

Iqbal's Islamic Political Ideas

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Iqbal's Reconciliation between State and Religion:

Muhammad Iqbal existed in the era connecting two periods: the former feudal culture and contemporary capitalism. Because of the place of his origin, his education, and his journey in Europe, he was able to weigh and measure the advantages and deficiencies of both eras. Indeed he was primarily a poet by nature, who observed and reacted to the stillness of the Muslims and the inner calamity which confronted Islam. He had a high regard for the attainments of the West, its energetic spirit, academic custom, and scientific advancements. But at the same time he condemned the imperialism of European colonial rule, the ethical decline of secularism and the economic exploitation of capitalism. Thus, he supported the idea to revert to the basics of Islam so as to create an Islamic substitute for contemporary Muslim culture.

His appeal to action and his cachet have been exploited by the Ulama and politicians. Therefore, rather than to criticize Iqbal's imperfect perception of clarity as a shortcoming, it ought to be considered as Ulama's and politicians' insufficiencies, who in their impulsive anxiousness believed that they are following him, but this was not the case in reality. If Iqbal did not propose an absolute principled formation of Islam, he certainly inferred the fundamentals of religion on profound and sound basis for further development. So, that the edifice developed on them would be unlike conventional Islam, and thus Iqbal's inferred fundamentals could advance into a more efficient society.

On the other hand, the Ulama did not realize that the decisive factor of authority has altered in the contemporary world: authority is at present calculated in scholarly and scientific stipulations, and this is the actual foundation on which Western civilization has developed and sustained its status of supremacy in the world. In fact, Muslims also had in the past accomplished their pre-eminence through education, and their enthusiasm for learning. However, they shifted their focus from learning to following, and thus their decline started.

The Ulama inclined to consider this supremacy in complete political stipulations, lacking the perception, that it was indeed a result of the earlier scholars' thoughtful reformations. They persist exclusively on the political image of the world, so that the importance of new reformations is lessened.

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- 24 Nursi, *The Damascus Sermon*, 32.
25 Ibid., 32-35.
26 Nursi, *The Damascus Sermon*, 34, 35.
27 Nursi, *The Damascus Sermon*, 27.
28 See details Ibid., 28-39.
29 Ibid., 30.
30 Ibid., 31.
31 Nursi, *The Damascus Sermon*, 36-38.
32 Ibid., 40.
33 Ibid.
34 Nursi, *The Damascus Sermon*, 41.
35 Ibid., 54.
36 Ibid., 39.
37 Ibid., 35.
38 Saulat, *Bediuzzaman Said Nursi*, 16.

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- 1 Al Quran, 5:3
- 2 Abul Hasan Ali Nadwi, *Saviors of Islamic Spirit*, vol 1, trans. Mohiuddin Ahmad (India: Academy of Islamic Research and Publications, 1976), 2.
- 3 Ibid., 2, 3.
- 4 Abu Dawood, *Sunan Abu Dawood*, Kitab al Malahim, Hadith No. 4291.
- 5 Maulana Abdul Bari Nadvi, *Jaame al Mujaddidin* (Lahore: Almaqtaba tul Ashrafiya, n.d.), 22.
- 6 Sayyid Abul A'la Maududi, *A Short History of the Revivalist Movement*, trans. Al-Ash'ari (Lahore: Islamic Publications Pvt Limited, 2004), 24.
- 7 Ibid., 24.
- 8 See for details Sarwat Saulat, *Bediuzzaman Said Nursi Shakhsiyat aur Tehrik* (Karachi: Idara e Marif e Islami, 1977), 12.
- 9 (Turkish: "Reorganization"), series of reforms promulgated in the Ottoman Empire between 1839 and 1876 under the reigns of the sultans Abdülmejid I and Abdülaziz. These reforms, heavily influenced by European ideas, were intended to effectuate a fundamental change of the empire from the old system based on theocratic principles to that of a modern state. *Encyclopaedia Britannica*, 15th ed., s.v. "Tanzimat."
- 10 See Saulat, *Bediuzzaman Said Nursi*, 13.
- 11 A convert Muslim female and author of numerous books on the topic of Islam and west, her real name was Margaret Marcus, she belonged to a Jewish American family, embraced Islam in 1961 and afterward permanently settled in Pakistan.
- 12 Saulat, *Bediuzzaman Said Nursi*, 15.
- 13 Ibid., 16.
- 14 Maududi, *Revivalist Movement*, 24.
- 15 *Who was Bediuzzaman Said Nursi and what is Risal i Nur* (Turkey: Sozler Publications, 2010), 6.
- 16 Ibid.
- 17 Ibid., 7.
- 18 Ibid.
- 19 Shaukat Ali, *Islam and the Challenges of Modernity* (Pakistan: National Institute of Historical and Cultural Research, 2004), 360.
- 20 See for details Sukran Vahide, "Bediuzzaman Said Nursi's Approach to Religious Renewal and its Impact on Aspects of Contemporary Turkish Society" in *The Black Well Companion to Contemporary Islamic Thought*, ed. Ibrahim M. Abu-Rabi (USA: Blackwell Publishing, 2006), 55.
- 21 Bediuzzaman Said Nursi, *The Damascus Sermon*, Preface, trans. Sukran Vahide (Turkey: Sözler Neşriyat, 1996), 13.
- 22 Nursi, *The Damascus Sermon*, 26.
- 23 Ibid., 26, 27.

direction, the direction which is more practical in nature and appeals human mind, especially a man of modern age.

