

INSURANCE: A MODERN CONTRACT OF *GHARAR*

Dr. Tahir Mansoori*

Definition:

"A contract of Insurance is one whereby one party, i.e., Insurer promises in return for a money consideration, i.e., the premium to pay to the other party, i.e., the insured, a sum of money or provide him with some corresponding benefit, upon the occurrence of an event specified in the contract".¹

The premium is a price of an insurance policy. It is the price at which the insurer i.e. the company is prepared to take risks and bear the burden of the probable loss involved in the contract of insurance. On the basis of law of averages and through experience the insurer finds a reasonable amount sufficient to cover his risk as well as other charges including his profit. An insurance policy aims at providing compensation for potential loss or damages that are specified in the contract. For example when a person insures his car with the insurance company he gets an undertaking from the company that it will undertake repairs of the damage, which is caused to the car of insured as a result of an accident.

A contract of insurance is normally a contract of indemnity because it insures a compensation for loss to the insured. The life insurance and personal accidents insurance, however, are not contracts of indemnity for in all such cases, the insurer has to pay compensation on the happening of an event without reference to loss.

Types of Insurance

With regard to the subject matter of insurance and the risk covered by it, insurance is of the following four types:²

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REFERENCES:

1. **The Holy Bible**, Nehemiah 8:8.
2. These and many other scrolls were found in 1947 near the western coast of Dead Sea—ancient name Qumran---, thus commonly known as Dead Sea Scrolls. These scrolls include whole of the Old Testament except the Book of Esther. These were written approximately in a period of three hundred B.C. to 70 AD. Most of the scrolls were written in Hebrew language but some of Greek and Aramaic scrolls were also found there.
3. **The Holy Bible From Ancient Eastern Manuscript**. Tr. By George M. Lamsa, A.J.Holman Company, Philadelphia, PA, USA. 1957. p.vi (Introduction).
4. *Ibid.*, p.i (Preface).
5. John L. McKenzie, **Dictionary of the Bible**. Geoffrey Chapman, London, 1984, p. 860.
6. **The Holy Bible**, Tr. By Lamsa, p. vii-viii.
7. *Ibid.*, p. iv.
8. *Ibid.*, p. iii.
9. *Ibid.*, p. v.
10. **McKenzie**, p. 860.
11. **A Dictionary of the Bible**. Edited by James Hastings, T & T Clark, Edinburgh, 1904, vol IV, p. 646, under entry "Syriac Versions".
12. *Ibid.*
13. **The Holy Bible**. Tr. By Lamsa, p. vii-viii.
14. *Ibid.* p. ix.
15. **McKenzie**, p. 860.
16. **The Interpreter's Dictionary of the Bible**. Editor George Arthur Buttrick, Abingdon Press, New York, 1962, p. 754, Under entry "Versions, ancient", by B.M. Metzger.
17. **The Standard Jewish Encyclopedia**, Edited by Cecil Roth, W.H.Allen, London, 1959, p. 1494.
18. **Harper's Bible Dictionary**. Edited by Paul J. Achtemeier. Theological Publications in India, Bangalore, 1994, p. 1047.
19. **Interpreter's Dictionary of the Bible**, p. 754.
20. **McKenzie**, p. 860.
21. **The Holy Bible**, Tr. By Lamsa, p. viii (Introduction).
22. **Harper's Dictionary of Bible**, pp. 1047-48.
23. **The Holy Bible**, Tr. By Lamsa, pp. xv-xvi.

	from the LORD to the gate of Jerusalem.	unto the gate of Jerusalem.
Habakkuk 3:4	And his brightness was as the light: in the <u>city</u> which his hands had established shall he store his power.	And his brightness was as the light; he had <u>horns</u> coming out of his hand: and there was the hiding of his power.
Matthew 19:24	Again I say to you, it is easier for a <u>rope</u> to go through the eye of a needle . . .	And again I say unto you. It is easier for a <u>camel</u> to go through the eye of a needle . . .

The above comparison shows that how the original Hebrew and Aramaic words are often confused by the translators owing to its homonymic nature. The alphabets of the Semitic language resemble with each other. The vowel signs had not been developed until the advent of Islam. In the absence of these vowel symbols, the correct pronunciation of the Hebrew words of Bible was very difficult. This comparison of Aramaic and King James Version Bible is a clear deception of such problems. That is why, many different readings of a text crept in during the course of its transmission. This eventually renders the authenticity of Bible dubious, even for the followers of this sacred book.

