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Part 5. Political Thinkers

Chapter XXXIII

POLITICAL THOUGHT IN EARLY ISLAM

In this chapter we try to elucidate the political thought which laid the foundations of society and State in the early days of Islam, and the changes that crept into it during the first century and a quarter of the Hijrah.

A

PRINCIPLES OF ISLAMIC POLITY

Muslim society that came into existence with the advent of Islam and the State that it formed on assumption of political power were founded on certain clear-cut principles. Prominent among them and relevant to our present discussion were the following:—

1. Sovereignty belongs to God, and the Islamic State is in fact a vicegerency, with no right to exercise authority except in subordination to and in accordance with the Law revealed by God to His Prophet.¹

¹ Qur'ān, iv, 59, 105; v, 44, 45, 47; vii, 3; xii, 40; xxiv, 55; xxxiii, 36.

2. All Muslims have equal rights in the State regardless of race, colour, or speech. No individual, group, class, clan, or people is entitled to any special privileges, nor can any such distinction determine anyone's position as inferior.²
3. The *Shari'ah* (i.e., the Law of God enunciated in the Qur'ān and the Sunnah, the authentic practice of the Prophet) is the supreme Law and everyone from the lowest situated person to the Head of the State is to be governed by it.³
4. The government, its authority, and possessions are a trust of God and the Muslims, and ought to be entrusted to the God-fearing, the honest, and the just; and no one has a right to exploit them in ways not sanctioned by or abhorrent to the *Shari'ah*.⁴
5. The Head of the State (call him Caliph, Imām or Amīr) should be appointed with the mutual consultation of the Muslims and their concurrence. He should run the administration and undertake legislative work within the limits prescribed by the *Shari'ah* in consultation with them.⁵

² Tradition: "Muslims are brothers to one another. None of them has any preference over another, except on grounds of piety" (Ibn Kathīr, *Tafsīr al-Qur'ān al-'Azīm*, Maṭba'ah Muṣṭafa Muḥammad, Egypt, 1937, iv, p. 217).

"O men, beware, your God is one. An Arab has no preference over a non-Arab, nor a non-Arab over an Arab, nor a white over a black nor a black over a white, save on grounds of piety" (Ālūsī, *Rūḥ al-Ma'āni*, Idārat al-Tabā'at al-Muniriyyah, Egypt, 1345/1926, xxvi, p. 148; ibn al-Qayyim, *Zād al-Ma'ād*, Maṭba'ah Muḥammad 'Alī Ṣābiḥ, Egypt, 1935, iv, p. 31).

"Whoever declares that there is no god but God, and faces our *qiblah* (direction of prayer), and offers prayer as we offer, and eats of the animal we slaughter, is a Muslim. He has the rights of a Muslim, and the duties of a Muslim" (Bukhārī, *Kitāb al-Ṣalāh*, Ch. xxviii).

"A Muslim's blood is like another Muslim's blood. They are one as distinguished from others; and an ordinary man of them can offer *dhimmah* (i.e., stand surety) on their behalf" (Abu Dāwūd, *Kitāb al-Diyāt*, Ch. xi; Nasā'i, *Kitāb al-Qasāmah*, Chs. x-xiv).

"A Muslim is exempt from poll-tax" (Abu Dāwūd, *Kitāb al-Imārah*, Ch. xxxiv).

³ Tradition: "Nations before you were destroyed because they punished those among them of low status according to law, and spared the high-ranking. By God, who holds my life in His hand, if Fāṭimah, daughter of Muḥammad, had committed this theft I would have chopped off her hand" (Bukhārī, *Kitāb al-Hudūd*, Chs. xi, xii).

Says 'Umar, "I myself have seen the Prophet of God allowing people to avenge themselves on him" (Abu Yūsuf, *Kitāb al-Kharāj*, al-Maṭba'at al-Salafiyyah, Egypt, 2nd ed. 1352/1933, p. 116; *Musnad*, abu Dāwūd al-Tayālīsī, Tr. No. 55, Dairatul-Ma'arif, Hyderabad, 1321/1903).

⁴ Qur'ān, iv, 58.

Tradition: "Mind, each one of you is a shepherd, and each one is answerable in respect of his flock. And the chief leader (i.e., the Caliph) is answerable in respect of his subjects" (Bukhārī, *Kitāb al-Aḥkām*, Ch. i; *Kitāb al-Imārah*, Ch. v).

⁵ Qur'ān, xiii, 38.

Tradition: "'Ali reports that he asked the Prophet of God (on him be peace), 'What shall we do if we are faced with a problem after you die about which there is no mention in the Qur'ān nor have we heard anything concerning it from your lips?' He answered, 'Collect those of my people (*ummah*) that serve God

6. The Caliph or the Amīr is to be obeyed ungrudgingly in whatever is right and just (*ma'rūf*), but no one has the right to command obedience in the service of sin (*ma'si'ah*).⁶
7. The least fitted for responsible positions in general and for the Caliph's position in particular are those that covet and seek them.⁷
8. The foremost duty of the Caliph and his government is to institute the Islamic order of life, to encourage all that is good, and to suppress all that is evil.⁸
9. It is the right, and also the duty, of every member of the Muslim community to check the occurrence of things that are wrong and abhorrent to the Islamic State.⁹

truthfully and place the matter before them for mutual consultation. Let it not be decided by an individual's opinion" (Ālūsī, *op. cit.*, xxv, p. 42).

⁶ Tradition: "It is incumbent on a Muslim to listen to his Amīr and obey, whether he likes it or not, unless he is asked to do wrong; when he is asked to do wrong, he should neither listen nor obey" (Bukhārī, *Kitāb al-Aḥkām*, Ch. iv; Muslim, *Kitāb al-Imārah*, Ch. viii; abu Dāwūd, *Kitāb al-Jihād*, Ch. xc; Nasā'i, *Kitāb al-Bai'ah*, Ch. xxxiii; ibn Mājah, *Abwāb al-Jihād*, Ch. xl).

