

"O mankind, surely we have created you from male and female, and made you tribes and families that you may know one another."

(Quran 49:13)

# PROGRESSIVE ISLAM

*A monthly publication dedicated to the promotion of knowledge concerning Islam and modern thought.*

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## THE ROLE OF THE INDIVIDUAL

### *Man and Morality.*

In the 19th century, a book was published in England from the pen of the well-known philosopher and reformer John Stuart Mill (1806—1873). In that book (1) Mill made a very important observation to which the Muslims of to-day ought to pay much attention. This observation of Mill, although it may sound slightly simple to those who would not properly be able to conceive its ultimate consequences, contained such an amount of highly important truth that it would at once reveal to us a new and often neglected perspective through which we could judge and understand one of the most significant factors in the growth and development of our Islamic society. This factor is about man himself, in this case the Mussulman of to-day and tomorrow. Mill explained that for a law to be effective in a certain society or any other human grouping, there must exist in the midst of that people a group of individuals whose lives and personalities transcend the spirit and dignity of the laws to which they owe allegiance in that society. In other words, the lives and personalities of these individuals respectively must be such that all the existing moral and spiritual principles from

which those laws are derived, are contained and realized in the very existence of these individuals. In their case, it is not the laws that mould their

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characters and personalities, but on the contrary the laws become respectable and authoritarian by the mere fact that they are upheld by such a group of noble and powerful personalities. For this reason, *an ideal without a group of people corresponding to it, would be just as ineffective as books on the shelf. Whatever values their contents possess, they would remain just as knowledge and beliefs which are completely cut off from its human setting. They are just like hidden treasures deep in the earth.* We see that the presence of a group of human beings assimilating and expressing in their lives the aims and attitudes of the ideal to which they bound themselves is a necessary condition for the successful growth and development of that ideal. It is in the light of this necessity that we must seek an explanation of the Quranic presentation of man as a vicegerent of God on earth. Our venerable Imams and devotees of (*tasawwuf*) perceived this reality perhaps much more than we do now. All these personalities felt that if Islam was to become a powerful factor in moulding the life of man, there must be such an elite whose lives and characters are exemplary for the general body of Muslims. So far we have been discussing this subject in the sphere of morality.

#### *Our duty towards Science.*

Returning to Mill's observation concerning the effectiveness of law and the existence of a group of individuals whose lives and thoughts transcend the spirit and dignity of the laws of their society, we could also deduce that the same principle would be valid as regards other spheres of human thought and action. Perhaps we could formulate it in this way: If there is no Muslim economist who would work out the principles of economy in the Quran and in so doing simultaneously transcend the body of knowledge concerning the science of economy as is to be found in the Shariah now and also in the modern world, the economic system of Islam would suffer a tremendous drawback. It is not only with regards to the science of economy, but to all other sciences such as jurisprudence, historiography, sociology, chemistry, etc., etc., that the people of Islam have to exert themselves to promote their development. As Ibn Khaldun observed, art could not prosper without the existence of the artists. (2) The same thing applies to science. It could not prosper without the existence of the scientists.

#### *The role of the Individual*

The role of the individual in the development of culture and society can not be neglected. As followers of Muhammad, we could not minimize the importance of developed personalities as a force in the process of socio-histo-

rical development. Plekhanov and other historical-materialists underestimated or refused to recognize the significant and sometimes determining role of the individual in the development of man and his society. (3) It is true that the condition of the age is a potent factor in deciding what a sort of ideas or social structure would be accepted by a certain society in a particular time and place. Ibn Khaldun, without minimizing the role of the individual in history, also pointed out to this decisive power of the age. (4).

But to exclude the possibility of a creative genius bringing about far reaching changes would amount to a denial of freedom and responsibility in the historical development of man. Historical materialism would consider human history as a highly mechanical affair. Professor J. B. Bury expressed the view which is perhaps the nearest to the Islamic conception of the role of the individual in history. (5) Prof. Bury accepted the idea of the creative genius but restricted the effective influence of the genius to the conditions of the age. Ibn Khaldun's theory is similar to that of Prof. Bury.

A clear conception of the role of the individual in history, for the present Mussulmans, is a very important thing. Our attitude to our leaders shall very much be influenced by it. Our long term education planning shall also be effected by it. We have shown that no section of the all embracing Islamic way of life shall fully develop to the benefit of the Muslims in particular and humanity in general, unless there exists in the midst of the Muslims, a group of individuals whose lives and personalities are the embodiments of Islamic thought and action in all its various branches.

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- (1) J. S. Mill, *The subjection of women.*
  - (2) Mentioned in R. A. Nicholson, *Literary history of the Arabs.*
  - (3) Plekhanov, *The role of the individuals in history.*
  - (4) See Charles Issawi's selection on Ibn Khaldun's writings entitled *An Arab philosophy of history.* One of the examples which Ibn Khaldun gave was his attempt to abolish corruption. He was not very successful in this because the pressure of the age was too great against his attempt.
  - (5) J. B. Bury, *The idea of progress.*

# THE POSITION OF NON-MUSLIMS IN THE ISLAMIC STATE

BY

*Maulana Mufti Muhammad Shafi*

## CORRECTIONS

ge 3. line 8: Upholded instead of upheld.

line 11: Of instead of on.

line 17: Complacency instead of complacency.

line 19: *Towards* comes after *hindrance* instead of *motives*.

