

# **Consumer Protection in Islamic Law**

## **A Review of Some Existing Literature**

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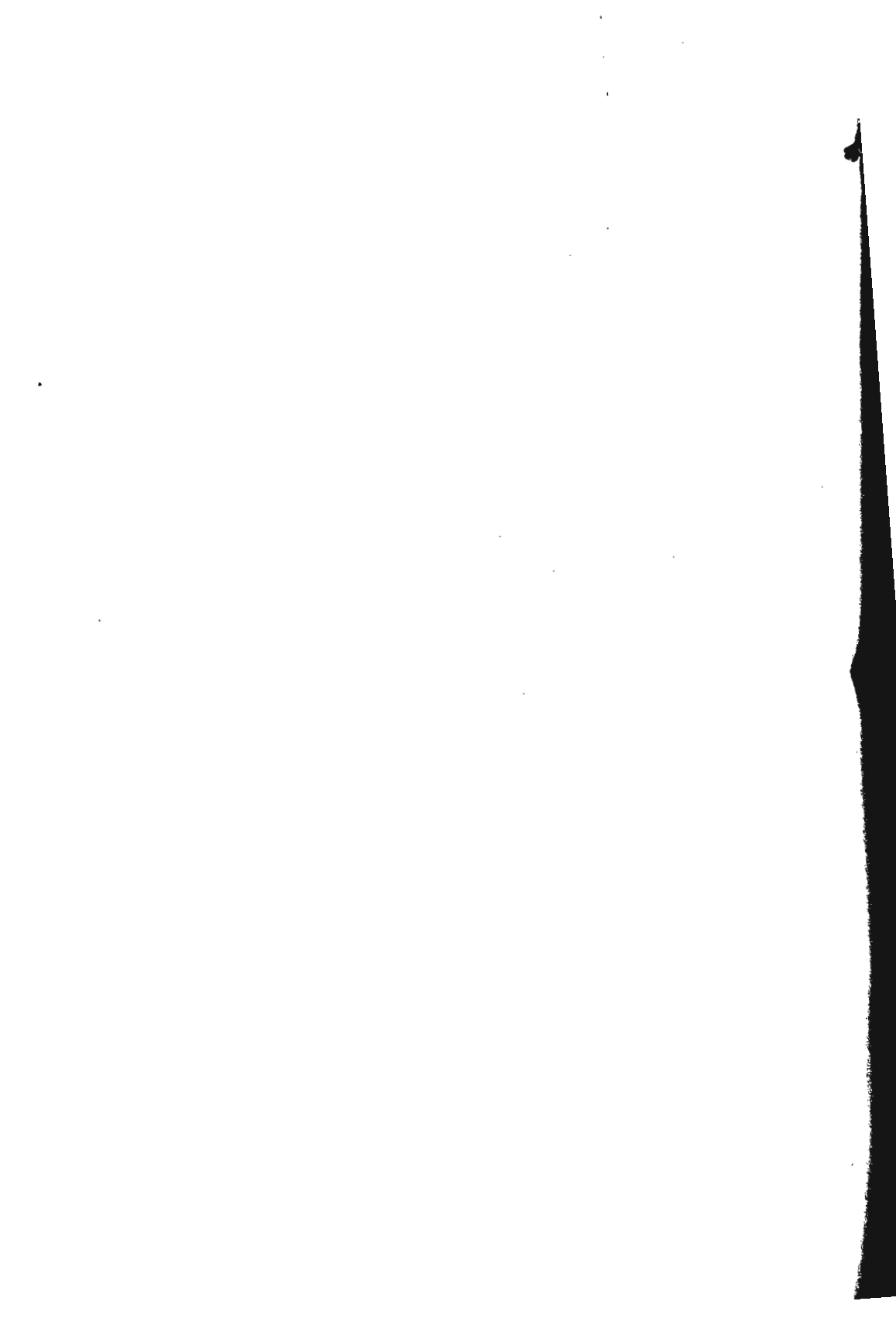
### ***ABSTRACT***

This research paper undertakes review of some of the existing literature on consumer protection in Islamic law available in both English and Arabic languages. In contemporary legal literature there is dearth of solid work on consumer protection from an Islamic law perspective. There is scarcity of exclusive material on the subject of consumer protection especially that expounds Islamic law on consumer protection in a modern context. Recently some of the Muslim writers have started working on the subject of consumer protection as few of such works have been reviewed in the following literature review.

