THE MUSLIM UMMAH AND THE NEW MILLENIUM PROBLEMS AND PROSPECTS

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A millenium is over, and Muslim world is back to where it was in 1918, not withstanding the fact there are 54 or so Muslim states which are theoretically sovereign, collectively their worth is less than that of East Timor. (1)The century opened with the demise of the sick man of Europe but is ending on an even more bitter not for the Muslims who at the moment are preoccupied with an intense feeling of frustration and failure.(2)

If the disintegration of the USSR and ensuring uni-polar world of the United States and her allies has planted the seeds of a new world tyranny, the chaos, instability and poor leadership in the Muslim countries have certainly made possible the development of the recent past. With the house in such a mess, how could we resist the instruments of the west's tyranny.(3) In the backdrop of this complex scenario the situational crises occurred every where in the Muslim world.

There are many areas of our vulnerabilities and challenges for Muslim Ummah to be confronted with, in the 21st century. However, we need to focus on some of the most important challenges:

- Geo-political and economic importance of Muslim Ummah and challenges faced by it.
- Need for the technological and educational Advancement.
- Socio-cultural tradition as a tool for the re-orientation of Muslim Ummah.
- Revival of Pan-Islamism.

Geo-political and Economic importance of Muslim Ummah and challenges Faced by it:

Today there are actually 54 Muslim countries. They are very strategically located, flanked by the Christian/ Secular west on the one side, and Hind/Budhist on the East. We see that all these countries are spread over in at least five regions of three mostly populated continents, rich in history and civilization, contiguous and bound with Islamic faith.

Region 1

North Africa, known as the magreb, consists of Egypt, Libya, Tunisia, Algeria, Morocco and Mauritania – 6 African states.

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one of the functions of the Imam. In the nineteenth century, this function was deemed to devolve upon the Imam's General Deputies during his Occultation. Finally, the emphatically informal and discretionary norms of patrimonial justice (Articles 8, 20) offer an interesting contrast to the formalized norms of the Sacred Law and to its rigidly fixed punishments.¹⁴

The tone of Imamite jurisprudence, more particularly its political aspect, where the question of the exercise of authority and the delegation of the Imam's discretionary control are treated, becomes more agressive during this period, which will culminate in the ultimate institutionalization of the comprehensive authority of the jurist in modern times. Imamite jurisprudence moved away from the priod of taqiyya (precautionary dissimulation), which had been maintained throughout, even under the Buyid sultans), until the establishment of the Safavid state. Under the Safavid rulers for the first time explicitly regarded it possible for the jurist to become *sultan 'adil* (just ruler), which had been merely implied in the words of the "ancient" jurists when they ruled it permissible for an Imamite jurist to exercise certain authority with theologico-political connotations. The legal decisions of Karaki and other Safavid jurists clearly reflect an claboration through ijthad of the authority of Imamite jurists in the context of a Shi'i state. ¹⁵

Endnotes:

¹ 'Al-e-Usfoor, Meerza Muhsin, Nahjina fi al-Hayat, Maktaba Anwar ul-Huda, Qum, 1414 Hijra.

² Faiz, Dr. Ali Reza, Mabadi Fiqh wa Usool, Tehran University Publications, 1371 Hijri Shamsi.

³ Sachedina, Abdulaziz Abdulhussein, The Just Ruler in shi'ite Islam, Oxford University Press, New York, 1988.

⁴ Ibid, p.196.

⁵ Arjoman, Said Amir, Authority and Political Culture in Shi'ism, (edited) article by the editor "The Mujtahid of the Age and the Mulla-bashi: An Intermediate Stage in the Institutionalization of Religious Authority in Shi'ite Iran" p.81, State University of New York Press, 1988.

⁶ Ibid p. 6

⁷ Ibid. p.81

⁸ Sachedina, Abdulaziz Abdul Hussain, The Just Ruler in Shi'ite Islam, p.120, Oxford, 1988.

⁹ Al-Nuri al-Tabrisi, Muhammad Husayn, Mustadrak al-Wasail, Tehran 1903/1321, vol.3, pp.432-34.

id Al-Bahrani, Yusuf ibn Ahmad, Lu'lu'at al-Bahrayn, Bombay, p.153.

Muhammad Baqir al-Khwansari, Rawdat al-Jannat, A. Ismailiyan, Qum, 1970/1391, vol.4, pp.262-65.