"There is no obedience in sin against God. Obedience is only in the right" (Muslim, *Kitāb al-Imārah*, Ch. viii; abu Dāwūd, *Kitāb al-Jihād*, Ch. xc; Nasā'i, *Kitāb al-Bai'ah*, Ch. xxxiii).

"Do not obey those of your rulers that command you to disregard the order of God" (Ibn Mājah, *Abwāb al-Jihād*, Ch. xl).

⁷ Tradition: "Verily, we do not entrust a post in this government of ours to anyone who seeks or covets it" (Bukhārī, *Kitāb al-Aḥkām*, Ch. vii).

"The most untrustworthy of you with us is he who comes forward to seek position in the government" (Abu Dāwūd, *Kitāb al-Imārah*, Ch. ii).

The Prophet of God said to abu Bakr, "O abu Bakr, the best fitted person for the government is he who does not covet it, not he who jumps at it. He who knows its responsibility and tries to shun it deserves it most, not he who proudly advances to collect it for himself. It is for him to whom you could say, 'You most deserve it,' not for him who says of himself, 'I am most deserving'" (Al-Qalqashandī, *Ṣubḥ al-A'sha*, Dār al-Kutub al-Miṣriyyah, Cairo, 1910, i, p. 240).

⁸ Qur'ān, xxii, 41.

⁹ Tradition: "Whoever of you sees an evil thing, let him undo it with his hand. If he cannot, let him check it with his tongue. If he cannot do even this, let him despise it with his heart and wish it otherwise, and this is the lowest degree of faith" (Muslim, *Kitāb al-Imān*, Ch. xx; Tirmidhī, *Abwāb al-Fitan*, Ch. xii; abu Dāwūd, *Kitāb al-Malāḥim*, Ch. xvii; ibn Mājah, *Abwāb al-Fitan*, Ch. xx).

"Then the undeserving will take their place who will say what they will not do, and will do what they are not asked to do. Therefore, he who strives against them with his hand is a believer, and he who strives against them with his tongue is a believer, and he who strives against them with his heart is a believer, and there is no degree of faith below this" (Muslim, *Kitāb al-Imān*, Ch. xx).

"The best of *jihād* (endeavour towards God) is to say the right thing in the face of a tyrant" (Abu Dāwūd, *Kitāb al-Malāḥim*, Ch. xvii; Tirmidhī, *Abwāb al-Fitan*, Ch. xii; Nasā'i, *Kitāb al-Bai'ah*, Ch. xxxvi; ibn Mājah, *Abwāb al-Fitan*, Ch. xx).

"When people see a tyrant and do not seize his hand, it is not far that God should afflict them with a general ruin" (Abu Dāwūd, *Kitāb al-Malāḥim*, Ch. xvii; Tirmidhī, *Abwāb al-Fitan*, Ch. xii).

"Some people are going to be rulers not long after me. He who supports them in

B

EARLY CALIPHATE AND ITS CHARACTERISTIC FEATURES

The rule of the early Caliphs that followed the Prophet was founded on the foregoing principles. Each member of the community, brought up under the guidance and care of the Prophet of God, knew what kind of government answered the demands and reflected the true spirit of Islam. Although the Prophet had bequeathed no decision regarding the question of his successor, the members of the community were in no doubt that Islam demanded a democratic solution of the issue. Hence no one laid the foundations of a hereditary government, used force to assume power, or tried to have himself installed as Caliph. On the contrary, the people, of their own free-will, elected four persons one after another to this august office.

Elective Caliphate.—Abu Bakr was proposed Caliph by 'Umar, and accepted by the inhabitants of Madinah (who for all practical purposes represented the country) of their free-will and accord, and they swore him allegiance. Abu Bakr, nearing his end, wrote a will in favour of 'Umar: then, collecting the people in the mosque of Madinah, he addressed them thus: "Do you agree on him whom I am making my successor among you? God knows I have racked my brains as much as I could, and I have not proposed a relation of mine to succeed me, but 'Umar, the son of *Khaṭṭāb*. Hence listen to him and obey." Upon this the people responded, "Yes, we shall listen to him and obey."¹⁰

In the last year of 'Umar's reign a man declared during the pilgrimage that when 'Umar died he would swear allegiance to so and so. Abu Bakr's installation, he said, had also been so sudden, and succeeded well enough.¹¹ When 'Umar came to learn of it, he resolved to address the people about it and "warn them against those who designed to impose themselves upon them." Alluding to it in the first speech he made on reaching Madinah, he gave a lengthy account of what had transpired at Banu Sā'idah's Meeting House and explained how in the exceptional circumstances which then prevailed he had suddenly risen to propose abu Bakr's name and offered allegiance to him. "If I had not done so," he said, "and we had dispersed that night without settling the issue, there was a great danger that people might take a wrong decision overnight; then it would be difficult for us to accept it, and equally difficult to reject it." "If that was successful," he continued, "let it not be made a precedent. Who among you is there to match with abu Bakr in stature and popularity? Now, therefore, whoever will swear allegiance to another

their wrong and assists in their tyranny has nothing to do with me, nor have I anything to do with him" (Nasā'i, *Kitāb al-Bai'ah*, Chs. xxxiv, xxxv).

¹⁰ Al-Ṭabari, *Tārīkh al-Umam w-al-Mulūk*, al-Maṭba'at al-Istiḳāmah, Cairo, 1939, Vol. II, p. 618.