The paper contains a brief introduction, consumer protection in classical Islamic legal literature, consumer protection in contemporary Islamic legal literature, consumer protection in general works on Islamic law and conclusion at the end.

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## References

1. Al-Qur'ān 17:1.
2. Albert Einstein, Relativity, Henry Holt and company, New York, P-14.
3. Al-Qur'ān 10:5.
4. Al Qur'ān 32:5.
5. Albert Einstein, Relativity, Henry Holt and company, New York P.25.
6. Al-Qur'ān 2:259.
7. Al-Qur'ān 18:19.
8. Albert Einstein, Relativity, Henry Holt and Company, New York, P.148.
9. Al-Qur'ān 27:40.
10. Al-Qur'ān 70:4.
11. Al-Azhari pir Karam Shah, Zia-un-Nabi Vol.5, Zia-ul-Quran Publishers Lahore. P.720.
12. Ency. Bri. 1, Vol-15, P. 586.
13. Al-Qushairi Muslim-bin-Hajjaj, Al-Jami Al-Sahih. Kitab-ul-Eiman, Hadith NO.314.

Now we can understand how it became possible to travel through heavens within a short span of time. The Holy Prophet (P.B.U.H) explained the whole journey and different narrations are there in the books of Hadith.

The Prophet (P.B.U.H) was asleep when angel Jibril came and took him to Ka'bah, his chest was opened and heart was washed with zam zam water and filled with wisdom and beliefs; the Prophet (P.B.U.H) said, "He then took out my heart. Then a gold tray of belief was brought to me and my heart was washed and was filled (with belief) and then returned to its original place. The Prophet (P.B.U.H) rode an anole like animal, which was called Buraq"<sup>(13)</sup>.

### **Conclusion**

An object or a massive body moving with the velocity of light or its multiples can get the time dilated and distance contracted to the observer in other frame of reference. That is why a person on earth measures the time of Me'raj as instantaneous, while this time consists of many light years in space.

$$t = t_0 / [1 - (1000^2 c^2 / c^2)]^{1/2}$$

Also

$L = 0$  at  $V=C$ , according the formula described above.

Now we try to understand the motion of angel Jibril in the light of Holy Qur'ān.

Holy Qur'ān describes the movement of Jibril A.S. as under,

“The angles and Ruh, ascend to Him in a day the measure where of is 50000 Years”<sup>(10)</sup>.

This means the 50,000 times the velocity of light. From this we can just estimate the velocity of a moving object with reference of the velocity of light and its time dilated and distance contracted in the measuring reference frame.

### **Me'raj is an instantaneous time based motion**

In first verse of surah-Al-Isra, it very obvious and clear grammatically that it was not a whole night motion.

ʿIr Karam Shah Al-Azhari wrote:

“The word “Lail” in the verse of Isra, is described with Tanveen-e-Taqleel which means that it was not the whole night motion, it was just an instantaneous time based motion”<sup>(11)</sup>.

It was a miracle and still we can just estimate the concepts in the light of modern physics, realistically speaking it is still a miracle. Because miracle is defined as

“A un warranted idealism and optimism which finds the course of nature so wise and so good that any change in it must be regarded as incredible”<sup>(12)</sup>.

If  $L_0 = 90$  miles then  $L = 78$  miles

Hence, it clarified the distance contraction of an object.

### **Example of distance contraction from the Holy Qur'ān**

When Hazrat Soloman A.S asked his chiefs to bring him the throne of the Queen, before they surrendered themselves before obedience, a man replied to bring it within the twinkling of an eye.

“One with whom was knowledge of the scripture said: I will bring it to you within the twinkling of an eye”<sup>(9)</sup>.