¹² Arjoman, Said Amir, Authority and Political Culture in Shi'ism, (edited) article by the editor "Two Decrees of Shah Tahmasp Concerning Statecraft and the Authority of Shaykh Ali Al-Karaki" p.251, State University of New York Press, 1988.

¹³ Ibid, pp.252-256.

¹⁴ Ibid, pp.251-252.

¹⁵ Sachedina, Abdulaziz Abdul Hussain, The Just Ruler in Shi'ite Islam, p.18, Oxford, 1988.

of the due of the landlord and of the state, is established fro the above-mentioned holy personage, this obligation should be respected and discharged, the [?] monetary equivalent ('avad) of the seed [?not] be demanded. No receipt or document of whatever date or wording has any validity in this regard. [The officials] should consider His Excellency permitted to order the punishment of any person who opposes this decree and does not comply, and should assist him in this matter to the utmost ... they should observe the above-mentioned orders and the decree issued in Muharram 936 [October-November 1529] in every detail, not seek to deviate from it, and consider the offender accused and banished and ... rejected by this dynasty ... [the grant and dues] should be considered binding and payments be made annually without requiring new documents; and the thanks and complaints of his deuties and agents be given great wight.

Written on 16 Dhi'l Hijja, 939/July 9, 1533.

On the margin: The above order and all the orders regarding the above-mentioned Guide of the People is to be considered signed and effective, the offender accursed and banished. Tahmasp.¹³

The second decree does not bear a date but can safely be assumed to have been issued later. The Persian text used for this translation was published by Danishpazhouh on the basis of a lithograph edition of 1887-88/1305. Danishpazhouh does not venture to suggest a date for it, but the decree was most likely issued in the middle part of the sixteenth century, when Tahmasp had survived the internecine tribal warfare of the early years of his reign and emerged as the great monarch at whose court such distinguished supplicants as Humayun Shah of India and the Ottoman Prince Bayazid took refuge. In any event, the date of its issue is not significant from our point of view, as it sets forth general principles of government and statecraft under patrimonial monarchy. It contains a large number of ethical precepts on the proper conduct of the officials, and a number of specific directives including two interesting ones regarding women and homosexuals (Articles 63-64). The norms regulating the political economy of patrimonialism - promotion of agriculture and handicraft (Articles 24-25), protection of the animal resources of the country (Articles 68-69), maintenance of fair prices and prevention of hoarding and speculation in grains (Articles 52, 56-57) - are also set forth. Employment of spies as an important technique in statecraft receives considerable attention (Articles 46-49). Governors and headmen are made responsible for the security of roads and streets, and for the restitution of all stolen property to the owners in the areas under their jurisdiction (Articles 53-54). Of special interest is the responsibility of the officials for the welfare and education of orphans (Articles 65-66). Tahmasp took great interest in the welfare of orphans, and, incidentally, in their upbringing as orthodox Shi'ites under "pious male and female teachers of Shi'ite persuasion."

The articulation of the principles of patrimonial government and Shi'ite religion in the document requires some brief comments. The prohibition of wine and music (Articles 58-60) represent Tahmasp's decision to follow the Shi'ite Sacred Law. Article 55 assigns the administration of the property of those deceased without an heir to the governors. The Shi'ite Sacred Law considers this

revenue and expenditure accounts, be considered His Holy Excellency's endowment and entitlement, and be exempted from all future orders affecting requisition, division, replacement and change of the suyurghals and land grants. Furthermore, the sum of ten Tabrizi tumans from the mont of Hilla is established as suyurghal for His Excellency instead of the tar of Harhit and Hilla which has been His Excellency's suyurghal in the sum of eight hundred tumans but which he has given up willingly owing to the difficulty of transportation. The officials must give the above sum priority over all other receipts and drafts and not pay a single dinar to anyone until it has reached his deputies (vukala') from the mint.

As he has humbly requested, we make His Excellency the gift of Barqaniyya and its surroundings who tax is seventy tumans instead of [?] Bahilal ... with seventy-two tumans which he had a suyurghal. We order that Barqaniyya and its surroundings be recognized as the suyurghal of the above-mentioned Seal of the Mujtahidin from the beginning of the year 'ilan 'il and be handed over to his deputies. All its produce for that year is to be handed over to his agents without excuse and without any reduction ...