4 first column last 3 lines and second column first two lines should be left out.

editor hopes that the readers would be kind enough as to excuse him the other spelling mistakes which have not been corrected, due to shortage of time and the necessity to hurry the delivery at the post-office.

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The Islamic State is under obligation to provide and ensure protection to the non-Muslims, as much as to the Muslims, in respect of their life, honour and property. This has been stated in Article 13 of my treatise on "*The Quranic Constitution of the State*", with brief references to the Quranic authority. But the problem is important and requires further elucidation, which is being taken up in the present essay through further references to the Holy Quran, the Hadith and the practice of the Pious Caliphs.

*Islamic Law as Saviour of Humanity:*

It is the distinctive merit of Islam alone that it

has ordered its followers to act nobly not only towards those non-Muslims with whom they might enter into covenant but also towards those who might be at war with them. Indeed, Islam recognises and fixes up the *rights* of the aliens, and this it does not merely conventionally but in a very positive and emphatic form. It lays down the injunctions and threatens the violators with dire punishment.

The Holy Quran says:

"and let not the hatred of others (to you) make you swerve to wrong and depart from justice. Be just: that is nearer to Piety: and fear Allah; for Allah is well-acquainted with all that ye do". (V : 9).

# THE POSITION OF NON-MUSLIMS IN THE ISLAMIC STATE

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*Maulana Mufti Muhammad Shafi*

Maulana Shafi was member of the 'Talimat-i-Islam' board in the former Constituent Assembly of Pakistan. He is also president of the executive committee of 'Darul-Ulum', or Islamic University in Karachi. The article which we are printing below deals with several relevant subjects in connection with the non-Muslims under Islamic Law. Maulana Shafi's article has been selected for three reasons, apart from its intrinsic merits. (1) Maulana Shafi presented the fundamentally human and progressive outlook of Islam as something real and historical dating back to the early periods of its birth and expansion. (2) The views put forward by Maulana Shafi are those upheld by the general body of Muslims everywhere. (3) Maulana Shafi presented the Islamic views regarding non-Muslims totally from the Islamic angle. One cannot suspect Maulana Shafi of cherishing liberal and broadminded thoughts about the rights of non-Muslims because of the so-called "Western influence". There is still a number of people, unfortunately also some de-Islamized Muslims, who could not believe that Islam contains a great deal of goodness and sound teachings. Whenever a Muslim expressed some good and sound ideas regarding the vital issues of the modern world, he is immediately labelled by some Western observers as a deviationist or as someone who had fallen under the influence of Western thought. Such feelings of complacency and superiority on the part of some Western observers shall be a very great hindrance to their understanding Islam. Even if their leading motives ~~towards~~ were to refute the Islamic faith, an understanding of it is an absolute condition. ED.

*towards*

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This verse lays down the general and governing obligation of dispensing absolute and perfect justice to all non-Muslims, irrespective of their being friends or foes, covenantees or belligerents.

Elsewhere, the Holy Quran speaks specially with reference to its blood-thirsty opponents in the following words:

"Fight in the cause of Allah those who fight you, *but do not transgress limits*—for Allah loveth not transgressors." (II : 190).

It means that even in actual fighting against those who attack the Muslims for the sole purpose of destroying Islam, strict limits of justice, humanity and goodness have got to be observed, limits which we find clearly defined in the Hadith literature. Thus, for instance, the Holy Prophet Muhammad (Peace be on him!) is reported to have exhorted the Muslim army in an "order of the day".

"Proceed in the Name of Allah and with His Help and on the Faith of the Messenger of Allah. Do not kill the very old, nor the infants, nor the minors, nor the womenfolk. Do not cheat. Do not break trust. Do not mutilate and disfigure the bodies of your dead enemies."

Another Hadith forbids the killing of monks and hermits engaged in worship in their monasteries and hermitages.

This confines the permission of killing to those able-bodied males alone who actually enter the battlefield to fight.

It is related that, during a battle, the Holy Prophet (Peace be on him!) found the body of a murdered woman on the battlefield. He was sorely grieved, denounced the act in emphatic terms and warned against any future recurrence. This was his attitude, although his enemies were unscrupulous and cruel even to the extent of cannibalism.

#### *Non-Muslim Citizens of the Islamic State:*

The Holy Prophet (peace be on him!) has exhorted his followers to practise absolute and perfect justice with regard to all non-Muslims residing in the Islamic state, whether they are Citizens or Resident Aliens. For instance, he says:

(1) "Beware! whoever (among Muslims) does injustice to a (non-Muslim) covenantee (in any way) or burdens him beyond anything belonging to him without his hearty consent I will plead on his (i.e. the non-Muslim's) behalf (in the court of Almighty Allah) on the Day of Judgement."

(2) "Whoever oppresses a Protected non-Muslim, I will present the case for prosecution against everyone whom I accuse."

Communities who come under the protection of the Islamic State are very well-known. Many books of history have recorded these and the later

Muslim governments have been generally guided by these. Below we quote the text of one such

(3) "Whoever kills a non-Muslims covenantee will not be able to have even the smell of Paradise, although it extends beyond it to distances of forty years' time-length."

(4) "My Lord (Allah) has forbidden me from doing any injustice to a non-Muslim whether he is a Covenantee or otherwise."