¹¹ The reference was to the abrupt rising of 'Umar from his place during the meeting at Banu Sā'idah's Meeting House when he proposed abu Bakr's name as the Prophet's successor and extending his hand to him offered him allegiance. There had been no long deliberation before electing abu Bakr to be Caliph.

without consultation with other Muslims, he and the one whose allegiance is sworn, shall both stand to die."¹²

When 'Umar approached his end, he appointed an Elective Council to decide the issue of succession. Elucidating his principle enunciated above, he asserted that whoever attempted to impose himself as Amīr (ruler) without the consultation of the Muslims deserved to die. He also barred his son from election¹³ lest the Caliph's office should become a hereditary right, and constituted the Elective Council to comprise those six persons who in his opinion were the most influential and enjoyed the widest popularity. This Council in the end delegated its power of proposing a person for the Caliph's office to one of its members, 'Abd al-Rahmān bin 'Auf. 'Abd al-Rahmān moved among the people to find out as to who commanded their confidence most and left no stone unturned to ascertain the people's verdict. Even the pilgrim parties returning home after the pilgrimage were consulted. It was after this "plebiscite" that he concluded that the majority favoured 'Uthmān.¹⁴

When 'Uthmān was killed, a few people tried to install 'Ali as Caliph. But he said, "You have no authority to do so. This is a matter for the Consultative Council (*ahl al-shūra*) and those that fought at Badr (*ahl al-Badr*). Whomsoever the Consultative Council and the people of Badr will choose Caliph will be Caliph. Therefore we shall gather and deliberate."¹⁵ In al-Ṭabarī's version, 'Ali's words were: "I cannot be elected secretly; it must be with the consultation of the Muslims."¹⁶

When 'Ali lay dying it was asked of him, "Shall we offer allegiance to al-Ḥasan (your son)?" He replied, "I do not ask or forbid you to do so. You can see for yourself."¹⁷ When he was addressing his last words to his sons, a person interposed saying, "O Commander of the Faithful, why do you not nominate your successor?" His reply was, "I will leave the faithful in the condition in which the Prophet of God left them."¹⁸

It is evident from these facts that the early Caliphs and the Companions

¹² Bukhārī, *Kitāb al-Muhāribin*, Ch. xvi; Ahmad, *Musnad*, 3rd ed., Dār al-Ma'ārif, Egypt, 1949, I, Tr. 391. According to this version, the words are as follows: "Whoever swears allegiance to an Amīr without the consultation of Muslims offers no allegiance, and he who receives allegiance from him receives no allegiance." In another version the following words are reported: "He who is offered allegiance without consultation, it is not lawful for him to accept it" (Ibn Ḥajar, *Fath al-Bārī*, al-Maṭba'at al-Khāiriyyah, Cairo, 1325/1907, Vol. II, p. 125).

¹³ Al-Ṭabarī, *op. cit.*, Vol. III, p. 292; ibn al-Athīr, *Idārat al-Ṭabā'at al-Muniriyyah*, Egypt. 1356/1937, Vol. III, pp. 34, 35.

¹⁴ Al-Ṭabarī, *op. cit.*, Vol. III, pp. 295-96; ibn al-Athīr, Vol. III, pp. 36-37. Also ibn Qutaibah, *al-Imāmah w-al-Siyāsah*, Maṭba'at al-Futūḥ, Egypt. 1331/1912, Vol. I, p. 23.

¹⁵ Ibn Qutaibah, *op. cit.*, p. 41.

¹⁶ Al-Ṭabarī, *op. cit.*, Vol. III, p. 450.

¹⁷ *Ibid.*, Vol. IV, p. 112; al-Mas'ūdī, *Murūj al-Dhahab*, al-Maṭba'at al-Bahiyyah, Egypt, 1346/1927, Vol. II, p. 42.

¹⁸ Al-Mas'ūdī, *op. cit.*, p. 42.

of the Prophet regarded the Caliph's office as an elective one, to be filled with mutual consultation and consent of the Muslim community. They did not regard hereditary succession or one acquired by force of arms as anything valid.

Government by Consultation.—The first four Caliphs did not perform their administrative or legislative functions without consulting "the wise" (*ahl al-rā'y*, lit., those that are able to give advice) of the community. They also realized that those consulted had the right to give their candid opinion without fear. 'Umar expressed the official policy in this regard in his inaugural speech before a Consultative Council in this way: "I have called you for nothing but that you may share with me the burden of the trust that has been reposed in me of managing your affairs. I am but one of you, and today you are the people that bear witness to truth. Whoever of you wishes to differ with me is free to do so, and whoever wishes to agree is free to do that. I will not compel you to follow my desires."¹⁹

The Exchequer—a Trust.—The treasury (*Bait al-Māl*) was to them a trust from God and the public. They did not consider it permissible to receive into it or expend from it a sum which the Law did not authorize. To use it for the personal ends of the rulers was, according to them, simply unlawful. 'Umar in a speech remarked: "Nothing is lawful for me in this trust of God save a pair of clothes for the summer and a pair of clothes for the winter, and subsistence enough for an average man of the Quraysh for my family. And after that I am just one of the Muslims."²⁰

In another speech he said: "I do not regard anything correct in respect of this trust of yours but three things: that it should be taken by right, that it should be expended by right, and that it should be withheld from wrong. My position regarding this property of yours is the same as that of an orphan's guardian with the orphan's property. So long as I am not needy I will take nothing from it. When I am needy I shall take as it befits one to take from an orphan's property under his care."²¹

When 'Ali was at war with Mu'āwiyah he was exhorted by some to use the treasury to win adherents against him who was drawing large numbers to his side by giving sumptuous rewards and gifts. But 'Ali declined to take that counsel saying, "Do you want me to win success by unfair means?"²² His brother 'Aqīl wished to be helped from the *Bait al-Māl*, but he refused him, saying, "Do you wish your brother to give you the money of the people and take his way to hell?"²³

Ideal of Government.—What their ideal of government was, what they thought of themselves, of their status and duties as rulers, and what policy

¹⁹ Abu Yūsuf, *op. cit.*, p. 25.

²⁰ Ibn Kathīr, *al-Bidāyah w-al-Nihāyah*, Maṭba'at al-Sa'ādah, Egypt, Vol. VII, p. 134.

²¹ Abu Yūsuf, *op. cit.*, p. 117.

²² Ibn abi al-Ḥadīd, *Sharḥ Nahj al-Balāghah*, Dār al-Kutub al-'Arabiyyah, Egypt, 1329/1911, Vol. I, p. 182.

