free in electing the political system of their choice, and no one has the right to dominate their affairs.

Dr. 'Ayishah Yūsuf al-Manai of Qatar in her speech to the congress said the gatherings which are held in Iran have a special atmosphere of science and high religious morale, which everybody present can feel. The theme of her article was the *Theory of Recognition in the Philosophy of Martyr Sadr*. Dr. al-Manai who teaches law at Doha University said the clear insight of Martyr Sadr made him socially conscious and inspired him to write some of the most important books in such fields as economics and Islamic banking. She said his best student was his own sister Martyr Bint al-Hudā who serves as an example for Muslim women in all fields, whether intellectual, cultural or political.

Afternoon Session

In the afternoon session, Head of the Supreme Assembly of the Islamic Revolution of Iraq (SAIRI), Ayatullāh Sayyid Muhammad Bāqir al-Hakīm addressed the audience, saying the martyrdom of Ayatullāh Sadr was not a simple assassination or murder, but was the result of pre-planned intention – of the regime or more properly its leader, Saddam – the polluted social situation and the existence of rampant corruption in the Iraqi society. He

cited the main causes and indices of the depth of corruption in Ba‘thist Iraq as follows:

1. Kindling the flames of two destructive wars (the 1980-88 aggression on Iran and the occupation of Kuwait on August 1, 1990, which ended in the massive attack of the US-led alliance six months later).

2. Use of chemical weapons against its own people (the March 17 bombardment of the Kurdish town of Halabja in N.E. Iraq which resulted in the death of 5,000 men, women and children and the maiming of 10,000 others).

3. Destruction of the environment (the setting ablaze of Kuwaiti oil wells by the retreating Iraqi forces. Millions of barrels of crude flowed for months into Persian Gulf waters destroying marine life, while the fumes from the massive blaze polluted the atmosphere and darkened the skies of many regional towns and cities with dangerous carbon mono-oxide in the air).

4. Massacre of over half a million people (mainly the Shi‘ite-Arab majority in the popular uprising against the Ba‘thist minority regime that followed the end of the Persian Gulf War in 1991. The holy shrine of Imam ‘Alī (‘a) in Najaf and the holy shrines of Imam Husayn (‘a) and Hazrat ‘Abbās (‘a) were desecrated by Ba‘thist forces).

5. Violation of human rights and sacrilege of Islamic values (for instance, on 19th February 1999, Grand Ayatullāh Sayyid Sādiq al-Sadr was gunned down along with his two sons after warnings, for having revived the Friday Prayer in the sacred Mosque of Kufa).

6. Ignoring of the UN resolutions (especially 598, whose clauses pertaining to the complete exchange of POWs and payment of war reparations to Iran, have yet to be carried out).

Ayatullāh Hakīm said Martyr Sadr acutely sensed his responsibility (when none of the above cited catastrophes had yet taken place), when certain other ‘*ulamā*’ were still in doubt about

the intentions of the Ba‘thists. He pointed out that after a few years (following his martyrdom), those ‘*ulamā*’ also reached the same conclusion that Martyr Sadr was quick in recognizing before. The SAIRI Chief focused on the personality of his teacher from three angles, saying: In the field of science and knowledge, he is among the greatest scholars of Islam who wrote many valuable and significant books on jurisprudence, principles of philosophy and economics. He disproved the Marxist doctrine and proved the existence of God to the communists through a scientific and rational discussion. In the social field, his deep insight made him practically demonstrate his theories and he succeeded in providing solution to many modern day problems. In the political field, Ayatullāh Bāqir al-Sadr was the founder of the Islamic movement of Iraq and he used to say: Our revolution is the path of Imam Khumaynī.”

The congress then heard Ayatullāh Sayyid ‘Alī Shafi‘ī, a member of the Assembly of Experts, whose article was titled *Talent and Prudence of Grand Ayatullāh Martyr Sadr*. The next speaker was Hujjat al-Islam ‘Abbās Samāwātī whose paper dealt with the *Excellent Ethics of Martyr Sadr*. The first day’s session came to an end with a presentation by Dr Mājidah Hamūd of Syria on Ayatullāh’s Sadr’s equally learned sister Bint al-Hudā who was martyred along with him. The title of the Syrian lady’s article was *Bint al-Hudā and the Beauties of Anecdotes*.