(5) "Beware! the property of the Covenantees (non-Muslims) is not lawful unto you without (proper legal) right."

(6) "Muslims are under obligation to observe all such terms as are founded on truth (and justice)."

(7) "Maybe, you will have the opportunity of engaging in war with (enemy) people whom you will overpower. They will enter into a treaty with you concerning their property and their offspring. Thereafter, do not take anything from their possession beyond that which has been stipulated in the treaty."

(8) "Whoever (among Muslims) gives protection of life to another's person and kills him thereafter, I would not like to have anything to do with him (i.e. the murderer) even though the murdered person is a non-Muslim."

(9) "Fulfilment of the covenant in the best manner is a part of Faith."

(10) "When you conquer Egypt, treat the Egyptians well, because you shall be bound to them by your covenant as well as matrimonial alliances."

#### *Respect for the religious leaders of non-Muslims inculcated. Instructions of Abu Bakr As-Siddiq, the first Caliph:*

The following instructions were given by the first Caliph of Islam, Abu Bakr the Truthful (Allah be pleased with him!), when, in compliance with the Holy Prophet's will, he despatched troops to Syria under the command of Usamah bin Zaid:

"Do not betray trusts. Do not cheat. Do not break trust. Do not mutilate and disfigure anyone. Do not kill the children, the old men and the women. Do not hew down or burn the date palms nor destroy any other fruit-bearing trees. Do not slaughter goats, cows or camels except for relieving hunger. You will meet such people who are engaged in worship in their monasteries; leave them alone unmolested."

The pledges which the second caliph of Islam, Omar the Great, gave to those non-Muslim communities who come under the protection of the Islamic State are very well-known. Many books of history have recorded these and the later Muslim governments have been generally guided by these. Below we quote the text of one such

treaty which was granted to the people of Palestine.

### *Pledge given by Omar the Great to the People of Palestine:*

"In the Name of Allah, the Beneficent, the Merciful. This is the pledge of protection granted to the people of Palestine by Omar, the Servant of Allah and Leader of the Faithful. This protection is for all their co-religionists and relates to their lives, property, churches and crosses, be they in bad condition or good. (In this way that their churches shall not be turned into dwelling houses, nor shall they be pulled down. No injury shall be done to them. or to their enclosures, or to their crosses, or to their attached properties. No restriction shall be imposed regarding their religious ceremonies and none of their people shall be harmed in any way. No Jew shall be permitted to stay along with them.\* Whatever is in this document is guaranteed in the name of Allah and His Messenger and the Caliphs and the Muslims in general on the condition that the people pay the *Jizyah* regularly. This document is witnessed by Khalid bin Walid, Amr bin Al-Aas, Abdur Rahman bin 'Awf and Mu'awiyah bin Abi Sufyan. Dated A. H. 15."

One important thing to be noted is that the pledges given to the non-Muslims by the Islamic State were not like the "paper" guarantees which the so-called civilised governments of the present day give to people on different counts. Their strict observance and fulfilment was a matter of utmost importance to the Muslims, in fact, a most sacred and inviolable obligation. Thus, when Omar the Great was to breathe his last, after his assassination by a non-Muslim, one of the advices he gave to the Muslims was:

"I advise him (who is to become Khalifah after me) to fulfil the pledge of protection given to the *Zimmis* (protected non-Muslims), to wage war (if necessary) for protecting them, and to abstain from placing upon them a burden which may be beyond their power."

### *Treating non-Muslims on par with Muslims:*

Once a Muslim of the Bakr bin Wa'il tribe killed a Christian of Hirah. The case was submitted to Omar the Great. He ordered the murderer to be handed over to Hunain, the heir of the deceased, who killed him with his own hand. (*Hidayah*).

### *Grant of Stipends and Old-age Pensions to the poverty-stricken and destitute non-Muslims from the State Treasury:*

When Hirah was conquered during the Caliphate of Abu Bakr a pledge was given by Khaild bin Walid, the Commander-in-Chief of

the Muslim Army, to the non-Muslims of that area which included the following words:

"Whoever from among the old people shall become incapable of earning his livelihood because of his old age or because of some calamity, or shall be reduced to poverty to an extent which renders him dependent upon the charity of his co-religionists, he shall be exempted from the *Jizyah* (i.e., the protection tax). And not only that. He and his dependents shall be paid stipends from the State treasury of the Muslims so long as they reside within the jurisdiction of the Islamic State."

One day, when coming out of a mosque, Omar the Great saw a Christian begging for alms, the Caliph approached him, enquired from him about his affairs and remarked: "It is against justice that while we realised the tax from you when you were young and capable of earning, we keep away from helping you when you have grown old." Saying this, he immediately ordered that a regular pension sufficient to maintain him comfortably should be paid to him for life from the State-treasury.

### *Unparalleled dispensation of Justice:*

Anas relates that once a Coptic non-Muslim came to Omar the Great and said: "I have come to seek your protection against injustice." "Be not afraid! you are under strong protection," came the reply. Thereupon the Copt submitted his complaint in the following words: "I and the son of 'Amr bin Al-'As (Governor of Egypt) competed in a horse race in which my horse scored victory. Enraged at the defeat he flogged me saying that he was the noble's son."

Omar the Great wrote immediately to 'Amr bin Al-'As to present himself along with his son concerned. When he arrived, the non-Muslim complainant was called. A whip was given in his hand and he was asked to flog the Governor's son.