The examples of distance contraction and time dilation explain the motion of an object with Fractions of the velocity of light, if a body moves with the velocity of light or with multiples of the velocity of light then equations result as,

If  $v=c$  then

$$t = t_0 / [1-(v^2/c^2)]^{1/2}$$

$$t = t_0 / [1-(c^2/c^2)]^{1/2}$$

$$t = t_0 / (1-1)^{1/2} = \infty = \text{Infinity}$$

Similarly,

$$L = L_0 [1-(v^2/c^2)]^{1/2}$$

$$= L_0 [1-(c^2/c^2)]^{1/2}$$

$$= L_0 (1-1)^{1/2}$$

$$L = 0$$

Hence, at  $V=C$  time becomes infinite and length becomes zero. It means if a body moves with the velocity equal to that of light then its time becomes undefined and distance becomes Zero.

if  $v=1000xc$  then

“We have stayed (perhaps) a day or part of a day.” They said: “Your Lord (Alone) knows best how long you have stayed (Here)”<sup>(7)</sup>.

By this, we can understand the concept of time dilation and possibility of Me'raj journey within instantaneous time period.

### **Distance Contraction**

Distance is not an absolute quantity. It also varies with the velocity of observer who is observing the two different events.

Theory of relativity defines the distance as

$$L = L_0 [1 - (v^2/c^2)]^{1/2} \text{ (8)}$$

L = Distance observed in other reference frame

L<sub>0</sub> = Distance covered by an object

V = velocity of the moving object

C = velocity of light

At 75% of the velocity of light;

If L<sub>0</sub> = 50 miles then

$$L = L_0 [1 - (v^2/c^2)]^{1/2}$$

L = 33 miles

Similarly,

If L<sub>0</sub> = 75 miles then L = 50 miles at 75% of the velocity of light

If L<sub>0</sub> = 90 miles then L = 60 miles

At 50% of the velocity of light

If L<sub>0</sub> = 50 miles then L = 43 miles

If L<sub>0</sub> = 75 miles then L = 65 miles

When  $V=C$  then “t” becomes infinity i.e.  $\infty$

At 75% of the velocity of light,

If  $t_o = 50$  years      then     $t = 75$  years

If  $t_o = 75$  years      then     $t = 114$  years

If  $t_o = 90$  years      then     $t = 136$  years

It means a person on earth will measure the 50 years time of an object at 75% of velocity of light, as 58 years.

### **Examples of time dilation in the Holy Qur’ān**

1. The Holy Qur’ān describes the effect of time on Hazrat Uzair A.S. as under:

Or like the one who passed by a town and it had tumbled over its roots. He said: “Oh! How will Allah bring everything to life after its death?” So Allah caused him to die for a hundred years, and then raised him up (again). He said: “How long did you remain (dead)?” He (the man) said:

(Perhaps) I remained (dead), a day or part of a day”. He said: “Nay, you have remained dead for one hundred years, look at your food and your drink, they show no change: and look at your donkey. And thus, We have made of you a sign for the people. Look at the bones, how, We bring them together and clothe them with flesh”. When this was clearly shown to him, he said:

“I know (now) that Allah is able to do all things”<sup>(6)</sup>.

2. About the deep sleep of As’hab-ul-Kahaf, Qur’ān says:

“Likewise, we awakened them (from their long deep sleep) that they might question one another. A speaker from among them said, “How is long have you stayed (Here)?” they said,



“He arranges affair from the Heavens to the Earth, then it will up to Him, in one day the space where of it, is the thousand years of your reckoning”<sup>(4)</sup>.

This means the 1000 times the velocity of light. From these verses and equation, we can understand the velocity of light in space.

### **Time Dilation**

During Me'raj Journey, how it became possible to complete the journey within an instantaneous time period? We can get the answer of this question in the light of Holy Qur'ān and modern physics as follows;

Time is not an absolute quantity, it depends on the velocity of observer who is observing the two different events; theory of relativity describes the time dilation as

$$t = t_0 / (1 - v^2/c^2)^{1/2} \dots (5)$$

Here

t=time observed in other reference frame

t<sub>0</sub>= movement time of an object

v= the speed of the moving object

c = the velocity of light

According to this equation, if a body moves with 50% of the velocity of light, the movement time of an object dilates on earth as under,

