AL-SHAJARAH

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THE PHENOMENON OF *IRHĀB* (TERRORISM): MEANING, HISTORY AND CAUSES[1]

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Abstract

This paper presents a brief study of the history of terrorism, including political, intellectual, cultural, social, economic, individual, and spiritual causes. In addition to analytical historicity, the writer applies qualitative content analysis of Qur'ānic verses and prophetic traditions that are relevant to the Islamic intellectual discourse on the subject. The author clarifies the Arabic term, irhāb, both literally and technically, as per lexicons and contemporary use in political and diplomatic circles. Moreover, a brief analytical survey of definitions taken from select research is offered, included perspectives of Western and Muslim writers. To demonstrate several applications of the term, which are used to identify individuals and groups as "terrorists", the survey also includes meanings and implications from the UN General Assembly, the UN Security Council, the European Union and NATO.

Introduction

The post-modern phenomenon of terrorism attracts Muslim academics, politicians, and the general public, due to many tragedies that cause significant loss and harm to the Muslim *ummah* and all of humankind who, regardless of religious faith and affiliation, despise terrorism. It not only challenges security and safety, but it also humiliates individuals and states by extending threats to life and existence. The term was not frequently used historically, since serious incidents of indiscriminate violence were not in evidence. The term "terrorism" specifically emerged after the unprecedented and disastrous attacks of September 11th 2001 (9/11), which launched the new millennium with an aura of perplexity in the absence of prior monumental terrorist events.

The 9/11 attacks are viewed as an inhumane terrorist attack on America. Global forums, workshops, seminars and conferences followed with the objective of preventing such mayhem and better enable peace and tranquillity on a continuum. Indefatigable efforts were made to develop strategies and methods to solve what appeared to be a growing global crisis. A view to obtain and sustain inter- and intra-religious social harmony in peaceful coexistence was adopted. Initially, many suspect individuals and groups were deemed terrorists and the majority endorsed the labelling. Gradually, a trend towards bias, hostility and antagonism became focused on a particular community.

People with differing worldviews, cultures, religions and ideologies bantered acerbic comments and grossly erroneous analyses that covertly indicated a particular community. Initial dialogues aimed at the genealogy of terrorism soon focused on Muslims, clearly implying that Islam was a religion of terrorism. Muslims were portrayed as perpetrators of heinous crimes. Thus suspicion, humiliation, marginalization and detention without trial became commonplace. Eventually, the entire community was viewed as prone to violence. Global media, under the pretext of monitoring so-called "terrorist" activities, incessantly projected negative character-assassinating propaganda.

Entrenched in this transparent and subversive campaign, the term "terrorism" went undefined. A "war on terrorism" involves a

war on a noun that is explicitly, or implicitly, subjective and reflects a worldview. Attacks were generally ascribed to groups or individuals without evidence or even identification. What terrorism is and who qualified or when, why and how an individual became a terrorist or organization, went unanswered and wanting. Whenever attacks occurred, national and international authorities indiscriminately attributed them to certain groups without properly conducted investigations. Hence, understanding unanswered queries remained suspended in the absence of authentic evidence. Consequently, imagined abstractions aimed at whosoever held differences in opinion, or maintained reservations and disagreements with other communities as a result of cultural or political backgrounds, although completely innocent, were consciously or unconsciously branded as terrorists. Historically, whoever fought for freedom and independence from the impositions of tyranny were honoured. Nonetheless, intentionally or not, contemporary freedom fighters were now deemed "*terrorists*" without qualification. A clear example is the sixty-plus year Palestinian struggle.

We consider some groups threatening, but it is more likely than not, that they are challenged by the terrorist brand but are innocent, mostly because they are not aware of the term's actual meaning and implication, as applied to them in the course of accusation. However, within the spectrum of Islamic sciences (jurisprudential, historical and theological), Muslims do not use terms without accurately determining true meaning and purpose. This is because authentic Islam always establishes evidence that substantiates and clarifies truth. Therefore, in the best of worlds, no one is convicted without proper enquiry, scrutiny and verification. The *Qur'ān* says: "… *Fear Allah and be with those who are true (in word and deed)*"[2]. Hence, believers fear God and are taught to be truthful regardless of circumstances and consequences. Thus, truth in word and deed is of paramount significance to Muslims.

Islam upholds justice and considers it inappropriate and senseless to brand anyone unjustly even though he may be hostile to others. The *Qur'ān* says, "*O ye who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to*

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[2] Qur'ān, *al-Tawbah*: 119.

*you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye d*o"[3]. Hence, unjust labelling, false accusation and charging people without *prima-facie* evidence should be avoided, as otherwise it actually causes frustration and disenchantment that leads to tension and violence.

Islam also commands believers not to burden anyone with another's load. Hence, no one should be deliberately penalized for sins, offences or crimes of others or on the basis of assumption, conjecture and speculation. The *Qur'ān* says, "… *no bearer of burdens can bear the burden of another…*"[4]. Thus, Islam's doctrines, legal rulings, rituals, family laws, rules for transactions, etc., are clearly straightforward and transparent.

Muslim scholars make extraordinary efforts to define terms and come to prefer one to many probable meanings through careful exposition (*ta'wīl*). This is proper procedure. Hence, there is no justification for any individual to blindly apply terms without determining the exact meaning with respect to etymology and epistemology. In fact, individuals are prohibited from deducing meanings based on whims, fancies or hearsay as well as ideological, doctrinal and sectarian bias. Nonetheless, we note that some phenomena present ambiguities that remain unqualified or solution resistant. Even so, one might find worth in whoever ventures to clarify such terms. As such, in authentic Islam, one finds neither fraud nor contradiction within its validated scientific systems and way of life that are replete with stunning verifications[5].

This paper therefore applies the same qualitative content analysis of relevant *Qur'ānic* verses, in addition to the Torah and prophetic traditions as well as offerings from Muslim scholars in its approach to the study of terrorism. Since the Arabic term, *irhāb*, refers to terrorism, we analyse its implications with reference to Arabic lexicons and concordances. We similarly define the English

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[3] Qur'ān, *al-Mā'idah*: 8.

[4] Qur'ān, *al-Anᶜām*: 164.

[5] ᶜAbd al-ᶜAzīz ibn ᶜAbd Allāh ibn Muḥammad al-Āl Shaykh (2003). Al-Irhāb asbābuhu wa wasā'il al-ᶜIlāj (Makkah 1424 AH. Paper presented at the seventeenth assembly of the Islamic Fiqh Academy).

term "terrorism". Moreover, we present definitions per select Western and Muslim scholarly research. For further clarification, we added definitions taken from international organizations including the UN, European Union and NATO. A brief review of terrorism's historicity and circumstances over the ages then follows.

The Meaning of *Irhāb*

Since Arabic Islamic sources use *irhāb* to imply "terrorism", we may define and clarify its usage. The term derives from a tri-literal word, *ra-ha-ba*, meaning "fear", but also implies "thinness", "fineness", or "minuteness", and "lightness or slightness"[6]. For example, *irhāb al-ibl min al-hawd*, means '*the camel is meant to pause near a tank*'. *Rihab* implies "sharpness" and "subtlety of arrows". Its singular is *rahb*, which refers to a bone in the chest lying upwards on the abdomen like a tongue (sternum)[7]. Ibn Manẓūr says *rahiba* means *khafā* (i.e., "*he is scared or afraid*") while *rahiba al-shayyin rahban* means *khafāhu* ("*he terrifies it*")[8]. Al-Rāzi says that *rahiba* means *khāfa*. The phrase *Rajulun rahabutun* means, "*scared man*"; *arhabahu wa istarhabahu* means "*he terrified or frightened him*"[9]. Yet another dictionary says *rahiba* means, "*he is frightened*", where the passive participle is *marhūb* (transitive use), and *rahiba al-shakhsa* means *khafāhu* (i.e., '*he frightened a man*')[10].

The words *rahaba* and *arhaba* both appear in *Qur'ān* and *Sunnah*. In the *Qur'ān*: "*O Children of Israel! Call to mind the (special) favour which I bestowed upon you, and fulfil your covenant*

[6] Cowan, J.M. (1974) (Ed). *A Dictionary of Modern Written Arabic*, (London: Macdonald & Evana Ltd, 287, 249.

[7] Abū al-Ḥusayn Aḥmad ibn Fāris ibn Zakariyā al-Rāzī (1972). *Muᶜjam Maqāyis al-Lugah*, Taḥqīq: ᶜAbd al-Salām Muḥammad Hārun Vol. 2. Bayrūt: Dār al-Fikr. 447.

[8] Muḥammad ibn Mukarram ibn ᶜAlī Abū al-Faḍl Jamāl al-Dīn ibn Manẓūr al-Anṣārī al-Ifrīqī (1414). *Lisān al-ᶜArab* 3rd Ed, Vol 1. Bayrūt: Dār Sadir, 436.

[9] Zayn al-Dīn Abū ᶜAbd Allāh Muḥammad ibn Abū Bakr ibn ᶜAbd al-Qādir al-Ḥanafī al-Rāzī (nd). *Mukhtār al-Ṣiḥāḥ*, *Taḥqīq: Yūsuf al-Shaykh Muḥammad* 5th Ed. Vol 1. Bayrūt: al-Maktabah al-ᶜAṣriyyah al-Dār al-Namūdhajiyah, 130.

[10] Aḥmad Mukhtār ᶜAbd al-Ḥamīd ᶜUmar (2008). *Muᶜjam al-Lugah al-ᶜArabiyyah al-Muᶜāṣirah* 1st Ed. Vol.2. ᶜĀlam al-Kutub, 948.

with Me as I fulfil My Covenant with you, and <u>fear</u> none but Me"[11].
Al-Qurṭubī says that *farhabūn*, here used as *khāfun,* means *"fear me*"[12]. Again:

> "Against them make ready your strength to the utmost of your power, including steeds of war, <u>to strike terror</u> into (the hearts of) the enemies of Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly"[13].

Here, <u>*turhibūn*</u> means <u>*tukhifūn*</u> or *"you terrify them*"[14]. Another verse is: "*Of a truth, 'ye are more feared in their hearts,' than Allah. This is because they are men devoid of understanding*"[15]. Here, *rahbatan* means *khawfan* or *"being feared*"[16]. Al-Nawawī says the term *rahbah* found in *ḥadīth* means "*fear*", while the word *hibtu* (from *hayba*) means to "venerate" or "solemnize". Others say *rahibtuhu* (with the *ra* sound) derives from *rahiba*, means "*fear*"[17]. Ibn Athīr says *rahbah* means "*fear and dread*' when referencing a *ḥadīth* for supplication. After reviewing all lexical connotations, one concludes that *irhāb* derives from *ra-ha-ba*, as cited, and that its derivatives connote concepts associated with "*fear"* or "*terrifying*".

The Origin and Meaning of Terrorism

Many scholars agree that no universal definition of the term "terrorism" exists and that governments and pseudo-government

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[11] Qur'ān, *al-Baqarah*: 40.

[12] Abū ᶜAbd Allah Muḥammad ibn Aḥmad ibn Abū Bakr ibn Farāḥ al-Anṣārī al-Khazrajī Shams al-Dīn al- Qurṭubī (1964). *Al-Jāmiᶜ li Aḥkām al-Qur'ān* 2ⁿᵈ Ed. Vol 1. Taḥqīq: Aḥmad al-Burdunī and Ibrāḥim Atfayyish (al-Qāhirah: Dār al-Kutub al-Miṣriyyah), 332.

[13] Qur'ān, *al-Anfāl*: 60

[14] Al-Qurṭubī, *al-Jāmiᶜ li Aḥkām al-Qur'ān*. Vol. 8: 38.

[15] Qur'ān, *al-Hashr*: 13.

[16] Al-Qurṭubī, *al-Jāmiᶜ li Aḥkām al-Qur'ān*. Vol. 8: 35.

[17] Abū Zakariyā Muḥy al-Dīn Yaḥyā ibn Sharaf al-Nawawī (1973). *Al-Minhāj Sharḥ Ṣaḥīḥ Muslim ibn Ḥajj* (Bayrūt: Dār Iḥyā' al-Turāth al-ᶜArabī, 2ⁿᵈ Ed.), Vol. 1: 32.

agencies use different definitions. Moreover, there appears to be a reluctance to formulate an agreed upon, legally binding definition, likely because the term is politically and emotionally charged. Thus, it is appropriate to attempt a definition.

The word "terror" lies within "terrorism', a term deriving from the Latin, *terrere*, which means "*frighten*" or "*tremble*". When coupled with the French suffix, *isme* (*to practice*), it becomes to "*to practice trembling*" or even "*to cause fright*". Trembling and fright are synonyms used to describe fear, panic and anxiety—natural characteristics of terror. The word *terrere* is over 2,100 years old. As an etymological reference, *terrere cimbricus* described a state of emergency and panic in response to the approach of the Cimbri to ancient Rome in 105 BC. Language is organic, changeable and fluctuates according to the requirements of thinkers and speakers over time and place.[18]   In 1793, the French National Convention declared, "*Terror is the order of the day*". The period from 1793–94 in France is referred to as *La Terreur* (The Reign of Terror). Maximilien Robespierre, contemporary leader of the French revolution proclaimed in 1794 that "*Terror is nothing other than justice, prompt, severe, inflexible*"[19].

As a noun it refers to "*the unlawful use of violence and intimidation, especially against civilians in the pursuit of political aims*"[20]. It is also an open-ended noun: e.g., "*Terrorism is the use of violence, especially murder and bombing, in order to achieve political aims or to force a government to do something*"[21]. As a noun, it refers to the "*Systematic use of violence and intimidation to achieve some goal; the act of terrorizing; and the state of being terrorized*"[22]. In American English it refers to: [1] "*the act of terrorizing; use of force or threats to demoralize, intimidate, and subjugate, esp. use as a political weapon or policy*"; and [2] "*the*

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[18] Burgess, M. (2003). *A Brief History of Terrorism*, (Washington, D.C.: Centre for Defence Information (CDI); Tuman JS (2009). *Communicating Terror: The Rhetorical Dimensions of Terrorism* Thousand Oaks, CA: Sage, 2nd Ed.

[19] https://en.wikipedia.org/wiki/Definitions_of_terrorism, accessed on 11-10-2017

[20] https://en.oxforddictionaries.com/definition/terrorism, accessed on 11-10-2017

[21] Collins English Dictionary. Harper Collins

[22] Ibid.

demoralization and intimidation produced in this way" [23] . Furthermore, English language sources define it as*: "The use of violent acts to frighten people in an area as a way of trying to achieve a political goal*"[24]. According to the *Cambridge Dictionary*: "*the term terrorism means '(threats of) violent action for political purposes*"[25].

Recognized Experts on Terrorism

"The meaning of "terrorism" has undergone a transformation. During the reign of terror a regime or system of terrorism was used as an instrument of governance, wielded by a recently established revolutionary state against the enemies of the people. Now the term 'terrorism' is commonly used to describe terrorist acts committed by non-state or subnational entities against a state" – M. Williamson[26].

"Terrorism is the deliberate, negligent or reckless use of force against non-combatants by state or non-state actors for ideological ends and in the absence of a substantively just legal process" – D. Rodin[27].

"Terrorism involves political aims and motives. It is violent or threatens violence. It is designed to generate fear in a target audience that extends beyond the immediate victims of the violence. The violence is conducted by an identifiable organization. The violence involves a non-state actor or actors as either the perpetrator, the victim of the violence, or both. Finally, the acts of violence are designed to create power in a

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[23] Webster's New World College Dictionary, 4th Edn. 2010: Houghton Mifflin Harcourt.

[24] https://www.merriam-webster.com/dictionary/terrorism, accessed on 11-10-2017

[25] http://dictionary.cambridge.org/dictionary/english/terrorism, accessed on 11-10-2017

[26] Williamson, M. (2009). *Terrorism, war and international law: the legality of the use of force against Afghanista*n in 2001. Ashgate Publishing: 43.

[27] *Chicago Journals - Ethics* **114**(July 2004): 647–649; Uwe Steinhoff, On the Ethics of War and Terrorism, 119

situation in which power previously had been lacking" – J. M. & B. J. Lutz[28].

"Terrorism is the organized use of violence against civilians or their property, the political leadership of a nation or soldiers (who are not combatants in a war) for political purposes" - G. Palmer-Fernandez[29].

"Terrorism consists of acts of indiscriminate violence directed at civilians or non-hostile personnel, in order to terrorize them or their governments into carrying out or submitting to the demands of the terrorists" – P. Simpson[30].

"Terrorism is the premeditated, deliberate, systematic murder, mayhem, and threatening of the innocent to create fear and intimidation in order to gain a political or tactical advantage, usually to influence an audience" – J. M. Poland[31].

"An act is terrorist if and only if (1): an individual or group of individuals, i.e. without the legitimate authority of a recognized state, privately commits it (2): It is directed indiscriminately against non-combatants; (3): Its goal is to achieve something politically relevant; (4): this goal is pursued by means of fear-provoking violence" - D. D. Novotny[32].

Thus, according to independent writers, terrorism constitutes

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[28] James M. Lutz and Brenda J. Lutz, *Global Terrorism*, (London: Routledge, 2008), 9.
[29] Palmer-Fernandez G (2005). Terrorism, Innocence and Justice. *Philosophy and Public Quarterly*, **25**(3): 24.
[30] "Violence and Terrorism in Northern Ireland". In, Primoratz (ed). (2004). *Terrorism: The Philosophical Issues*. NY: Palgrave Macmillan, 161.
[31] Atiqur Rahman AKM (2001). Economic Cost of Terrorism in South Asia: The Case of Bangladesh, 3. Paper: International Conference on Terrorism in South Asia: Impact on Development and Democratic Process, Soaltee Crowne Plaza, Kathmandu, Nepal, 23–25 November.
[32] Linden, V.E. (ed.) (2006). *What is Terrorism? Focus on Terrorism*. Nova Publishers, 23–32. Online.

the illegitimate use of force targeting innocent people to achieve a political objective. Watson defines it is a strategy or mechanism that any organized team applies to attract attention to its objectives or to impose concessions for aims met through violence.[33] Nico Gunzburg says terrorism is the use of power in a way that creates public panic resulting from threats to life, security and property[34]. Political philosopher, Michael Walzer, wrote: "*Terrorism is the deliberate killing of innocent people, at random, in order to spread fear through a whole population and force the hand of its political leaders*"[35]. In November 2004, the UN Secretary General described terrorism as any act "… *intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act*"[36].

International Organizations on Terrorism

The above views differ from American authorities. However, the common feature of "violent act" is shared in addition to such acts being committed by an individual or group. The Central Intelligence Agency (CIA) defined terrorism in 1980 as an act of violence by individuals or groups. In 1983, the U.S. Code of Federal Regulations defined it as "*The unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives*" (28 C.F.R. Section 0.85).

The American Ministry of Justice refers to terrorism as "… *any violent criminal act or behaviour aimed to influence through intimidation or hijack.*"[37] According to the American military, it means the "*use of violence or threat of violence for any political*

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[33] Hayfā Aḥmad Muḥammad Yūnus (1998). *Zāhirat al-ᶜUnf al-Siyāsī fī al-Waṭan al-ᶜArabī*. Baghdād: MA Thesis, Faculty of Political Science, p. 8; see also: *Mafuhūm al-Irhāb* supra, 27–8.

[34] ᶜAbd al-Nāṣir Harīz (1996). *Al-Irhāb al-Siyāsī Dirāsah Taḥlīliyyah*. Al-Qāhirah: Maktabat Madbūlī, 1st Edn., 26–7.

[35] Obert, M. (2010). Can Soldiers Be Victims of Terrorism? *New York Times,* November 20, 2009.

[36] https://en.wikipedia.org/wiki/Terrorism

[37] Jamīl Ḥazam Yaḥyā, *Mafhūm al-Irhāb fī al-Qānūn al-Duwalī*, 7-8.

goal"[38]. Australian, British, New Zealand and Canadian military forces share the American Air Force's definition. The American Department of Defence defined it as "… *use of power illegally or use of violence conducted by any revolutionary team*"[39] and also as the *"use of illegal power or use of violence launched against individuals or properties to gain political or religious or doctrinal goals"*[40]. The US Department of State defined it as "… *politically motivated violence committed against non-battle field objectives by national groups or agents of a clandestine state and usually intended to influence the public sector*"[41]. The UN General Assembly described terrorism as follows:

> "… Criminal acts intended or calculated to provoke a state of terror in the public by a group of persons or a particular person for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them"[42].

Antonio Cassese argued that the language of this and similar UN declarations sets an acceptable definition for terrorism. The United States Legal Code defines terrorism as, "*Premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually intended to influence an audience*"[43].

In 2004, UN Security Council Resolution 1566 condemned terrorist acts as follows:

> "Criminal acts, including those against civilians, committed with the intent to cause death or serious

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[38] Ibid.

[39] Ibid.

[40] Ibid.

[41] Ibid.

[42] https://en.wikipedia.org/wiki/Terrorism, accessed on 11-10-2017

[43] 22 U.S. Code § 2656f – Annual country reports on terrorism. LII/Legal Information Institute. https://en.wikipedia.org/wiki/Terrorism, accessed on 11-10-2017

bodily injury, or the taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of political, philosophical, ideological, racial, ethnic, religious or similar ideologies"[44].

The European Union defined terrorism for legal/official purposes in Article 1 of the 'Framework Decision on Combating Terrorism' (2002). This states that terrorist offences are criminal offences as set out in a list consisting largely of serious offences against persons and property:

"... Given their nature or context, may seriously damage a country or an international organization where committed with the aim of: seriously intimidating a population; or unduly compelling a Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization"[45].

NATO defined terrorism in its AAP-06 Glossary of Terms and Definitions (Edition 2014) as: "*The unlawful use or threatened use of force or violence against individuals or property in an attempt to coerce or intimidate governments or societies to achieve political, religious or ideological objectives*"[46].

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[44] https://en.wikipedia.org/wiki/Definitions_of_terrorism, accessed on 11-10-2017
[45] Ibid.
[46] http://nso.nato.int/nso/zPublic/ap/aap6/AAP-6, accessed on 11-10-2017

Muslim Scholars and Islamic Organizations on the Concept of *Irhāb*

Similar to the term "terrorism", there is no uniform definition of *irhāb* found in early Muslim scholarly discourses. This is likely because the term represents a new contemporary phenomenon. There are differences in opinions and trends among thinkers, scholars and politicians but no unanimous technical definition exists. Abū Gaddah wrote:

> "The term *irhāb* began to appear recently with regard to world politics. Western media markets it as a new creature with no prior birth. Possibly, the term's emergence in Western political milieus and America starts with the USSR's decay in the 1990s. There was need to discover a new entity within a powerful context that was capable of filling the vacuum left by the USSR. The latter could no longer be mentioned in world politics as a possessor of modern technical knowledge except for imports, and neither possessed arms and could no more follow the same line of a powerful colonizer as it had no power to wage war … Hence, a paradigm shift called for the need to structure a new phenomenon and thus create a new enemy that threatened world peace. That is, one dedicated to sacrificing itself in the face of global development and western decadence"[47].

In this manner, global Christianity became an activating force within America and sundry Western allies. Whosoever analyses policies since the loss of the Peace Dividend will see defence, domestic affairs, arms regulations as well as operational strategies for civilizational thought all tying religious beliefs, including *Sharīᶜah*, to contexts specifically tuned to terrorism. Hence, the term *irhāb*, which includes related words and concepts that hold many dimensions - some literal, some legal, others economic, religious,

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[47] Zakī ᶜAlī al-Sayyid Abū Ghaddah (2002). *Al-Irhāb fī al-Yahūdiyyah wa al-Masīḥiyyah wa al-Islām wa al-Siyāsah al-Muᶜāṣarah*: 21–22.

political or military - suddenly and unnaturally became focused on its fear and terror connotations. As an analogy, the world, instead of holding different views, beliefs and policies, suddenly and unnaturally unanimously agreed that the sun rose in the West. I say '*unnaturally*' because differences in respective beliefs from various players with diverse means and strategies, including polarized powers and media, all played key roles in the occupation of this unanimous space [48]. Arguably and as demonstrated, thinkers, politicians and journalists hold different views with regard to the broader nous of the term, *irhāb*.

With regard to terrorism's definition, a discussion occurred during the Islamic Fiqh Academy's sixteenth session (IFA, 10 January 2002, Mecca), research wing of The World Islamic Organization. IFA Scholars reiterated that extremism, violence and terrorism represent harmful acts that have destructive and devastating impacts but have nothing to do with Islam and bear no relation to Islam whatsoever, as such activities manifest oppression with clear hostility towards humanity. The *Qur'ān* and *Sunnah* provide no notions of terrorism, extremism and violence and do not admit justification-for, endorsement-of or resorting-to such deeds without reasonable grounds. They also comprehensively defined the concept of "terrorism" in a far more inclusive manner:

> "… Terrorism denotes hostility in which individuals, sects or governments demonstrate belligerence towards humanity in terms of religion, life, thought, property and dignity. It also includes numerous types of indiscriminate terrors, threats and killings. Hijacking, dacoity (banditry) and the frightening of pedestrians are also deemed acts of terrorism. It refers to every kind of violence or threat that aids a criminal offence, individually or collectively, aimed at spreading terror among people and which threatens lives, freedom, safety or expression of thought. Harming the environment and causing loss to resources, state, natural and domestic,

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[48] Ibid.

are also termed terrorism[49].

The Arab Experts' Committee (20–22 Jan 1989) distinguished terrorist activities from the militant struggles of independence movements and defined the term inclusively. According to the committee *irhāb* comprises the following:

> "… Organized acts of violence or threats of violence causing panic and terror via murder, theft of valuable belongings, hijacking, explosions and so forth that foster fear, unrest and destruction, whether to establish a state or committed by a group of individuals against another group for purposes other than freeing any occupied nation or confronting all colonial powers and occupations, especially freedom movements approved by the UN, international organizations and regional authorities, accomplished in such a manner that efforts remain limited to confines of military goals and financial emancipation from occupier pillaging, and never pertain to destroying fundamental human rights while such movements duly maintain regulations and UN guarantees"[50].

ᶜAbd al-ᶜAzīz Sarḥān[51] defined "international terrorism" (*al-irhāb al-duwalī*) as attacks on human life and/or public and/or private property that ignore International Law, as defined in various sources. Hence, when any such act violates International Law, the same is deemed terrorism and an international crime, whether committed by an individual, a group of individuals or a state. This includes acts of racial discrimination in which some governments are

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[49] Islamic Fiqh Academy: research wing of the World Islamic Organization, Sixteenth Session (10 Jan 2002 in Mecca): 246; al-Ri'yāsah al-ᶜĀmmah li idārat al-buḥūth al-ᶜIlmiyyah wa al-Iftā wa al-Irshād. *Majallat al-Buḥūth al-Islāmiyyah*. Makkah: 97; Muḥammad al-Ḥawārī. *Al-Irhāb al-Mafhūm wa al-asbāb wa subul al-ᶜIlāj*, 17, at http://www.al-islam.com.

[50] Muḥammad al-Ḥawārī (1997). *Al-Irhāb al-Mafhūm wa al-asbāb wa subul al-ᶜIlāj*, 17. Quoted from Khālid ᶜUbaydah's *Zāhirat al-Irhāb* (1997). Jordan: Ṣaḥīfah, 44 at http://www.al-islam.com)

[51] Writer, journalist and Director General of the office of the World Islamic League.

directly involved[52]. Sabah Karam Sha'ban defined *irhāb* as violent actions/operations, both substantial and indirect, that effect oppression to achieve a specific goal[53].

Maḥmud Cherif Bassiouni[54] opines that *irhāb* encourages strategic violence committed by individuals to influence authority and thus achieve expected designs[55]. Aḥmad Bilāl ᶜIzz al-Dīn defined the term as strategically organized violence aimed to create a state of terror and panic among people through murder, hijacking, theft of valuable goods or the use of explosives with devastating consequences in order to realize political goals and objectives[56].

This brief accounting infers the following summation:

1. Terrorism is the use of violence to create panic and terror among individuals and the public.

2. These definitions are silent regarding terrorism used by powerful countries via military and financial forces against weak countries.

3. No cited definition included a sense of hostility aimed to destroy a religion or the intellect of a human being. Most did not consider it essential to include activities that harm the environment or which destroy public and private property.

4. Excepting one, most definitions did not distinguish between whimsically committed violence and that of well-planned independence/liberation movements/struggles.

Hence, most cited definitions are diverse and devoid of

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[52] ᶜAbd Allāh Ibrāhim Nāṣir al-ᶜĀrifī (1937). Al-Irhāb bayn al-Sharīᶜah wa al-Nuẓam al-Muᶜāṣarah, M.A Thesis, Dept. of Criminal Justice, Naïf Arabic Academy for Security Sciences. *Al-Majallah al-Miṣriyyah li al-Qānūn al-Duwalī*, 29: 173–4.

[53] Haytham ᶜAbd al-Salām Muḥammad (2005). *Mafhūm al-Irhāb fī al-Sharīᶜah al-Islāmiyyah*. Bayrūt: Dār al-Kutub al-ᶜIlmiyyah, 1st Edn. 26.

[54] Bassiouni: born in Cairo in 1937. The French government granted him a scholarship to study law in 1955, but due to 1956 war he returned to Cairo to join the military. He was awarded the Nobel Peace Prize for contributions to international criminal justice and efforts in formulating International Criminal Court.

[55] Bassiouni (1975), 14 in Final Document: conclusions and recommendations of the conference. See: *Mafhum al-irhāb fi al-Qānūn al-Duwalī al-ᶜĀm*.

[56] Aḥmad Bilāl ᶜIzz al-Dīn (1987). *Mukāfaḥat al-Irhāb*. Al-Qāhirah: Maṭābiᶜ Dār al-Shaᶜb, 6.

comprehensive inclusivity, and might not survive challenges to their neutrality except that offered by the Islamic Fiqh Academy, which includes all activities that align with terrorist activities. This far-reaching document included all aspects and forms of terrorism whether committed by individuals or groups against religion or intellect or environment or nature or state.

A Brief History of Terrorism: From the Beginning

Even though dimensions and characteristics of terrorism have greatly varied over time, it is found in the past and continues in various forms. We can argue that terrorism began before the dawn of history and has been handed from generation to generation, consciously and not. The shedding of blood is clearly conveyed in scripture and likely caused the angels to ask God regarding the philosophy for creating a creature that opts to shed blood and cause destruction on earth. God responded by saying, "*I know what you know not*"[57]. Hence, God knew the essence of such creatures and their mischief-making proclivities. He said He would raise prophets and messengers from among them as responsible guides in alignment with divine will and that truthful martyrs, doers of good, true worshippers, saints, righteous and hardworking scholars would follow His messengers, in humble obedience[58].

According to the *Qur'ān*, the first murder on earth was that of Hābil, son of Adam, by his brother Kābil. The reason being that Kābil did not possess perfect *īmān* (faith) in Allah, with sincerity, when placing his goods as a sacrifice for Allah's cause. Thus, Allah did not accept his offering. He did, however, accept Kābil's while Hābil's deed went unrecognized. Kābil became angry and envious. Thus enraged, he murdered his brother. The narrative is recorded in the Torah as follows:

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[57] Qur'ān, *al-Baqarah*: 30: "*Behold, thy Lord said to the angels: "I will create a vicegerent on earth." They said: "Wilt Thou place therein one who will make mischief therein and shed blood? Whilst we do celebrate Thy praises and glorify Thy holy (name)?" He said: "I know what ye know not.*"

[58] Abū al-Fidāʾ Ismāʿīl ibn ʿUmar ibn Kathīr al-Qarshī al-Baṣrī al-Dimashqī (1999). *Tafsīr al-Qur'ān al-ʿAzīm*, Taḥqīq: Sāmī ibn Muḥammad Salamah. Dār Ṭayyibah li al-Nashr wa al-Tawzīʿ, 2nd Ed. Vol. 1, 217.

"Adam knew Hawa and she became pregnant and gave birth to Kabil and said I brought a man from God. She repeated and gave birth to Habil. Habil was a shepherd and Kabil a farmer. Some days later, Kabil placed crops on the altar for the cause of Allah and Habil placed his best sheep. Allah looked with favour upon the sacrifice of Habil but not that of Kabil. Consequently Kabil became angry. Allah asked him, *"Why did you become angry? If you had perfected your faith you would have been accepted. If you do not have good deeds there exists a linear line* [*sin*] *near the door in which you have interest and you will dominate it"* Kabil talked with Habil and the event happened when they were in the field. Kabil came close to him and killed him"[59].

The first letter of Yuhanna mentions this event from the very beginning with respect to loving someone else. He opines that the matter is not that Kabil was an evildoer who killed his brother. But then why slaughter his brother? The reason is that his deed was bad and that of his brother's was righteous[60].

The *Qur'ān* also narrates this story as follows:

Recite to them the truth of the story of the two sons of Adam. Behold! They each presented a sacrifice (to Allah: It was accepted from one but not from the other. Said the latter, "*Be sure I will slay thee.*" "*Surely,*" said the former, *"(Allah) doth accept of the sacrifice of those who are righteous.*[61] *If thou dost stretch thy hand against me, to slay me, it is not for me to stretch my hand against thee to slay thee: for I do fear Allah, the Cherisher of the Worlds.*[62] *For me, I intend to let thee draw on thyself my sin as well as thine, for thou wilt be among the companions of the fire, and that is the reward of those who do wrong*[63]. *The (selfish) soul of the other*

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[59] Tawrat: Safar al Takwin, Ishah 4, Para 1–8.
[60] Yuhanna First: Ishah 3, Para 12–3.
[61] Qur'ān, *al-Mā'idah*: 27.
[62] Qur'ān, *al-Mā'idah*: 28.
[63] Qur'ān, *al-Mā'idah*: 29.

led him to the murder of his brother: he murdered him,
and became (himself) one of the losers[64].

All three scriptures are unanimous with regard to the murder,
the reason being God's acceptance of Hābil's sacrifice and not
Kābil's. This can be regarded as the *first terrorist act in human
history* because the murderer had no justifiable legal grounds. Out of
desire, envy and malice the killer focused his energy and applied it to
achieve a goal by murder, after first attempting to panic his brother
with the threat. Truly, Kābil did not fear Allah.

The Torah also records numerous Jewish terrorist activities
such as murdering many prophets and messengers of righteousness.
The Bible relates that Jews murdered Christian disciples and the
Qur'ān confirms this; thus indicating the emergence of terrorism
long before the advent of Islam. One event relates consequences from
the *da'wah* of Prophet Ibrāhīm (a.s.) who called on his father and his
people to leave off associating deities with Allah and worship Him
alone. Instead of considering his call and message positively they
immediately resorted to terrorism as recorded in the *Qur'ān*:

> "We bestowed aforetime on Abraham his rectitude of
> conduct, and were well acquainted with him. "*Behold*!"
> he said to his father and his people, "*What are these
> images, to which ye are (so assiduously) devoted*?" They
> said, "*We found our fathers worshipping them.*" He said,
> "*Indeed ye have been in manifest error - ye and your
> fathers.*" They said, "*Have you brought us the Truth, or
> are you one of those who jest?*" He said, "*Nay, your
> Lord is the Lord of the heavens and the earth, He, Who
> created them (from nothing): and I am a witness to this
> (Truth). And by Allah, I have a plan for your idols - after
> ye go away and turn your backs*"[65].

When their argument was defeated by discourse, their futility
became obvious and the truth unfolded. They had ties to the power of
the ruler and declared:

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[64] Qur'ān, *al-Mā'idah*: 30.
[65] Qur'ān, *al-Anbiyā'*: 51–57.

They said, *"Burn him and protect your gods, If ye do (anything at all)"* argues Ibn Kathir[66]. So, they collected wood to burn Abraham. In relation to this, al-Suddī says, "Even if any woman became ill, she vowed if I get rid of this disease I will carry wood to burn Ibrahim. Then they made an excavation in the ground and filled it up with fire. It had a great spark and high flames without precedent. They had kept hold of a catapult by the instruction of a fugitive Kurd… So Allah caused the earth to swallow him and keep him embroiled in the earth till the Last Day. When they threw Ibrahim into the fire, he recited, *"Allah is enough for me and the best deputy for me"*[67].

Sayyid Quṭb says their initial reaction was positive and encouraging, they were preparing to return to their senses, but then they relapsed. At the outset, something moved them to reflect and contemplate but they lost their senses once again, leading to a loss of clear vision and proper argument. Their final statement caused Abraham to respond with a forceful retort against their understanding of God, saying those statues and deities were dumb and unable to speak. But they remained adamant and Abraham became uncharacteristically impatient with the absurdity and said: "*Do you then worship, instead of God, something that cannot benefit or harm you in any way? Fie upon you and upon all that you worship instead of God! Will you not, then, use your reason?*"[68]. Patience exhausted, Abraham expressed amazement at their stupidity whereupon they resorted to tyranny, which is customary when despots are left speechless and unable to produce a coherent counter argument. Thus, they resorted to brute force and rushed to inflict a painful suffering on him: *"They cried: Burn him, and succour your gods, if you are going to do [anything at all]"*[69]. Al-Bukhārī, on the authority of Ibn

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[66] Qur'ān, *al-Anbiyā'*: 68.

[67] Ibn Kathīr, *Tafsīr al-Qur'ān al-ʿAzīm*, Vol. 5, 351.

[68] Qur'ān, *al-Anbiyā'*: 66–67

[69] Qur'ān, *al-Anbiyā'*: 68

ᶜAbbās, recorded that when Ibrāhīm was thrown into fire he proclaimed, "*Allah is sufficient for me*"[70].

The story of Moses under the persecution of Pharaoh is another indicator of terrorism. Pharaoh ordered the murder of all male children of *Banī Isrā'īl*, to spread terror and panic. The *Qur'ān* records this story:

> "We [now] convey unto thee some of the story of Moses and Pharaoh, setting forth the truth for [the benefit of] those who will believe. Behold, Pharaoh exalted himself in the land and divided its people into castes. One group he deemed utterly low; he would slaughter their sons and spare [only] their women: for, behold, he was one of those who spread corruption [on earth]"[71].

Ibn Kathīr wrote that Pharaoh's ill treatment was because he feared *Banī Isrā'īl*. He was aware of their religious teachings and that there would emerge from among them a man who would destroy his kingdom. A tradition narrated by Ibn ᶜAbbās reports that Pharaoh dreamt that fire came out of Bayt al-Maqdis and burnt Egypt and the entire communities of *Qibtī*, but did no harm to *Banī Isrā'īl*. When he awoke, he was so fraught with danger that he convened a meeting of experts, magicians, sorcerers and priests and asked them to interpret the dream. They said the fire referred to a son from among those people that would destroy the kingdom. Consequently, Pharaoh ordered the murders of all male children of *Banī Isrā'īl* and kept the females alive[72].

Therefore, terrorism manifest in Pharaoh's Egypt. We also conclude they were among the first to use the term, terrorism, in 1198 BC when they plotted to kill Ramses III. During the Roman era, political crimes were regarded as synonymous with terrorism.

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[70] Muḥammad ibn Ismā'īl Abū ᶜAbd Allāh al-Bukhārī al-Jūfī. *Al-Jamiᶜal-Musnad al-Ṣaḥīḥ al-Mukhtaṣar min Umūr Rasūl Allāh wa sunanuhu wa ayyāmuh.* Taḥqīq: Muḥammad Zāhir ibn Nāṣir (Dār Thawq al-Najāt, 1st edn. 1422 H), Vol. 2, 39, Ḥadīth # 4564.

[71] Qur'ān, *al-Qaṣaṣ*: 3–4.

[72] Abū al-Fidā' Ismā'īl ibn ᶜUmar ibn Kathīr al-Dimashqī. (1968). *Qaṣaṣ al-Anbiyā'*, Taḥqīq: Muṣṭafā ᶜAbd al-Wāḥid, (al-Qāhirah: Maṭbaᶜat Dār al-Ta'līf, 1st edn.), Vol. 2: 4.

Romans maintained no distinction between internal and external threats. Any act that prejudiced a ruler was deemed terrorism and activities that touched on society's peace from detrimental hands were referred to as political crimes[73].

The story of the people of the "*pit of fire*" is another tale of terrorism narrated in the *Qur'ān*. This refers to a community of believers who lived before the advent of Islam (Unitarian Christians) who faced ruthless enemies that tried to force them to recant their faith. The believers refused whereupon the tyrants lit a great fire in a pit and threw them in. The believers were burnt to death before large crowds that had gathered to witness the ghastly execution. Their suffering amused the tyrants. They took vengeance for no reason save that these Christians believed in Allah, the Almighty and Praised One[74]. The *Qur'ān* records the event as follows:

> "By the sky, (displaying) the Zodiacal Signs; by the promised Day (of Judgment); by one that witnesses and the subject of the witness; Woe to the makers of the pit (of fire), fire supplied (abundantly) with fuel: Behold! They sat over against the (fire), and they witnessed (all) that they were doing against the Believers. And they ill-treated them for no other reason than that they believed in Allah, Exalted in Power, Worthy of all Praise! Him to Whom belongs the dominion of the heavens and the earth! And Allah is Witness to all things. Those who persecute (or draw into temptation) the Believers, men and women, and do not turn in repentance, will have the Penalty of Hell: They will have the Penalty of the Burning Fire."[75]

Ibn Kathīr remarks that some of these people who believed in Allah were forced by powerful disbelievers to return to disbelief in Allah. They oppressed the believers and gruesomely persecuted

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[73] Mahdī Majīd. *al-Irhāb Mafhūmuhu wa Nash'atuh:* http://www.alshirazi.com/world/article/123.htm

[74] Sayyid Quṭb (1979). *In the Shade of the Qur'ān*. Salahi MA and Shams (Trans). London: MWH London Publishers, 112.

[75] Qur'ān, *al-Burūj*: 1–10.

them. Finally, when believers failed to revert to the pagan religion, they dug a ditch and filled it with fire, adding wood to increase the fire's fury and threw them in. These believers had committed no crime. But because of their belief in Allah they were persecuted and murdered en masse[76]. Is this not extremism?

Medieval periods were fraught with many activities by which elite rulers used their power to spread terror and panic among opponents and thereby establish authority and dominion. Slaves revolted to survive these oppressive encroachments. Retaliations soon spread terror, turmoil and panic by pillaging properties to facilitate the elitist grip. Between the thirteenth and seventeenth centuries, terrorism crystallized internationally in manners that differed from the past. Colonial powers mass murdered so-called "rebels", inventing pretexts and justifications. From the inception of the nineteenth century, Americans and most European countries condoned and fostered their own terrorist activities. A number of movements suppressed liberation in the colonized world among the oppressed and colonized. Of these, in 1859 the Ku Klux Klan[77] emerged with the objective of killing "Negroes", wantonly torturing and hanging them in trees.

After WWI, terrorism assumed another form. Most Europeans experienced a new aspect of terrorism and extremism when their roads, cities and factories were filled with unrest, explosions, upheavals and assassinations such as the Prime Minister of Spain, Eduardo Dato[78], and so forth. This was the second murder of a Spanish prime minister in less than a decade; in 1912 José

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[76] Abū al-Fidā' Ismā'īl ibn ᶜUmar ibn Kathīr al-Dimashqī. *Tafsīr al-Qur'ān al-ᶜAẓīm*. Taḥqīq, Muḥammad Ḥusayn Shams al-Dīn, Bayrūt: Dār al-Kutub al-ᶜIlmiyyah, 1ˢᵗ edn., 1419 AH), Vol. 8: 359.

[77] The Ku Klux Klan is the name of three distinct movements in the United States that have advocated extremist reactionary positions such as white supremacy, white nationalism, anti-immigration, and especially in later iterations, Nordicism, anti-Catholicism and antisemitism. Historically, the KKK used terrorism, both physical assault and murder, against groups or individuals whom they opposed. All three movements have called for the "purification" of American society and all are considered right-wing extremist organizations.

[78] On 8 March 1921 in Madrid, while being driven from the parliament building and in front of the Puerta de Alcalá, Dato was assassinated by three Catalan anarchists Lluís Nicolau, Pere Mateu, and Ramon Casanelles, who were riding a motorcycle.

Canalejas [79] had similarly been killed. Terrorist gangs then restructured themselves with modalities found throughout the democratic climates of Italy, Germany and Spain. The Republic of France utilized such unrest and upheaval for their own benefit. As for modern terrorism, piracy continues to threaten trade and safe navigation on the high seas. Historically, pirates were actually engaged by Britain, France and Spain to establish respective authority and supremacy. We can also assert that the twentieth century witnessed a turning point in the use of terrorism, perhaps even maturation when viewed in the journey of human civilization. The First and Second World Wars saw the emergence of International Zionism as well as rightist and leftist dictatorships as key faces of this neo-terrorism[80].

Terrorism is a complex patchwork of interconnected activities that seem to converge to foster grave discomfitures. Individual, civilizational, political, social and economic elements are enmeshed in manners that produce murderous activities in the pursuit of certain goals. Factors that aggravate such violence include government-sponsored terrorism such as NATO's Operation Gladio[81] and numerous other false flag events[82], all of which have salient root causes that require discourse and mutual understanding to reduce and limit this tragic phenomenon. Hence, political, economic and cultural climates jointly trigger terrorism and remedies for the curse require painstaking research to address actual causes[83]. Pervasive factors include extremism and violence, which could be completely paralyzed if the Muslim world were to face terrorism based on a

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[79] On 12 November 1912, while he was shopping the literary novelties of the day from a bookstore in central Madrid, he was fatally shot by anarchist Manuel Pardiñas.

[80] Haytham ᶜAbd al-Salām Muḥammad. *Mafhūm al-Irhāb fī al-Sharīᶜah al-Islāmiyyah*, 69–74.

[81] NATO's Secret Armies. Operation GLADIO and the Strategy of Tension: Interview with Dr. Daniele Ganser. *Global Research*, online, 09 January 2016.

[82] Piper D. C. (2013). *False Flags: Template for Terror*. Seward Square. ISBN-13: 978-1937787905.

[83] Al-Ḥawārī. *Mawqiᶜ Ḥamlat al-Sakinah, al-Irhāb al-Mafhūm wa al-Asbāb wa Subul al-ᶜIlāj,* 11, online at <http://www.rpcst.com/search.php?action=startsearch>

comprehensive approach to Islam's genuine message. Thus, we should struggle and make the utmost effort with sincerity to unreservedly join together in a sacred mission to eradicate this despised evil from all societies in the world.

Researchers, academics and scholars have striven to identify causes of terrorism but are hardly unanimous in their findings. However, two major contexts can be highlighted. First, there is no inclusive definition as yet determined that clears a path for due signification. Second, many writers differ when tracing actual social stimuli that cause and promote terrorism, be they personal, congregational, governmental, religious or international. Hence, the definition of various causes is extremely important, even indispensable.

Reasons for the Occurrence of Terrorism

Muslim writers have identified several causes while exploring extrinsic and intrinsic factors that stimulate or force people and organizations to resort to acts of terror. Although numerous, political causes are considered most important, especially with references to colonization, veto power, globalization, tyranny, hyper-freedom and limitless democracy, other causes include diverse ethnic conflicts, foreign political authority, Judeo-American terrorism, intellectual and cultural foundations, ignorance of Islam's rulings and code of conduct, religious extremism and radicalism, economic factors and various social causes, etc.

Political Reasons

[1] Colonization is viewed as a primary cause and foundation by some who say that without colonization terrorism would not be found in the manner we witness today. Once colonization was on the wane, Muslim nations strove to consolidate cracks and breaches its tribulations wrought in the walls of universal Islamic brotherhood. Colonial politics were clear and did not stop at taking land but also violated Muslim honour by enslaving them, pillaging properties and resources and casting them into ignorance, disease and stagnation. Imperialism found no other means except the impositions of political pressure, violence and terror against defenders and dissidents in

colonized territories. In the face of such oppression, youths stood with firm conviction to cast them out[84], for which cause many sacrificed life and legacy.

Sālih ibn Ghanīm al-Sadlān remarked that colonial dictatorships vilified indigenous dignity by violating human rights with rapine and murderous destruction; thus forcing colonized people against their will and conscience to birth terrorism, violence and extremism[85]. King Muhammad the Sixth blamed colonization for the backwardness of the African people. He said as much in a public address during the revolution. He claimed that the problems faced by Africans, including stagnation, poverty, migration, war, demoralization, conflicts and kidnappings by extremists and terrorist groups were the direct aftermath of influences that had been cultivated by centuries of colonialism[86]. Wherever colonial divisions surfaced, people of occupied lands suffered the innumerable problems listed below:

1. Colonizers pillaged valuable raw materials, agricultural commodities and sundry key items.
2. Colonizers seized and occupied indigenous territories and forced natives to leave arable lands and settle in relatively barren arid areas.
3. Colonizers exiled millions from their homelands and a colossal number of slaves were trafficked from Africa to America. Including events after the industrial revolution, the discovery of both Americas proved a great disaster that destroyed millions of indigenous inhabitants[87]. Moreover, when white men found vast regions of fertile land, they required millions of hands for cultivation. They subdued the Red Indians, and although they distanced themselves they did not completely eliminate them. The gruesome ethnic cleansing resulted in the

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[84] Haytham ᶜAbd al-Salām Muḥammad. *Mafhūm al-Irhāb fī al-Sharīᶜah al-Islāmiyyah*, 81.

[85] Ṣāliḥ ibn Ghanīm al-Sadlān. *Asbāb al-Irhāb wa al-ᶜUnf wa al-Taṭarruf* <http://www.assakina.com/book/6012.html>

[86] Siyāsiyyah Ākhir al-Akhbār. <http://www.alyaoum24.com/688125.html>

[87] Thornton R (1990). *American Indian holocaust and survival: a population history since 1492*. University of Oklahoma Press. pp. 26–32. "La catastrophe démographique" *L'Histoire*, **322**, Jul–Aug 2007, p. 17.

persecution of more than one hundred million indigenous souls. They did not spare any means, including the poisoning of wells, contaminated medicines, plague, typhoid, smallpox and other contagion, plus the destruction of the Great Plains' buffalo herds[88].

4. The Red Indians were thus deprived of their human right to determine their own destiny by choice, tradition, beliefs, treaty and expectations. Instead, the colonizers determined policies aligned with colonial justifications, saying that colonized populations were so scattered they were unable able to formulate their own policies of state.

5. Colonial policies were also based on racial and religious prejudice. They paid lower salaries, if at all, to natives than to European whites. Native Americans were prohibited from admission to certain schools and higher educational institutions were reserved for Whites. Natives were also deterred from entering White gatherings, conferences or assemblies. Eventually, they became so demoralized they lost all respect and honour for themselves[89].

The above historicity very briefly provides evidence of four-to-five hundred years of state sponsored terrorism, including mass murder, exploitation, deprivation of human rights, illegal seizures, confiscation of wealth, rapine, imperial suppression and sundry violence in addition to racial cum religious extremism. This abridged analysis does not receive due recognition from historians and journalists who suffer asymmetric cognitive skills.

[2] *Veto Power*: The UN is well acquainted with political violence and has critically observed the complexities of its fusion with contemporary issues. A former Secretary General commented at the UN General Assembly and admitted that the issue of terrorism was difficult to solve and utterly complicated. He further noted countries predominately responsible for fostering the terror that paralyzes

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[88] Munīr al-Hamsh, Amrīka wa al-Kināniyun al-Humur. (2002) *Akhbār al-Adab*, Damascus, quoted from Ḥamdī Shafīq, *al-Tārīkh al-Aswad li al-Istiᶜbād fī Amrīkā*, <http://wwwsaaid.net/bahoth/85.htm>.

[89] *Al-Mawsūᶜat al-bī'ah, al-Atharuhā allati tarakahā al-Istiᶜmār* <http://www.bee2ah.com>

global order, and mentioned some causes. Among the latter, and of foremost significance, was the negligence of powerful countries to fairly implement UN resolutions. The latter disallowed the performance of UN duties in conformity with justice, leading to utter UN failure to keep agreements and protect human rights, particularly of the oppressed[90].

[3] *Globalization*: Conspiracies against Islam are well known, hidden but applied from behind the stage and in the dead of night. After the fall of Soviet Union the course of hostility changed to a spectre of globalization that threatens to entrap us all. The Islamic world has especially fallen victim to its tribulations when America decided fate and future for Iraq and Afghanistan. In some Muslim countries, the USA has deployed military forces dedicated to penetrate and politically dominate almost every Muslim country under the sun. Truthfully, Jews brewed terrorism's poison by aligning with Christian hypocrites; thus manufacturing a market for global ethnic and religious hatred. Zbigniew Brzezinski, a Polish Jew, is known to have said, "*The Muslim terrorist apparatus was created by U.S. Intelligence as a geopolitical weapon*"[91]. Thus, under the pretext of eliminating alleged global terrorism, America wishes to keep the Muslim world under its thumb.

An anti-terrorist conference in Riyadh (6–9 Feb, 2005) summarized the main causes of terrorism as 'direct consequences of globalization'. Arab and non-Arab delegates attended. They concluded that root cause of terrorism embraced extreme poverty, unjust social structures, corruption and political oppression. Correlates were foreign occupation and exploitation, religious extremism, human rights violations and cultural aggression. Regional conflicts earned honourable mention under pretexts created by terrorist organizations and activities[92]. All of these indicate shameful

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[90] Rasmiyat Muhammad. *al-Irhāb al-Siyāsī wa al-Irhāb al-Dīnī* http://www.ahewar.org/debat/show.art.asp?aid=218953

[91] https://en.wikipedia.org/wiki/Zbigniew_Brzezinski, accessed on 11-10-2017. Interview: 15 Jan 1998, *Le Nouvel Observateur*

[92] Foreign Ministry, Kingdom of Saudi Arabia, International Anti-Terrorism Conference
<http://www.mofa.gov.sa/aboutkingdom.old/KingdomForeignPolicy/InternationalCenter Terrorism/Pages/Antiterrorism Conference25459.aspx>

outcomes of the new globalist system. Obviously, the international security agency failed to frame strict legal boundaries and concrete moral strongholds against terror and tumult. To the contrary, associate organizations disgracefully provided justifications for terrorists and select governments to eliminate undesirable elements.

Over the last twenty years, the late Mr Brzezinski's "*geopolitical weapon*" has gained a despicable reputation. The Judeo-Christian Alliances have mercilessly exploited those seeking independence while Internet information transfer comprehensively contributed to terrorist activities in various regions. Globalization has arguably facilitated the emergence of terrorism as its proponents shaped the world and established corridors for future ventures.

[4] *Political Tyranny:* The Brown Sahibs of tyranny have always allowed another form of colonization, especially when power is extrinsically vested in a few with sole authority to favour their own and their sponsors' interests and policies. Here stands a case for freedom, for when human rights of the many are violated it paves the way for ideologies beyond reasonable limits and restrictions. Ideologues and reformers struggle independently against the authority of any autocracy that distributes the wealth of a land to the detriment of social justice. Thus, ideologues, even in error, strive to create awareness among the people and cause them to stand their ground and claim their rights. To protect self-interests, tyrannical authority uses all its power, including terrorism, and many have justified such measures under the pretext of applying law and order. Hence, they silence all discussion leaving no alternative except counter terror and violent rebellion. It therefore becomes clear that when open discussion and transparency are blocked, violence results[93].

[5] *Hyper-Freedom and Democracy*: Under the aegis of democracy, unfettered freedom also obtains extremism and terrorism. The most active terrorists have emerged in countries that boast extraordinary freedoms, including Italy, Spain and the United States. Hence, it seems that unfettered liberty favours such activities. But we do not urge dictatorship and must still rely on democracy based on consensus and inclusivism, because freedom is fundamental to

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[93] Haytham ᶜAbd al-Salām Muḥammad. Supra, 82.

individual development. Yet at the same time, we argue that freedom requires limitations with reasonable and justifiable restrictions. Therefore, we call for freedom that entails a firm sense of responsibility and accountability and which respects all men regardless of belief. We strongly disagree with the freedom of an unqualified democracy that promotes terrorism and permits violence. Under the banner of individual freedom, a wide unlimited scope has frequently given rise to national and international terrorist groups[94]. Some are noted as follows:

1. The ETA (Separatist Group): An armed leftist Basque nationalist/separatist organization in northern Spain and southwest France. Founded in 1959, it evolved from a group promoting traditional Basque culture to a paramilitary organization engaged in a violent campaign of bombing, assassinations and kidnappings throughout Spanish territory by 1968. They targeted Milton Mentanas, director of Spanish Intelligence, in San Sebastian, Basque Province. They attacked Spain's Prime Minister, Luis Carrero Blanco in Madrid and assassinated him in December 1973[95]. In 1974, they undertook numerous armed attacks in Madrid to gain independence for the Basques. They actually represented the Batasuna political party. From the early 1980s they have been regarded as a ruthless blood shedding cult. In 1989 they suspended armed activities and engaged in peace negotiations with the Spanish government. In 1991 they made a U-turn, but in 1999 returned to the talks. Again, negotiations had failed and 2001 witnessed massive violence, including killing and injuring thousands. Spain, France, the United Kingdom, the United States and the European Union currently proscribe ETA as a terrorist group[96].

2. The Red Brigades: A left-wing paramilitary organization based in Italy, responsible for numerous violent incidents, including assassinations, kidnappings and robberies during the so-called "Years of Lead". In 1970, three university students

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[94] Ismāʾīl ʿAbd al-Fattāḥ ʿAbd al-Kāfī. *al-Irhāb wa Muhārabatuhu fī al-ʿĀlam al-Muʿāṣir* <www.kotobarabia.com>

[95] https://en.wikipedia.org/wiki/Luis_Carrero_Blanco, accessed on 11-10-2017.

[96] https://en.wikipedia.org/wiki/ETA_(separatist_group), accessed on 11-10-2017.

established this organization, which sought to create a "*revolutionary*" state through armed struggle and to remove Italy from NATO. They attained notoriety in the 1970s and early 1980s with violent attempts to destabilize Italy via sabotage, bank robberies, kidnappings and murders. The group's most infamous act took place in 1978 when they kidnapped former Christian Democrat Prime Minister, Aldo Moro, who was trying to reach a *compromesso storico*, or historic compromise with the Communists. This organization was aligned with Palestinian leftist terrorists and sought arms from Bulgaria, Czechoslovakia and Libya. Since the close of 1970s, the Italian government appointed a special unit to combat their activities[97].