In the words of Hazrat Anas: "The Copt was flogging the son of 'Amr bin Al-'As, and we were satisfied at the dispensation of justice, until at last he himself stopped it. Then Omar asked the Copt to place the whip over the head of 'Amr bin Al-'As to which he replied: "The son had flogged me and I have avenged the wrong. 'Amr bin Al-'As has done me no harm'. After that the Caliph turned to 'Amr bin al-'As and said:

"Since when have you come to regard human beings as your slaves although their mothers brought them forth as possessors of liberty?"

Once Omar the Great was informed that during a battle in Syria with the forces of the Byzantine Empire, some members of the Muslim army encountered a person of the enemy camp

who, out of fear, had fled to the top of a hill. Telling him not to be afraid of them, they asked him to come down, and when he had come down they killed him. The Caliph condemned this act, saying that the advice to cast aside fear was virtually an assurance of protection, in which case his murder was a heinous sin.

One day, when, during the Syrian war, Omar the Great camped at Jabiyah, a non-Muslim came to him and complained that some Muslims had picked up grapes from his vineyard without his permission. Coming out of his camp instantaneously, the Caliph found a Muslim coming out of the vineyard with some grapes on his shield and said to him in a severely harsh tone: "You too have started committing such foul deeds." The person pleaded that he been led to it solely because of his extreme hunger. Thereupon Omar got the owner of the vineyard compensated for his grapes to an extent which satisfied him. (*Kanz-ul-'Ummal*, Vol. II, p. 299).

Once a farmer of Syria complained to Omar the Great that the Muslim army had destroyed his crop during its march through his field. The Caliph paid him ten thousand dinars from the State-Treasury by way of compensation. (*Kitab-ul Kharaj* by Imam Abu Yusuf, p. 68).

A person once informed Omar the Great that the yield of a certain land was much higher than what been assessed in connection with its taxation and that consequently the amount of the tax should be increased. The reply of the Caliph was: "The land has come under our administration through a peace-treaty. Therefore, we cannot raise the amount of the tax beyond that which had been stipulated in the treaty, howevermuch the procedure of the land might increase." *Kanz-ul-'Ummal*, Vol. II, p. 313).

#### *A memorable Event in the History of Muslim Administration:*

The ancient city of Hims came under Muslim administration through a peace-treaty during the early stages of war in Syria between the Muslims and the Byzantine Empire. Hazrat Abu Ubaidah established his head-quarters there, while Khalid bin Walid and 'Amr bin Al-'As stayed in Damascus and Jordan respectively.

The defeated Byzantine Christian soldiers moved from these cities to Antioch, the seat of Byzantine government, and complained to Heraclius that the needful had not been done, thus interpreting their defeat in terms of insufficient military assistance from the Centre.

Heraclius invited the wisest and the most prominent among them to his court and questioned them saying: "The Arabs are inferior to you in numbers and war materials. Why then is it that you could not fight them successfully?"

The question made those present bow their heads in shame. At last an experienced old man replied:

"The morals of the Arabs are better and superior to ours. They are never cruel or unjust to anyone, and they behave towards each other in terms of perfect equality. On the other hand, we lead the lives of drunkards and debauches. We do not keep our word and we are cruel and unjust. The result of all this is that they possess a dynamic force which we lack."

Realising the truth of the old man's statement, Heraclius resolved to move out of Syria. But he was overwhelmed with the representations and appeals made to him by his co-religionists from every nook and corner of the country, and had to make up his mind ultimately to face the Muslims. Consequently, he pooled all the resources of the empire, made extensive military preparations, formed a huge army and ordered it to march against the small contingent of Muslim troops stationed at Hims.

Hazrat Abu 'Ubaidah, the Chief of Muslim administration at Hims, had known all that before-hand. Impressed deeply with the blessings which the Muslim administration had conferred upon them, the Christians themselves were resolved to help him and had been bringing secret information to him; and they informed him in time when the huge army of Heraclius marched from its base towards that city. The Muslim general had to take a decision. He called his counsellors to a conference. One important aspect of the situation was that almost the entire population was composed of Christians, who, in spite of the blessing which the Muslim administration had brought to them, were in danger of being swayed by sentiments of religious affinity with the invading army. Hence, it was regarded impolitic for the Muslim soldiers to leave behind their families at the mercy of the Christians while themselves facing the enemy outside. It meant nothing less than endangering the lives of those women and children.

A solution had, therefore, to be found out. Hazrat Abu 'Ubaidah proposed that the Christian population should be temporarily evacuated so that they might have nothing to worry about the problems of internal defence. But Hazrat Shurahbil bin Hasnah objected to it, saying: "O Amir! you have no right to do so, because one of the conditions on which we have taken the Christians under our protection is that they shall be allowed to reside in the city without let or hindrance" Hazrat Abu 'Ubaidah withdrew his proposal, and, instead of that, it was unanimously decided that Muslims themselves should evacuate the city, because it was not possible for them to defend it against such a huge army from

outside and at the same time to protect their families inside, and to concentrate all their available forces at Damascus. The decision was subsequently carried out.

But, before executing the decision, the first thing that Abu 'Ubaidah did was to call Habib bin Maslamah, Officier-in-charge of the State treasury, and to order him that because Muslims were no longer in a position to protect the Christians of Hims, all the money that had been received from them in the form of taxes (*Jizyah* and *Kharaj*) should be returned to them. The order was complied forthwith.