If t<sub>0</sub>= 50 sec then t = 56 sec

If t<sub>0</sub>= 75 sec then t = 87 sec

If t<sub>0</sub>= 90 sec then t = 105 sec

On tenth year of the prophet hood on 27<sup>th</sup> Rajab, the Prophet (P.B.U.H) was taken for Isra and Meraj. The Holy Quran describes this journey as,

“Glory to Him who carried His servant by night from the sacred Mosque to the distance Mosque, the precincts of which we have blessed in order that we might show him some of our signs”.....<sup>(1)</sup>

This verse of the Holy Qur’ān clearly shows (According to its grammatical structure) that it was not the whole night journey; it took an instantaneous time period. In the light of the theory of relativity we can express the mass to Energy conversion as,

$$E=mc^2 \dots^{(2)}$$

E=Energy

M= Mass

C= velocity of light

Velocity is defined as the rate of change of displacement and displacement is defined as the change in position of body from its initial position to the final position.

The velocity of light is described in the Holy Qur’ān as follows:

“It is He who made the sun a shining thing and the moon as a light and measured out its (their) stages, that you might know the number of years and the reckoning”<sup>(3)</sup>.

The velocity of light is 300000 km per second. In this verse the reckoning of the day is linked with time measurement motion in space while the measurement is taken on earth accordingly. So clear understanding of this terminology is given in Qur’ān as follows,

## Explanation of Me'raj-un-Nabi (P.B.U.H.)

### In the light of Modern Physics

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#### *ABSTRACT*

“Before the sunrise of Modern Physics, it was impossible to understand the concepts of time dilation and distance contraction. But Qur’ān explains these concepts far before the modern concept of theory of relativity. This article explains the concepts of the motion of body moving with the velocity of light or its multiples. On the basis of it, how we can understand the happenings of Time Dilation and Distance Contraction during the distant motion on Lailat-ul-meraj?”

Why a person on earth measures the time of Meraj as instantaneous, while this time consists of many light years in space?

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- <sup>74</sup> Alger, Hamid, Dr., *The Problems of Orientalists*, Islamic Literature, Lahore, Vol: xvii, No.2, February 1971, p.102, Here it has been reproduced from "The Muslim" Chesterfield, England, Vol: vii, No.2, November 1969.
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- <sup>76</sup> Ibid, p. 13.
- <sup>77</sup> W Montgomery Watt, *Muḥammad at Mecca* (Edinburgh: Edinburgh University Press, 1988, p. 80.
- <sup>78</sup> W Montgomery Watt, *Muḥammad the Prophet and Statesman*, p. 41.
- <sup>79</sup> Syed Ṣabāḥ ud-Dīn 'Abdur Raḥmān, *Muḥammad at Mecca Per Aik Nazar*, Ma'ārif 'Aẓam Garh, India, p.208.
- <sup>80</sup> John Burton, *The Collection of the Qur'an* (New York, London: Cambridge University Press), p. vii.
- <sup>81</sup> Ibid., p. 126
- <sup>82</sup> Ibid., p. 127
- <sup>83</sup> Ibid., p. 119
- <sup>84</sup> Ibid, p. 204, See also John Wansbrough, *Quranic: Studies: Sources and Methods of Scriptural Interpretation* (London: Oxford University Press, Oxford, 1977), pp.44-46.