As the methodology of Said Nursi is based on the principle of paradigm shift it is quite suitable for the people who are compelled to live under the system of coerciveness, which now has become the fate of Muslim countries. Unlike other Islamic movements of different countries, this movement has proven its capacity of growing up (faster), even in hostile environment because of the unique methodology which Said Nursi adapted. The following statement of Maryam Jamila is the evidential proof:

“It is no exaggeration to claim that whatever Islamic faith remains in Turkey is due to the tireless efforts of Bediuzzaman Said Nursi. He realized it very well that the most essential need of the modern age man is to inculcate the ethical and spiritual awareness in him. Moreover youth needs it most that their materialistic approach should be diverted towards spiritualism, the Risal e Nur is devoted to this very cause.”(38)

attributes of the All-Glorious Creator through the materials he works through the exercise of his will proves that he is the most honoured and exalted creature in the universe.” (34)

Allegorical methodology:

One of Said Nursi's methodologies is that he conveys his message through examples of surroundings, comparisons, easily understandable stories and symbolic elements. For instance to make his listeners realize about the luminous bond which binds the believers with one another he puts the following example:

“I imagine Islamic society at this time in the form of a factory containing many machines. Should any components of the machines fall behind or encroach on another, which is its fellow, the machines cease to function”(35)

While provoking Muslims toward hope and courage in the face of decline he gives following example:

“Time does not run in a straight line so that its beginning and end draw apart from one another; it moves in a circle, like the motion of the globe of the earth. Sometimes it displays the seasons of spring and summer as progress, and sometimes the seasons of storms and winter as decline. Just as every winter is followed by spring and every night by morning, mankind also shall have a morning and a spring, God willing. You may expect from Divine mercy to see true civilization within universal peace brought about through the sun of the truth of Islam”(36)

He predicts that the Europe and America will definitely become Islamic states in future and declares it in the following allegory: “Europe and America are pregnant with Islam; one day they will give birth to an Islamic state. Just as the Ottomans were pregnant with Europe and gave birth to a European state.” (37)

Conclusion:

For the revival and especially for the reconstruction of a society paradigm shift is imperative. Paradigm shift means to the change the vision, the spectacles, the mind set of an individual or of a society. Said Nursi's teachings are unique in nature which strike the human intellect and are thought provoking as well. Said Nursi, with his logical and analytical ability, opens new horizons for Muslims by shifting paradigm. He convincingly changes the mind set of people from disbelief to belief, from despair to hope, from lying to truthfulness, from love for enmity to love for brotherhood and from personal interests to mutual interests. He provides us a system which is equipped with religious, scientific and logical arguments. He guides people to perceive, think and most importantly to act in the right

“In the face of the sentence of death, before anything else man is searching for a truth, contained only in true religion, so that he may save himself.”(30)

For the material growth he mentions five strengths of Islam. Here once again his intention is to awake the Muslims and to bring them out of hopelessness, showing them the brighter future by lifting them up psychologically with reasoned arguments. He identifies five unbreakable strengths of Islam which involves unity, need for civilization and industry, competition for exalted things, fearlessness and belief in God as prerequisite to true civilization. He was of the view that by virtue of civilization having no iniquities and other evils, the society will flourish materially.(31)

Inductive Methodology:

It is a distinction of Said Nursi among other Muslim scholars that he adapted inductive reasoning along with deductive methodology which is more acceptable for the contemporary cognitive mind set. This methodology of Said Nursi may be observed in his following statement:

“Inductive reasoning and general experience demonstrate that evil, ugliness, defect, badness and futility are minor in the creation of the universe. They are not the aim; they are dependent and secondary. That is to say, ugliness has not entered the universe for the sake of ugliness, but as a unit of measurement in order to transform a single truth of beauty into numerous truths.” (32)

He further states:

“Thus, according to inductive reasoning, the true aim and result of creation prove that good, beauty and being perfected are fundamental in the universe and that they are the true aim. So since men have filthied and disordered the face of the earth to this degree with their wicked godlessness and depart this world without receiving their deserts and without reflecting the true aim present in the universe, they certainly shall not escape to non-existence. They shall rather be despatched to the dungeons of Hell.” (33)

At another place in Damascus Sermon Said Nursi elaborates:

“It is established by inductive reasoning and the investigations of the sciences that man is the most exalted among animals and the most important. For he discovers with his reason the steps between the apparent causes and effects existent in the universe, and the relationships of causes, which follow on after each other in succession. And, in order to imitate Divine art and orderly and wise dominical creation with his own insignificant art, and in order to understand Divine actions and Divine art through his partial knowledge and his own arts, he has been given the faculty of will as a scale and measure. Thus, the fact that man knows the universal, all-embracing actions and

affirm".(26) And he gives examples of two eminent European Philosophers Carlyle and Prince Bismarck who accepted the supremacy of Islam.

Psychological nature of Said Nursi's method:

The method adapted by Said Nursi is psychological in nature which invokes human intellect. He talks about human needs and problems on one side, on the other; he addresses all the relevant matters which inspire a human for right living. Hence he takes psychological way to overcome the problems and to improve the society.

We can observe the element of optimism in his methodology which is a very attractive tool for human psychology. He never let his reader or listener get disappointed. When he gave Damascus sermon Muslims were in a very critical situation. They were facing terrible consequences of political, economical and social decline. Despite this critical situation Nursi's approach was quite optimistic he was giving the news of victory.

"O congregation of Muslims! I give you this good news: the first signs of the true dawn of Arab happiness are just appearing. This happiness will occur through the kindling of the worldly happiness of all Muslims, in particular that of the Ottomans, and especially through the progress of Islam. The emergence of the sun of happiness has drawn close. In order to rub despair's nose in the dust, I say what is my firm conviction so that the world will hear: *The future shall be Islam's and Islam's alone. And its ruler shall be the truths of the Qur'an and belief.*"(27)

It creates hope for the Muslims and causes high morale which is one of the prerequisites for the revival of society.