This act of fairness and generosity on the part of Muslims moved the Christians deeply. They resolved not to permit in any case the invading Christian army to occupy their city. They pleaded to the Muslims to return as soon as they found it possible. And when Muslims had departed, they made it a practice to pray to God for their return. (For reference see: *Futuh-ul-Buldan*, *Futuh-ush-Sham*, and *Kitab-ul-Kharaj* by Imam Abu Yusuf).

#### *Treacherous non-Muslim Citizens treated generously:*

Situated on the frontiers of Syria and the Byzantine Empire, ruled respectively by Muslims and Christians, there was a town called Arbasoos. It had come under the Muslims through a peace-treaty. But in spite of the pledge which its Christian residents had given, they used to act as traitors and were in the habit of passing on secret information to the enemy on the other side of the border. 'Umair bin Sa'd, the Governor of Arbasoos, finally informed Omar the Great about it. In reply the Caliph sent to him the following instructions:

"Assess the value of all their assets, their lands and their cattle, pay to them double of that amount, and ask them to migrate (comfortably) from there. In case they do not agree to it, give them one year's time, and exile them thereafter." (*Futuh-ul Buldan* by Balazuri).

It was, in fact, the nobility of Muslim conduct in general and the puritanical fairness and justice in administration which had endeared the Muslims to the non-Muslims to such an extent that the latter desired to be governed by the former in preference to their own co-religionists. Thus is related that when 'Amr bin al-'As, the conquerer of Egypt, was on his way to Fustat after the conquest, seventy thousand Christians assembled along with their priests at Tarranah to accord him a hearty welcome. With the ceremonial staffs in their hands and with one voice, they proclaimed their loyalty and their sincere desire to co-operate with the Muslim Government. 'Amr bin al-As gave them a

pledge in writing. (*Al-Islam Rooh-ul-Madaniyyah*, p. 112).

#### *Religious Freedom guaranteed to non-Muslims:*

All charters granted to the non-Muslims by the Islamic State, during the days of the Holy Prophet (Peace be o nhim!) and the Pious Caliphs, invariably contain the guarantee, not only in respect of life, honour and property, but also explicitly with regard to religious freedom. Brief references from some of them might be quoted here below:

(1) The following pledge was given in writing to the non-Muslims of Georgia when that country was conquered:

"Protection to their lives and property and freedom in matters of communal organisation and observance of religion is hereby guaranteed, and no change shall be effected in this behalf."

(2) Hazrat Huzaifah gave the following written pledge to the non-Muslims of Mahe Dinar.

"No change shall be effected in their customs and the observance of their religious code by them shall not be interfered with."

(3) The Charter granted to the non-Muslims of Azerbaijan contains the following guarantee:

"They are hereby granted protection with regard to their lives, their property and their religious laws and observances."

(4) The non-Muslims of Mocan were guaranteed their freedom in the following words:

"This (Charter) guarantees to them protection in respect of their property, their lives, their communal existence and their religious customs and observances."

#### *Consultation with Non-Muslim Citizens in Matters of Administration:*

It was the practice of Omar the Great that in all administrative matters which concerned the non-Muslim citizens, he would not take any step without consulting them. Thus, when he had to organise the land-administration of the newly-conquered Iraq, he invited the non-Muslim chiefs from that country to Madinah and conferred with them. Similarly, as regards Egypt, he often consulted Maquqas. (*Al-Farooq* by Shibli, p. 471; quoted from Al Maqrizi, Vol. I, p. 74). In fact, he was so careful in dispensing justice to the non Muslims that he had made it his practice to invite non-Muslim leaders from the dominions and ask them whether their communities had any grievances. Thus, for instance, he would do when the tax-collectors realised the land-revenues from the people of Iraq. (*Al Farooq* by Shibli).

#### *Formal Blessings of Islamic Justice:*

After the conquest of Iraq, Omar the Great



placed the military command under 'Ammar bin Yasir and the judiciary under 'Abdullah bin Mas'ood, while 'Uthman bin Haneef was entrusted with the survey of agricultural land. In that connection, he was instructed not to include barren lands, the mounds, the ponds and all such lands which were inaccessible to irrigation, so that the assessment of revenue could be confined to fertile and cultivated land only, in accordance with the principle of perfect justice.

'Uthman bin Haneef completed the survey and submitted his report wherein the total agricultural land measured 3,600,000 *jareeb*s. Thereupon the Caliph laid down a lenient scale of taxation fixing different rates for different crops. Thus, the vineyards were taxed at ten *dirhams* (Rs. 2/8/-) for one *jareeb*, the gardens of date palm at five *dirhams* for one *jareeb*, the wheat crop at four *dirhams* per *jareeb* and the barley-crop at two *dirhams* per *jareeb*. All these rates of taxation were very low, and the principle observed therein was to put the minimum possible burden on the common man. Besides that, several commodities were exempted from taxation. In the first year, the income to the Government from land-revenue was very small, namely, only a hundred thousand *dirhams* (or, twenty-five thousand rupees).

But the next year the total amount touched the peak of 200,000,000 *dirhams* (i.e. two crore rupees) with Allah's Grace. Facilities provided to the people and the concessions granted to them had urged them to bring the entire land under cultivation.