The respected tax accountants, agents and bureaucrats must remove all the above from the tax registry and exempt them from all dues, especially ... the tithe, ... the stamp due, the due of vizara, the due of sidara, etc ... The officials of the tax bureau of the Arab Iraq must remove their pen from these estates and not set foot in them ... not inspect them, .. not impose fines and if a fine is issued, leave it to his agents ... and consider all the receipts fully and freely due to the above-mentioned Shaykh al-Islam and exempt from taxation as his other suyurghals.

As the world-incumbent order has been issued prohibiting the central dushlakat bureau from imposing the dushkalat, the dushlakat bureau of the Arab Iraq should similarly consider itself prohibited...

As the above-mentioned source of guidance occasionally turns from holy Najaf to some of the protected reals, [the inhabitants of] Ramahiyya especially should do everything possible in offering gifts for the journeys, and consider the above-mentioned personage and his retenue present even in their absence, and discharge all obligations.

When the above-mentioned Guide of the People (muqtada-yi anam) is at the foot of the celestial throne, all the lords and nobility, commanders, governors and notables of the protected realms attend to him and he does not visit anyone. The governors of the Arab Iraq should observe the same rule and discharge the duty of attendance, and display utmost politeness in every way. They should not greedily expect the above-mentioned Shaykh al-Islam to visit them and to go out to welcome them; and, needless to say, they should not require his attendance at their sessions.

Furthermore, it is decreed that the arrears of the previous year from the mint be cleared without delay; that the coinage of the city of the believers, Hilla, be entrusted to the deputies of His Excellency; and that the mint not operate without their presence and all disagreement with them be avoided. And as, according to our order, the produce of Barqaniyya and its surroundings, inclusive

benedictions be upon them - which have, like the truthful morn, lifted the darkening dust of the innovation of the opponents - as preliminaries to the appearance of the sun of the spread of justice and the nurturing of religion, the Lord of Time (sahib al-amr), peace be upon him. The path for reaching this goal and the origin of attaining this security is undoubtedly the following of and obedience to the 'ulama' of religion who, aided by learning and proselytizing. protect and preserve the Law of the Lord of the Messengers, through whose guidance and direction all mandkind can reach the realm of instruction from the straits of abjection and astrayness, and from whose bounteous benefits the darkness of ignorance is removed from the pages of the minds of the people of imitation (ahl-I taqlid), especially in this bounteous and privileged age [in] which [such guidance] is reserved for the rank of the [divinely] guided Imam, peace and praise be upon them, and the highly positioned seal of the Mujtahidin, Heir to the sciences of the Lord of the Messengers, Protector of the Religion of the Commander of the Faithful [i.e., Ali b. Abi Talib], the Kibla of the pious faithful, the Exemplar of expert 'ulama', the Proof of Islam (hujjat al-Islam) and of the Muslims who directs the people unto the clear path, Erector of the banners of the indelible Law (shari'a) who is obeyed by the great governors in all times, and Guide (muqtada) of all the people of the time, the Clarifier of the permissible and the forbidden, the Deputy of the Imam (na'ib al-Imam) - peace be upon Him - who has clarified the difficulties of the rules of the community of believers and the rightful laws; may he not come to an end, like his elevated victorious namesake, 'Ali. The highly positioned 'ulama' of all quarters have bowed their heads in humility at the threshold of his sciences and are honored by what they acquire from the rays of his beneficent lamp through the use of sciences. Furthermore, the lords and nobles of the time obey and follow the orders and prohibitions of that guide and consider submission to his commands the cause of salvation. They all devote their lofty will and honorable intent to the rising of the position and elevation of the rank of that Excellency.

We decree that the great sayyids and the lords and the honorable nobles and the commanders and the ministers and other pillars of the sacred state (dawlat-I qudsi sifat) consider the above-mentioned their carry out what he orders and refrain from what he forbids. [They should consider] dismissed whomever he dismisses among the office holders of the religious affairs of the [God] protected realms (mamsalik-I mahrusa) and the victorious military, and appointed whomever he appoints. [Furthermore,] they should not require any other document in such dismissals and appointments, and should not appoint any person dismissed by him so long as he is not [re]appointed by that Excellency.