In Damascus sermon Said Nursi mentions about the non-material and material progress of the Muslims,(28) which is one of the basic instincts of human psychology. He provides comprehensive analysis and conclusions in this regard. For spiritual growth his main focus is on developing the basic belief in eternity and true religion. He says:

"Man has begun to understand that with his wonderful comprehensive abilities and disposition, he was not created only for this brief and troublesome worldly life, but that he is a candidate for eternity, for there are within him desires that extend that far. Everybody has begun to realize that this narrow and transient world is not sufficient and cannot meet their boundless hopes and desires."(29)

From the above he very effectively makes the listeners realize that man's objective of life is far ahead than this worldly life and for his mental calm and true happiness there is a need for true religion. He states:

Logical Reasoning as method of Said Nursi:

Said Nursi takes the method of logical reasoning to support his arguments, which is actually the methodology of the Quran as it invites human reason to explore the realities. According to Said Nursi:

“We Muslims, who are students of the Qur’an, follow proof; we approach the truths of belief through reason, thought, and our hearts. We do not abandon proof in favour of blind obedience and imitation of the clergy like some adherents of other religions. Therefore, in the future when reason, science and technology prevail, of a certainty that will be the time the Qur’an will gain ascendancy, which relies on rational proofs and invites the reason to confirm its pronounce-ments.” (24)

We can get the idea of this methodology of Said Nursi in the following example:

He claims that Islam is the future of mankind and will definitely prevail. To prove this logically he mentions that “eight serious obstacles prevented the truths of Islam completely over whelming the past”(25) which have now “begun to disperse”. These obstacles included 1st Europeans’ Ignorance, 2nd their barbarity at that time, and 3rd their bigotry. Nursi says “these three obstacles have been removed by the virtues of knowledge and civilization”. While 4th and 5th obstacles were “domination of clergy” and “Europeans blind obedience towards them” which also have started to disappear due to “idea of freedom” and “the desire to search for truth”. 6th and 7th obstacles, which related to Muslims, are “despotism” and “degeneracy that arose from opposing the Shari’a”. According to Nursi’s reasoning “the separate despotic power residing in a single individual is now declining, indicates that the fearful despotism of larger groups in society and of committees will also decline”, “And the great upsurge in Islamic zeal, together with the fact that the ugly results of immorality are becoming apparent, shows that these two obstacles are about to decline”. Whereas the 8th obstacle is the contradiction between science and outer meaning of Islam which according to Nursi is also being destroyed because the basic factor of this contradiction was the unawareness of the inner meanings of Quranic verses. He proves it through several examples in Risal i Nur that when one understands the inner meanings of Quranic verses, one is surprised to see that both corroborate each other; rather there are certain other truths to which science has yet not reached.

Thus according to Said Nursi, all the obstacles will be vanished with the help of science, knowledge and by the virtues of civilization. Furthermore Nursi proves the supremacy of Islam with the logic “that the most indisputable virtue is that which even its enemies testify to and

golden period of Islam in which Muslims were the leaders of mankind and which once made them the pride of human civilization “the time of Khilafat e Rashida.” Whereas Reconstruction is the search for the solutions of the problems of Muslim community in the light of Islam in terms of contemporary settings, so that they could develop some conformity with modern ideas. “In which the irreversible world culture of science and technology could not be ignored.”(19) Said Nursi revived the basic tenets of Islam and reconciled these creeds with innovative ideas keeping in view the contemporary settings of the world. “Hence in Nursi’s view, the restatement of the basic tenets of the Islamic religion, and “the renewing and strengthening of belief” through new methods, were of paramount importance and took precedence over every other form of struggle aimed at reconstruction.”(20)

Damascus Sermon and Methodology of Said Nursi:

Bediuzzaman Said Nursi delivered a Friday sermon on the occasion of his visit to Damascus in 1911. In the sermon, he pointed out the reasons of the decline of Muslim community in the form of six terrible sicknesses and also prescribed the remedies accordingly through the pharmacy of the Quran. The sermon was attended by 10,000 people including 100 religious scholars, moreover the printed copy of sermon was published twice in one week, (21) these are the evidences which prove significance and effectiveness of the sermon.

As far as the methodology of Said Nursi is concerned, he identifies the problem first then gives logical as well as scientific analysis (where needed) respectively, in accordance with the mentality of modern age man. Hence he gives solutions as per current requirements which are quite applicable. This methodology can be observed at the beginning of sermon where he identifies the major problem of the time, facing by Muslim Ummah, he demonstrates:

“I have realized that what has allowed foreigners, Europeans, to fly towards the future on progress while it arrested us and kept us, in respect of material development, in the Middle Ages, are six dire sicknesses”(22)

After wards he enumerates those sicknesses as 1: Despair, 2: Death of truthfulness, 3: Love of enmity, 4:Unawareness of the bond that bind believers to one another, 5:Despotism, 6:Restricting endeavor to what is personally beneficial.(23) After the identification of problem, he suggests the remedy in the form of six words and elaborates each with logical reasoning, which are Hope, Honesty,Love and brotherhood, Islamic unity (awareness of the luminous bonds uniting the believers) and mutual consultation.

She further illustrates:

“When the majority of Muslim youngsters have shunned acting on Islam and they have been accepting the impact of the West blindly and tastefully then it is meaningless to talk about a united Islamic World, Muslim Block and Muslim-unity. Bediuzzaman with his visionary insight had comprehended it fully that it would be meaningless to participate in practical politics in such conditions. He knew that it was not possible to revive Islam only through getting the political strength.[...] Therefore he quite wisely, refrained himself from establishing a rigid and inflexible organization because such an organization could easily be banned by some dictator [...] unlike this, Said Nursi strengthened the roots of faith in the hearts of millions of Turks through his preaching and his writings. This was such a revolution as could not be banned and even a despotic dictator could not constraint its teachings.”(13)

Said Nursi as Reconstructionist:

Maulana Maududi describes the qualities of revivalist as follows: (14)

- 1: Diagnosis of the current ailments: to examine thoroughly how and to what extent Ignorance crept in.
- 2: Scheme for reformation: to determine exactly where to strike the blow.
- 3: Intellectual revolution: to shape the ideas, beliefs and moral viewpoints of the people into the Islamic mould.