#### *Four Categories of non-Muslims:*

The jurists of Islam have classified the Non-Muslims into four categories, viz.: (1) *Ahl-uz-Zimmah*; (2) *Musta'min*; (3) *Mu'ahid* or *Haleef*; (4) *Harbi*.

1. *Ahl-uz-Zimmah*. Those non-Muslims who pledge their loyalty to the Islamic State and adopt its citizenship are known by this term, which implies that Muslims are under obligation not only to abstain from doing them any harm but also to afford them positive protection.

The *Ahl-uz-Zimmah* may acquire their status in either of the two ways, viz., they may either be (1) those who have submitted to the Islamic State after the conquest of their country through a war and have adopted its citizenship; or (2) those who have acquired such citizenship, not after a war, but through peaceful agreement, just as the people of Najran and the Banu Taghlib tribe did during regimes of the Holy Prophet (Peace be on him!) and Omar the Great respectively. Both of these groups stand on equal

footing with the Muslims in respect of all the general rights and obligations of citizenship. They are, however, exempted from military service, in lieu of which they are required to pay a very light tax. This tax is payable by the members of the second group strictly in accordance with the terms and conditions of the agreement which they make with the Islamic State at the time of acquiring its citizenship, and even the head of the State has no right to alter it. As regards the members of the first group, they are taxed in the light of the law laid down by Islam, with due regard, however, to the financial status of individual members and their convenience in the matter of payment. Thus, a wealthy man was required, during the regimes of the Pious Caliphs, to pay 48 *dirhams* (or, 12 rupees) in equal monthly instalments, which means one rupee a month according to our currency. Members of the middle-class had to pay half of it, i.e. just 8 Annas per month. No tax was levied, or can be levied now, on the unemployed, the destitute, the womenfolk and the children. The value of currency, however, is constantly in a state of fluctuation. Therefore, the head of the Islamic State has the right to decrease or increase the rate of taxation in terms of the purchasing value of the currency in vogue. He has also the right to exempt persons from this tax in special cases. These details are to be found in books of Islamic Law like the *Hidayah* and its commentary *Fath-ul-Qadeer*, from which we have quoted here (Vol. II, p. 368).

2. *Musta'min*. This term applies to a non-Muslim who is an alien but takes up temporary residence in the Islamic State for commercial or other similar purposes. The Islamic Law lays down the following regulations about him: (1) he shall not be given the visa for more than one year's stay; (2) no personal tax shall be levied upon him; (3) he shall be required to pay commercial tax or taxes at the same rate which the Government of his country imposes on visiting Muslims; (4) if his State treats any Muslim cruelly and robs him of his wealth, the Islamic State shall not take any revenge from him on that score and he shall remain immune; (5) it shall be the obligation of the Islamic State to protect his life, honour and property in the same way as it protects those of its Muslim and non-Muslim citizens. (*Hidayah*, etc.).

3. *Mu'ahid* or *Haleef*. This term applies to the non-Muslim citizens of a non-Muslim State which makes a 'No-War' pact with the Islamic State. The Islamic law, in this connection, is that Muslims shall not in any way employ the modern fashionable methods of evasion and vio-

lation. The Holy Prophet Muhammad (Peace be on him!) said:

"Whoever enters in to a pact with a people should neither relax the pact nor tighten it until its term expires or it is thrown back to them on terms of equality (i.e., it is revoked without injury to either party)."

Once Amir Mu'awiyah entered into a no-war pact with the Romans. During the period of the suspension of hostilities, however, he ordered his army to the frontier, planning to march into the enemy territory as soon as the term of the pact expired. The day came and the Amir ordered his troops to march. But just at that moment he heard a voice from behind: "Stop, ye servants of Allah! stop, ye servants of Allah!" Instantly the moving troop halted and the Amir turned round. Amr bin Absah stepped forward and recited the above-mentioned Hadith. Mu'awiyah at once submitted to the ver-

dict and ordered the army to retrace their steps. (*Abu Daood*).

4. *Harbi*. These non-Muslims who are positively hostile, and between whom and the Islamic State there are no pacts or agreements of any type in existence, fall under this category. Islam has ordered its followers to treat them also with justice and humanity. Not even when there is an actual fighting with them, does it permit the Muslims to kill their old men, the womenfolk, the children, the monks and the hermits. Only the combatants can be killed and they too can neither be mutilated nor disfigured. According to Islam, all human beings have certain basic rights and those basic rights should in no case be trampled upon.

This restriction was imposed upon the Jews out of respect for justice and good faith towards the Christians from whom the country had been conquered and who did not like their Jewish enemies to live with them.

## MAN'S STATUS IN THE ULTIMATE SCHEME OF THINGS

By

*Hamidullah Siddiqi, M. A., LL. M.*

Man has, ever since the birth of reflective power, been greatly intrigued by the question of his status in the ultimate scheme of things. Is the soul only a function of the body which houses it or is it something which is destined to be a potent factor in the constitution of life?

It will not be without interest to hurriedly review in passing the various solutions of the problem. A fairly representative view held by the Greeks and, under their influence, by theologians, both Muslims and non-Muslims, was that the Ego or "I" is a sort of simple substance which retains its identity without suffering modification.

Conscious states in relation to the Ego were regarded in much the same way as is one prone to attributing qualities to a thing. Qualities change with the passage of time but that to which they belong retains its identity.