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- <sup>60</sup> *Ibid.*, p. 171.
- <sup>61</sup> Ibn Abī Dāwūd, *Kitāb al-Maṣāḥif*, Ed., Arthur Jeffery, (Egypt: Al-Maṭba'ah al-Raḥmāniyya, 1936/1355)
- <sup>62</sup> Abu 'Ubaid al-Qāsim b. Sallām, *Faḍā'il al-Qur'ān* (Beirut: Dār al-Kutub al-'Ilmiyya, 1991), p. 157
- <sup>63</sup> Ibn Abī Dāwūd, *Kitāb al-Maṣāḥif*, p.5
- <sup>64</sup> Rodwell J.M., *The Koran*, (Translated), (London: 1963), p. 2
- <sup>65</sup> Bell, Richard, *The Qur'an. Translated, with a critical Rearrangement of the Surahs* (Edinburgh: T. & T. Clark, 1937, 1939).
- <sup>66</sup> As John E. Marrill says that "This critical re-arrangement is the distinctive feature of the translation", See John E. Marrill, Dr. Bell's Critical Analysis of the Qur'an, *The Moslem World*, Vol: xxxvii, No.2, April 1947, p.134.
- <sup>67</sup> Bell, Richard, *Introduction to the Qur'an* (Edinburgh: The Edinburgh university Press, 1958); Bell's pupil W. Montgomery Watt completely revised this book in an enlarged form in published at the University Press, Edinburgh, 1970. Watt mentions "Richard Bell was my greatly respected teacher under whom I did much of my study of Arabic and who guided me in the preparation of the thesis which eventually appeared as *Free Will and Predestination in Early Islam*. On one or two points, however, I am unable to accept his theories about the Qur'an, as I indicated in the article 'The Dating of the Qur'an: a review of Richard Bell's Theories' (*Journal of the Royal Asiatic Society*, 1957, 46-56)...It is my hope that the present revision will enable a new generation of scholars to appreciate the importance of Bell's painstaking analysis of the Qur'an." See W. Montgomery Watt, *Bell's Introduction to the Qur'an*, Edinburgh University Press, Edinburgh, 1970, p. v
- <sup>68</sup> W.Montgomery Watt, *Bell's Introduction to the Qur'an*, p.51
- <sup>69</sup> Bell, Richard, *The Origin of Islam in its Christian Environment* (London and Edinburgh: Frank Gass and Company Limited, 1968).
- <sup>70</sup> Bell, Richard, *A Duplication in the Koran, The Composition of Surah xxiii*, *The Muslim World*, Vol: xviii, no.3, July 1928, pp. 227-233.
- <sup>71</sup> *Ibid.*, p. 227
- <sup>72</sup> *Bell's Introduction to the Qur'an*, p. 51.

- <sup>35</sup> Sell, Edward, pp.255-256.
- <sup>36</sup> Goldziher, Ignaz, *Muslim Studies* (London 1971), vol. II
- <sup>37</sup> Goldziher, Ignaz, *Mohammed and Islam*, Trans. from German to English by Kate Chambers, (Yale: Yale University Press, First published, February, 1917), p.10.
- <sup>38</sup> Ibid., p.11
- <sup>39</sup> Ibid.,
- <sup>40</sup> Ibid., p.12
- <sup>41</sup> Ibid., p. 29
- <sup>42</sup> Ibid.,
- <sup>43</sup> Goldziher, *Madhāhib al-Tafsīr al-Islāmī*, p.3
- <sup>44</sup> Goldziher, *Madhāhib al-Tafsīr al-Islāmī*, p..53
- <sup>45</sup> Shalbī, ‘Abdul Fattāḥ, *Rasm al-Muṣḥaf wal-Ihtijāj bihi fī al-Qira’āt* (Cairo: Maktabah Al-Nahḍah al-Miṣriyyah, , 1960), p.35
- <sup>46</sup> Ibid., pp. 63-64
- <sup>47</sup> Ibid., P. 77
- <sup>48</sup> Ibid., P. 78
- <sup>49</sup> Ibid., P. 81
- <sup>50</sup> Blachere, *Al-Qur’ān Nuzuluhū Tadwīnuhū Tarjamatuhū wa Ta’thiruhū*, Tr. By Raḍā Sa’ādah, (Beirut: Dār al-Kitāb al-Labnānī, ND), pp.9-10.
- <sup>51</sup> Najāb al-‘Aqīqī, *Al-Mustashriqūn* (Cairo: Dār al-Ma’ārif, 1965), Vol. 1, pp.316-318
- <sup>52</sup> Blachere, *Al-Qur’ān Nuzuluhū Tadwīnuhū Tarjamatuhū wa Ta’thiruhū*, Vol. 2, pp.167-176
- <sup>53</sup> Ibid.,
- <sup>54</sup> Ibid.,
- <sup>55</sup> Ibid.,
- <sup>56</sup> Muslim, *Al-Ṣaḥīḥ, Kitāb al-Zuhd, Bab al-Tathabbut fī al-Ḥadīth wa Ḥukm Kitābat al-‘Ilm* (K.S.A: Ri’āsah Idārat al-Buḥūth al-‘Ilmiyya, Makkah al-Mukarrama, 1980/1400), Vol. 4, p.2298.
- <sup>57</sup> See for more comments Muḥammad al-Ghazālī, *Diḡā’ ‘an al-‘Aqādah wa al-Sharī’ah Didd Maṭā’in al Mustashriqīn* (Egypt: Dār al-Kutub al-Ḥadīthah, 1384 A.H.), p. 13.
- <sup>58</sup> Ibn Warraq, *The Origins of the Koran*, p.410