3. Ku Klux Klan: A confederate organization seeking to establish White supremacy over Negroes. Lynching was a favourite means. Founded in 1866, the Ku Klux Klan (KKK) extended to almost every southern American state by 1870 and became a vehicle for white southern resistance to the Republican Party's Reconstruction-era policies aimed at establishing political and economic equality for Blacks. Its members waged an underground campaign of intimidation and violence directed at White and Black Republican leaders. Although Congress passed legislation designed to curb Klan terrorism, the organization saw as its primary goal, the reestablishment of White supremacy fulfilled through Democratic victories in state legislatures across the South in the 1870s. However, the organization disappeared when Ulysses S. Grant devised new policies[98]. Through using the expansion of federal authority policy, he diminished KKK violence. By the 1870s it was completely destroyed but re-emerged in 1915. In addition to a report on the criminal paedophile murderer, Leo Frank, a Jew, a film called *The Birth of A Nation* was produced. Their re-emergence assumed the name of that film, giving it a justifiable appearance. Since then, it spread to every part of

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[97] https://en.wikipedia.org/wiki/Kidnapping_of_Aldo_Moro, accessed on 11-10-2017.
[98] https://en.wikipedia.org/wiki/Ku_Klux_Klan, accessed on 11-10-2017.

United States. In the 1920s, membership had reached 15% of the citizenry. <u>Gradually, the KKK moved forward based on racism, anti-Semitism, and anti-Catholic convictions</u>. It was involved in ethnic cleansing by lynching and other forms of violence[99].

4. <u>Aum Shinrikyo:</u> A Japanese Doomsday cult founded by Shoko Asahara in 1984. Its primary target was Japan followed by the entire world. Shoko Asahara, the religious leader, was given opportunity to deliver a speech in Japanese parliament in 1990. With the passage of time their goals became obvious and they were exiled from this circle by 1995. In 1997, the Japanese government decided to combat the organization after they perpetrated the deadly Tokyo subway sarin attack that killed 12 people and poisoned another 6000, which gained them national and international notoriety. At the time, they claimed their membership numbered nine thousand and boasted they would continue their activities easily without outside help. <u>Authorities deemed them the worst of terrorist groups</u>. Their only arms were chemicals[100]. Aum Shinrikyo, which split into Aleph and Hikari no Wa in 2007, has been formally <u>designated a terrorist organization by several countries, including Russia, Canada, Kazakhstan, and the United States</u>. Japan's Public Security Examination Commission considers Aleph and Hikari no Wa to be branches of a "dangerous religion" and announced in January 2015 that they would remain under surveillance for three more years. The Japanese government ended surveillance of Hikari no Wa in 2017, but continued to keep Aleph under watch[101].

This sampling of political factors contributing to terrorism provides special contexts that advance the spread of terrorism. Moreover, Russian Federation decadence and the supremacist hegemony of the United States of America, which has also advanced terrorism at the international level under cover of controlling the "*red*

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[99] http://www.history.com/topics/ku-klux-klan, accessed on 11-10-2017.
[100] https://en.wikipedia.org/wiki/Aum_Shinrikyo, accessed on 11-10-2017.
[101] Ibid.

menace". Here, new ideologies are simply destroying and replacing old ones.

Ethnic Conflicts

The failure of some nations to liberate their land from colonizers encouraged indiscriminate attacks that appeared to be terrorist activities. The success of some revolutionary movements that used terrorist strategies to obtain autonomy may have encouraged others to undertake terrorism in secret. The achievement of political supremacy by certain groups that applied terrorism rather than traditional war also appeared rapid and less costly. Failure of student movements in the 1960s to achieve aims and change political structures in Europe and America also account for terrorist responses.

Foreign Political Authority and Terrorism

Zionism undoubtedly nurtures terrorism in Arab countries. Israel's relentless attacks on Palestine and neighbouring states inspire hatred among Arabs in Palestine, Syria, Iraq and other Arab countries. With the help of her allies, Zionists routinely and callously murder Palestinians with no effective measures taken by Arab governments. Consequently, many Muslims, especially the youth, are filled with rage, frustration and despair as they watch western countries exercise power and dominion while ignoring international resolutions, conventions and regulations. All of this not only causes fury in the face of dilemma, but also leads many to embrace terrorism as a way to recover lost land, glory, prestige and dignity for the Muslim Community. The continuum of autocratic oppression, occupation and injustice has led hundreds of Palestinians to commit suicide bombings. The on-going destruction of homes and places of worship by illegal occupants has caused them to resort to violence and extremism[102].

Intellectual and Cultural Reasons

Currently, aggressive extremism is rampant in many regions but forceful solutions are likely to cause even more harm. In a child's

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[102] Al-Ḥawārī. *Al-Irhāb al-Mafhūm wa al-Asbāb wa Subul al-ᶜIlāj*, 14-5.

formative period, such approaches are detrimental to development. Some children are destructive from adolescence and wont to damage domestic property and peace. When such conduct becomes a behavioural malady, it reflects on family, society and even the international sphere as to the degree of its pervasiveness[103]. The role of education involves guidance in order to shape good social manners. Hence, inconsiderate or malevolent educational policies lead to increased destructive consequences. Erroneous understanding of religion often foments such circumstances[104]. Thus, intellectual and cultural factors, when left unchecked, unmonitored and unguided, can worsen the situation and even cultivate metaphysical ground for terrorism. Salient contexts are discussed below.

Ignorance of Islamic Injunctions and Rulings

Many Muslims are ignorant of Islamic injunctions and obligations due to the lack of authentic Islamic education and cultural exposure. A lack of knowledge between what is "unlawful" and what is "prohibited" is obvious. People are also confused regarding morality and immorality and there is a dearth of awareness of ethics, values and virtues. Issues dealing with public matters reveal no sense of responsibility except for selfish desires and extrinsic ideations that attend many who nurture the next generation. Hence, naive minds are exploited without referral to well-versed religious scholars imbued with the essence of what is most beneficial for human welfare. Pure ignorance thus spreads like an infectious disease causing innumerable problems.

Abū al-Dardā', a companion of the Prophet said, *"Be a scholar or a learner or his associate and do not be the fourth one; for then you will be ruined. And that is ignorance*[105]. The Prophet is reported to have said, *truly, the cure for ignorance is inquiry"*[106]. A tradition says

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[103] ᶜĀdil Amīr. *Al-Asbāb al-Fikriyyah li al-Irhāb* <http://www.pulpit.alwatanvoice. com/articles/2013/12/27/315754.html>

[104] Hannā ᶜIsā. *Al-Irhāb Tārīkhuhu, Anwāᶜuhu, wa Asbābuh,* <http://www.pulpit. alwatanvoice.com/articles/2013/12/27/315754.html>

[105] http://allabouthistorymuslim.blogspot.my/2015/04/abu-darda-died-32-h.html. Accessed on 12-10-2017.

[106] *Sunan Abi Dāwud*. Kitāb al-Tahārah, Bāb fī al-Majrūh Yatayammam, Hadith

that for whom Allah wills goodness He will also accord him with an excellent juridical understanding of Islam. Thus, offering views, providing comments and analysing religious texts without proper methodology and without requisite knowledge begets tribulation and leads to turmoil. Ignorance causes people to devise policies that allow them to consider themselves on the road to success. However, they are misguided and misguide others, at the calamitous expense of entire communities. An example is the man who denies the presence of disbelievers in the Arabian Peninsula and destroys their homes and property while forgetting that others have promised them terms of peace and security.

Extremism and Radicalism in Religion

Erroneous understanding of religion leads to violence and radicalism. Eventually, one fears that young Muslims will brand authentic Islamic educational institutions and teaching methodologies as pariahs and will even blame genuine scholars for religious deviations. False understanding and deviant propaganda activates extremism among those who lack informed defences. The Western media separates politics from justice yet blames Muslim education and culture for indoctrinating its followers in terrorism. At the same time, the West begets tyrants, extremists and terrorists. Thus it is unjust to brand Muslim youths as radicals for peacefully striving to defend their identity, faith and religion[107].

Economic Reasons

Global economic conditions affect governments and confederates to encourage terrorist activities. The emergence of socialism's confrontation of capitalism is evidence for such a hypothesis. According to leftists, hoarding property removes justice and equality so they formulate mechanisms that clearly contribute to extremism and terrorism. The transition towards socialism during the 1960s caused significant unrest as well as isolationism with the emergence of many novel socialist methods that failed because they did not meet

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336.   Quoted from: https://sunnah.com/abudawud/1
[107]   Al-Ḥawārī. *Al-Irhāb al-Mafhūm wa al-Asbāb wa subul al-ᶜIlāj*, 14.

increasing complexities of daily living. Consequently, severe financial crises favoured the banditry of terrorism because substantial financial factors ostensibly functioned to curb terrorism at the international level. Hence, some countries actually encouraged such activities to obtain financing from international sources and thus became hubs for terrorist activities. Liberating one's land from occupying foreign powers obtained popular favour as well as fiscal resources. Thus, to impress international vendors, it was considered necessary by the unwise to damage one's own economic resources by spoiling agricultural and industry.

As financial assistance was extended as a means to terrify others, these countries confronted violent reactions from reasonable opposition[108]. Complicating matters further, unemployment and too much free time allowed employable terrorists to emerge. This paved highways for hijacking, theft, kidnapping and other criminal means. Unemployment is mostly due to an inequitable distribution of work opportunities, which easily agitates people and moves them closer to violence. As for free time, a tradition of the Prophet is quoted: *"There are two blessings which many people lose: (They are) Health and free time for doing good"*[109]. Thus he conveyed that soundness of body and duty are priceless gifts from Allah. When sound, a person performs his duty and utilizes free time for diverse works of benefit. When a man does not possess wisdom, he passes his time doing nothing and will cause a great loss here and hereafter. It is understood that for youth, free time and ready but aimless mobility create prodigious mischief. Leisure can be a dangerous disease that dis-engages the body and mind and can therefore be an opponent of wellbeing. Spiritual apathy and indolence only detracts from meaningful utility.

Social Reasons

The family is the foundation of society and basis of human civilization. It plays a crucial role in every developmental life stage, from individual hamlets to national and international relations. From the beginning, Islam has always heeded family constructs and offered

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[108] Jamīl Ḥizām Yaḥyā, *Mafhūm al-irhāb fī al-Qānūn al-Duwalī al-ᶜĀm*, 34–5.
[109] Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Kitāb al-Riqaq, Bāb al-Ṣiḥḥat wa al-Farāgh, Ḥadīth #6412. Sunnah. Com, Book 81, Ḥadīth 1. Vol. 8, Book 76, Ḥadīth 421.

complete templates for the development and structure of good families. Islam cites every family issue and promulgates an inclusive divine codex for all behavioural matters, individually and collectively. Islam scientifically recognizes human psychology and has designed social structures and milieus that easily survive any situational crisis and all challenges while maintaining honour and dignity. Arguably, Islam nurtures in ways that relieve men from all evil attributions, including violence, greed, bad temper and so forth[110].

Man is designed to create facilities that benefit society, which is a composite of families that instil emotional faculties and moral perceptions; thus creating an environment for physical and moral development. Any disturbance of this environment leads to the disruption of sound physical and mental development. When societies fail to receive advantages from their efforts, its citizens formulate a myriad of concepts that ultimately lead to violence and terror[111]. Hence, Islam considers family the most fundamental of temperate incubators and pays careful attention to consolidate and harmonize family relationships. Once a family is well structured, it is the best guard against mischief and surest pathway to success in the hereafter.

Conclusion

Our discussion revealed that *irhāb* has occurred from the beginning and throughout history. We defined "*irhāb*" and "terrorism" from authentic sources and enabled readers to better understand their respective meanings and thus eliminate confusion. Since scholars, officials, administrators, authorities, organizations and leaders are much concern with the phenomenon, these terms were studied, analysed, examined and explained in depth. As for methodology, a relevant historical method was applied with qualitative content analysis of *Qur'ānic* verses, *hadith* and writings from various researchers, including western sources.

The UN General Assembly, Security Council, NATO and European Union make continuous efforts to confront and eliminate

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[110] *Al-Usrah fī al-Islām*. <http://mdonitaᶜ.blogspot.com/2014/09/Family-in-Islam.html>

[111] Hannā ᶜIsā. Supra <http://www.abouna.org/content>

terrorism from all parts of the world. Hence, we added their definitions and appeals to assist international readers. Despite differences, all share common features regarding the violence and means used by terrorists to fulfil vested interests and achieve goals. The example of Syria demonstrates that the net result is annihilation of infrastructure and incalculable casualties. In the name of religion, ISIS engages in the murder of innocent citizens while destroying the nation. Consequently, the country loses even if Assad should win the war. Moreover, the destruction appears to be several times more than what the media actually reports. Millions of refugees and the wanton destruction pose an unpredictable future as to when and if they can return. Will it happen? Perhaps their destiny is to live in refugee camps for decades, as do Palestinians who never returned to their beloved land. Moreover, it is unknown to many Syrian refugees whether or not their homes have been destroyed. Currently, many live in refugee camps but for how long? Are there any political or diplomatic solutions? If so, who will initiate the process: the Muslim *Ummah* or the international community? These questions remain unanswered.

It is obvious that some Muslims have resorted to violence, radicalism, extremism, and consequently terrorism after inheriting misconduct due to ignorance and an errant understanding of Muslim history. Such influences result from the egotistical and wishful thinking of different sects that hold erroneous beliefs and use wrong methods to enforce Islamic injunctions and legal rulings. Thus, the blind follow blinded religious leaders and political masters, obsessed with local/regional mores' and traditions joined to fanatical *madhāhib* that misapply juristic views and edicts without consideration of historical contexts and related issues. These are key factors responsible for the rise of terrorism. Hence, it is crucial to educate, explain and explicate the undistorted message of the *Qur'ān*, *Sunnah* and *Sīrah* of the Prophet (pbh), both informally and formally.

Formal education can be imparted by well-structured curricula that accounts for the historical background and traditions of a given society. High-level scholars should monitor curricula to avoid controversy as well as complications in implementation and subversion by vested interests. Informal education should be designed by qualified scholars from various religions with coordination

between the both systems to specifically address terrorism. Uniformity must be maintained and values included from all religions. Scholars and intellectuals from different cultures and traditions should also be invited to supervise implementation. Details and logistics can be discussed to ease situational tensions in plural societies with various languages and cultures. Short-term courses should be offered to foster unity, fraternity and integrity between people of various belief systems.

While acknowledging that colonization, globalization, tyranny and hyper freedom with limitless democracy are important causes, Muslims should not insist on blaming others for the growth of terrorism. Muslim NGOs, institutions, political parties, Mosques, Islamic centres and journals must prioritize agendas that educate people not to resort to violence, fanaticism, obsession or radicalism and thus propel themselves into acts of terrorism. Efforts must be made to eschew terrorism and not sympathize or aid terrorists, even if they act logically, rationally or religiously. Islam's way of life is peace, and nothing but peace, as the *Qur'ān* clarifies and asserts. Even the word 'Islam' means peace, which implies sustaining peace by complete surrender and obedience to God's Message. Hence, Muslims must be peace loving, peacekeeping and peace-enforcing people and should be made to realize it is unlawful to resort to fanaticism, radicalism, extremism, violence and terrorism. Muslims must develop a culture that manifests a peaceful moderate society and should stand at the forefront to guide the world.

We admit there are sources and sectors that provide irrelevant and distorted interpretations of non-contextual information on religion and who occasionally become resources for terrorist groups and/or organizations that may unknowingly recruit members that support and strengthen ideologies and aspirations by using false promises, including reward in the hereafter. Laymen, uneducated youth, people below the poverty line, those who are indecisive, confused and frustrated, are targeted by so-called terrorist agencies. Since global media highlights this issue, it is crucial for genuine Islamic organizations to identify these victims and provide authentic information on such predators and thereby warn of the danger of being approached by unknown groups or agents, generally in the name of

religion. Hence, unknown persons, or agencies, or even endowment institutions professing religion and offering projects, promises, gifts and scholarships must be diligently vetted as to origin before considering their offerings. Often, we have noted cheating and deception as a consequence, including terror and blackmail. Thus, consultation should be made with reliable scholars and institutions that are known for integrity, sincerity, piety and religiosity, prior to responding. Terrorist groups apply several strategies to captivate and recruit members and often wear the disguise of religion. So let us alert people to this strategy and their networks.

Every Friday a religious sermon is given in mosques throughout the world, which is obligatory according to Islamic teaching. It is strongly recommended that content is relevant and addresses day-to-day problems facing the community. However, most often the audience is alerted to dangers to the life hereafter or political issues that directly or indirectly fulfil or satisfy the needs of special interest groups. It is far more appropriate that the sermon content should include the fact that Islam as not a religion of extremism, violence and terrorism. This must be repeated until people get the message and come to oppose all forms of terrorism. It is equally important to stress the need for moral education for Muslim youth in order to mould their behaviour with Islamic values.

Since life is short, it is proper to use it for constructive purposes. It is equally important to nurture righteous qualities, characteristics, attributes and a positive mind-set. Peace and tolerance should be given priority so endeavour to educate people correctly. Focus on assisting and cooperation with each another. Discrimination should not be justified in the name of religion and proper justice must be administered and upheld. Freedom is necessary but should not be abused. Respectful kindness towards all others is crucial. Co-existence should be tolerated and promoted to sustain global harmony and tranquillity. Corruption should be abolished at all levels while granting everyone what he/she deserves. When people are given due rights according to eligibility, education, experience, knowledge, skill and professional achievements, they will live a life of happiness and avoid futility and disappointment. Thus, they will not resort to rebellion, violence, extremism, radicalism and terrorism.

FORM AND CONTENT: A HISTORICAL AND ARTISTIC ASSESSMENT OF A 17TH CENTURY ILLUSTRATED MANUSCRIPT OF SHAHNAMEH FROM S. M. N. A. LIBRARY, MALAYSIA[1]

Amir H. Zekrgoo

Abstract

Shahnameh illustrated manuscripts are among the most sumptuous manuscripts produced in the history of Iran and within Persianate

societies. The purpose of this research is to introduce and provide a multifaceted assessment of a 17th century illustrated manuscript of the Shahnameh, preserved at the Syed Muhammad Naquib Al-Attas Library MSS collection. In this study, after a brief introduction of the Shahnameh, the manuscript in hand is evaluated from historical, codicological and artistic perspectives. It identifies the calligraphic style(s), discusses the form of page layout and provides a compositional categorization of its 29 illustrations painted in Isfahan school style. In order to establish a meaningful text-image relation in terms of layout and composition the images are analyzed and categorized into three main divisions to facilitate artistic assessment. A graphic approach has been adopted to display the three categories in the format of schematic drawings which appear next to the images from the original illustrations. An overall evaluation of the physical condition of the manuscript is also provided to encourage taking measures for its preservation.

Shahnameh and the Persian Culture

Shahnameh (The Book of Kings), composed in rhyming poetry by Abu al-Qasim Ferdowsi (940-1020) is the enormous national epic of the Persian speaking world including Afghanistan and Tajikistan, as well as the significant Iranian diaspora. It combines myth and history, idealism and realism, ethics and politics. "The Book of Kings" provides a chronicle account of all the kings of Iran from the primordial founders all the way to the Arab conquest of Iran of the Iranian Sasanian Dynasty in 651. Thus, it is part mythology, part history.

Beyond its multilayered stories of heroism, battles, love and loyalty the *Shahnameh* introduces values of divine and individual nature; it promotes monotheism, loyalty, piety, patriotism and the love of one's wife, family and children. It puts emphasis on helping

the poor, hospitality, seeking knowledge and attaining wisdom.[2] Rostam is the central hero-figure of the *Shahnameh* who is an embodiment of many such virtues. Though he is supposedly a servant of the kings, the very kingdom he defends depends on his mythical/divine authority! He is introduced as the '*Tajbakhsh*' (crown-bestower). He is often a living challenge to the idea of kingship even though his whole epic life is dedicated to upholding it.[3] Despite the fact that all the events narrated in the epic takes place in a mythical or, in many cases, historically pre-Islamic era, Ferdowsi expresses his reverence towards Prophet Muhammad and his household (the *Ahl al-Bayt*).[4] In this sense Ferdowsi and the Epic he created together act as a compound link connecting the pre-Islamic and Islamic Iran and creating a comfortable balance between the glorious pre-Islamic heritage of the Persians and their Islamic identity.

Shahnameh is also important as an essential source for reviving the Persian language. It took Ferdowsi some 35 years to complete the *Shahnameh*, starting after 975 AD and finishing around 1010 AD. It has 62 stories, 990 chapters, and contains 60,000 rhyming couplets, making it the largest poem ever written in any language. In terms of presenting the Iranian identity in its totality the *Shahnameh* can be compared to Homeric Iliad which is known to portray Greek cultural identity though the former surpasses the latter by far in sheer length by seven times.[5]

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[2] Jalal Khaleqi Mutlaq, "Iran Garai dar *Shahnameh*" (Iran-centrism in the *Shahnameh*), *Hasti Magazine*, Vol 4, (Tehran: Bahman Publishers, 1993).

[3] Olga M. Davidson, *Poet and Hero in the Persian Book of Kings* (Cornell University Press, 1994).

[4] *Shahnameh*, Section 7, under "An Account of Praise for the Prophet"; For elaboration see Rastgar-Fasaei, Mansour, "Imam Ali and his Household in *Shahnameh* of Ferdowsi and Epic Stories," *Adabestan-e Farhang va Honar* 54 (Khordad 1373 SH. / 1994 CE): 14-17, Tehran.

[5] Islami Nadushan in his "Epic values of *Shahnameh*: A comparison of Ferdowsi's *Shahnameh* and Homer's Iliad" discusses the two epics in the context of their Aryan origin. He also introduces the Hindu epics of Ramayana & Mahabharata and states that these books mark the pinnacle of epic literature the world over, and that they are representatives of three prominent Aryan cultures, namely Greek, Indian and Persian. *Honar va Mardom* 138 (Farvardin 1353 Sh./1974) 16-24.

About the Manuscript

This manuscript of *Shahnameh* is complete with 340 folios with 29 magnificent miniature paintings in Isfahan style. The book measures 23.6 cm x 37.5 cm and the text area – which is framed with a few delicate lines in black, gold and green – measures 15.8cm x 28.2 cm. The full pages have an average of 25 lines organized within four columns. (Image 1)

The name of the scribe –Ibn Mohsin (Hassan!) Al-Kermani – as well as the date of completion (14th of Shawwal, 1021 A.H. / December, 8, 1612) is penned in black ink, set within an inverted triangle at the lower part of the colophon (Image 2). It reads:

کنون تاج و اورنگ لهراسب شاه

بیارایم و بر نشانم بگاه

تمه جلد کتاب شاهنامه حکیم گرامی سخنان العجم حکیم فردوسی طوسی

نور الله مرقده

کتبه ابن احمد محسن (حسن؟) الکرمانی بتاریخ 14 شوال سنه 1121
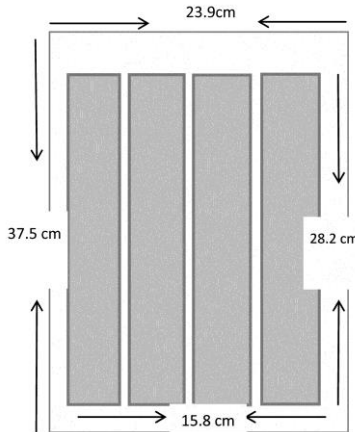
(Image 1)

Above this text, in an empty space within the lower right hand box of the text area another date appears in red ink and in a careless handwriting, dating "18th of the month of Dhulqada of year 1032 AH" (September 13, 1623) – some two decades after the date of completion of the manuscript. Letters M (م) and N (ن) also appear next to the date – probably abbreviations of the name of the second owner.

On the lower right hand corner appears a large rectangular seal impression –from late 18th or early 19th century – probably pointing to the third owner of the manuscript before it entered Barker's collection in the 20th century. The following words that are composed in two lines can be read off the seal impression. It must be noted here that in the case of this seal the text begins from lower right and ends on the upper left.[6]:

Lower line: الواثق - الراجی – یحیی

Upper line: باالله - عبده
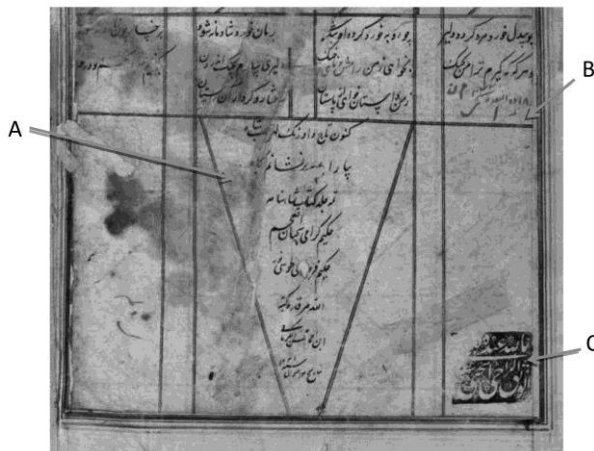
Image 2: Colophon containing: A) Name of the manuscript, the author, the scribe and date of completionB) Date and initials of the second owner C) Seal impression of the third owner

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[6] Arrangement of scripts in Persian seals and the way to realize where the text begins or ends depends on a variety of factors, including, among other things, shape, calligraphy style, period etc. M. Javad Jeddi, *Seals and Engravings in Persia* (Persian), 2008 (1387 HS) Iran Academy of Art, pp. 117-129.

A remark in Arabic and Urdu, penned in green ink – most probably by the hand of "Muhammad Abdul Rahman Barker" – confirms that the manuscript had entered his collection not later than "June 3, 1966" while he was residing in "Montreal Canada." (Image 3) It reads:

بسم الله الرحمن الرحیم

محمد عبد الرحمن بارکر

مانتریال - کنیڈا

مجلد 3 جون سنه 1966

This was the manuscript's last home before it was moved, along with Barker's entire collection of books and manuscripts, to Malaysia and was housed in the SNA Library of ISTAC.
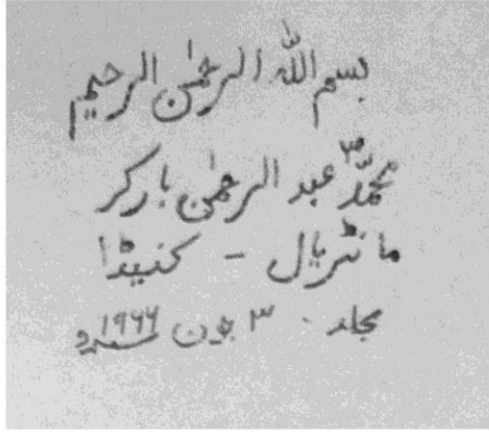
Image 3: Handwriting of Muhammad Abdul Rahman Barker

Calligraphy & Text Layout

The scribe, Ibn Mohsen (Hassan) Kermani, whose name appears at the colophon, has penned this manuscript in fine Nasta'liq style. The main body of the text (the poetry), as well as the prose introductory pages, appear in black ink could either be carbon ink, or most

probably a carbo-tannate based ink (fusion of carbon ink and iron-gall ink in set proportions and measurements) commonly used in Persia.[7] The headings and subheadings are always penned in red ink; this also includes the subdivision titles within the running text of the introduction, which have been emphasized in red. All the red-inked headings are penned in Nasta'liq style with the exception of one of the headings in folio 26b which contains two headings: the top one is in Nasta'liq while the lower one appears in stylish Naskh (Image 4). The full page texts are arranged within four ruled columns. Certain pages are adorned with *chalipa* panels – a diagonal arrangement of hemistiches of a poem mainly in Nasta'liq calligraphy – fitted into the 4-column grid. (Images 5 & 6)
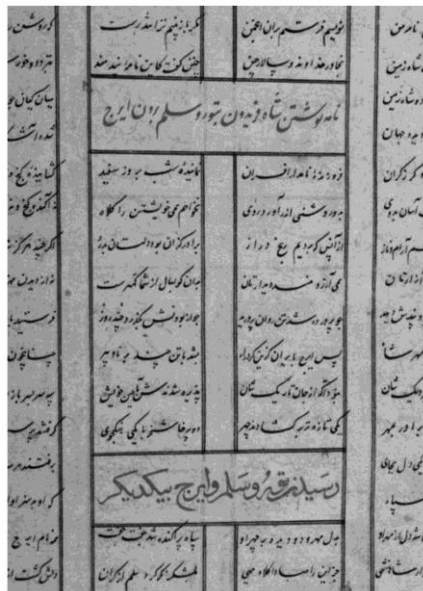
Image 4: folio 26b, Two styles of calligraphy (Nasta'liq & stylized Naskh) used for headings.

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[7] Sadra Zekrgoo, Methods of Creating, Testing and Identifying Traditional Balck Inks, *Restaurator*, *International Journal for The Preservation of Library and Archival Material*, 2, p. 133.
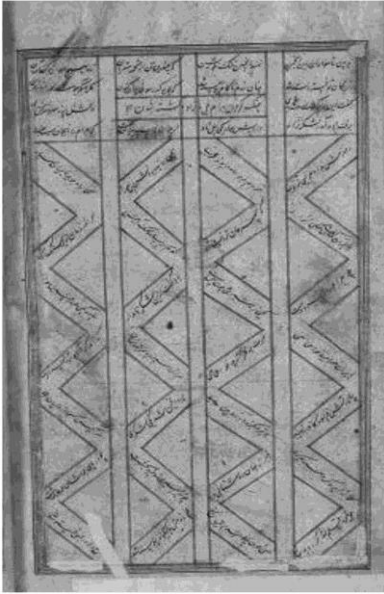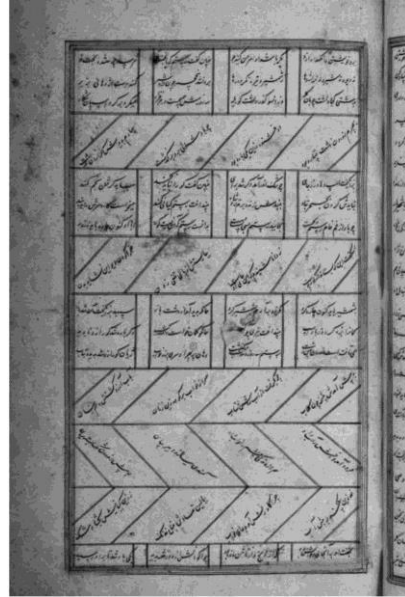
Image 5: Folio 196a   **Image 6:** Folio 259b

Illumination

The manuscript begins with a simple – somewhat sketchy – *sarlawh* in gold, followed by three and half leaves of prose introduction. The main body of poetry begins yet with another *sarlawh* – this one lavishly decorated with escutcheons and floral motifs with dominant hues of gold and lapis-lazuli, and delicate strokes of cinnabar. (Image 7) A close study of the page shows that the present *sarlawh* has been pasted over the top of the page; it was probably cut off from another manuscript and used masterfully on this one. As the breadth of the illuminated *sarlawh* is almost exactly that of the text area the two blend perfectly. After the process of pasting the artist had extended the gold, cinnabar, green and black rule lines around the text to create similar effect around the *sarlawh* making the patchwork almost invisible.
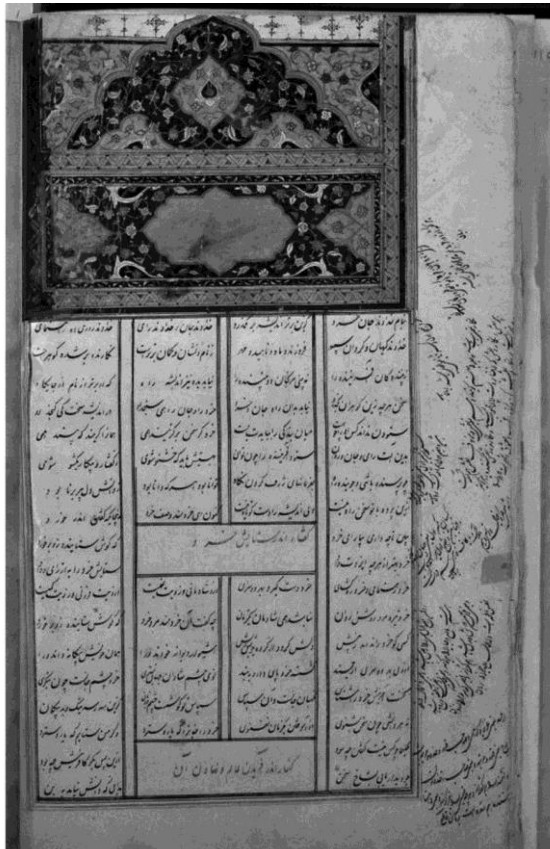
Image 7: Folio 6a: The *sarlawh* (illuminated section) was taken from another manuscript and pasted over this page

Illustrations

There are 29 miniature paintings in this volume. A close inspection of the manuscript indicates that the artist/patron had initially targeted for 30 illustrations, as is the case for a number of illustrated manuscripts of *Shahnameh*. This is confirmed by an empty space in folio 7b. The space was initially meant to house the very first illustration, which was never painted. (Image 8). The intended number of illustrations could symbolize the 30 years that took Ferdowsi to compose this great epic. Also it can refer to the 30 year

period of the ruling of the first king, Keyumars,[8] which is referred to in the red heading on the opposite page that reads "The ruling period of the first monarch was 30 years," as well as the text that follows. In fact the number could have been inspired by both. From the location of the missing image within the text one can imagine that the intended theme for the missing illustration could have been the coronation of Keyumars.[9]

Image 8 (folio 7a-b) the empty space was allocated to the accommodate the first illustration of the manuscript which was never painted

The illustrations of this manuscript play a key role in creating an imaginable space in which the events of the epic take place. The images are fitted within the text and are tightly related to the couplets

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[8] Keyumars or Gayomart, according to Zoroastrian creation myth and the Avesta , is the first human being that ruled earth. The period of his ruling is said to have been 30 centuries. See Shaki, Mansour, "Gayōmard", in *Encyclopedia Iranica*, 10, ed. E. Yarshater, 2001.

[9] Coronation of Keyumars has been the subject of illustration in numerous copies of the *Shahnameh* manuscript.

in the close vicinity of the images. Though the illustrations have not been complemented with captions the theme of the paintings can be guessed relatively easy when viewing of the images is accompanied by reading of the text in the proximity – usually a page or two before the appearance of the illustration. In a few cases, however, the topic of the headlines that appear in red ink are helpful as they correspond directly to the image within the same or the opposite page, making it easier to grasp the theme of the painting.

Trace of an early attempt to identify the images and provide a title for them is detected. This appears in an old style – probably 19th century – free handwriting in four lines on the flyleaf before the opening page of the manuscript. (Image 9) I suspect that the handwriting was added during the time in which the volume was in possession of "Al-Raji Yahya" whose name appears on the seal impression on the colophon (Image 2-C)
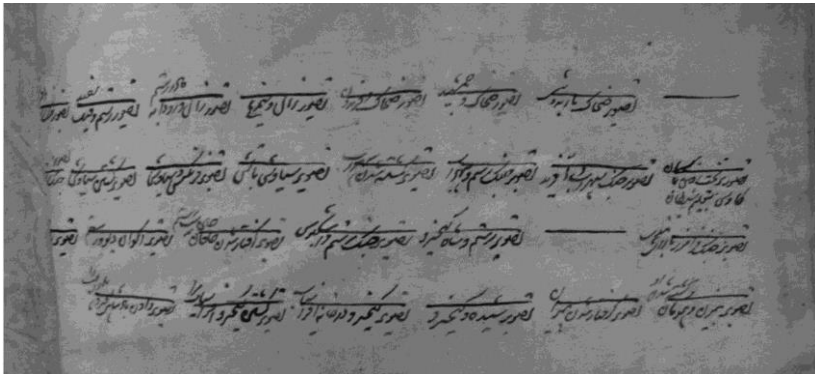
Image 9: A 19th century Persian list of illustrations on the flyleaf of the manuscript has 29 entries (including 2 blank spaces). A translation of the list is provided bellow:

1. (blank)
2. Picture of the snake-shouldered Zahhak
3. Picture of Zahhak and Jamshid
4. Picture of Zahhak and Fereidoon
5. Picture of Zaal and Simorgh
6. Picture of Zaal and Rūdābeh, mother of Rostam
7. Picture of Rostam and the white elephant

8.   Picture of Battle of Rāj ….
9.   Picture of Kavous flying to the heavens   on his throne
10.   Picture of Battle of Sohrab and Gordāfarid
11.   Picture of Battle of Rostam and Sohrab
12.   Picture of Sohrab being Slain
13.   Picture of Siyavash and Fire
14.   Picture of Farangis and Siyavash
15.   Picture of Siyavash being Slain
16.   Picture of Battle of (… illegible/faded)
17.   Picture of Battle of Faramarz and Indian Rāy
18.   (blank)
19.   Picture of Rostam and King Kai-Khosrow
20.   Picture of Battle of Rostam and Ashkboos
21.   Picture of Chinese Khaghan captured by Rostam
22.   Picture of Akvan the Demon and Rostam
23.   Picture of (… illegible/faded)
24.   Picture of Bijan, Hooman and his execution
25.   Picture of Captivity of Piran
26.   Picture of Shideh and Kai-Khosrow
27.   Picture of Kai-Khosrow at the house of Afrasiab
28.   Picture of Afrasiab being slain by Kai-Khosrow
29.   Picture of Kai-Khosrow passing on the kingship to Lohrasb

A close comparison of the above list with the actual illustrations reveals inconsistencies between the two in a number of cases. I have made an effort to come up with an accurate list through the study of the relevant anecdotes in the manuscript. Table 1 contains the list of the 29 illustrations, the folios in which they appear, and the type of layout/compositional category to which each belong. It provides a bird-eye's view of the illustrations in their entirety. A number of the following titles correspond to the related headings in the proximity of the images.

    All the 29 illustrations have been painted in the Isfahan school style. In the Isfahan school of miniature painting more emphasis is given to three dimensionality and free movements of body. Individual figures receive more attention and are presented larger. Nature is presented in a more realistic manner. Rocks and mountains

are depicted with hues of purple. Cypress and Juniper trees occupy a remarkable place in the compositions. Also certain traditional features such as use of gold in depicting background (especially sky) and emphasis on ornamentation of costumes, etc. were maintained.[10] The illustrations in this manuscript show a consistency in technique and treatment of color indicating that they have been painted by the same artist.

Composition and Layout

A comparative analysis of the 29 illustrations shows that the miniatures can be compositionally categorized into three main types: A) Closed (conservative) composition, B) Semi-open composition and C) Open (creative) composition. The terms "closed" and "open" in this categorization refer to the miniatures framework and its layout in relation to the text area and the text-block. A detailed explanation follows.

A) Closed (Conservative) composition

Illustrations in this category are confined within a square or rectangle which itself is set inside the text-box. The two sides of the illustration and the side borders of the text in this category usually overlap; that is to say the multiple-line-border of the text-box touches the side borders of the painting. The top and bottom edges of the miniatures in such cases are marked with the double thin gridlines that match those (in thickness and color) of the columns – in the text area – that divide the poems into four vertical sections. Images 10-a and 10-b respectively display a schematic drawing of a closed composition followed by the image of an actual page of the manuscript. Out of the total 29 illustrations the following six fall in this category: 101-b, 299-a, 312-a, 320-a, 330-b and 339-a

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[10] See Mohammad Khazaei, "Avamel Mo'ather dar Shekl Giri-e Maktab-e Negargary-e Esfahan" (Influential Factors in Formation of Isfahan School of Miniature Painting) *in Congress of Isfahan School: The Collection of Essays on Painting,* (Tehran: Farhangestan-e Honar, 1386 SH/2007) 1-10.
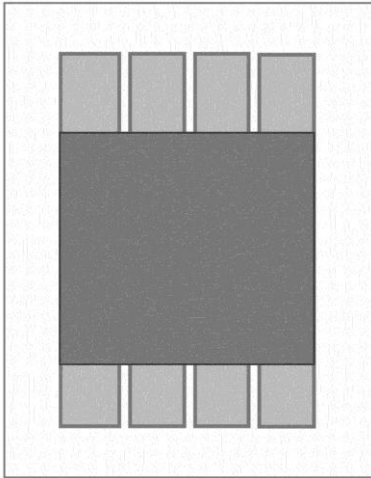
| Image 10-a Schematic drawing for closed Composition | Image10-b (folio 320-a): King Kaikhosrow at Afrasiyab's house |
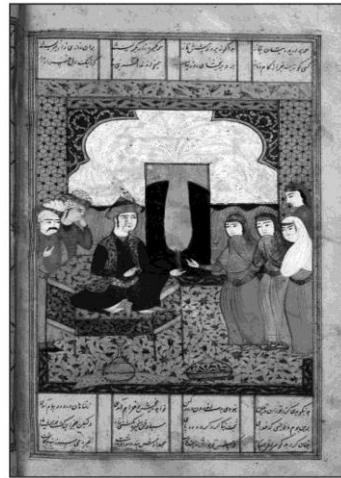
The illustrations in this category do not share any thematic values. Two of the images depict indoor scenes with formal/ceremonial settings (folios 320-a and 339-a), three of them are set in outdoor landscapes with battle scenes or the like (folios 299-a, 312-a and 330-b) while one features King KaiKavoos on his thrown ascending to the heavens (101-b).

B) Semi-open Composition:

Illustrations in this category are confined from three sides, i.e. top, bottom and one other side – which in all cases is the side towards the spine of the manuscript – within the borderlines of the text-box. The fourth side of the painting moves out into the margin of the paper towards the fore-edge – the exposed side opposite the spine. The illustrations that are in this category follow a somewhat calculative and rigid composition; that is to say the visual surface is divided into structured geometric sections. Moreover, the painting area on the margin of the paper is often extended from top and bottom, giving the overall setup of the page a more vivid look. Images 11-a and 11-b

respectively display a schematic drawing of a semi-open composition followed by the image of an illustrated page of the manuscript. Out of the total 29 illustrations the following four fall in this category: 12-b, 53-b, 107-a, 134-b and 235-a.   Unlike the case in group Type A (Closed Composition), the illustrations in this group are related in the following aspects:

- All four are indoor scenes.
- A wide decorative arched ceiling imposes a strong sense of symmetry upon the scene; it literally frames the main event.
- There is a rectangular opening, right on the axis of the arch, which leads to a garden behind.
- A tree in the garden appears on the axis of the opening; it reinforces the sense of symmetry.
- The characters are arranged in a theatrical, formal, or even ceremonial manner.
- The sections of the paintings that extend outside the text-box on the right or left are compositionally independent from the main event. They often depict a narrow double story building with ornamented roof – in this case a domed canopy form.
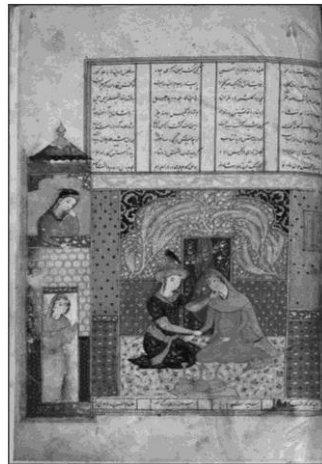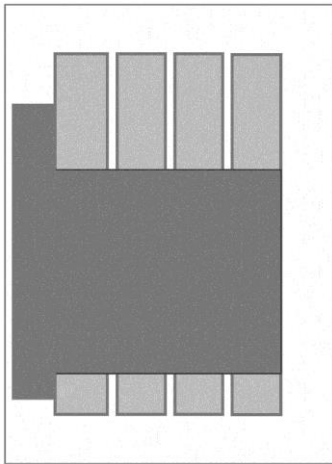
Image 11-a Schematic drawing for Semi-open Composition

Image 11-b (folio 134b): Piran asks for Farangis's hand in marriage

C) Open (Creative) composition:

This category shares certain similarities with those of Category B (semi-open composition) in that the images of this type are also confined from three sides – top, bottom and one other side - within the borderlines of the text-box. The treatment of the fourth side, which moves out of the text-box into the margin of the paper on the side of the fore-edge, however, is different. The forms in this type are more organic and therefore treated with more fluency.   The majority of the illustrations of this manuscript, nineteen out of the total 29, fall into this category. These include illustrations in folios 14a, 21-b, 37-a, 56-a, 85-b, 91-b, 107-a, 112b, 115-a, 123-b, 143-a, 149-b, 157a, 177-b, 242b, 251a, 260a, 275-a and 286-a. Images 12-a and 12-b respectively display a schematic drawing of an Open Composition followed by an image of an actual illustrated page of the manuscript.

The illustrations share the following common features that are conceptually and artistically harmonious with the 'Open Composition' setting.

- All 24 illustrations depict an outdoor setting.
- They are all set in a hilly landscape with rocks, bushes and trees
- Juniper trees are dominant features in the landscape
- In the majority of the illustrations – with the exception of two (143-a & 275-a) animals of some sort are present. Horses constitute the majority followed by elephants and mythological creatures.
- Skies are always in gold with whirling white clouds
- Unlike the dominating formal and static arrangement of visual elements in 'semi-open composition' category, people, animals and the entire landscape in this compositional category are arranged creatively with a strong vibrant flow.
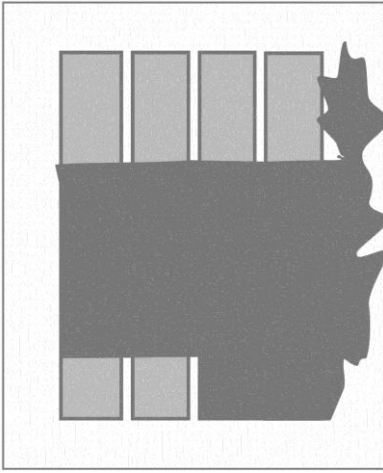
Image 12-a Schematic drawing for Open Composition

Image 12-b (folio 143a):): Young Tahamtan (Rostam) Slays the White Elephant

Conservational remarks

The manuscript is generally in a good condition. Through the passage of time, signs of deterioration, including stains, chars, flaking of paint, smudges of ink and pigment have developed; and to these may be added deficient binding. The original binding has not survived but the present leather binding is still in good condition. The binding, however, is a bit too tight; the pressure on the pages has caused damages on certain areas close to the spine (Figure 12), and has led to tears and chars especially on the borderlines that frame the text area. (Images 13) Five or six border-lines of different thicknesses and colors frame the text area; the text area in the illustrated pages includes, in all cases, either the entire image (illustrations with closed composition) or most of its surface (illustrations with semi-open or open compositions). The lines appear in green, gold, red and black, with the black being repeated and in some cases thicker. It appears that the chemical components of the pigments in the border-lines have reacted and damaged paper fibers making the area weak and brittle, causing tears and chars especially in the areas near the spine

where paper is under more stress. Looking at the manuscript with naked eyes and magnified glass one can see two different behaviors of green used in border lines of the manuscript and the illustrated areas. Though scientific analysis has not been done on the materials used in this manuscript, it seems that the charring effect and destruction of the border lines are due to the corrosive reaction of green verdigris pigment (copper acetate). On the other hand, green colors used in the miniature painting in part of the illustrations are in perfect conditions. A research on recipes from historical treatises shows that Safawid painters often used green verdigris pigment mixed with saffron to prevent the destructive effect of copper acetate on paper fiber.[11] This has been scientifically proven by laboratory analysis of original sample of pigments from original Safawid miniature paintings.[12] Since the charring effect is observed on the borderlines while the painted areas do not show signs of corrosion (where green color is applied) one can assume that there is a possibility that the green verdigris pigment was used in its pure in drawing the borderlines is in its pure form where as in the illustrations the pigment was is mixed with saffron. This can justify different behavior of green color of the manuscript, though for a factual confirmation scientific analysis needs to be carried out to confirm the chemical composition of the green pigments used in border line and in the illustrated areas.

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[11] Mandana Barkeshli (2013) Paint Palette Used by Iranian Masters based on Persian Medieval Recipes, *Restaurator, International Journal for the Preservation of Library and Archival Material, Volume 34,* Issue 2, pp.   101–133, ISSN (Online) 1865-8431, ISSN (Print) 0034-5806, DOI: 10.1515/res-2013-0007, Munich, Germany.

[12] Mandana Barkeshli, "PH Stability of   Saffron Used in Verdigris as an Inhibitor in Persian Miniature Paintings," in *Restaurator, International Journal for the Preservation of Library and Archival Material*, *Volume 23*, 2002, issue dedicated to the 13th ICOM Committee for Conservation Meeting, Rio de Janeiro, 22-28 September, ISSN : 0034-5806.

(Figure 12) Folio 242 a-b, Tight binding has stressed pages on the side of the spine

Image 13: Chemical reaction of pigments used on the border lines of text area has severely damaged the paper, causing corrosion of paper fabric, discoloration and charring.

The manuscript had undergone restoration(s) while in the possession of its previous owner(s). Traces of basic conservation treatment, mainly in the form of repairing of the lower edges of the pages and the fore-edge side are observed. Such treatments have helped maintain the physical wellbeing of the manuscript in general, while, as discussed earlier, the tight binding, or rather rebinding, had a somewhat negative effect.

Deterioration of the illustrated pages, however, has developed into a serious issue. The evidence of poor, careless and impatient mode of restoration in some cases has caused severe damages. Certain sections of number of the illustrations have been repainted. The detected repainted areas are mainly evident in the Juniper trees, faces and parts of the architecture. The use of thick wet paint while retouching the damaged areas in some cases has penetrated the paper fiber and has left prominent brownish stains on the reverse of the page. (Images 14, In certain areas the chemical effect of the fresh paint on the paper has started a chain of non-reversible destructive reactions. (Images 12 & 14).

Obverse   reverse
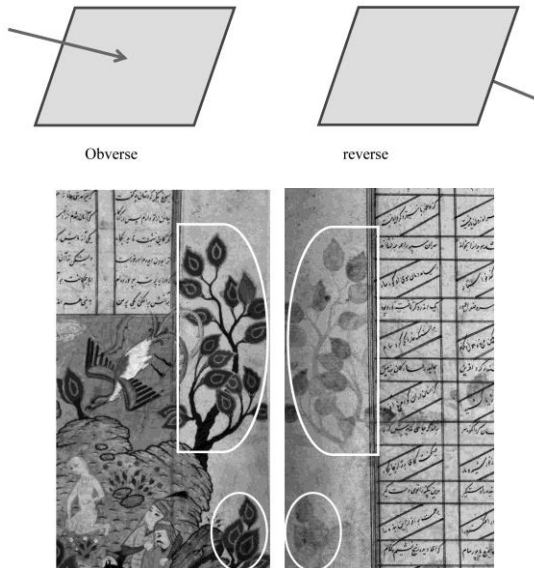
Image 14: Penetration of wet paint used in restoring Juniper trees on folio 37-a (left) on its reverse page, folio 36-b (right).
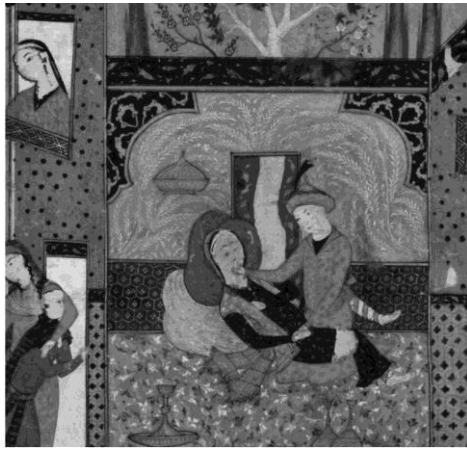
Image 14 a (top) and 14-b (bottom): Penetration of wet pigment while repainting the beam above the arch, decorative brackets on the sides of arch, and the dotted mosaic decorations on both sides of the illustration of folio 53-b (image 14-a) has left chemically active stain marks on the reverse page (folio 54-a), a sign of an ongoing process of deterioration.

Table 1. Title, location and Composition of the Illustrations in the Manuscript

Image NO.	Folio NO.	Theme/Title of Illustration	Composition Type
Image 1	12b	Zahhaak in the Court Receiving Advice from Physician	Semi-open
Image 2	14a	Jamshid and Zahhaak on the Battleground	Open
Image 3	21-b	King Fereydoon Captures Zahhaak,	Open
Image 4	37-a	Simorgh brings Zaal to Saam	Open
Image 5	53-b	Romantic Union of Zaal and Roodaabeh,	Semi-open
Image 6	56-a	Young Tahamtan (Rostam) Slays the White Elephant,	Open
Image 7	85-b	Battle of Rostam and Afrasiaab	Open
Image 8	91-b	Rostam and Rakhsh fight the Dragon	Open
Image 9	101-b	King Kavoos's Journey to the Heaven	Closed
Image 10	107-a	Battle of Gordafarid and Sohrab	Semi-open
Image 11	112-b	Battle of Rostam and Sohrab	Open
Image 12	115-a	Sohrab is killed by his father, Rostam	Open
Image 13	123-b	Siyavash tests his Integrity Against Scorching Flames	Open
Image 14	134b	Piran asks for Farangis's Hand in Marriage	Semi-open
Image 15	143-a	Slaying of Siyavash	Open
Image 16	149-b	Rostam and Afrasiab in battle	Open
Image 17	157-a	Kaikhosrow Crossing the Jeyhoon (Oxus) River	Open
Image 18	177-b	Battle of the Indian General	Open

		Raay and Faramarz	
Image 19	235-a	King Kaikhosrow offers the Imperial Treasure to Rostam	Semi-open
Image 20	242-b	Battle of Rostam and Ashkboos	Open
Image 21	251-a	Rostam Captures the Chinese Khaqan	Open
Image 22	260-a	Battle of Rostam and Akvaan the Demon	Open
Image 23	275-a	Rostam Rescues Bijhan	Open
Image 24	286-a	Bijhan Slays Haman	Open
Image 25	299-a	Battle of Piran and Goodarz	Closed
Image 26	312-a	Battle of Kaikhosrow and Shideh	Closed
Image 27	320-a	King Kaikhosrow at Afrasiyab's House	Closed
Image 28	330-b	Kaikhosrow Beheads his Grandfather Afrasiab	Closed
Image 29	339-a	King Kaikhosrow Bestows the Royal Crown upon Lohrasb	Closed

Conclusion

Illustrated manuscripts of *Shahnameh* outnumber all other Persian illustrated manuscripts, as the epic is tightly associated with Persian identity, both as a nation and as a culture. The *Shahnameh* manuscripts produced in Safavid era are most famous for their high artistic qualities and fine craftsmanship. The present manuscript is completed in December 8, 1612 in fine Nasta'liq script by Ibn Mohsin Al-Kermani whose remarks appear in the colophon. With 340 folios of 25 lines per page arranged in four columns, adorned with two illuminated pages – on the top of the opening page of the prose introduction and the opening page at the beginning of the epic – and also 29 illustrations in Isfahan school of miniature painting, the manuscript is complete. The illustrations have been carefully studies and, based on a text-image study of the manuscript, titles are

developed for easy identification of the illustrations and their relative themes.

A new approach to the study of the illustrations adopted in this paper was to categorize them according to their composition in relation to the text-box and the page. Based on a comparative visual analysis of the illustrations three principal type of compositions have been identified, namely Close (Conservative), Semi Open and Open (Creative) for whom schematic drawings have been prepared to exhibit the format and layout structure of the three types. Each compositional category was then studied in relation to the themes of paintings within that category to explore whether the illustrations within a specific type of composition share certain thematic and/or artistic feature. The result shows a high degree of consistency of themes and visual features among the illustrations within two of the three compositional categories, namely the Semi Open and Open (Creative) compositions, while the paintings in the Closed Composition category do not share specific visual arrangement, nor do they link thematically.

Conservational consideration was part of the study of the manuscript. Through a page by page inspection a report of the physical condition and deteriorating features of the manuscript has been prepared, a concise version of which have been presented in the paper. Although the condition of the manuscript is generally well, three main issues have been identified as hazardous. Number one is the tight binding that affects the overall physique of the volume each time it is opened for study. The second problem is charring of the borderlines due to destructive chemical reaction of what has been suspected as green copper acetate pigment or verdigris. The third and the most problematic issue is a careless restoration – or rather repainting – of the areas illustrated areas that, in some cases, has caused irreversible damages.   This conservational study of the manuscript can be taken further by the way of a thorough scientific assessment of the damages that could eventually lead to preparation of a guideline for curators and conservators who look after the well-being of the manuscript.

Acknowledgement

SEPARATION OF CONJOINED TWINS FROM THE COMMON LAW AND *SHARI`AH* PERSPECTIVES: THE LEGAL AND ETHICAL CONUNDRUM[1]

Puteri Nemie Jahn Kassim
Fadhlina Alias

Abstract

The birth of conjoined twins is a comparatively rare event, constituting 1 in 100,000 births. Being a product of a single fertilised egg, these twins are believed to be the result of an incomplete division of embryo, which inhibits complete development of various organ systems. As a result, they usually suffer from physical malformation manifested in for instance, conjoined hearts, lungs, livers, limbs or even genito-urinary tracts. Thus, their chronic medical condition tends to require surgical intervention. However, separating them triggers a plethora of legal and ethical issues as separation may involve the possibility of sacrificing one twin if they are sharing organs. This inevitably creates a range of ethical dilemmas, particularly, in choosing between sanctity of life and quality of life as the survival of one twin threatens the life of the other. In certain circumstances, separation may not lead to the demise of the other but may cause severe harm to the other or a possible hazard to at least one twin's cognitive outcome. Nevertheless, in spite of their physical attachment, the twins are legally and morally distinct and are different individuals with competing needs and interests. Legal issues arising from the separation of conjoined twins such as criminal liability, parental autonomy and the determination of the "best interests" criterion has been the subject of much debate in courts. Thus, this research paper seeks to discuss the legal and ethical issues arising from the

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separation of conjoined twins from the common law and shari'ah perspectives.