Ecc1 2:4	I multiplied my <u>servants</u> . . .	I made me great <u>works</u> . .
Ecc1 11:5	As you do not know the path of the <u>wind</u> , and the manner of a woman who is with child . . .	As thou knowest not what is the way of the <u>spirit</u> , nor how the bones do grow in the womb of her that is with child . . .
Isaiah 10:27	and the yoke shall be destroyed from your neck because of your <u>strength</u> .	and the yoke shall be destroyed because of the <u>anointing</u> .
Isaiah 29:15	Woe to them who <u>act</u> <u>perversely</u> to hide their counsel from the LORD, and their works are in the dark, and they say, Who sees us? And, Who knows what we do corruptly?	Woe unto them that <u>seek</u> <u>deep</u> to hide their counsel from the LORD, and their works are in the dark, and they say, Who seeth us? and who knoweth us?
Jeremiah 4:10	Then I said, I beseech thee, O LORD God, surely I have <u>greatly</u> <u>deceived</u> this people and Jerusalem; for I have said .	Then said I, Ah, LORD God! Surely <u>thou</u> <u>hast</u> <u>greatly</u> <u>deceived</u> this people and Jerusalem, saying . . .
Ezekiel 32:5	And I will scatter your flesh upon the mountains, and fill the valleys with your <u>dust</u> ;	And I will lay thy flesh upon the mountains, and fill the valleys with thy <u>height</u> .
Obadiah 1:21	And those who are <u>saved</u> shall come up to mount Zion to judge mount Esau . . .	And <u>saviours</u> shall come up on mount Zion to judge the mount of Esau . . .
Micah 1:12	For the <u>rebellious</u> inhabitant is sick of waiting for good; for disaster is come down	For the inhabitant of <u>Maroth</u> waited carefully for god; but evil came down from the LORD

<p>2 Samuel 4:6</p>	<p>And behold, they came into the midst of the house; then those sons of <u>wickedness</u> took and smote him in his abdomen . . .</p>	<p>And they came thither into the midst of the house, as though they would have fetched <u>wheat</u>; and they smote him under the fifth rib . .</p>
<p>2 Kings 4:28</p>	<p>Then she said, Did I <u>ask</u> a son of my lord? Did I not say to you, Do not <u>ask</u> a son for me?</p>	<p>Then she said, Did I <u>desire</u> a son of my lord, did I not say, Do not <u>deceive</u> me?</p>
<p>Job 19:18</p>	<p>Yea, even the <u>wicked</u> despise me; when I rise, they speak against me.</p>	<p>yea, <u>young children</u> despised me: I arose, and they spake against me.</p>
<p>Job 29:18</p>	<p>Then I said, I shall become straight like a <u>reed</u>, I shall deliver the poor and multiply my days like the sand of the seas.</p>	<p>Then I said, I shall die in my <u>nest</u>, and I shall multiply my days as the sand.</p>
<p>Psalms 144:7</p>	<p>Stretch forth thy hand from above: deliver me out of great waters, from the hand of the <u>ungodly</u>.</p>	<p>Send thine hand from above; rid me, and deliver me out of great waters, from the hand of <u>strange children</u>;</p>
<p>Psalms 144:11</p>	<p>Deliver me from the hand of the <u>wicked</u>, whose mouths speak vanity, and their right and is a right hand of falsehood.</p>	<p>Rid me, and deliver me from the hand of <u>strange children</u>, whose mouth speaketh vanity, and their right hand is a right hand of falsehood:</p>
<p>Proverbs 11:14</p>	<p>A people who have no <u>leader</u> shall fall: but in the multitude of counsels there is deliverance.</p>	<p>Where no <u>counsel</u> is, the people fall: but in the multitude of counselors there is safety.</p>

Revelation. (But these books are included in later Aramaic texts.), Peshitta canon was set before the discovery of these books.²¹

Philoxenus, bishop in eastern Syria, asked a certain Polycarp to revise the Peshitta in A.D. 509. His effort was in turn revised again in 616 by Thomas of Herkel. These revised versions include also the five books of the NT absent from the Peshitta.²²

COMPARISON BETWEEN PESHITTA TEXT WITH THE TEXT OF KING JAMES VERSION:

Here are some examples from both Bibles which show that how some words of Aramaic were misinterpreted or read mistakenly. In the following examples²³, the underlined words points to the variant readings:

BOOK NAME	PESHITTA TEXT	KING JAMES VERSION TEXT
Genesis 30:8	And Rachel said, I have besought the LORD, and <u>pleaded</u> with my sister.	And Rachel said, With great wrestlings have I <u>wrestled</u> with my sister.
Numbers 25:4	And the LORD said to Moses, Take all the <u>chiefs</u> of the people and expose them before the LORD in the day light . . .	And the LORD said unto Moses, Take all the <u>heads</u> of the people, and hang them up before the LORD against the sun . . .
Deuteronomy 27:16	Cursed be he who <u>reviles</u> his father or his mother . . .	Cursed be he that <u>setteth</u> <u>light</u> by his father or his mother . . .
Deuteronomy 32:33	Their <u>venom</u> is the venom of dragons, and the cruel venom of asps.	Their <u>wine</u> is the poison of dragons, and the cruel venom of asps.

translated first, sometime in the second or third century A.D. He further adds that the other books of the OT were added later, some rendered freely after the manner of Targumic paraphrases. Later some of the biblical books were sporadically revised to conform to the LXX [Septuagint]. The oldest extant MS of the Peshitta has the distinction of being the oldest copy of the Bible in any language of which the exact date is known: it is a MS of the Pentateuch dating from A.D. 422.¹⁶

According to Standard Jewish Encyclopedia:

It was made in second century C.E. into the dialect of Edessa (now Urfa, N. Syria), probably with the help of or by Jewish from a text differing from the Massoretic. It served as the Bible of Christians of Syria and the Nestorians of Iraq and Persia.¹⁷

Harper's Bible Dictionary relates this Bible to be translated in the second or third century A.D. It is of the opinion that in contrast to LXX and Latin Vulgate, the Peshitta originally omitted the Apocrypha. These books were added later.¹⁸

PESHITTA NEW TESTAMENT:

Unlike Peshitta OT, the Biblical scholars agree with the fact that the Peshitta version of the NT appears to date from the later part of the fourth century. By this time the old Syriac, like the old Latin, had come to exist in a variety of forms. It was not a new translation, but a revision of the old Syriac on the basis of the Greek Text. The version was adopted by both Jacobite and Nestorian branches of Syrian Church.¹⁹ It has been suggested by several scholars that it is the work of the famous Rabbula, bishop of Edessa 411-435 AD.²⁰

Initially this ancient New Testament text omits the story of the woman taken in adultery, 2 Peter, 2 and 3 John, Jude, and

from Hebrew into Syriac; the other, that of the seventy-two from Greek."¹²

George M. Lamsa, in its introduction to the Holy Bible, writes:

The Peshitta means straight, simple, sincere and true, that is, the original. This name was given to this ancient and authoritative text to distinguish it from other Bible revisions and translations which were introduced into some of the churches of the East (Monophysites) after the division at Ephesus and Chalcedon in 431 and 451 A.D., respectively. This ancient Peshitta is still the only authoritative text of the Old and New Testament of all Eastern Christians in the Near East and India, the Church of the East, the Roman Catholic Church in the East, the Monophysites, and Indian Christians. This is because this text was in use for 400 years before the Christian Church was divided into several sects.¹³

Although there are many similarities between the Septuagint (the Greek version) and the Peshitta (the Syriac version) text but the former contains inevitable mistranslations which were due to difficulties in transmitting Hebrew or Aramaic thought into alien tongue like Greek. But such was not the case between Biblical Aramaic and Biblical Hebrew which are of the same origin. Josephus used Aramaic and Hebrew words indiscriminately. Thus the word Translation is not appropriate for the rendering of Hebrew into Aramaic.¹⁴

PESHITTA OLD TESTAMENT

The origin of the Peshitta version is obscure, both as to date and as to identity of the translators. The Peshitta OT was the work of several translators who were probably Jewish Christians. It was translated from Hebrew in the first or second century A.D., but includes the deutrocanonical books.¹⁵ B.M. Metzger is of the view that Pentateuch (first five books of OT, also known as Torah) was

and culture in Bible days. They are also known as Nineveh civilization. When Nineveh was destroyed in 612 B.C., many of the princes and noblemen of this once vast empire fled northward into inaccessible mountains where they remained secluded and cut off until the twentieth century. Some descendants of the Assyrians and some of the descendants of the Ten Tribes who were taken captive by the Assyrian King in 712 B.C. were among those who first converted to Christianity.⁸

The ancient Semitic culture survived owing to the isolation, tenacity and warlike characters of the Assyrian people even under the different dominant civilizations. And because of this isolation these ancient Christians had hardly any contact with Christians in the West. Only one of their bishops and a deacon participated in the Nicene Council in 325 A.D. The Assyrian Church (the ancient Apostolic and Catholic Church of the East) was one of the strongest Christian Churches in the World.⁹

THE ARAMAIC / SYRIAC PESHITTA

After the Greek version (also known as Septuagint) the Syriac version of the OT (Old Testament) is the oldest to be made into a vernacular, and the NT (New Testament) versions are perhaps older than any other: they are very near the old Latin versions in age.¹⁰

Hasting's Dictionary of the Bible defines Peshitta as:

"Peshitta in Hebrew means 'the simple', i.e. the simple version."¹¹

It further gives the account of Moses bar Cephass regarding the earliest translations of the Hebrew manuscripts:

"One must know that there in Syriac two translations of the OT: the one, this Peshitta in which we read, was made

Patriarchate of the East, Mondesto, California, April 5, 1957.