We have also decreed that the agricultural estate of Kabisa and Dawalib ... adjacent to the river of holy Najaf ... and the cultivated lands of Umm al-'Azamat and the Kahim al-Wa'd lands of Ramahiyya that he has brought into cultivation be made an endowment (vaqf) for him, and for his descendants after him, according to the correct procedure of the Sacred Law as specified in the deed of endowment. And the world-incumbent command has been issued that [the above] be removed from the tax registry of the Arab Iraq, excluded from the

of divine authority (al-wilayat al-ilahiyya), the Imam, whom these individuals represented among his followers. As such, the deputyship of the Imam was always viewed as not only the logical extension of the religious authority of the Hidden Imam, but also as the authority that possessed the necessary legitimacy through fully accredited documentation.⁸

Shah Tahmasp, the second Safavid monarch, ascended the throne in 1524. His long rein of fifty two years was important for the influence of Twelver Shi'ism in Iran which had been established by his father, Ismail I, at the onset of Safavid rule in 1501. Tahmasp, issued two decrees concerning satecarft and the Authority of Shaykh 'Ali al-Karaki in 1533, the year before al-Karaki's death. It was addressed primarily to the governors and officials of the Arab Iraq. The texts of decrees are available in *Mustadrak al-Wasail*⁹. Lu'li'at al-Bahrayn¹⁰ and Rawdat al-Jannat¹¹ etc.

Arjomand says that the document illustrates the personal nature of delegated autority in Iranian patrimonialism, and the consequent lack of clear differentiation of its scope. The same document grants Shaykh 'Ali broad religious and political authority and specific proprietary and fiscal rights and immunities. It also confirms a previous endowment (vaqf). The chief interest of the document from our point of view is in fact its endorsement of the religious authority of the foremost Shi'ites mujtahid of the time which Tahmasp was seeking to institutionalize and make supreme in his realm. The authority of the Seal of the Mujtahidin rests on his unparalleled knowledge of the Sacred Law as the heir to the sciences of the Prophet and the Deputy of the Imam, which makes him the model, the exemplar, and the guide of the people. Noteworthy amonth the tems used to designate the supreme religious authority of the realm is "the Deputy of the Imam," also used in the decree cited in Chapter 4, Section 1. The term had been given currency by al-Karaki in his controvesial discussion of the extent of the juristic authority of the 'ulama during the Occultation of the Imam. The chroniclers of Shah Tahmasp's reign define the term naib-I-Imam as the "jurist who has all the qualifications for giving authoritative opinion" (fagih-I jami' al-Sharayit-I Fatva). As the reader of the volume by now knows, these terms were destined for a long history in the evolution of clerical authority in Shi'ism. 12

The text of the first decree is as follows:

In the name of God, the Merciful, the Compassionate, O Muhammad, O 'Ali the royal decree has been made effective:

Since the dawn of the rising sun of the eternal rule (dawlat) [of the Safavids] and of the appearance of the auspicious banners of honorable glory, without whose concordance the hand of Providence does not mark with felicity the book of lives of the happy ones, we consider the elevation of the banners of the sublime Prophetic Law (shari'a) – from the effect of the appearance of whose sun the marks of oppression and ignorance become removable from the space of the world and its inhabitants – supportive of the pillars of sovereignty and rules of success; and we consider the revival of the customs of the Law of the Lord of the Messengers and the showing of the rightful path of the infallible Imams, God's

and *al-qada* among the people. It is not proper to say that the jurist is designated for administration of justice and for giving legal decisions only, and that the Friday service is a matter outside the scope of these two responsibilities. Such an opinion is extremely weak, because the jurist has been appointed as *al-hakim* by the Imams, which is well documented in the traditions.⁴

When Safavid (1501-1722) era began, they inherited and preserved many of the religious institutions of their predecessors; more precisely, of the Timurid and the Aqquyunlu period. Consequently, in the sixteenth and the seventeenth centuries, the structural relationship between the religious and the political institutions in Iran were firm and fast. The mosques and the madressah (the traditional educational institutions for theology) were integrated. Sadr, Shaikh al-Islam (later on Shah Sultan Hussain changed this post as Mulla-bashi), Qadi and Qadi Asghar were the most important posts. Mujtahid al-Zaman (grand jurist of the age), Pesh Namaz (who leads the daily prayer at mosque), Mudarris (the teacher), Imam-e-Juma (who leads the Juma prayer) were all official posts. Arjomand argues that,