Introduction

Historically, conjoined twins were regarded with much apprehension due to the anomalies of their physical appearance which did not conform to what society accepted to be a human body. Up until the early part of the 21st century, they were still commonly referred to as "monsters" in both medical and legal literature.[2] However, with the development of modern medical awareness, this derogatory term has since been disapproved and discarded.[3] While in the past conjoined twins who survived into adulthood had no choice but to remain in their fused state for the rest of their lives, separation of conjoined twins is now made possible with the advent of technological advancements in the medical field. However, separating them has triggered a plethora of legal and ethical issues as separation means the possibility of sacrificing one twin if they are sharing organs or inflict a possible hazard to at least one of the twin's cognitive outcome. This inevitably creates a range of ethical dilemmas, particularly, in choosing between sanctity of life and quality of life as the survival of one twin threatens the survival of the other, which makes the decision making by the doctors a very complex process.

The Nature of Conjoined Twins

Conjoined twinning occurs when embryos that develop from a single placenta fertilised from a single ovum fail to separate between 13-14 days of gestation.[4] Conjoined twins are classified according to the anatomical point of fixation. The most common type of conjoined

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[2] For a detailed discussion on the historical development of conjoined twins, see Colleen Davis, *Conjoined twins as persons that can be victims of homicide.*, 19 Med. Law Rev. 430 (2011).

[3] This has been noted in the judgments of Ward LJ in *Re A (children) (conjoined twins: surgical separation)* [2000] 57 BMLR 1 at p. 45 and Walker LJ at p. 105.

[4] Michelle Lee et al., *The Bioethics of Separating Conjoined Twins in Plastic Surgery*, Plast. Reconstr. Surg. 128 (2011) 328e, 329e, doi:10.1097/PRS.0b013e3182268c54.

twins is *thoracopagus*,[5] who are fused at the chest (between the neck and the abdomen) and share the same heart (see Figure 1). The case of the 1977 Philadelphia twins[6] and the Lakeberg twins[7] are examples of this medical condition. *Omphalopagus* twins are also common and are connected at the lower abdomen (see Figure 2). Twins who are conjoined at the buttocks so that they are positioned back to back are referred to as *pygopagus* (see Figure 3). In the case of *ischiopagus* twins, the site of union is at the pelvic area (see Figure 4). This was the condition in which the famous Attard twins, Jodie and Mary were born.[8] *Craniopagus* twins such as the Iranian twins, Ladan and Laleh Bijani[9] are fused at the head (see Figure 5). Other

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[5] Jacqueline A. Noonan, *Twins, Conjoined Twins, and Cardiac Defects*, 132 Arch. Pediatr. Adolesc. Med. 17 (1978). *Thoracopagus* twins account for 75% of cases of conjoined twins. See Robert M. Freedom et al., *Neonatal Heart Disease* 2 (1992).

[6] A surgery was performed to separate the twins, upon being authorised by the Family Court in Philadelphia. Unfortunately the weaker of the twins, did not survive the surgical procedure. Her twin succumbed to liver failure three months later. For a more detailed account of their story, see Donald C. Drake, Siamese Twins - The Surgery: an Agonizing Choice - Parents, Doctors, Rabbis in Dilemma, IV ASSIA (2001), available at http://www.daat.ac.il/daat/kitveyet/assia_english/drake-1.htm.

[7] The Lakeberg twins were born in 1993 in Chicago. Doctors knew that Amy, the weaker twin would not survive the surgical separation. Her surviving twin, Angela, remained in the intensive care unit for nearly 10 months after the surgery took place. Although she managed to survive for nearly a year, she died of complications three weeks short of her first birthday. For a discussion of the facts and issues that arose in the case of the Lakeberg twins, see David C. Thomasma et al., *The Ethics of Caring for Conjoined Twins: The Lakeberg Twins*, 26 Hastings Cent. Rep. 4 (1996).

[8] The case of Jodie and Mary sparked intense debate due to the complexity of the ethical and legal issues involved. In what was admitted by the judges presiding over the case to be a very difficult case, the Court of Appeal delivered over 100 pages of judgment in favour of the surgical separation to take place. Consequently, Mary, the weaker twin died upon being separated from her sister. Jodie, now a healthy 14 year old, leads a normal life and survives until today. See *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2; Sarah Boseley, *UK News: Law decided fate of Mary and Jodie*, The Guardian, February 5, 2002, http://www.theguardian.com/uk/2002/feb/05/sarahboseley; Frances Hardy & Sam Greenhill, *Siamese twin Gracie Attard tells her story 14 years after the ethical dilemma*, The Daily Mail, October 10, 2014, http://www.dailymail.co.uk/femail/article-2788685/little-girl-siamese-twin-died-live-gives-inspiring-interview-14-years-ethical-dilemma-gripped-britain.html .

[9] Born in 1974, the conjoined twins grew up to become lawyers, when at the age of

types of conjoined twins include *cephalopagus* (joined at the face) and *rachipagus* (joined at the spine).

| Figure 1 | Figure 2 | Figure 3 | Figure 4 | Figure 5 |

The condition may also involve an incomplete conjoined twin, where either or both twins are born without certain body parts or internal organs. Cases on incomplete twins vary considerably; some have a single head with two incomplete bodies attached such as in the case of Lakshmi Tatma[10], the Indian girl who was born with four arms and four legs, or two separate heads sharing a single body, for example Abigail and Brittany Hensel[11]. Other rare occurrences

29 they insisted on undergoing a surgery in Singapore to separate them. They shared the same skull but had two separate brains. However during surgery, doctors discovered that their brains had become tightly fused. Both twins did not survive the operation. See BBC News, *Iranian twins die in surgery*, July 8, 2003, http://news.bbc.co.uk/2/hi/asia-pacific/3053638.stm.

[10] Lakshmi Tatma was born in 2010 with a headless parasitic twin that was attached to her lower torso. In 2012, a complex operation to remove her incomplete twin was carried out and since then Lakshmi has made good progress, although she will have to undergo further surgical procedures to treat her scoliosis and correct her malformed hips. See The Daily Mail, *Lakshmi Tatma,'the girl with 8 limbs', starts school after surgery*, January 9, 2014, http://www.dailymail.co.uk/news/ article-1246431/Lakshmi-Tatma-The-little-girl-limbs-worshipped-deity-starts-school .html.

[11] The famous Minnesotan twins, Abigail and Brittany Hensel are conjoined in such a way, giving an appearance of two heads sharing a single body. Each twin has individual organs and control of the upper part of her body, such as heart and lungs, while sharing the same liver, uterus, bladder and intestine. They live an active lifestyle as their condition permits and have received considerable media attention. See The Daily Mail, *Conjoined twins Abigail and Brittany Hensel offer a glimpse in to their extraordinary world,* August 29, 2012, http://www.dailymail.co.uk/femail/ article-2195220/Conjoined-twins-Abigail-Brittany-Hensel-offer-glimpse-extraordina ry-world.html.

include that of Manar Maged, whose conjoined *craniopagus* twin had a head but no body.[12] Another unusual type of twinning phenomenon is foetus in foetu, where an abnormally developed parasitic twin is found included within its living twin. The mortality rate in separating conjoined twins differs, depending on the clinical condition in which they are connected. Approximately 40 percent of conjoined twins are stillborn and 33 percent die within a few weeks after birth[13], while a relatively small number of conjoined twins survive into adulthood without undergoing separation.

A Historical Overview of the Separation of Conjoined Twins

One of the earliest recorded case of conjoined twins dates back to 1100 in England, where a set of twin sisters, Mary and Eliza Chulkhurst of Biddenden in England, were born connected at the hip.[14] They reputedly survived until the age of 34. Undoubtedly, the most famous pair of conjoined twins in history are Chang and Eng Bunker who were born in 1811, and which due to their international fame, led to the coining of the term "Siamese twins" to depict those with a similar condition.[15] They survived well into adulthood and against all odds, managed to lead normal lives, working, getting married and fathering 21 children between them, although society never failed to remind them they were considered to be unnatural beings. Chang and Eng remained conjoined at the breastbone their whole lives until both of them met a natural death. The first successful surgical separation of conjoined twins is said to have been performed as early as 1689 by a German physician named G Konig.[16] Since then, an estimated 250 operations to separate

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[12] Manar's twin Islaam had a severely underdeveloped body. Although unable to survive on its own, Islaam's head was fully developed and Islaam was capable of smiling and blinking. At 10 months old, the conjoined twins underwent surgical separation. Although Manar survived, she lost her battle to a brain infection at the age of two. See BBC News, *Two-head girl dies of infection*, March 26, 2006, http://news.bbc.co.uk/2/hi/4848164.stm.

[13] Lee et al., *supra* note 3, 329e.

[14] Christine Quigley, *Conjoined Twins: An Historical, Biological and Ethical Issues Encyclopedia* (2003).

[15] *Id.*

[16] J J Paris & A C Elias-Jones, *'Do We Murder Mary to Save Jodie?' An Ethical*

conjoined twins have been performed in countries across the globe.[17] More recently in June 2015, a pair of *pygopagus* twin sisters who shared one lower bowel were successfully separated in Shanghai, China,[18] and in Paris, doctors were able to separate the first set of conjoined twins born in Guinea, after a 10-hour surgery.[19] A manifold of issues need to be considered in the separation of conjoined twins, from balancing the clinical prognosis if the twins were to remain fused with their survival prospects upon separation, to the high risks involved to parental autonomy and ultimately the legality of the proposed medical procedure. The difficulty is compounded by the fact that both medical and legal traditions equate individuality and self-rule with the ability to experience a physically independent existence.[20] Separation of conjoined twins is thus seen to be a justified means of achieving this objective from the standpoint of medical practice and the law.

The Inherent Ethical Dilemma from the Common Law Perspective

In as much as the clinical condition of conjoined twins may vary, the

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Analysis of the Separation of the Manchester Conjoined Twins, 77 Postgrad. Med. J. (2001) 593, 593, doi:10.1136/pmj.77.911.593.

[17] CNN Library, Conjoined Twins Fast Facts - CNN.com (2015), http://edition.cnn.com/2013/07/11/world/conjoined-twins-fast-facts/.

[18] BBC News, *China: 3D printer helps separate conjoined twins*, June 10, 2015, http://www.bbc.com/news/blogs-news-from-elsewhere-33077985

[19] Sarah Zagorski, *Conjoined Twins Doing Great After Surviving 10-Hour Separation Surgery*, LifeNews.com June 11, 2015, http://www.lifenews.com/2015/06/11/conjoined-twins-doing-great-after-surviving-10-hour-separation-surgery.

[20] See S Sheldon & S Wilkinson, *Conjoined Twins: The Legality and Ethics of Sacrifice*, 5 Med. Law Rev. (1997) 149, 151, doi:10.1093/medlaw/5.2.149; N. D. Duncan et al., *Conjoined Twins: Bioethics, Medicine and the Law*, 55 West Indian Med. J. (2006) 123, 123.. The traditional approach of medicine towards the concept of conjoined twins has been heavily criticised by modern ethicists, who maintain that the individuality of conjoined twins is partly constituted by their intimate involvement and interdependency with each other. Accordingly, one of the important considerations should be what they would risk to lose in separating them. See for instance, M Q Bratton & S B Chetwynd, *One into Two Will Not Go: Conceptualising Conjoined Twins*, J. Med. Ethics 30 (2004) 279, doi:10.1136/jme.2002.001289.

ethical considerations that may be involved are also determinable on a case to case basis. An attempt to separate conjoined twins who each possess a fully functional and anatomical body, which would only include surgical removal of some muscle or tissue connection, would evidently attract less ethical implications compared to a decision to separate twins who share the same body parts, internal organs or bodily systems which would involve higher risks and more intricate procedures. Indubitably, more complex issues would arise in a situation where the conjoined twins would suffer a severe decrease in life expectancy if left in their present condition, and yet separation of the two would inevitably deprive the weaker twin of life.

(i) Balancing between Sanctity of Life and Quality of Life

In cases where the survival of any of the twins are at stake, the doctrine of sanctity of life lies at the heart of the ethical discussion and decision-making process. It embodies the concept that "sees all human life regardless of its type or quality, as of infinite and intrinsic worth"[21], conferring upon each human being a right to life that is to be treated with utmost respect and dignity, and at the same time the right not to be intentionally killed.[22] The doctrine of sanctity of life however is not absolute. It does not preclude the withholding or discontinuance of treatment where such treatment would clearly not be in the patient's best interests.[23] In relation to this, the quality of life is a valid consideration. It involves factors such as the patient's physical, sensory, emotional and cognitive functions, his or her medical prognosis, loss of dignity arising from the present condition and proposed treatment, life expectancy, as well as the risks and side

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[21] Helga Kuhse, *Debate: Extraordinary Means and the Sanctity of Life*, 7 J. Med. Ethics (1981) 74, 75, doi:10.1136/jme.7.2.74.

[22] The English courts however, have time and again reiterated their concurrence that the sanctity of life cannot be absolute and does not obligate the preservation of life at all costs. It is now an established rule of common law that the inviolability doctrine can be superseded by the need to respect the patient's autonomous choices. See for instance *Re T (Adult: Refusal of Treatment)* [1992] 4 All ER 649]; *Airedale NHS Trust v Bland* [1993] All ER 821; *Ms B v An NHS Hospital Trust* [2002] All ER (D) 362 (Mar).

[23] See Lord Goff's judgement in *Airedale NHS Trust v Bland*, *supra* note 21, 869.

effects of carrying out the proposed treatment. [24] Another qualification to the inviolability principle is in the deliberate taking of life in the case of legitimate self-defense and defense of others.

In the high profile case of *Re A (children) (conjoined twins: surgical separation)*[25], the issue of sanctity of life constituted one of the primary points in the court's deliberation. The case concerned the Attard children, Jodie and Mary who were born as *ischiopagus tetrapus* twins in August 2000. Conjoined at the lower abdomen, the lower ends of their spines were fused and they shared the same bladder. Each twin had her own brain, heart, lungs and kidneys, but it was Jodie's heart that provided the necessary oxygenated blood circulation for both of them through a common aorta. While Jodie's neonatal development appeared normal for her age, Mary's brain, heart and lungs showed severe abnormalities. The doctors attending to the case were concerned that the stronger twin was not growing at the rate that Mary was, and were of the opinion that if the twins remained conjoined, it was estimated that their life expectancy would be from three to six months due to the strain caused to Jodie's heart. On the other hand, surgical separation would be able to provide Jodie with a long-term good quality life, but would certainly result in Mary's death. The parents of Jodie and Mary were Roman Catholics and held strongly to the belief that every human life was sacred; accordingly they accepted that it was God's will that their babies were born in such a condition and were against the proposed separation. The doctors however sought a declaration from the court that it was in the children's best interests to perform the surgical procedure to separate them.

In addressing the principal issue on sanctity of life, Ward LJ adopted Keown's analysis and averred that it was the worthwhileness of the surgical procedure rather than the twins' lives that had to be taken into consideration.[26] In doing so it was legitimate to factor in

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[24] See *McKay v Bergstedt* 801 P. 2d 617.

[25] *Supra* note 2.

[26] According to Keown, the quality of life philosophy is antithetical to the sanctity of life doctrine as it is posited on arbitrariness that some lives are considered more worthwhile than others. The danger in adopting this position, in his view, is that it would appear to justify intentional killing. See the judgement of Ward LJ at pp. 50-51.

the actual quality of life that each twin enjoyed and might be able to experience post-operation.[27] Accordingly, Ward LJ concluded that the surgical separation would give Jodie a positive prospect of a relatively normal life, and while Mary would most likely not survive the operation, she already had, as it is, little capacity to live.[28] Her existence greatly depended on Jodie, and if left in their fused state, "Mary's parasitic living will be the cause of Jodie's ceasing to live"[29]. Another ground of ethical reasoning which the court relied on to justify the intervention to separate the conjoined twins was self-defense. It was held that there was no difference between legitimate self-defence in the conventional sense with the act of the doctors in coming to Jodie's defence and removing the fatal threat

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[27] It is interesting to note that this part of Lord Justice Ward's judgment appears to be in contradiction to Keown's earlier analysis which rejects the quality of life as a valid assessment. This has been pointed out and commented on by several ethicists; see for instance John Caldwell, *The English Conjoined Twins: Some Legal and Ethical Issues*, 21 Child. Leg. Rights J. 21 (2001) 24, 27; Andrew Phang, *Conjoined Twins : The Limits of Reason and the Transcendent Hope--Part Two*, 147 Law justice - Christ. law Rev. (2001): 89, 91-92. In addition, the approach taken by the court in this case has been viewed as a diminution of the traditional conceptualisation of sanctity of life. See John Harris, *Human Beings, Persons and Conjoined Twins: An Ethical Analysis of the Judgment in Re A*, 9 Med. Law Rev. (2001): 221, 228; Caldwell, 26.

[28] In the court's opinion, Mary was 'designated for death" because her capacity to live was, since birth, "fatally compromised". Part of the justification for this was derived from the opinion of the Rabbis who were consulted in the 1977 case of the Philadelphia *thoracopagus* twins, who shared the same heart. The same issue was discussed i.e. whether it would be morally wrong to kill Baby A so that Baby B could live. After much deliberation, the Rabbis concluded that the surgical separation of the two babies could be performed although it would result in the certain death of Baby A because she had been designated for death. Their decision was made based on an analogy of two men who jump out of a burning plane. Each have their own parachutes; the first one manages to successfully open his and falls safely down, but the other man's parachute malfunctions and as he plunges past his friend, he desperately grabs the first man's leg. The parachute is too small to support both of their weights and both are now lunging to their death. In such a case, the Rabbis agreed that it was morally justified for the first man to kick away his friend since they would both die otherwise, and it was the latter who was designated for death since it was his parachute that failed to open. See Drake, *supra* note 8.

[29] *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2, per Ward LJ at p. 60.

that Mary posed to her twin by reason of her dependence on Jodie's heart.[30] Thus, in performing the operation, the doctors were doing so under the plea of "quasi self-defence" which justified such intervention.

(ii) *Flouting Beneficence and Sanctity of Life Principles*

In the medical context, the inviolability principle is especially significant because of its direct nexus with the ethical obligations of doctors to undertake actions that will benefit their patients (beneficence) and prevent harm to the latter (non-maleficence).[31] In the event of conflict between the two ethical obligations, the duty to prevent harm should prevail.[32] At times however, adherence to these bioethical principles may not be easily manifested in decisions concerning the separation of conjoined twins. For instance, in a case where the separation involves sacrificing one twin in order to save the other twin with a better prognosis, a balance of competing interests would need to be drawn in order to justify the ethicality of such an action.

In its decision, the Court of Appeal reaffirmed the sanctity of life doctrine, recognizing that both Jodie and Mary's lives were of equal intrinsic value. It was accordingly held that "each life has inherent value in itself and the right to life, being universal is equal for all of us"[33], and this categorical dictum prevailed in spite of a

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[30] Watt disagrees that quasi self-defence is justified in this case. She avers that Mary was not trying to harm Jodie, but did so involuntarily "through no choice of her own…Both twins were harmed by their growing together, and neither chose this harm, for herself or her sister." Helen Watt, *Conjoined Twins: Separation as Mutilation*, 9 Med. Law Rev. 9 (2001) 237, 241-242.

[31] The Hippocratic Oath, which is one of the earliest and widely known codes of medical practice, contains the following sentence which acknowledges the sanctity of life: "I will give no deadly medicine to anyone if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion". The first provision of the International Code of Medical Ethics which is based on the Declaration of Geneva (the modern restatement of the Hippocratic Oath), similarly states that "a doctor must always bear in mind the obligations of preserving human life".

[32] TL Beauchamp and JF Childress, *Principles of Medical Ethics* 114 (5th ed. 2001).

[33] *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2, per Ward LJ at p. 50.

person's diminished capacity to enjoy life and any grave impairment of one's cognitive abilities. In addressing the difficult dilemma of whether one twin could be sacrificed to increase the chances of survival of her twin sister, it was decided that a balance had to be drawn between the benefits and disadvantages resulting from the performance or non-performance of the proposed separation. There accordingly existed "competing philosophies"; on the one hand it would be immoral to save Jodie with the real risk of ending Mary's life, and on the other end of the spectrum, it would also be immoral to deny Jodie a real chance at living a good life which she would be able to experience if the proposed operation took place.[34] Since the court found it impossible to reconcile the conflicting interests of the two children, ethics of such sacrifice had to be based on which action constituted the "lesser of the two evils".[35] Consequently, it was decided that the other that the scale weighed heavily in favor of Jodie, and thus the court authorized the operation to be carried out.

In the same case, another perspective to the sanctity of life in relation to the phenomenon of conjoined twins was propounded by Brooke and Walker LJJ, which associated the doctrine with bodily integrity.[36] In the words of Walker LJ, "the right to life includes the

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[34] *Id.*, 102.

[35] Scholars such as Gillon have criticised the stand taken by the court. To a certain extent, he agrees that there are justifiable moral reasons in allowing the twins to remain in the condition that they were born even at the cost of depriving both of them of their lives, in as much as there are legitimate moral reasons in separating them at the expense of one twin losing her life." However, the moral dilemma as to which is "the lesser of two evils" is not resolved. According to Gillon, there is another way of dealing with the issue i.e. to respect the parents' request and thus decide that not killing an innocent baby is instead the lesser of the two evils, "since it is absolutely morally prohibited, even if the baby would in any case die in a matter of months and even if such killing saved the other baby's life." R Gillon, *Imposed Separation of Conjoined Twins--Moral Hubris by the English Courts?*, 27 J. Med. Ethics (2001) 3, 3, doi:10.1136/jme.27.1.3.

[36] This approach has been the subject of much debate among ethicists. Many argue that physical integrity should not be conceptualised to conform to the common and socially accepted notion of the standard human body. According to Davis, conjoined twins "do develop meaning meaningful and adaptive notions of self, identity and embodiment, although these notions do not always accord with outsiders' views of individuality." Davis, *supra* note 1, 460-461. See also Bratton and Chetwynd, *supra* note 19.

right to physical integrity, that is the right to a whole body over which the individual will, on reaching an age of understanding, have autonomy and the right to self-determination"[37]. Thus, in their view, to allow Jodie and Mary to remain in a conjoined state would be to deny them the right to bodily integrity and human dignity. Surgical separation on the other hand, would grant them both the twins "the integrity which nature denied them"[38]. In his judgement however, Ward LJ opined that this contention was untenable, dismissing it as a "wholly illusory goal" as the separation would result in Mary's death before she would be able to enjoy such independence.[39]

(iii) Upholding Autonomy and Self-Determination

Autonomy is equated with self-determination and self-rule. An individual must be capable of determining his own life in accordance with his values, goals and beliefs. In health, it means a special form of personal liberty, where individuals are free to choose and implement their own decisions, free from deceit, duress, constraint and coercion. In *Airedale NHS Trust v Bland*[40], the court emphasised that "it is established that the principle of self-determination requires that respect must be given to the wishes of the patient, so that, if an adult patient of sound mind refuses, however unreasonably, to consent to treatment or care by which his life would or might be prolonged, the doctors responsible for his care must give effect to his wishes, even though they do not consider it to be in his best interests to do so . . . To this extent, the principle of the sanctity of human life must yield to the principle of self-determination: and, for present purposes perhaps more important, the doctor's duty to act in the best interests of his patient must likewise be qualified."[41] Further, "the patient's right of choice is not limited to decisions which others might regard as sensible. It exists notwithstanding that the reasons for making the choice are rational, irrational, unknown or even

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[37] *Re A (children)*, *supra* note 2, 118.
[38] *Id.* per Brooke LJ at p. 103.
[39] *Id.*, 47.
[40] *Supra* note 21.
[41] Per Lord Goff at p. 866.

non-existent."[42]   Thus, it can be seen that the current judicial approach is to attach greater weight to the countervailing principle of a patient's self-determination as it is the right of every human being to make decisions which affect his own life and welfare and to decide on what risks he is willing to undertake. The right to determine what shall be done with one's own body is a basic human right firmly entrenched in and protected by the common law.[43] The concepts inherent in this right are the bedrock upon which the principles of self-determination[44] and individual autonomy are based and medical treatment carried out without the consent of an adult of sound mind amounts to unlawful touching or battery.[45]

The Legal Dilemmas from the Common Law Perspective

The lawfulness of a surgical procedure to separate conjoined twins is a correspondingly (if not more) intricate issue, particularly where the consequences of the proposed course of medical treatment would profoundly tip the survival scale in favour of one twin over the other. If the separation of conjoined twins would involve sacrificing one infant in order to save the twin with a better prognosis, would it then amount to the criminal offence of murder?

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[42] Per Lord Donaldson in *Re T (An Adult: Medical Treatment)* [1992] 2 FCR 861, 865.

[43] Justice Benjamin Cardozo, in *Schloendorff v Society of New York Hospital* 105 N.E. 92 (N.Y. 1914) stated that "every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient's consent commits an assault for which he is liable in damages."

[44] Self-determination involves (1) the right to consent to treatment, to decide who shall treat and to choose the form of treatment; and as a corollary (2) the right to refuse consent.

[45] A battery takes place when there is non-consensual touching. In *Wilson v Pringle* [1986] 2 All ER 440, the Court of Appeal suggested that the touching must be "hostile" in order to constitute battery. The court was prepared to adopt a very wide view of hostility so as not to confine to acts of ill will but a little more than non-consensual touching. The reason for this is the need to eliminate actions in battery as a result of physical contact, which is generally acceptable in the ordinary conduct of everyday life. See further, *Re F (Mental Patient: Sterilisation)* [1990] 2 AC 1.

(i) The Importance of Personhood

Accordingly, in order to be protected under the law, one must first fulfil the born alive rule and secondly, qualify as a person who is capable of being killed. Under the common law, a child is considered to be born alive when such child has a separate existence from the mother's body and shows signs of life.[46] The fact that a conjoined twin is dependent on the other for its survival does not transmute the first requirement; all that needs to be proven is that there is complete extrusion from the mother.[47] In respect of the second requirement i.e. the presence of life, the prevailing view under common law appears to adopt a broader interpretation in that it would include any sign of life such as a heartbeat or breathing.[48] Thus in the case of the Attard twins i.e. Jodie and Mary, it was not disputed that both children were born alive.[49] The criteria to ascertain whether one who is born alive is a person entitled to legal protection is another aspect which has been the subject of much discussion. The widely accepted point of view is that a person is one who possesses a functioning brainstem or some form of brain function.[50] Some ethicists aver that murder victims constitute a different type of legal person than the

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[46] See *R v Handley* (1874) 13 Cox CC 79, 81 and *Rance v Mid-Downs Health Authority* (1990) 5 BMLR 75, 92 (both cases were cited by Ward LJ in his judgment in *Re A (children) (conjoined twins: surgical separation) supra* note 2, 45.

[47] *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2, 45.

[48] For a detailed discussion on the born alive rule under the common law and jurisdictions in Australia, see Davis, *supra* note 1, 438-445. In *Re A (children) (conjoined twins: surgical separation)*, Walker LJ in affirming that Mary was born alive, referred to the Births and Deaths Registration Act 1953 in the U.K., which defines a "still-born" child to be one who "has issued forth from its mother after the twenty-fourth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any signs of life."

[49] It is submitted that in applying the common law principle, a different kind of treatment would have been given to a parasitic or incomplete twin such as that attached to Lakshmi Tatma due to the absence of any indication of life.

[50] Davis, *supra* note 1, 457-464; Sheldon & Wilkinson, *supra* note 19 , 152-153. Sheldon and Wilkinson derive this notion from the concept of brain death which is the accepted medical and legal standard for ascertaining that one is dead. Similarly, they contend that "brain life" should be the determining factor that there is a living legal person.

perpetrators of the crime.[51] The distinction lies in the level of cognitive capacity; for a person to be criminally responsible for his actions, he must have a higher cognitive functioning and is an intelligent and rational human being whose actions are guided by reason. Such individual is morally and legally accountable for what he chooses to do. A lesser standard is required of victims of murder; the basis of its legal personality lies in the biological and metaphysical attributes of humanity, and therefore "[i]ntelligence is not the issue; being human is".[52] This type of legal person does not require a higher level of reasoning and thus would include those who are cognitively impaired. Accordingly, it is submitted that conjoined twins who meet the born alive criteria would thus qualify as persons falling under the latter category and be entitled to protection under the law.

(ii) Separation would amount to an Act of Murder

In *Re A (children) (conjoined twins: surgical separation)*, upon determining that both Jodie and Mary were two separate individuals who satisfied the criteria of personhood, the court then had to evaluate the surgical separation of the conjoined twins against the ingredients of a crime of murder. Brooke LJ concluded that the proposed operation constituted an act of killing as it would directly cause Mary's death. In dismissing the trial judge's reasoning that the surgery amounted to an omission i.e. the withdrawal of Mary's blood supply and would therefore not be unlawful following the decision in *Airedale NHS Trust v Bland*[53], Brooke LJ held that the surgical procedure, as distinguished from the *Bland* case, would involve a number of invasions of Mary's body and therefore constituted positive acts. As to whether an intention to kill was present in

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[51] See for instance Ngaire Naffine, *Who Are Law's Persons? From Cheshire Cats to Responsible Subjects*, 66 Mod. Law Rev. (2003) 346, 362-365, doi:10.1111/1468-2230.6603002; Davis, *supra* note 4, 452-457.

[52] Naffine, *supra* note 50, 362.

[53] *Supra* note 21. In that case, the House of Lords held that the withdrawal of life-sustaining treatment which merely prolonged the life of a PVS patient did not amount to a positive act, since doctors did not owe a duty of care to prolong his life at all costs and it was not in the patient's best interests to be kept in such condition.

separating the twins, the court found this to be in the affirmative. In arriving at its decision, the court found that in performing the surgery, the irresistible inference would be that the doctors intended to cause Mary's death, even if it was not their desire or wish, as they realised that her death would be a certain consequence of their acts.[54]

Thus, if an operation to separate conjoined twins in which the sacrificial element would be present amounted to intentional killing, what would be the lawful justification for doctors to undertake such surgery and thus be exonerated from criminal responsibility? In the case of Jodie and Mary, the court considered two grounds related to the issue: (1) the doctrine of double effect; and (2) necessity. With respect to the first contention, the majority of judges opined that the doctrine of double effect could not be applied to the surgical separation of the twin sisters since it involved the death of Mary. It could not in any way be regarded that the doctors would be acting in good faith in undertaking a surgery that would benefit Jodie at the fatal expense of Mary. In other words, the good end i.e. Jodie's chance at a better life did not justify the means, which entailed the deliberate assault on Mary that would invariably lead to her death.[55] Walker LJ however dissented and averred that the doctrine of double effect could be used to justify the legality of the operation. According to him, Mary's death though foreseeable, was an "inevitable consequence" of an operation which was necessary to save Jodie's life, and Mary's death was not the intention nor could it be attributed to the surgical procedure, but rather "she would die because tragically her body, on its own, is not and never has been viable."[56]

If the doctrine of double effect was not considered to be an acceptable basis of authorisation for such surgical separation to take place, could the defence of necessity instead be invoked on as a

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[54] This was based on the ratio of Lord Steyn in the case of *R v Woollin* [1998] 4 All ER 103 at p. 113: "Where a man realises that it is for all practical purposes inevitable that his actions will result in death or serious harm, the inference may be irresistible that he intended that result, however little he may have desired or wished it to happen."

[55] The same issue was highlighted by ethicists in the American case of the Lakeberg twins. See for instance Charles J Dougherty, *Joining in Life and Death: On Separating the Lakeberg Twins*, 11 Bioethics Forum 11 (1995) 9.

[56] *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2, 122.

lawful justification? Although the doctrine is itself obscure, English courts have consistently held that necessity cannot be a valid legal defence to an act of murder.[57] The court in the famous case of *R v Dudley and Stephens*[58] gravely cautioned against admitting necessity as an excuse for intentional killing and highlighted the danger of inordinate arbitrariness if people were to allowed to summarily judge the value of one life over another.[59] In *Re A (children) (conjoined twins: surgical separation)*, Brooke LJ was of the view that the decision in *Dudley and Stephens* was not conclusive and sought to distinguish between the policy considerations articulated in the latter case and those that were present in Jodie and Mary's situation. The two main objections posed by Lord Coleridge in *Dudley and Stephens* against necessity was that, (1) it was indistinct as to who had the right to judge necessity and comparatively measure the dignity of lives; and (2) to permit such a defence "would mark an absolute divorce of law from morality. Brooke LJ found them to be inapplicable to the case of the conjoined twins for the following reasons: (1) Mary was "sadly, self-designated for a very early death"[60]; with or without the proposed medical treatment, she was had a very short life span; and (2) the case Attard twins was not one which markedly severed law from elements of morality, as it involved competing philosophies between the immorality of the

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[57] See *R v Dudley and Stephens* (1884) 14 QBD 273 and *R v Howe* [1987] 1 All ER 771.

[58] *Supra* note 56.

[59] In refusing to accept necessity as a defence to murder, Lord Coleridge stated the following reasoning: "Though law and morality are not the same, and many things may be immoral which are not necessarily illegal, yet the absolute divorce of law from morality would be of fatal consequence; and such divorce would follow if the temptation to murder in this case were to be held by law an absolute defence of it … It is not needful to point out the awful danger of admitting the principle which has been contended for. Who is to be the judge of this sort of necessity? By what measure is the comparative values of life to be measured? Is it to be strength, or intellect, or what? It is plain that the principle leaves to him who is to profit by it to determine the necessity which will justify him in deliberately taking another's life to save his own… it is quite plain that such a principle once admitted might be made the legal cloak for unbridled passion and atrocious crime."

[60] Per Brooke LJ in *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2, 102.

surgical separation that would involve sacrificing Mary for the sake of Jodie, and the immorality of leaving the condition of the twins as it is which would forfeit Jodie's prospects of surviving. Both Brooke and Walker LJJ then referred to the three requirements for the application of necessity under the common law: (1) the act is needed to avoid inevitable and irreparable evil; (2) no more should be done than is reasonably necessary for the purpose to be achieved; and (3) the evil inflicted must not be disproportionate to the evil avoided, and came to the conclusion that all the above elements had been met in Jodie and Mary's case. Accordingly the court, in assuaging the concern over the danger that this would create a precedent where people would hasten to plead necessity as a defence, held that such surgical separation was an exceptionally rare circumstance and in each particular case, doctors would need to seek the approval of the court before attempting such an operation.[61] Walker LJ concurred with such reasoning, and opined that it would not lead to a "slippery slope" situation as the plight of the conjoined twins was unique.[62]

(iii) Overriding Parental Consent and the Assessment of the Best Interest Principle

In the case of patients who are unable to decide for themselves, such as children or the mentally disabled, any act or decision pertaining to the patient's medical treatment during his or her period of incapacity must be made in his or her best interests, and authority is given to the parents or legal guardian to decide on their behalf. In the 1977 case of the Philadelphia conjoined twins, this was not a contentious issue as the parents gave their consent for the surgical separation to be

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[61] Commentators such as Bohlander and Caldwell maintain that despite the court's attempt to limit the impact of the decision, the case of Jodie and Mary would likely result in necessity being used to justify unlawful killing in other situations. See Michael Bohlander, *Of Shipwrecked Sailors, Unborn Children, Conjoined Twins and Hijacked Airplanes—Taking Human Life and the Defence of Necessity*, 70 J. Crim. Law (2006) 147, 157, doi:10.1350/jcla.2006.70.2.147; Caldwell, *supra* note 26, 30. Further, Phang questions the justification of the criteria of necessity adopted by the court; if proportionality is the determinant, how can the court ensure that the defence of necessity is applied "in an objective and fair fashion?" See Phang, *supra* note 26, 99.

[62] Per Walker LJ at p. 119.

performed. However, as previously mentioned, this was not the situation in *Re A (children) (conjoined twins: surgical separation)*. Under the common law, this parental right arises out of parental duty, and thus "the right and duty to give consent to medical treatment is an incident of parental responsibility vested in the parent."[63] Doctors are therefore obliged to respect the wishes of the parents of the child in as much as they would in the case of an adult patient. However, this parental right is not absolute and is contingent upon it being exercised in the best interests of the child.[64] Otherwise, the court is vested with the power to override the parent's decision.[65] Under family law, what constitutes the child's best interests is associated with the welfare of the child.[66] In *Re MB (An Adult: Medical Treatment)*[67], it was held that the test of a patient's best interests was not limited to best medical interests and should be broadened to include a welfare-based assessment.[68] Accordingly, the English courts decided that the principle of best interests must incorporate "broader ethical, social, moral and welfare considerations"[69], and that in cases where a declaration is sought by doctors as to the legality of a proposed treatment, it is for the judge (rather than doctors) to decide whether such treatment would be in the patient's best interests.

In Jodie and Mary's case, the court found that the parents of the conjoined twins in refusing the proposed surgical separation had

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[63] Per Ward LJ at p. 41.

[64] See *Gillick v West Norfolk and Wisbech Area Health Authority* (1985) 2 BMLR 11.

[65] See for instance the case of *Re B (A Minor) (Wardship: Medical Treatment)* [1990] 3 All ER 927 and *Re T (A Minor) (Wardship: Medical Treatment)* (1996) 35 BMLR 63.

[66] *J v C* [1969] 1 All ER 788, 820-821.

[67] [1997] 2 FCR 541.

[68] This formulation was applied in *Re A (Medical Treatment: Male Sterilisation)* [2000] 1 FCR 193 and subsequently in *Re SL (Adult Patient: Medical Treatment)* [2000] 2 FCR 452.

[69] *Re S (Adult Patient: Sterilisation)* [2001] Fam 15, 28. Caldwell notes that the best interests test is certainly not elementary as it involves more than just physiological considerations, "and when the vital psychological and emotional considerations are placed in the matrix of a welfare assessment the issue dose become more clouded." Caldwell, *supra* note 26, 28.

failed to take into account their children's best interests. Ward LJ was of the view that the parents had not considered the benefits that such an operation would grant Jodie; accordingly they had failed to recognise that by insisting for the non-separation of their twin girls, they were forsaking their duty to save Jodie's life. While acknowledging the grim dilemma that the parents most unfortunately had to face, Ward LJ averred that they, as responsible caring parents, had no choice but to decide on "the lesser of their inevitable loss".[70]

It is interesting to note however, in the course of delivering his judgement, Ward LJ appeared to suggest that the doctors would not have held liable and it would have been "perfectly acceptable" if they had chosen to respect the wishes of the parents.[71] Those who oppose this approach maintain that it would have been more pragmatic for the court to have adopted a more respectful stance towards the position taken by Jodie and Mary's parents, instead of depriving them of their right to decide on their children's medical treatment.[72] Family policy should always be in acquiescence to the views of loving and responsible parents, who are in a better position to appreciate what would be in their child's best interests, unless there existed a flagrant and unequivocal disregard of the child's welfare.[73] Thus it has been suggested that it would have been more appropriate for the court in Jodie and Mary's case to have declared the parents' wishes to be lawful, and that it would also be legally justified for the surgical separation to be performed on their conjoined twins, should the parents decide to consent to it.[74]

The *Shari`ah* Perspective

The *shari`ah* or Islamic law is based on two primary sources, the Holy *Qur`an*[75] and the *Sunnah* of Prophet Muhammad (peace be

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[70] *Re A (children) (conjoined twins: surgical separation)*, *supra* note 2, 60.

[71] *Id.*, 36.

[72] See for instance David Burnet, *Re A (Conjoined Twins: Medical Treatment) Conjoined Twins, Sanctity and Quality of Life, and Invention the Mother of Necessity*, 13 Child Fam. Law Q (2001) 91, 98; Paris & Elias-Jones, *supra* note 15, 598.

[73] Caldwell, *supra* note 26, 26.

[74] Gillon, *supra* note 34, 4; Harris, *supra* note 26, 236.

[75] The Holy Book which Muslims believe to be the word of God Almighty.

upon him)[76]. The guiding principles, rules and regulations in the main sources govern the Islamic way of life, and together with *ijtihad* (deductive reasoning), provide a comprehensive moral and juridical framework to address and resolve issues relating to human conditions.

The moral and ethical obligations laid down in the primary sources of the s*hari'ah* form the substratum of the Islamic legal system. Law and morality are therefore intertwined and inseparable in Islam; "the spirit and emphasis of the law is always moral"[77] and purports to create a social order by way of individual and collective moral responsibility. The fundamental difference between the Islamic and Western legal systems is that the former is derived from a divine order from which moral principles are legislated; on the other hand, the Western concept is secular and primarily drawn from human reason and experience, and there exist variable ethical theories on the validity of moral cognition.[78]

(i) The Inviolability of Life

The implementation of each legal ruling seeks to fulfil the following objectives, which are referred to as *maqasid al-shari`ah*: protection of an individual's freedom or belief, preservation of life, maintenance of intellect, preservation of honour and integrity, and protection of property.[79] The inviolability or sanctity of life falls into the category

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[76] The words, conduct and tacit approval of Prophet Muhammad (peace be upon him).

[77] Iftikhar Muhammad Chaudhry, *The Relationship Between Law And Morality In Islamic And Common Law Systems*, *in* 2nd Tuanku Najihah Syariah and Law Lecture 11 (2006), available at *http://ddms.usim.edu.my/bitstream/handle/123456789/ 1113/The%20Relationship%20Between%20Law%20And%20Morality%20In%20Isl amic%20And%20Common%20Law%20System.pdf?sequence=1*. Iftikhar Muhammad Chaudhry was the former Chief Justice of Pakistan from 2005-2007 and from 2009-2013.

[78] See Avraham Steinberg, Medical Ethics, *Encyclopedia of Jewish Medical Ethics: A Compilation of Jewish Medical Law on All Topics of Medical Interest* 389-404 (2003).

[79] A R Gatrad and A Sheikh, *Medical Ethics and Islam: Principles and Practice*, 84 Arch. Dis. Child. 84, (2001) 72, 73. According to Ibn Ashur, the general rules of *maqasid al-shari`ah* is to preserve the social order of the community and to ensure its healthy process by promoting the well-being and righteousness of that which

of *daruriyyat* or the essentials. [80] According to Muhammad al-Zuhaili, the right to life is the cardinal right of a human being which gives rise to other rights, and without which all other rights would be lost.[81] In other words, the doctrine of sanctity of life forms a fundamental and integral component that ensures the preservation of both individual and public interests. Protection of life thus serves not only a religious purpose but also contributes towards a moral and just order.

Consequently, the sanctity of life sits at the core of Islamic bioethics, a similar position with that of the Western model. However, a marked distinction exists between the two: while modern ethics view sanctity on the basis of the intrinsic value of human life, Islam attributes the sacredness of the principle to the fact that all life comes from and belongs to God, and only God has the right to take it away.[82] Islam believes that everything in this world including life, is a loan from God. Every human being is thus under a religious duty to care for and maintain that trust in not only guarding and defending his own life from harm, but also that of others.

It is therefore axiomatic that the discussion on the Islamic position with respect to the separation of conjoined twins centers on the doctrine of sanctity of life. The ruling that life is inviolate and sacrosanct is ordained in the Holy *Qur'an* in the following verse: "Do not take life which God has made sacred except in the course of Justice"[83]. It is accordingly forbidden for anyone to deliberately end a

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prevails in it, namely mankind. Ibn Ashur, *Ibn Ashur: Treatise on Maqasid al-Shari'ah, trans.* Muhammad el Tahir el Mesawi 87 (2006).

[80] Mohammed Hashim Kamali explains that faith, life, intellect, lineage and property are regarded as essentials due to the fact that these elements are seen as absolute requirements to the survival and spiritual well-being of individuals, to the extent that their destruction or collapse would precipitate chaos and the demise of normal order in society. See Mohammad Hashim Kamali, *Maqasid al-Shari`ah Made Simple* 4 (Anas S. Al-Shaikh-Ali & Shiraz Khan eds., 2008).

[81] Muhammad al-Zuhaili, *Huquq al-Insan fi al-Islam* 141-143 (1997).

[82] See for instance FA Khan, *Religious Teaching and Reflections on Advance Directive-Religious Values and Legal Dilemmas in Bioethics: An Islamic Perspective*, Fordham Urb. LJ 30 (2002) 267; Farzaneh Zahedi, Bagher Larijani, & Javad Tavakoly Bazzaz, *End of Life Ethical Issues and Islamic Views*, 6 *Iran J Allergy Asthma Immunol* (2007) 5.

[83] *Al-Qur'an, Surah al-An'am* 6:151.

life: "Whosoever takes a human life, for other than murder or corruption in the earth, it is as if he has taken the life of all of mankind."[84] This prohibition is substantiated in the *Hadith*[85] of the Prophet (peace be upon him), which formed part of his sermon during the Farewell Pilgrimage at Mina: "Verily your blood, your property and your honour are as sacred and inviolable as the sanctity of this day of yours, in this month of yours and in this town of yours. Verily! I have conveyed this message to you."[86]

On the issue of the legality of separating conjoined twins, Muslim scholars hold different views depending on the circumstances. In cases where the surgical separation would not cause harm or deprive either twin of his or her right to life, then such action should be carried out if there is an opportunity to do so, particularly when it would promote a better quality of life.[87] In each situation however, the opinion and recommendation of doctors are of paramount importance in evaluating the harmful consequences that would ensue from the decision whether to separate the twins or to leave them in their fused state. It is therefore a compulsory requirement for doctors to be consulted as they would be in the best position to determine what would be in the best interests of the conjoined twins.

In Islam, the determination of the legality of a medical procedure to separate conjoined twins is associated with the consequences following such an act. This involves the application of the legal maxim "y*uzal ad-darar al-ashaddu bid-darar al-akhaff*" (the greater harm is eliminated by means of a lesser harm), which entails the following approach: (1) if it is possible by way of surgical separation to uphold all the interests involved in the situation, then it must be carried out. If this cannot be achieved, then the option that best furthers the most interests should be chosen; (2) if the situation involves harmful corollaries, then at the outset it is obligatory to

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[84] *Al-Qur'an*, *Surah al-Ma'idah* 5:32.

[85] The sayings of Prophet Muhammad (peace be upon him) which form part of the *Sunnah*.

[86] Reported by al-Bukhari and Muslim in *Riyad as-Salihin*, Book 18, Hadith 1524, available at http://sunnah.com/riyadussaliheen/18.

[87] Faisal Sa'id bi al-A'mshi, *Ahkam al-Tawaim al-Multasiqah fi al-Fiqh al-Islami*, *in* 20th Session of the Islamic Fiqh Council 31-32 (2010).

prevent each harm from occurring. If it is not possible to do, then a decision which would inflict the greater harm is to be avoided. In a case where the gravity of harm under each option is of equal value, then it would be permissible to make a choice between such options; and (3) if there exists a conflict between the benefits and the harm arising out of a situation, then at the first instance, the benefits must be realised and the harm averted altogether. If this cannot be achieved, then if upon drawing a balance the benefits outweigh the harm, the option that represents this is to be chosen. However, if the harm involved is greater than the benefit, then the removal of harm takes priority over the preservation of interest, in conformity with the maxim *"dur' al-masaalihi awla min jalb al- manaafi"* (the prevention of evil takes priority over the attraction of benefit).[88] According to Imam as-Suyuti, the manner of removing harm is contingent upon another legal maxim that states, *"ad-dararu yuzalu wa lakin la bi-darar"* (harm must be eliminated but not by means of a similar harm).

Modern Islamic scholars concur that the surgical separation of conjoined twins is permissible in Islam, and further justify the lawfulness of such medical treatment on the following grounds:[89]

1. At times the need for such an intervention arises for doctors to try their level best, not to change God's creation, but to return him or her to a more natural human form. This is based on a verse in the Holy *Qur'an* which states, "We have certainly created man in the best of stature."[90]

2. Each person has the right to individuality and physical independence, and is under a duty of trust to care for and use his or her body according to the tenets prescribed in Islam.

3. Non-separation would hinder conjoined twins from fulfilling their obligatory duties as Muslims such as performing

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[88] Syarfu al-Din, *Al-Ahkam Al-Syar;iyyah lil A'mal al-Tibbiyyah* 78-80 (2nd ed., 1987).

[89] See Abdul Nasir Musa Abu al-Basol, *Nawazil Al-Tawaim al-Multasiqah (Al-Ahkam al-Muta'alliqah bi Fasliha wa Murathiha wa Zawajiha)*, in 20th Conference of the Islamic Fiqh Council 9-11 (2010).

[90] *Al-Qur'an*, *Surah al-Teen* 95:4.

prayers and covering their *aurah*[91], as well as the capacity to satisfy their natural needs such as marital life.
4. The issuance *fatwa* (legal rulings) by legitimate Islamic authorities must always take into consideration the continuous development of medical knowledge and treatment in order to ensure its coherence with current circumstances.
5. Certain important legal maxims (such as those previously discussed) must be observed.
6. The operation can only be performed with the consent of a competent patient. If the conjoined twins are underage or are unable to partake in the decision-making process, then doctors would have to seek parental consent, failing which the matter will be referred to the a court of law.

In addition, the necessity of separating conjoined twins can be appraised from aspects such as to protect a twin from any illness or medical condition which is caused by his or her conjoined condition, the ability of each twin to form decisions or portray his or her own disposition in the fulfilment of his or her own interests without being inhibited by the other twin's needs or desires, and the need to determine the extent of the twins' culpability in the event that a crime has been committed.[92]

(ii) Sacrificing One Twin to Save the Other

On the issue of whether it is permissible in Islam to carry out a surgical separation to preserve the life of one twin which would entail the death of the other, the predominant view is that this would be unlawful, as it is in direct violation of the doctrine of sanctity of life. The analogy drawn in this situation is that of a person who faces a fatal threat from extreme hunger; in such a case, would it be justified for him to kill another person in order to survive? According to Ibn Qudamah, a renowned jurist from the *Hanbali* school of thought, such killing or infliction of harm to another person is

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[91] Parts of the human body that must be covered with clothing as prescribed in Islam.
[92] See Abdul Fattah Muhammad Idris, *Faslu al-Tau'am al-Multasiq wa Mauqif al Fuqaha minhu*, *in* 20th Session of the Islamic Fiqh Council 27-29 (2010).

prohibited on the ground that the one who commits the act and the victim belong to the same human species.[93] Consequently, the legal maxim "y*uzal ad-darar al-ashaddu bid-darar al-akhaff*" (the greater harm is eliminated by means of a lesser harm) cannot be made applicable in the case of a surgical separation of conjoined twins which involves a sacrificial element.[94]

The impermissibility of such an operation is articulated in a *fatwa* issued by religious authorities in Egypt.[95] In a situation where there is a real risk that the separation of conjoined twins would result in the death of one of them, the procedure would be unlawful because there is no legal justification to sacrifice a twin for the sake of the other's survival. Both their lives are equally sacred and thus the value of one twin's existence is not superior to that of his or her conjoined half. Modern experts however aver that it is vital for the matter to first be referred to specialists in the medical field, particularly in a case involving an incomplete twin, in order to identify whether the incomplete twin is to be regarded as a person or a mere appendage of the other.[96]

In applying the aforementioned principles to a complex case akin to that of Jodie and Mary, it would appear that from an Islamic standpoint, the preferred decision would be for the conjoined twins to remain in their original state. Under the *shari`ah*, the sanctity of life occupies a more revered position than the Western concept due to the fact that it life and death is strictly a divine prerogative that belongs to God and life cannot be taken away except by His Will. Thus, the doctrine cannot be subjugated unless under prescribed circumstances such as the due process of law and in self-defence. Sacrificing one twin so that the other may live does not qualify as an exception; it directly flouts the fundamental dictum that holds life to be sacred. Furthermore, such act would not be justifiable according to the legal maxim *"ad-dararu yuzalu wa lakin la bi-darar"* (harm must be

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[93] 11 Ibnu Qudamah, *Al-Mughni* 79 (1st ed. 1984/1405H).

[94] See for instance Faisal Sa'id bi al-A'mshi, *supra* note 86, 32.

[95] Dar al-Ifta al-Missriyyah, Fatwa No. 162/500, (2001) quoted in Abdul Fattah Muhammad Idris, *supra* note 91, 49.

[96] See Nasir Abdullah al-Maimun, *Al-Ahkam al-Fiqhiyyah al-Muta'alliqah bi al-Tawaim al-Multasiqah, in* 20th Session of the Islamic Fiqh Council 25-27 (2010).

eliminated but not by means of a similar harm); the threat to the lives of both conjoined twins cannot be circumvented by way of a surgical separation that would cause the death of one of them in order for the other to survive. The decision to not impose medical treatment to separate the twins is also justified on the ground that in Islam, it is permissible for one to either seek medical treatment or to forbear in patience and perseverance in facing illness, as both approaches are sanctioned by the primary sources of the *Shari'ah*.[97]

The moral and ethical philosophy behind the above rulings are accordingly incorporated in the guidelines for doctors in performing a surgical separation of conjoined twins, which were deliberated on at the 20th session of the Islamic Fiqh Council[98], which *inter alia*, include that: (1) there must be a strong prognosis that the operation will not cause the death of both twins or either one of them, or result in a decrease in their life expectancy; (2) the operation must benefit both of them or cause less harm than if they were to be left conjoined to one another; and (3) both twins must provide valid consent for the operation to be carried out. If they are unable to do so by reason of age or any infirmity, then their parents (or another *wali* (legal guardian), as the case may be) will have the legal right to decide on their behalf. The ruler will assume legal guardianship in the event that the conjoined twins' *wali* fails to decide in accordance with their best interests.

(iii)   The Importance of Parental Consent

Parental consent is also an imperative consideration especially when

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[97] One of the authorities for seeking medical treatment is a *Hadith* narrated by Abu Huraira, where the Prophet (peace be upon him) said, "There is no disease that Allah has created, except that He also has created its treatment." (*Sahih al-Bukhari*, Book 76, Hadith 1, available at http://sunnah.com/bukhari/76). In the Holy *Qur;an*, it is mentioned that pain and illness are trials to test a Muslim's spiritual standing, and he or she will be rewarded for his or her patience: "And We will surely test you with something of fear and hunger and a loss of wealth and lives and fruits, but give good tidings to the patient, who, when disaster strikes them, say, "Indeed we belong to Allah , and indeed to Him we will return." Those are the ones upon whom are blessings from their Lord and mercy. And it is those who are the [rightly] guided." (*Surah al-Baqarah* 2:155-157).
[98] Abdul Fattah Muhammad Idris, *supra* note 91, 45-48.

it involves the medical treatment of children who have not attained the age of maturity. This is based on the concept of *wali* in Islam, which is mentioned in the following verse of the Holy *Qur'an*: "And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgement, release their property to them. And do not consume it excessively and quickly, [anticipating] that they will grow up. And whoever, [when acting as guardian], is self-sufficient should refrain [from taking a fee]; and whoever is poor - let him take according to what is acceptable. Then when you release their property to them, bring witnesses upon them. And sufficient is Allah as Accountant."[99] The ruling in the verse concerning the guardianship of a child's property is equally applicable to medical treatment and other cases involving children. Accordingly, at the 23rd session of the Council of Senior Scholars in Riyadh, it was unanimously decided that "it is not permissible to operate on a patient without his or her permission provided the patient is pubescent and sane, whether the patient is male or female. If the patient is not of age or insane, the permission of their *wali* (guardian) must be obtained."[100] It is incumbent upon a *wali* to carry out his or her responsibilities in the best interests of his or her ward[101]; if the *wali* refuses to consent to medical treatment and such refusal is detrimental to the latter, then the *wali*'s decision shall not be taken into account. In such a case, the right of permission will be transferred to the next *wali* and ultimately to the ruler of the Islamic state[102] (in modern practice this would be a court of law).

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[99] *Al-Qur'an, Surah an-Nisa'* 4:6.

[100] The General Presidency of Scholarly Research and Ifta, Fatwas on Medical Issues and the Sick (1984), available at http://www.alifta.com/Fatawa/ FatawaChapters.
aspx?languagename=en&View=Page&PageID=175&PageNo=1&BookID=17.

[101] This is based on a *Hadith* of Prophet Muhammad (peace be upon him): "Any man whom Allah has given the authority of ruling some people and he does not look after them in an honest manner, will never feel even the smell of Paradise." Reported in *Sahih al-Bukhari*, Book 93, Hadith 14, available at http://sunnah.com/bukhari/93.

[102] 1983 Islamic Fiqh Academy, *Resolution No. 67/5/7 concerning Medical Treatment*, *in* Resolutions and recommendations of the Council of the Islamic Fiqh Academy 1985–2000 139–142 (2000).

Comparison between the *Shari`ah* and Common Law Perspectives

In analysing the position under the common law and Islamic perspectives, it can be deduced that similar principles apply, though they may not necessarily lead to the same conclusions. Both legal systems recognise the sanctity of life doctrine as the principal point of consideration in determining whether a surgical separation of conjoined twins would be justified. Although the doctrine is upheld and treated with much deference under the common law and the *shari`ah*, the common law appears to be more amenable to validate actions that may not strictly adhere to the sanctity of life in circumstances where such conformity poses a difficulty, as can be seen from the case of the Attard twins. On the other hand, the inviolability principle is applied in a more consistent and stricter sense in Islam and is subject to the legal maxims of Islamic law. This stems from the fact that unlike the Western interpretation of the concept, the sanctity of life doctrine in Islam does not exist intrinsically, but is part of a divine order; no one but God has the absolute right to grant and take away the life of His creations. In other aspects such as parental consent and the need to ascertain personhood, the two legal systems appear to subscribe to the same view. However, the divergence between the two systems can be discerned when construing notions of 'quality of life" and "best interests". Under the common law, quality of life not only constitutes a legitimate consideration to be factored into the decision-making process, but may also in certain circumstances operate to override the sanctity of life. In Islam, a different treatment is given to the notion of quality of life; it forms a legitimate consideration in cases where the separation of conjoined twins does not involve a fatal threat to either of the twin's lives. However, if the proposed surgical separation would result in certain death for even one of the conjoined twins, the sanctity of life doctrine renders such operation unlawful, even if it would allow the surviving twin to be able to enjoy a better quality of life. Accordingly, the concept of best interests where conjoined twins are concerned is also perceived differently under the common law and Islamic perspectives; while the common law, in balancing conflicting interests, is inclined to decide based on what

would constitute the "lesser of two evils", under the s*hari`ah*, choosing a lesser harm is permissible unless the situation involves the violability of life, in which case the sanctity of life must be upheld. Ultimately, both systems acknowledge that in the separation of conjoined twins, medical expert opinion remains a paramount consideration and the issues involved in the separation of conjoined twins are to be decided on a case to case basis.