Second Day’s Session

The second day of the congress began with the speech of Ayatullāh Muhammad Taqī Misbāh Yazdī, who said: “Martyr Sadr initiated novel ideas and opened new windows in Islamic sciences, which could be further expanded by his students and all those who follow his path, by a critical evaluation of his ideas. His soul has expectations from us. Some of the new ideas that he proposed are now more necessary for our society. One of the issues, which

require a deep and thorough research, is the relationship between the invariable rules and the spacio-temporal laws of Islam. We believe that things declared lawful or unlawful by Prophet Muhammad (S) are meant to remain eternally so, but on the other hand we see the society has some special conditions. Now the question is: How can we harmonise these two, especially at a time when there is an Islamic administration in our midst? In fact, one of the dynamic viewpoints of Martyr Sadr was to define the empty space (*mantaqat al-farāgh*), and now it is the task of his students and other learned scholars to launch an academic discussion in order to strengthen the positive points of this theory and to remove its ambiguities. This viewpoint proves that Almighty Allah has delineated certain rules, which are known as *wājib* (obligatory), and *harām* (forbidden). These divine rules are binding, unchangeable and mandatory. However, in the social field, we come across issues defined as *mustahab* (commendable) or *makrūh* (detestable), while in most cases, Allah the Divine Legislature, has not decreed any specified rule and this is called *mantaqat al-farāgh* (empty space). The questions, which could be raised here, are that: Are there really cases in Islam for which there are no *sharī'ah* rules and it is the duty of human lawmakers to fill this gap? Is the meaning of *mantaqat al-farāgh* something else? Is the *sharī'ah* law the same mandatory rules which the Islamic administration must enforce, or are there any other moral rules in opposition to the mandatory rules?"

Ayatollah Misbāh Yazdī elaborated by saying: "The *sharī'ah* law is the same *amr* (do) and *nahy* (don't). If there is an issue, which does not have *amr* and *nahy*, it means the Divine Legislature has not expressed an opinion about it and consequently has not decreed any rule concerning it. In such a case *mubāh* (permissible) will not be considered as part of the rules, and the resulting vacuum would be called *mantaqat al-farāgh*. There appears no problem to such a usage. But, according to commonly accepted usage, the

rules of the *sharī'ah* are defined as *thābit* (permanent), *harām* (forbidden), *wājib* (obligatory), *makrūh* (detestable), *mustahab* (commendable) and *mubāh* (permissible). If we say the laws of the *sharī'ah* are inclusive of *mubāhāt* (permissibles), there would apparently be no other thing which the Divine Legislator has left out. Thus, if the rules for the permissible are from God Himself, then there is no such thing as *mantaqat al-farāgh*. In other words *mantaqat al-farāgh* or the sphere in which there is no specific law, becomes applicable in case where the Islamic lawmaker can legislate the necessary rule."

Elsewhere in his speech, Ayatullāh Misbāh Yazdī referring to the fundamental and secondary laws of Islam on the one hand, and the governmental laws on the other, asked: "Where do governmental laws figure in the (Islamic) precepts? Are they part of the fundamental or secondary laws, or fall between the two?" He said governmental laws are those, which the Islamic ruler decrees and makes it incumbent on the people to follow them. Here the question arises: What is the boundary of governmental laws, since there is certainly a range of ordinances which are not covered by any fixed law, and neither is priority of one over the other is defined? Yet, he said, based on the expediency, the *waliyy-i amr* rules in favour of a particular precept over the other. Ayatullāh Misbāh Yazdī likened this to the traffic law which is formulated by the *waliyy-i amr* or his authorised representative, and that compliance with the traffic law which, for instance, rules that the driving cars must keep right on the street, is binding. Then he posed the question: Is this a *sharī'ah* law or does the rule of the *sharī'ah* means obedience to the *waliyy-i amr*?

Ayatullāh Misbāh Yazdī quoted Imam Khumaynī as saying that the governmental law is similar to the *sharī'ah* law although this is neither prevalent nor is there such an inclination. Therefore, he said *mantaqat al-farāgh* needs to be properly defined in another way since it is being asked: According to what usage *mantaqat al-*

farāgh is not considered a *sharī‘ah* rule and under which rule of the *sharī‘ah* does *farāgh* (vacuum) fall?

Dr Khadijah ‘Abd al-Hādi al-Mahmid of Kuwait presented her article under the title “*Freedom from the Viewpoint of Islamic and Human Systems.*” Commenting on the incentive behind her article, she said: “Today, the concept of freedom is being abused, an issue which will ultimately lead to anarchy. I would like to urge all to follow the path of Martyr Sadr. He expounded the exalted philosophy and essence of Islam, and captured our hearts and minds. After his martyrdom, we were able to follow his path through Imam Khumaynī and Ayatullāh Sayyid ‘Ali Khāmene‘ī.”

She added that Martyr Sadr defined the issue of freedom as a clear procedure and not a temporary solution. He adopted a comparative approach in the rejection of certain speculations and examined different intellectual trend, said Dr Khadijah al-Mahmid and touched on the classification of the manmade schools of thought according to the viewpoint of Martyr Sadr. Her article ended with the interpretation of the concept of freedom in Islam.

Hujjat al-Islam Shaykh Muhammad Yazbak of Lebanon then presented his paper entitled “*The Horizons of Perfect Marja‘iyyat in the Viewpoint of Martyr Sadr*”. He was followed by Egypt’s Muhammad Ibrāhīm Mabrūk the theme of whose article was “*The Value of Modernist Thoughts in the Intellectual Works of Martyr Sadr.*”

(To be Continued)

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