- <sup>18</sup> He consolidates his assertion with a story he heard without indicating any reference to that. Story runs as "One day when Fatimah, Muhammad's daughter, was reciting the verse" the Hour has come near and the moon is split asunder" (Surah LIV., al-Qamar, 1), a daughter of the poet was present and said to her, "that is a verse from one of my father's poems, and your father is stolen it and pretended that he received it from God." This tale is probably false, for Imra'ul Qais dies about the year 540 of the Christian era while Muhammad was not born till A.D. 570, "the year of the elephant." See Tisdall, Clair, *The Original Sources of the Qur'an*, p.47.
- <sup>19</sup> Here 11 couplets are given, indicating some same words which have been compared with that of Qur'anic, sūra Al-Qamar, Verse No.1. See p. 48.
- <sup>20</sup> Ibid, p.50.
- <sup>21</sup> Having gone through the *Dīwāns of Imra'ul Qais*, the above mentioned couplets are not found.
- <sup>22</sup> Without introducing the Sheikh's name and his status
- <sup>23</sup> Ibid, see foot-note L 2, last three lines.
- <sup>24</sup> Ibn Warraq, *The Origins of the Koran*, p.410
- <sup>25</sup> D.S. Margoliouth, *Muhammad and the Rise of Islam* (London: 1905).
- <sup>26</sup> D.S. Margoliouth, *Mohammadanism* (London: Thornton Butterworth Ltd., 1911)
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- <sup>28</sup> Ibid.,
- <sup>3</sup> The Rev. Canon Sell D.D., M.R.A.S, fellow of the University of Madras and author of 'The Faith of Islam' 'The Religious Order of Islam', 'Essays on Islam', 'Islam: Its Rise and Progress'. Living as a fellow at Madras University he prepared this work with the title of "The Historical Development of the Qur'an".
- <sup>30</sup> Sell, Canon, Edward, *The Historical Development of the Qur'an* (London: Society for promoting Christian knowledge, 1909).
- <sup>31</sup> See for detail Alphonse Mingana, "*Leaves from Three Ancient Qur'ans..*" and Jeffery's "*Materials for the History of the Text of the Qur'ān*"
- <sup>32</sup> He indicates for an account of the recensions of the Qur'an and its 'various readings' Sell's *Essays on Islam*, pp.221-248, 251-267, see Ibid, p.93.
- <sup>33</sup> Ibid, p.255
- <sup>34</sup> Lane, *Selections from the Kur-an*, pp.cv, cvi.