Conclusion

The ethical and legal conundrum in the separation of conjoined twins are as intricate as the medical phenomenon itself. Each case is unique and presents its own set of issues and challenges, which further complicate the medico-legal decision-making process. Recent developments show that there is a shift in the traditional perspective in which conjoined twins and the concept of individuality are viewed, in that separation should not always be the preferred option and in some cases, such twins are capable of having a fulfilling existence while remaining connected to one another.   In any case, in order to ensure the ethicality and legality of a decision whether or not to separate a set of conjoined twins, doctors must refer each case to the proper forum i.e. the hospital's ethics committee and/or a court of law, prior to its implementation. Further, cultural and religious perspectives are imperatives that significantly influence the decision-making process, and thus should be given consistent recognition in ascertaining the viability of any medical action concerning the separation of conjoined twins.

THE CRITICS ON THE HISTORY OF ARABIC GRAMMAR[1]

Solehah Yaacob[2]

Abstract

This study aims to critically examine Ignaz Golziher's allegations on the beginnings of Arabic linguistics. According to him, the Arabic short vowel symbols did not originate in the Arab world but were adopted from the Levant. The same he assumed in regard to the three different parts of speech, namely name (ism), verb (fiʿil), and particle (harf), which allegedly presupposed the knowledge of Aristotle's De Interpretations falsely attributed to ʿAli (Karramallahuwajhah)[3]. Goldziher explained this connection with the scholastic disputes occurring between the different theological schools in the first century AH, with special reference to the dogmatic differences between the Murjiʾah and the Qadariyyah sects. Theological debates on various doctrines were held at the same time by Eastern Christians based on the teachings of John of Damascus. In the eyes of Goldziher, these debates – based on the assumption that since they occurred in the same century – they had to be related, and furthermore, St. John of Damascus must have borrowed his ideas from Aristotle. Since no Arabic sources speak of this connection, he raises his own suspicions, namely that Muslim sources refused to admit the borrowing of ideas from the Christians. This study serves the purpose of investigating his allegations in regard to the origin of Arabic grammar and syntax and of deciding the extent of his scholarly bias. The researcher adopts a theoretical and analytical approach based on linguistic studies. In order to arrive at a balanced

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judgment with regard to this conflict, the linguistic corpus, as well as the historical background of transmission is being analyzed.

Introduction

In 1868, Ignaz Goldziher obtained a grant from Eotvos Baron Jozthe, the Hungarian minister of Education and Culture for the purpose of analyzing Arabic manuscripts. He obtained his doctorate in Leipzig in 1870, followed by intense studies on his own which allowed him to attain a thorough knowledge of Arabic manuscripts. He earned a reputation of being the most learned expert in the field of Arabic sources[4]. Being a student of the renowned orientalist H.L. Fleischer[5], Goldziher was drawn to the study of Arabic linguistics. As he himself recollected: 'I was lured more by the historical then the factual (positivist) side'[6].This explicit interest of his in the historical aspect of literature remained one of the characteristics of his scholarly enquiry throughout his life. One of the prime topics of his research focused on investigating the origins of Arabic grammar. He published research on a number of important Arabic manuscripts in this field, such as *Al-Muẓhīr* by as-Suyūṭi, *Al-ʾalfāz* by Ibn as-Sikkīt, *Al-Inṣaf Fī Masāila al-Khilāf* etc[7]. Goldziher was one of the most influential Orientalists of his time, and his views were authoritative in the field. A common phenomenon of Orientalism is that everything in Muslim science, religion and culture had to have its source in Western civilization and was not original or valid in its own right. Goldziher thus asserted in this manner that a critical examination of the works of Abū Aswād ad-Duʿali (d. 688 CE) revealed the latter's role as the founder of Arabic grammar, and not – as Muslim tradition claimed – 'Ali Ibn Abi Talib (*karrama 'llahuwajhah*) who gave the first impulse to grammar as a science. Goldziher did not stop there but further asserted that the

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[4] Ibid., 1.

[5] Solehah Yaacob, 'Refuting the alleged transmission of Greek thinking concepts into Arabic grammar', *Journal of Islam in Asia*, No.1, June 2011, Intl. Islamic University Malaysia, Kuala Lumpur.

[6] Goldziher, *History of Grammar Among the Arabs*, Volume 73, 45.

[7] Ibid. 1994, xiii-xiv

differentiation of the three parts of speech did not (could not?) originate in the Hijāz[8]. Assuming that the Arab world was incapable of actual intellectual creativity and originality, he concluded that the origin of Arabic grammar had to have come from outside. The rules of Arabic grammar – presumably also those documented in the Holy Qur'an – had to have received help from external influences[9].

The '*e silentio*' theory

The Orientalist Renan postulated that the fully preserved original text of the Qurān constituted the focal point and basis of all subsequent study of the rules of the correct Arabic grammar and syntax. It was the Arabic Qurān which inspired the works of the first Arab grammarians. According to Renan, neither the use of grammatical terms nor the formulated rules show even the slightest trace of a foreign influence. He stated 'finally, concerning all the other sciences, the Arabs themselves overtly confess what they owe of them to the Greeks whereby they are convinced that their grammar is a privilege kept by God for them and one of the surest signs of the superiority they consider to be theirs over other nation'[10].

Golziher criticized Renan's conclusions and argued:

> The question is not whether grammar a particular grammatical system, had been taken over, or not the Arabs arrived at their basic linguistic concepts on the grounds of which each nation contemplates the character of its language, analyses the parts of sentences and words and derives the correct usage from the data in form of rules in the absence of any foreign influence or in short are there any factors in the awakening of a grammatical awareness among the Arabs that do not originate in the life of the Arab people and their mind?[11]

What Golziher was saying is that Arabic grammar had been influenced not only by Greek grammar, but also by Greek thinking.

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[8] Ibid. 1994, 3.
[9] Ibid. 1994, 4.
[10] Ignaz Golziher, *History of Arabic Grammar*, 5.
[11] Ibid., 5.

The Arabs had allegedly adopted Greek terms of linguistic concepts, the character of language, analysis of the parts of sentence, and grammatical rules from the Greek. He assumed that these linguistic concepts were not directly adopted from the Greeks, but via Syraic, which was spoken in the Levant. Goldziher referred to his colleague Noldëke, who had already linked Arabic with Syraic[12]. The usage of Arabic short vowels had been introduced by AbūAswād ad-Duali:

(إِذَا رَأَيْتَنِي قَدْ فَتَحْتُ فَمِّي بالحَرْفِ فَانْقُطْ نُقْطَةَ فَوْقَهُ عَلىَ أَعْلاَهُ، فَإِنْ
ضَمَمْتُ فَمِّي فَانْقُطْ نُقْطَةً بَيْنَ يَدَيَّ الحَرْفِ، وَإِنْ كَسَّرْتُ فَاجْعَلْ
النُّقْطَةَ تَحْتَ، فَإِنْ أَتْبَعْتُ شَيْئًا مِنْ ذَلِكَ غُنَّةً فَاجْعَلْ مَكَانَ النُّقْطَةِ
نُقْطَتَيْنِ ")[13] .

(If you saw me that I opened my mouth with a letter, then put a full stop symbol on the top of it. If I closed my mouth, there was a full stop symbol between the letter. If I run-down, kindly make the full stop symbol below. If I followed something after, the articulation letters shared then kindly make double full stop symbol)

If we accept Golziher`s views, we still need to explain the means of linguistic transmission between Baṣra[14] and the Levant. There is no doubt that the Christian world and the Muslim world met in Damascus, where John of Damascus had taught. However, Orientalists assumed the existence of a silent connection between the Christian and the Muslim world in the form of a direct (and strangely one-sided) transmission of knowledge from the West to the East. Historical sources do not suggest a relationship or exchange between 'Ali Ibn Abi Talib (*karrama 'llahuwajhah*) and John of Damascus. However, Goldziher did, solely based on the fact that Islam did not prohibit such an exchange in matters other than faith, as stated in the Qur'an:

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[12] Ibid., 7.

[13] Abu Tayīb al-Lughawī (d.351h), *Al-Marātib al-Nahwiyah*, ed. Muhammad Abū al-Faḍl Ibrahim, (Cairo: Maktabah Nahḍah, 1955), 35.

[14] The place where Abu Aswād became hakim or judge.

(قُلْ يَأَيُّهَا الكَافِرُوْنَ، لاَ أَعْبُدُ مَا تَعْبُدُوْنَ، وَلاَ أَنْتُمْ عَابِدُوْنَ مَا أَعْبُدُ، وَلاَ
أَنَاعَابِدٌ مَا عَبَدْتُّمْ، وَلاَ أَنْتُمْ عَابِدُوْنَ مَا أَعْبُدُ، لَكُمْ دِيْنُكُمْ وَلِيَ دِيْنِ)¹⁵

"O disbelievers in Allah, I worship not that which you
worship, Nor will you worship that which I worship,
And I shall not worship that which you are worshipping,
Nor will you worship that which I worship, To you be
your religion, and to me my religion".

Orientalist claims went so far as to suggest an external influence
to the text of the Qurān itself. Qur'anic revelation influenced Muslim
ideas and concepts in history, science, literature and language, and
continues to do so until today. The verses[16]

(أَفَلا يَتَدَبَّرُونَ الْقُرْآنَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلافًا
كَثِيرًا)

Do they not then consider the Qur'an carefully? Had it
been from other than Allah, they would surely have
found therein much contradictions.

are considered timeless statements as valid today as they were valid
at the time of their revelation, over 1400 years ago. As to any
external influence, the concept of *qiyās* was already practiced in the
first century AH, when most Qurān readers used reason to derive new
legal judgments.   Abū Ishāq al-Haḍrāmī asked Farazdaq to follow
the analogical system:

مُسْتَقْبَلِيْنَ ثِمَالُ الشَامِ — تَضرِبُنا   *   بِحَاصِبٍ كنديف القُطن منشورٍ

عَلىَ عَمائِمِنا يُلْقى وأرحُلِنا   *   عَلىَ زَاحِف تُرجى، مُخّهاريرُ¹⁷

(The future of North Sham - hit us * with cotton cane crumbles)

(On our turbans we cast and departed * on the creeping camel)

Here, he corrected the final vocalization based on the qiyās already known amongst Arabists. The word ' مُجَّهارِيُ ' is considered normative style because it belongs to the sentence of المستأنفة[18].

In this case, not only Renan supported the originality of Arabic grammar and its principles, Noam Chomsky, a famous linguistic theoretician, attests that each language has its own unique history and development. The claim that a language was based directly upon another should be reexamined, because all separate human intelligences are (by fact of their nature) familiar with the universal, yet develop their own particulars[19]. Language, or its linguistic corpus existent in the human mind, cannot be limited or simply exchanged with another. Therefore, the individual experiences of a linguistic community are reflected in the design and character of a language. The creation or design of language is not a static exercise, and one grammatical system cannot be simply exchanged with another[20].

Another indicator for the originality of Arabic grammar[21] is based on the mass translations into Arabic, which began during the Abbasid caliphate. The transfer and subsequent assimilation of knowledge occurred only after the Arabic language, syntax and grammar were firmly established, and not before. Goldziher's claim that Greek already actively influenced Arabic language, at a time when Arabia was completely isolated from the main centers of civilization, cannot be upheld in earnest.

When looking at the Arabic linguistic corpus, we can establish that it had always been free from any external and foreign influences, as asserted by Ibn 'Abbas:

أَوَّلُ مَنْ تَكَلَّمَ بِالعَرَبِية المحضة وأمَّا عَرَبِيَّةُ قَحْطَانٍ وَحِمْيَرٍ فَكَانَتْ قَبْلَ

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[18] It is considered to be an earlier sentence.

[19] As proven by Chomsky, see *Syntactic Structure*, *Syntactic Structure*, (The Hague: MontonTrad., 1971), 19; *Aspect of the theory*, (Massachusetts: The MIT Press, 1995), 4.

[20] Chomsky, *Aspect of the Theory*, 64.

[21] See S. Yaacob, 'The Connection Between Ma`ani Nahwi in Arabic and the Idea of Modistae in Latin: Historical linguistic analysis', *International Journal of Humanities*, Melbourne, Australia: Common Ground, 2008.

<div dir="rtl">

إِسْمَاعِيْل عليه السلام²² .

</div>

(The first who speak pure Arabic was Al-Arabiyyah al-Maḥḍah otherwise the Arabic Qahtan and Himyar was before Ismail peace be upon him)

Arabic as a complete and fully developed language which already existed before the arrival of Prophet Ishmael (a.s.), and was used by the tribe Qahṭān and Himyār. Arabic was the language spoken by a tribal led by called Jurhum[23] who married the daughter of Irām, Sām`s son after Noah's(a.s.) flood, and through his offspring Arabic became the language of a great nation[24]. The offspring of Ishmael (a.s.) arrived and spread the use of Arabic[25]. Arabic was an original language with its unique system of grammar, which was already developed thousand years before the rise of Greece. In order to faithfully reflect the transmission process of Arabic we have to concentrate on early manuscripts. Sibawāyh states on this point:

<div dir="rtl">

"هَذَا بَابُ مَجَارِيْ أَوَاخِرِ الكَلِمِ مِن العَرَبِيَّةِ وَهِيَ تَجْرِي عَلَى ثَمَانِيَّةِ مَجَارٍ: على النَصْبِ، والجَرِّ والرفع والجَزْمِ والفَتْحِ والكَسْرِ والضَمِّ والوَقْفِ. وهَذِه المَجَارِي الثَّمَانِيَّةَ يَجْمَعُهنَّ في اللَفْظِ أَربعةُ أَضرب: فالنصب والفتح في اللفظ ضربٌ واحدٌ، والجرُّ والكَسْرُ فِيهِ ضَرْبٌ واحدٌ، وَكَذَلِكَ الرَفْعُ والضَمُّ والجَزْمُ والوَقْفُ. وَإِنَّمَا ذَكَرْتُ ثَمَانِيةَ مَجَارٍ لأَفْرُقَ بين مَا يَدْخُلُهُ ضربٌ مِنْ هذه الأَرْبَعَةِ لِمَا يُحدِثُ فيه العاملُ — وَلَيْسَ شيءٌ منها إلاَّ وهو يَزُولُ عَنْهُ— وبينَ ما يُبْنَى عليه الحرفُ بناءً لا يَزُولُ عنه لِغَيْرِ شَيْءٍ أَحْدَثَ ذلك فيه مِنَ العَوَامِلِ، التي لكل عَامِلٍ مِنْهَا ضَرْبٌ من اللفظِ في

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[22] Al-Suyūṭī, *Al-Muẓhir*, ed. Fuad 'Alī Mansūr, (Beirut: Dār al-Kutub al-'Ilmiah, 1998), 1/29, They were nine tribes of Arabs from the birth of Airam, daughter of Sam bin Noah: 'Ad, Thamud, Umaimun, Ubailun, TusmJudais, Imliq, Jurhum and Wabar.

[23] Ibid., 1/29.

[24] See the critique of the traditions relating to Jurhum and his offspring in the book of the Dutch scholar Dozy 1864:146 and ff. (in the chapter: `De tweedeGorhoem"). see Golziher, *History of Grammar Among the Arabs*, 45.

[25] Ibid., 5.

الحَرْفٍ، وَذَلِكَ الحَرْفُ حرفُ الإعرابٍ"[26]

(Classical Arabic had eight cases: accusative (*nasab*), genitive (*jar*), nominative (*raf'*), apocopate (*jazm*), a-vowel (*fath*), i-vowel (*kasr*), u-vowel (*ḍam*) and zero-vowel (*waqf*). Sibawayh divided the endings of the eight cases into four pairs: the accusative and a-vowel, the genitive and i-vowel, the nominative and u-vowel, and lastly the apocopate and zero-vowel. A word which receives different pairs because it is produced by a governor, its ending is not permanent and will be changed based on its position and use in the sentence. This system can be called the process of governing or the concept of *al-'amil*. Shawqī Ḍaif believed this kind of rule was unique to Arabic grammar[27] and a sufficient proof of its originality. The introduction of short-vowel signs in written language has to be considered a separate development and does not interfere with the original syntax).

Goldziher falsely claims that these additional signs were adopted from *zeqāfā* and *rebased* in Syriac[28], and who misleads his readers when he concludes that 'Arabs did not develop the most basic concepts of grammar from their own genius but was taken over from the Syrian'. Syrian vowel signs did undergo several stages and followed different paths of development[29], but the terms *zeqāfā* and rebase are only used in Syriac. Arabic grammar was not based on these additional scriptural signs but on the vowel endings, which were unique and solely the creation of the Arab intellect. A change of any of these short vowels changes the meaning of a sentence and is of utmost importance. For example, in the Qur'anic verse:

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[26] Sibawāyh, *Al-Kitāb*, (Beirut : Dārul al-Kutub al-'Ilmiah, 1999), 1/41.

[27] Shawqī Ḍaif, *al-Madāris an-Nahwiyyah*, (Cairo: Dār al-M'ārif, 1995), 20.

[28] When he referred to the works of the French scholar Abbe` Martin (1869,1872, 427-451). See Ignaz Goldziher, *History of Grammar Among the Arabs*, 6.

[29] Ibid., 6

(أَنَّ اللهَ ۞ بَرِيءٌ مِنَ المُشْرِكِينَ وَرَسُولُه)³⁰

(And a declaration from Allah and His Messenger to mankind on the greatest day (the 10th of Dhul-Hijjah - the 12th month of Islamic calendar) that Allah is free from (all) obligations to the Mushrikun and so is His Messenger)

If the letter "ل" in "ورسولُه" was read with an i-vowel "ورسولِه" ending, the meaning would change completely. This incorrect reading changes the meaning of the verse and case, the Prophet would be included in the group of addressed idolaters, while in fact he is addressed as being on the side of God. Yet knowledgeable Qur'anic reciters did infact read variants of vowel endings and did so if the changed meaning was acceptable and in accordance with Islamic precepts, one example of variant readings occurs in the verse (السارقُ والسارقةُ فَاقْطَعُوا أَيْدِيَهُمَا)³¹ The vocal on the first two words of this verse could be read in the nominative case (بالرَّفْع), while another group of reciters preferred an a-vowel ending (بالنَّصْبِ) reading السَّارِقَ والسَّارِقةَ in accusative position³². Other examples are:

(إنْ هذَانِ لَسَاحِرَانِ)³⁴ ، (قَتْلُ أَولادَهم شركائِهم)³³

(إنَّ الذِينَ آمَنُوا وَالَّذِينَ هَادُوا وَالنَّصَارَى وَالصَّائِبُونَ)³⁵

(وَالمُقِيمِينَ الصَّلاَةَ والمُؤْتُون الزَّكَاةَ)³⁶. Whatever variants are preferred which change the very meaning of a verse or a part of it, the rule is that positive meaning has to be produced. Suyūṭī explains as follows:

(وَقَدْ أَطْبَقَ النَّاسُ على الاحْتِجَاج بِالقِرَاءَاتِ الشَّاذَةِ في العَرَبِيَّةِ إذَا لَمْ تُخَالِف قِيَاسًا مَعْرُوفًا بَلْ وَلَوْ خَالَفَتْهُ يُحْتَجُّ بِها)³⁷

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³⁰ Surat Al-Taubah: 3.

³¹ Surat Al-Ma'idah: 38.

³² Shawqī Ḍaif, *al-Madāris an-nahwiyah* , based on the *qirā'ah* of IbnKhālawayh, also called *shāz* (singular), *shawāz* (plural), 24.

³³ SuratTaha: 63.

³⁴ Surat Al-An`am: 137.

³⁵ Al-Baqarah: 62.

³⁶ An-Nisa: 162.

³⁷ As-Suyūṭī, *Al-Iktirāh*, 24.

(People have applied to invoke abnormal readings in
Arabic if they do not violate known values, but even if
they violate them, they invoke them)

Golziher wrongly assumed that no grammatical concepts could
be formed before the use of vowel signs because there was hardly a
grammatical function in the Arabic language which was not connected
to the vowel of the words. He asserts that 'this people started inventing
signs for the vowels at a given time'. What he actually asserts is that
the Arabs were aware of the importance of these short vowel endings
and the meaning they purported, and thus introduced written signs to
prevent the reading of possible variants which would alter the intended
meaning. However, Goldziher concludes that 'the nation whose
example they followed in their writing system was the most immediate
factor in the awakening of a grammatical awareness'[38], and at this
point his argument falters. Syraic grammar and syntax did not
influence Arabic language, but Syraic had developed a system of
additional signs Arab grammarians and linguists found useful and
worthy of adoption. Abū al-Aswād asked his students to use additional
symbols to signify the opening and closing of his mouth[39]. The *sukun*
sign called نَقْطُ الإعجام and other additional signs used in the Qurān
(u-vowel, a-vowel, i-vowel and zero-vowel) called نَقْطُ الإعراب were
introduced in the second century A.H. by the Qur'an reciters
(*qurrāʾ*)[40]. In the same century, AbūIshāq al-Haḍrāmī introduced the
terminology of *qiyās* when he tried to explain some of the versed
shawādh by al-Farazdaq:

<div dir="rtl">وعضٌّ زمانٍ يابن مروان لم يدعْ   *   من المال إلا مُسْحَتاً أو مُجَرَّفُ [41]</div>

(And the time of the son of Marwan did not call * of
money only wiped or swept away)

The word مُجَرِّفٌ in reading nominative case is incorrect, rather it

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[38] Ignaz Goldzihar, *History of Grammar among the Arabs*, 6 .

[39] See p. 3 of the article.

[40] Shawqī Ḍaif, *Al-Madāris al-Nahwiyah*, pp. 16 & 17.

[41] Ibid., 23

should be read in accusative case by example مُجرفاً for the reason of conjunction to the word before it.

In conclusion we can say that Goldziher's claim of a 'silent' transmission of foreign grammar and assimilation into Arabic grammar is false. Muslim grammarians did not conceal any existent foreign origin of the Arabic language. Nor did they mention any foreign influence because it never existed.

'Analogists' and 'Anomalists'

Goldziher claimed that Baṣra and Kufa were the two cities which permanently rivaled each other:

> Just as they differ in character and political tendency, the two towns also differ in their treatment of the sciences, the opposition of the Baṣran and Kufan schools is spoken of in all fields, they oppose each other in historical questions and in the science of traditions, differences between them are mentioned even concerning their dialects, but the most intense opposition between them concerns linguistic, and especially grammatical questions.[42]

To refute his view, the researcher addresses evidence from the linguistic corpus only where it focuses on grammatical questions. In principle, Baṣra and Kufah do provide evidence over two differing linguistic and grammatical approaches. The school of Basra was generally more philosophically inclined when formulating the system of Arabic grammar, while the school of Kufah based its rules on evidence found in classical texts. Although Basra applied more analogy, this does not mean that Basran scholars did not also refer to the already existent linguistic corpus in the classical texts[43]. Abū Aswād al-Du´alī, Nasīr bin 'Asīm, Abū Ishāq al-Haḍrāmī, 'Isā bin 'Umar al-Thaqafī, Abū'Amrū Ibn al-'Alā´ and Yunūs bin Habīb[44] provided numerous quotes from classical Arabic literature. However,

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[42] Ignaz Goldziher, *History of Grammar Among the Arab*s, 33

[43] Called *as-Samā´i*.

[44] Shawqī Ḍaif, *Al-Madāris an-Nahwiyah*, 18-19.

Baṣran grammarians did introduce more theoretical concepts into Arabic grammatical theory, as illustrated by Ibn Salām:

(وَكَانَ لِأَهْلِ البَصْرَةِ في العَرَبِيَّةِ قُدْمَةٌ وبِالنَّحوِ وَلُغَاتِ العَرَبِ والغَرِيبِ عِنَايَةٌ)[45]

(The people of Basrah in Arabic were preceded of grammar, language of the Arabs and the strange attention of language usage) and supported by Ibn Nadīm[46]:

" إِنَّمَا قَدَّمْنَا البَصرِيِّينَ أَوَّلاً، لِأَن عِلْمَ العَرَبِيَّةِ عَنهُمْ أُخِذَ "

(But we gave the first priority to Basra people, because the knowledge of Arabia from them was taken)

Both of the statements show that scholars from Baṣra were the ones who advanced linguistic theory. They traveled to the deserts in Najd, Hijāz and Tihamah to collect material which was pure and untouched by foreign elements[47]. According to Shawqī Ḍaif[48], the earliest school in Baṣra was led by the *qura`* since the time of Abū Aswād al-Du´alī, the first authority on Arabic grammar (*naḥw*), and often consulted by ‘Ali Ibn Abī Talib[49] (*karrama 'llauwajhah*) " أنحُ نحواً. Khalīl, one of the famous Basran grammarians, looked for *Samā'* to build the concept of *qiyās* and procure pristine and undiluted linguistic material by travelling through the Hijāz, Najd or Tihamah[50].

Kufa split from the Basran school after an argument between Sibawāyh and Kisā`ī over the question of the *Zanbūriah*[51]. The differences of views in regard to a grammar system continued until the arrival of Farā`, who based most of his analysis on analogy. Many historians of linguistics assert that he was influenced by Baṣran

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[45] Ibn Salām (d.231h), *Tabaqāt Fa Haula al-Shuʿara`*, ed. Maḥmud Muḥammad Shākīr, (Cairo: Dār al-Ma'arif, 1973), 12.

[46] Ibn Nadīm, *Al-Fihrist*, (Tunis: Dār al-Maʿārif, 1994), 102.

[47] Shawqi Ḍaif, *Al-Madāris al-Nahwiyah*, 18.

[48] Ibid., 13 – 22.

[49] Ibid.,13.

[50] Al-Qifṭī, *Anbāh al-Ruwah ʿAlā Anbāh an-Nuhāh*, ed. Muhammad Abū Faḍl, (Cairo: Dār al-Kutub, 2005), 1/344-355.

[51] Shawqī Ḍaif, *Al-Madāris al-Nahwiyah*, 174 .

scholars, but this claim has been refuted by Shawqī Ḍaif[52], who argued that Farā was a scholar in his own right and original in his thought. Indeed, if looking at the sources Sibawāyh referred to in his *Kitāb*, we have to confirm that some of them were from Kufah[53]. There is no doubt that a healthy exchange of ideas did occur between the scholars of Kufah and Basra, for Farā` (considered the leader of the Kufan school) had at the Sibawāy's *Kitāb*[54] under his pillow when he died[55]. Thus, to suggest that Baṣra was completely free from Kufan ideas is incorrect. The analogists' system of grammar needs to be verified using the anomaly approach, such as Sibawāyh and *Jumhūr an-Nuḥat* allowing the use of the system of *samā'* in the question of 'state' (*hāl*)[56]. Both agreed that the word بغتةً in زَيْدٌ طَلَعَ بغتةً was a gerund describing manner. In another case, they accepted the *qirā'āhshādhah* in فَبِذَلِكَ فَلْتَفْرَحُوا[57] because the Baṣran school allowed the system in these verses, based on *qiyās* in the verse [58](وَلَنُخِمِلْ خَطَايَاكُمْ). This means that the Baṣran scholars used analogy. A number of propagators of anomaly accepted the use of analogy in some cases, for example with reference to *tawkīd*, أَبْتَعَ and أَبْصَعَ , أَكْتَعَ, أَجْمَعَ which became dual أَجْمَعَانِ, أَبْصَعَانِ,أَكْتَعَانِ and أَبْتَعَانِ as ar-Raḍī stated in his *Sharh al-Kāfiah*:

" وَقَدْ أَجَازَ الكُوْفِيُونَ وَالأَخْفَشُ لِمُثَنَّئِ المُذَكَّرِ أَجْمَعَانِ أَكْتَعَانِ أَبْصَعَانِ أَبْتَعَانِ، وَلِمُثَنَّئَ المُؤَنَّثِ جَمْعَاوَانِ، كَتْعَاوَانِ، بَصْعَاوَانِ، بَتْعَاوَانِ وَهُوَ غَيْرُ مَسْمُوعٍ [59] "

(The Kufiyun and Al-Akhfash allowed of two male genders such as *Ajma'āni, Akta'āni, Abṣ'āni Abta'āni* and two female genders such as *Jam'āwāni, Kat'awāni,*

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[52] Ibid., 192 – 195.

[53] Sibawayh, *Al-Kitāb*, 1/38, 92, 119, 122, 134, 149, 201, 228,241, 341, 2/58, 65, 141, 156, 173,265, 265, 275,3/24, 105, 127, 171,178, 529, 349, 429, 4/6, 102, 198, 203,266, 592.

[54] The major reference of the Basran School.

[55] Abu Tayīb al-Lughawī, *Al-Marātīb al-Nahwiyah*, p. 87.

[56] Ibn `Aqīl, *Sharh Ibn `Aqīl*, vol. 1. Dārul al-Fikr: Beirut, 1998, 1/500.

[57] Surat Yūnūs: 58.

[58] Surat Al-Ankabūt: 12.

[59] Ibn Hājib, *Kitāb al-Kāfiah Fī an-Nahwī*, Sharh Al-Rāḍi, Beirut: Dār al-Kutub al-'Ilmiah, 1986, 1/334.

> *Baṣ'awāni, Bat'āwāni* and all those things are not anomaly)

Another case is their acceptance of the accusative case in *fi'ilmuḍāri'* such as لِيكونَ also mentioned by ar-Raḍī[60]:

… وَالكُوْفِيُوْنَ يُجَوِّزُوْنَ النَّصْبَ فِي مِثلِهِ قِيَاساً

(Otherwise the Kufah grammarians make it optional accusative of an analogical approach likely)

Goldziher added at this point the following statement: 'I would like to highlight one which provides in itself a very ample source for the study of the theoretical tendencies of the two schools, this is the book of Ibn al-Anbārī entitled Al-Inṣāf Fī Masā´ili al-Khilāf Bayna Naḥwiyyīna al-Baṣrīyīna wal-Kūfiyyīna[61]. Later on he explains that 'the two above-mentioned schools are distinguished by almost the same criteria that divide the analogists from the anomalists in the field of classical grammar'[62]. Thus, Golziher has contradicted his earlier assertion.

Ibn al-Anbāri's work consists of 121 problems which need to be revised, and their content thoroughly analyzed. According to the studies of Gotthold Weil[63], the rival theory between Basra and Kufah has to be dismissed because of a lack of evidence that a full-fledged Kufan school actually existed. He argues that Ibn al-Anbāri did not propagate Kufan thought, because the latter agreed only in four of his 121 problems with Kufan scholars[64]. It is thus more likely that Kufa looked to Basra for answers and orientation; the two schools were not on an equal footing, and thus could not have been rivals.

Sa'īd Jāsim al-Zubayr[65] highlighted the importance of using

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[60] Ibid. final chapter on *nawāṣib al-muḍāriʿ*.

[61] Ignaz Goldziher, *History of Grammar Among the Arabs*, 34.

[62] Ibid., 35.

[63] The first editor of *Al-Insāf fī Masā'ili al-Khilāf Bayna Nahwiyyīna al-Baṣriyīna wal Kūfiyyīna* and the first orientalist who doubted the existence of the School of Kūfah; see Shawqī Ḍaif, *al-Madāris al-Naḥwiyah*, 155.

[64] Ibid., 155

[65] Sa'īd Jāsim al-Zubayr, *al-qiyāsfī an-Naḥwi al-'Arabī – Nash'atuhuwa*

qiyās and *samā`* in Arabic grammar for the Baṣran and Kufan school by quoting questions raised by al-Suyūṭī[66]:

" هَلْ صَحِيْحٌ مَا قِيْلَ عَنِ البَصْرِيِّيْنَ أَنَّهُمْ أَصَحَّ قِيَاسًا مِن الكوفيين؟ وَمَا حَقِيْقَةُ مَوْقِفِهِمَا؟ وَهَلْ سَلِمَ لِهَمَا كِلا المْنْهَجَيْنِ؟ "

(Is it true that what is said about the Basrians is that they are healthier than the Kufis? What is their position? Did both approaches be given to them?)

Shaykh Tantāwī[67] also stressed the positive aspect of the differing modes of approach of both schools.

Goldziher on the other hand stubbornly persisted in claiming that:

"The Baṣran school represents analogy which likes to treat everything by the same standard, while the Kufan school represents the prerogative of individuality in grammar, and allows the regulation and arrangement of grammar not only according to the forms that remain on the highroad of regularity but also those forms which are used according to the individual will of poets[68]. "

He continues: "What, quiet wrongly, used to be called grammarians' `exceptions` are called by Arab grammarians al-Shāz (plur. as-Shawāz) or properly speaking that is a form not conforming to grammatical analogy (*al-qiyās*), but which appears in ancient poetry[69]. "

In response to the above mentioned allegations made by Goldziher, we ought to investigate how far the acceptance of analogy (*qiyās*) went in the Baṣrans school. This has been illustrated by al-Akhfash al-Awṣāt, who noted that Sibawāyh accepted most of the

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Tatawwuruhu, ('Ammān :Dār al-Shurūq, 1997), 48.

[66] Al-Suyūṭī, *al-Iktirāh Fī Uṣūl an-Nahwī,* 201.

[67] M.al-Tantāwī, *Nash'atu al-Nahwī wa Tārikh Ashhūr al-Nuhāh*, (Beirut:'Alim al-Kutub, 1997), 89.

[68] Ignaz Goldziher, *History of Grammar Among The Arabs*, 35.

[69] Ibid.

qirā´āt shādha[70] in his *qiyās* as he said[71] :

<div dir="rtl">القِرَاءَةُ لا تُخَالَفُ، لأَنَّها سُنَّةٌ</div>

(Reading does not violate, because it is a year)

Let us examine some of the cases of analogy (*qiyās*) and anomaly (*samā'*) and *qirā´ātshādha*. Grammatical anomalies were found in the classical Arab poem كَائِنٌ مَقْعَدَ القَابِلَةِ means هُوَ مِنِّي مَقْعَدُ القَابِلَةِ. In case the *'āmil* is not from the same root of circumstantial patient مَفْعُولٌ كَائِنٌ, by analogy there should be added the particle of *jār* فِي meaning فِيهِ, فِي مَقْعَدِ القَابِلَةِ[72] which makes this a case of anomaly. Ibn Malik hinted at another case of anomaly[73].

<div dir="rtl">لك العزُّ إنْ مَوْلاَكَ عزَّ، وإنْ يهُنْ * فأنت لدى بُجبوحةِ الهون كائنٌ</div>

(You are the glory of your king, and if you win * you have the grace of God)

The case study here is the existence of كَائِنٌ which cannot be regarded as a standard for forming the system of *qiyās*. Golziher quoted at this point Suyūṭī`s opinion[74]:

One of the most well known differences between the two grammatical schools is related to these Shawāz, when the unimaginative Baṣran grammarian comes across Shāz, he holds his ground and asserts that such an exceptional form should remain what it is, that is, an exception which cannot be regarded as a standard for forming other words.[75]

Arab grammarians accepted the *samā'* used by Kufan scholars in order to support *qiyās*, such as in instances like أَمْيَلِحَ meaning 'to become smaller' not in the function of a verb but of a gerund, as

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[70] Within the Kufan school, this reading variant was accepted.

[71] Shawqī Ḍaif, *Al-Madāris al-Nahwiyah*, 80.

[72] Ibn ʿAqīl, (d.769h) *Sharh Ibn ʿAqīl*, (Dārul al-Fikr: Beirut, 1998), 1/459.

[73] Ibid., 1/167.

[74] Al-Suyūṭī, *al-Muzhir Fī ʿUlūm al-Lughah Wa Anwāʿuhā*, (Beirut: Dār al-Kutub al-ʿIlmiah, 1998), 1/114.

[75] Ignaz Goldzihar, *History of Grammar Among the Arabs*, 35.

explained by Khalīl [76] :

اللَّفْظِ لَمْ يَكُنْ يَنْبَغِيْ أَنْ يَكُونْ فِي القِيَاسِ لِأَنَّ الفِعْلَ لَا يُحْقَر... ولكنَّهم حَقَّرُوْا هَذَا

(The pronunciation of *Lam* letter should not have been in the analogy because the act does not degrade ... but they did)

The manner (*hāl*) in gerund form has also been accepted by Mubarrid who gives the example of جَاءَ زَيدٌ بغتةً [77] the keyword being بغتةً as a gerund in anomaly[78]. He gives the explanation which has been discussed previously:

وَمِنَ المَصْدَرِ مَا يَقَعُ فِي مَوْضِعِ الحَالِ، فَيَسُدُّه مَسَدَّهُ، فَيَكُوْنَ حَالاً، لِأَنَّه قَدْ نَابَ عَنْ اسْمِ الفَاعِلِ، وَأَعْنِي غِنَاءَهُ وذلك قولهم قتاته صبراً... فَهَذَا يَدُلُّ عَلَىَ مَا يرد مما يُشَاكِلُها، وَيَجْرِيْ مَعَ كُلِّ صَنَفٍ منها[79]

(From the type of gerund which is stated in *Fayasudduhu MasadahË,* is the circumstantial clause was acceptable because it was replace the constituent of noun it is immediately, because he has a name for the actor, …This indicates what is contained)

Here is indicated that the Baṣran school accepted an abnormal (*shāz*) form based on the precedent فَبِذَلِكَ فَلْتَفْرَحُوْا [80] where the existence of وَلَنَحْمِل لَامُ الأَمْرِ before the pronoun is analogous to the Qur'anic خَطَايَاكُمْ[81]. Al-Mubarrid accepted the morphology فَعَّالٌ and فَاعِلٌ as *qiyas*

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[76] Sibawayh, *al-Kitāb*, 3/477-478.

[77] Ibn ʿAqīl, *Sharh Ibn ʿAqīl*, 1/500.

[78] Ibid, 1/500.

[79] Al-Mubarrid. *Al-Muqtaḍab* (ed. Hassan Hamad), Beirut: Dār al-Kutub al-ʿIlmiah, 1999, 3/234; al-Ashmūnī, *Sharhu al-Ashmūnī ʿAlā alfiyah Ibn .Mālik,* (Cairo: Dār al-Kutub al-ʿArabiyah, 1918), 1/245.

[80] Surat Yūnūs: 58.

[81] Surat Al-Ankabūt: 12.

in the diminutive[82], as exemplified by Sibawāyh in *al-Kitāb*[83]:

" وَذَلِكَ قُوْلُكَ لِصَاحِبِ الثِّيَابِ: ثَوَّابٌ، وَلِصَاحِبِ العَاجِ: عَوَّاجٌ
وَلِصَاحِبِ الجَمَالِ الَّتِي يَنْتَقِلُ عَلَيْهَا: جَمَّالٌ...وَذَا أَكْثَر من أَن يُحْصَى "

(This is what you say to the owner of the clothes:
Thawab, and to the ivory: and the owner of the beauty
on which he moves: Jamal ... and more than a number)

There is an instance where the majority of scholars accepted a
case of anomaly from Yunūs Ibn Habīb يَا أَخَانَا زَيْدٌ... وَيَا أَخَانَا زَيْداً أَكْثَر فِي كَلاَمِ
العَرَب[84], where two ways of reading of 'Zayd' are possible both in the
nominative and the accusative cases. Both readings are acceptable.

In summary, it was not exclusively the Baṣran school which
applied the prerogative of originality in grammar generally
represented by the Kufan school. Kufan grammarians like al-Kisā`ī
and Farā` are known to have used analogy ascribed to the Baṣran
school. This was already mentioned by Suyūṭī"إِنَّمَا النَحْوُ قِيَاسٌ يُتَبَعْ * وَبِهِ فِي[85]
" كُلِّ أَمْرٍ يُنْتَفَعْ (Indeed that the grammar is analogical monitored *
Through him using all material measured benefits). Mahdī
al-Makhzūmī[86] supports Suyūty in this matter when he remarks " كَانَ
" يَقِيسُ عَلَيْهِ، وَإِنْ لَمْ يَرِدْ فِي كَلاَمِ العَرَب غيره . There are cases of analogy
established by the Kufan school, such as the verb for *ta'ajub* in the
form of أَفْعَلَ[87] based on نِعْمَ and بِئْسَ , with the particle لَنْ derived from
لاَ and أَنْ[88]. Sa'id Jasim al-Zubayr, states in his *al-qiyāsfī al-Nahwi
al-'Arabī – Nash'atuhu wa Taṭawwuruhu*

" أَنَّ البَصْرِيِّيْنَ وَالكُوْفِيِّيْنَ يَقِيسُوْنَ، وَلَيْسَ صَحِيْحًا مَا قِيْلَ عَنْ مَذْهَبِ
البَصْرِيِّيْنَ أَنَّهُ قِيَاسِيٌّ، وَمَذْهَب الكُوْفِيِّيْنَ أَنَّهُ سِمَاعِيٌّ صَرْفٌ "[89]

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[82] Naṣabiyah.

[83] Sibawāyh, *al-Kitāb*, 3/381.

[84] Ibid. 2/185

[85] Al-Suyūṭī, *Bughyāt al-Wi'at Fī Tabaqāt al-Lughawiyīna Wa Nuhāt*, 337.

[86] Mahdī al-Makhzūmī, *Madrasah al-Kūfah wa Manhajuhā Fī Dirsati al-Lughati
al-'Arabiyah*, 115.

[87] Ibn Hājib, Kitāb al-Kāfiah Fī an-Nahwī, Sharh Al-Rāḍi, 2/311.

[88] Ibn Hishām, *Al-Mughnī al-Labīb*, 1/314.

[89] Sa'īd Jāsim al-Zubāyr, *al-qiyāsfī al-Nahwi al-'Arabī – Nash'atuhu wa
Tatawwuruhu,* 76.

(It is not true what was said about the doctrine of the Basran grammarians is a standard of analogy, and the Kufan grammarians doctrine that it is purely audible)

This idea is supported by Mahdī al-Makhzūmī[90] who asserts that the Kufan school not only distinguished itself through the application of anomaly but also through the intellectual aptitude of its grammarians. Farā`, for example, based his grammatical principles on philosophical ones and did not hesitate to formulate his own ideas on invisible ‘*awāmil*, sometimes refuting anomaly and using *qiyās* when he thought it appropriate[91].

Despite all textual evidence to the contrary, Golziher persisted in his theory of the two rivaling schools by referring to a completely separate field of scholarly enquiry, namely that of Islamic jurisdiction. He alleges as follows: ‘On the basis of what I expounded in another study about the school of Abū Hanīfa, the great jurist, it can very easily be understood why this imam felt attracted to the Kufan school of grammar[92]. His study of Abū Hanīfah’s legal thought consisted of a very general comparison with that of its Baṣran counterpart, such as their differing views in regard to ‘sale’ البَيْع which Goldziher only discussed preliminarily and without including a thorough study of the general principles of jurisdiction (*usūl*) or any detailed studies of more complex issues.[93] The fact that Kufan scholars were generally found more enthusiastic and industrious in the transmission of classical poetry than their Baṣran colleagues is irrelevant at this point. The issue here is whether the Kufan system could be utilized by future generations of scholars who referred to the transmitted poems as precedents which thus furnished them with more examples for analogy and in the process extend grammatical knowledge. It is unquestioned that analogy also needed to be accompanied by anomalies such as in[94] the following:

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[90] Mahdī al-Makhzūmī, *Madrasat al-Kūfah*, 394.

[91] Shawqī Ḍaif, *Al-Madāris al-Nahwiyah*, 157.

[92] Ignaz Golziher 1877a, 23-33, and 1963-64, 95-105 and 1967-73, 388-399 see Golziher, *History of Grammar Among the Arabs*, 45.

[93] Shawqī Ḍaif, *Al-Madāris Al-Nahwiyah*, 21.

[94] Ibn ‘Aqīl, *Sharh Ibn ‘Aqīl* 1/383.

<div dir="rtl">

تزودتُ مِنْ لَيْلَى بِتَكْلِيْمٍ سَاعَةً * فَمَا زَادَ إِلاَّ ضِعْفَ مَا بِي كلامُها

</div>

(I was provided with an hour of Laila * What increased only twice as much as her words)

The case study here is ضعفَ إلاَّ. Analogically it was permissible to allow the precedent of *mafūlun bih mahsūran* rather than كلامُها as a *fā'il* or agent.

The evidence of opposing or differing views on grammar produced in Baṣra and Kufa does by no means necessitate the assumption that both schools were actively engaged in an intellectual battle with each other. Different methodologies and approaches did not develop isolated from each other but alongside each other. Different grammatical theories developed by Kufan and Baṣran grammarians did indeed complement and not rival each other.

The Influence of Philosophical Theology on Arabic Linguistics

In order to provide a firm grasp of Golziher`s views on Arabic linguistics, we need to discuss its link with philosophical theology. He begins his exposition with "Arabic Linguistic philosophy showed the greatest concern about the very same philosophical question that formed the basic problem of Greek linguistic philosophy: whether language came into being through *wahyu* or convention[95]". Goldziher thus questions the originality of Qur'anic revelation and presupposes – in good Orientalist manner – the influence of ancient Greek thought. Since Greek philosophy flourished in the fourth century BCE[96], and the Qur'an was revealed in the seventh century CE, a thousand years later[97], its content had to be the product of cultural transmission from the allegedly superior culture (namely Greek culture) to an allegedly inferior culture (Arab culture). It is needless to mention that Goldziher based his assumptions on prejudice and not

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[95] Ignaz Goldziher, *History of Grammar Among The Arabs*, 39.
[96] National Geographic Society, *Ancient Greece*, (National Geography Maps, Washington D.C. : USA, 1999), 8.
[97] Ibn Kathīr, *Al-Bidāyah wa al-Nihāyah*, Cairo: Dār al-Fajr Lil Turath, 1/34.

on documented findings.

There is the possibility that Greek tradition did indeed exert an influence on theological thought at a later stage, such as in the case of the *Mu'tazilites*, who put an almost exclusive stress on logic. However, Greek philosophy only became relevant to Islamic philosophy after the transmission of Hellenistic tradition during the translation movement under the 'Abbasids. At this time, Syraic served as intermediary transmission device between the Greek and Arabic languages[98], beginning with the two famous Christian translators Hunayn Ibn Ishāk and Yaḥya Ibn Bitrīk. Evidently, Damascus was a Hellenistic center during the third, fourth and fifth centuries CE[99], where Greek had become the official language of the court and administrative offices.

Goldziher confidently alleged that:

> it was all the more of vital importance for Arabic linguistic philosophy because this question had theological significance as well….. such as closely bound up with the interpretation of a Quranic sentence in the following passage ....[100] وَعَلَّمَ آدَمَ الأَسْمَاءِ كُلَّهَا in Muslim science the question of *wahyu* or convention means nothing else than the explanation of this Quranic passage. While the basic question started from the Quran and shows the application of one or the other Greek school of linguistic philosophy, depending on whether the arguments follow the Quran letter by letter or rationalize its meaning"[101].

He added that "the basic question of Greek linguistic philosophy was turned into a dogmatic and theological question in Muslim literature on which the opinions of Muslim linguist diverge according to the

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[98] Ahmād Amīn, *Ḍuha al-Islām*, Cairo: Lujnah al-Taʾlīf wal Tarjamah, 1978 v.1,. 313, Mahdī al-Makhzūmī , *al-Khalīl Ahmad al-Farāhidī, ʿImāluhū wa manhajuhu*, Beirut: Dārar-Rāid al-ʿArabī, 1986, 68.

[99] William Wright, `Syriac Literature` *The New Encyclopaedia of Britannica*, (Chicago: Encyclopaedia Britannica, Inc., vol 2, 1998), 470.

[100] Ignaz Goldziher, *History of Grammar Among the Arabs*, 39.

[101] Ibid., 40.

particular dogmatic school they follow"[102]. Goldziher attempted create a direct link between the Mu'tazilite school of thought and their theological influence on Arabic language and its development by stating that "…The Mu'tazilite school adduces other, more metaphysical arguments to support its assertion, but these are much more deeply related to subtleties of Muslim theology than we could try to summarize here. Suffice it to say that they conclude from all these arguments that language is a product of istilah or tawāḍu` i.e: convention and not wahyu or ilhām, i.e divine revelation or inspiration".[103]

In order to evaluate the originality of Arabic language we need to look into the two differing intellectual streams in Islamic thought: that of textual dogmatism expounded by the 'orthodox' scholars and that of the rationalists. In fact, both groups presented their own corpus of evidence to prove the originality of Arabic language. Muslim linguists who adhered to the orthodox school argued that the only authoritative source for Arabic language was the Qur'anic text. On the other hand, the rationalist school claimed that the Arabic language was a result of cultural convention, meaning that classical Arabic poetry constituted the authoritative source[104]. Among the proponents of the Qur'an as source were grammarians[105] such as al-Qazwīnī, al-Fārisī, al-Akhfash and Abū Hasan al-Ash'arī[106] who defended their opinion that all languages ultimately derived from the language of Prophet Adām (a.s) as a result of divine inspiration[107]. Firstly, there was the tradition by Ibn 'Abbās which stated that "Allah taught Adam (a.s.) the names of all things. These names included words like `earth`,

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[102] Ibid., 40.

[103] Ibid., 43.

[104] Jewish philosophy also defended the idea that language came into existence not by evolving out of human convention (habit) but inspired by divine revelation. See Halevi, Kuzari 11.8. [Instead., it seems to be at 11.67-68]. Duran *Ma`ase*. See Ignaz Goldziher, *History of Grammar Among The Arabs*, 1994, 42.

[105] Plato and Aristotle were supporters of this group.

[106] Sālah Rāwā, *Fiqh al-Lughah wa Khasa`is al-Arabiyah wa Tara'iq Numūwiha*, (Cairo: Dār al-Hānī,1993), 46.

[107] Ibid., 34 "أي أن الله وفّق وألهم ولقّن، وعلّم آدم كل ما يتعلق بالله كتقطيع الأصوات وبين الكلمات ووضعها بإزاء معانيها الدالة عليها"

`mountain`, `camel`, `donkey`, `river` [etc.]'[108]". This was supported by Mujāhid, who also wrote that "Allah taught all names to Adam"[109].

Another group supported the assumption that Allah taught all the names of creatures but in all the different languages, such as Arabic, Persian, Syriac, Hebrew, Latin etc. Adam and his sons spoke all those languages until they were scattered throughout the Earth, and linguistic groups developed separately from then onwards[110]. As for evidence found in the scriptures, the Torah states that 'God said "It is not good if we create human beings without something with whose help they could communicate and help each other"'. Consequently, God created the earth, animals and birds, and then presented their names to Adam and then Adam replied by saying those names`[111]. In the Qurān it was revealed accordingly:

(وَعَلَّمَ آدَمَ الأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضَهُمْ عَلَى المَلائِكَةِ[112] ,إِنْ هِيَ إِلاَّ أَسْمَاءٌ سَمَّيْتُمُوهَا أَنْتُمْ وَأَبَاؤُكُمْ مَا أَنْزَلَ اللهُ بِهَا مِنْ سُلْطَانٍ)[113] also (وَمِنْ آيَاتِهِ خَلْقُ السَّمَوَاتِ وَالأَرْضِ وَاخْتِلاَفُ أَلْسِنَتِكُمْ وَأَلْوَانِكُمْ)[114]

(And He taught Adam all the names (of everything), then He showed them to the angels and said, "Tell Me the names of these if you are truthful)

(They are but names which you have named, you and your fathers, for which Allah has sent down no authority. They follow but a guess and that which they themselves desire, whereas there has surely come to them the Guidance from their Lord!)

(And among His Signs is the creation of the heavens and the earth, and the difference of your languages and

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[108] Ibid., 47
[109] Al-Suyūṭī, *Al-Muẕhir*, 1/8.
[110] IbnJinnī, *al-Khasā`is*, 1/41 .
[111] *Safar al-Takwīn*, al-Iṣhāh as-Thānī verses 18-20, see http://st-takla.org/pub_oldtest/Arabic-old-testament-Books/oI-Genesis/sefr-Al-Takween_chapter-02.html
[112] Surat Al-Baqarah: 31.
[113] Surat An-Najm: 23.
[114] Surat Ar-Rūm: 22.

colours. Verily, in that are indeed signs for men of
sound knowledge)

A third group of linguists formed their opinion logic rather than
on textual scriptural evidence. They argued that human speech
evolved from acts of mental creativity[115]. Language was inspired and
thus proceeded by thought (فِكْرَةٌ), and was later acquired by convention
(habit). Just like infants imitate the sounds produced by their parents,
the first man to walk the Earth, Adam, first produced the sounds taught
by God[116], and then taught his children. The Modernists among them
believed that the origin of language needed to be proven through
revelation and logic. The understanding of language as a convention or
habit was based on IbnJinnī`s view; the development of language
came from the designation or creation of the terminology of language
which constitutes the principle of rational group. Primordial
knowledge existent in the human mind thus allowed for the creation of
individual words. Ibn Jinni's view on the origin of language differed
from the orthodox view. He was willing to consider alternative ideas
and incorporate them into his theory. He also divided the conventional
process of language development into two stages: firstly, linguists
gather and create language by agreeing on specific terms (*Muṣṭalahāt*)
and secondly, the tendency of humans to imitate sounds they hear in
nature, such as sound the blowing of the wind, the deafening sound of
thunder, water flowing in a river, the clapping of horses' hooves and
so on[117]. In support of Ibn Jinnī`s view, the Andalusian philosopher
Ibn Rushd stated in his commentary on Aristotle's *De
Interpretatione* [118] that language developed through convention.
Differences between languages occurred with respect to the specific
terms ascribed to given objects which were, just like isolated concepts,
neither true nor false. In order to explain the concept of convention, a
scholar needed to study the history of a language in and trace the

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[115] Sayūṭī, *al-Muẓhir,* 1/9.

[116] Sālah Rāwā, *Fiqhu al-Lughah Wa Khasā`iṣ al-Arabiyah Wa Ṭarā'iq Numuwuha*,
42.

[117] Ibn Jinnī, *Al-Khasā`iṣ*, 1/40; al-Suyuṭi, *Al-Muẓhir*, 1/10 .

[118] See Moshe Idel, *Language, Torah and Hermeneutics in Abraham Abul afia*,
(State University of New York: New York Press, 1989), 17.

introduction of new terms in the timely sequence and the circumstances under which they occurred.

In agreement with Golziher, Versteegh [119] understands the debate over the origin of language being about whether speech originated in revelation or in the accord the Mu'tazilate theologists theories established in the first half of the ninth century CE under the sympathetic 'Abbasid Caliph al-Ma`mun. In the tenth century the Mu'tazilites had adopted the term *waḍ'* to indicate the established character of language. In this period many grammarians were Mu'tazilites, such as Ibn Jinnī, al-Fārisī, al-Zujjāj, Quṭrub and many others. However, the Mu'tazilate theologian 'Abbad Ibn Sulaymān (d. 864) claimed that there was a natural relationship between words and things[120], which disagreed with Ibn Jinnī, who stated:

وَذَهَبَ بَعْضُهُمْ إِلَى أَنَّ أَصْلَ اللُّغَاتِ كُلَّهَا إِنَّمَا هُوَ مِنَ الأَصْوَاتِ المِسَوِّعَاتِ، كدوى الريح، وحنين الرعدِ، وخير المادِ، وشحيج الحمارِ، ونعيق الغرابِ، وصهيل الفرس، ونتريب الظَّيِّ، ونحو ذلك، ثم وَلَدَتْ اللغَاتُ عَنْ ذَلِكَ فِيْمَا بعد، وَهَذَا عِنْدِيْ وَجْهٌ صَالِحٌ، وَمَذْهَبٌ مُسْتَقْبَلٌ[121]

(Some of them said that the origin of all languages is one of the most important voices, such as the wind, the nostalgia of thunder, the good of material, the wringing of the donkey, the crowning of the crow, the crowning of the horse. To me it was true base on the doctrine of the future)

Ibn Fāris tried to persuade his readers not to accept any Mu'tazilate rationalist ideas about man`s own initiative in this matter: 'I say, the language of the Arabs is revelation and the evidence for this

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[119] Kees Versteegh, *Landmarks in Linguistic Thought* 111, (London: Routledge, n.d),107.
[120] Al-Suyūṭī, *Al-Muzhir*, 2/47.
[121] Ibn Jinnī, *Al-Khasā`iṣ*, 56.

is the words of God "He taught Adām all the names"'[122]. He added the following argument:

> The proof for the correctness of our point of view is the unanimous agreement of the scholars about arguments based on the language of the Bedouin, whether they agree or disagree about something and on their poems. If language were really an institution and a convention, they would have no more rights to argue on the basis of their language then we would have to argue on the basis of contemporary speech.[123]

His view was further supported by Abū Alfia, who referred to the authority of his predecessor when concluding that all language arose due to convention, the only exemption being the Hebrew language[124]. Goldziher had a point when noting that the concept of revelation or convention in language had not been discussed by Muslim scholars, although the topic was preserved in ancient texts. However, we shall not forget that the era of transmission set on much later, and the linguistic corpus in the hands of Abū Aswād al-Du`alī, Abdar-Rahmān Hurmūz, Naseer Ibn 'Asim, 'Anbāsah Fīl, Maymūn al-Aqrān, Abū Ishāq al-Haḍrāmī and Abū 'Amrū Ibn Alāq contained no mention of these questions. Versteegh concludes that the absence of diachronic thinking in Arabic linguistics was partly responsible for this lack of interest in this matter. Muslim grammarians dealt with a fixed corpus and maintained that the language as they knew it would not change, and thus any hypothetical question as to its origin was of no relevance to them[125]. For the grammarians the issue of the origin of language had never held much attraction, except for Ibn Jinnī who was, according to Versteegh, perhaps driven by his Mu'tazilate views, views which other scholars such as Ibn Fāris warned his readers not to adopt[126].