²³ Ibn Qutaibah, *op. cit.*, p. 71.

they followed—questions like these and others were answered in the various speeches addressed by them from the Caliph's pulpit. Abu Bakr, in the first speech he made following the oath of allegiance to him in the Mosque of Madinah, said, "I have been made a ruler over you though I am not the best of you. Help me if I go right, correct me if I go wrong. Truth is faithfulness and falsehood is treachery. The weak one among you will be strong with me till I have got him his due, if God so will; and the strong one among you will be weak with me till I have made him pay what he owes, if God so wills. Beware, when a nation gives up its endeavours in the way of God, He makes no exception but brings it low, and when it allows evil to prevail in it, undoubtedly He makes it miserable. Obey me as long as I obey God and the Prophet; if I do not obey them, you owe me no obedience."²⁴

And 'Umar in a speech said, "No ruler holds so high a position as to have the right to command obedience in defiance of God. O people, you have rights on me which I shall relate before you, and you may take me to task over them. I owe you this that I do not receive anything from your revenues or the *fai*' (lands or possessions that accrue to Muslims in consequence of their collective dominance, not as booty in war) given to us by God except in accordance with the Law, and that nothing that accrues to us in these ways should go from the treasury but rightfully."²⁵

Al-Ṭabari quotes 'Umar giving instructions to all persons whom he sent out as governors in this wise: "I have appointed you governor over the followers of Muḥammad (on whom be peace) not to make you masters of their persons and properties but to enable you to lead them to establish prayer, dispose of their affairs with justice, and dispense their rights among them with equity."²⁶ 'Umar once declared in public: "I have not sent my governors that they may whip you and snatch your property, but that they may instruct you in your faith and the way of your Prophet. If there be any who has been treated otherwise, let him bring me his complaint. By God, I will see that his wrong is avenged." Upon this 'Amr bin 'Ās, Governor of Egypt, stood up and asked, "What, when a man is appointed ruler and he chastizes someone, will you take revenge on him?" 'Umar replied, "Yes, by God, I will take revenge on him. I have seen the Prophet of God himself allowing people to take revenge on him."²⁷

On another occasion 'Umar collected all his governors at the annual pilgrimage and announced in a general congregation of people that if there was a person who had a charge of injustice against anyone of them, he should come forward to make his complaint. One person rose from the multitude and complained that he had been undeservedly given a hundred stripes by 'Amr bin 'Ās.

²⁴ Al-Ṭabari, *op. cit.*, Vol. II, p. 450; ibn Hishām, *al-Sirat al-Nabawīyyah*, Maṭba'ah Mustāfa al-Bābi, Egypt, 1936, Vol. IV, p. 311.

²⁵ Abu Yūsuf, *op. cit.*, p. 117.

²⁶ Al-Ṭabari, *op. cit.*, p. 273.

²⁷ Abu Yūsuf, *op. cit.*, p. 115; *Musnad*, abu Dāwūd al-Tayālisi, Tr. No. 55; ibn al-Athīr, Vol. III, p. 30; al-Ṭabari, *op. cit.*, Vol. III, p. 273.

'Umar asked him to come forward and square the account with him. 'Amr bin 'Ās protested, beseeching 'Umar not to expose his governors to this humiliation, but 'Umar reiterated that he had seen the Prophet of God himself allowing men to avenge themselves upon him, and asked the aggrieved man to step forward and take his revenge. 'Amr bin 'Ās saved his skin only by appeasing the man with a pair of crowns for each stripe that was to fall on his back.²⁸

Rule of Law.—The "Right-going" Caliphs did not regard themselves above law. On the other hand, they declared that they stood at par with any other citizen (Muslim or non-Muslim) in this respect. They appointed judges, but once a person was appointed a judge he was free to pronounce judgment against them as against anybody else. Once 'Umar and Ubayy bin Ka'b differed in a matter, and the dispute was referred to Zaid bin Thābit for decision. The parties appeared before Zaid. Zaid rose and offered 'Umar his own seat, but 'Umar sat by Ubayy. Then Ubayy preferred his claim which 'Umar denied. According to the procedure, Zaid should have asked 'Umar to swear an oath but Zaid hesitated in asking for it. 'Umar himself swore an oath, and at the conclusion of the session remarked that Zaid was unfit to be a judge so long as 'Umar and an ordinary man did not stand equal in his eyes.²⁹

The same happened between 'Ali and a Christian whom he saw selling his ('Ali's) lost coat-of-mail in the market of Kūfah. He did not seize it from the fellow with a ruler's might, but brought the case before the magistrate concerned; and as he could not produce adequate evidence to support his claim, the decision of the court went against him.³⁰ Ibn Khallikān reports that once 'Ali and a non-Muslim citizen (*dhimmi*) appeared as parties in a case before the Judge Shuraih. The judge rose to greet 'Ali who was Head of the State at that time. Seeing this 'Ali said to Shuraih, "This is your first injustice."³¹

Absence of Bias.—Another distinctive feature of the early days of Islam was that everybody received an equal and fair treatment exactly in accordance with the principles and the spirit of Islam, the society of those days being free from all kinds of tribal, racial, or parochial prejudices. As the Prophet of God passed away, the tribal jealousies of the Arabs rose again like a held-up storm. Tribal prejudice formed the main impulse behind the claims to prophethood and large-scale apostasy that immediately followed the Prophet's demise. One of Musailimah's followers said, "I know Musailimah is a false prophet. But a false one of the (tribe of) Rabi'ah is better than the true one of the (tribe of) Muḍar."³² An elder of the Banu Ghatafan, similarly taking sides with another false prophet, Ṭulaiḥah, said, "By God, it is easier for me to follow a prophet of one of our allied tribes than one from the tribe of Quraish."³³

²⁸ Abu Yūsuf, *op. cit.*, p. 116.

²⁹ Baihaqi, *al-Sunan al-Kubra*, Dairatul-Maarif, Hyderabad, 1st ed., 1355/1936, Vol. I, p. 136.