With reference to your letter concerning Lamsa's Translation of the Aramaic Bible, and the originality Peshitta text, as the Patriarch and Head of the Holy Apostolic and Catholic Church of the East, we wish to state that the Church of the East received the scriptures from the hands of the blessed Apostles themselves in the Aramaic original, the language spoken by our Lord Jesus Christ himself and that the Peshitta is the text of the Church of the East which has come down from the Biblical times without any change or revision.

Mar Eshai Shimun,

By Grace, Catholicos Patriarch

Of the East.⁶

Dr. Philip K. Hitti, noted historian and Professor of Semitic languages, uses the terms Aramaic and Syriac interchangeably and states that Aramaic is still a living language. In his book "The History of the Arabs" he writes:

In country places and on their farms these *dhimmi*s clung to their ancient cultural patterns and preserved their native languages: Aramaic and Syriac in Syria and al-Iraq, Iranian in Persia and Coptic in Egypt.(...) In al-Iraq and Syria and the transition from one Semitic tongue--the Aramaic, to another--the Arabic was of course easier in the out-of-the-way places, however, such as the Lebanon with the preponderant Christian population, the native Syriac is still spoken in Mo'lula and two other villages in anti-Lebanon.(...) ⁷

ASSYRIANS---HOLDERS OF PESHITTA:

The Assyrians is called to the people who lived in the basin of river Tigris and in the mountain range of what is known today as Kurdistan. They were the founders of the great Assyrians Empire

The history of Aramaic language has great importance to the Biblical scholars. From the sixth to the fourth century before Christ, it was a language of empire extending from the borders of Persia to those of Europe, and down the Nile through the length of Egypt. It was spoken in and written in those days by the Jewish people at least equally with Hebrew. We have parts of Ezra and Daniel, and one verse in Jeremiah (10:11) that were composed in Aramaic. In the first century, Jews and Jesus' earliest followers certainly spoke Aramaic for the most part, although they also knew Hebrew. Therefore, the Gospel message was first reached in the Aramaic of the Jews of Palestine. It is said that the four Gospels and the other parts of the New Testament were written in Greek. This is disputed by the Church of the East and some noted Western scholars. Whatever fact may be, it is true that Aramaic speech is an underlying factor of the Christian message.⁴ Aramaic was adopted by the Church that spread East, beyond the confines of the Roman Empire. This differed from the language of Palestine in choice of words and grammatical forms rather more extensively than does American English from British English. In written form these differences became regular and standardized.

SYRIAC LANGUAGE

Syriac designates several dialects of Aramaic that arose in the early centuries of Christian era in the old Aramaic speaking regions, which roughly include the modern Israel and Jordan, Syria, Lebanon, the portion of Turkey adjacent to Syria and Iraq. The Syriac dialect fall into two principal groups, Eastern and Western. As a living language Syriac fell into disuse with the Islamic conquest and yielded to Arabic. It is now surviving as a liturgical language in some dissident Eastern Churches and in a few isolated pockets.⁵ The Syriac version of Bible, also known as Peshitta or Peshitto, held the status of sacred manuscript of the Church of the East by the fifth century A.D. The fixed stand of the Church of the East can best be understood by reference to the following letter issued from the Patriarch and Head of that Church:

THE ARAMAIC BIBLE----- PESHITTA

Mr. Ihsan ur Rehman Ghauri*

Peshitta is the name of the Bible which was originally written in Aramaic language. Like Hebrew and Syriac, Aramaic language also belongs to the same roots, i.e. of Semitic origin. Aramaic was the mother tongue of Jesus Christ, and it is obvious that the divine message which was revealed to him would necessarily be in his mother tongue. So the New Testament must have been written in Aramaic. And as far as Old Testament is concerned, it itself speaks of rendering its message to more understandable form. Nehemiah, Sixteenth book of Old Testament reads:

“So they read in the book in the law of God distinctly and gave the sense, and caused them to understand the reading.”¹

So to cause the Israelites to understand the reading of the law of God, the process of expounding and rendering the old Hebrew Scriptures into more recent and common vernaculars began. The Hebrew language tended to become archaic and less understandable in the late centuries of B.C. Aramaic had a less complex and more common syntax with respect to Hebrew, its sister language.