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[122] Ibn Fāris (d.390h), *Sāhibī*, ed.Sayyid Ahmad Saqar, (Cairo: Dār al-Kutub, 1977), 6.

[123] Ibn Fāris, *Sāhibī*, 7.

[124] Moshe Idel, *Language, Torah and Hermeneutics in Abraham Abualfia*, 13.

[125] Kees Versteegh, *Landmarks in Linguistic Thought* 111, 113.

[126] Ibid.

We can conclude at this point that those linguists who believed that language was created through revelation based their arguments on their understanding of the scriptures, and those who applied reasoning relied on the concept of analogy. Golziher concludes his account – certainly not without irony – by offering his readers an alternative theory: 'I wish to mention an intermediate view between these two theories, according to which only the Arabic language came into being through revelation, while all the other languages are the outcome of convention'[127].

Conclusion

Ignaz Goldziher's critique on Arabic linguistics was based mainly on his narrow focus on its historical dimension. One cannot but attest to him a mastery of persuasion in the manner in which he expressed his ideas. Instead of presenting his controversial theories and assumptions in a direct and confrontational manner, he cleverly and very diplomatically clothed them in seemingly innocent and very general statements, such as '… the correct usage from the data in form of rules in the absence of any foreign influence or in short are there any factors in the awakening of a grammatical awareness among the Arabs that do not originate in the life of the Arab people and their mind?' and 'For clever hair-splitting Arabic grammar used the theories built upon Aristotelian logic'[128]. He very carefully presented his assumptions without directly pointing at his true claim, namely that Arabic linguistics were directly influenced by Greek theory. Although he continuously brought forward the case of analogy and anomaly, he did not go into any detail and presented textual evidence to allow his readers to judge for themselves. On the topic of the influence of theological philosophy (*kalām*) on Arabic grammar, Goldziher only presented selected views and focused his discussion of the origins on convention rather than revelation. Nevertheless, he takes the modern reader by surprise when concluding that Arabic had its origin in divine revelation rather than convention, probably because his own cultural and religious origins

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[127] Ignaz Goldziher, *History of Grammar Among The Arabs*, 43.
[128] Ibid., 47.

could not betray his sympathies with Jewish philosophers like Abūafia who could not fathom a Hebrew language not intrinsically linked with the Torah, which was after all based on a revealed scripture and not convention.

CAN THE EYE TRACKER REVEAL HOW THE QUR'AN CAN BE LEARNED BY HEART?[1]

Khazriyati Salehuddin

Abstract

Memorization is a mental process that enables one to remember verbatim. This skill is important to Muslims as Muslims are encouraged to memorize the Qur'an regardless of what their first language is. Various researches have been conducted and published in describing the best techniques to memorize the Qur'an. Huffaz (i.e., individuals who have memorized all the 6236 verses of the Qur'an) also often share their strategies on how the Qur'an, which is in Arabic, can be memorized. These published works, however, are based on off-line information (i.e., information based on what the huffaz thought took place while they were learning the Qur'an by heart). On-line information, however, is equally important, particularly because it provides information even on the unconscious activities that the huffaz engage in when memorizing the Qur'an. One way of collecting on-line information from the huffaz and tahfiz students (i.e., students who are memorizing the Qur'an) is through the use of the eye tracker, a device that enables researchers to track the eye movements of those who read the Qur'an to memorize it. Hence, this manuscript illustrates how the eye tracker can be used to investigate the cognitive processes that tahfiz students go through when the act of memorizing the Qur'an is performed.

Keywords: Cognitive Processes, Eye Movements, Memorization, Psycholinguistics, Qur'an, Reading,

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INTRODUCTION

Memorization is a mental process that enables one to remember verbatim, (i.e., word for word). Linguistically, the word "memorize" derives from the word "memory", the mental faculty of retaining and recalling past experience. The suffix "-ize" added to the root "memory" suggests the meaning of making the process of retaining and recalling past experience possible. Since the act of memorizing something refers to the act of getting that something into one's memory, memorizing is clearly a conscious process. Also known as "learning something by heart", memorization enables the human capacity to later recall whatever knowledge that has been acquired[2]. Learning and memory, according to Lieberman, are "intimately, perhaps inextricably, intertwined"[3] as humans can only learn new things if these new things are remembered; and the fact that humans can only remember things that they have learned holds true undoubtedly.

Memorizing is an essential act in everyone's lives for it enables one to function effectively in his/her community. Young children memorize letters of the alphabet to enable them to spell and they memorize multiplication tables to enable them to perform mathematical problems; science students memorize periodic charts and scientific formulae; actors memorize lines from plays; musicians memorize music pieces; and the list goes on and on. Memorization takes place very early in the existence of Muslims – short verses of the Qur'an (all in Arabic) such as *The Basmalah* are memorized at a very young age to inculcate the remembrance of The All Mighty when carrying out daily activities like eating, sleeping and travelling. As the Muslim children grow older, longer verses of the Qur'an such as the entire chapter of *al-Fatihah* and verses from the hadith such as the *Tahiyyat* (all in Arabic) are memorized so that the obligatory and optional prayers can be performed. The pillars of Islam, the pillars of *Iman*, the rules in *fiqh* are memorized in the languages that Muslims are most comfortable with so as to shape righteousness among the Muslims.

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[2] David A. Lieberman, *Human Learning and* Memory. (Cambridge: Cambridge University Press, 2012), 291.

[3] Ibid.

For Muslims, memorization goes beyond what is listed above. All Muslims are encouraged to memorize the Qur'an and practise the teachings that come with the revealed knowledge. Those who have completely memorized the Qur'an are called *huffaz*, which literally means "the guardians". The title *hafiz* (for singular male) and *hafiza* (for singular female) is given to the Qur'anic memorizers because their act of memorizing the entire Qur'an (all 6236 verses, comprising around 80,000 words) "guards" the Qur'an from any forms of modification, distortion or loss. The *huffaz* are able to recite the entire Qur'an from verse 1 to verse 6236 in the right sequence, continue the recitation of verses taken randomly from the Qur'an, and recite verses that contain specific words or phrases. The act of memorizing the Qur'an from the day of the first revelation some 1,430 years ago has preserved these words of The All Mighty, verbatim, up till today. This is one form of manifestation of HIS promise, that the Qur'an is preserved, and the translations of this promise are in the following:

> Indeed, it is We who sent down the Qur'an and indeed, We will be its guardian[4].

> Indeed, it is a noble Qur'an. In a Register well-protected. None touch it except the purified. [It is] a revelation from the Lord of the worlds[5].

> But this is an honoured Qur'an. [Inscribed] in a Preserved Slate[6].

Because of the status of the *huffaz* in this life and The Hereafter, many children have been sent to *madrassas* (Islamic schools) or *tahfiz* schools (i.e., schools specifically dedicated to teaching the memorization of the Qur'an). Such a practice is also common for individuals to become *huffaz* in Malaysia. In such schools, Arabic is taught formally, perhaps, as a second or a third language to the learners. Hence, those who memorize the Qur'an are typically those who have quite an extensive knowledge of the Arabic

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[4] *Al-Qur'an*, 15:9.
[5] Ibid., 56:77-80.
[6] Ibid., 85:21-22.

language. However, the memorization of the Qur'an is not exclusively for Arabic speakers. The act of memorizing the Qur'an is also inclusive of non-Arabic speakers. Non-Arabic speakers should also memorize the Qur'an and not being an Arabic speaker should not stop one from memorizing the words revealed by The All Mighty. A'aishah (*ra*) reported that the Prophet (*saw*) said: The likeness of the one who reads the Qur'an and memorizes it is that he is with the righteous honourable scribes. The likeness of the one who reads it and tries hard to memorize it even though it is difficult for him, he will have (at least) a double reward[7].

The memorization of the Qur'an involves two modalities, namely, oral and written. For the visually impaired and those who have not developed their literacy skills, most of the memorizing is done through listening and least likely through reading. For the others, they are done through reading.

So how is the Qur'an memorized? According to Fathima Manaar Zuhurudeen[8], memorizers of the Qur'an who are able to read must first learn to read Arabic and recite the text, before making attempts to memorize the Qur'an, part by part, over a period of time. For Arabic speakers, memorization is done with knowing the meaning of the words in the Qur'an; but for non-Arabic speakers, memorization is usually done without knowing the meaning of the words. Although Arabic plays a major role in the daily lives of Muslims regardless their native language due the recitation of the Qur'an in the daily prayers, according to Zuhurudeen, "Parents of young [non-Arabic-speaking] children do not prioritize the ability to understand the Qur'an, as they do the ability to read and memorize it"[9]. Instead, once their children are able to associate the Arabic phonemes with their respective graphemes (i.e., read the Qur'an) and master the Qur'anic phonological rules (i.e., the *tajweed*), they can proceed to the act of memorizing the Qur'an. Hence, non-Arabic

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[7] Al Bukhari, cited in Ibnu Hajar al-Asqalani, *Fathul Bari bi Sharh Sahihul Bukhari*. (Cairo: Dar AlBayan Litturath, 1988), 8/4937.
[8] Fathima Manaar Zuhurudeen, Fathima Manaar, "Effects of Statistical Learning on the Acquisition of Grammatical Categories through Qur'anic Memorization: A Natural Experiment." Master thesis, University of Maryland, 2013.
[9] Ibid., 9.

speakers who learn to memorize the Qur'an are those who are able to at least recite (i.e., read, phonetically and phonologically) the Qur'an rather fluently; only a small portion of these memorizers may learn Arabic to study the Qur'an in greater depth later in life.

Unlike non-Arabic-speaking learners, Arabic-speaking learners are familiar with the meaning of the words in the Qur'an as they read and try to memorize them. This potentially helps in the memorization process because in processing words whose meanings are known, the new information at the sensory register is sent to the working memory and at the working memory, the new information (i.e., the words to be memorized) is associated with information (i.e., the meaning of those words) that is already (and permanently) available in the Long Term Memory[10].

Although the process of memorizing the Qur'an varies, most learners usually begin by reading a verse of the Qur'an and repeating the verse several times to themselves until they are able to recite the verse without looking at the verse in print (i.e., the *mushaf,* or the manuscript that is bound between two boards). The memorized verses are usually reviewed with the presence of a teacher or a peer, or through a recording of the memorized verse, to identify and rectify mistakes, if any[11]. Zuhurudeen added that even if the learners who are memorizing the Qur'an do not have the printed version of the Qur'an (the *mushaf*) in front of them to review the previously memorized verses, they can still passively acquire the memorized verses just by listening to the recordings of the recitation of the Qur'an, provided that the verses are presented as "continuous streams and exist in a diverse abundance"[12].

Several strategies of memorizing the Qur'an have been identified in Malaysian tahfiz schools[13][14]; yet, these strategies are

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[10] Jane Oakhill, Kate Cain, and Peter E Bryant, "The dissociation of word reading and text comprehension: evidence from component skills." *Language and Cognitive Processes* 18 (2003): 443-468.

[11] Bill Gent, "The World of the British Hifz Class Student: Observations, Findings and Implications for Education and Further Research." *British Journal of Religious Education* 33, (2011): 3-15.

[12] Zuhurudeen, "Effects of Statistical Learning," 12.

[13] Azmil Hashim, Ab Halim Tamuri, and Jemali, Misnan. "Latar belakang guru tahfiz dan amalan kaedah pengajaran tahfi alQuran di Malaysia." *The Online Journal*

applicable mainly to those who have knowledge of the Arabic language. What many people are not aware of is the fact that there are also non-*tahfiz* school-goers who aspire to memorize the Qur'an at their own initiatives, at their own pace. They include those who attend public schools where Arabic is not part of their school curriculum and those who already have an established career but would like to start memorizing the Qur'an on their own. As suggested by Zuhurudeen [15], there are two types of memorizers among non-Arabic speakers. The first type is categorized as "memorizers with classrooms" and they are those who learn to recite and memorize the Qur'an while taking Arabic language classes (i.e., learning to write and speak Arabic at a public or private institution). This type of memorizers receives semantic cues of Arabic grammar both from the language classes as well as distributional cues from memorization. The second type is categorized as "memorizers without classrooms" and they are those who have never taken lessons of the Arabic language. This type of memorizers receives distributional cues of Arabic grammar through memorization and receives no explicit knowledge or semantic cues through any language classes[16].

Indeed, the memorization of the Qur'an is difficult for someone who does not know the Arabic language. According to Wagner and Spratt[17], the lack of the Arabic vocabulary and syntactic knowledge affects the process of memorizing the Qur'an. So how can Muslims who have knowledge of the Arabic language memorize the words of The Creator?

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of Islamic Education 1, (2013): 28-39.

[14] Sedek Ariffin, Mustafa Abdullah, Ishak Suliaman, Fauzi Deraman, Faisal Ahmad Shah, Mohd Yakub Zzulkifli Mohd Yusoff et al. "Effective Techniques of Memorizing the Quran: A Study at Madrasah tahfiz Alquran, Terengganu, Malaysia." *MiddleEast Journal of Scientific Research* 13, (2013): 45-48.

[15] Zuhurudeen, "Effects of Statistical Learning," 12.

[16] Zuhurudeen, "Effects of Statistical Learning," 12-13

[17] Daniel A. Wagner, and Jennifer E. Spratt, "Cognitive consequences of contrasting pedagogies: The effects of Quranic preschooling in Morocco." *Child Development* 58, (1987): 1207-1219.

MEMORIZING – A COGNITIVE PROCESS

The act of memorizing is psychological in nature as it involves consciousness. The very first scientific experimental study of memory was conducted by Hermannn Ebbinghaus, a German psychologist, in the 19th century, through the memorization of a list of nonsense syllables by reading aloud the list and trying to repeat the list in a correct order. This study, that did not involve the memorization of known words, shows that the memorized syllables faded over time; yet, the more repetitions he made in the process of memorizing the nonsense syllables, the fewer number of relearning of those syllables were required after forgetting took place[18].

Subsequent memory researchers found that humans look for relationships between the items they have memorized and use the relationships to reorganize the items "into a more coherent and easily remembered structure"[19]. Unless they form such relationships, memorizing tends to end up in forgetting. According to Miller[20], human beings are only able to memorize between five and nine items (or 7 +/- 2) after a single exposure because of the limited memory span. Despite this limited memory span, human beings are able to store infinite number of facts and experiences in their memory. How is this possible?

The Atkinson-Shiffrin Model

Earlier studies have shown that newly-formed memories are more "fragile" than older memories. Unless attention is given to these newly-formed memories, they are easily forgotten. Because of the difference in the ability to retain newly-formed memories compared to older ones, psychologists proposed two separate compartments in our cognition for storing memories. Atkinson and Shiffrin[21] are

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[18] Lieberman, *Human Learning and* Memory, 291.

[19] Ibid., 302.

[20] George A. Miller, George A. "The Magical Number Seven, Plus or Minus Two: Some Limits on our Capacity for Processing Information." *Psychological Bulletin* 63, (1956): 81-97.

[21] Richard C. Atkinson and Richard M. Shiffrin, "Human Memory: A Proposed System and its Control Processes." In *The Psychology of Learning and Motivation: Advances in Research and Theory,* edited by K.W. Spence, and J.T. Spence, 89-195.

among those who proposed a model that explains how memories are formed and retained. According to them, "Human memory is divided into a short-term working memory and a long-term permanent memory. Control processes act within the short-term working memory to make decisions and regulate information flow, thereby controlling learning and forgetting"[22].

Based on their 1968 model, Atkinson and Shiffrin suggested that memories of items that are perceived through the sensors and are passed through the sensory register decay within 0.2 and 4 seconds if no attention is given to them. If attention is given to those items, the items are transferred to the short-term memory storage, or also known as the working memory compartment. The memory stored here will decay within 20 and 30 seconds (which is equivalent to 7 +/-2 chunks of items) unless maintenance work is done here. Maintenance is usually done through rehearsal, (i.e., by repeating the items) to refresh the item's trace in the short-term memory compartment. This is why, according to Randall[23], repetition has always been used to get automated responses.

Association between the items stored in the short-term memory and the long-term memory results in more meaningful learning and facilitates the transfer of items in the short-term memory storage to the long-term memory storage to enable items from the new memory to become more permanent (Figure 1)

New York: Academic Press, 1968.

[22] Richard C. Atkinson, and Richard M. Shiffrin, "The Control Processes of Short-Term Memory" (Technical Report, Stanford University, 1971), 1.

[23] Mick Randall, *Memory, Psychology and Second Language Learning* (Amsterdam: John Benjamins Publishing Company, 2007).
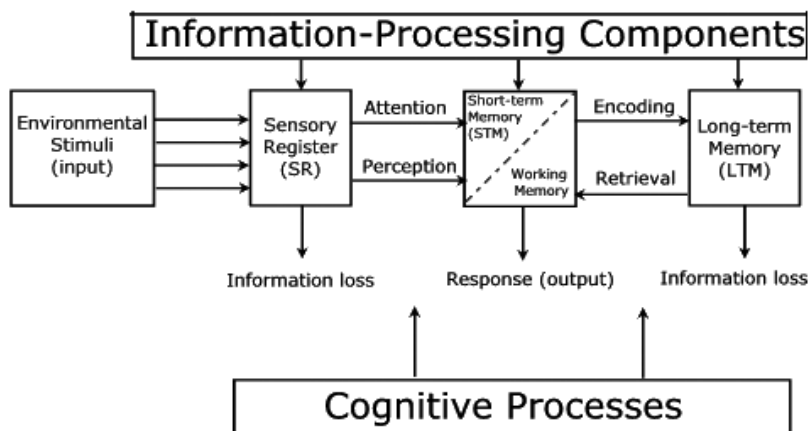
Figure 1: An information-processing model developed from Atkinson and Shiffrin's (1968) model[24].

One variable that has been claimed to affect retention of items, particularly words, is the frequency of exposure[25]. Although it is not known how many times and how often learners should be exposed to the words before they are remembered, in new vocabulary learning among first language readers, for example, Saragi, Nation, and Meister[26] showed that incidental vocabulary learning takes place when the first language readers are exposed to the words for about 10 times in their reading process. The same frequency was also found to be true among relatively advanced second language readers[27].

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[24] "An Information Processing Model of Learning", accessed August 1, 2015, http://www.oerafrica.org/FTPFolder/guyana/CCTI%20CD/CCTI%20CD/ukzncore1a/document s/core1.inf_proc_model.htm
[25] Rolf Palmberg, "Patterns of vocabulary development in foreign-language learners," *SSLA* 9, (1987): 201-220.
[26] T. Saragi, Paul Nation, and G.F. Meister, "Vocabulary learning and reading," *System* 6, (1978): 72-78.
[27] Ana Pellicer-Sánchez and Norbert Schmitt, "Incidental Vocabulary Acquisition from an Authentic Novel: Do *Things Fall Apart?*" *Reading in a Foreign Language* 22, (2010): 31-55.

READING – A COGNITIVE PROCESS

Reading is also a cognitive process as the process begins with sensory input in the form of visual stimuli and ends with encoding and retrieval at the Long-Term Memory storage. When reading takes place, images in the form of visuals become iconic memory (as opposed to echoic memory for auditory images) at the sensory register (or also known as sensory store[28]) before they are passed to the Short-Term Memory storage.

The neural receptors in the eyes are regarded as "a part of the brain that has extended outside of the cortex"[29]. When reading a line of text is taking place, the vision falls under three regions: foveal (2 degrees of visual angle around fixation point, i,e, where they eyes are centred on, hence, the clearest vision); parafoveal (10 degrees of visual angle around fixation point); and peripheral (anything on the line of text beyond the parafoveal region, hence, the worst vision). Hence, words are easily recognized (about 60 milliseconds) when they fall under the foveal region, although words can already be recognized even when they fall under the parafoveal region[30].

At the sensory register, which is the initial stage of information-processing model, the physical information obtained from reading and registered by the sense organs (i.e., the neural receptors in the eyes) remains available temporarily (even after the display has gone off) and becomes iconic memory for about 0.25 second)[31]. However, this information has to be processed further into a more permanent representation, i.e., in the Short-Term Memory. However, not all iconic memory is transferred to the Short-Term Memory, and the capacity of the Short-Term Memory itself is limited. In reading, the "7+/-2 items" does not specifically mean seven words, or seven letters, or seven digits; the word "items" here refers to "chunks". Hence, for some, a chunk may be a sequence of 3 characters; yet, for others, it may be a sequence of 2 or even 4 or 5 characters. To hold the iconic memory longer in the Short-Term

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[28] Keith Rayner, Alexander Pollatsek, Jane Ashby, and Charles Clifton Jr. *Psychology of Reading. 2nd Edition*. (New York: Psychology Press, 2012).
[29] Ibid.
[30] Ibid.
[31] Ibid.

Memory, other than chunking, repeating the items over and over again (through rehearsal) has been found to be successful. Although the memory here is stored in the form of images, for linguistic stimuli, "short-term memory is primarily acoustic, as evidenced by the fact that we try and remember phone numbers from the telephone book by rehearsing them subvocally"[32]. Since there are evidence that the "Short-Term Memory works actively to retain information and does not merely function as "a storage", the Short-Term Memory is also known as "Working Memory", particularly in reading activities.

Although the transfer of information from the Short-Term Memory to the Long-Term Memory is the slowest in the information-processing model and that not all information in the Short-Term Memory gets to be transferred to the Long-Term Memory, information that enters the Long-Term Memory will be stored permanently. However, retrieval can be difficult if the information is not properly organized and if new information interferes with previously stored information.

The type of Long-Term Memory that is more relevant to reading is "Semantic Memory" (i.e., memory to understand the meaning of what is read, as opposed to "Episodic Memory", i.e., memory of events in life). One important aspect of semantic memory that is most important for reading is the lexicon (i.e., the dictionary stored in the head) because usually, the aim of reading is to understand new information[33].

The shapes of letters or characters that are arranged in certain spatial relationship perceived by the sensory memory enable the recognition of letters or characters regardless of the way the letters or characters are presented. Typically, three linguistic levels of encoding take place when reading: phonological encoding, semantic encoding, and syntactic encoding. This is followed by linguistic decoding, where orthographic representation is transformed into phonological and semantic representation. The term "decoding" was coined by Gough and Tunmer[34] to refer to human's ability to encode

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[32] Ibid., 15.

[33] Ibid.

[34] Philip B. Gough and William E. Tunmer, "Decoding, reading, and reading disability," *Remedial and Special Education* 7, (1986): 6-10.

visual word recognition to emphasize the importance between the phonemes and the graphemes. Hence, good readers will be able to read the various manifestations of the letter "A", for example, in any language, regardless of what the letters look like.

Studies[3536] have shown that the semantic processing of words speeds up the reading process; understanding the meaning of words makes it easier for the words to be read. Decoding, or word recognition, is said to be influenced by several factors, including lexical fluency, familiarity, context effects, word superiority, word length, and regularity. Reading becomes much easier (i.e., faster with more accuracy) if the words are high frequency words and if the readers are familiar with the meanings of those words[37]. Stroop effect tests demonstrate that names and the meaning of the word are simultaneously processed by skilled readers despite their attempt not to process them[38].

Reading takes place the moment attention is given to prints. Reading cannot take place if no attention is given to the text. Once attention is obtained, associated learning begins to take place. At this stage, readers will relate whatever that is read with whatever knowledge that is available in their cognition.

READING AND THE MOVEMENT OF THE EYES

When reading takes place, the eyes do not make very smooth progresses, as many may think. Instead, the eyes make a lot of complex but rather systematic movements: they jump from one point to another for a duration of 20-35 millisecond (*saccade*, or, very rapid ballistic movements, for the length between 1-18 characters), they make stops in between those jumps (*fixations,* or pauses, for an average duration between 66 and 416 milliseconds), and they reread

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[35] Marcel Adam Just and Patricia A. Carpenter, "A Theory of Reading: From Eye Fixations to Comprehension,." *Psychological Review* 87, (1980): 329-354.

[36] Kate Nation and Margaret J. Snowling, "Semantic Processing and the Development of Word-Recognition Skills: Evidence from Children with Reading Comprehension Difficulties," *Journal of Memory and Language 39,* (1998): 85-101.

[37] Alan D. Baddeley, Neil Thomson, and Mary Buchanan, "Word Length and the Structure of Short Term Memory," *Journal of Verbal Learning and Verbal Behaviour* 14, (1975): 575-589.

[38] Rayner, Pollatsek, Ashby and Clifton, *Psychology of Reading,* 58.

earlier parts of texts (*regression*)[39]. Visual information is not gathered throughout the reading process; instead, visual information is only gathered during fixations.

In reading studies using the eye tracking machine, reading is defined as "the ability to extract visual information from the page and comprehend the meaning of the text"[40]. The eye movement recording has been used to "infer moment-to-moment cognitive processes during reading" because such recordings give information on "where readers look, and how long they look there" and provide "information about the mental processes associated with understanding a given word or set of words"[41]. Typically, among skilled readers, oral reading rate is around 150-200 words per minute whereas silent reading rate is around 300 words per minute[42]. Interestingly, a person's silent reading can also be influenced by the author of the text's speed of reading the same passage earlier. This happens because Short-Term Memory is usually acoustic in nature[43].

Reading process is not the same in all conditions. Tongue twisters, for example, are also said to slow reading process and interfere with the comprehension of sentences and memory for sentences and word lists. This is because of the fact that "the overlap of the phonemic representations is automatically activated during reading"[44]. Phonemic similarity effect also has a great effect on memory span. Sentences with phonemically similar words are more difficult (i.e., takes longer) to be processed than those that are not phonemically similar and this is because "inner speech is solely a post-lexical process involving holding words in working memory"[45]. Liberman et al.[46] found that more errors are made by good readers

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[39] Ibid.,

[40] Ibid., 19.

[41] Ibid., 20.

[42] Keith Rayner and Chuck Clifton Jr. "Language Processing in Reading and Speech Perception is Fast and Incremental: Implications for Event-Related Potential Research," *Biological Psychology* 80, (2009): 4-9.

[43] Rayner, Pollatsek, Ashby and Clifton, *Psychology of Reading,* 189.

[44] Rayner, Pollatsek, Ashby and Clifton, *Psychology of Reading,* 202.

[45] Ibid, 203.

[46] I.Y. Liberman, Donald Shankweiler, Alvin Meyer Liberman, Carol A. Fower, and F.W.Fischer. "Phonetic Segmentation and Recoding in the Beginning Reader. In

when the letters are presented on rhyming sequences than non-rhyming sequences.

The recording of the eye movements is usually done using a device called "the eye tracker". The recording of the eye movement involves,

> Shining a beam of invisible (infrared) light onto the eye that is reflected back from the cornea or retina to a sensing device, or using an infrared camera to form an image of the pupil whose location is determined by a computer. With this methodology readers are free to look at any part of the text for as long as they wish… the technique also has a great deal of ecological validity in that participants in the eye movement experiments are actually engaged in the task we wish to study, namely reading[47].

Salehuddin & Ho[48] (2014), for example, in an eyetracking experiment, found that when reading Malay in Arabic script, readers rarely look at the vowel diacritics (i.e., the *tashkeel*). It is interesting to find out what *tahfiz* students look at when they read the Qur'an to memorize the verses.

FROM READING TO MEMORIZING

In a study that examined the relationship between the memorization of new words and teaching techniques involving different modes of vocabulary presentation, Laufer and Shmueli[49] found that retention (i.e., the process of remembering the words tested) varied depending on the presentation of the items to be tested. New vocabulary of words in learners' target language was presented to learners in four

Towards a psychology of reading: The Proceedings of the CUNY Conference (Hillsdale, NJ: Lawrence Erlbaum Associates Inc., 1977), 207-225.

[47] Rayner, Keith, Alexander Pollatsek, Jane Ashby and Charles Clifton Jr. *Psychology of Reading. 2nd Edition*. New York: Psychology Press. (2012): 20.

[48] Khazriyati Salehuddin and Hong-Fa Ho, "An eye movement study to investigate the cognitive complexity in reading Jawi," Paper presented at SEAPSIL3, Kuching, Malaysia, 2014.

[49] Batia Laufer and K. Shmueli, "Memorizing New Words: Does Teaching Have Anything to Do with it?" *RELC Journal* 28, (1997): 89-108.

different presentations namely 1) in isolation; 2) in 'a meaningful sentence'; 3) in text context; and 4) in the original text context supplemented by clarifying phrases and sentences. Their studies show that new words were better retained when they were glossed (explained) in their first language; and that words presented in lists and in sentences are remembered better than words presented in text and elaborated texts[50].

As mentioned earlier, Palmberg[51] claims that the frequency of exposure affects the memorization of words. In a study conducted to investigate the learning of Russian words through reading among English native speakers, Saragi et al. suggest that "the minimum number of repetitions for words to be learned in a reader should be somewhere around 10"[52] and the same frequency was proposed by Wodinsky and Nation[53]. However, the quantity (i.e., the frequency of repetitions) alone is not adequate in the retention of new words. The quality of word processing (i.e., the ability to link "the new words with other words associated with it, in terms of form, meaning, or context") helps in retaining the new words[54]. In addition, Laufer and Shmueli suggest that distractions, which may be in the form of elaborated texts, may interfere in word memorizing.

Why is repetition important in learning the meaning of new words, especially those that are not from one's native language? To answer this question, we will have to look back at the psychology of learning. Among the behaviourist psychologists, learning takes place when there is a change in behaviour, and this is usually a result of proceduralization. Proceduralization refers to a process of converting declarative, factual knowledge (e.g., riding a bicycle), into a more procedural representation through memorization and rehearsal before the skill is learned. Through lots of practice, the skill becomes automatic.

In learning a second language, repetition is often used to

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[50] Ibid.

[51] Palmberg, "Patterns of Vocabulary," 201-220.

[52] Saragi, Nation, and Meister, "Vocabulary learning and reading," 76.

[53] M. Wodinsky and Paul Nation, "Learning from Graded Readers," *Reading in a Foreign Language* 5, (1988): 155-161.

[54] Laufer, Batia, and Shmueli, "Memorizing New Words," 90.

automatize desired responses and this results in 'learning'. The items to be learned are usually broken into smaller units to enable repetition to take place more easily. Through such language drilling of individual language items and by chaining the learned routines into larger units, the process of proceduralization can eventually take place[55]. This method of language teaching is clearly evident in the audio-lingual method and reflects the behaviourists' stimulus-response habit formation (as the behaviourists view language as a verbal behaviour[56], and that learning is a change in a behaviour). Despite being an old method, the audio-lingual method is still found to be successful in some language classrooms, and is particularly useful in learning pronunciation, words, and structures, because learning a new language, to a certain extent, involves some automated responses from the learner. "The private, silent, inner rehearsal which characterizes rote learning approaches also functions to provide the repetition needed for proceduralisation to take place"[57].

According to Randall, there are two types of learning that involves memorization: superficial learning, and deep learning. In superficial learning, memorization is done without associating new items (which are in the form of sensory information) with learned items. Since attention is only given to surface forms only (e.g., the sound of the words, which involves making neural connections at only one level) the new items are not processed deeply and are easily forgotten. This is because, according to Randall, such an act of memorization merely involves the activation loop, and results in "a highly inefficient means of learning"[58]. Such an act of memorizing is known as "rote memorization" in which learning that does not focus on understanding, but on memorization through repetition. Learning of words through surface learning is done, for example, by repeatedly speaking those words aloud or repeatedly writing those words down. In contrast, in deep learning, memorization is done by associating

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[55] Randall, *Psychology and Second Language,* 2007.
[56] Burrhus F. Skinner, *Verbal Behaviour (*New York: Appleton Century Crofts, 1957).
[57] Randall, *Psychology and Second Language,* 168.
[58] Ibid., 169.

new items with learned items. Since attention is given to a variety of features (involving neural connections made at several levels), new items will not be easily forgotten. Hence, although memorization is regarded as "an important pre-requisite for successful learning"[59], the act of memorizing should only come after understanding.

In the process of memorizing the Qur'an among non-Arabic speakers, there is no doubt that there are countless number of papers, books, and diaries produced by individuals and Qur'anic memorizers on the strategies used in memorizing the Qur'an. Among the strategies that have been identified in Malaysian tahfiz schools includes *Sabak* (repeat reading of verse for 40 times), *Para Sabak* (recalling memorized items), *Ammokhtar* (reciting larger parts of memorized items by heart), and *Halaqah Dauri* (reciting as much as 150-pages of memorized items by heart). All these are being used in the process of getting the students to memorize the Qur'an[60]. Hashim et al.[61] on the other hand found that in some Malaysian *tahfiz* schools, the *tahfiz* teaching and learning framework proposed by al-Qabisi in 1955 has been adopted and this includes *talqin* (teaching), *takrar* (drilling), *almail* (loving the Qur'an), and *alfahm* (understanding). al-Qabisi also suggests an integration of various sensory modes to reinforce understanding (namely, listening (through teaching), speaking (through drilling), reading and writing). Based on *off-line* reports, both studies by Ariffin et al. and Hashim et al. suggest that the process of memorizing the Qur'an among Malaysians, involve a lot of repetition.

However, is the repetition that takes place in the process of memorizing the Qur'an considered as deep learning or superficial learning? What seems obvious is the fact that in memorizing the Qur'an, deep learning has obviously taken place, as forgetting is not permissible among the *huffaz*. If they had memorized the Qur'an as superficial learning, they would have forgotten the verses they memorized earlier. How then do non-Arabic speaking *tahfiz* learners actually memorize the Qur'an?

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[59] Ibid.

[60] Ariffin et al. "Effective Techniques of Memorizing," 45-48.

[61] Hashim, Tamuri and Jemali, "Latar belakang guru tahfiz," 28-39.

TRACKING THE EYE MOVEMENTS WHEN MEMORIZING

Apart from identifying the strategies that *tahfiz* learners used in memorizing the Qur'an through *off-line* reports, the memorization strategies obtained from *on-line* reports through eye movement studies can be used to complement past findings obtained from *off-line* reports. *On-line* reports using the eye tracking machine can be regarded as reliable because of the fact that the eyes are regarded as the "window" to what happens in the cognition. Hence, reports on eye movement experiments can include information on any unconscious processes that *tahfiz* learners engage in when they are memorizing the Qur'an.

The eye tracking machine has several features that can be used to investigate *on-line* processes, particularly in reading. First and foremost, gaze points are likely to be the most used terms in discussing research using the eye tracking machine. Gaze points allow researchers to investigate elements of visual stimulus that the eyes are looking at. Between fixations (i.e., the period where the eyes are fixated towards a particular point), the eyes move in ballistic-like movements called *saccade* and these saccades allow researchers to see the gaze plots.

In conducting research using the eye tracking machine, there are specific parameters that researchers investigate and these include features (or metrics) that are made available in eye tracking machines such as the Total Fixation Count, Time to First Fixation, Fixation Duration, and Total Fixation Duration, just to name a few. All these are analysed after specific Areas of Interest (henceforth, AOI, i.e., the sub-regions of displayed stimuli that are to be investigated) are identified[62].

Fixation Count measures the number of times the participants fixate on an AOI whereas Time to First Fixation measures the amount of time (i.e., how long, in seconds) taken by participants to look at a specific AOI from the onset of a stimulus (i.e., the first display of the AOI). Fixation Duration (also known as Fixation Length), measures the duration of individual fixation within an AOI whereas Total Fixation Duration measures all fixations within an

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[62] *Tobii Studio User's Manual,* 2016.

AOI. Total Fixation Duration also includes those fixations after the participants have left the AOI.

Figure 2 shows a visualization of the metrics mentioned earlier. The largest box refers to the visual stimuli and the two smaller boxes in the largest box (marked AOI 1 and AOI 2) are the Areas of Interests, indicating there are two AOIs to be investigated for the given visual stimuli. The three circles in AOI 1 suggest there are 3 fixation points in that AOI, namely 2, 3 and 6 whereas in AOI 2, there is only 1 fixation point, namely 5. As seen in Figure 2, the fixation count for AOI 1 is three (i.e., fixation points 2, 3 and 6), and the Time to First Fixation is 0.25 seconds. Fixation duration for Fixation 2 is 0.175 second (i.e., 0.425-0.25) whereas the fixation duration for Fixation 3 is 0.1 second (i.e., 0.55-0.45). The Total Fixation Duration in AOI 1 includes Fixation Durations of 2, 3 and 6.
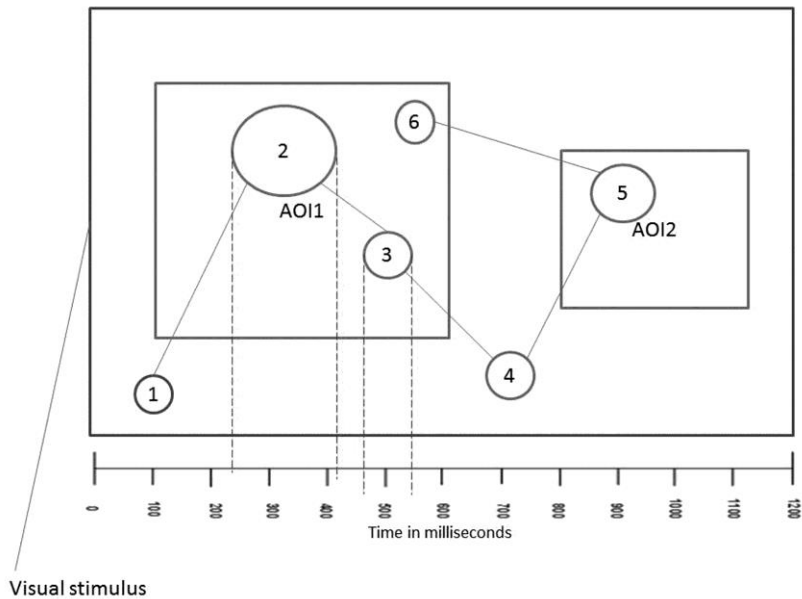
Figure 2: A hypothetical gaze plot to explain the terms used in this study

Apart from that, the eye tracker also provides another form of visualized presentations through heat maps and scan paths. The heat

map is a form of visualization that shows the distribution of gaze points and fixations in general, to indicate attention to certain visual stimuli. The heat map shows the density of participants' attention; the higher the density (usually indicated by the color "red", the higher the frequency of the gaze is to the particular area.) The scan paths is another form of visualization that contains a series of fixations and saccades. Scan paths can be used to analyse cognitive intent, interest and salience. Although both heat maps and scan paths do not provide quantitative data, they provide qualitative information on the participants' gazing behaviours.

Apart from the two metrics, namely, heat maps and scan paths, some eye tracking machines are also equipped with a user camera video (and audio) to enable basic qualitative analysis of participants' behaviour (e.g., their facial expression, their gestures, their voice, etc.) during tests to be conducted. Hence, when readers' reading is replayed, researchers will be able to see other conscious or unconscious observable behaviours that the participants engage in when reading a given stimulus.

Based on the mentioned features above, the eye tracking machine definitely has features that can be used to investigate the process of memorizing the Qur'an. To begin with, past *off-line* studies on the memorization of the Qur'an have indicated that repetition plays a very important role in the process of memorization. Although '40' has been mentioned as the number of repetitions needed in memorizing a particular verse, whether or not all good *tahfiz* students repeat their readings 40 times in all contexts is still unknown. The fixation count metric available in the eye tracker enables the number of fixations that good *tahfiz* students employ in the process of memorizing the Qur'an to be tracked. In addition to the fixation count, the total fixation duration can also be used to measure the attention that good *tahfiz* students give to specific items in their process of memorizing the Qur'an.

Apart from repetition, past *off-line* studies also suggest that understanding the meaning of the words that are to be memorized facilitates the act of memorizing the Qur'an. Hence, by analysing the fixations, investigation on whether or not understanding the meaning of the Arabic words help the tahfiz students in memorizing the

Qur'an helps. This can be done by inserting the translations of words and verses in each of the stimulus given. In addition, it is clear that although the Qur'an is in Arabic, some of the words are familiar words to the Malay speakers as they are Malay words that are originally derived from Arabic (e.g., *solat* (prayer), *zakat* (Tithe), *ilm* (knowledge)). Hence, analysis of the fixations (e.g., the fixation count, fixation duration etc) will also enable researchers to investigate if good *tahfiz* students look at the meaning of these words as well in the process of memorizing the Qur'an.

Past *off-line* studies on memorization also suggest chunking as a means to facilitate the memorization process, particularly in long verses. The scan paths (as shown in Figure 2) enable researchers to follow the paths good readers take in the process of memorizing long verses in the Qur'an. For example, if long verses are presented to the *tahfiz* students, scan path analysis can show if learners memorize these long verses all at one go or if they break these verses into smaller chunks as described in past studies. If they do break these long verses into smaller chunks, scan path analysis will also allow researchers to identify the typical size of each chunk for the *tahfiz* students.

For such an experiment on memorizing the Qur'an using the eye tracking machine, the visual stimuli in Figure 3 can be proposed.

A verse from the Qur'an is presented here as a stimulus.

A stimulus to be memorized by the *tahfiz* students. No time limit is given here. This stimulus is to investigate students' behaviour when they are only given the verse from the Qur'an to memorize.

A verse from the Qur'an is presented here as a stimulus.

A word-for-word translation of the Arabic word is presented here.

A complete translation of the verse is presented here.

A stimulus to be memorized by the *tahfiz* students. No time limit is given here. This stimulus is to investigate students' behaviour when they are given the verse from the Qur'an to memorize along with two kinds of translation of the Qur'an.

Figure 3: Two types of visual stimuli: One with no translation (left) and one with word-for-word and a complete translation of a verse from the Qur'an. Translation is provided in the right stimuli to investigate if learners do look for meaning of certain words in the process of memorizing the Qur'an and if they do, which type of translation.

The AOI for the stimulus with the verse from the Qur'an (Figure 3, left) could be the individual Arabic words printed in the *mushaf*. Hence, for a nine-word verse, there could altogether be 9 AOIs to be investigated. The AOI for the stimulus with the verse together with the two kinds of translations (Figure 3, right) should have more AOI than the left. Hence, for a nine-word verse, there should be a total of nineteen AOIs altogether: nine AOIs on individual Arabic words, another nine on the word-for-word translation of the individual Arabic words, and one for the complete translation of the verse. Once all these are identified as AOIs, the fixation count, fixation duration, and total fixation duration can all be calculated and analysed quantitatively. Apart from the quantitative data that can be obtained, the heat maps and scan paths can also be obtained from the same experiment. These qualitative data enable researchers to investigate particularly the paths *tahfiz* students take in memorizing the Qur'an verses. The user video (an audio) function in the eye tracking machine also enables researchers to investigate other observable (conscious and unconscious) behaviours that *tahfiz* students engage in when memorizing the given stimuli, particularly, where they look at when no eye movements are recorded by the eye tracker, and what their facial expressions and gestures are like when they are memorizing the stimuli.

CONCLUSION

Psycholinguistics is an inter-disciplinary research area that investigates the cognitive processes involved in performing language activities. Since the act of memorizing the Qur'an is a psycholinguistic activity, research using methods used in psycholinguistic studies would be a good platform to scientifically investigate what actually happens in the cognition of the memorizers when they memorize the Qur'an.

The memorization of the Qur'an, to most people, particularly visual learners, involves the process of reading the Qur'an *mushafs*; hence, the eye movement patterns can be utilized as the window to understand the cognitive processes that *tahfiz* students engage in when they read, memorize, and recall the verses of the Qur'an.

This manuscript starts out with a question on whether the eye

tracking machine can be used to investigate how the Qur'an can be learned by heart. By comparing the features of eye tracking machines that are available now with post *off-line* reports on how the Qur'an is memorized, this manuscript concludes that the eye tracking machine can indeed be used to investigate how the Qur'an is learned by heart and all these can be supported both quantitatively and qualitatively from the data collected by the eye tracking machine.

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THE RELEVANCE OF *WAQF* TO THE AUSTRALIAN SOCIETY FROM THE PERSPECTIVE OF *MAQĀṢID AL-SHARĪʿAH* (HIGHER OBJECTIVES OF *SHARĪʿAH*)[1]

Rawaa El Ayoubi Gebara

Abstract

Philanthropic institutions (awqāf) were very functional vis-à-vis socio-religious aspects and the public welfare system in the early days of Islam. Gradually, however, the development of waqf (pl. awqāf) degenerated and is now limited to Muslim-majority countries and specifically consists of the religious kind. Nonetheless, can Muslims and non-Muslims benefit from waqf in a majority non-Muslim country like Australia? The primary objective of this paper is to study the relevance of waqf to the Australian secularised society from the perspective of maqāṣid al-Sharīʿah. Therefore, I will examine how maqāṣid al-Sharīʿah is achieved in the introduction of waqf in Australian society, and how waqf can be rejuvenated to serve the purpose of maqāṣid al-Sharīʿah, which aims to preserve life, intellect, religion, progeny and property. The methodology used in this paper is analytical and critical. The primary sources of Islamic knowledge, such as Qurʾan and sunnah, will be studied carefully. Secondary sources will also be studied and analysed critically to explore the findings. The worth of this paper lies in drawing the attention of stakeholders like policy makers, lawyers, leaders and the general public to the contemporary relevance and need for awqāf in achieving social justice for the ongoing benefit of the general public. This paper is a humble effort in evaluating the possibility of the application of waqf in Australia and to justify how far this product achieves maqāṣid al-Sharīʿah. A comprehensive and careful examination of the methodology of maqāṣid al-Sharīʿah entails an understanding that Sharīʿah aims to protect and preserve public interest (maṣlaḥa) in all aspects of life.

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[1] Article received: January 2017; Article accepted: April 2018.

1. Introduction

The higher objectives of *Sharīʿah* (*maqāṣid al-Sharīʿah*) rest within the concept of mercy and are assigned on the benefits of the individual and that of the society, and its laws are designed to protect these benefits and facilitate improvement and perfection of the conditions of life on earth.[2] The Qurʾan expresses this when it singles out the most important purpose of the prophethood of Muḥammad (pbuh) in such terms such as: "We sent thee not, but as a Mercy for all creatures"[3] and "O mankind! There hath come to you a direction from your Lord and a healing for the [diseases] in your hearts, and for those who believe, a guidance and a Mercy."[4] The two objectives of mercy (*raḥmah*) and guidance (*huda*) are demonstrated by other conditions in the Qurʾan and *sunnah* that seek to establish justice, eliminate prejudice and alleviate hardship, which is manifested in the realisation of benefit (*maṣlaḥa*).[5] Justice is a manifestation of God's mercy as well as an objective of *Sharīʿah* in its own right.[6] Thus, *maqāṣid al-Sharīʿah* is the branch of Islamic teaching that explains the wisdom behind rulings. One of these wisdoms is about "fortifying social cohesion". The vital way to achieve this wisdom is to promote *waqf* through encouraging charity and donations, showing thereby the importance of cooperation and support within the family and society at large.

Explicitly, *maqāṣid al-Sharīʿah* ensures that *waqf* can contribute to the promotion of human welfare, enhance social solidarity and achieve economic prosperity for the whole society by satisfying people's basic needs.[7]

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[2] Mohammad Hashim Kamali, *Sharīʿah Law: An Introduction* (Oxford: One World Publications, 2008), 14.

[3] Qurʾan 21:107.

[4] Qurʾan 10:57.

[5] Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (UK: The Islamic Texts Society, 2008), 352–353.

[6] To prevent injustice, corruption and prejudice in the areas of commerce and transactions (*muʿāmalāt*), the Qurʾan forbids exploitation, usury, hoarding and gambling, which are harmful and jeopardise the objective of fair dealing in the marketplace; Mohammad Hashim Kamali, *Maqāṣid al-Sharīʿah Made Simple* (Malaysia: International Institute of Advanced Islamic Studies, 2008).

[7] Muḥammed Tahir ibn Ashūr, *Treatise on Maqāṣid al-Sharīʿah*, trans. Mohammed

During the glorious days of the Islamic civilisation, *waqf* played a significant role in the cultural, economic, educational and many other social amenities of the society. Nowadays, instead of being an innovative and productive institution, it is argued that *waqf* is locked to a narrow understanding and a practice of religious *waqf* (*waqf khairi*). *Waqf* is understood to be a charity made to mosques just for religious purposes. To rejuvenate the concept of *waqf*, we have to move beyond this limited understanding.

Today, there is a revival of scholarly writing on *waqf*. To understand this phenomenon, I will provide a summary of the historical context of its development. Then, I will explicate the value of a *maqāṣid al-Sharīʿah* approach for the sustainability of *waqf*. However, it is essential to begin with a literature review of the concepts of *maqāṣid al-Sharīʿah* and *waqf*.

2. Overview of Literature on *Maqāṣid al-Sharīʿah* and *Waqf*

Sharīʿah signifies a way or path to felicity and salvation.[8] *Sharīʿah* may be defined as a system of ethics and values covering all aspects of life (e.g. personal, social, political, economic and intellectual) with its unchanging bearings as well as its major means of adjusting to change.[9] Moreover, not understanding one key concept of its aspects may thwart developments in all of its fields.[10] The word "*maqāṣid*" (the plural of *maqṣad*) comes from the Arabic word "*qaṣad*", which means "to aim" or "to intend" for an action. Therefore, *maqāṣid al-Sharīʿah* refers to a goal or objective to be achieved in Islamic law. Writers on the principles of Islamic jurisprudence (*uṣul al-fiqh*) have used *maṣlaḥa* almost interchangeably with *maqāṣid*. The early pioneers of *maqāṣid*, such as Abu Ḥāmid al-Ghazali (d.1111), ʿIzz al-Din ʿAbd al-Salam (d.1262) and al-Shāṭibi (d.1388), have generally concurred with the analysis that almost all the rules of

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El Tahir El Mesawi, vol. I (London & Washington: The International Institute of Islamic Thought, 2006).

[8] Kamali, *Sharīʿah Law*, 14.

[9] Ziauddin Sardar, *Islam, Postmodernism and Other Futures: A Ziauddin Sardar Reader* (London: Pluto Press, 2003).

[10] Ibid.

Islamic law fulfil the purpose of *Sharīʿah*.[11] Contemporary Muslim scholars have a very similar understanding to the classical scholars on the purpose and objectives of *Sharīʿah*. For example, Muḥammad al-Tahir Ibn ʿAshur (d.1973) and Muḥammed Allal al-Fasi (d.1974) define the general objectives of *Sharīʿah* as the deeper meanings (*maʿāni*) and inner wisdoms (*ḥikam*), as well as the hidden meanings (*al-asrār*) that the lawgiver has considered in the enactment of *Sharīʿah* ordinances.[12] Al-Qaradawi also noted "*maqaṣid al-shariah* consist of the attraction of benefits (*al-maṣāliḥ*) to the people and the repelling of harm and corruption (*al-maḍār wa al-mafāṣid*) from them,"[13] pointing out that *Sharīʿah* has been revealed to bring happiness and prosperity to humanity and there is consensus among the ʿ*ulamāʾ* (Muslim scholars) that the laws of *Sharīʿah* have as their underlying cause the realisation of public welfare (*maṣlaḥa*). A similar position is put forward by the scholar Muḥammad al-Zuḥayli, who described *maqāṣid* as "the ultimate goals, aims, consequences and meanings which the *Sharīʿah* has upheld and established through its laws, and consistently seeks to realise, materialise and achieve them at all times and places."[14] Thus, *maqāṣid* is mostly about the goals for which *Sharīʿah* has been promulgated to realise the common good and interests for human beings (*maṣlaḥa*). *Maqāṣid* are the goals and purposes that look to the future and permit innovative approaches to *Sharīʿah* and contemporary issues.

The ʿ*illah* (effective cause, *raison d'être* or rationale) of *waqf* is based on human brotherhood and sisterhood, which demand that all humans are treated equally with dignity and respect regardless of their

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[11] Mohammed Hashim Kamali, *Maqāṣid al-Shariah, Ijtihād and Civilisational Renewal* (London and Washington: The International Institute of Islamic Thought, 2012), 6.

[12] Muḥammad al-Tahir Ibn ʿAshur, *Maqṣid al-Shariah al-Islamiyyah*, ed. Muḥammad al-Tahir al-Messawi (Amman: al-Bashaʾir li al-Intāj al-ʿIlmi, 1998), 171; Muhammed Allal al-Fasi, *Maqaṣid al-Shariat al-Islamiyyah wa Makārimuha* (Casablanca: Maktabat al-Waḥdah al-ʿArabiyyah, n.d.), 3.

[13] Yusuf al-Qaradawi*, Fiqh al-Zakat*, vol. 1 (Beirut: Muʾassasatal-Risālah, 2000), 31.

[14] Muḥammad al-Zuḥayli, *Maqāṣid al-Shariah Asas li-Huquq al-Insān, Kitāb al Ummah*, series no. 87 (Doha: Ministry of Awqāf and Islamic Affairs of Qatar, 2003), 70.

religion, race, colour, gender or nationality. The establishment of *waqf* exists to organise and institutionalise the voluntary charities.[15]

Since the turn of this century, a number of books have been published on *waqf*: some scholars have attempted to extract the rules of *waqf* from the principles of *Sharīʿah*, while others have accepted the view that *waqf* is subject to ongoing re-evaluation according to the principles of independent legal reasoning (*ijtihād*), which adapt *Sharīʿah* to changing societal circumstances.

The works of two Muslim scholars of *fiqh* (Islamic jurisprudence), Mustapha al-Zarqa (d. 1999) and Wahbeh al-Zuḥaily (d.2015), provide a detailed account of the concept of *waqf* related to the *fiqh* of Islam.[16] However, their works contain no discussion of the concept of *waqf* for Muslim minority communities, especially those living in the Western world. According to them, only a small part of *waqf* principles is proven from the primary sources of *Sharīʿah* and the rest of the related guiding principles have been deduced in the light of the primary sources via *ijtihād* with the application of the rules of *istiḥsān* (juristic preference), *istiṣlāḥ* (consideration of public interest) and *ʿurf* (custom). Writing almost simultaneously, al-Zarqa and al-Zuḥaily focused on the development and role of *waqf* from the perspective of Islamic jurisprudence in Muslim societies and the issue of Islamic origins, more specifically the concept of the Prophetic example (*sunnah*) found in the literature that collated Prophetic traditions (*aḥādīth*). However, there is no focus in their works on the evaluation of *waqf* from the perspectives of *maqāṣid al-Sharīʿah*.

Taking a parallel position to al-Zarqa and al-Zuḥaily, Monzer Kahf (b.1940), a leading Muslim contemporary scholar in Islamic finance, attempts to develop the ideas about the Islamic financial economic system, and sees the development of Islamic *waqf* as rejuvenation via an adaptation to modern economic and social conditions.[17]

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[15] ʿAbdur Raḥman I. Doi, *Sharīʿah: The Islamic Law* (Kuala Lumpur: A.S. Noordeen, 1984), 338.

[16] Mustapha al-Zarqa, *Aḥkām al Waqf* (Amman: Dar Ammar, 1998); Wahbah al-Zuḥaily, *Al Wasāyā wa al Waqf Fi al Fiqh Al Islami* (Damascus: Dar Al Fikr Al Muʿasr, 1998).

[17] Monzer Kahf, *Al Awqāf Al Islami, Tatauruhu ,Idāratuhu, Tanmiyatuhu* (Damascus: Dār al-Fikr al-Muʿāsr, 2006).

It is very useful here to mention the work of a University of Saudi Arabia professor in *Sharīʿah* law and *fiqh*, Khaled Ibn Ali al-Meshaikh (b.1943), who not only charted the textual space relating to the history of *waqf*, but his opus of three volumes is about the collective rulings of *waqf*.[18] His work also centres on the exposure of the revival of *waqf* as a Prophetic *sunnah* in the twenty-first century.

This type of reform and inspiration is similarly promoted by many scholars in Turkey, Malaysia, Indonesia, India, Pakistan and Bangladesh. Moreover, there is a biannual *waqf* Journal in Kuwait that specialises in publishing all academic works about *waqf*.[19] This journal attracts intellectuals and professionals in the domain of *waqf* and adopts a scientific approach in dealing with *waqf* and its contemporary challenges.

Issues that call for attention include the importance of *waqf* to the whole Australian society and how *maqāṣid al-Sharīʿah* could be achieved in the revival of *waqf* to serve the purpose of *maqāṣid al-Sharīʿah*, which aims to preserve life, intellect, religion, progeny and property. Also, scholarship on Islamic law and *fiqh* have been represented by the first generations and contemporary scholars, but their works contain no discussion of the revival of *waqf* for Muslim minority communities or how non-Muslims can benefit from this practice, especially for those living in Australia. This paper seeks to fill this apparent gap. A careful examination of the concept of *waqf* entails an understanding of its features and historical development to provide a broader understanding for the interests of society at large.

3. The Essence and Features of *Waqf*

Linguistically, the word *waqf* (pl. *awqāf*) comes from the verb *waqafa* in the Arabic language, which means stop. In Islamic terms, *waqf* means *ḥabs* (confinement), which is withholding or immobilising an asset and releasing its proceeds.[20] *Waqf* is defined

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[18] Khaled Ibn Ali al-Meshaikh, *Al Jāmeh li Aḥkām al Waqf wa Al Hibāt wa Al wasāyā* (Qatar: Wizarat al-Awqāf wa Al Shouun Al Islamiyah, 2013).

[19] Awqaf, Refereed Biannual Journal Specialised in Waqf and Charitable Act; See, http://ww2.awqaf.org.kw/awqafjournal/portal.aspx?tabid=77.

[20] Al Sayyed Sabiq, *Fiqh El Sunnah*, 10th ed., part 3 (Cairo: Al Fath lil l'Ilam el-Arabi, 1993), 307.

as the perpetual dedication of any property or asset to God and devoting it for a religious cause for the benefit of human beings.[21] Therefore, *waqf* is a permanent form of endowment donated, for the cause of Allah, by its owner and held or preserved for the benefit of philanthropic use by the community or public. Once the property or asset is made *waqf*, it cannot be revoked: meaning the donor cannot cancel this act and repossess or take back this property.[22] Also, once the asset becomes *waqf*, it can no longer be inherited nor sold.[23] Qahf introduced a definition of *waqf* as "a permanent withholding of an asset for a recurring benefit, i.e., a private or common charitable purpose".[24] It is important to mention that *waqf* is a voluntary act and is not obligatory as compared to *zakat* (giving alms), which becomes compulsory on a Muslim when their wealth reaches a certain minimum amount. Consequently, *waqf* is a means that brings a human being closer to their creator and wins the hearts of the poor and needy.[25] Principally, a *waqf* deed involves four key figures: *wāqif* is the endower or donor; *mawqouf ʿalayh* is the beneficiary; *mawqouf bihi* is the endowed deed; and *mutawalli* is the group/person who is taking care of the *waqf* or the custodian.