We can observe all the above qualities in the personality of Said Nursi. He diagnosed the current ailment as the “weakness of Faith along with the unprecedented attacks by materialist and atheists in the name of science and development, which was the major reason of the decline of Islamic world”(15) Thus He gave all his attention on the revitalization of Islamic Faith and the scheme he adapted for the reconstruction of Muslim society is “non-physical jihad or jihad of the word.”(16) He wrote a commentary of the Quran *Risal i Nur* in which “he explains the basic tenets of belief, the truths of the Qur’an, to modern man. His method was to analyse both belief and unbelief and to demonstrate through clearly reasoned arguments that not only is it possible, by following the method of the Qur’an, to prove rationally all the truths of belief, such as God’s existence and unity, prophethood, and bodily resurrection, but also that these truths are the only rational explanation of existence, man and the Universe.”(17)He proved that “science’s breathtaking discoveries of the universe’s functioning corroborate and reinforce the truths of religion”.(18)

The difference of renewal and reconstruction is necessary to be mentioned here. Renewal is basically an attempt of regaining the previous

into an inferiority complex.(8) Consequently, the assaults of anti Islamic forces have become worse. In this condition the Muslim scholars in every country have been fulfilling their duties according to their respective capacities to defend the Islamic faith. The names of Maulana Maududi and his fellows (Pakistan and India), Hassan-ul-Banna and Sayed Qutab Shaheed (Arab World) and many other leaders are quite prominent in this successful defense. The person who discharged this duty in Turkey in the previous century is Bediuzzaman Said Nursi. The way Islam got revived in Turkey as a result of his efforts is really unique perhaps in the whole Islamic history.

Turkey in Historical Context:

After the period of Tanzimat (9) the dominance of Western thoughts had already made the utility of religion doubtful among a class of the masses in Turkey. Furthermore during the World War, the behavior of Arabs and their anti Turkish attitude arose the passion of antagonism with religion among the fanatic Turk fundamentalists. Resultantly they grew hostile not only towards Arabs but their religion as well. After the establishment of Democracy in Turkey, unluckily, these people rose to authority. Hence they generated such a revolution in Turkey against the religion as was not different from the anti-religious policies of the Socialist countries. As a result, in Turkey, which had itself been a fighter country for Islam through ages, the survival of Islam became endangered. It is the real dignity of Bediuzzaman Said Nursi that he became the torch bearer of Islam in such gruesome and unfavourable conditions and after an incessant struggle of 25 years, through which he had to face so many problems of imprisonment, banishment, trials and turmoils, he succeeded in changing the status of his country 'Turkey' from an anti-religious state into once again a follower of Islam.(10)

Distinctions of Said Nursi:

The most important feature of Said Nursi which distinguishes him among his contemporaries is to endeavour for Muslim Revival without the means of politics or the establishment of Islamic state. Maryam Jamila(11) has comprehended his mission absolutely. In her letter to monthly magazine "Nur", America, which was published in the magazine in October 1975, she describes the distinctions of Said Nursi among his contemporaries:

"The basis of Badiuzzaman Nursi's strength lies in the fact that he had grasped his own difficulties and pitfalls and he had realistically evaluated the conditions which Muslims were suffering from. Unlike other Muslim revivalists, he did not prepare splendid plans for the Islamic universal political, social and economic systems which cannot be put into practice in the near future." (12)

Although few scholars of hadith are dubious about the transmitters of this tradition. However, there are many other sayings of Prophet whose validity is questionable but experience has confirmed their accuracy.(5) This is also the same case since history of Islam bears the testimony. A suspicion is necessary here to be resolved; it is generally considered that mujaddid is someone who verily appears at the beginning or at the end of the century, moreover only one mujaddid appears in each century. Maulana Maududi has given a very detailed explanation of this tradition in resolving the suspicion. He elaborates: "As a matter of fact, neither the word 'head' in the tradition means an end, nor the pronoun used signifies one single individual. 'Raising a person or a number of persons at the head of a century' clearly means to suggest that he or they will exercise a dominating influence on the various branches of knowledge and trends of thought and life prevalent in their age. The pronoun *mun* in Arabic is used both for singular and plural numbers, and therefore, may imply a single person, a group of persons or even organizations of people."(6) Thus he states "It is, therefore, not necessary that the mujaddid of a particular century be just one man: in fact, this task may be accomplished by a number of persons or groups of persons in the same century. Nor is it specified anywhere that the same one mujaddid will suffice for the whole world of Islam. There may arise a number of persons in a number of countries contemporaneously and undertake the work of Islamic Revival".(7)

The people assigned on the revivalist services in the history included Imam Ahmad ibn e Hanbal, Abul Hasan Ashari, Imam Ghazali, Ibn e Taimiya, Mujaddad Alf Thani, Shah Wali Ullah and many other scholars like these. They generated their efforts under the specific conditions and demands of their respective ages and consequently the renewal and reformation of Islamic beliefs was done. This progression is still current ather the need of *tajdid* in the present age has become as much significant as it had never been in the history of Muslims.