...close scrutiny of Safavid sources reveals that until the last decades of the seventeenth century, the religious and judiciary institutions remained under the firm control of a distinct status group whom we may refer to as the "clerical estate". This group consisted of a landed nobility with strong local roots who were incorporated into Safavid political organization as an estate of clerical administrators, engaged in judiciary and quasi-administrative quasi-religious functions.⁵

The foremost representative of Shi'ism in the early decades of Safavid rule was the theologian and jurist Shaykh 'Ali al-Karaki (d.1534) who entered the service of the rising shi'ite state under its founder, Ismail I (1501-1524). The Arab mujtahid was warmly received by the Safavid rulers; and in 1533, the young and pious monarch Tahmasp issued several farmans (decrees) granting al-Karaki extensive powers as the "Seal of the mujtahidin" and the "Deputy of Imam" (naib al-Imam). However the accommodation of the foremost muitahid as the representative of the Imam in the new Shi'ite polity met with strong resistance on the part of the holders of the office of the sadr, the highest office of the state in charge of religious administration.6 Karaki gained unrivalled eminence under Tahmasp (1524-1576), who succeeded to the throne at the age of ten. Tahmasp bestowed many honorific titles upon Karaki - most notably Mujtahid of the Age and the Seal of the Mujtahidin. Tahmasp attempted to institutionalize the authority of the Mujtahid of the Age over the religious establishments controlled by the Sadr and granted him extensive power. He was considered the vicegerent (naib) of the Hidden Imam. The institution of nivabat al-Imam (the deputyship of the Imam) during the occultation, from its inception during the Short Occultation (874-941 A.D.), came to be viewed as metaphysically connected with the source

The Political Role of Muhaqqiq al-Karaki in Safavid era

Zahid Ali Zahidi'

Among three great *Imamia* jurists of tenth century al-Shaikh Ali ibn al-Hussain ibn Abd al-'Ali al-'Amili is well known for his political role in Safavid era. His year of birth according to Islamic Encyclopaedia of Meerza Muhsin 'Ale-Usfoor is 868 Hijra¹ i.e. 1461 A.D. I He was born in a small town of Balbak, Lebanon called al-Karak and hence called al-Karaki. Recognizing his extraordinary knowledge and services he is called a Muhaqqiq (a great scholar). Dr. Ali Reza Faiz, Professor in the Tehran University, writes that he is called Muhaqqiq al-Thani (the second great scholar) after Muhaqqiq Hilli (or Allama Hilli), al-Hassan b. Yusuf b. al-Mutahhar (d.726/1325). After receiving his early education in Jabal al-Amil, he went to Egypt for the study of four sunnite schools of thought and got authority of transmission of hadith (*al-Ijazah*) of their collections of hadith. After that he went to Najaf al-Ashraf in 909 Hijra at the age of 41. At that time Najaf was the centre of excellence of Shia theology and a number of Imamia jurists were serving there. He died in 941 Hijra/1534 A.D.

Major work of Muhaqqiq al-Karaki on Shiite jurisprudence is his commentary on 'Allama Hilli's Qawa'id, entitled Jami' al-Magasid fi Sharh al-Qawa'id (Uniter of the endeavors in elucidation of al-Qawa'id). It contains opinions that reflect his own political experience in the administration of the Imamite state.3 In this commentary he also takes up the issue of jum'a prayer. He points out the hesitation on the part of 'Allama in his other work, Muntaha, to concede persmission to the jurists in view of Tusi's (Abu Jafar Muhammad b. al-Hasan d.385) opinion in Khilaf and the opinions of Syed Murtada ('Alam al-uda d.355), Sallar (al-Daylami, Hamza b. 'Abd al-Aziz al-Tabaristani d.448 or 463/1056 or 1070), and Ibn Idris (Muhammad b. Ahmad al-Hilli d.598/1201) to the same effect. Syed Murtaza, Sallar Daylami and Ibn Idris are among those shis jurists who do not allow even a jurist to establish juma prayer in the period of occultation of the infallible Imam. Their argument, according to Karaki, is based on an important consideration namely, that had their existed evidence to support the permission, then it would have also supported individual, personal incumbency of the jum'a. In the absence of such a ruling by anyone, the conclusion regarding its invalidity is sound.