## References

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- <sup>2</sup> Irfan Shahid, "Theodor Noldeke's "Geschichte der Perser und Araber zur Zeit der Sasaniden": An Evaluation", *International Journal of Middle East Studies*, Vol. 8, No. 1, Jan., 1977, p.119.
- <sup>3</sup> Theodor Noldeke, *Geschichte des Qor’ans* (Gottingen, 1860).
- <sup>4</sup> Some of his essays were gathered and published as *Sketches from Eastern History*. See Ibn Warraq, *The Origins of the Koran*, p.409
- <sup>5</sup> ‘Alī al-Ṣaghīr, Muḥammad Ḥussain, *Al-Mustshriqūn wal dirasāt al-Qur’āniyyah*, p.88.
- <sup>6</sup> Al-Biqā’ī, Burhān al-Dīn Ibrāhīm Ibn ‘Umar, *Nazm al-Durar fī Tanāsib al-‘Ayāt wa al-Suwar*, ‘Abd al-Rāziq al-Mahdī (Beirut: Dār al-Kutub al-‘Ilmiyya, 1995).
- <sup>7</sup> Al-Zanjānī, Abū ‘Abdullah, *Tārīkh al-Qur’ān* (Beirut: Mu’assasah al-‘Alam’ī, 1388AH/1969), pp.49-61.
- <sup>8</sup> ‘Alī al-Ṣaghīr, Op, Cit., p.90.
- <sup>9</sup> Brocklemon, Tārīkh al-Adab al-‘Arabī, Arabic translation by Al-Najjār, ‘Abd al-Ḥalīm (Al-Qahira: Dār al-Ma‘ārif, al-Qāhirah, ND), Vol:1, p.140.
- <sup>10</sup> Theodor Noldeke, *Geschichte des Qor’ans* (Gottingen, 1860), pp.1-3.
- <sup>11</sup> Wollaston, Arthur, *The Religion of the Koran* (London: John Murray, Albemarle Street, 1911).
- <sup>12</sup> Wollaston, Arthur N.. *The Religion of the Koran*, p. 11.
- <sup>13</sup> Tisdall, Clair, *The Original Sources of The Qur’an* (London: Northumberland Avenue, W.C. & New York, 1905).
- <sup>14</sup> Tisdall, Clair. *The Original Sources of The Qur’an*, Society for Promoting Christian Knowledge, p. 11.
- <sup>15</sup> Ibid., p. 12
- <sup>16</sup> Ibid., p.19.
- <sup>17</sup> Most of the time he refers his readers to the works of William Mure, Dr Zwemer, and Dr. Adolf Brull etc.



## **Concluding Remarks**

Collection and compilation of Qur'ānic verbatim have always been an arena of controversy among the Orientalists regarding authenticity of the Holy Qur'ān. Through these objections Qur'ānic text has been a perpetual subject to frequent misgivings in the 20<sup>th</sup> century. It is an established fact that the method applied by Western scholars to determine the textual indiscretions of the Qur'ān, is totally different from that kind of understanding and wisdom, with which Muslim scholars have presented the solution of these complications. For Orientalists the bibliographical information, the reformation and the correction of historical events carry more importance and lie at the core of their goals. The current review study has been quantified for presenting the significant notions of mid eighteenth, nineteenth and twentieth centuries' Orientalistic understandings and approximations regarding the Qur'ān. It has also been observed that in the 20<sup>th</sup> century, almost the same approach in all Orientalists, and it is really a partial attitude in the field of scientific research and hardly justified.

Putting different objections on the compilation and accumulation, John Burton denied the presence of Qur`ān in a form of book in the period of Prophet Muḥammad (PBUH), in this regard he writes that “its collection was not under taken until sometimes after the death of the Prophet”.<sup>81</sup> Relying on some traditions he adopts this idea that due to its incompleteness, the *tawatur* of Qur`ān is also affected.<sup>82</sup>

On the base of saying of Zaid (R.A) in a tradition, “فقدت آية” (means I could not find the last two verses of *Sūra al-Touba*) John Burton asserts the distortion and incompleteness of the Qur`ān. After the reference of Zaid (R.A) he writes:

All these elements predispose one to an expectation that the edition prepared by Zaid might be incomplete ..... The Qur`ān text which come down to us from ‘Umar’s day are unquestionably incomplete.<sup>83</sup>

This notion established because of misunderstanding of the tradition of Zaid Bin Thābit (R.A) by John Burton and other Orientalists. The meaning of Zaid’s statement is that while writing he could not find these verses from anyone. It doesn’t mean that the verses of *Sūra al-Tauba* and *Sūra al-Aḥzāb* besides Abū Khuzaimah (R.A) and Khuzaimah Bin Thābit al-Anṣārī (R.A) were not learnt by heart by other companions of Prophet Muḥammad (PBUH) also.

John Burton has also discussed the issue of *Maṣāḥif of Ṣaḥāba* in detail in his book. He asserts that all *Maṣāḥif* attributed to companions, or other copies of the Qur`ān found in big cities or differences of multiple readings or recitations attributed to some individuals are invented by linguists later on.<sup>84</sup>

It should be clear that John Burton tries to reach to conclusion about Qur`ānic text and its multiple readings which he has already formulated in his mind. For this purpose, he only picks those narrations which harmonize to his specific thoughts. Thus, the narrations which are contrary to his bent of mind are not considered for scholarship.