Aristotle's idea of "thinghood" was based on this conception which in the light of modern research has been shown to be fallacious. Thinkers are now almost unanimous in holding that

we cannot regard the "subject" of a logical proposition as self-sufficient and therefore exclusive.

### *Latest Development*

The latest developments of thought in the domain of physical science have veered round finally to the position that nature cannot be thought except as a vast structure of inter-related events. If this is so, then things which appear to be apparently disconnected and self-subsistent are not really so.

On the other hand, the latest cosmological picture paints spatio-temporal order to be a huge organic system, in which actual entities (objects) are related both negatively and positively. This involves, as Whitehead observes, antecedent selection or decision. Even such a relation as that of exclusion must on this view be conceived to be relevant to the being of things.

In other words, the physical nature composed of substantial objects as it looks has lost once and for all that solidity which both commonsense and tradition have hitherto associated with it.

Now, as structure involves function — a category from which concept of structure is derived — actual entities must only be regarded as ego-unities, that is to say, as focal points of their activities.

Reverting to the question of the Ego, the problem is, firstly, to ascertain its nature and secondly its relation to the environment amidst which its lot has been cast. We have seen that the idea of "substance" has undergone a revolutionary change as a result of modern discoveries in the field of physics. There does not appear, therefore any reason why the soul should be regarded as a sort of a static thing persisting in the flux of time, for the analogy drawn from the material world completely breaks down.

It is difficult to look upon conscious states as though they were qualities of a soul-substance firstly because it is not clear how they inhere in it and secondly they cannot be qualities in the sense in which redness and softness are qualities, say, of a rose.

Hume, in the history of modern thought, made a sustained attack on the concept of soul as a living principle. He regarded "I" as subjective association of mental states. The better view appears to be that the Ego is a dynamic energy concerned with directing life to stages of higher integration in the face of both internal and external recessive circumstantiality.

Allport defines personality as "the dynamic organisation within the individual of those psycho-physical systems that determine the *unique* adjustments to his environment". The Ego, accordingly, is framed and disciplined by virtue of these unique" adjustments. These must be 'unique' because personality, which is not a mere sum of constitutive traits is definitely something more. It acts and reacts in the interests of its sustenance and growth in relation to its environment.

Since both the Ego and the external nature are essentially organic wholes in varying degrees of mutual relevancy, the latter cannot be considered to be alien to and therefore something standing over against the former as its veritable 'other'.

This brings us to the question as to how it is possible for the Ego to attain to a state of reasonable security in an environment which offers a medley of situations necessitating moral choices with apparently little relevance to their suitability.

Admitting all this, the fact still remains that environment which has, throughout the evolutionary process, offered conditions for more or less

a progressive continuances of human life does contain "ego-nourishing" factors although the impact of nature on the life of the psyche tends to chill it. The unity of personality is to be acquired amidst hostile circumstances. The desired wholeness consists in giving to the biological urge a moral and rational orientation.

### *Modern Psychology*

That the expansion of the Ego is an achievement and not a static datum is what the modern psychology has established beyond a shadow of doubt.

Ego must, therefore, be conceived to be in vital relation to the world. Its development strength and stability depends on its capacity to assimilate the natural and historical forces to its own unique purposes. In so far as it succeeds in integrating them with its own demands, its directive functions gain in efficacy provided the claims of reason and morality are properly accommodated.

There are only two ways in which it can proceed, firstly by an intellectual understanding of the interplay of physical forces and therefore as a result of such understanding making them submit to its own ends. On the contrary, in the measure in which the Ego abrogates its prerogative of direction with regard to its environment, it disintegrates.

The other way is to have an intimate experience of the inner nature of things which is denied altogether to the discursive reason. This involves what Toynbee calls the phenomenon of "withdrawal" — marked by moments of the greatest tension in the life history of the Ego. Its withdrawal from the world unto itself generally issues forth in a life of sustained and creative activity.

Lives of prophets and great mystics who have left indelible marks on history bear witness to the momentous creative potential of the progressive introversion of the soul. It is, so to say, Psyche's dynamic regression to its own base where it meets what Jung calls the Primary Unconscious — the point of convergence of all existence.

It may be said to be a sort of stock-taking by the Ego of its own creative possibilities lying hidden in its inner reaches. History as well as the recorded description of the experiences of great men afford many an illustration of life touching unknown depths as a result of the impact of the soul's reversion to the ordinary level of experience.\*)

The aspect of the Ego's life when it swings round and turns upon itself, in comparative freedom from the mechanising influence of external nature, is what Iqbal calls "Khudi". It is evident, therefore, that to equate "Khudi" with Egoism or unabashed self-assertion or selfishness is to completely misunderstand the term.

Iqbal is singularly unfortunate in having fallen into the hands of interpreters most of whom lack essential qualification and intellectual background befitting them for the task. It is disconcerting sometimes to note writers, mostly journalists and story-tellers, saying things about his philosophy and teachings bearing little relevance to what he said and meant.

He is also true when he says that personality implies a transcendence of both Egoism and self-abnegation as the brief account of the development of the Ego given above would indicate. From one point view such terms as "Egoism"

and "Self-abnegation" should be regarded as hypostatized product of abstractive thinking and therefore altogether misleading if the proper range of their application is outstepped.