Karaki responds by stating in the clearest terms that an argument based on the absence of the precondition regarding the presence of the Imam or his deputy is void:

The reliable, well-qualified jurist who can issue legal decisions is designated by the Imam. Accordingly, his rulings are effective and it is obligatory to assist him in the administration of *al-hudud*

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- 19. Qur'an LXVIII: 1-6.
- 20. Ibn Majah, Abu Abdullah Muhammad ibn Yazid ibn Abdullah: Sunan ibn Majah, Riyadh, Maktaba Tarbiyyah al Arabi Ii Duval al Khaleej, vol. 1, p.44.
- 21. Ibn-e-Hisham: op cit., Vol. 4, p.241.
- 22. Qur'an: U, 3.
- 23. Qur'an:IX, 103.
- 24. Muslim bin al Hajjaj al Qushairi,: Sahih Muslim, Beirut, Dar al Kutub al Ilmiyya, n.d. Chapter: Bab fi al-Meerath dhu al Arham.
- 25. Bukhari, Imam Muhammad bin Ismail: Sahih Bukhari, Karachi, Noor Muhammad Asahhul Matabey, 1375 AH, Chapter: Wujoob al Zakat.
- 26. Abi Dawood: Sulayman bin Ash'ath: Sunan abi Dawood. Kanpur, Matba' Majeedi, 1345 AH, Chapter: Kitab al Zakat.
- 27. Bukhari: op cit.
- 28. Abu Yusuf, Imam: Kitab al Khiraj, Egypt, Dar ul Islam, 1981, p.259.
- 29. Our'an: HI: 159.dc
- 30. The Blessed Prophet always consulted the Companions in all important matters, e.g. the prisoners of war after the Ghazvah of Badr, tactics in the Ghazvah of Trench, etc. Exalted Mother Ayesha has testified that "I did not find anyone more inclined to consult his companions than the Blessed Prophet. Consultation, therefore, is an important principle of the Islamic political system.
- 31. Qur'an: XXIII: 52.
- 32. Igbal, op cit.
- 33. The number of letters that the Blessed Prophet sent to various rulers and tribal chiefs is now placed at 200. (Vide: Hameedullah, Dr. Muhammad: Rasul-e-Akram ki Siyasi Zindagi).
- 34. Qur'an, IV:59.
- 35. lqbal: op cit.
- 36. lqbal: op cit., p.324
- 37. Quaid-e-Azam Mohammad Ali Jinnah: Speeches, Karachi, Feroze sons, 1963, p. 408.
- 38. lqbal, op cit., p.212.
- 39. Ibid

front. To one who deserves we grant splendor royal and a new world to those who seek [39]

Conclusion

The welfare state posited by Islam encompasses all attributes necessary to make it an ideal state: preservation of the fundamental theory and principles, Divine supremacy, religious tolerance, national unity, justice, propagation of knowledge, guardianship of all citizens, mutual consultation and foreign policy. These principles, if realized in practice in Pakistan, would certainly create an ideal welfare state that would be an example for the world.

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- 3. Tabari, Imam Ja'far Muhammad bin Jurayr: Tarikh-al-Umam wa al-Mulook, Cairo, Matba' al Istiqamah, 1358 AH, part 1.
- 4. Ibn-e-Hisham, Abu Muhammad Abd-al-Malik: AI-Seerah-al-Nabaviyyah, Egypt, Mustafa al-Halababi, 1355 AH, vol. 11, p. 149-150.
- 5. Qur'an, IX, 33.
- 6. lqbal, Allama Muhammad: Kulliyat-e-lqbal, Lahore, Sheikh Ghulam Ali & Sons, 1982, p. 1 66.
- 7. Qur'an XH: 40.
- 8. Ibid. Ill, 154.
- 9. Ibid. XXH, 41
- 10. Ibid. IV, 59
- 11. Ibid.
- 12. lqbal: op cit., p.202.
- 13. Qur'an XLIX: 13.
- 14. Ibn-e-Hisham, op cit. vol. 11, p. 149.
- 15. Ibid.
- 16. Qur'an, IX, 80.
- 17. lqbal: op cit. p.202.
- 18' Waliullah, Shah: Hujat Allah al Balighah, Damascus, Idarah al Taba'ah al Muniriyah, 1352 AH, p. 53.