According to Imam al-Shāfīʿi, Imam Mālik and two disciples of Imam Abu Ḥanifa, *waqf* signifies the extinction of the appropriator's ownership of an asset and its dedication to the ownership of Allah (*ʿalā ḥukum milk-Allāh*) in such a manner that its profit should be used for the good of mankind from beginning to the end.[26] Once the *waqf* is created, a pious individual or group is appointed as the manager or

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[21] Ali Syed Ameer, *The Law Relating to Gifts, Wakfs, Wills, Pre-Emption and Bailment* (Lahore, New Delhi: Law Publishing Company, 1976).

[22] Farra Munna Harun, Bayu Taufiq Possumah, Muhammad Hakimi Bin Mohd. Shafiai, Abd. Halim Mohd. Noor, *Empowering Higher Education Institution: The Role of Waqf-Malaysian Perspective* (Malaysia: Institut Islam Hadhari Faculty of Economic and Management Universiti Kebangsaan Malaysia and Accounting Research Institute Universiti Teknologi, 2014) Proceedings of the Australian Academy of Business and Social Sciences Conference 2014 (in partnership with the Journal of Developing Areas), 1.

[23] Ibid.

[24] Kahf, *Al Awqāf Al Islami, Tatauruhu ,Idāratuhu, Tanmiyatuhu*, 62.

[25] Sabiq, *Fiqh El Sunnah*, 307.

[26] Doi, *Sharīʿah*, 339-340.

custodian (*mutawalli*).[27] As an act of charity, the donor (*wāqif*) has to make sure the asset is free from any claims of debts or taxes, or if it is under mortgage or secured as collateral to a loan: i.e. whether the asset is under complete ownership by its registered owner to be *waqf*.[28] Also, the asset must be identifiable, quantifiable, non-perishable and recognised as *Sharīʿah*-compliant. For instance, the donation of wine is invalid because it is prohibited to consume under Islamic law and the donation of items such as medicine or food cannot be made because they perish on consumption.

A *wāqif* can create three types of *waqf: khayri*, *thurri*, and *mushtarak*.[29] A *waqf khayri* is a philanthropic *waqf* where the *wāqif* settles their property in perpetuity for a specific charitable purpose.[30] A *waqf thurri* or *ahli* means family *waqf* as well. It is where the *waqf* property is perpetually reserved or held with the *wāqif* family and their descendants are intermediary beneficiaries until they die, after which the *waqf* benefit will be dedicated to a specific charitable purpose.[31] A *waqf mushtarak* is ultimately and simultaneously charitable and private.[32] It means the dedication of one's property is partly for the welfare of the public and the other part for the benefit of the *wāqif* family.

It is important to mention that the beneficiary (*mawquf ʿalayhi*) does not have to be a Muslim. For instance, Safiyah, the wife of the Prophet, made *waqf* in favour of her Jewish brother.[33]

4. The Legality and Historical Context of *Waqf*

Despite the fact the charm of *waqf* is in its legal distinctiveness and ability to alleviate poverty and bring social welfare, its spiritual merit and the consciousness of God remain the inspiring reasons behind

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[27] Ibid., 340.

[28] Harun, Possumah, Mohd. Shafiai, Noor, *Empowering Higher Education Institution*, 2.

[29] Kahf, *Al Awqāf Al Islami, Tatauruhu ,Idāratuhu, Tanmiyatuhu*, 158.

[30] Hamid Harasani, *Towards the Reform of Private Waqfs: A Comparative Study of Islamic Waqfs and English Trusts* (Leiden, Boston: Brill Nijhoff, 2014), 50.

[31] Hicham Marwah and Anja K. Bolz, "Waqfs and Trusts: A Comparative Study" (2009) 15 Trusts and Trustees 8u, 812.

[32] Harasani, *Towards the Reform of Private Waqfs*, 50.

[33] Al-Zuhayli, *al-Wasaya wa al-waqf fi al-fiqh al-Islami*, 167.

creating *waqf*. This is clear in this verse of the Qurʾan: "By no means shall ye attain righteousness unless ye give [freely] of that which ye love; and whatever ye give, of a truth Allah knoweth it well".[34] Explaining this verse, Sayyid Qutb highlights the nexus between the consciousness of God and giving charity in the sake of God.[35] He states, "worship, contemplation and moral education have no practical value in people's lives unless incorporated into a social system".[36] The companions of Prophet Muḥammad (pbuh) were keen to achieve this level of piety. For instance, when the above verse was revealed, Abu Talḥah — one of the companions of the Prophet who possessed the most palm trees in Medina and his favourite field was *Bayruḥāʾ* in front of the Prophet's mosque — said to the Prophet: "O Messenger of God, Allah says, 'By no means shall you attain to righteousness until you give out of what you love' and my most beloved property is *Bayruḥāʾ*, I therefore declare it a charity for the sake of Allah and I hope for its reward from Him, so place it, O Messenger of God, where Allah inspires you to do so". Prophet Muḥammad (pbuh) said, "This is a profitable investment! My opinion is that you direct its benefit to your family", and Abu Talḥah did so.[37]

The second famous *ḥadīth* that confirms the legitimacy of *waqf* is that of the second Calif ʿUmar's land in Khaybar.[38] ʿUmar, who was granted an oasis property in Khaybar, once he heard the above verse, said to the Prophet: "I was granted a piece of land that is more precious than all my other assets, what do you advise me to do with it?" The Prophet said, "If you wish you can hold its capital and designate its benefit as an endowment to charity". ʿUmar did so with the conditions that the capital is not sold, gifted or inherited and that its usufructs are spent on the poor and needy, relatives, freeing slaves, preparing soldiers for the defence in battles and travellers who did not have means to return home. Also, ʿUmar permitted those in

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[34] Qurʾan 3:92.

[35] Sayyid Qutb, Sayyid Quṭb, *In the Shade of the Qurʾān*, vol. II, surah 3 (Leicester and Nairobi, Kenya: Islamic Foundation of Islamiconline, 1999), 114.

[36] Ibid.

[37] Ahmad Ibn Ḥajar Alʿasqalānī, *Fatḥ Albārī Sharḥ Saḥiḥ alBukhārī* (Dār Alrīyān Lilturāth, 1986), ḥadīth no. 5288.

[38] Harasani, *Towards the Reform of Private Waqfs*, 51.

charge of administrating the *waqf* to receive some income in return for their services.[39]

A third *ḥadīth* that affirms the legality of *waqf* is when the Prophet (pbuh) said, "When a person dies the reward of his deeds ceases except from three: a permanent charity, a knowledge from which benefit is constantly gained and a pious child who is invoking Allah for him."[40] Commenting on the above *ḥadīth*, jurists assure that a permanent charity can only be created by *waqf* and this *ḥadīth* basically inspired and influenced the decisions of Muslims to create *awqāf*.[41]

Adding to the verse cited earlier, *waqf* also derives its legality from many verses of Qurʾan, for example:

> They ask thee what they should spend [in charity]. Say: Whatever ye spend that is good, is for parents and kindred and orphans and those in want and for wayfarers. And whatever ye do that is good, Allah knoweth it well.[42]

> O ye who believe! Give of the good things which ye have [honourably] earned, and of the fruits of the earth which We have produced for you, and do not even aim at getting anything which is bad, in order that out of it ye may give away something, when ye yourselves would not receive it except with closed eyes. And know that Allah is Free of all wants, and worthy of all praise.[43]

As always being a role model for Muslims, the Prophet (pbuh) started establishing the foundations for *waqf* by building the first mosque and some Islamic centres in the city of Medina in the first year of hijrah.[44] This prophetic tradition has been followed by the Muslim Caliphs as well: Hundreds of *awqāf* were established in the periods of

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[39] Al ʿasqalānī, *Fatḥ Albārī Sharḥ Saḥiḥ alBukhārī*, ḥadīth no. 2620.

[40] Al Nawawi, *Sharḥ al Nawawi ʿalā Muslim*, ḥadīth no. 1631.

[41] Harasani, *Towards the Reform of Private Waqfs*, 52.

[42] Qurʾan 2:215.

[43] Qurʾan 2:267.

[44] Doi, *Sharīʿah*, 338.

the Umayyad and ʿAbbasid in Islamic history.[45] For instance, *waqf* was behind building five hospitals in Baghdad, and many were built in other regional centres between the ninth and tenth centuries.[46] After this period, the number of hospitals increased significantly, such as Nuri hospital in Damascus (twelfth century), Mansuri hospital in Cairo (thirteenth century) and many other hospitals in Qayrawan, Mecca, Medina and Rayy. Most of these hospitals had enormous operating budgets, which were derived from the revenues of *waqf* properties dedicated to hospitals.[47] Such revenues were spent on the maintenance of the premises and staff wages, as well as the cost of treatments, which was provided to patients free of charge.[48] Moreover, examples of health *waqf* are the Shishli Children's Hospital in Istanbul, which was founded in 1898 CE,[49] and the animal hospitals especially built for cats and unwanted domestic animals, both in Damascus.[50] Additionally, there are *awqāf* for helping people to go on pilgrimage and helping couples to marry.[51]

Another example of *waqf* is the famous Maragha observatory. It was established in the thirteen century under the directorship of the Muslim astronomy scholar Nasir al-din al-Tusi.[52] This observatory, which is a centre of astronomical research and attracted a large team of astronomers from all over the Muslim world, was built on a large piece of land that was financed by a *waqf* asset.[53]

Although education for religious purposes was usually covered by *waqf*, general education has been the second largest recipient of *waqf* revenues. For instance, *awqāf* of the Ayubides (1171-1249) and

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[45] Ibid, 341.

[46] Ahmad Dallal, "Science, Medicine, and Technology: The Making of a Scientific Culture." In *The Oxford Encyclopedia of the Islamic World*, vol. 4, ed. John L. Esposito (Oxford: Oxford University Press, 2009), 208.

[47] Ibid, 208-209.

[48] Ibid.

[49] ʿAbd Al-Malik Al-Syed, "Al-Waqf Al-Islami wa Al-Dawr Al-Ladhi laʿibahu fi Al-Numuw Al-Ijtimaʿi fi Al-Islam" [Islamic Waqf and the role it played in social development in Islam], in *Idarat wa Tathmir Mumtalakat Al-Awqāf* (Jeddah: Islamic Research and Training Institute of the Islamic Development Bank, 1989), 225–304.

[50] Mustafa Al-Sibaʿi, *Min Rawaʾiʿ Hadaratina* (Beirut: al Maktab al Islami, 1969).

[51] Ibid.

[52] Dallal, "Science, Medicine, and Technology," 182.

[53] Ibid.

Mamalik (1249-1517) in Palestine and Egypt are good examples of educational *waqf*.[54] Also, at the beginning of the twentieth century, Jerusalem had sixty-four schools that were supported by *awqāf* in Palestine, Turkey and Syria.[55] Moreover, Al-Azhar University of Cairo (972 CE) was financed by its *waqf* revenues until the government of Muhammed Ali took control in Egypt over the *awqāf* in 1812.[56]

Other recipients of *waqf* is the category of the needy, poor, orphans and people in prisons. Furthermore, *waqf* has covered the cost of schools and universities for teachers and students.[57]

The use of *waqf* for many purposes had a significant constructive social change in the history of Islamic civilisation. This contributed to the circulation of wealth and elimination of poverty from the Muslim society.[58]

As we can see from its historical development, the legitimacy of *waqf* and its role in the religious and social life of the community was well-established for the benefit of all categories of people in the society. This active role of *waqf* lies in the increase of Islamic awareness about the rewards of *waqf* in the hereafter coupled with the realisation that *waqf* could contribute to the promotion of human welfare, fortify social cohesion and achieve economic prosperity for the whole society by satisfying the basic needs of all people, without any discrimination.

Keeping in mind the context of the historical achievement of *waqf* and witnessing the real need for a similar rejuvenation of *waqf*

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[54] Kamil Jamil Al-ʿAsali, "Mu'assat Al-Awqāf wa Madaris Bait Al-Maqdis" [*Awqāf* institution and the schools of Jerusalem], in the Proceedings of the Symposium of Awqāf Institution in the Arab and Islamic World (Baghdad: Institute of the Arab Research and Studies, 1983), 93-112.

[55] Ibid.

[56] Mustafa Muhammad Ramadan, "Dawr Al-Awqāf fi Daʿm Al-Azhar", in the Proceedings of the Symposium of Awqāf Institution in the Arab and Islamic World (Baghdad: Institute of the Arab Research and Studies, 1983), 125-148.

[57] Ibid.

[58] During the rule of ʿUmar Ibn Abdul Aziz (682-720 CE), poverty was eliminated again: charitable donations exceeded need and donors could not find eligible *zakat* or charity recipients. See, Yusuf Al-Qaradawi, *Fiqh-uz-Zakah*, trans. Monzer Kahf, vol. II (Jeddah, Saudi Arabia: Scientific Publishing Center, King AbdulAziz University, 1999), 46.

in our times, it seems possible to re-evaluate the model of *waqf* in the light of *maqāṣid al-Sharīʿah*.

5. The Value of a *Maqāṣid al-Sharīʿah* Approach for the Sustainability of *Waqf*

While *Sharīʿah* considers the improvement and perfection of human lives' conditions on earth through development as well as the recognition of equitable distribution of revenue and wealth, its comprehensive vision is to ensure the sustainability of long term economic development.[59] This sustainability leads ultimately to well-being and public benefit (*maṣlaḥa*). Drawing on the views of leading classical and contemporary scholars, I will present a holistic view of how *maṣlaḥa* and *maqāṣid al-Sharīʿah* are mutually interrelated and how they can help promote human well-being.

5.1. Understanding *Maqāṣid al-Sharīʿah* via *Maṣlaḥa*

Understanding *maqāṣid al-Sharīʿah* through God's commands leads to capturing the ʿillah behind them. At this point, *maṣlaḥa* is only a framework to follow as a guideline and eventually gives birth to the theory of *maqāṣid al-Sharīʿah*,[60] so people can implement the higher objectives of *Sharīʿah* in a practical and beneficial way in the religious and social activities of the society.

ʿIzz al-Din ʿAbd al-Salam al-Sulami's (d.1262) renowned work, *Qawāʿid al-Aḥkām*, was in his own description a work on the objectives of divine texts and addressed the various aspects of *maqāṣid*, especially in relation to ʿillah and *maṣlaḥa* in more detail. He writes "the greatest of all the objectives of the Qurʾan is to facilitate benefits (*maṣāliḥ*) and the means that secure them and that a realisation of benefit also included the prevention of evil."[61] Sulami

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[59] Umar Chapra, *The Islamic Vision of Development in the Light of Maqāṣid al-Sharīʿah* (London, Washington: The International Institute of Islamic Thought, 2008), 3.

[60] Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London, Washington: The International Institute of Islamic Thought, 2008),17.

[61] ʿIzz al-Din ʿAbd al-Salam al-Sulami, *Qawāʿid al-Aḥkām Fi Maṣāliḥ al-Anām*, ed. Taha ʿAbd al-Raouf Saʿd (Cairo: al Maṭbaʿah al-Ḥusayniyyah, 1932), 1:8.

highlights that all the obligations of *Sharīʿah* were predicated on securing benefits for the people in this world and the hereafter.[62] There are some Qurʾanic objectives that embrace the essence of *maṣlaḥa.* This seems to indicate an unwarranted restriction on the general objectives of the lawgiver as these are expounded in the Qurʾan. This is confirmed in Sūrat al-Māʾidah (5:7), which states, in more general terms, that "Allah doth not wish to place you in a difficulty." This means God does not want to afflict or overburden people or cause them any difficulty in meeting their religious duties.[63]

Muslim scholars of the principles of Islamic jurisprudence (*uṣul al-fiqh*) have used *maṣlaḥa* almost mutually with *maqāṣid*. For al-Ghazali (d.1111)[64] and al-Zarqa (d.1999),[65] *maṣlaḥa* consists of considerations that secure a benefit or prevent harm, but which are simultaneously harmonious with the objectives of *maqāṣid al-Sharīʿah*. Furthermore, to understand *Sharīʿah*, one needs to comprehend its objectives, which allow flexibility, dynamism and creativity in social policy.[66] These objectives consist of protecting the five "essential values".[67] Al-Ghazali states:

> The objective of the Shariʿah is to promote the well-being of all mankind, which lies in safeguarding their faith (*din*), their human self (*nafs*), their intellect (*ʿaql*), their posterity (*nasl*) and their wealth (*māl*).

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[62] Ibid.

[63] Sayyid Quṭb, *In the Shade of the Qurʾān*, vol. IV (Leicester and Nairobi, Kenya: Islamic Foundation of Islamiconline, 1999), 35.

[64] Abu Hamid Muhammad Al-Ghazali, *Al-Mustaṣfā min ʿilm al-Uṣūl* (Cairo: Al-Maktabah al-Tijāriyyah, 1993).

[65] Muṣṭafā Aḥmad Al-Zarqā, *Al-Madkhal al-Fiqhī al-ʿĀmm* (Damascus: Dār al-Qalam, 1998).

[66] Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 2004), 248–249.

[67] In *Al-Muṣtaṣfa fi uṣul al-fiqh*, al-Ghazali clarifies the basics of *al-maṣāliḥ al-mursala* and its three divisions (the five essential values-the necessary), which consist of protecting the five 'essential values' (religion, life, intellect, lineage and property), the needed and the complementary. Then, al-Shāṭibi elucidates, investigates and analyses these divisions in his book *Al Muwafikat fi uṣul al-Shari'a.* In our time, Muḥammad Abu-Zahra and Muḥammed Tahir ibn Ashūr expand on these divisions in their books *Al Malik* and *Maqasid al-Shariʿah*, respectively.

> Whatever ensures the safeguard of these five serves public interest and is desirable.[68]

Al-Qaraḍawi further extended the list of *maqāṣid* to include social welfare and support (*al-takaful*), freedom, human dignity and human fraternity, among the higher objectives of *Sharīʿah.* These are undoubtedly upheld by the detailed and general weight of evidence in the Qurʾan and *sunnah*. [69] A prominent scholar of *Sharīʿah*, al-Shāṭibi [70] (d.1388), approves of al-Ghazali's list and sequence, thereby indicating they are the most preferable in terms of their harmony with *Sharīʿah*'s essence.[71] He adds the benefits (*maṣālih*) are to be understood in their broadest sense, which is inclusive of all benefits pertaining to this world and the hereafter, those of the individual and the community, material, moral and spiritual, and those that pertain to the present as well as the interests of future generations. This broad meaning of benefits also includes prevention and elimination of harm. These benefits cannot always be verified and ascertained by human reason alone without the aid and guidance of divine revelation.[72]

Accordingly, securing benefit (*maṣlaḥa*) can also be understood as repelling corrupt acts (*mafsada*). It is broadly divided into three categories: necessities (*al-ḍarūriyyāt*), needs (*al-ḥājiyyāt*) and things

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[68] Cited in M. Umer Chapra, *The Future of Economics: An Islamic Perspective* (Leicester: The Islamic Foundation, 2000), 118.

[69] Yusuf al-Qaradawi, *Islamic Law in the Modern World* (Cairo: Wehbe Printing, 2000); Yusuf al-Qaradawi, *Madkhal lidrassat al-Sahriʿa al-Islamiyya* (Cairo: Wehbe Printing, 2009), 73–79.

[70] Al-Shāṭibi wrote his magnum opus in the field of Islamic law, *Al-Muwafaqat*. His seminal and highly influential development of the theory of *maqāṣid* and *maṣlaha* (Islamic law based on its universal objectives and public benefit) is actually a synthesis of the principles of the two oldest and complementary Sunni schools of law (the Ḥanafi and Maliki *madhhabs*). This synthesis provides the basis for a holistic, unified approach to Islamic law that accommodates all the recognised schools of law, *madhhabs*, rather than a divisive approach based on rigid and partisan *madhhab*-ism.

[71] Imran Ahsan Nyazee, *Islamic Jurisprudence* (Islamabad: The International Institute of Islamic Thought, 2000),121.

[72] Abu Iṣḥāq Ibrahim al-Shāṭibi, *al-Muwafaqat fi uṣul al-Sharīʿa*, ed. Shaykh ʿAbd Allah Dirāz, vol. I (Cairo: al-Maktabah al-Tijariyyah al-Hubra, n.d.), 243.

that are complementary or luxuries (*al-takmīliyyāt* or *al-taḥsīniyyāt*).[73] This strict hierarchy governs the gradation of interests, including the fact they have to be of general benefit to the public, and not simply for a specific sector of people, for them to be deemed acceptable and used as a source of law.[74] Necessities are further classified into what preserves one's life, intellect, religion, progeny and property, the formulations of these "essential values" were considered fundamental matters for a secured human life. The category of needs is less essential for human life, and the level of luxuries is used for beautifying purposes in the traditional expression.[75]

Discovering that *waqf* can enhance its role in social and economic development, the practice of *waqf* needs to be evaluated to serve the purpose of *maqāṣid al-Sharīʿah*, which aims to preserve the five essential values.

5.2. Achieving *Maqāṣid al-Sharīʿah* through Practising *Waqf*

There is intense debate among Muslim scholars and economists about the role and practice of *waqf* in Muslim societies. Despite the significant contribution to the social solidarity and welfare of Muslims in the glorious years of Islamic civilisation, it has been argued that the current practice of *waqf* could not achieve a sustainable development scheme.[76]

I will use the methodology of *maqāṣid al-Sharīʿah* in response to the challenge of the possibility of re-introducing *waqf* in all the amenities of human life.

Since the five necessities of *maqāṣid al-Sharīʿah* aim to protect life, intellect, religion, progeny and property, the formulations of these objectives have secured the human being in this life and the hereafter. In this sense, I will use *maqāṣid* terminology concerning *waqf*.

For the preservation of the right to life, which I put as the first necessity of *maqāṣid al-Sharīʿah*, jurists outline a theory of necessary

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[73] Abu Hamid Muhammad Al-Ghazali, *Al-Mustaṣfā min 'ilm al-Uṣūl.*

[74] Kamali, *Principles of Islamic Jurisprudence*, 358–360.

[75] Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 4.

[76] Andrew White, "The Role of the Islamic Waqf in Strengthening South Asian Civil Society: Pakistan as Case Study," *International Journal of Civil Society Law*, vol. 7, 2006, 7-36.

purposes in terms of a "theory of protection",[77] and an elaboration of a social system based on family-related purposes and moral values in Islamic law.[78] Protection of life is so important in Islam, as without one's life, it would be impossible to protect the other four necessities of *maqāṣid al-Sharīʿah.* This protection is achieved by providing people with the basic needs that allow one to live with security and dignity. The basic needs for all human beings—regardless of their gender, race, colour or religion— include water, shelter and food. The Qurʾan is expressive on the fact of honouring every human being without exception, as God states: "We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation".[79] Establishing *waqf* can be of a great importance to fulfil the preservation of this necessity. For instance, meeting the needs of the poor, raising orphans, helping the sick and disabled, providing food and toys for children of poor families, helping the homeless, assisting universities with the cost of research to prevent diseases and building hospitals to provide aid free of charge.

Similarly, the preservation of intellect, which is the second necessity of *maqāṣid al-Sharīʿah*, has two purposes. The first is education about the reasons of the prohibition of intoxicants as they pose a threat to the integrity of the human intellect and mind. The second purpose is the pursuit of education, which is of great importance for society. The latter has sometimes been interpreted to mean "the propagation of scientific thinking", "travelling to seek knowledge", "suppressing the herd mentality" and even "avoiding brain drain".[80] Establishing *waqf* can assist in financing all these ideas.

The preservation of religion, the third necessity of *maqāṣid al-Sharīʿah*, has been re-interpreted by some jurists to mean "freedom

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[77] Abdul-Malik Al-Juwayni, *Al-Burhān Fi Uṣul al-Fiqh*, ed. Abdul-Azim al-Deeb, 4th ed., vol. 2 (Manṣurah: al-Wafāʾ, 1998), 747.

[78] Al-Ghazali, *al-Muṣtaṣfā fī ʿilm al-Uṣul*, p. 258; Ibn ʿAshur, *Uṣul al-Nizām al-IjtimāʿI fī al-Islam*, 206.

[79] Qurʾan 17:70.

[80] Auda, *Fiqh al-Maqāṣid*, 20.

of faith"[81] or "freedom of belief".[82] The preservation of religion is one of the most important objectives of *Sharīʿah*; therefore, protecting religion from misconceptions is an obligation upon all Muslims. Acting with good morals (*akhlāq*) to Muslims and non-Muslims, and assisting fellow citizens in every aspect of their life are important to promote and preserve one's religion. Founding *waqf* can also play a significant role in financing interfaith dialogue.

In a similar way, scholars have interpreted the fourth necessity, the protection of progeny, in terms of the preservation of human dignity and human rights.[83] It is vital to mention that defaming honour was a serious matter in the pre-Islamic era, and it was preserved throughout Arabic culture to become a dignified value in Arab-Muslim families. Recently, the preservation of honour is being replaced—as a purpose of Islamic law—by "the preservation of human dignity" or "the preservation of human rights".[84] Achieving *maqāṣid al-Sharīʿah* through the *waqf* assistance: First, to needy couples who want to marry or medical students and professors who are conducting research in the field of protecting lineage and educating people about the dangers of abortion and infanticide. Second, assisting people with funeral services and buying graveyards, running healthcare centres, and financing sports and educational programs.

The fifth necessity consists of the preservation of property and/or wealth, which has been developed into familiar socio-economic terminology, such as "well-being", "economic development", "social assistance" and "diminishing the difference between economic

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[81] Ibn ʿAshur, *Maqāṣid al-Sharīʿah al-Islāmiyyah*, 292.

[82] Attia, *Naḥwa Tafʿil Maqāṣid al-Sharīʿah*, 171; El-Raysuni, al-Zuhaili, and Shabeer, "Ḥuqūq al-Insān Miḥwar Maqāṣid al-Sharīʿah," *Kitāb al-Ummah* 87 (2002).

[83] Attia, *Naḥwa Tafʿil Maqāṣid al-Sharīʿah*, 170; El-Raysuni, al-Zuhaili, and Shabeer, "Ḥuqūq al-Insān Miḥwar Maqāṣid al-Sharīʿah"; El-Awa, *al-Fiqh al-Islāmī fī Tariq al-Tajdīd*, 195; Al-Qaradawi, *Madkhal li-Diāsah al-Sharīʿah al-Islāmiyyah*, 101.

[84] Attia, *Naḥwa Tafʿil Maqāṣid al-Sharīʿah*,170; El-Raysuni, al-Zuhaili, and Shabeer, "Ḥuqūq al-Insān Miḥwar Maqāṣid al-Sharīʿah"; Mohamed el-Awa, *al-Fiqh al-Islāmī fī Tariq al-Tajdīd* (Cairo: al-Maktab al-Islāmī, 1998), 195; Yusuf al-Qaradawi, *Madkhal li-Diāsah al-Sharīʿah al-Islāmiyyah* (Cairo: Wahba, 1997),. 101.

levels". [85] *Waqf* assistance in this category can provide aid to bankrupts or those with excessive debt, sheltering animals, and taking care of widows, hungry and the destitute. At this level, the main objective of *waqf* is to achieve social economic solidarity for the whole society by satisfying people's basic needs.

It is evident that *maqāṣid al-Sharīʿah* provides a framework for *waqf* that evolves in association with the needs and aspirations of today's Muslims. Thus, the *waqf* system can play a vital role in the social security for all Australians without any discrimination. Also, Muslims and non-Muslims can contribute to this charitable system by making part of their properties *waqf*. This eventually leads to the continuation of self-generated incomes of *waqf* funds that can support the needs of the community, enhance sustainable social and economic development, and alleviate poverty.

6.   Conclusion and Recommendations

Historically, *waqf* played the role of an important source for financing and assisting public and social amenities, such as education, medical services, astronomy research, hospitals, orphans and disabled care centres, maintaining mosques and paying for funeral services. However, the contemporary practice of *waqf* has degenerated to a narrow understanding of *waqf khairi*, which is only established for religious purposes. The main objective of this paper is to propose a rejuvenated model of *waqf* in our modern days based on its historical review from the perspectives of *maqāṣid al-Sharīʿah*.

This paper demonstrated the concept of *maṣlaḥa* and higher objectives of *Sharīʿah* could be achieved in the revival of *waqf* to serve the purpose of *maqāṣid al-Sharīʿah*, which aims to preserve the five necessities: life, intellect, religion, progeny and property.

The model proposed will help the public better understand the concept of *waqf* in order to apply it in real life. Stemming from the findings and to optimise contributions towards the creation of *waqf*, I propose the following recommendations:

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[85]   Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 24.

1. Properly plan, manage and integrate the *waqf* system into Australian society for the purposes of poverty reduction and economic growth.
2. Conduct more research about the differences between the *waqf* system and trusts in Australia. Benefitting from the trust formula can inspire and guide custodians of *waqf* and stakeholders.
3. Have Islamic scholars emphasise the role of *waqf* to give due attention and awareness about the essence of *waqf*. It is the responsibility of Islamic leaders to provide full support to the *waqf* model, which will significantly contribute to the social solidarity of the society.
4. Integrate the methodology of *maqāṣid al-Sharīʿah* into the contemporary knowledge of sustainability of the *waqf* system.
5. Organise academic seminars and workshops that invite specialists on Islamic jurisprudence, philanthropic work and economy.

This paper is hoped to be an eye opener to researchers and academics on the contemporary relevance and the need for *awqāf* in achieving the higher objectives of *Sharīʿah* and serving the purpose of *maqāṣid al-Sharīʿah* for the ongoing benefit of the general public.

THE QUR'ĀNIC CONCEPT OF *QIWĀMAH*:
A REVIEW OF COMMENTARIES ON THE VERSE: 4:34[1]

Nadzrah Ahmad
Muhammad Abdul Rasheed

Abstract

This study elaborates the Qur´ānic verse on 'men are caretakers of women' (4:34) which legitimizes the system of qiwāmah (responsibility of man to protect and manage the affairs of woman). This is significant given the fact that the verse has been controversial since long, especially in the feminist discourse. The controversies are considerably intense often to the extent of remarking the verse and its commentaries misogynist. Employing a qualitative analysis method, the researcher has surveyed certain commentaries of both medieval and modern times, comparing them with modern Muslim scholarly interpretations of the verse. As a result, the study reveals that a blanket assertion meant to characterize the commentaries on the verse of qiwāmah as a tool of male oppression is untenable. It also finds that qiwāmah, according to the commentaries, is a theoretical foundation meant to preserve two key realms of the Qur´ānic paradigm. Firstly, to maintain a peaceful system of family with fully complementary gender roles and secondly, the protection of woman.

Keywords: *Qiwāmah*, The Qur´ānic Paradigm, Protection of Women, Harmonious Family System.

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1. Introduction

Qiwāmah never can be seen as a tool meant to legitimize the oppression or superiority of man over woman.[2] On the contrary, it constitutes a wide spectrum of social and familial roles carried out by both genders. Each and every role is meant to strengthen peaceful and harmonious existence of basic social institution of human being: the family. Furthermore, *qiwāmah* is a mechanism of reciprocity between the two genders. It acknowledges the biological and psychological distinctions between man and woman and allots corresponding social roles for both genders. It naturally specifies gender roles neither with a monolithic order nor with a chaotic one. Rather, it is presented in a flexible and complementary way. The role of both genders in the system of *qiwāmah* may, at times, conflate each other in order to sustain mutual harmony of family.

2. Definitions of *Qiwāmah*

Qiwāma, according to different commentaries, has been interpreted to signify several meanings. However, each meaning appears to be in terms with the other contributing each the single idea of *qiwāma* without any contradiction. Al-Zamakhsharī, a notable figure of medieval Qur´ānic commentaries, described *qiwāmah* as: "What Man does with woman is exactly like what a leader does with his followers, or a ruler with his subjects".[3] The same analogy of leader and king has also been suggested by al-Alūsī[4] and al-Baiḍāwī[5] of nineteeth and thirteenth century respectively.

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[2] The complete verse of *qiwāmah* is: Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all).

[3] Al-Zamakhsharī, *Tafsīr al-Kashāf* (Beirut: Dār al M'arifa, 2009), 234.

[4] Al-Alūsī, Abū al-Faḍl Shihābuddīn, *Rūḥ al-Ma'ānī fī Tafsīr al-Qur´āẓīm wa al-Sab' al-Mathāni*, vol. 5 (Beirut: Dār ihyā' al-Thurāth al-Arabi, 1999), 34.

[5] Al-Baiḍāwī, *Anwār al-Tanzīl wa Asrār al-Ta´wī,l* vol. 2 (Beirut: Dār ihyā al-thurāth al arabi, 1990), 72.

Another medieval classical commentator, Ibn Kathīr suggests that man is supervisor (*qayyim*) of woman. Added to this, the spectrum of meanings for *qiwāmah*, according Ibn Kathīr, is inclusive of many aspects. It includes that 'man is leader of woman, greater than her, one who gives rulings for her sake, and who takes disciplinary action upon her'. [6] Wahbah al-Zuḥailī, a modern commentator, follows this same wording of Ibn Kathīr while defining *qiwāmah.*[7] Muḥammad 'Abdu defines *qiwāmah* to be a leadership (*riā´sa*) where 'the one who is led conforms to the leader's decisions'. However, it does not mean, as for him, that the led one is oppressed and deprived of her right to take decisions. Rather, it is a kind of guidance (*irshād*) and inspection (*murāqabah*) upon woman.[8]

Qiwāma has been described by the medieval commentator al-Qurṭubī on the basis of responsibility of man to strive for the sustenance of woman and to defend her against the hardships (*al-dhabb anhunna*) as well.[9] The very same idea has also been expounded by Ibn 'Āshūr, a notable modern Muslim figure. He describes the scope of *qiwāmah* as preservation, defence, earning and production of wealth, remarking all these to be fundamental duties of man for the sake of woman.[10] This idea of protection is also evident in the commentary of Muammad Asad. He translates the phrase *al-rijāl qawwāmūn ala al-nisā´* as: "Men shall take full care of woman".[11]

Ibn al-'Arabī, a Maliki scholar of eleventh century, in his *Aḥkām al-Qur´ān*, deals with *qiwāmah* from a perspective of human rights. He states that the spouses share common rights with each other (*al-zawjān mushtarikān fi al-ḥuqūq*[12]). Man is responsible to provide dowry and sustenance (*nafaqah*), to behave in the most

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[6] Ibn Kathīr, *Tafsīr al-Qur´ān al-Azīm,* vol. 2 (Riyādh: Dār Ùayba,1999), 292.

[7] Al-Zuḥailī, Wahbah*, Al-Tafsīr al-Munīr,* vol. 3 (Damascus: Dār al-Fikr, 2009), 57.

[8] Rashīd Riḍā, *Tafsīr al-Manār* (Cairo: Al-Manār Publications, 1910), 68.

[9] Al-Qurṭubī, Muḥammad bin Ahmad, *Al-Jami' li Aḥkām al-Qurān,* vol. 5 (Cairo: Dār al-Kitāb al-Misri, 1960), 169.

[10] Ibn 'Āshūr, *Al-Taḥrīr wa al-Tanwīr,* vol. 5 (Beitut: Dār Iḥyā´ al-Turāth, 2000), 38.

[11] Muḥammad Asad, *The Message of the Qur´ān* (Gibralter: Dār al-Andulus, 1980), 109.

[12] Ibn al-'Arabī, *Aḥkām al-Qur´ān,* vol. 1 (Beirut: Dār al-kutub al-ilmiyyah), 531.

favourable manner, to preserve the conjugal relationship and to lead her to the obedience of God whereas woman is responsible to preserve her husband's property, to do favour to his family and to follow his instructions when he is absent at home.[13]

As for Sayyid Quṭub, *qiwāmah* is a system of decentralization of responsibilities for the sake of a harmonious family. He dismisses and condemns any attempt to remark and utilize *qiwāmah* as a tool to disregard the personality of woman both at home and in the society.[14] The reciprocal status of family life is seriously advocated by Quṭub. To emphasize this, he claims man and woman are 'two parts of the same soul' (*shaṭrai nafsin wāḥida*), which is borrowed from the Qur´ānic phrase '*min nafsin wāḥida'.*[15] He remarks *qiwāmah*-based family system a 'dual institution' *(al-mua´ssasah al-zawjiyya)* that is essentially incorporative of the two spouses with specifically allotted roles, which is also an imitation of Qur´ānic verse.[16] Quṭub is quite emphatic about the primary responsibilities. Woman is, according to him, neither enjoined to breastfeed her child nor to breadwin for her non-working relatives, however wealthy she is, unless she wishes. However, each man is enjoined to bear such responsibilities.

Despite all modern and medieval commentators mentioned earlier, al-Sh'arāwī puts himself in a different place. He argues that *qiwāmah* applies not only between the spouses but also between father and daughter, and brother and sister. He explicitly repudiates common trend among the former commentators to confine the application of *qiwāmah* only among spouses. According to him, the verse is not meant to denote husband and his wife at all. Father is,

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[13] Al-Andulusī, *Al-Baḥr al-Muḥīṭ,* vol. 3 (Beirut: Dār al-kutub al-Ilmiyya, 1994), 249.

[14] Sayyid Quṭub, *Fī Ḍilāl al-Qur´ān*, vol. 2 (Beirut: Dār al-Shurūq, 1985), 652.

[15] O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer. (4:1).

[16] And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect. (30:21).

therefore, *qawwām* over his daughter and brother is *qawwām* over his sisters".[17]

Al-Sh'arāwī's proposed criterion of *qiwāmah* is that both man and woman's roles in the system of *qiwāmah* is quite proportional while man efficiently utilizes his physical strength, resoluteness for the sake of seeking sufficient sustenance coping with hardships while woman utilizes her own qualities like affection, meekness and softness for the sake of her familial needs.[18] Concluding this, he suggests that a woman who knows well all these must remain pleasant and happy while she has already been guaranteed protection and sustenance, relieving her from all the hardships in pursuit of sufficient livelihood. To imply that *qiwāmah* is one of the most important missions of man on the earth that outweighs many other missions, he infers an analogy from the story of Adam and Eve who were exiled from the heaven and sent down to earth.[19] According to al-Sh'arāwī, the way God addressed only Adam using singular verbal form *fatashqā* (you will be unlucky, addressing man only) instead of *fatashqayā* (both of you will be unlucky), is something which denotes that man is responsible to protect woman from all kind of situations that may lead to bad luck and failure. Therefore, the functioning of *qiwāmah* as for him entails incessant efforts and which can be properly tackled only by man.[20]

What we can infer from the above Qur´ānic interpretations is that *qiwāmah* is man's responsibility to rule, supervise and take care of woman in way that assures her protection, existence of a safe system of family. Sometimes, it is identified as the most important mission given to men which is meant to support women.

3. *Tafḍīl* and *Infāq*: The Two Rationales of *Qiwāmah*

A cursory view of the verse of *qiwāmah* reveals that there are two

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[17] Al-Sh'arāwī, Mutawallī, Muḥammad, *Al-Khawāṭir* (Akhbār al-Yawm, 1997), 2193.

[18] *Ibid*, 2194.

[19] According to the Qur´ānic allegory, God warns Adam to remain unyielding to the deception of Iblīs, or else he will be instrumental to exile Adam and his spouse from heaven to the earth. And if it happens Adam will become unlucky (Qurā´n: 20:117).

[20] Al-Sh'arāwī, *Al-Khawāṭir*, 2194

main pillars based upon which *qiwāmah* has been legitimized. The first is *tafḍīl* and the second, *infāq*. Both *tafḍīl* and *Infāq* are substantive verbal form of *faḍḍala* and *anfaqa*. The verse, therefore, means that 'men are *qawwāmūn* of women because of *faḍḍala* and *anfaqa'*. Pikthall translates *faḍḍala* as: (Allah has) "made one of them to excel the other"[21] while Yūsuf 'Ali translates: "has given the one more strength than the other".[22] Arthur J. Arberry translates the verb as "God has preferred in bounty one of them over another",[23] while Muḥammad Asad translated the phrase into "God has bestowed more abundantly on the former (men) than on the latter (women[24])". Therefore, in order to delineate *qiwāmah* conceptually, it is arguably imperative to discuss it against the background of *tafḍīl*. Consequently, *tafḍīl* provides a clear picture of how gender role is conceptualized by the Qur´ānic paradigm.[25]

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[21] Marmaduke Pikthall, *The Meaning Of The Glorious Quran: Text And Explanatory Translation*, vol. 1 (Beltsville: Amāna Publication, 2005), 80.

[22] Abdulla Yūsuf Alī, *The meaning of the Holy Quran,* vol. 1 (Kuala Lumpur: Islamic Book Trust 2005), 195.

[23] Arther J. Arberry, *The Holy Koran: an Introduction with Selections,* vol. 1 (London: Routledge, 2008), 105.

[24] Muhammad Asad, *The Message of the Quran* (Gibralter: Dār al-Andulus, 1980), 109.

[25] World Assembly of Muslim Youth (WAMY) has provided a clear comparison between the Qur´ānic and feminist paradigms regarding the status of women, in 1995 in the Beijing conference of the United Nations on the casue of women. WAMY challenged the 'UN Platform for Actions' which was devised by the UN for the casuse of women and accused it to have included the elements of radical feminism. 'UN Platform for Actions' according to WAMY offers woman maximum participation for economic development as a necessary pre-requisite for their survival and wholesome development. Such a fixation of 'economic status as the criterion of everything' is an extremely individualistic approach which will lead to infuse a competitive spirit in woman for economic development, arouse a lust for self-aggrandisement through power-grabbing, and will reduce the complementary spirit of responsibility-sharing which is, WAMY argues, not suitable for a collaborative society. However, as for the Qur´ānic paradigm, since woman's role as mother does not end at a specific time but is round-the-clock career, she has been exempted from attending the mosque for the five daily prayers or Friday congregational prayer. Hence, this exemption is not a case of deprivation but that of a relief, which is not available to Muslim man, WAMY asserts. In other words, the feminist paradigm, champions the amelioration of woman with a confrontational strategy with man, while the Qur´ānic paradigm advocates the same with a

As for *tafḍīl*, al-Rāzī articulates that since God has enjoined man to provide *mahr* to woman and to take charge of her sustenance after marriage, man's excellence over woman in terms of inheritance is compensated due to woman's excellence over man in terms of having entitled to the right of *mahr* and *infāq*.[26] Referring to this recompense, he concludes: 'Then it is as if no excellence at all in both parts'.[27] Interestingly, he also refers to the fact that although the privilege of sexual satisfaction is shared among both, it is only man who has been enjoined to meet the requirements of dowry and sustenance. Al-Shʿarāwī expands this idea stating that woman and man potentially share equal happiness and satisfaction in sexual relations and possession of children as well, whereas the consequent responsibilities of providing the family has not been enjoined upon the both, but rather, on man only. And this responsibility is never exempted however wealthy the woman is.[28]

Abu Ḥayyān al-Andulusī in his *al-Baḥr al-Muḥīṭ*, acknowledges a possibly common interpretation in his time that the *tafḍīl* does not apply on each and every individual of male and female, but instead, in general.[29] For there are countless women who proved to be better, more efficient than men are, he argues.[30] Rashīd

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co-operational strategy. See The World Assembly of Muslim Youth, *Woman and Family life in Islam: a position paper highlighting the status, rights and role of the Muslim woman according to the basic sources of Islam*, (Riyadh: Abrar Press, 1995), 35. Some commentators like Ibn Ashsur expanded the notion of 'relieving woman' to an extent that men are the default protectors of women. Ibn Ashsur advocates protection of woman as an essential part of man's responsibility irrespective of her strength. Moreover, certain modern scholars like Sayyid Quṭub, al-Shʿarāwī and Muḥammad al-Ghazālī interpret *qiwāmah* in a way that man is never exempted from the responsibility of breadwinning his wife however her financial status is. See Ibn 'Ashūr, *Al-Taḥrīr wa al-Tanwīr*, vol. 5 (Beitut: Dār Ihyā al-Turāth, 2000), 39; Sayyid Quṭub, *Fī Ḍilāl al-Qurʾān*, vol. 2 (Beirut: Dār al-Shurūq, 1985), 650-651; Muḥammad. Al-Ghazālī, *Al-Marʾa fi al-Islam*, (Akhbār al-Yawm: 1991), 76.

[26] Al-Rāzī, Fakhruddīn, *Mafātīḥ al-Ghayb*, vol. 10 (Beirut: Dār al-fikr, 1981), 90.

[27] *fa ka aʾnnahu lā faḍla albattah.* See *Ibid*.

[28] *Ibid*, 2194.

[29] This interpretation has been advocated by Amina wadud as she explained the term *faddala*. See Amina Wadud, *Quran and Woman: Reading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999), 71.

[30] Al-Andulusī, *Al-Baḥr al-Muḥīṭ*, vol. 3, 249.

Riḍā, while explaining Muḥammad ʿAbdu's commentary, attests the same view of al-Andulusī.[31]   In addition, it is to imply this fact that Qurʾān, according to Andulusī, uses an absurd structure of sentence that is 'made one of them to excel the other'[32], instead of an unequivocal usage, which is possibly, 'made men to excel women'.

   It is seemingly to rule out a possibility of oppressing woman within the system of *qiwāmah* on legal ground that al-Qurṭubī explains: "The benefit of *tafḍīl* eventually returns to the women".[33] Hence, al-Qurṭubī implicitly rejects such a *tafḍīl* that does not benefit woman, in terms of providing sufficient livelihood and protecting them from all perils and hardships. This notion of 'the benefit of *tafḍīl* returns to woman' is important given the fact that al-Qurṭubī has prepared his exegesis from a legal perspective. The notion situates parallel to that of al-Rāzī 'it is as if no excellence at all in both parts' (*fa ka aʹnnahu lā faḍla albatta*[34]) as mentioned earlier. A considerable similarity between al-Qurṭubī and al-Rāzī is that al-Qurṭubī perceives woman naturally weaker than man in terms of physical strength, intellect and management skill. He suggests that man intrinsically possesses a quality of hardness (*yabūsah*) and firmness (*ḥarārah*) whereas woman possesses and inherent softness (*burūdah*) and tenderness (*ruṭūba*[35]). It might be due to this reason, as for him, that men are enjoined to take charge of such a risky responsibility of breadwinning and supervising over women.

   As for Sayyid Quṭub, one of the most popular Muslim intellectuals of the twentieth century, family is the most precious social institution in which human being, the most civilized created being is nurtured and prepared. If other less comparatively valuable institutions like financial, industrial and commercial are handled by those who are accredited to be the most efficient candidates, human being's social institution (family) is also supposed to get the same consideration, not least while he is the most valuable creation of the

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[31] Rashīd Riḍā, *Tafsīr al-Manār*, 68.

[32] *bimā faḍḍala Allāhu baʿḍahum ʿalā baʿḍ.*

[33] Al-Qurṭubī, Muḥammad bin Ahmad, *Al-Jamiʿ li Aḥkām al-Qurān*, vol. 5, 169.

[34] Al-Razī, *Mafātīḥ al-ghayb*, vol. 10, 90.

[35] Al-Qurṭubī, Muḥammad bin Aḥmad, *Al- Jamiʿ li Aḥkām al-Qurān*, vol. 5, 169.

universe.[36] To fulfill this need, God has taken *fiṭrah* (the inherent nature of human being) into the highest consideration, he argues. Woman cannot be compelled, to conceive, to deliver, to breastfeed, to take care of her children and yet again to strive working for the sustenance of herself and her child at the same time. Therefore, it is, according to Quṭub, quite sensible aspect of divine justice that man and woman have been provided with certain particular physical and psychological qualities which are meant to carry out their own fundamental duties in different areas of the family.[37]

What makes Quṭub distinguished from others is that he never uses the phrase 'woman is weaker than'. Rather, he uses 'better than' with regard to both genders.[38] He suggests that woman is better than man with qualities of softness, tenderness, tendency to respond faster without much deliberation, a quality which is, according to him, more beneficial for child care, whereas man is better than woman with those of hardness, toughness, tendency to respond slower with much deliberation before they move on.[39]

Tafḍil has been characterized by Ibn Ibn 'Āshūr as a necessary mechanism since it has been proved, he argues, by generation after generation that woman needs man in terms of preservation of herself

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[36] Sayyid Quṭub, *Fī ḍilāl al-Qur´ān*, vol. 2, 650.

[37] *Ibid*.

[38] Whatever it may be the reason, the natural distinction between woman and man has been often conceived through a prism of 'woman is weaker than man' criterion. It is interesting to note WAMY's acknowledgement of Rosmarie Tong in this regard. She states: "how equality should be accorded to woman while considering some of the natural differences between men and women? See World Assembly of Muslim Youth, *Woman and Family life in Islam: a position paper highlighting the status, rights and role of the Muslim woman according to the basic sources of Islam*, (Riyadh: Abrar Press, 1995), 35; Jamal Badawi, in his famous article, also addresses this question and differentiates between equality and equity in Islam. He dismisses a universal criterion of 'absolute equality' and puts forwad an Islamic framework of equity that affords a 'proportionate equality' in which both man and woman enjoy duties and have exemption of duties at the same time in a flexible manner. 'Abd al-Ḥalīm Abū Shaqqa in his notable work exclusively prepared on Muslim woman also affords a comprehensive apprehension of this framework. See Jamal Badawi, Gender Equity in Islam. (IDM Publications, 2015), 12; 'Abd al-Ḥalīm Abū Shaqqa, *Taḥrīr al Mar´ah fī 'Asr al-Risāla,* vol. 1 (Kuwait: Dār al-Qalam, 1999, 126.

[39] *Ibid*. vol 2, 651.

whether she is strong or weak. He defines the rationale of *tafḍil* to be the 'biological distinctions' (*al-mazāyā al-jibilliyyah*) of woman that necessitates her dependence on man in terms of defending herself and preserving her causes.[40] It is noteworthy that he does not rely upon the wide spectrum of medieval terminology that explicitly affirm the idea of 'weakness' and 'inferiority' in case of woman, but rather concisely uses the term 'biological distinctions'. He asserts that to earn for the sake of livelihood is commonly related to man and woman has a rare relevance in this regard.[41] As regards *tafḍīl*, Wahbah al-Zuḥailī considers man to have been provided with perfect creation, powerful comprehension, strong intellect, balanced emotion and flawless structure. It is, according to him, these qualities that made man better than woman. However, the compulsory injunction of *infāq* and *mahar* on man for the sake of woman has been characterized by Wahbah al-Zuḥailī as signs of dealing woman with respect.[42]

Therefore, from the previous interpretation of *tafḍīl*, we could conclude that all of the commentaries are just allusive of natural distinction between man and woman whether it is physical, psychological, although some of the commentators termed these inherent distinctions as part of *fiṭrah*. It is clear that none of the commentators had attempted to establish any patriarchal norms.

On contrary to the *tafḍīl* which has a wide spectrum of meanings coalescent to signify the 'natural distinction between man and woman', *infāq* purportedly stands for only two meanings. The first is *mahr*, something valuable a bridegroom provides his bride to lawfully solemnize the marriage contract. The second is maintenance (*nafaqah*) provided by man for woman. Both of them legally constitute man's unavoidable responsibility according to the commentators. When *qiwāmah* comes to be specifically interpreted in terms of *infāq*, it gains an economic importance. For example, Al-Qurṭubī emphasizes that "Once man turns unable to manage

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[40] Ibn ʿĀshur, *Al-Taḥrīr wa al-Tanwīr,* vol. 5 (Beitut: Dār Ihyā al-Turāth, 2000), 38.
[41] *Ibid*.
[42] Al-Zuḥailī, Wahbah, *Al-tafsīr al-munīr,* vol. 3 (Damascus: Dār al-fikr, 2009), 57.

woman's sustenance, the man's status as a *qawwām* gets automatically nullified".[43]

The importance *qiwāmah* in the economic realm becomes even higher when it is related to the law of inheritance. Al-Rāzi, one of the famous classical commentators conceives *qiwāmah* as Qur'ānic wisdom behind the disparity between man and woman in the right of inheritance. He clarifies that the verse 4:32 affirms this disparity and enjoins woman not to covet what Allah has assigned for men according to his wisdom.[44] According to al-Rāzi, *qiwāmah* happens to be the reason of disparity between man and woman in the case of inheritance right.[45]

Al-Alūsī affirms the aforementioned views of al-Rāzī that the verse of *qiwāmah* is an indication of why men are entitled to the right of possessing more than what women gets from the inherited property.[46] Wahbah al-Zuḥailī also confirms the view of al-Rāzī and al-Alūsī that it is due to the economic burden of man in terms of *mahr* and *nafaqah* that woman's legal capacity is to possess only half of what man possesses from the inherited estate.[47]

Al-Ùabari, one of the most prominent early commentators of Qur'ān is quite different from this common interpretation. He provides a number of narrations from companions of the Prophet to explain the status of *qiwāmah* in terms of *tafḍīl* and *infāq*. He, however stresses on the latter, and with no considerable reason, omits explanation of the former. Nonetheless, something interesting about Al-Ùabari is that he quotes a narration of Ibn Abbās,[48] the famous cousin of Prophet who infers a converging point between *infāq* and *tafḍīl*. Ibn Abbās "His (man) excellence upon them (one woman or more than one in case of polygyny), is due to the fact that he is

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[43] Al-Qurṭubī, Muhammad bin Ahmad, *Al-Jami' li Aḥkām al-qurān*, vol. 5, 169.

[44] The verse is: And do not covet that by which Allah has made some of you excel others; men shall have the benefit of what they earn and women shall have the benefit of what they earn; and ask Allah of His grace; surely Allah knows all things.

[45] Al-Rāzī, Fakhruddīn *Mafātīḥ al-Ghayb*, vol. 10, 90.

[46] Al-Alūsī, Abul Fadl Shihabuddin, *Rūḥ al-Ma'ānī fī Tafsīr al-Qur'ān al-'Aẓīm wa al-Sab' al-Mathānī*, vol. 5, 34.

[47] Wahbah Al-Zuḥailī, *Al-Tafsīr al-Munīr*, vol. 3, 57.

[48] Ibn Abbās is usually remarked as 'head of commetators' (*raī's al-mufassirīn*).

responsible to breadwin for the sake of family".[49] Clearly, instead of considering *tafḍīl* and *infāq* two separate reasons of *qiwāmah*, Ibn Abbās finds a converging point between the two. This convergence shows that the term *faḍḍala* in the Qurʾānic verse does not stand for any kind of oppressive disposition of man over woman. Instead, it is a divine enjoinment of responsibility upon man.

4. Conclusion

Qiwāmah in the Qurʾān is not an indicator of female oppression. Rather, a compulsive injunction upon man for protection woman and the family system. All of the given commentaries analysed in this article directly assert that the *qiwāmah* fucntions with a lot of risks and this is the main reason that Allah has enjoined men for functioning it. Therefore, it is flawed to perceive a Qurʾānic acknowledgement of the natural biological distinctions of women and their consequent sociological roles in the functional level as androcentrism. It is also evident from the given commentaries that man excels woman in certain roles in family and society while woman excels man in certain other roles, although the Qurʾānic implication in the verse of *qiwāmah*, in particular, is explicit only about man's role.

All the commentators characterize *tafḍīl* and the subsequent *qiwāmah* as a natural corollary of woman's biological distinctions and dismiss the idea of male oppression. This dismissal is for three main reasons. The first is assurance of the protection of woman, and the second is harmonious and peaceful maintenance of the family system. The third reason is that *qiwāmah*, being the tutelage of man guaranteed for woman, is a matter of combination of both duties and rights which are reciprocal, not only rights or duties which are one-sided. Hence, the assumption of many Muslim societies that their women should be legally deprived from several key social areas must be undergone for introspection.

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[49] Al-Tabarī, *Tafsīr al-Ṭabarī: Jāmiʿ al-Bayān ʿan Taʾwīl āy al-Qurʾān,* vol. 3 (Cairo: Dār al-Salām, 2005), 2287.

Acknowledgement

THE ANTI-ISLAMIST DISCOURSE:
THE CASE OF AL-BŪṬĪ[1]

Bachar Bakour
Abdelaziz Berghout

Abstract

This paper explores al-Būṭī's critical view on contemporary Islamists who, according to al-Būṭī, have misapplied the Islamic law and sacrificed daʿwah in favour of political gains. Among their dogmatic beliefs is the ruthless and hasty call for the establishment of the Islamic state, the takfīr of rulers, arbitrary application of the question of tatarrus, etc. Having presented and evaluated al-Būṭī's views pertaining to Islamists' position on the above issues, the paper further attempts to examine whether they are applicable to contemporary movements or not. This was done through consulting the literature of the most eminent Islamist movements (Ḥizb al-Taḥrīr, the Muslim Brotherhood, jihadists, the AKP, and Ḥizb al-Nahḍa). The paper followed textual analysis aspiring towards providing a more comprehensive approach to the study of al-Būṭī's views. Accordingly, seven important issues were selected and used to assess the position of movements according to al-Būṭī's approach. It concludes, that al- Būṭī's anti-Islamist discourse deserves to be taken as a yardstick against which a clear distinction is made between extreme and moderate Islamist movements. The paper also suggested several measures to further enhance research in this important area of study.

Keywords: Islamist, discourse, *Takfīr*, *daʿwah*, moderate, extreme, *tatarrus*

Introduction

After the abolition of the Islamic caliphate in 1924, many Islamic movements emerged with the aim of reviving the Muslim *ummah*[2] and restoring Muslim societies to their heydays.[3] Islam, to these movements, should guide personal, social, as well as political life. Ever since, 'Political Islam' or 'Islamism'[4] has gained popularity and become a reference point for a wide range of political groups and movements that endeavor to restore the Islamic state as a vehicle that will implement the rules of Sharī'a in the society.