³⁰ *Ibid.*

³¹ *Wajayāt al-A'yān*, Maktabat al-Nahḍat al-Miṣriyyah, Cairo, 1948, Vol. II, p. 168.

³² Al-Ṭabari, *op. cit.*, Vol. II, p. 508.

³³ *Ibid.*, p. 487.

But when the people saw that abu Bakr (r. 11–13/632–634), and in his wake 'Umar (r. 13–23/634–644), dispensed exemplary, even-handed justice not only among the various Arab tribes but even among the non-Arabs and non-Muslims, and that they did not show any favour or even preference to their own nearest kith and kin, the old biases were instantly repressed and Muslims were once more inspired with that cosmopolitan outlook which Islam sought to inculcate in them. Abu Bakr and 'Umar's attitude in this respect was most exemplary.

Towards the end of his reign 'Umar became apprehensive lest these tribal currents which, despite the revolutionizing influence of Islam, had not succumbed altogether, should shoot up again and cause disruption after him. So, on one occasion talking to 'Abd Allah bin 'Abbās regarding his possible successors, he said about 'Uthmān, "If I propose him my successor I fear he would suffer the sons of abu Mu'ait̃ (the Umayyads) to ride on the necks of people, and they will practise sin among them. God knows, if I do so, 'Uthmān will do this; and if 'Uthmān does this, they will surely commit sins, and people will rise against 'Uthmān and make short work of him."³⁴

This apprehension clung to him even in the hour of his death. Summoning 'Ali, 'Uthmān, and Sa'd bin abi Waqqās to his bedside, he said to each one, "If you succeed me as Caliph, do not allow the members of your clans to ride the necks of people."³⁵ Besides that, among the instructions which he left for the Elective Council of Six, on which devolved the task of electing the new Caliph, was this that the new incumbent was to be asked to give a pledge that he would not show discrimination in favour of his own clan.³⁶ Unluckily, however, the third Caliph, 'Uthmān (r. 23–35/644–656) failed to keep up the standard set by his predecessors and inclined towards favouring the Umayyads. This was regarded by him as "good office to the kindred." Thus, he used to say, "'Umar deprived his kin for the sake of God, but I provide for my kin for His sake."³⁷ The result was what 'Umar had apprehended. There was a rising against him, which led to his murder and rekindled the sleeping embers of tribal bias into a fire that consumed the whole edifice of the "Right-going" Caliphate.

After the death of 'Uthmān, 'Ali (r. 35–41/656–661) tried to recapture the standard set by abu Bakr and 'Umar. He had no bias in him and showed himself remarkably free from it. Mu'āwiyah's father, abu Sufyān, had taken note of it when he had tried to excite this passion in him on abu Bakr's accession. He had asked him, "How could a man of the humblest family in Quraish become Caliph? If you prepare to rise, I will undertake to fill this valley with horsemen and soldiers." But 'Ali had coldly retorted that this spoke for his enmity to Islam and the Muslims, and so far as he was concerned, he regarded

³⁴ Ibn 'Abd al-Barr, *al-Istī'āb*, Dairatul-Maarif, Hyderabad, 2nd ed., Vol. II, p. 467.

³⁵ Al-Tabari, *op. cit.*, Vol. III, p. 264.

³⁶ Ibn Qūtaibah, *op. cit.*, Vol. I, p. 25.

³⁷ Al-Tabari, *op. cit.*, Vol. III, p. 291.

abu Bakr truly fit for that office.³⁸ Therefore when he came to be Caliph he treated the Arabs and non-Arabs, gentlemen and poor-born, Hāshimites and others, all alike. No distinction was made between them, and none received preference over the others undeservedly.³⁹

C

THEOLOGICAL DIFFERENCES AND SCHISMS

The period of the "Right-going" Caliphate, described above, was a luminous tower towards which the learned and the pious of all succeeding ages have been looking back as symbolic of the religious, moral, political, and social orders of Islam *par excellence*. Abu Ḥanīfah, employed at elucidating the Islamic ideals in the fields of politics and law, as we shall presently see, also reverted to it as the ideal epoch to take instance from. We have, therefore, devoted a good deal of space to it, that the reader may be able to comprehend his work in the true background.

But before attending to his work we have also to take a brief view of the reactionary movement that had set in towards the end of the "Right-going" Caliphate and reached its height by the time abu Ḥanīfah appeared on the scene. As his efforts were mainly devoted to countering this reaction, it is necessary to take stock of it and the problems that sprang from it, to be able to grasp the true significance of his work.

Differences among Muslims had sprung up during the last years of 'Uthmān's reign, leading to his murder, but they had not yet assumed theological or philosophical shape. When after his death in the reign of 'Ali these differences raged more furiously than ever and led to a civil war resulting in bloodshed, as in the battle of the Camel (36/656), the battle of Ṣiffin (37/657), the "arbitration" (38/659), and the battle of Nahrawān (38/659), questions like "Who is in the right in these battles, and how?", "Who is in the wrong and why?", "If some regard both sides as wrong, what is their ground for holding this?", naturally cropped up and demanded to be answered. These questions led to the framing of certain opinions and justifications that were essentially political in the beginning, but as each group sought to strengthen its position by calling theological support in aid of its particular stand, these political factions gradually changed into religious groups. Then, the bloodshed which accompanied these factional feuds in the beginning and continued during the rules of the Umayyads and the 'Abbāsids, did not allow these differences to remain only theological; they went on growing ever more acute and menacing till they threatened the national unity of the Muslims. Every house was a place of controversy, every controversy suggesting ever-new political, theological, and philosophical offshoots. Every new question that cropped up

³⁸ *Ibid.*, Vol. II, p. 449; ibn 'Abd al-Barr, *op. cit.*, p. 689.