The concept of Freedom is another such abstraction. The Ego's emergence into life must be conceived to be due to the creative activity of God. Creativity is a process of limitation. Lack of all restraint means nothingness. The true Freedom arises in the very act of acceptance of bondage. He has given copious illustrations from a wide range of human greatness depicting the soul's yearning to be put into chains as a prerequisite to Freedom. License which is not more than absolute absence of restrictions is impossible to imagine, for it nowhere exists.

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- (1) Mr. Siddiqi's reference to Iqbal and Latif is here omitted due to our inability to print in Arabic characters.

# THE MI'RAJ AND THE FINALITY OF PROPHETHOOD

By F. A. Overing.

Before the Prophet was exalted to the high distinction which God has bestowed upon him, he used to retire to the Cave of Hirá near Mecca for his meditations. Here in the stillness of the tropical night he prepared himself for his immense task. Here he experienced his first revelations. Here the mantle of Prophethood was laid on his shoulders. Of course the immensity of his experience cannot be realised by anyone of us. But we *can* try to follow his example as far as possible, we *can* try and loose ourselves in thought and in prayer, we *can* try and concentrate our whole mind on God. Though this mystic experience can never reach the height of prophetic experience, at least it will give us an inkling of the exaltation of the Prophet's thoughts, it will make us realise at least something of his experience. Now this prophetic experience, which can scarcely if at all be realised

by us, found its consummation, its fulfilment, two years before the Hejrat, in the Mi'ráj of the Prophet.

It refers to the nocturnal voyage of the Prophet(s) from the Holy Mosque at Mecca to the Remote Mosque at Jerusalem and the Highest Heavens. The Holy Qor'án alludes to this event in the first áya of the seventeenth súra: —

„Glory be to Him who carried His servant (Mohammad) from the Holy Mosque to the Remote Mosque, of which God has blessed the surroundings, in order to show him some of His signs; surely He is the Hearing, the Seeing.”

It has always been a subject of controversy whether the Ascension of the Prophet(s) has to be understood in its material sense, viz., that the Prophet was bodily raised to the Highest Heavens, or that his experience was spiritual only,

without the participation of his body. Though the sixtieth áya of the same súra seems to support the latter theory, I do not want to deal with the subject now. I only want to point out that the modern conception of the nature of the universe and of matter tends to reconcile the opposing views, formery thought irreconcilable. However, the main point is this: the Mi'ráj symbolises the highest stage of prophetic experience, the highest level of spiritual consciousness ever attained by man. The famous Sufi saint, Abdulquddús of Gangúh said: —

„Muhammad of Arabia ascended the highest Heaven and returned. I swear by God that, if I had reached that point, I should never have returned.”

No better distinction could be made between the mystical and the prophetic experience. To quote Sir Mohammad Iqbál, the great modern Muslim thinker: — “The mystic does not wish to return from the repose of ‘unitary experience’ and even when he does return, as he *must*, his return does not mean much for mankind at large. The prophet’s return is creative. *He returns to insert himself into the sweep of time with a view to control the forces of history, and thereby to create a fresh world of ideals.* For the mystic the repose of ‘unitary experience’ is something final; for the prophet it is the awaking, within him, of world-shaking psychological forces, calculated to completely transform the human world. The desire to see his religious experience transformed into a living world-force is supreme in the prophet. Thus his return amounts to a kind of pragmatic test of the value of his religious experience. In its creative act the prophet’s will judges both itself and the world of concrete fact in which it endeavours to objectify itself. In penetrating the impervious material before him the prophet discovers himself for himself, and unveils himself to the eye of history.”

*So the Prophet returned, and guided mankind to a new era. Before him mankind was not yet grown-up, as it were. Man was not yet sufficiently developed in the psychic and the intellectual sphere, and needed continual guidance from the revelations of the prophets. But the revelations of the Qor’án put an end to the need for further revelations by pointing to the sources of knowledge itself: the human mind, nature, history. So the Prophet of Islám is both the Seal of the long line of prophets, closing the era of man’s minority; and the initiator of a new era, where man is thrown back on his own resources and must exert his mental faculties to make life and progress possible. But of course, the foundation of man’s knowledge is and must always be the Revelation, applicable to all present and future circumstances.*

No one has ever described the evolution of man better than the famous Muslim Philosopher and mystic, Jaláloddin Balkhi, known as Rumi, the immortal Persian poet. In his rightly celebrated Masnavi he describes the evolution of man, both individual and historical, in glowing and inspired verses. First, man’s life is comparable to the life of a plant only; he possesses only the lowest faculties. Afterwards he develops the animal soul; he acquires the faculty of will, love and hatred. Many remain in this stage for their whole life. Then he becomes a Man, having acquired loftier impulses. But let the Masnavi speak for itself:

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I lived in realms of ore and stone;  
And then I smiled in many-tinted flowers;  
Then my life was wild and wandering hours.  
O'er earth and air and ocean's zone,

In a new birth,  
I dived and flew,  
And crept and ran,  
And all the secrets of my essence drew  
Within a form that brought them all to view --  
And lo, a Man!

And then my goal,  
Beyond the clouds, beyond the sky,  
In realms where none may change or die —  
In angel form; and then away  
Beyond the bounds of night and day,  
And Life and Death, unseen or seen,  
Where all that is hath ever been,  
As One and Whole.

(Thadani’s translation.)

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