Significance of Revival in the Present age:

After the political decline of Muslim Ummah in the late nineteenth and early twentieth century, the effects of the Western Civilization have raised a serious 'tumult' among the Muslims of all the countries and regions. This tumult is different from that of the past in a way that it is not confined to a single Muslim country but it has grasped the whole Islamic world into its grip. Moreover previously objections and assaults on Islam were raised in an age when Muslims had not collapsed politically and culturally. On the contrary, now Islamic world has to confront this situation in a condition, when Western nations have superseded the Muslims in political, material, cultural and intellectual fields thus Muslims have fallen

Bediuzzaman Said Nursi's Methodology for the Revival of Muslim Society with Reference to his Damascus Sermon

Ishtiaq Ahmad Gondal*

Shumaila Majeed**

Allah Almighty has blessed mankind with a final and perfect religion as declared in the Holy Quran:

"This day have I perfected your religion for you and completed My favor unto you and have chosen for you as religion Al Islam"(1)

Since Islam is the final and universal religion, it was exactly natural that its followers had to withstand with various nations and highly variable conditions. Therefore in order to capacitate the believers, Allah has made a few arrangements accordingly. On one hand, He has bestowed this *Ummah* with the teachings of the Prophet Mohammad (SAW) which have the potential to confront all sorts of changes and circumstances, moreover they do have the capacity to suggest an apt solution to the problems of all times. On the other, it is the divine rule which has also been proven by history, that whenever "ignorance" prevails, a person is sent to encounter all the factors of that ignorance. Abul Hassan Ali Nadvi, an eminent Islamic thinker, has entitled this blessing of Allah upon His *Ummah* as "Divine Arrangements for the Existence of Islam".(2)

He further comments:

"This religion has been endowed with a peculiar capacity and vitality to produce such men of incomparably high character and behavior, as are not to be found in other nations. This is not merely fortuitous, but, in truth and reality, a fulfillment of the preordained arrangement made by God Almighty; for, the Ummah always did get a man of the same type and stature that it needed in a particular age." (3)

Such people are given the title of Mujaddid. History is witness to the fact that whenever there came a time when Islamic Faith and values were distorted or been made suspicious, a Mujaddid necessarily emerged for defending the Islamic values in such a way that the original form of Islam came in front. This is what has been referred to by the prophet Mohammad (WAW):

"Allah will raise, at the head of each century such people for this Ummah who will revive its religion for it" (4)

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Masail. First response is about the Misdemeanor of agent manager whereas the second response addresses the form of capital 'weather merchandises can be accepted as capital in Modarabah contract or not. Other than these two issues no other issue on the topic of Modarabah has been presented in it. Thus Masail Ibn Hanbal cannot be regarded as the main source of Hanbali doctrine for the development of Modarabah rules.

Mukhtasar of al-Khiraqi was emerged a century later to Masail Ibn Hanbal. Mukhtasar contains fundamental elements of Modarabah under the chapter of shirkah (partnership) contract; about 9 cases of Modarabah have been expressed by al-Khiraqi.

Al-Mughni of Ibn Qudamah is another text of Hanbali's legal doctrine. Ibn Qudamah expands the previous discussions on Modarabah (Al-Khiraqi's text) and managed all the important topics of Modarabah contract. Ibn Qudamah discussion on Modarabah comprises on 41 subtopics, almost all the topics of Modarabah has been expressed in well manner.

Hadith of his time. Ahmad gets the knowledge of Fiqh and Hadith from Abu Yousaf and al-Shafi'i. Legal reasoning taught to him by Hanafi master could not develop his interest and was attracted towards the science of Hadith. He travelled between the city of Kufah, Basrah, Macca, Madina, Yemen and Syria for the collection and preservation of Hadith text. Abd al-Razzaq in Yemen and Sufyan ibn Uyaynah in Macca were the prominent personalities contributed to quench his thrust in science of Hadith. He was one of the prominent personalities of Ashhab al-hadith. Collection and narration of Hadith was the utmost concern of Ahmad. Al-Musnad of Ahmad is a vast collection of Hadith comprises of more than thirty thousand Hadith.

Beyond the regions of Iraq and Syria the Hanbali school of thought did not expand and Baghdad was the main center of Hanbalis from the middle of the second to the end of the fifth century Hijri. The followers of Hanbali school of thought are in small number as compared to other three Sunni Schools of law.

The prominent students of Ahmad were his two sons Saalih (d.266/879) and Abdullah (d.290/903), other than this Abu Bakr al-Athram (d.260/873-4), Hanbal bin Ishaq (d.273/886), Abu Daud al-Sijastani (d.275/887) and Abu Bakr al-Marwazi (d.275/887) were among the prominent pupils of Ahmad. Besides this, Bukhaaree and Muslim the great scholars of Hadith were also the students of Ahmad(19).

Abu Bakr al-Khallal (d.311/923) organized efforts for the collection of Hanbal's legal doctrine were of much importance and appreciated by the later Hanbali's jurists as the fullest possible sources of Hanbali's fiqh. In order to collect Hanbal's legal doctrine, he travelled far and wide, met with the students of Ahmad and compiled a text titled al-Jami. Mukhtasar of Al-Khiraqi was another effort from Abu al-Qasim al-Khiraqi (d.334/945) in this regard. Besides of these the most significance commentaries were of Qadi Abu Yala and al-Mughni of Ibn Qudamah. Ibn Qudamah added discussions of new positive legal rulings along with the inclusion of the rules of other sunni jurists who contradicted with the Hanbalis, this contradiction with Hanbalis has also been discussed in al-Mughni which resulted in making its volumes more comprehensive as compared to the commentary of Abu Yala(20). Besides al-Mughni Ibn Qudamah organized his efforts to compose three other texts of hanbalis titled as al- Umdah, al-Muqni and al-Kafi.

In Hanbali School of law Masail Ibn Hanbal, Mukhtasar al-Khiraqi, Al-Mughni of Ibn Qudamah are the major texts of Hanbali's legal doctrine. So far it concerned to the recording of the Modarabah rules, there are only two responses by Ibn Hanbal with regards to Modarabah expressed in

With regards to the conditions of Modarabah, al-Shafi'i is of the view that if the amount of capital is unknown whereas the duration of contract is fixed i.e. one year, it will render the contract as invalid. Expressing the legal reason of the rule against the fixed duration of Modarabah al-Shafi'i takes it as a preventive measure to avoid unknown amount of capital.