³⁹ Ibn abi al-Ḥadid, *op. cit.*, pp. 180, 182.

gave birth to a number of new sects which subdivided themselves into further sects over minute internal differences. These sects were not content to fill themselves with bias against one another; their polemics often ended up in quarrels and riots. Kūfah, the capital of 'Irāq, where abu Ḥanīfah was born, was the chief centre of these quarrels. The battles of the Camel, Siffin, and Nahrawān had all been fought in 'Irāq. The heart-rending murder of Ḥusain (61/680), the Prophet's grandson, had also taken place here. It was the birth-place of most of these sects and the field where both the Umayyads and the 'Abbasids used the maximum of coercion to repress their opponents. The time of abu Ḥanīfah's birth (80/699) and growth coincided with these factional hostilities at their height.

The large number of sub-sects that grew out of these factions had their roots in four main sects: the Shī'ah, the Khawārij, the Murji'ah, and the Mu'tazilah. We shall give here a brief account of the doctrines of each of them before proceeding further.

The Shī'ah.—They were the supporters of 'Ali and called themselves the Shī'ahs (party) of 'Ali. Later (the word 'Ali was dropped and) they began to be called only Shī'ahs.

Although a section of the people of Banu Hāshim and a few others regarded 'Ali as the best suited person to have succeeded the Prophet, and some regarded him superior to the other Companions, particularly to 'Uthmān, and others considered him to be more entitled for the Caliphate because of his relationship with the Prophet, yet up to the time of 'Uthmān these opinions had not assumed the form of a creed or religious belief. Nor were the people who held these opinions hostile to the first three Caliphs. On the other hand, they acknowledged and supported their succession. As a separate party with clear-cut views on these matters, they emerged in 'Ali's reign during the battles of the Camel, Siffin, and Nahrawān. Later, the cold-blooded slaughter of Ḥusain rallied them, fired them with a new wrath, and shaped their views into a separate creed. The indignation provoked among the general Muslim populace by the vile deeds of the Umayyads and the sympathy excited in their breasts for the descendants of 'Ali on account of their constant persecution in both the Umayyad and the 'Abbāsīd regimes, lent extraordinary support to Shī'ite propaganda. They had their stronghold at Kūfah. Their beliefs were as follows:—

1. The Imām's office (particular Shī'ite term for Caliph's office) is not a public office the institution of which may have been left to the choice of the public (*ummah*). The Imām is a pillar of the faith and the foundationstone of Islam. Therefore, it is one of the main duties of the Prophet to institute somebody as Imām instead of leaving the matter to the discretion of the community.⁴⁰

⁴⁰ Ibn Khaldūn, *Muqaddimah*, Maṭba'ah Muṣṭafa Muḥammad, Egypt, p. 196; al-Shahrastāni, *Kitāb al-Milal w-al-Niḥal*, London, Vol. I, pp. 108, 109.

2. The Imām is impeccable, i.e., free from all sins, great or small. He is immune from error. Everything that he says or does is inviolate.⁴¹
3. The Prophet had conferred the Imāmate on 'Ali and nominated him as his successor. Thus 'Ali was the first Imām by ordinance.⁴²
4. As the appointment of the Imām is not left to be made by public choice, every new Imām will be appointed by an ordinance from his predecessor.⁴³
5. All the Shī'ah sects are also agreed that the Imām's office is the exclusive right of the descendants of 'Ali.⁴⁴

Beyond this general agreement, however, the various Shī'ah sects differed among themselves. The moderate among them held that 'Ali was the best created man. He who fought or bore malice against him was an enemy of God to be raised among infidels and hypocrites, and destined to live in hell. "If 'Ali had refused to recognize their Caliphate as legitimate and expressed displeasure with them, abu Bakr, 'Umar, and 'Uthmān who preceded him as Caliphs would also have deserved that doom; but as 'Ali recognized them and swore them allegiance and offered prayers behind them, we cannot take exception to what he took as right. We do not differentiate between 'Ali and the Prophet except that the latter was endowed with prophethood; for the rest 'Ali was worthy of the same esteem as the Prophet."⁴⁵

The fanatical among them held that the Caliphs before 'Ali were usurpers and those who elected them were ill-guided and unjust, as they belied the Prophet's will and deprived the rightful Caliph of his due. Some went further and pronounced anathema against the first three Caliphs and declared them and their electors excommunicated.

The softest of them were the Zaidiyyah, followers of Zaid (d. 122/740) son of 'Ali, son of Ḥusain. They regarded 'Ali as superior to others, but allowed the choice of those who were inferior to him. Moreover, they held that the Prophet's decision in favour of 'Ali was not unequivocal; hence they accepted the Caliphate of abu Bakr and 'Umar. All the same, they preferred the choice of an able person from among the descendants of Fāṭimah (the Prophet's daughter) as Imām, provided he claimed that position and challenged the title of "the kings" to it.⁴⁶ Abu Ḥanīfah was closely connected with Zaid, as we shall see in the course of this chapter, although he did not contribute to the Zaidite doctrine.

The Khawārij.—In direct opposition to the Shī'ahs the Khawārij stood at the other extreme. They suddenly grouped together during the battle of Siffin.

⁴¹ Ibn Khaldūn, *op. cit.*, p. 196; al-Shahrastāni, *op. cit.*, p. 109.

⁴² Al-Shahrastāni, *op. cit.*, p. 108; ibn Khaldūn, *op. cit.*, pp. 196–97.

⁴³ Ibn Khaldūn, *op. cit.*, p. 197; al-Ash'ari, *Maqālāt al-Islāmiyyin*, Maktabat al-Nahḍat al-Misriyyah, Cairo, 1st ed., p. 87; al-Shahrastāni, *op. cit.*, p. 109.

⁴⁴ Al-Shahrastāni, *op. cit.*, p. 108.

⁴⁵ Ibn abi al-Ḥadīd, *op. cit.*, Vol. IV, p. 520.

⁴⁶ Al-Ash'ari, *op. cit.*, Vol. I, p. 129; ibn Khaldūn, *op. cit.*, pp. 197–98; al-Shahrastāni, *op. cit.*, pp. 115–17.