Muhammad Sa'īd Ramadan al-Būṭī is a celebrated Syrian scholar, who was critical of three Islamist movements/parties: *Ḥizb al-Taḥrīr*, and the Muslim Brotherhood, and jihadists. According to him, they are on the wrong track for intermingling *da'wah* with politics and thus sacrificing the former for the sake of the latter. On various occasions, al-Būṭī discussed the rhetoric of those Islamists and attempted to prove wrong their short-sighted ideologies and irresponsible actions.

The objective of this paper is to explore al-Būṭī's criticism and evaluate whether the issues he raises against Islamists are religiously valid and thus can be taken as a criterion to differentiate between extreme and moderate Islamist movements/parties of today. Contextual research is adopted through defining key terms and concepts; identifying al-Būṭī's discourse and how he evaluates his argument within the framework of primary Sharī'a sources, (the Qur'ān, Sunna), as well as the legal opinions of the leading classical authorities. Then, the paper tests al-Būṭī's hypothesis via the probable application of the seven issues on his targeted Islamists:

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[2] For a seminal work on the civilizational development of the *ummah* at the age of globalization see Abdelaziz Berghout, *Al-Shuhūd al-ḥaḍārī li al-ummah al-wasat fī aṣr al-'awlamah*, (Kuwait: Rawāfid, 2007).

[3] For a comprehensive bibliography on the subject see Yvonne Y. Haddad, John o. Voll, and John L. Esposito, *The Contemporary Islamic Revival: A Critical Survey and Bibliography*, (Westport, CT: Greenwood Press, 1991).

[4] About various analysis of the definition see Mozaffari, M. "What is Islamism? History and Definition of a Concept," *Totalitarian Movements and Political Religions*, 8:1, (2007), 17-33; Martin, R.C. & Barzegar, A. 2010. *Islamism: Contested Perspectives on political Islam*. (Stanford: Stanford University Press).

Ḥizb al-Taḥrīr, Muslim Brotherhood, Salafi-jihadists,[5] as well as two selected Islamist parties: the AKP, and *Ḥizb al-Nahḍa*.

Before going into theoretical framework, it is useful to give a summary of al-Būṭī's life. Al-Būṭī was born in Turkey in 1929. He immigrated with his family to Syria in 1933, where he lived primarily ever since.[6] In 1954 al-Būṭī travelled to Cairo to continue his studies at al-Azhar University, Sharīʿa College. A year later, he returned to Syria and taught in secondary schools.[7] Also he was appointed to the faculty of Sharīʿa Department, Damascus University. Then he returned to al-Azhar to pursue his Ph.D. project in Islamic jurisprudence, which he attained with honors in 1965.[8] His academic position at the Damascus University flourished as he was appointed the dean of Sharīʿa Department in 1977 then the Chair of Theology Department. [9]

Al-Būṭī contributed substantially to the Muslim scholarship. His books, essays, and treatises, ranging from theology and philosophy, to jurisprudence and mysticism, and from Qurʾānic and Ḥadīth studies, to literary themes, as well as a host of contemporary religious, social, and intellectual issues, have gained currency both at home and abroad.

With the outbreak of the Syrian revolution in 2011, al-Būṭī upheld a position that seemed to be beyond comprehension. Many of his long-lasting admirers and far-flung students became shocked at what has been held as a pro-regime stance, urging demonstrators not to follow "calls of unknown sources that want to exploit mosques to

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[5] Al-Būṭī does not refer to any particular group or movement of the third category. However, the study has selected al-Qaeda, and two Egyptian Islamist groups *al-Takfīr wa al-Hijrah* and *Jamāʿat al-Jihad*, together with AIS and GIA from Algeria.

[6] About al-Būṭī's life and thought see Andreas Christmann, "Islamic Scholar and Religious Leader: A Portrait of Shaykh Muhammad Saʿid Ramadan al-Būṭī," *Islam and Christian–Muslim Relations,* Vol. 9, no. 2 (1998): 149-169; al-Bū>ī, *Hādhā wālidī*, (Damascus: Dār al-Fikr, 1995), 29; "*Nubdha ʿan ḥayāt al-ʿallāmah al-imām al-shahīd Muhammad Said Ramadan al-Būṭī*," (This biography was read and approved by al-Būṭī himself)   .naseemalsham. Retrieved July 24, 2015. <http://www.naseemalsham.com/ar/Pages.php?page=mufty&pg_id=1992>.

[7] "*Nubdha ʿan ḥayāt al-ʿallāmah...*

[8] Ibid.

[9] Ibid.

incite seditions and chaos in Syria."[10] Al-Būṭī was assassinated in a bomb attack while delivering a regular religious lecture in *al-Imān* Mosque (Damascus), with reportedly more than 42 causalities, in March 21, 2013.

Theoretical framework

It is crucial to identify the key concepts used in this study. First, al-Būṭī defines politics lexically as to run affairs in a wise way, and technically to deploy socio-economic and cultural relations to reach power. He observes that *William James*'*s Pragmatism, which allows the adoption of any approach or belief as long as* the success of its practical application *is ensured, has been a dominant feature of politics.*[11]

Further, identifying Islam-politics relation, al-Būṭī distinguishes between two concepts: 'the Islamic politics' or 'the political systems of Islam', defined as to run the state affairs according to the rules of Sharīʿa, and the 'political Islam' signifying that Islam, with the totality of its principles and norms, is made subjugated to various visions of politics. While the former concept is and has been the normative expression of the political aspect of Islam, the latter grants politics a dominant position over it. And of course this domination is flatly rejected.[12]

'Islamists,'[13] a term frequently used by al-Būṭī, or, at times, 'Islamist groups',[14] refers to those who tend to intermingle *daʿwah* with politics, and, when reaching power, impose rules of Sharīʿa

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[10] "Sheikh al-Bouti, the Syrian Sunni cleric who stood by Assad." (2013) alarabiya.net. Retrieved September 14, 2014.
<http://english.alarabiya.net/en/News/2013/03/22/-Sheikh-al-Bouti-the-Syrian-Sunni-cleric-who-stood-by-Assad.html>

[11] *Maʿal-Būṭī fī qadāyā al-sāʿa.* interview with al-Būṭī. (2013). Nour al-Sham TV. No. 7
Retrieved July 29, 2015.
<https://www.youtube.com/watch?v=Aa85yz7VRhw&list=PL01kYZIehH-pJIR03iF hveTFll6Ba_er6&index=7>.

[12] Ibid.

[13] Al-Būṭī, *Al-Jihad fī al-Islam.* (Damascus: Dār al-Fikr, 1993),172 ; and his book *Wa hādhihī mushkilātunā*. (4th ed.). (Damascus: Dār al-Fikr, 1995), 48, 58.

[14] Al-Būṭī, *Wa hādhihī mushkilātunā*, 45, 49.

from on high,[15] in addition to adopting extreme views leading to doing violent acts. In this context, al-Būṭī names the Muslim Brotherhood of Egypt [16] and Syria, [17] and *Ḥizb al-Taḥrīr*. [18] Elsewhere, he depicted as 'Islamists' *Jamāʿat al-Tablīgh*, which, commended by him, propagates *daʿwah* in the Prophet's footsteps, with no focus on political activism. [19]

So, al-Būṭī basically means by the word 'Islamists,' the first category and like-minded ones, without, however, differentiating between 'movement' (MB) and 'party' (*Ḥizb al-Taḥrīr*). It is extremely hard, one has to admit, to define the two terms with all their socio-religious and political ramifications. 'Islamist movements' (or groups) have multiple forms and faces, ranging from civil society organizations providing health services, to extreme terrorist networks, as well as apolitical missionary activists. What they all have in common is the claim that Islam is the source of their identity and behavior.[20] On the basis of their thought, and behavior, 'Islamist parties' are political formations that have accepted to play according to the rules of political game and thus participated in the electoral system.[21] They also advocate social justice, pluralism, democratic and liberal reforms, as well as human rights.[22]

Unlike Islamist movements, some Islamist parties, like the AKP, might not claim affinity with Islam "but could pursue 'Islamic politics' by acting in conformity with the religious demands and concerns of the people."[23]   Driven by internal factors, some Islamist

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[15] Al-Būṭī, *Wa hādhihī mushkilātunā*, 45-47.

[16] Al-Būṭī, *Al-Jihad fī al-Islam*, 171.

[17] Al-Būṭī, *Al-Jihad fī al-Islam*, 172.

[18] Hishām ʿIlīwān and Fādī al-Ghūsh.   *Al- Būṭī, wa al-jihad wa al-Islam al-siyāsī*. (Beirut: Markaz al-Ḥadārah li Tanmiyat al-Fikr al-Islamī, 2012), 131-132.

[19] Al- Būṭī, *Wa hādhihī mushkilātunā*, 48.

[20] Esen Kirdiş, "Between Movement and Party: Islamic Political Party Formation in Morocco, Turkey and Jordan" (Unpublished PhD dissertation, the University of Minnesota, Minneapolis, 2011), 13-14.

[21] For examples see Mohammed Ayoob, "Political Islam: Image and Reality," *Political Islam*, Ed. Barry Rubin. 3 vol. Routledge. 1: 51 1: 50.

[22]As will be shown, *Ḥizb al-Taḥrīr*, although an Islamist party, never subscribes to any of these values.

[23] Hakan Yavuz, S*ecularism and Muslim Democracy*. (Cambridge: Cambridge University Press, 2009), 8.

movements tend to form parties, whiles others do not.[24]

On the other hand, to draw a line between the Islamic political 'moderation' and 'extremism' is both arduous and controversial. Nevertheless, to some Western writers, Islamists may become moderate or more moderate as a result of their inclusion in pluralist political processes, advocacy of freedom and human rights, as well as non-violent and rational stance to promote Islam. [25] Another way of evaluating a particular Islamist movement or party as moderate or extreme, one may, as this paper argues, consult al-Būṭī's seven issues with Islamists.

Daʿwah is a key issue in al-Būṭī's treatment of Islamist activism. Lexically, the word *daʿwah* and the verb *daʿā* refer to concepts of invitation, summoning, calling on, appealing to, invocation, prayer (for and against something or someone), propaganda, and missionary activity.[26] *Daʿwah* has been agreeably defined as "a religious outreach or mission to exhort people to embrace Islam."[27]

In the Qur'ān (16: 125), the Prophet is asked to continue his efforts, calling on people to follow the path of his Lord, utilizing wisdom and goodly exhortation, and delivering his argument in a kindly manner. Part of the required wisdom is to establish an

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[24] Kirdiş, vii argues that movement with a vanguard mobilization strategy, in which a small group of leaders frame the cause and mobilize masses around an Islamic identity, tend to establish parties. In contrast, movements with a grassroots mobilization strategy in which the aim is to construct mass consciousness through grassroots activities tend to remain outside of formal politics, eschewing party formation.

[25] For discussions on Islamist moderation see Jillian Schwedler, *Faith in Moderation: Islamist Parties in Jordan and Yemen*, (Cambridge: Cambridge University Press, 2007); Jillian Schwedler, "Can Islamists Become Moderates? Rethinking the Inclusion-Moderation Hypothesis," *World Politics*, vol. 63, no.2 (April, 2011): 347-376; Carrie Rosefsky Wickham, "The Path to Moderation: Strategy and Learning in the Formation of Egypt's Wasat Party," *Comparative Politics*, vol. 36, no. 2, (January, 2004): 205-228.

[26] Paul E. Walker, Reinhard Schulze and Muhammad Khalid Masud. "Daʿwah." In *The Oxford Encyclopedia of the Islamic World. Oxford Islamic Studies Online*. Retrieved September 23, 2015. <http://www.oxfordislamicstudies.com/article/opr/t236/e0182>.

[27] *Encyclopedia of Religion* (New York, 1987), vol. 4, 244.

institutionalized *daʿwah* that in al-Būṭī's words "relates to many activities we do in our life, like establishing universities, as well as educational foundations; writing *daʿwah* books; founding publishing houses and presses; making use of the mass media; preparing the climate for discussion and dialogue."[28]

According to al-Būṭī, the feasibility of the Islamic state project is closely connected with *daʿwah* rather than with politics. *Daʿwah* in essence, he argues, is a kind of worship by which a believer draws near to Almighty God, a practice of the best kind of servitude to the Lord. Filled with hope, *dāʿiyah* tries to win over the heart and the mind, and then waits for the fruits of his *daʿwah*, .i.e. to see good morals and acceptable behaviour prevalent among the individuals at all levels.[29]

In contrast, al-Būṭī observes, the bulk of the activities of contemporary Islamist movements is mainly related to the following: discussion of new arising issues of Muslims and the problems are facing; analysis and evaluation of their local governments as well as those of the Muslim World; thinking, and planning of a variety of tactics by which they could reach the seat of power.[30] Al-Būṭī asks whether such activities fall into the Qurʾānic concept of *daʿwah*, "Call to the path of your Lord with wisdom and fine admonition, and argue with them with the most courteous manner." (Qurʾān, *al-Naḥl*: 125).[31]

It is lamentable that nowadays a huge gap exists between those politically-oriented Islamists who keep themselves busy with their 'Islamic state' project and those poor people who have gone astray or fallen prey to different modern atheistic-secular ideologies.[32]

Major issues in the rhetoric of Islamists

Al-Būṭī is critical of what he sees as revolutionary tactics and the manipulation of religion by Islamists who usually seek the ascendancy of Islam via political means. It is true that both al-Būṭī

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[28] Al-Būṭī, *Wa hādhihī mushkilātunā*. 4th ed. (Damascus: Dār al-Fikr, 1995), 30.
[29] Al-Būṭī, *Al-Jihad fī al-Islam*, 64.
[30] Ibid., 43.
[31] Ibid.
[32] Ibid., 44.

and Islamist movements are in agreement about social reform being an ultimate target, yet they are at variance with the adopted approach.[33]

Instead of following the demanding and long journey of *da'wah* with its various paths and forms, many Islamists prefer to take a short cut by seizing state power, and consequently imposing Islam from on high. [34] According to al-Būṭī, this move from *da'wah* to politics, which attracts most of the Islamists today, is the blight of the Islamist project. This project will ultimately obscure the bright reality of Islam through creating in people's minds a dreadful image about it.[35]

Al-Būṭī further notes that the majorities of those who are involved in Islamist activities and who primarily focus on the social system and applied economic rules of Islam endeavor to remove rulers by every possible means, and to fight, at times by resorting to violence, the Communism and other leftist ideologies. [36] Consequently, leftist groups as well as non-Muslims came to see Islam, championed by Islamists, as a mere collection of laws and rules that have to do with establishing *ḥudūd*,[37] abolishing usury, closing nightclubs and so on, going under the common name of Sharī'a. [38] When these superior rules, he goes on, replace the secular-atheist ones in a given society, this society will become Islamic and its individuals good Muslims![39] Those Islamists, al-Būṭī argues, are not concerned whether or not Islam should have, in the first place, a solid foundation on the people's mind and soul, which is actually the essence of Islam.[40]

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[33] Al-Būṭī, *Wa hādhihī mushkilātunā*. (4th ed.). (Damascus: Dār al-Fikr, 1995), 45-47.

[34] Ibid., 47.

[35] Ibid., 48.

[36] Al-Būṭī, *Al-Islam wa al-'aṣr: taḥaddiyāt wa āfāq*, Edited by 'Abd al-Wāḥid 'Ulwānī. (Damascus: Dār al-Fikr, 1998). 20.

[37] Fixed penalties for certain crimes.

[38] Al-Būṭī, *Al-Islam wa al-'aṣr …*, 20. See Hishām 'Ilīwān and Fādī al-Ghūsh. *Al-Būṭī, wa al-jihad wa al-Islam al-siāysī*. (Beirut: Markaz al-Ḥadārah li Tanmiyat al-Fikr al-Islamī, 2012), 124-125.

[39] Al-Būṭī, *Al-Islam wa al-'aṣr…*, 21.

[40] Ibid.

Rather than rushing for the Islamic state, al-Būṭī contends that we should presently think of how to rectify our bad soul and be true servants of God. This is the Muslim obligation today.[41] "Currently, we cannot plan for establishing an Islamist society, because Muslims have divided themselves among various groups and adopted different doctrines and ideologies."[42]Al-Būṭī says. Further, non-Muslim people feel suspicious of anything that has to do with Islam. How can we think of establishing an Islamic state in a society that is yet to be described as really Islamic? Is it possible to think of creating the 'lid′ before the 'container'?[43]

On the other hand, al-Būṭī maintains that it was the 'educational' Islam, rather than the 'political', which conquered the early Muslims' heart and remolded their soul by way of gradual and constant process of self-purification that never happened overnight. Thereupon, all various challenges and obstacles were removed by the force of Muslims' firm intellectual belief coupled with feelings filled with love, glorification and faith in Islam.[44]

In his *Al-Jihad fī al-Islam*, al-Būṭī explores and discusses three ideological concepts, championed by some Islamists, with a view to giving a religious rationale for the armed struggle with rulers and governments, the greatest stumbling block in the way of the Islamic state.

1. Takfīr of Rulers

Takfīr, meaning 'the act of excommunicating Muslims or branding them as infidels and apostates,' is a religio-political concept, which was first introduced by the Kharijites in the seventh century,[45] then

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[41] Al-Būṭī's lecture on establishing an Islamic state. (November 29, 2010) at Masjid Sultan Salahuddin Abdul Aziz Shah, Shah Alam, Malaysia. Retrieved October 10, 2015. https://www.youtube.com/watch? v=rY0pAiu5jm

[42] Ibid.

[43] Ibid.

[44] Al-Būṭī, *Al-Islam wa al-ʿaṣr…*, 25-28; Hishām ʿIlīwān and Fādī al-Ghūsh, *al-Bū>ī, al-daʿwah wa al-jihad wa al-Islam al-siyāsī,* (Beirut: Markaz al-Ḥadārah li Tanmiyat al-Fikr al-Islamī, 2012). 126.

[45] John Alden Williams, "Khawārij." In *The Oxford Encyclopedia of the Modern Islamic World,* edited by John Esposito. (Oxford: Oxford University Press, 1995), 2: 418-420.

gained currency in modern Islamist-militant groups. In addition, *takfīr* of rulers who have corrupted the moral fibre of society is deemed a significant step that serves as a religious and an ethical ground for further moves, i.e. revolting against them, deposing them, and, if necessary, assassinating them.

This matter, with its social and religious ramifications, is of paramount importance driving al-Būṭī to devote a rather lengthy study for it in *Al-Jihad fī al-Islam*.[46] First, he defines the ruler as the Muslim ruler who has never shown any signs of clear and definite disbelief. [47] Then he identifies three legal ways for a person to come to power: election; nomination by a previous ruler if people accept this nominee; or to take control by force if the present ruler is dead. But if the ruler is still alive and legally legitimate, then the opposer is considered as rebellious and has to be fought.[48]

According to the majority of jurists, if someone assumes power or sovereignty through one of these three ways, he is a legitimate ruler who cannot be deposed or removed even if he commits acts of oppression and injustice.[49] To support this juristic point of view, al-Būṭī quotes several leading medieval scholars of theology and law, like, al-Nasafī, al-Bājūrī, ibn Nujaym, and al-Nawawī. [50] The reason for this rule, which is derived from numerous authentic ḥadīths,[51] is that the removal of the ruler is most likely to cause widespread bloodshed and upheaval. In other words, the evil and harm of removing him will be far greater than what occurs if he remains.[52]

In contrast, the opposite viewpoint, held by some Islamists, depends on the following assumption: Those rulers have plunged into

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[46] Al-Būṭī, *al-Jihad fī al-Islam: kayfa nafhamuhu wa-kayfa numārisuh*, (Damascus: Dār al-Fikr, 1993). 147-175.

[47] Ibid., 147.

[48] Al-Būṭī, *Al-Jihad fī al-Islam…,* 148.

[49] Ibid., 148-149.

[50] Ibid., 149-150.

[51] See these reports in Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, (Cairo: al-Matbaʿah al-Miṣriyyah, 1930), 12: 222; Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law*, (Cambridge: Cambridge University Press, 2001), 112-118. Al-Būṭī cites a few reports in *Al-Jihad fī al-Islam…,* 151.

[52] Al-Būṭī, *Al-Jihad fī al-Islam…,* 149.

a state of disbelief because they do not follow God's rules (orders and prohibitions), which is in agreement with the Qur'ānic verse, "Those who do not judge in accordance with what God has revealed are indeed *unbelievers*." (Qur'ān, *al-Māʾidah*: 44). Thereupon, it is juristically allowed to stage an uprising against them and remove them.[53]

To investigate this position, al-Būṭī sets the parameter of what accounts for disbelief, as recorded in the classical books of *fiqh*. Every Muslim who declares a denial of one of the basic tenets of Islam, (for example the articles of faith, the five pillars of Islam and so forth) or does what obviously goes against the basic Islamic teachings, e.g. to bow before an idol, is unanimously considered as *kāfir* (disbeliever).[54]

According to this commonly recognised category, the ruler's non-observance of God's commands and prohibitions does not necessarily lead to a state of disbelief. In other words, the ruler's ulterior motive for not following a particular divine rule is obscure. Probably the ruler is overcome by carnal desires and personal interests that prevent him from being committed; lacks stimulus to do this and that; or denies and rejects. So, unless one of these reasons is unequivocally identified, all are possible.[55]

Then al-Būṭī goes on saying that *takfīr* should not be applied without basis or else great numbers of Muslims (parents, empowered officials and employers) will be rendered disbelievers because they at times do not follow God's rules themselves, or prevent those who work under them from obeying God.[56] We have never heard that those who pronounce *takfīr* to rulers do the same to a father who orders his daughter to remove her head-scarf, or asks his son to work in an interest-based bank, or to a trader who orders his partner to cheat or make an illegal contract. *Takfīr* is only directed to rulers![57]

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[53] Ibid., 154, 156.

[54] Ibid., 155.

[55] Ibid., 156-157.

[56] Ibid., 157.

[57] Ibid., 158.

2. Targeting the oppressors' helpers

After he scrutinizes the *takfīr*-dogma of some jihadist-Islamist groups, al-Būṭī goes further to discuss another associated point, known as *qatl aʿwān al-ẓalamah* (killing of the oppressors' helpers). They argue that since our rulers have been declared as disbelievers or apostates, everyone who helps them or works under their guidance (e.g. soldiers, policemen, government officials, and workers) will deserve to be killed.[58] According to al-Būṭī, this fatwa from a legal point of view is baseless, for such group of people is not allowed to be chased, harmed, or killed just because they work in government departments or institutions of such and such ruler, even if he deserves to be a 'disbeliever.'[59] In addition, the appellation of Islam or *iman* cannot be taken away from them for the above reason.

To support his opinion, al-Būṭī cites the story of the Companion, Ḥāṭib ibn Abu Baltaʿah, who wrote a letter informing the Quraysh about the Muslim move to attack them. Having listened to Baltaʿah's argument, the Prophet asked him to repent.[60] If this is the judgment about Ḥāṭib, then, a fortiori, to be applied to this kind of people who on every occasion display their commitment to Islam.[61]

3. The question of tatarrus

To establish legal proofs of their use of *tatarrus*, Salafi-Jihadist groups claim a reliance on a juridical precedent assuming that if an enemy uses innocent Muslims as a human shield, it is permissible for the Muslim army to fire on the enemy and thereby kill the innocent human shields. Similarly, if removing those rulers can only happen if a group of innocent people are killed here and there, then let it be done, on the basis of the legal rule *mā lā yatim al-wājib illā bihi*

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[58] For example, al-Būṭī denounced the Syrian Muslim Brotherhoods' rebellious move against Hafez al-Asad in 1970s, with assassinations of prominent ʿAlawi leaders and attacks on government and Baʿth Party offices, police stations, as well as army units. Christmann, "Islamic Scholar…, 152. Also, he condemned acts of violence in Egypt against tourists and the government officers. *Al-Jihad fī al-Islam…*, 171.
[59] Al-Būṭī, *Al-Jihad fī al-Islam…*, 159.
[60] Ibid., 160. This story is narrated by al-Bukhārī and Muslim.
[61] Ibid., 160- 161.

fahuwa wājib (The essential act for completing an obligatory becomes an obligation in itself).[62]

Al-Būṭī of course takes issue with the understanding and application of this jurisprudential principle, as it is used as a pretext for the shedding of much innocent blood. Al-Ghazālī (d. 505 AH/ 1111), al-Būṭī argues, is presumably the first to discuss this concept as he was elaborating the idea of public interest (*al-Maṣlaḥa al-mursalah*) as an accepted legal source when Qur'ānic and prophetic texts are silent in case this *al-Maṣlaḥa* reaches the degree of absolute necessity *(ḍarūrah)*.[63]

Then providing the question of *tatarrus* as an example, al-Ghazālī argues that suppose a Muslim army faces the infidels who use Muslim captives as a human shield. If the Muslim army does not fire on the enemy (and this of course entails the killing of the human shield as well), then the enemy will defeat the army and exterminate the entire Muslim community, including Muslim captives. According to al-Ghazālī, the Muslim soldiers may in this particular instance fire on the enemy, and thereby kill the innocent human shield, as the entire Muslim community is faced with the threat of annihilation.[64]

According to this very special case, al-Būṭī, in the footsteps of al-Ghazālī, contends that it is permissible to kill the Muslim human shield if *al-Maṣlaḥa* of doing this act is characterized by three essential co-existing preconditions: *ḍarūriyyah*, i.e. the absolute necessity of saving the whole Muslim community by averting the harm of the enemy; *qatʿiyyah*, i.e. The Muslim army is absolutely certain that the killing of the Muslim human shield will allow the destruction of the enemy; *kulliyyah*. i.e. The entirety of Muslim nation will be wiped out if the enemy shielded by Muslim captives is not attacked. If one precondition, however, is not there, the killing of the human shield is prohibited.[65]

Although being *mafsadah* (harm) in itself, the killing of those

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[62] Al-Būṭī *Al-Jihad fī al-Islam…,* 162.

[63] Al-Būṭī, *Al-Jihad fī al-Islam…,* 163. See al-Ghazālī, *Al-mustaṣfā min iʿlm al-uṣūl,* (al-Madinah al-Munawwarah: al-Jāmʿiah al-Islamiyyah, 1413 AH), 2: 487-490.

[64] Al-Būṭī, *Al-Jihad fī al-Islam…,* 163.

[65] Ibid., 164.

innocent Muslims became allowable in order to avoid a much greater *mafsadah*, which is the annihilation of the whole Muslim community. This is attested by two legal maxims: the consideration of the lesser of the two evils and private sacrifice or loss may be inflicted to save a public sacrifice.

Al-Būṭī carries on arguing that the above limitations of this juristic instance, which are adopted by all various later scholars of law, are absent when applied by some Islamist groups. In other words, the enemy in the cited case is meant to be the infidels or disbelievers not Muslim rulers; and, alternatively, the resulting harm, if the human shield is not fired, should befall all Muslims rather than a certain Muslim group.[66] So, the question of *tatarrus* has been misunderstood and misapplied by those jihadists.[67]

Based on the foregoing discussion, the seven issues with Islamists, according to al-Būṭī, are the following:

1. ruthless and hasty pursuit of the Islamic state

2. *takfīr* of rulers

3. armed strugge agaisnt the regimes

4. targeting the oppressors' helpers

5. arbitrary application of the question of *tatarrus*

6. imposing rules of Sharī'a from top-down

7. the political domain of Islam takes priority over other aspects (educational and propogational)

Applicability of the seven issues

As mentioned earlier, five Islamist movements and parties are selected, including al-Būṭī's attacked groups: (*Ḥizb al-Taḥrīr*, the Muslim Brotherhood, jihadists, the AKP, and *Ḥizb al-Nahḍa*). These selected samples, from Egypt, Saudi Arabia, Algeria, Tunisia, and Turkey, represent the opposite ends of the Islamic political spectrum. *Ḥizb al-Taḥrīr* was founded by Taqī al-Dīn al-Nabhānī in Jerusalem

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[66] Al-Būṭī, *Al-Jihad fī al-Islam…,* 165.
[67] Ibid.

in 1953.[68] This party appears to have the lion's share of al-Būṭī's condemnation, due to the party's deep immersion in political action, deviant dogmatic attitudes, and dubious relations with foreign colonialism.[69]

Based on its books and publications, the party's top priority is to restore the Islamic Caliphate after removing the disbelieving rulers.[70] If the Caliphate is not re-instituted, all Muslim countries, including Makkah and Madīnah, will remain to be deemed the abode of *kufr* (disbelief).[71] Strangely enough, and unlike the majority of Islamist groups, *Ḥizb al-Taḥrīr* never pays any attention to Islamic moral and spiritual education.[72] *Daʿwah*, to the party, is exclusively practiced through the prism of Politics.[73]

The Muslim Brotherhood, the largest and most influential Islamist organization, reflects a myriad of differing outlooks, opposing doctrines, in addition to various groups, moderate and extremist. For example, two key Egyptian extreme 'jihadist' groups, *al-Takfīr wa al-Hijrah* and *Jamāʿat al-Jihad*[74] emerged out of the

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[68] <http://hizb-ut-tahrir.org/index.php/AR/def>. Retrieved May 16, 2016. See ʿAbd al-Raḥmān Dimashqiyyah, *Ḥizb al-taḥrīr*, (Istanbul: Maktabat al-Ghurabāʾ, 1997), 10-15.

[69] ʿIlīwān and al-Ghūsh, *al-Būṭī, wa al-jihad*..., 131-132.

[70] See the party's publications *Manhaj Ḥizb al-Taḥrīr fī al-taghyyīr*, (Beirut: Dār al-Ummah, 1989) and *Nidāʾḥār ilā al-Muslimīn*, (Khartoum: 1965). Cf. ʿAbdullah al-Nafīsī, *Al-Fikr al-ḥarakī li al-tayyārāt al-Islamiyyah*, (Al-Kuwait, Al-Rabīʿān, 1995), 21.

[71] *Manhaj Ḥizb al-taḥrīr…*, 4-8; Dimashqiyyah, *Ḥizb al-taḥrīr*, 46-47. For refutation of this weak opinion see Rāʾid Abū Ūdah, "Fikr Ḥizb al-Taḥrīr," (Unpublished MA thesis. Al-Jāmiʿah al-Islamiyyah, Gaza, 2009), 15-18.

[72] *Manhaj Ḥizb al-taḥrīr…*, 28; al-Nafīsī, *Al-Fikr al-Ḥarakī…*, 20-21; Dimashqiyyah, *Ḥizb al-taḥrīr*, 13-14, 37.

[73] Rāʾid Abū Ūdah, 28.

[74] On these two groups see David Zeidan, "Radical Islam in Egypt: A comparison of two groups," *Political Islam*. Ed. Barry Rubin. 3 vol. Routledge, 2007. 2: 33-44. The article is originally published in *MERIA Journal*, vol. 3, no. 3 (1999): 1-10; ʿAlī al-Wasīfī, *Al-Ikhwān al-Muslimūn bayna al-ibtidāʿ al-dīnī wa al-iflās al-siyāsī*, (Dār al-Mashāriq, 2010), 259-261; ʿAbd al-Salām Faraj, *Al-Jihad: al farīḍah al-ghāʾibah*, (Amman, 1982). English translation in Johannes J.G. Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East*, (Macmillan Pub Co, 1986). In this pamphlet, Faraj, a former Muslim Brotherhood and the founder of *Jamāʿat al-Jihad*, calls for the establishment of the

Muslim Brotherhood adopting the thought of its main ideologue, Sayyid Quṭb.[75]

Influenced by his radical reinterpretation of several Islamic concepts, *al-Takfīr* and *al-Jihad*, while seeking to establish the Islamic state with immediate implementation of sharī'a, view the regime, its employees, as well as the rest of the society as infidels.[76] Similar to al-Qaeda, they gravely misinterpreted and misused the question of *tatarrus*.[77]

Al-Qaeda, the quintessence of contemporary Salafi-jihadist movements[78] holds most of the above issues. For example, the rhetoric of al-Qaeda draws inspiration from *takfīr* of rulers, removing them,[79] targeting those who give assistance to the enemy,[80] and the question of *tatarrus*, as elaborated in *Human Shields and Modern Jihad* by al-Qaeda leader Abū Yaḥyā al-Lībī, who uses *tatarrus* for

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Islamic state and urges Muslims to carry out a militant jihad against Muslim rulers who do not implement Sharī'a.

[75] On Quṭb and his extreme views see Yūsuf al-Qaraḍāwī, *Waqfah ma' Sayyid Quṭb*, (Alexandria: Dār al-Wafā', 2000); Mu'taz al-Khaṭīb. Ed. *Sayyid Quṭb wa al-takfīr,* (Cairo: Madbūlī, 2009); al-Wasīfī, *Al-Ikhwān al-Muslimūn…*, 269-288; John Calvert, Sayyid Qutb and the Origins of Radical Islamism, (Columbia: Columbia University Press, 2010); James Toth, Sayyid Quṭb: The Life and Legacy of a Radical Islamic Intellectual, (Oxford: Oxford University Press, 2013); Yvonne Y. Haddad, "Sayyid Quṭb: Ideologue of Islamic Revival, " in *Voices of Resurgent Islam*, edited by john Esposito. (Oxford: Oxford University Press, 1983), 67-99; Thameen Ushama, "Sayyid Quṭb: Life, Mission and Political Thought," in *Contemporary Islamic Political Thought*, edited by Zeenath Kausar. (Kuala Lumpur, IIUM, 2005), 229-266.

[76] Ibid., 36-37.

[77] Al-Sayyid Imam al-Sharīf, a leading ideologue of *Al-Jihad*, made important revisions of militant rhetoric in *The Document for the Guidance of Jihadi Action in Egypt and the World*, serialized in al-Sharq al-Awsat in Arabic, November 2007. One of al-Sharīf's major criticisms to these radical groups is the misapplication of *tatarrus* principle.

[78] On their ideology and thought see Quintan Wiktorowicz, "The New Global Threat: Transnational Salafis and Jihad," *Middle East policy*, Vol. 8, no.4 (December, 2001): 18-38.

[79] Quintan Wiktorowicz and John Kaltner, "Killing in the Name of Islam: Al-Qaeda's Justification for September 11," *Political Islam*. Ed. Barry Rubin. 3 vol. Routledge, 2007. 1: 370. The article is originally published in *Middle East Policy*, vol. 10, no. 2 (2003): 76-92.

[80] Ibid., 1: 380-381.

the permissibility of killing Muslim civilians.[81]

In Algeria, two principal armed Islamist groups were, in varying degrees, involved in the horrific violence Algeria witnessed in the 1990s, after a military intervention put an end to an electoral process in 1992, which was to bring FIS [82] to power: *Groupe Islamique Armé* (Armed Islamic Group, GIA) and *Armée Islamique du Salut* (Islamic Salvation Army, AIS).[83] In contrast to the AIS, which excommunicated a certain group, the GIA considered the whole institutions of the Algerian state (agencies, ministries, legislative and parliamentary assembles, police, and army) to be renegades.[84] Any person who, one way or another, gave support to the regime made himself a target. Refusing to distinguish between active enemies and neutral observers, the GIA, in particular, is believed to be the principal perpetrator of the indiscriminate massacres of civilians.[85]In areas where the GIA held sway, sharī'a rules were imposed.[86]

One may include that most of the above seven issues proved to be a common denominator among extreme Islamist movements that are hell-bent on making a drastic social and religious reform and enforcing *da'wah* via political activism.

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[81] An English translation of this book can be found at the following link.
Retrieved September 27, 2015. *thesis.haverford.edu/dspace/bitstream/handle/ 10066/.../AYL20080410.p*
See also Jack Barclay,"Al-Tatarrus: al-Qaeda's Justification for Killing Muslim Civilians", *Terrorism Monitor*, Vol. 8, no. 34 (September 2010): 6-9; Wiktorowicz and Kaltner, 1: 383.

[82] *Front Islamique du Salut* (Islamic Salvation Front).

[83] Mohammed Hafez, "Armed Islamist Movements and Political Violence in Algeria," Political Islam. Ed. Barry Rubin. 3 vol. Routledge, 2007. 2: 357-381. The article is originally published in Middle East Journal, vol. 54, no. 4 (Autumn 2000): 572-591. The two groups of course were aspiring for an Islamic state. 2: 364; and for the GIA see Mohammed Hafez, "From Marginalization to Massacres: A Political Process Explanation of GIA Violence in Algeria," in *Islamic Activism: A Social Movement Theory Approach*, edited by Quintan Wiktorowicz. (Indiana: Indiana University Press), 37-60.

[84] Ibid., 365.

[85] See tables showing the targets and methods of Islamists during the insurgency from 1992 to 1998 in Ibid., 2: 367-370.

[86] Ibid., 2: 370.

Table 1
The seven issues
Extreme movements/parties

The issue	The group / movement						
	Ḥizb al-Taḥrīr	MB (particularly applicable to Quṭb's thought and the Brotherhood's Secret Apparatus)	Al-Qaeda	*al-Takfīr wa al-Hijrah* (offshoot of the Brotherhood)	*Jamā'at al-Jihad* (offshoot of the Brotherhood)	The GIA	The AIS
Ruthless and hasty pursuit of the Islamic state	√	√	√	√	√	√	√
takfīr of rulers	√	√	√	√	√	√	√
Armed struggle against the regime	√	√	√	√	√	√	√
targeting the oppressors' helpers	?	√	√	√	√	√	?
Arbitrary application of the question of *tatarrus*	?	?	√	?	√	?	?
imposing rules of Sharī'a from top-down	√	√	√	√	√	√	?
Main focus on the political domain of Islam	√	√	√	√	√	√	√

In sharp contrast, these views, which indicate a rigid and narrow interpretation of Islam, are absent from the agenda of other moderate Islamist formations. For example, Justice and Development Party (AKP), founded in 2001 by Recep Tayyip Erdogan, the current president of Turkey, makes no reference to any of the above ideas. Despite a genealogy that dates back to the tradition of Turkey's Islamist political trend, the party does not prefer to describe itself as an 'Islamist.' Instead, the AKP adopts a policy to accelerate Turkey's EU membership, promote co-existence, democratic and liberal

reforms, and to integrate Turkey into the global economy and overall alignment with the West.[87]

Ḥizb al-Nahḍa (Renaissance Party), founded in 1981 by Rāshid al-Ghannūshī, advocates freedom, social justice, pluralism, democracy, human rights and rebuilding the Tunisian character culturally and intellectually. [88] A gradualist approach in advocating social and political change is adopted too.[89] "We accept the notion of citizenship as the basis of rights, so all citizens are equal whether they are Islamist or not Islamist" [90] Al-Ghannūshī declares.

Wasat Party, founded in 1996 as a moderate offshoot of the Muslim Brotherhood, emphasizes the civilizational and cultural aspects of Islam prevalent in the Egyptian society and supports liberal democracy, free and fair elections, freedom of thought and expression. Among the Party's founding members are three Christians, including the prominent Protestant intellectual, Rafiq Ḥabīb. [91]

From the 1970s onwards, The Muslim Brotherhood, working within the Egyptian system, fielded candidates for parliamentary elections either as independents or under the banner of other parties. For instance, in 1984, the Muslim Brothers made alliance with the

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[87] Deborah Sontag, "The Erdogan Experiment, " *The New York Times*, May 11, 2003. Retrieved March 4, 2016. http://www.nytimes.com/2003/05/11/magazine/the-erdogan-experiment.html?pagewanted=all. Thomas Carroll, "Justice and Development Party: A Model for Democratic Islam?" (2004). Middle East Intelligence Bulletin. Retrieved March 4, 2016. https://www.meforum.org/meib/articles/0407_t1.ht>. For analyses of the AKP and its victory in 2002 elections see Soli Özel, "After the Tsunami," *Journal of Democracy*, vol. 14 (April 2003), 80-94; and Ziya Önis and E.Fual Keyman, "A New Path Emerges," *Journal of Democracy*, vol. 14 (April 2003), 95-107.

[88] See Rāshid al-Ghannūshī, *Min tajribat al-ḥarakah al-Islamiyyah fī tūnus*, (Tunisia: Dār al-Mijtahid, 2011; Muhammad al-Ḥāmidī, *Ashwāq al-ḥurriyyah: qiṣṣat al-ḥarakah al-Islamiyyah fī tūnus*, (Kuwait: Dār al-Qalam, 1992), 80.

[89] Emad Eldin Shahin, "Ghannūshī, Rāshid al-," *In The Oxford Encyclopedia of the Islamic World. Oxford Islamic Studies Online*. Retrieved January 3, 2016. <http://www.oxfordislamicstudies.com/article/opr/t236/e0269>.

[90] Aidan Lewis, "Profile: Tunisia's Ennahda Party," (October 25, 2011) BBC NEWS. Retrieved June 5, 2016. <http://www.bbc.co.uk/news/world-africa-15442859>.

[91] Ayoob, 1: 51.For details see Joshua A. Stacher, "Post-Islamist Rumblings in Egypt: The Emergence of the Wasat Party," *Middle East Journal*, vol. 56 (Summer 2002), 415-432.

secular Wafd Party, where they won 15% of the vote with eight seats solely belonging to the Muslim Brotherhood.[92] In 1987, an Islamic Alliance was reached with the Socialist Labor Party and the Liberal Party under the slogan *al-Islam huwā al-ḥall* (Islam is the Solution). They stressed on accommodation with gradual implementation of Sharīʿa.[93]

A similar adopted moderate position on various societal and political matters is shared by Party for Justice and Development (PJD) in Morocco,[94] the Islamic Action Front (IAF) in Jordan,[95] and Freedom and Justice Party (FJP) in Egypt.[96]

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[92] Erica Devine, "Is Islam the Solution? The Muslim Brotherhood and the Search for an Islamic Democracy in Egypt," (Honors Thesis. Providence College, U.S, 2011), 31. Cf. Ayoob, 50-51.

[93] See Kristen Stilt, "Islam is the Solution?: Constitutional Visions of the Egyptian Muslim Brotherhood." *Texas International Law Journal*, vol. 46, no. 1 (Fall 2010): 73-108. Retrieved May 25, 2015. www.tilj.org/content/journal/46/ num1/Stilt73.pdf.

[94] Amr Hamzawy, "Party for Justice and Development in Morocco: Participation and Its Discontents," Carnegie Endowment, no. 93 (July 2008). Retrieved May 27, 2016.
<http://carnegieendowment.org/files/cp93_hamzawy_pjd_final.pdf>

[95] Shadi Hamid, "The Islamic Action Front in Jordan," in *The Oxford Handbook of Islam and Politics,* Edited by John L. Esposito and Emad El-Din Shahin. (Oxford: Oxford University Press, 2013), 544-558; Jillian Schwedler, *Faith in Moderation: Islamist Parties in Jordan and Yemen*, (Cambridge: Cambridge University Press, 2007).

[96] Said Shehata, "Profile: Egypt's Freedom and Justice Party," BBC News. Retrieved May 27, 2016.. <http://www.bbc.com/news/world-middle-east-15899548> Muslim democracy has taken shape in the political process providing a model for pragmatic change. On this issue see Vali Nasr, "The Rise of Muslim Democracy," Journal of Democracy, vol. 16, no. 2 (April 2005), 13-27. See also David Philips, *From Bullets to Ballots: Violent Muslim Movements in Transition*, (New Jersey: Transaction Publishers, 2008). This book represents case studies of six Muslim organizations which abandoned violence to pursue their goals through a peaceful political process: the Muslim Brotherhood of Egypt, Hamas, Hezbollah, the Kurdistan Workers Party of Turkey, the Jammu and Kashmir Liberation Front, and the Free Aceh Movement of Indonesia.

For arguments in favour of the compatibility between Islam and Democracy see Khaled Abou El Fadl, Joshua Cohen and Deborah Chasman, eds. *Islam and the Challenge of Democracy.* (Princeton: Princeton University Press, 2004); John L. Esposito and John O. Voll, *Islam and Democracy* (New York: Oxford University Press, 1996); Abdulaziz Sachedina, *Islamic Roots of Democratic Pluralism* (New York: Oxford University Press, 2001); and Malik Bennab's critical analysis of the

Table 2 The seven issues: Moderate movements/parties

The issue	The group / movement						
	The Egyptian MB (particularly applicable to the period of the 1970s onwards)	Wasat Party	The AKP	*Hizb al-Naḥḍa*	The PJD	The IAF	The FJP
Ruthless and hasty pursuit of the Islamic state	×	×	×	×	×	×	×
takfīr of rulers	×	×	×	×	×	×	×
Armed struggle against the regime	×	×	×	×	×	×	×
targeting the oppressors' helpers	×	×	×	×	×	×	×
Arbitrary application of the question of *tatarrus*	×	×	×	×	×	×	×
imposing rules of Sharī'a from top-down	×	×	×	×	×	×	×
Main focus on the political domain of Islam	×	×	×	×	×	×	×

issue of Islam and democracy in Abdelaziz Berghout "Malik Bennab's Political Thought: Towards a Civilizational Analysis," in in *Contemporary Islamic Political Thought*, edited by Zeenath Kausar. (Kuala Lumpur, IIUM, 2005), 178-181.

Critical assessment

From the foregoing pages, it is self-evident that al-Būṭī's views on Islamist's rhetoric is well grounded in the original Islamic sources, historical experiences of the *ummah* and realistic situations of today's Islamic world. His approach encompasses elements of objectivity and evidence based analysis. His stands were mostly backed by strong evidences from the Islamic sources and views of well-known moderate scholars in the field. We can claim that he was able to establish a comprehensive framework of analysis leaving no room to whims and discrepancies in assessing the Islamist's positions. However, the analysis also showed that there are few issues with al-Būṭī's discourse.

For example, in his usage of the term 'Islamist', al-Būṭī fell short of clearly defining it or setting parameters for it, with no distinction between movement and party. Probably al-Būṭī was particularly interested in discussing and refuting the Islamist's ideological underpinnings and did not pay much attention to the issue of definition and distinction. Hence, it is important for researchers dealing with serious issues like Islamist's discourse and its assessment to have the definition and concepts set exactly and clearly. This type of analysis will have very crucial implications not only on thoughts but also on lives and destinations of people and society.

Another example worth mentioning, is that throughout his argument against the Islamist's deviant thought and deficient knowledge of Islam, al-Būṭī skillfully manipulated materials from the primary texts of Sharī'a (the Qur'ān and *Sunnah*), as well as legal schools of thought. This appears clearly in discussing the issue of *takfīr* of rulers, targeting the oppressors' helpers, and the question of *tatarrus*. However, as regards the last issue, al-Būṭī lacked a little of accuracy when he claimed that the three conditions of *tatarrus*, formulated and elaborated by al-Ghazālī, are wholeheartedly echoed by all jurists. For instance, not all jurists hinge on the concept of *ḍarūrah* as regards the permissibility of the killing of the human shield. According to al-Thawrī, and the majority of Ḥanafī as well as Mālikī school jurists, it is permissible to kill the shield in cases where *ḍarūrah* is absent. E.g. when there is no declared state of war, or when

the enemy can be reached via means rather than by the killing of the shield.[97] At the opposing camp stand the majority of Shāfi'ī and Ḥanbalī *'ulama*, with the Ḥanafī jurist, al-Ḥasan ibn Ziyād, who strictly prohibit to kill the shield in this case.[98]

On the other hand, it is critically important to point out that one of the scholars who left an unmistakable imprint on al-Būṭī's intellectual and spiritual life with special reference to his stance on political Islam was Badī' al-Zamān Sa'īd al-Nūrsī (d. 1960), the Kurdish Islamic leader and thinker. Al-Nūrsī participated himself in political action and came out with first-hand experience, recalled by al-Būṭī.[99] After over two decades of political engagement and activity, al-Nūrsī in 1921 decided to desert politics altogether and dedicate the rest of his life to *da'wah* instead. Showing remorse for earlier involvement in politics, al-Nūrsī said, 'I seek refuge in Allah from Satan and politics.'[100]

Evidently, this gloomy vision of politics tells to an extent why al-Būṭī, in spite of frequent offers,[101] remained resolutely opposed to creating his own political party based on 'moderate' Islam,

In addition, I believe that there is a need to undertake a thorough research based on this preliminary study. Every issue of the seven is worth a single research that, besides examining its religious foundation, relates it to the discourse and the current status quo of contemporary Islamist movements/ parties across the Islamic world.

Conclusion

The above seven issues disapproved by al-Būṭī appear to be shared

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[97] *Al-mawsū 'ah al-fiqhiyyah al-kuwaytiyyah*, "tatarrus." 45 vols. (Kuwait: Wizārat al-Awqāf wa al-Shu'ūn al-Islamiyyah), "tatarrus." 10: 137; Muhammad Khayr Haykal, *Al-Jihad wa al-qitāl fī al-siyāsah al-shar'iyyah*, 2nd ed. 3 vols. (Beirut: Dār al-Bayāriq, 1996), 2: 1335-6.

[98] *Al-mawsū 'ah al-fiqhiyyah al-kuwaytiyyah*, "tatarrus." 10: 137; Haykal, 2: 1336.

[99] Al-Būṭī's speech on al-Nūrsī, politics and Islamist movements. (February 3, 2008). At a symposium on al-Nūrsī's al-*Khtubah al-Shamiyyah*, organized by al-Fatih Institute and the Ministry of Awqaf, Damascus. Retrieved 5 May 2014. <https://www.youtube.com/watch?v=Y-FXyOxb7Os>

[100] Al-Būṭī, *Min al-fikr wa al-qalb*, New ed. (Damascus: Dār al-Fārābī, 1997), 332, 333.

[101] Al-Būṭī, *Al-Jihad fī al-Islam…*, 66.

by all extreme Islamist groups of today. To judge or evaluate an Islamist movement/ party as moderate or extreme, these doctrines are the best yardstick. Further, al-Būṭī, promotes the gradual Islamization of society through the preaching efforts of dedicated individuals and groups to transform society from 'the bottom-up' rather than imposing Islam from 'the top-down' stance.

When the society is transformed in the long run through *daʿwah* activity, only then would be possible to proclaim an Islamic state. More crucially, the full implementation of Sharīʿa, or immediate enforcement of specific rules of it, such as the punitive law, requires the prior establishment of a society whose members, like the early Muslims, have become deeply attached to the spirit of Islam.

'Promote Islam through *daʿwah* rather than politics' is the core of al-Būṭī's argument. And this seems to be sustained, in addition to the above discussion, by Ḥasan al-Bannā, the founder of the Muslim Brotherhood, who remorsefully commented on Maḥmūd al-Naqrāshī's assassination,[102] "I wish I had not let the Muslim Brotherhood get engaged in politics. If I were to go back in time, I would have confined myself to teaching people the Islamic morals and education."[103]

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[102] In December 8, 1948, al-Naqrāshī, the Prime Minister, issued a decree whereby dissolving the MB movement. After twenty days, he was assassinated by the Brotherhood's Secret Apparatus. See details about the incident in Aḥmad ʿAdil Kamāl, *al-Nuqaṭ fawq al-ḥurūf*, (Cairo: Al-Zahrāʾ, 1989), 277-289; ʿAbd al-Raḥīm ʿAlī, *Al-Ikhwān al-Muslimūn*, (Cairo: Al-Hayʾah al-Miṣriyyah lil al-Kitāb, 2011), 431-471.

[103] TV Interview with Farīd ʿAbd al-Khāliq, al-Bannā's associate and member of the constitute body of Muslim Brotherhood. "*Shāhid ʿalā al-ʿaṣr*." (March 3, 2004). Al-Jazeera. Retrieved October 30, 2015. <https://www.youtube.com/watch?v=kbo6RR2hhjU>

THE ROLE OF SHAYKH ABD AL-RA'UF AL-FANSURI IN THE RECONCILIATION OF SUFISM AND *SHARĪ^CAH* OF 17TH CENTURY THE MALAY WORLD[1]

Abdul Salam Muhamad Shukri
Ridwan Arif

Abstract

The tension between Sufism and sharī^cah, i.e., the conflict of wujūdiyyah in Acheh in the 17th century had led Ṣūfī scholars, particularly ^cAbd al-Ra'ūf al-Fanṣūrī to seek the convergence between Sufism and sharī^cah. Therefore, this study is carried out to examine the efforts of ^cAbd al-Ra'ūf to reconcile Sufism with sharī^cah. It examines ^cAbd al-Ra'ūf's approaches of reconciliation of Sufism and sharī^cah in the general context as well as in the context of the controversial issue, i.e., the doctrine of waḥdat al-wujūd. It is a qualitative research which employs document analysis. The result of the study shows that ^cAbd al-Ra'ūf had played a significant role in reconciliating Sufism with sharī^cah in 17th century Malay world. The approaches employed by ^cAbd al-Ra'ūf supported Sufism based on Qur'ān and Sunnah. They were also based on founding Sufism by orthodox (Sunnī) theology, emphasizing the significance of observance of practising sharī^cah and integrating good conducts to Sufism. Meanwhile ^cAbd al-Ra'ūf's approach of reconciliation in the controversial interpreted waḥdat al-wujūd in the orthodox sense and criticized the extreme approach in Islamic creed, i.e., passing judgement on Muslims as infidels.

Introduction

History recorded that Sufism had become the main factor of Islamization of Malay-Indonesian archipelago. In the early period, Sufism that spread in the Malay world was philosophical Sufism which discussed metaphysical matters such as ontology and cosmology. The different understanding on methaphysical doctrine of Sufism, i.e., the doctrine of *waḥdat al-wujūd* had caused disputation in the context of Sufism and *sharīʿah* in Acheh in the first half 17ᵗʰ century which was known as *wujūdiyyah* conflict. Nūr al-Dīn al-Rānīrī (d. 1068/1658), who assessed the understanding of Ḥamzah Fanṣūrī (d. 1016/1607) and Shams al-Dīn al-Samaṭra'ī (d. 1039/1630) on *waḥdat al-wujūd* from the viewpoint of Islamic creed (orthodoxy), charged the latter two as infidels (*kāfir*). Such a disputation led to conflict in tragedy in Acheh, i.e., execution of adherents of Ḥamzah/Shams al-Dīn. With regard to the disputation of *wujūdiyyah*, it had caused chaos and disharmony in Acheh society. It needed to reconcile in order to establish peace and harmony among the Achehnese. As a native of Acheh, ʿAbd al-Ra'ūf was responsible to carry out such a mission by solving the root of problem i.e., the disputation on understanding of *waḥdat al-wujūd* in particular, and the relation between Sufism with *sharīʿah* in general through his works. This paper examines ʿAbd al-Ra'ūf role in the reconciliation of Sufism with *sharīʿah* and approaches employed by him in this effort based on three main works of ʿAbd al-Ra'ūf, i.e., *Tanbīh al-Māshī al-Manṣūb ilā Ṭarīq al-Qushāshī*, *ʿUmdat al-Muḥtājīn ilā Sulūk Maslak al-Mufridīn* and *Daqā'iq al-Ḥurūf*.

Brief Account on ʿAbd al-Ra'ūf

Amīn al-Dīn ʿAbd al-Ra'ūf ibn ʿAlī al-Jāwī al-Fanṣūrī was born in Singkil (Singkel), a town in the west coast of Sumatera which was a section under the Sultanate of Acheh. His date of birth is not known precisely. D.A. Rinkes,[2] estimates that ʿAbd al-Ra'ūf was born in

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[2] T. Iskandar, "Abdurrauf Singkel Tokoh Syatariyah (Abad ke-17)", in Mohamad Daud Mohamad, *Tokoh-tokoh Sastera Melayu Klasik*, (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1987), 72-73, hereafter cited as Iskandar, "Abdurrauf".

1024/1615. Meanwhile, Voorhoeve[3] states that he was born in 1620 C.E.

^CAbd al-Ra'ūf received his early education in his hometown, especially from his father who was a leader of a centre of Islamic learning. It is most probably that he continued his learning in Fanṣūr (Barus).[4] He then continues his learning in several centers of Islamic learning in Middle East, i.e., Doha (Qatar), several cities in Yemen, Jeddah, Mecca, and finally in Medina.[5] Among his prominent masters were Aḥmad al-Qushāshī (d. 1660 C.E.) and Ibrāhīm al-Kūrānī (d. 1690). Al-Kūrānī granted ^CAbd al-Ra'ūf the degree (*al-ijāzah*) to spread Islamic teaching in general and some Ṣūfī orders in particular in his homeland (Acheh).

Having returned to Acheh,[6] ^CAbd al-Ra'ūf established an education centre near the mouth of river (*kuala*) of Acheh.[7] Among his prominent disciples were Burhān al-Dīn of Ulakan (1692 C.E.), West Sumatera; ^CAbd al-Muḥyi of Pamijahan (d. 1730 C.E.), West Java and ^CAbd al-Malik (1736 C.E.) or popularly known as Tok Pulau Manis, Terengganu, Malaysian Peninsular.[8] ^CAbd al-Ra'ūf returned to Acheh in the reign of Sulṭānah Ṣāfiyyat al-Dīn Syah. He served as *muftī* in the Sultanate of Acheh during the reign of four sulṭānah i.e., Sulṭānah Ṣāfiyyat al-Dīn syah (r. 1641-1675), Sulṭānah Nūr ^CAlam Naqiyyat al-Dīn Syah (r. 1675-1678), Sulṭānah Zākiyyat al-Dīn Syah (r. 1678-1688) and Sulṭānah Kāmalat al-Dīn Syah (r.

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[3] Voorhoeve, *Encyclopedia of Islam*, Vol. I, (Leiden: E. J. Brill, 1960), 88.