As per our observations, Al-Shafi'i's opine demonstrates that Modarabah contract goes to end with the completion of a single business transaction, at the end of each business transaction a new contract of business should be arranged. In justification of the rule against the fixed duration of Modarabah al-Shafi'i illustrate an example(15):

“if I pay to you one thousand dirham to work on it for a year, then you buy and sell (trading) during the first month and make a profit of one thousand dirham, later for the next trading you will use the one thousands of profit which belongs to me and you; in which I might not agree to participate in the trading. Thus you will use capital which is unknown to me...”

The illustration quoted by al-Shafi'i demonstrates that according to him Modarabah is to be carried out on a job basis, where completion of each transaction ends the job of agent manager.

Kitab al-Muhadhdhab (16) of Abu Ishaq al-Shirazi (393-476) Hijri, is a significant development in organizing the discussion on the topic of Modarabah in Shafi'i school of law. Al-Shirazi organized his discussion on Modarabah in topics and sub topics.

The work of al-Shirazi covers almost all of the topics of Modarabah. Kitab al-Muhadhdhab gave an appropriate expansion to the legal doctrine of al-Shafi'i as compared to the earliest text Kitab al-Umm.

Al-Wajiz(17) of al-Ghazali is another comprehensive text of Shafi'i legal doctrine. In al-Wajiz, Ghazali have summarized all the rulings of the earliest jurists and arrange all the topics in a systematic way. A structural discussion on the topic of Modarabah has been presented in this text.

Minhaj al-Talibin of al-Nawawi(18) is a text of seventh century. Al-Nawawi's work in form of Minhaj al-Talibin gave a new and tremendous expansion to Shafi'i legal doctrine. Al-Nawawi improves the discussion on the topic of Modarabah as compared to the earliest jurists. In his other work, al-Majmu sharh al-Muhadhdhab, divergence of thoughts (ikhtilaf) among the Shafi'i's jurists i.e. Shirazi, Ghazali etc. have been emphasized by al-Nawawi.

Progression of Modarabah rules in Hanbali's legal text:

Ahmad bin Muhammad bin Hanbal Abu Abd Allah al-Shaybani (d. 241AH/855AD) was born in Baghdad in an Arab family. Hanbali School of law gets attributed to him. He was the utmost memorizers and narrators of

top ranking. In Baghdad, he was confined to prison and subjugated to severe torture which resulted in his death as he declined to accept the officially sanctioned Mu'tazilite philosophy on the creation of the Qur'an(12).

Al-Muzanee compiled a book titled al-Mukhtasar based on the legal rulings of Shafi'i's and his own exertions(13). The Mukhtasar is considered as the most important early text of Shafi'i's legal doctrine. Kitab al-umm, the most famous book of al-Shafi'i was primarily transmitted by Rabi ibn Sulaiman al-Muradi. All the Muslim scholars acknowledged him as the primary compiler of al-Shafi'i's writings.

In Iraq al-Karabasi (d.248/862) was the earliest student of al-Shafi'i. The old doctrine of al-Shafi'i was transmitted by him whereas the Anmati (288/902) transmitted this new doctrine. Shafi'i's jurisprudence was learned by Al-Anmati from al-Rabi and al-Muzani in Egypt.

In Khurasan Muhammad ibn Nasr al-Marwazi (d. 294/907) and Ibn Khuzaymah (d.311/924) were among the prominent jurists of Shafi'i's. Followings are the major texts of al-Shafi'i's doctrine and our discussion for the development of Modarabah rulings will also be examined around them.

- Al-Umm of al-Shafi'i's
- Muhadhdhab of Abu Ishaq al-Shirazi
- Al-Wajiz of al-Ghazali
- Minhaj al-Talibin of al-Nawawi

The majority of the followers of the Shafi'i School of thought is now founded in Egypt, Southern Arabia, (Yemen, Hadramout), Sri Lanka, Indonesia, Malaysia, and East Africa (Kenya, Tanzania) and Surinam in South America(14).

Kitab al-Umm of al-Shafi'i is obliged as an authoritative guide of Shafi'i school of law. The founder of the Shafi'i school, Imam al-Shafi'i (767-820 A.D) composed the book. The topic of Modarabah has been discussed in Kitab al-Umm with the title al-Qirad. The chapter has been divided in four sub sections as under:

1. The merchandise (al-urud) as capital not permitted
2. Conditions of Modarabah
3. Credit (al-salaf) in Modarabah
4. Accounting treatment of Modarabah business

According to al-Shafi'i merchandise (al-urud) cannot be acknowledged as capital in Modarabah, if merchandises are acknowledged as capital in Modarabah it will render the contract as invalid. Nevertheless, no legal reason of this prohibition has been expressed by al-Shafi'i.

prominent disciples were recorded by Ibn Abd al-Barr without making any addition of new rulings. There is merely a difference of style as compared to al-Muwatta and al-Mudawwanah as al-Kafi was written in a style of text book. In al-Kafi the topic of Modarabah has been divided in five classes with a little description of their reasoning; like permitted and prohibited activities in Modarabah, combination of Modarabah, rules of void Modarabah, Zakah of Modarabah and negligence in Modarabah(9).

Bidayah al-Mujtahid of Ibn Rushd enlightens the disagreement among earliest jurists in Islamic law. Ibn Rushd expresses that jurists are agreed in concern to the basic elements of Modarabah however they differ in further details of the contract. Ibn Rushd not only state rules of Modarabah but also provides reasoning and justification of it(10).

Al-Dhakhirah of al-Qarafi is a product of 7th Hijri Maliki jurist. Al-Qarafi not only expresses the rulings of Maliki's doctrine but also linked them with principles of fiqh commonly known as Usul al-fiqh. He presents the rulings of earlier Maliki jurists on the topic of Modarabah and begins the topic of Qirad with its literal and legal definition by mentioning evidence of its permissibility(11).