Till then they were among the staunch supporters of 'Ali, but when, during that engagement, he consented to submit his quarrel with Mu'āwiyah to the decision of two arbiters, they abandoned him asserting that he had turned infidel by accepting to submit to the verdict of human arbiters instead of God. After that they drifted farther and farther away and being fanatical hot-heads, who believed in waging war against those who differed from them and against "unjust government" wherever one was found, they indulged in war and bloodshed for a long time till their power was finally crushed under the 'Abbāsid rule. They, too, were most influential in 'Irāq, their camps being mainly centred in al-Baṭā'ih between Kūfah and Baṣrah. Their beliefs briefly were as follows:

1. They acknowledged abu Bakr and 'Umar as Rightful Caliphs but 'Uthmān, in their opinion, had, towards the end of his reign, erred from the path of justice and right conduct and hence deserved to be deposed or killed. 'Ali also committed, according to them, a major sin when he accepted the "arbitration" of "one besides God." The two arbiters ('Amr bin 'Aṣ and abu Mūsa al-Ash'ari), their choosers ('Ali and Mu'āwiyah), and all those who agreed to arbitration were sinners. All those who participated in the battle of the Camel including Ṭalhah, Zubair, and 'Ā'ishah, the Prophet's wife, had been guilty of grievous sin.

2. Sin, with the *Khawārij*, was synonymous with infidelity. Anyone who committed a major sin (and did not repent and revert) was placed outside the pale of Islam. All the personages mentioned above were declared infidels. Anathema was pronounced against them, and they were considered fit to be censured. The Muslims in general were pronounced infidels, first, because they were not free from sins, and, secondly, because they not only regarded these persons as Muslims but also acknowledged them as reliable guides, and deduced and verified the law from traditions reported by them.

3. The Caliph, according to them, should be elected by the free vote of the Muslims.

4. The Caliph need not be a member of the tribe of Quraish. Whomsoever they elected from amongst the honest Muslims would be a rightful Caliph.

5. A Caliph was to be obeyed faithfully as long as he acted rightly and justly; but if he forsook the path of right and justice, he was to be fought against and deposed or assassinated.

6. The Qur'ān was recognized as the authoritative source of Law but their views on Ḥadīth (the Prophet's Tradition) and *ijmā'* (the agreement of Muslims in respect of a rule of Law) were different from those of the majority.

A large group of them, which called itself al-Najdiyyah, did not believe in the very need of a State. The Muslims, they said, should of themselves abide by the right. However, if they needed a Caliph to direct their affairs, there was no harm in choosing one.

Their major section, the Azāriqah, dubbed all Muslims, excepting themselves, polytheists. The *Khawārij*, according to them, could not go for prayer

in response to any but a *Khārijite's* call. They could neither take the meat of an animal slaughtered by non-*Khārijites*, nor marry among them, nor could a *Khārijite* and a non-*Khārijite* inherit each other's possessions. They considered war on all other Muslims to be a religious duty and sanctioned the killing of their women and children and the looting of their property. They declared those of their own sect as infidels if they shirked this duty. They allowed treachery with their opponents and were so malicious that a non-Muslim would find himself safer in their midst than an average Muslim.

The most tolerant of them were the Ibādiyyah who refrained from declaring the other Muslims as polytheists although they put them outside the pale of Islam and described them as unbelievers. Their evidence, the Ibādiyyah said, was to be accepted, marriages with them and inheritance to and from them allowed. Their territory too was not to be called *dār al-kufr* (the land of the infidels) or *dār al-ḥarb* (the land of the people at war) but *dār al-tauhīd* (the land of the people of one God) although they excepted the centres of their government from it. They disallowed secret assaults on other Muslims, although open warfare with them was not repugnant.⁴⁷

The Murji'ah.—The conflicting principles of the *Shi'ahs* and the *Khawārij* were responsible for the birth of another sect, called the *Murji'ah*.

Apart from the people who had flung themselves violently in support of 'Ali or against him during his wars, there was a section which had remained neutral either wisely avoiding to indulge in civil war which they deemed a curse or being unable to decide which side fought for the truth. These people quite realized that it was a veritable curse for Muslims to indulge in bloodshed and mutual slaughter, but they were not prepared to blaspheme any of the belligerents, and left it to God to decide the affair between them. He alone would tell, on the Day of Judgment, which of them struggled for the right cause and which for the wrong. So far their ideas agreed with those of the Muslims in general, but when the *Shi'ahs* and the *Khawārij* raised questions as to what was faith and what constituted infidelity ushering in an era of doctrinal wrangling and polemical contests, this neutral group evolved some theological doctrines in support of its position. Briefly stated they were as follows:

1. Faith comprises belief in God and the Prophet. One's action does not form an integral part of one's faith. Hence a believer will remain a believer though he should eschew his duties or commit grave sins.

2. Salvation depends on faith alone. No sin will hurt one who has faith. It is enough for a man's redemption that he should abstain from polytheism and die as a monotheist.⁴⁸

Some of the *Murji'ah*, taking a step further, affirmed that short of

⁴⁷ 'Abd al-Qāhir Baghdādī, *al-Farq bain al-Firaq*, Maṭba'at al-Ma'arif, Egypt, pp. 55, 61, 63, 64, 67, 68, 82, 83, 99, 313, 315; al-Shahrastānī, *op. cit.*, pp. 87, 90–92, 100; al-Ash'ari, *op. cit.*, pp. 156–57, 159, 189, 190; al-Mas'ūdi, *op. cit.*, p. 191.