In exile and post-exile, Aramaic became the vernacular of the Jewish people and still used by them in their worship. Both of the Jewish Talmud namely the Babylonian and Palestinian were written in Aramaic. The Jewish-Aramaic papyri, found in Egypt in 1900, have produced many passages in Biblical Aramaic. The discovery of the commentary of the Book of Habakkuk in the caves of Qumran² in Jordan proves that Aramaic has been in constant use from early times to the present day.³

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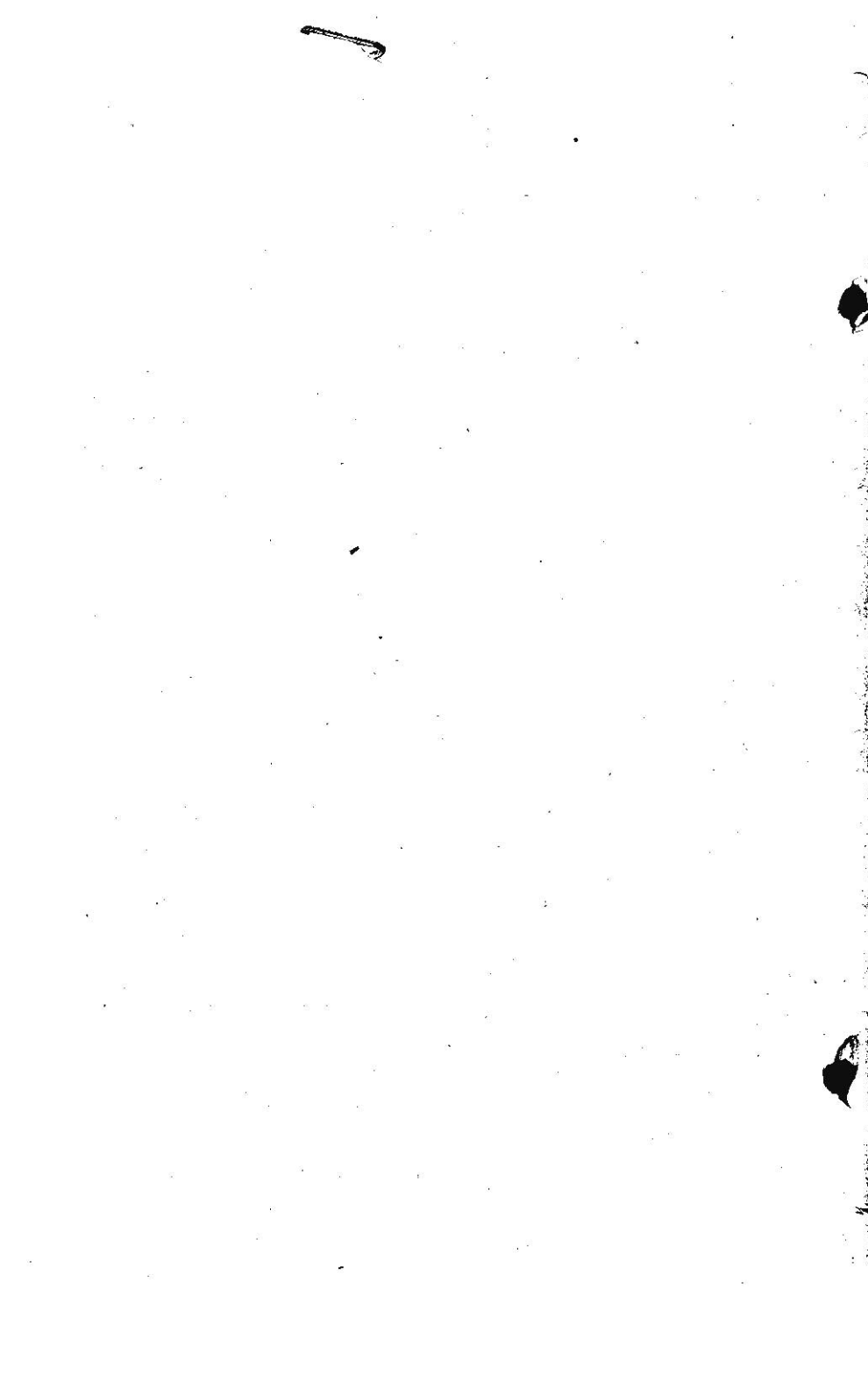
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