Progression of Modarabah rules in Shafi'I's legal text:

Muhammad ib Idrees al-Shafi'i (d.204AH/820AD) was born on the Mediterranean coast in the town Ghazzah. He travelled to Madina to study Hadith and Fiqh from Imaam Malik. After the demise of Malik in 179 Hijri, al-Shafi'i left Madina and went to Iraq. There he attended the circles of well famed jurists and have a chance to debate on the Fiqh matters. He also attended the circle of famed Hanafi jurist Hassan al-Shaybani in Iraq. After that Shafi'i returned to Mecca to form his own circle. From Mecca Shafi'i migrated to Fustat, Egypt in 199 A.H and till his death he remained settled there.

Legal rulings of Shafi'i's doctrine are divided in to two phases. The first phase is termed as the old doctrine (al-madhab al-qadim) and the second phase is termed as new doctrine (al-madhab al-jadid). The first phase contains on the rulings given during the period he got settled in Iraq whereas the second phase (al-madhab al-jadid) contains on his legal rulings in Egypt. The validity of old doctrine is considered by the Shafi'i jurists when it is in accordance to the new doctrine; in case there is a contradiction in both, the new doctrine will override the old one.

Likewise other school of law, the spread of Shafi'i School was by his pupils. In Egypt Yoosuf ibn Yahyaa al-Buwayti (d.231/846), Ismaa'eel ibn Yahyaa al-Muzanee (d.264/878) and Rabi ibn Sulaiman al-Muradi (270/884) were the prominent figures in spreading the Shafi'i School of law. In Shafi'i school amongst the three prominent figures al-Buwayti is on

the Maliki's doctrine from al- Majishun and Matraf and thus caused to spread Maliki School in Andalusia.

Abdul Rahman Ibn al-Qasim (d.191/807) and Ibn Abd al-Hakam (d.214/829) were among the prominent Malik's students who spread the doctrine of Maliki in Egypt. In spread of Maliki School, the position of Ibn al-Qasim was same as of al-Shaybani of Hanifi's. Muwatta's transmission of Ibn al-Qasim and his replies to the inquiries of Sahnun's in al-Mudawwanah are obliged as the soundest and the most comprehensive collections of Maliki's doctrine(7). It is of Ibn al-Qasim that Maliki School was acknowledged contiguous to the Maliki of Maddina in following the methodology and principles of Malik's. Re-emergence of Maliki School in Egypt was advanced by Abu Bakr al-Turtushi (d.520/1126). He was the student of Al-Baji. The Great jurists Ibn al-Hajib (d.646/1248), al-Qarafi and Khalil bin Ishaq were the product of Maliki School.

Since the formation of Maliki legal law, al-Muwatta and al-Mudawwanah al-Kubra are obliged as a primary source of Maliki's legal doctrine. Al-Muwatta is a compilation of narrations whereas al-Mudawwanah al-Kubra was written in a style of legal reasoning based on the legal rulings of Maliki School of law. The topic of Modarabah is enlisted in al-Muwatta with the title of 'Qirad' and consists of 15 sub topics/issues of Modarabah.

al-Muwatta contains various issues regarding the topic of Modarabah however the Modarabah doctrine of Maliki's have not been covered in it as we find in the text of al-Mudawwanah that contains a lot of cases and covers all the aspects of Modarabah doctrine of Maliki's school of law although these cases have been extended from the rulings in al-Muwatta; Sahnun enhanced the rulings of Modarabah found in al-Muwatta.

Al-Mudawwanah(8) addresses on the issues such as, nature of capital, merchandises as a form of capital, rules of currencies like molten gold and silver nuggets, wheat, barley, debt and receivables (al-wadi'ah) as capital in the contract of Modarabah. Rules regarding the distribution of profit has been elaborated in detail as in former al-Muwatta profit distribution has not been addressed clearly.

With the inauguration of third Hijri, Maliki jurists focused on the formation of Mukhtasar of primary texts of Maliki. In the formation of Mukhtasar, an approach to form a text book was adopted by the jurists, perhaps this approach was adopted to facilitate public to learn the rulings of Maliki doctrine. Usually the text of Mukhtasar is merely a record of rulings narrated in al-Muwatta and in al-Mudawwanah.

A worthy model of Mukhtasar by the Maliki jurists is Kitab al-Kafi fi fiqh ahl al-Madinah of Ibn Abd al-Barr. The rulings of Malik and his

Modarabah such as scope of the activities of the agent manager, recursive Modarabah, the guaranty of agent-manager, disputes between the parties, distribution of profit, loss of capital and Modarabah contract with the people of diverse faith have been discussed comprehensively. The entitlement of daily allowance for agent manager has been discussed in detail along with legal reasons describing why an agent manager is entitled for daily allowances when he is conducting business activities outside the locality. Al-Sarakhsi convinced the readers why agent manager is not entitled for daily allowance other than his share in profit when he is conducting business in his locality however he did not through ample light on the extent of agent manager's claim of daily allowance. His recommendations in this regard determine that the claim should be filed in a responsible and reasonable way; perhaps as per the common practice of traders. Later on in fifth Hijri Al-Sarakhsi's footsteps were followed by Ali al-Marghinani in producing Al-Hidayah a comparatively concise but comprehensive legal doctrine of Hanafi's. It contains all the topics of Modarabah in a concise way without indulging in lengthy discussions of legal problems.

Progression of Modarabah rules in Maliki's legal text:

Malik bin Anas's (d.179AH/795AD) a jurist of Madina, established the doctrine of Maliki School of law. The birth of Malik was in the Holy city of Madina in 93 AH. Nafi (d.117/735) who had been freed from slavery by Abdallah Ibn Umar bin Al-khatib (d.73/692) who was an older successor was the teacher of Malik. Ibn Shihab al-Zuhri (d.124/742), Rabiah ibn Abd al-Rahman (d.136/753-4), Yahya ibn Saeed (d. 143/760) and Abu al-Zinad studied under the renowned seven jurists of Madina (Al-Fuqaha al-Saba) so they transmitted directly from them, all were the principle teachers of Malik. Rabiah ibn Abd al-Rahman, commonly known as Rabiah al-ra'y was the teacher of Malik in the field of Fiqh also. On the influence of Rabiah al-ra'y, in developing fiqh doctrine ra'y was incorporated by Malik. The elements of masalih al-mursalah (public interest) and sadd al-dharai (blocking pretenses) were applied by Malik in developing his fiqh doctrine along with reliance on Hadith and the contemporary practices of jurists of Madina.