⁴⁸ Al-Shahrastānī, *op. cit.*, pp. 103, 104; al-Ash'ari, *op. cit.*, pp. 198, 201.

polytheism all sins, even the worst, would be forgiven.⁴⁹ A few, taking a further leap in that direction, asserted that if a man cherished faith in his heart but worshipped idols or adopted Jewish or Christian doctrines and spoke heresy in the Islamic State where he lived under no fear, he would yet be quite fast grounded in faith, remain a friend of God, and deserve to go to paradise.⁵⁰

Another view closely comparable with the one mentioned above was that if one's duty to uphold the right and stem the wrong (*amr bi al-ma'rūf and nahi 'an al-munkar*) required one to bear arms, it was a "trial" to be avoided. It was quite right to check others on wrong conduct, but to speak loud against the tyranny of government was not allowed.⁵¹ Al-Jassās was very bitter on these things and asserted that they strengthen the hands of tyrants and greatly demoralized the Muslims' power of resistance against the forces of evil and wickedness.

The Mu'tazilah.—This tumultuous period was responsible for the birth of yet another sect known to Islamic history as "the Seceders." Although it did not owe its origin, like the former three, to purely political factors, like them it contributed its share of opinions to the political issues of the day and entered the arena of theological disputes that raged in the Islamic world at that time, particularly in Iraq. The leaders of this group, Wāṣil bin 'Aṭa (80–131/699–748) and 'Amr bin 'Ubaid (d. 145/763) were both contemporaries of abu Ḥanifah, and Baṣrah was the centre of their religious contests in the beginning.

Their political views were briefly these:

1. The appointment of an Imām (or, in other words, the institution of the State) was a religious urgency. Some Mu'tazilites, however, opined that the Imām's was a superfluous office. No Imām was needed if the community followed the right path.⁵²

2. The choice of the Imām, according to them, rested with the community, and only the community's choice validated his appointment.⁵³ Some of them held that the choice should be unanimous, and in the event of differences and dissensions the appointment should be suspended and held in abeyance.⁵⁴

3. The community could choose any morally qualified and efficient person as Imām. The condition of his being a Qurayshite, an Arab, or a non-Arab was irrelevant.⁵⁵ Some of them actually preferred the appointment of a non-Arab;

⁴⁹ Al-Shahrastāni, *op. cit.*, p. 104.

⁵⁰ Ibn Hazm, *al-Faṣl fi al-Mīlāt w-al-Niḥāl*, al-Maṭba'at al-Adabiyyah, Egypt, 1317/1899, Vol. IV, p. 204.

⁵¹ Al-Jassās, *Aḥkām al-Qur'ān*, al-Maṭba'at al-Bahīyyah, Egypt, 1347/1928, Vol. II, p. 40.

⁵² Al-Mas'ūdi, *op. cit.*, p. 191.

⁵³ *Ibid.*

⁵⁴ Al-Shahrastāni, *op. cit.*, p. 51.

⁵⁵ Al-Mas'ūdi, *op. cit.*, p. 191.

it was better still if he could be a freed slave, for he would have fewer devotees, and it would be easy to depose him if he turned out to be a tyrant.⁵⁶ They would rather have a government which was weak and easy to depose than one that was bad but strong and firmly established.

4. According to them, the Friday or other congregational prayers could not be held behind an unrighteous Imām.⁵⁷

5. *Amr bi al-ma'rūf w-al-nahī 'an al-munkar* (enjoining what is right and forbidding what is wrong) was among their fundamental principles. It was a duty with them to rise in arms against an unjust government provided they had the power to do so and hoped to raise a successful *coup*.⁵⁸ Thus it was that they rose in arms against the Umayyad Caliph Walid bin Yazīd (r. 125–126/743–744) and tried to replace him by Yazīd bin Walid who espoused their doctrine of secession.⁵⁹

6. On the question of the inter-relation of sin and infidelity, over which the *Khawārij* and *Murj'ah* were at loggerheads, their verdict was compromising. A sinful Muslim was neither a believer nor an unbeliever, but one in the middling state.⁶⁰

In addition to these principles, the Mu'tazilah pronounced bold verdicts upon the differences among the Prophet's Companions and upon the issue of Caliphate. Wāṣil bin 'Aṭa declared that one of the two opponents in the battles of Camel and Šiffin was surely a "transgressor" although it was hard to say who. It was for this reason that he said that if 'Alī, Ṭalḥah, and Zubair came before him to give evidence on a vegetable knot, he would not accept it of them since there was a possibility that they had been guilty of transgression. 'Amr bin 'Ubaid pronounced both sides as "transgressors."⁶¹

They also attacked 'Uthmān vigorously and some of them did not spare even 'Umar.⁶² Besides this, many of them practically rejected *Ḥadīth* (the Prophet's Tradition) and *ijmā'* (the consensus of opinion) as authoritative sources of Islamic Law.⁶³

The Major Section.—In the midst of these violent, wrangling groups the large majority of Muslims went along subscribing to the orthodox principles and doctrines, accredited as authoritative since the days of the "Right-guided" Caliphs, principles and precepts which the Prophet's Companions and their successors and Muslims in general had commonly regarded as Islamic. However, nobody, from the time of the inception of the schism down to the days of abu Ḥanifah, had vindicated the stand of the majority in these matters of

⁵⁶ Al-Shahrastāni, *op. cit.*, p. 63.

⁵⁷ Al-Ash'ari, *op. cit.*, p. 124.

⁵⁸ *Ibid.*, p. 125.

⁵⁹ Al-Mas'ūdi, *op. cit.*, pp. 190, 193; al-Suyūṭī, *Tārīkh al-Khulafā'*, Government Press, Lahore, 1870, p. 255.

⁶⁰ Al-Baghdādī, *op. cit.*, pp. 94–95.

⁶¹ *Ibid.*, pp. 100, 101; al-Shahrastāni, *op. cit.*, p. 34.

⁶² Al-Baghdādī, *op. cit.*, pp. 133–34; al-Shahrastāni, *op. cit.*, p. 40.

⁶³ Al-Baghdādī, *op. cit.*, 138–39.

violent divergences, and presented it methodically in a compact, doctrinal form, although learned men, traditionists, and scholars of repute and integrity had from time to time been bringing one or another aspect of it to light by word of mouth or action, or embodying it in their behaviour or sacred pronouncements as opportunity afforded itself.

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