Like all other schools a great contribution was made by the pupils of Malik towards the propagation of Maliki School. Maliki School was cultured vastly in Spain and North-western Africa. Uthman bin Kinanah (d.185/801), Ibn Nafi (d.186/802), Abdul Malik bin al-Majishun (d.214/829) and Matraf bin Abdullah (d.220/835) was among the prominent personalities of Maliki students who sustained the doctrine of Maliki's in Madina. Abd al-Malik Ibn Habib (d. 238/853) a jurist of Andalusia learned

the business activities. Agent manager is bound to follow such instructions of the investor in case of non-compliance of the instructions agent manager will be held responsible for the loss if any incurred to the investment(4).

Abu Hanifa also laid rules to resolve disputes between the contracting parties, rules regarding the determination of capital amount and the amount of profit, type of the contract either it is *bida'ah* (where agent manager involves in trade for free) or *Modarabah*. Abu Hanifa recognizes such disputes and ruled to resolves issues between investor and agent manager.

As we have mentioned earlier that al-shybiani's work in form of *Al-Jami al-saghir* is the compilation of the legal rulings of Abu Hanifa. On the footsteps of al-shybiani, another Hanafi jurist **Abu layth al-Samarqandi** worked during the third/ninth centuries. Abu Layth al-Samarqandi compiled a book *Khizanat al-Fiqh* on the basis of the legal rulings of Hanafi jurists of his time. The book was written basically to help out the students to learn and understand the legal doctrine of Hanafi's(5). In addition to *Al-Jami al-saghir* Abu Layth ruled activities permitted for an agent manager such as to borrow for business, to acquire warehouses on rent, to hire employees or vehicles for transportation of business goods, make credit purchases, appointment of an agent to carry on the business of *Modarabah*, collateral issue and travel with the capital. An agent manager is prohibited to use the *Modarabah* revenues to give loans, charity, donations to set free the slaves and to accept credit letters (*safataj*). On investor's side, Samarqandi empowers an investor to monitor his investment. A part from place of the business as mentioned by al-shybiani, investor can specify type of business, time period, price and type of products. An agent manager is bound to comply with the instructions of the investor in order to avoid future discrepancies. Abu Layth al-Samarqandi's work in form of *Khizanat al-Fiqh* demonstrates that Hanafi jurists have developed *Modarabah* rulings during 3rd Hijri. Hanafi jurists have determined the boundaries of investor and agent manager relationship as it is obvious from the work of al-Samarqandi. The definition of *Modarabah* was also set by al-Samarqandi as he mentions it a contract of partnership in which one party provides the capital and other party contribute efforts(6).

Al-Shybiani and al-Samarqandi's work were based on the compilation of the legal rulings of the Hanafi jurists without throwing light on the legal reasons behind these rulings. At the end of the 4th century hijri this gap was filled by **Al-Sarakhsi**. *Al-Mabsut* of al-Sarakhsi is considered as the most comprehensive text with in the domain of all sunni schools. *Al-Sarakhsi* covered the topic of *Modarabah* in a comprehensive way and discussed the rules of *Modarabah* in 26 chapters. All the topics of

are the primary texts of Hanafi's legal doctrine. A review of both texts reveals that it contains the basic elements of Modarabah as laid by Abu Hanifa and his disciples. The later progress on Modarabah rules were based on the views of Abu Hanifa that have been expressed in *Al-Jami al-saghir* by al-Shaybani. Various issues have been recorded in *Al-Jami al-saghir* such as daily allowances of agent manager (*nafaqah*), invalid Modarabah, recursive Modarabah, nature of capital and its acceptability, relation of contracting parties, termination of the contract in case of dispute etc.

The method has been adopted by Al-Shybbani in recording the view of Abu Hanifa is relatively comprehensive. Although in *Al-Jami al-saghir* rulings have been compiled without the description of the legal reasoning behind them. Al-Shybbani expressed Abu Hanifah's opinion on the issue of daily allowance (*nafaqah*) that an agent manager cannot claim daily allowance for his routine expenses in case business is being conducted in his locality(1). He can be entitled for daily allowances only when he travels outside the city for business purpose. Routine expenses are expressed as food, drinks, transportation and cloths of the agent manager.

In addition to the share of profit none of the contracting parties can be entitled to receive a fixed amount of money, if such a condition is stipulated in the contract, it will be rendered as invalid. In case of invalid contract the practice of hired wages will be adopted by the investor and he will have to pay wages (*ujr mithil*) to Modarib.

The practice of recursive Modarabah and its validity has also been acknowledged by Abu Hanifa and he permits an agent manager to serve as a middle man, receive capital from the investor as a Mudarib and act in other parallel Modarabah as Rabb ul mall (capital provider). In such a case, the methodology for profit distribution has also been expressed by Abu Hanifah between three parties of the contract. Profit distribution will be made as per agreed ratio between the parties. An example has been illustrated by him where investor and agent manager agreed on equal basis of profit ratio 50:50. Similar ratios are decided between the first and second agent-manager in parallel Modarabah. On the realization of profit, the agent manager in parallel Modarabah will receive 50% profit and remaining 50% will be divided between the parties of the initial contract which will be a quarter of the total amount of profit realized from a parallel Modarabah contract(2).

The nature of Modarabah capital has been expressed and he ruled that it must be in the form of currency. Any form of capital other than monetary currency is not acceptable as investment in Modarabah contract(3). Regarding the Investor's rights and control over his investment Abu Hanifa allows the investor to specify a place for Modarib to conduct