[4] Azyumardi Azra, *Jaringan Ulama Timur Tengah dan Kepulauan Nusantara Abad XVII & XVIII: Akar Pembaruan Islam Indonesia*, (Jakarta: Kencana Prenada Media Group, Perennial edition, 1th printed, 2013), 240, hereafter cited as Azra, *Jaringan Ulama.*

[5] ^CAbd Al-Ra'ūf al-Fanṣūrī, *^CUmdat al-Muḥtājīn ilā Sulūk Maslak al-Mufridīn,* Manuscript W 41, Perpustakaan Nasional Jakarta, 70-75, hereafter cited as ^CAbd Al-Ra'ūf, *^CUmdat al-Muḥtājīn.*

[6] ^CAbd al-Ra'ūf indicates that he return to Acheh not so long after the death of al-Qushāhsī. Most scholars assumed that he return to acheh around 1661 C.E., i.e., one year after the death of the latter, see Azra, *Jaringan Ulama*, 251.

[7] ^CAbd al-Ra'ūf lived and taught in this place until his death. Hence, He was popularly known among the Achehnese as "*Syiah Kuala*" or "*Teungku Syiah Kuala*" that means *Shaykh* who lives in *Kuala*, see Iskandar, "Abdurrauf", 72.

[8] Azra, *Jaringan Ulama*, 267-68.

1688-1699).[9]

ʿAbd al-Raʾūf was a prolific author who wrote many works. Azra, for instance, points out that ʿAbd al-Raʾūf had composed at least around 22 works,[10] Saghir Abdullah lists 25 titles,[11] Fathurahman mentions 36 works[12] and Zainuddin states that ʿAbd al-Raʾūf's works reached 56 titles.[13] During his career in Acheh, ʿAbd al-Raʾūf had composed a number of works on various fields of Islamic religious sciences such as Islamic law and jurisprudence (*fiqh*), Qurʾanic exegesis (*tafsīr*), prophetic tradition (*ḥadīth*), ethics (*akhlāq*), history (*tārīkh*), eschatology, theology (*tawḥīd and kalām*), and Sufism (*taṣawwūf*).[14] Among these works are: *Turjumān al-Mustafīd* (Qurʾanic exegesis); *Sharḥ Laṭīf ʿalā Arbaʿīn Ḥadīthan li al-Imām al-Nawāwī* (A Detailed Commentary upon the Forty *Ḥadīth* of al-Imām al-Nawāwī, *ḥadīth*); *Waṣiyah* (Concerning ʿAbd al-Raʾūf's advice to his students, Ethics); *Mirʾat al-Ṭullāb fī Tashīl Maʿrifah al-Aḥkām al-Sharʿiyyah li al-Mālik al-Wahhāb* (The Mirror of Students to Facilitate Knowing of the Laws of God, Islamic law and jurisprudence); *Tanbīh al-Māshi al-Mansūb ilā Tarīq al-Qushāshī* (Guidance for Those who take al-Qushāshī Order, Sufism); *ʿUmdah al-Muḥtājīn ilā Sulūk Maslak al-Mufridīn* (Guideline for Those who Take the Sufi Path, Sufism); *Sullam al-Mustafīdīn* (The Stair of those who Seek the Benefit, Theology); *Daqāʾiq al-Ḥurūf* (The Deep Understanding of Letters, Sufism);

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[9] Ibid., 252-54.

[10] Ibid., 254.

[11] Haji Wan Mohd. Shaghir Abdullah, *Khazanah Karya Pusaka Asia Tenggara*, (Kuala Lumpur: Khazanah Fathaniyah, 1991), 2 volumes, vol. I, 39-41, hereafter cited as Shaghir Abdullah, *Khazanah*.

[12] Oman Fathurahman, *Tanbīh al-Māsyī. Menyoal Wahdatul Wujud: Kasus Abdurrauf Singkel di Aceh Abad 17*, (Bandung: Penerbit Mizan, 1st printed, 1999), 28-30, hereafter cited as Fathurahman, *Tanbīh al-*Māsyī.

[13] H.M. Zainuddin, *Tarich Atjeh dan Nusantara*, (Medan: Pustaka Iskandar Muda, 1961) as cited by Mohd. Syukri Yeoh Abdullah, "Zawiyah Shaykh Kuala: Pusat Penyebaran Islam di Alam Melayu Abad Ke-17 Masihi", *Sari-International Journal of the Malay World and civilization,* vol. 27, No. 2 (2009): 87-118.

[14] Further description and analysis on ʿAbd al-Raʾūf works, see Peter Ridell, *Islam and the Malay-Indonesian World*, (Singapore, Horizon Book Pte Ltd, 2001), 129-132, hereafter cited as Ridell, *Islam and the Malay-Indonesia World*; Shaghir Abdullah, *Khazanah,* vol. I, 39-190; Azra, *Jaringan Ulama*, 255-64.

Lubb al-Kashf wa al-Bayān li Mā Yarāhu al-Muhtadār bi al-^cIyān
(Essential Exposition and Elucidation on the Visionary Experience of
the Dying and What Make Him Glad, Escatology) and ^c*Umdat
al-Ansāb* (The Guideline of Genealogies, History).

   ^cAbd al-Ra'ūf died in 1105/1693 in the era of Sulṭānah
Kāmalat al-Dīn Syah (r. 1688-1699) and was buried near the mouth
of a river (*kuala*) beside the tomb of Teungku Anjong.[15] His tomb
was regarded as the most holy tomb in Acheh after the tomb of
Teungku Anjong.[16] To remember his greatness, his name was chosen
as the name of a university in Acheh, "*Universitas Syiah Kuala*"
(Syiah Kuala University).[17]

Combining Islamic Theology, Worship and Religious Moral in Sufism Treatise

The first approach employed by ^cAbd al-Ra'ūf in reconciling Sufism
with orthodoxy were to combine the discussion of theology, *sharī^cah*
and good conduct with Sufism. Among ^cAbd al-Ra'ūf's works
representing this type of writing were *Tanbīh al-Māshī ilā Ṭarīq
al-Qushāshī* and ^c*Umdat al-Muḥtājīn ilā Sulūk Maslak al-Mufridīn*.
Even though these two works aimed as Ṣūfīsm treatises, in fact, they
also covered the issue of creed (^c*aqīdah*), *sharī^cah* and moral
behaviour as we shall see below.

The contents of *Tanbīh al-Māshī* can be categorized into:

(i) Islamic Theology

^cAbd al-Ra'ūf begun the book with the matter of creed. Islamic creed
discussed in *Tanbīh al-Māshī* concerned unification of God (*tawḥīd*)
which was, according to ^cAbd al-Ra'ūf, the first obligation to
disciples of Sufism. In this respect, ^cAbd al-Ra'ūf propounded the
definition of *tawḥīd* and the argument of the oneness of Allah
Almighty based on Qur'ānic verse. The author also discussed the
categories of *tawḥīd* as well as its grades.[18]

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[15] Azra, *Jaringan Ulama*, 269.

[16] Snouck Hurgronje, *The Achehnese*, Translated from Dutch by A.W.S. O'Sullivan,
2 volumes, (Leyden: E. J. Brill, 1906), vol. 2, 17-18.

[17] Iskandar, "Abdurrauf" 78.

[18] ^cAbd al-Ra'ūf bin ^cAlī al-Fanṣūrī, *Tanbīh al-Māshī al-Manṣūb ilā Ṭarīq*

(ii) *Sharīʿah*

The aspect of *sharīʿah* covered a large portion of *Tanbīh al-Māshī*. *Sharīʿah* aspect discussed by ʿAbd al-Ra'ūf in this book were worships, devotional works and rites such as *ṣalawāt*, *istighfār*, al-Qur'ān recitation, voluntary (*sunnah*) prayers and voluntary (*sunnah*) fasting. ʿAbd al-Ra'ūf also recommended some rites (*awrād*) that should be performed by disciples, especially after mandatory prayers.[19]

(iii) Ṣūfī Doctrines

The doctrines of Ṣūfīs discussed by ʿAbd al-Ra'ūf in *Tanbīh al-Māshī* can be distinguished into two aspects, i.e., the metaphysical doctrine and practical teachings. In the respect of metaphysical doctrine, ʿAbd al-Ra'ūf discussed the issue of ontology like the ontological status of the world and its relation with God.[20] ʿAbd al-Ra'ūf also touched the matter of cosmology, i.e., the concept of creation. In this respect ʿAbd al-Ra'ūf propounded the concept of the "Light of Muhammad" (*Nūr Muḥammad*). [21] He also touched annihilation (*fanā'*), remaining a new life in God (*baqā'*)[22] and gnosis (*maʿrifah*) as the destination of the Ṣūfī journey.[23]

The practical aspect of Sufism discussed by ʿAbd al-Ra'ūf are remembrance (*dhikr*), the rites of *shaṭṭārī* (*asghāl al-shaṭṭārī*) and stations (*al-manāzil*). ʿAbd al-Ra'ūf elucidated considerable length concerning *dhikr* which was, according to him, the shortest and easiest way for a servant to attain *maʿrifah*.

(iv) Religious Moral

In *Tanbīh al-Māshī*, ʿAbd al-Ra'ūf emphasized the significance of religious moral. He touched the issue of religious moral while stating

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al-Qushāshī, MS A101, Perpustakaan Nasional Jakarta, 1, 18-19, hereafter cited as ʿAbd al-Ra'ūf, *Tanbīh al-Māshī*.

[19] ʿAbd al-Ra'uf, *Tanbīh al-Māshī*, 8-14, 20-27.

[20] Ibid., 1- 6.

[21] Ibid., 7-8.

[22] Ibid., 12-13.

[23] Ibid., 18.

that among the result of performing *dhikr* was the appearance of good conduct and earning the miraculous gifts (*karāmāt*).[24] ᶜAbd al-Ra'ūf also discussed the moral issue when he advised the disciple to keep his tongue from cursing (*ghibah*); labelling Muslims as infidel, condemning other Muslims and excessively praising them. ᶜAbd al-Ra'ūf also advised his disciples to strengthen the brotherhood among Muslims by loving them, helping them, protecting them from being disgraced, not having negative thinking and being facilitative and forgiving.[25]

In contrast to *Tanbīh al-Māshī*, ᶜAbd al-Ra'ūf set out *ᶜUmdat al-Muhtājīn* into seven sections[26] and an appendix:[27] (1) Islamic Theology; (2) Remembrance of God (*dhikr*); (3) The priorities of the words *lā ilāha illā Allāh*; (4) Benefits for those who immersed in the words of '*lā ilāha illā Allāh*'; (5) Elucidation on the principles of the teaching (*talqīn*) of master (*shaykh*) to his disciples on pronouncing the words '*lā ilāha illā Allāh*'; (6) Exposition on rites and devotional works; (7) Good Conducts.

Based on its chapters, the contents of *ᶜUmdat al-Muhtājīn* can be categorized into several aspects:

(i)   Islamic Theology

Among the issues included under the aspect of theology were the matter of *tawhīd*, the attributes of God as well as the attributes of the Prophet (PBUH) which each of them consisted the necessary (*wājib*), the impossible (*mustahīl*) and the contingent (*jā'iz*) attributes.[28]

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[24] Ibid., 9.

[25] Ibid., 19-20.

[26] In the *ᶜUmdat al-Muhtājīn*, ᶜAbd al-Ra'ūf employed the term "*fā'idah*" for "section".

[27] The appendix is a kind of short autobiography of cAbd al-Ra'ūf's experience of learning in the Middle East. In this respect, he lists some scholars with whom he studied or merely established a contact. 'Abd al-Ra'ūf also wrote his chain of initiation in both Shattāriyyah and Qādiriyyah orders, see *ᶜUmdat al-Muhtājīn*, 70-75.

[28] This matter was discussed in Section One of *ᶜUmdat al-Muhtājīn*.

(ii)   *Sharīᶜah*

Among the issues of *sharīᶜah* discussed in the *ᶜUmdat al-Muḥtājīn* were some devotional works and rites that should be performed by disciples, such as voluntary (*sunnah*) prayers, al-Qur'ān recitation, voluntary (*sunnah*) fasting and other rites.[29]

(iii)   Sufism

It seems the matter of Sufism took a large part of *ᶜUmdat al-Muḥtājīn*, as it was aimed to elucidate Ṣūfī teachings. Among the matters included under the theme of Sufism in this work are: (1) remembrance (*dhikr*) including the kind of *dhikr*, the manner of *dhikr*, the way of *dhikr*, and the kind of words used in *dhikr*);[30] (2) the priorities of the words 'lā ilāha illā allāh' as one set of words employed in *dhikr*;[31] (3) the advantages earned by those who regularly recited the *dhikr*;[32] (4) the principles of teaching (*talqīn*) of master to disciple concerning pronouncing the words 'lā ilāha illā Allāh' as well as the way of *talqīn* and *bayᶜah*; (5) rites (*awrād*) and; (6) *rātib shaykh.*[33]

(iv)   Good Conducts

The issue of moral behaviour and good conduct discussed by ᶜAbd al-Ra'ūf in the last section of *ᶜUmdat al-Muḥtājīn*, i.e., Section Eight within which he elucidated good conduct that should be performed by those who embarked on the Ṣūfī path. ᶜAbd al-Ra'ūf also mentioned the moral behaviour of believers based on the Prophet's traditions (PBUH).[34]

From the contents of *Tanbīh al-Māshī* and *ᶜUmdat al-Muḥtājīn*, it is clear that ᶜAbd al-Ra'ūf attempted to combine Islamic theology, *sharīᶜah* and religious moral in Sufism treatise which reflected the thought of ᶜAbd Ra'ūf that emphasized on the

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[29] This matter was discussed in Section Four of *ᶜUmdat al-Muḥtājīn*.

[30] This matter was discussed in Section Two of *ᶜUmdat al-Muḥtājīn*.

[31] This matter was discussed in Section Three of *ᶜUmdat al-Muḥtājīn*.

[32] This matter was discussed in Section Four of *ᶜUmdat al-Muḥtājīn*.

[33] This matter was discussed in Section Five of *ᶜUmdat al-Muḥtājīn*.

[34] This matter was discussed in Section Eight of *ᶜUmdat al-Muḥtājīn*.

equilibrium between the outward and inward dimensions of Islamic teaching. It can be pointed out that ᶜAbd al-Ra'ūf was the first Malay scholar who employed such approach. It is not found in the works of his predecessors either Ḥamzah, Shams al-Dīn or al-Rānīrī. Though al-Rānīrī composed treatises in theology and jurisprudence, they were written in separate books.

Supporting Sufism by the Qur'ān and *Sunnah*

Another way employed by ᶜAbd al-Ra'ūf in his endeavour to reconcile Sufism with *sharīᶜah* was supporting Sufism through Islamic revelations, i.e., the Qur'ān and Prophetic traditions. ᶜAbd al-Ra'ūf is a Ṣūfī who had strong commitment to uphold (commit) al-Qur'ān and *Sunnah* as indicated by his advise:

> Understand and behold strongly to al-Qur'ān and Prophet's traditions, certainly you will earn guidance and constantly be in the straight path. Prophet Muhammad (PBUH), who had not ever been said base on his lust, said, "I inherited two matters to you, i.e., the Book of Allah and my traditions, so interpret the Qur'ān by my traditions certainly your eyes never be blind, your feet never be slip, and your hands never be cut as long as you uphold to the two. [35]

The commitment of ᶜAbd al-Ra'ūf to uphold al-Qur'ān and the *Sunnah* is evidenced by the fact that he constantly supported his mystical teaching by using Qur'ānic verses as well as traditions of the Prophet (PBUH), either philosophical Sufism or practical Sufism. In the aspect of philosophical Sufism for instance, ᶜAbd al-Ra'ūf quoted several Qur'anic verses and *ḥadīths* to elucidate the nature of *waḥdat al-wujūd*. In his exposition on devotional works and rites that

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[35] Abd al-Ra'ūf, *Tanbīh al-Māshī*, 3. The true redaction of the *ḥadīth* is "*innī qad tarak-tu fī-kum shay'ayni lan taḍillū baᶜda-humā kitāb Allāh wa-sunnatī wa-lan yatafarraqā ḥattā yuraddā ᶜalayya al-ḥawad.*" The *ḥadīth* was narrated by al-Ḥākim, see al-Imām al-Ḥāfiz Abī ᶜAbd Allāh al-Ḥākim al-Naysābūrī, *Al-Mustadrak ᶜalā al-Ṣaḥīḥ*, 4 volumes, (Beyrut-Lubnān: Dār Ibn Ḥazm, 1428/2007), Vol. I, 123.

should be performed by disciples, ᶜAbd al-Ra'ūf constantly supported it with the *ḥadīth* of the Prophet (PBUH) as we shall see later. This is to prove that Sufism was based on Islamic revelation in general and to demonstrate that his mystical teaching was grounded by Islamic principles contained in the Qur'ān and exampled by the Prophet (PBUH). It is visible in his works especially *Tanbīh al-Māshī* and *ᶜUmdat al-Muḥtājīn*.

In *Tanbīh al-Māshī* for instance, to support his thoughts, ᶜAbd al-Ra'ūf cited 19 Qur'ānic verses and 54 Prophetic traditions which, according to Fathurahman, are mostly categorized as *ḥadīth al-ṣaḥīḥ* narrated by trusted narrators such as al-Bukhārī, al-Muslīm, al-Tirmidhī, al-Bayhaqī, Ḥakīm, Aḥmad bin Ḥanbal, al-Nasa'ī, and Ibn Majah. Just six among them were categorized as *ḥadīth ḍaᶜīf*, whereas 13 of them were of unknown narrators.[36] Meanwhile in the *ᶜUmdat al-Muḥtājīn*, ᶜAbd al-Ra'ūf cites five Qur'ānic verses[37] and many *ḥadīths*.[38]

It is important to remark that, the way of ᶜAbd al-Ra'ūf in his quotation of al-Qur'ān and *ḥadīth* obviously indicated his alignment to Islamic orthodoxy. Some Ṣūfīs, especially figures of philosophical Sufism, like Ibn ᶜArabi,[39] sometimes turn (*taḥwīl*) the meaning of Qur'ānic verses to support their mystical teachings. Even al-Rānīrī, who was regarded to be a representative of orthodox scholars, had also taken the same approach.[40] In contrast, ᶜAbd al-Ra'ūf, in his

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[36] Fathurahman, *Tanbīh al-Māsyī*, 83, 185-90.

[37] Al-Qur'ān, al-Baqarah (2):74; al-Qur'ān, al-Baqarah (2):200; al-Qur'ān, al-Nisā' (4):103; al-Qur'ān, al-Aᶜrāf (7):205; al-Qur'ān, al-Dhāriyāt (51): 56.

[38] The Prophet's traditions that quoted by ᶜAbd al-Ra'ūf in *ᶜUmdat al-Muḥtājīn* were cited from several works: (i) *Jāmiᶜ al-Kabīr* (on *dhikr jahr*), (ii) *Intibah li-Faḍā'il lā ilāha illā Allāh*, (iii) *Khanz al-Asnā*, (on rites after five times prayers) (iv) *Kifāyah al-Muḥsin*, (on the characters of those who embark Ṣūfī path).

[39] Al-Dhahabī for instance, states that the *tafsīr Ṣūfī naẓarī* which is the Ṣūfī Qur'ānic exegesis of philosophical Sufism that mainly represented by Ibn ᶜArabī's *tafsīr* cannot be accepted. This is because, in his view, in this type of *tafsīr*, the Ṣūfīs attempt to turn al-Qur'ān from its shuttle and meaning to the meaning that is suitable to Ṣūfīs thought, in this case philosophical Sufism. For more detail on *tafsīr Ṣūfī naẓarī* and Ibn ᶜArabī's kind of *tafsīr*, see Muṣṭafā Muḥammad Ḥusayn Al-Dhahabī, *Al-Tafsīr wa al-Mufassirūn*, 3 volumes, (Al-Qāhirah: Dār al-Ḥadīth, 1433/2012), vol. II, 302.

[40] Among the examples, al-Rānīrī quotes two Qur'ānic verses in order to support the

quotation of Qur'ānic verses and *ḥadīth*, held the proper meaning of them. He quoted Qur'ānic verses and *ḥadīth* which contained the common and fundamental belief among Muslims to criticize the deviated understanding of philosophical Sufism. In other words, ᶜAbd al-Ra'ūf criticized the deviated understanding by the proper belief of Muslims. It obviously demonstrates that ᶜAbd al-Ra'ūf found his mystical teaching by Islamic creed. ᶜAbd al-Ra'ūf, for instance, quoted some Qur'anic verses and *ḥadīths* (including *ḥadīth quds*) to prove that the world and God were not identical. He rejected the misconception or misunderstanding of the adherents of *waḥdat al-wujūd* in the Malay world (*wujūdiyyah*) who believed that the world and that of God were identical by quoting the Qur'anic verse "Allah is the Creator of all things".[41] Based on the verse ᶜAbd al-Ra'ūf showed the falsehood of those who claimed that the world and God were identical since it was unreasonable that God create His own-essence.[42] ᶜAbd al-Ra'ūf employed the same approach in arguing using *ḥadīth*. ᶜAbd al-Ra'ūf for instance quote the *ḥadīth* "Remember me, [certainly] I would remember thou" which indicated that the human being and God were not identical. He also quoted a *ḥadīth quds* showing the difference between mankind's will and God's will.[43]

The above facts evidence ᶜAbd al-Ra'ūf's loyalty to the fundamentals beliefs of Islam contained in the Qur'ān and *ḥadīth*. It

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doctrine of *waḥdat al-wujūd*: (1) "Such is God, your real Cherisher and Sustainer: apart from Truth, what (remains) but error? How then are ye turned away? (al-Qur'ān, Yūnus (10): 32); (2) "We created not the heavens, the earth, and all between them, but for just ends…(al-Qur'ān, al-Ḥijr (15): 85). In these two verses, al-Rānīrī translates the word '*al-ḥaqq*' as 'God', not as 'truth', the opposite of unguided. According to Daudi, apparently, al-Rānīrī aware this deviated translation, but his tendency to *waḥdat al-wujūd* make him choses such meaning. This evidences al-Rānīrī gave priority to the metaphysical Sufism rather than Islamic orthodoxy, see al-Rānīrī, *Jawāhir*, 35; *Idem*, *Ḥill al-Ẓill*, 42-43 as cited by Ahmad Daudi, *Allah dan Manusia dalam Konsepsi Syeikh Nuruddin ar-Raniry*, (Jakarta: CV Rajawali, 1983), 114, hereafter cited as Daudi, *Allah dan Manusia*.

[41] See for instance, Al-Qur'ān, al-Raᶜd (13): 16.

[42] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 2.

[43] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 2. The *ḥadīth quds* and ᶜAbd al-Ra'ūf's analysis on the *ḥadīth* will be presented in the next section, i.e., "Interpreting Ṣūfī Metaphysical Doctrine (*waḥdat al-wujūd*)" of this study.

also proves how ʿAbd al-Ra'ūf held that mystical teaching and experience should not contradict the principles of Islam taught by the Qur'ān and *Sunnah*.

Founding Sufism with Orthodox (*Sunnī*) Theology

The first proof highlights ʿAbd al-Ra'ūf approach to founding Sufism with orthodox theology is his emphasizing on the significance of principle of Islamic faith, i.e., the concept of the Oneness or Unification of God (*tawḥīd*). ʿAbd al-Ra'ūf's concern was to emphasize *tawḥīd* as basic to Sufism, as Fathurrahman[44] points out, is proven by the fact that in most of his works either theology or Sufism treatises, like *Tanbīh al-Māshī*, ʿ*Umdat al-Muḥtājīn*, *Sullām al-Mustāfidīn*, *Daqā'iq al-Ḥurūf*, and *Munyah al-Iʿtiqād*, he constantly begun such writings with the matter of *tawḥīd*. In his *Tanbīh al-Māshī* for instance, ʿAbd al-Ra'ūf wrote thus:

> Then, know O student, (may Allah bestow us and you to obey Him and grant us to do what he pleased), that the first obligation to you is to affirm the oneness of God and glorify Him from inappropriate attributes to Him with the words '*lā ilāha illā Allāh*' that cover four degrees of *tawḥīd*.[45]

The above quotations demonstrate how ʿAbd al-Ra'ūf emphasized on the unification of God (*tawḥīd*) by asserting that it was the first mandatory lesson for the disciples, i.e., those who would embark on the Ṣūfī path at the beginning of their mystical journey.

Second, having emphasized the significance of tawhid, ʿAbd al-Ra'ūf discussed the attributes of God which are mandatory upon every adult man (ʿ*āqil bāligh*) to know all of them, i.e., the necessary (*wājib*), the impossible (*mustaḥīl*) and the contingent (*jā'iz*) attributes. It was also mandatory upon them to know what was necessary on the right of all the apostles of God and what was impossible upon them, and what was contingent for them. All of these, ʿAbd al-Ra'ūf says, were contained in the words "*lā ilāha illā*

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[44] Fathurahman, *Tanbīh al-Māsyī*, 45.
[45] ʿAbd al-Ra'ūf, *Tanbīh al-Māshī*, 1. Translation is mine.

Allāh Muḥammad Rasūl Allāh".[46]

ᶜAbd al-Ra'ūf then elucidated these three categories of attributes of Allah Almighty. The necessary (*wājib*) attributes were twenty: *wujūd, qidam, baqā', mukhālifatuhu li al-ḥawādith, waḥdaniyyah, qiyāmuhu ta'āla bi-nafsih, ḥayah, ᶜilm, qudrah, irādah, samaᶜ, baṣar, kalām, hayy, ᶜālim, qādir, murīd, sāmiᶜ, bāṣir* and *mutakallim*. The contingent (*jā'iz*) attribute is one, i.e., the new (*ḥadīth*) of the world and does not affect everything by itself. It is because if the world is eternal, it would not need God and this is impossible. This consequence also occurrs if everything in the world is affected by its own power.[47]

The words "*Muḥammad Rasūl Allāh*" according to ᶜAbd al-Ra'ūf were the perfect words since they covered the belief in all Holy Books revealed by God to all of His Messengers, and in the day of judgment because Prophet Muhammad (PBUH) was sent to affirm all of them. From such words, it is understood that it is necessary for all of them [the Apostles of God] to be trusted men and it is impossible upon them the attribute of lying as well as to do the prohibited things. From the words, it is also understood that it is reasonable (*jā'iz*) for them to have human beings' attributes (*aᶜrād bashariyyah*), and it would not decrease the apostle (*risālah*) or their high rank.[48] The elucidation of ᶜAbd al-Ra'ūf of Islamic theology regarding the attributes of God, as we have seen above, shows that he embraced orthodox (*sunnī*) theology, in Ashāᶜrite school and al-Sanūsī system.

Third, another proof presents ᶜAbd al-Ra'ūf's approach to establishing his mystical teachings upon Islamic theology when he supports the Ṣūfī practice, i.e., *dhikr* by Islamic creed.[49] In his

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[46] ᶜAbd al-Ra'ūf, *ᶜUmdat al-Muḥtājīn*, 2-3.

[47] Ibid., 3.

[48] Ibid., 4.

[49] *Dhikr* means remembrance, invocation or glorification of Allah through the repetition of one of his names or phrase to his glory. According to Armstrong, true dhikr is spiritual state (hal) in which the remembrancer concentrates all of his physical and spiritual powers upon Allah so that his entire being may be united with the absolute. It is the fundamental practice of the Sufi path (Sufism) and maybe undertaken in solitude or in gatherings. Specific breathing patterns are central to the effectiveness of the *dhikr*, see Amatullah Armstrong, *Sufi Terminology (al-Qamus*

ᶜUmdat al-Muḥtājīn, for instance, after elucidating the issue of Islamic theology, i.e., the necessary, impossible and contingent attributes of God as well as the Prophets, ᶜAbd al-Ra'ūf stated that all of the meanings of such creed were covered by the words '*lā ilaha illā Allāh Muḥammad Rasūl Allāh*'. Based on this, ᶜAbd al-Ra'ūf argued that it was very significant to pronounce the phrase "*lā ilaha illā Allāh Muḥammad Rasūl Allāh*".[50]

The above quotations demonstrate how the high value of the words '*lā ilaha illā Allāh*' was highlighted by ᶜAbd al-Ra'ūf since they covered Muslim's system of belief, i.e., belief on all attributes of God. This was to encourage Muslims in general and disciples of Sufism in particular, to perform *dhikr* excessively and regularly.

Emphasizing the Observance of the Practicing of *Sharīᶜah*

The main concern of ᶜAbd al-Ra'ūf in religious practice was proven by the fact that the discussion on devotional works, remembrance and rites took a large part of his Sufism treatises, i.e., *Tanbīh al-Māshī* and *ᶜUmdah al-Muḥtājīn* in which these two books are regarded as his main works Sufism. In ᶜAbd al-Ra'ūf's view, religious practices were closely related to Sufism. Therefore, it is necessary for the disciples to perform worship in order to attain the gnosis of God, thus:[51]

> Engage in worships gathered by truthfulness and sincerity to establish the right of your Lord, so you would be among the gnostic, as the author of *al-Ḥikam* says, "the demand of gnostic is truthfulness in worship and establishing the rights of Divinity." Allah Almighty

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al-Sufi) the Mystical Language of Islam, (Kuala Lumpur: A.S. Noordeen, 1416/1995), 41-42, hereafter cited as Armstrong, *Sufi Terminology*.

[50] In *ᶜUmdat al-Muḥtājīn* for instance, ᶜAbd al-Ra'ūf wrote: "This is the reality of your saying that all of the meanings are covered by the words '*lā ilaha illā Allāh Muḥammad Rasūl Allāh*' [as mentioned] previously. Whoever knows the reality of this saying, he should excessively pronounce these words of *tawḥīd* because the Prophet (PBUH) commands us to excessively pronounce it," see ᶜAbd al-Ra'ūf, *ᶜUmdat al-Muḥtājīn*, 4. Translation is mine.

[51] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 20.

says: "And they have been commanded no more than this: to worship God, offering him sincere devotion, being true (in faith)"[52] and "and serve thy lord until there come unto thee the hour that is certain".[53]

^cAbd al-Ra'ūf suggested some devotional works and rites that should be performed by disciples since they were ordained by the Prophet (PBUH). Among the devotional works and rites recommended by ^cAbd al-Ra'ūf were:

(i)   Voluntary (*sunnah*) prayers:

Among the *sunnah* prayers recommended by ^cAbd al-Ra'ūf were:

a.   Two *raka^cah* after dawn

^cAbd al-Ra'ūf recommended to the disciples to perform two *raka^cah* of voluntary prayer after sunrise. [54] He cites a *ḥadīth* concerning the rites after *al-subḥ* prayer and voluntary prayer after the rise of sun thus:

> Whoever performs *al-subḥ* prayer in congregation then he sits by performing remembrance of God until the time of sun rise, then he performs two *raka^cah* of voluntary prayer, certainly he would be granted reward like the rewards of pilgrimage (*ḥajj*) and *^cumrah* perfectly.[55]

b.   Voluntary prayer of *tasbīḥ*

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[52]   Al-Qur'ān, al-Bayyinah (98): 5. Translated by 'Abdullah Yusuf 'Ali, see 'Abdullah Yusuf 'Ali, *The Holy Qur'an*, 782.

[53]   Al-Qur'ān, al-Ḥijr (15): 99. Translated by 'Abdullah Yusuf 'Ali, see 'Abdullah Yusuf 'Ali, *The Holy Qur'an*, 315.

[54]   ^cAbd al-Ra'ūf, *^cUmdat al-Muḥtājīn*, 42. Translation is mine.

[55]   Ibid. The true redaction of the *ḥadīth* is "*man ṣallā al-fajr fī jamā^cah, thumma qa^cada yadhkuru Allāh ḥattā taṭla^c al-shams, thumma ṣallā rak^catayn kānat lahu ka-ajri ḥajjata wa ^cumrah, qāla: qāla rasūl Allāh ṣallā ^calayhi wa sallam: tāmah, tāmmah, tāmmah,*" see al-Baghawī, *Sharaḥ Sunnah li al-Baghawī*, (Beyrut: al-Maktabat al-Islamī, 1403/1983), Vol. III, 221. Translation is mine.

If one had leisure time, ᶜAbd al-Ra'ūf suggested to the disciples to perform four *rakaᶜah* voluntary prayer of *tasbīḥ*. The benefit of performing such prayer, according to him, was God would forgive all of one's sins.[56]

c. Voluntary prayers after *al-maghrīb* prayer and its voluntary prayers of *baᶜdiyyah*

ᶜAbd al-Ra'ūf recommended six *rakaᶜah* of voluntary prayers after *al-maghrīb* prayer and voluntary prayer of *baᶜdiyyah*. ᶜAbd al-Ra'ūf quoted some *ḥadīths* on the benefit of these prayers as below:

> Whoever performs six *rakaᶜah* voluntary prayers after *al-maghrīb* prayer before any speaking, Allah would forgive his sins for fifty years.[57]

d. Voluntary prayer of *al-tahajjūd*.

ᶜAbd al-Ra'ūf suggested to the disciples to perform voluntary prayer of *al-tahajjūd* at least two *rakaᶜah*.[58] Concerning the priority of *al-tahajjūd* prayer, ᶜAbd al-Ra'ūf quoted a *ḥadīth*:

> Two *rakaᶜah* performed by mankind at the end of night is better than the world and its contents, and if it is not burden my community, certainly I will ordain such two *rakaᶜah* upon them.[59]

With regard to the large benefit of *al-tahajjūd* prayer, ᶜAbd al-Ra'ūf advised his disciples to perform *al-tahajjūd* prayer regularly.[60]

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[56] Ibid., 42-43.

[57] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 23; *Idem*, ᶜ*Umdah al-Muḥtājīn*, 47. The true redaction of the *ḥadīth* is "*man ṣallā sitta rakaᶜāt baᶜda al-maghrib qabla an yatakkalam, ghufira lahu dhunuba khamsīna sanah*." The *ḥadīth* was not found in the venerated books of *ḥadīth*. It is only found in Imām al-Suyūṭī, *Kitāb Jāmiᶜ al-Ḥadīth*, vol. II, 21. Translation is mine.

[58] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 25; *Idem*, ᶜ*Umdat al-Muḥtājīn*, 49.

[59] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, Ibid. The *ḥadīth* is not found. Translation is mine.

[60] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, Ibid.

e.   Voluntary prayer of *al-ḍuḥā*

°Abd Ra'ūf also emphasized on voluntary prayer of *al-ḍuḥā* as he says:

> When it will reach fourth of the day, he perform *al-ḍuḥā* prayer at least two *raka°ah* and twelve *raka°ah* in maximum.[61]

(ii)   Congregation prayer

°Abd Ra'ūf advised his disciples of Sufism to never ignore the congregation prayer:

> And he should not abandon prayer in congregation at that time at least two persons, i.e., *imām* and *ma'mūm* even though with his wife for the sake of the reward.[62]

(iii)   Voluntary fastings

°Abd al-Ra'ūf suggested to the disciples to perform voluntary fasting besides mandatory fasting i.e., three days every month, six days in the month of *Shawāl* and nine days in the beginning of *Dhulḥijjah*.[63] °Abd al-Ra'ūf quoted a *ḥadīth* concerning the advantages of this fasting:

> Fasting in the month of patience and three days every month can remove envy from the heart. [It is meant by] the month of patience is [the month of] *Ramaḍān*. [64]

Concerning the significance of the fasting of *Shawāl*, °Abd al-Ra'ūf posed a *ḥadīth*:

> Whoever does *Ramaḍān* fasting then he continues with six-day fasting of [month of] *Shawwāl*, his fasting is like

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[61] °Abd al-Ra'ūf, *°Umdat al-Muḥtājīn*, 43.Translation is mine.

[62] °Abd al-Ra'ūf, *°Umdat al-Muḥtājīn*, 42. Translation is mine.

[63] °Abd al-Ra'ūf, *Tanbīh al-Māshī*, 26; *Idem*, *°Umdat al-Muḥtājīn*, 50-51.

[64] °Abd al-Ra'ūf, *Tanbīh al-Māshī*, Ibid. Aḥmad bin Ḥanbal, *Musnad al-Imām Aḥmad bin Ḥanbal*, 10 volumes, (Beyrut-Lubnan: °Alah al-Kutub, 1419/1998), vol. VII, 650. Translation is mine.

one year fasting.[65]

Regarding the priority of fasting the first nine days of *Dhulḥijjah*, ᶜAbd al-Ra'ūf cited a *ḥadīth*:

> There is no day beloved by Allah that one performs worship in the ten days. Fasting in those days is like fasting during one year and standing [performing prayer] every night is like standing in *al-qadr* night.[66]

ᶜAbd al-Ra'ūf interpreted that the good deeds performed during that period would multiply in rewards to seven hundred rewards.

(iv)   Al-Qur'ān Recitation

ᶜAbd al-Ra'ūf suggested to his disciples to recite some *sūrahs* of the Qur'ān, among of them were:

a.   Sūrah al-Ikhlāṣ

ᶜAbd al-Ra'ūf suggested that his disciples recite Sūrah al-Ikhlāṣ ten times after mandatory prayer[67] based on this *ḥadīth*:

> Whoever recites '*qul huwa allāh aḥad*' after mandatory prayer ten times, indeed he will gain the pleasure and forgiveness from Allah Almighty.[68]

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[65] The redaction of *ḥadīth* in *ᶜUmdat al-Muḥtājīn* is without "*ka-siyām al-dahr*"**,** see ᶜAbd al-Ra'ūf, *ᶜUmdat al-Muḥtājīn*, 51. The *ḥadīth* was narrated by al-Muslim, see Muslim bin al-Hujāj al-Qushayrī al-Naysābūrī, *Ṣaḥīḥ Muslim*, (Beyrut-Lubnan: Dār al-Kutub al-ᶜIlmiyyah, 1429/2008), vol. IV, 124, hereafter cited as Muslim, *Ṣaḥīḥ Muslim*. Translation is mine.

[66] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 26; *Idem*, *ᶜUmdat al-Muḥtājīn*, 51. The true redaction of the *ḥadīth* is "*mā min ayyām al-dunyā ayyām aḥabbu ilā allāh subḥānahu an yutaᶜabbada fīhā min ayyām al-ᶜashr, wa inna ṣiyām yawm fīhā li-yaᶜdala ṣiyām sanah wa laylatun fīhā bi-laylat al-qadr,*" see Abī Abd Allāh Muḥammad bin Yazīd al-Qusrawaynī, *Sunan Ibn Mājah*, 5 volumes, (Beyrūt-Lubnān, Dār al-Kutub al-Ilmiyyah, 1419/1998), vol. II, 354, hereafter cited as Ibn Mājah, *Sunan Ibn Mājah*. Translation is mine.

[67] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21; *Idem*, *ᶜUmdat al-Muḥtājīn*, 46.

[68] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, Ibid; *Idem*, *ᶜUmdat al-Muḥtājīn*, Ibid. The *ḥadīth* is not found in the venerated books of *ḥadīth*. It is only found in Imam al-Suyūṭī, *Kitāb Jāmiᶜ al-Ḥadīth*, Qism al-Aqwāl, Ḥarf al-Mīm, No. 23471. Translation is

b.   Sūrahs Yā Sīn, al-Mulk, al-Sajdah dan al-Wāqi^cah.

^cAbd al-Ra'ūf advised his disciples to recite Sūrahs Yāsīn and
al-Mulk every morning and afternoon and Sūrahs al-Sajdah and
al-Wāqi^cah after *al-maghrib* prayer.[69] He said, if the time was short
to recite Yāsīn and al-Wāqi^cah, it was enough to recite al-Sajdah and
al-Mulk.

   ^cAbd Ra'ūf propounded some *ḥadīths* concerning the priority
and benefits of reciting these Sūrahs, among them were:
A *ḥadīth* narrated by Jābir (God bless him):

> The Prophet (PBUH) did not go to sleep before reciting
> '*alif lām mīm al-sajdah*' and '*tabāraka al-ladhī
> bi-yadihi al-mulk*'.[70]

   Regarding the priority of Sūrah Yāsīn, it is mentioned in
ḥadīth marfu^c from Anas and narrated by Tirmidhī and others that the
Prophet (PBUH) said:

> Whoever recites Sūrah Yāsīn, Allah Almighty would
> record for him ten times of reciting the Qur'ān.[71]

   Concerning sūrah al-Wāqi^cah, Ibn ^cAbbās (God bless them),
the Prophet (PBUH) said:

> Whoever recites '*idhā waqa^cati al-wāqi^cah*' every night,
> he would not be stricken by poverty entirely.[72]

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mine.
[69] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21; *Idem*, ^c*Umdat al-Muḥtājīn*, 50. In ^c*Umdat
al-Muḥtājīn*, Sūrah Yāsīn and al-Mulk after *al-ṣubḥ* prayer, whereas after *al-maghrib*
prayer: Sūrah Yā Sīn, al-Mulk, al-Sajdah and al-Wāqi^cah, see ^cAbd al-Ra'ūf, ^c*Umdat
al-Muḥtājīn*, 50.
[70] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21; *Idem*, ^c*Umdat al-Muḥtājīn*, 44. The *ḥadīth*
was narrated by Aḥmad bin Ḥanbal, see Aḥmad bin Ḥanbal, *Musnad al-Imām
Aḥmad bin Ḥanbal*, vol. V, 129, Translation is mine.
[71] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21. The *ḥadīth* was narrated by al-Tirmidhī, see
Abī ^cIsa Muḥammad bin ^cIsa bin Sūrah, *Sunan al-Tirmidhī*, 6 volumes, (al-Qāhirah:
Dār al-Ḥadīth, 1426/2005), vol. V, 11-12, hereafter cited as al-Tirmidhī, *Sunan
al-Tirmidhī*. Translation is mine.
[72] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21; *Idem*, ^c*Umdat al-Muḥtājīn*, 46. The *ḥadīth*
was narrated by Aḥmad bin Ḥanbal, see Aḥmad bin Muḥammad bin Ḥanbal, *Fadā'il*

c. Sūrah al-Fātiḥah

ᶜAbd al-Ra'ūf propounded some *ḥadīths* concerning the priority of Sūrah al-Fātiḥah, among them is:

> The greatest chapter in the Qur'ān is 'al-ḥamd li-Allāh rabb al-ᶜālamīn'.[73]

Concerning the way of reciting al-Fātiḥah, ᶜAbd al-Ra'ūf cited some scholars suggest 18 times after *al-ᶜishā'*, *al-ṣubḥ*, *al-ẓuhr* and *al-ᶜaṣr*, whereas after *al-maghrib* 28 times. Therefore, the total was 100.[74]

(v) Rites:

a. Salutation (*Ṣalawāt*) upon the Prophet (PBUH)

In *Tanbīh al-Māshī*, ᶜAbd al-Ra'ūf stated that among the commands of the Prophet (PBUH) was giving *ṣalawāt* to him. ᶜAbd al-Ra'ūf cites Qur'anic verse and some *ḥadīths* indicating the significance of *ṣalawāt*, as follow:

> God and his angels send blessing on the Prophet: O ye that believe! Send ye blessing on him and salute him with all respect.[75]

Prophet Muhammad (PBUH) also said:

> Indeed the priority of mankind beside me on the judgment day is those who recited the most *ṣalawāt*

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al-Ṣaḥābah, 2 volomes, (Beyrūt: Muassasah al-Risālah, 1ˢᵗ printed, 1403/1983), No. 1247, vol. II, 726.Translation is mine.

[73] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21.The true and complete redaction of the *ḥadīth* is "alā uᶜallimuka sūratun aᶜẓam sūratin min al-qur'ān qabla an akhruju min al-masjid? fa lammā arāda an yakhruja, qāla: al-ḥamdu li-llahi rabbi al-ᶜalamīn, wa hiya al-sabᶜu al-mathānī, wa al-qur'ān al-ᶜaẓīm al-ladhī ūtītum." The *ḥadīth* was narrated by al-Dārimi, see Abū Muḥammad ᶜAbd Allāh bin ᶜAbd al-Raḥman al-Dārimī, *Sunan al-Dārimī*, 4 volumes, (Dār al-Mughnī, 1ˢᵗ printed, 1412/2000), No. 1533, vol. II, 935. Translation is mine.

[74] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 22.

[75] Al-Qur'ān, al-Aḥzāb (33): 56. Translated by 'Abdullah Yusuf 'Ali, see 'Abdullah Yusuf 'Ali, *The Holy Qur'an*, 517.

upon me.[76]

Regarding the volume of pronouncing *ṣalawāt*, ^cAbd al-Ra'ūf
cites Abū Ḥasan al-Bakrī who stated that, ^cAlī bin Abī Ṭālib (God
bless him) said, "The least volume of reciting of *ṣalawāt* is three
hundred times".[77]

b. *Al-Istighfār*

^cAbd al-Ra'ūf advised his disciples to excessively pronounce
al-istighfār and *al-ṣalawāt* upon the Prophet (PBUH). He quoted a
ḥadīth concerning the benefits of *al-istighfār*:

> Whoever pronounces *al-istighfār* excessively certainly
> Allah relieves him from every trouble, gives solution
> from every narrowness and give him sustenance in
> unexpectedly ways.[78]

^cAbd al-Ra'ūf recommended his disciples to recite *al-istighfār* after
al-ṣubḥ, *al-^cishā'* and *al-tahajjūd* prayer, each for 100 times.[79]

c. Reciting *subḥāna Allāh wa al-ḥamd li-Allāh wa lā ilaha illā
    Allāh wa Allāh al-akbar wa lā ḥawla wa-lā quwwata illā bi-Allāh
    al-^calī al-^caẓīm ^cadada khalq Allāh bi-dawām Allāh* 10 times.

^cAbd al-Ra'ūf suggested that his disciples perform this rite after
al-ḍuḥā prayer.[80] He cited a *ḥadīth* concerning the priority of this rite
thus:

> It is narrated from Abū Hurayrah (God bless him) that
> the Messenger of God (PBUH) met him while he was

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[76] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 8. See Abū Bakr bin Abī Shaybah, Abd Allāh
bin Muḥammad bin Ibrāhīm bin Uthmān bin Khawāsatī al-Abasī, *Musnad ibn Abī
Shaybah*, 2 volumes, (al-Riyād: Dār al-Watn, 1st printed, 1997), No. 306, vol. I, 207.
Translation is mine.

[77] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 9.

[78] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 20. See Abū Abd Allāh Muḥammad bin Naṣr bin
al-Ḥujāj al-Marwazī, *Mukhtasar*, (Fisal Abad, Pakistan: Ḥadīth Academy, 1st
printed, 1408/1988), 98. Translation is mine.

[79] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 20.

[80] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21. Translation is mine.

planting a plant, then the Prophet asked him, "What was you plant?" Abū Hurayrah answered "a plant". The Prophet said "Would you like if I inform you about a plant that is better than this plant, i.e., *subḥāna Allāh wa al-ḥamd li-Allāh wa lā ilaha illā Allāh wa Allāh al-akbar*. Through this one saying, it means you have planted a plant in paradise.[81]

d.   Remembrance of God (*dhikr*).

Another tradition (*sunnah*) of the Prophet (PBUH) that was recommended by ᶜAbd al-Ra'ūf was to recite *dhikr*[82] regularly and excessively.[83] Among the rites and devotional works, it seems, *dhikr* has become the main concern of ᶜAbd al-Ra'ūf as Johns pointed out, it was the favourite theme of ᶜAbd al-Ra'ūf.[84]

In the perspective of Sufism, according to ᶜAbd al-Ra'ūf, *dhikr* was the shortest and easiest way to attain gnosis of Allah Almighty (*maᶜrifat Allāh*) as well as the best thing inside Him.[85] Regarding the phrase employed on *dhikr*, according to ᶜAbd al-Ra'ūf, '*lā ilaha illā Allāh*' was the best, as the Prophet Muhammad (PBUH) stated:

> The best prayer is prayer on *ᶜArafah* day, whereas the best *dhikr* which is I and my predecessors among the Prophets say, is '*lā ilaha illā Allāh waḥdah lā shārika lah*'.[86]

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81 81 ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 21. The *ḥadīth* was narrated by Ibn Mājah, see Ibn Mājah, Abū ᶜAbd Allāh Muḥammad bin Yazīd al-Quzwayn, *Sunan Ibn Mājah*, 2 volumes, (Cairo: Dār Iḥyā' Kutub ᶜArabiyyah, nd), No. 3807, vol. II, 1251. Translation is mine.

82 ᶜAbd al-Ra'ūf defines *dhikr* as *al-takhallūṣu min al-ghaflat wa al-nisyān bi-dawāmi ḥuḍūri al-qulūb maᶜa al-Ḥaqq* (releasing from ignoring and forgetting by constantly presenting of the heart with the Truth Most Exalted), see ᶜAbd al-Ra'ūf, *ᶜUmdat al-Muḥtājīn*, 17.

83 ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 9.

84 Johns. "Daḳā'iq al-Ḥurūf", 55.

85 ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 9.

86 ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī* 9; *ᶜUmdat al-Muḥtājīn*, 6. See Ismāᶜīl bin Jaᶜfar bin Abī Kathīr al-Anṣārī, *Ḥadīth ᶜAli bin Jaᶜfar al-Saᶜdī ᶜan ismāᶜīl bin Jaᶜfar al-Madānī*, (al-Riyāḍ: Maktabah al-Rushd, 1418/1998), No. 369, 429. Translation is

^{c}Abd al-Ra'ūf suggested that the disciples of Ṣūfīsm to recite '*lā ilaha illā Allāh*' one thousand times after praying of *al-ṣubḥ*, *al-^{c}ishā'* and *al-tahajjūd*, as Ibrāhīm al-Kūrānī advised to his companions.

e. Rites before going to sleep

^{c}Abd al-Ra'ūf advised his disciples to recite al-Qur'ān before going to sleep that was intended to protect him, his property, the beloved men, family or others either those who live in his homeland or those traveling. ^{c}Abd al-Ra'ūf recommended 33 the Qur'anic verses that consisted of:[87] (i) Four verses the beginning of Sūrah al-Baqarah; (ii) The verses of Kursī; (iii) Two verses after the verses of Kursī; (iv) Three last verses of Sūrah al-Baqarah; (v) Three verses of Sūrah al-A^{c}rāf; (vi) Two last verses of chapter Banī Isrāīl (vii) Ten verses among Sūrah Ṣāffāt; (viii) Two verses among the verses of al-Raḥmān, i.e., *yā ma^{c}shar al-jinn wa al-ins in istaṭa^{c}tum* until *fa-lā tantaṣirān*; (ix) Four end verses of chapter al-Ḥashr, i.e., *law anzalnā hadhā al-qur'ān ^{c}alā jabal* until its end and two verses starting from *qul ūḥiya ilayya*, i.e., *wa annahu ta^{c}ālā had (jaddu) rabbinā* until *shaṭaṭā*.

All these verses, according ^{c}Abd al-Ra'ūf, were called *ayāt al-kursī* [or *ayāt al-ḥirs* i.e., the verses of guarding). This rite, according to ^{c}Abd al-Ra'ūf was based on a *ḥadīth* thus:

> Whoever recites in the night thirty three verses, he would be safe from the disturbance of wild animal, thief; and he would live healthy as well as safeguarding his property and family until the morning.[88]

It is clear that ^{c}Abd al-Ra'ūf had emphasized the practice of *sharī^{c}ah* in his mystical teaching by recommending various devotional works, remembrance and rites to the disciples of Sufism.

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mine.
[87] ^{c}Abd al-Ra'ūf, *^{c}Umdat al-Muḥtājīn*, 67-68.
[88] ^{c}Abd al-Ra'ūf, *^{c}Umdat al-Muḥtājīn*, 68. The narrator of the *ḥadīth* is not found. Translation is mine.

Integrating Good Conduct (*al-Akhlāq*) to Sufism

Hereby we examined the concerns of ᶜAbd al-Ra'ūf about moral behaviour among mankind which is known as good conduct. In his main works of Ṣūfīsm, *Tanbīh al-Māshī*, for instance, ᶜAbd al-Ra'ūf obviously suggested that disciples of Sufism imitate Prophet Muhammad (PBUH) in order to attain the perfection.[89] Among the matters that should be imitated from the Prophet was his good conduct among mankind.

Prophet Muhammad (PBUH), according to ᶜAbd al-Ra'ūf had succeeded to give good examples of morality such as to love among mankind either kids or adults as he said:

Allah will not love those who do not love others.[90]

And again:

A Muslim is a brother to other Muslim; it is not allowed to persecute and ignore him. Whoever helps the need of his brother, necessarily Allah will help him, whoever relieves the difficulty of a Muslim, necessarily Allah will relieve his difficulties on judgment day; and whoever covers [the disgrace] of a Muslim, necessarily Allah will cover [his disgrace] on judgment day.[91]

ᶜAbd al-Ra'ūf also advised his disciples to avoid cursing (*al-ghībah*), making condemnation or judging other Muslims as *fāsiq* or infidel as he highlighted:

Keep your tongue from cursing (*ghibah*) and from accusation of infidel (*kufr*) of others, because there is a big sin in both beside your Lord Almighty; never condemn your Muslim brother, because it will plunge

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[89] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 19-20.

[90] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 20. The *ḥadīth* was narrated by al-Bukhārī, see al- Bukhārī, *Ṣaḥīḥ al- Bukhārī*, 9 volumes, (Dār Ṭūq al-Najāh, 1ˢᵗ printed, 1422 A.H.), No. 7376, vol III, 367-68, hereafter cited as al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*. Translation is mine.

[91] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 20. The *ḥadīth* was narrated by al-Bukhārī, see al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, No.2442, vol. 3, 128. Translation is mine.

you to join those who sin in the hereafter life…[92]

ᶜAbd al-Ra'ūf argued by some *ḥadīths*, among of them was:

One does not accuse another to do *fāsiq* or be an infidel
except such accusation returns to him, if the other is not
proven as what is accused.[93]

The concern of ᶜAbd al-Ra'ūf for good conduct is also proven
by the fact that, in *ᶜUmdat al-Muḥtājīn*, he devoted one section on
discussing moral behaviour within which ᶜAbd al-Ra'ūf listed several
good conducts and propounded some *ḥadīths*[94] concerning the
behaviour of believers. He obviously stated that all of them should be
practised by those who embarked on the Ṣūfī path. It was, ᶜAbd
al-Ra'ūf asserted, to ensure disciples would be ascribed to the people
of God (*ahl Allāh*). In this respect, ᶜAbd al-Ra'ūf propounded some
ḥadīths concerning the behaviour of the believer which he cited from
the work entitled *Kifāyah al-Ḥasn*. Among of the *ḥadīths* were:[95]

The believer is one who is trusted by people; and
Muslim is one that frees people from [the evil of] his
tongue and hand; and mover is one who moves from the
evil; demi one who my soul on his hand [God], a servant
will not enter the paradise that his neighbor from his
torment.[96]

And again,

The believer is mirror to [another] believer; the believer
is brother to [another] believer. However he meets him,

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[92] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*,19. Translation is mine.

[93] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 19. The *ḥadīth* was narrated by al-Bukhārī, see
al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, No. 6045, vol. VIII, 15. Translation is mine.

[94] In this case ᶜAbd al-Ra'ūf poses 25 *ḥadīths*, see ᶜAbd al-Ra'ūf, *ᶜUmdat
al-Muḥtajīn*, 63-67.

[95] Ibid., 63.

[96] The *ḥadīth* was narrated by Aḥmad bin Ḥanbal, see Aḥmad bin Ḥanbal, *Musnad
al-Imām Aḥmad bin Ḥanbal*, edited by Muḥammad abd al-Qādir ᶜAṭā, 11 volumes,
(Beyrut: Dār al-Kutub al-ᶜIlmiyyah, 1ˢᵗ edition, 2008), vol. V, 432. Translation is
mine.

he will suffice and help him. In his absence, he will keep his [reputation].[97]

ᶜAbd al-Ra'ūf also cites Ibn ᶜArabī in his book entitled, *al-Amr al-Muḥkam al-Marbū* concerning which good conducts should be performed by disciples of Sufism, among of them were:[98]

(i)   Loving Muslims but being firm to non-Muslims;
(ii)   Constantly in self-exercise (*al-riyāḍah*), i.e., purifying himself from evil behaviour and performing good behaviour;
(iii)   Constantly repenting to Allah Almighty and saying *istighfār*;
(iv)   Avoiding all prohibited and dubious things and the desire of lust;
(v)   Constantly self-examining (*muḥāsabah*), i.e., to examine all of self-movements and things that come to mind (*al-khātir*);
(vi)   Constantly considering all good deeds while performing them;
(vii)   Constantly being in strive (*mujāhadah*) to overcome his lust;
(viii) Releasing two situations from his heart and helping his brother/sister with his own property;
(ix)   Constantly upholding to Allah Almighty on all of his affairs and being satisfied with what Allah has done for him as well as to have patience on all pains and to obey what He has ordained;
(x)   Withdrawing from his place and escaping from society.

It is clear how ᶜAbd al-Ra'ūf viewed the significance of good conduct in Sufism. It is also proven that ᶜAbd al-Ra'ūf had set forth good couduct as an integral part in his mystical teachings.

Interpreting Ṣūfī Metaphysical Doctrine (*Waḥdat al-Wujūd*)

The most significant approach employed by ᶜAbd al-Ra'ūf to reconcile Sufism with *sharīᶜah* is by clarifying and revealing the orthodox interpretation of the Ṣūfī metaphysic doctrine, i.e., *waḥdat*

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[97] The true redaction of the *ḥadīth* is "*al-mu'min mir'at al-mu'min, wa al-mu'min akhū al-mu'min yakfī ᶜalayhi ḍīᶜatuhu wa-yaḥūṭuhu min warā'ih.*" The *ḥadīth* was narrated by Abū Dāwud, see Abū Dāwud, *Kitāb Sunan Abū Dawūd*, No. 4918, vol. II, 971-72. Translation is mine.

[98] ᶜAbd al-Ra'ūf lists 35 good counducts should be performed by disciples of Sufism, see ᶜAbd al-Ra'ūf, *ᶜUmdat al-Muḥtājīn*, 58-63.

al-wujūd. *Waḥdat al-wujūd* is a doctrine which states that, in the respect of fundamental reality (*haqīqah*), there is only one existence (*wujūd*) i.e., the existence of God. The existence of creatures (*makhlūq*) is covered by the existence of the Creator (*Khāliq*). The doctrine was ascribed to a Ṣūfī-philosopher of Spain of the 11th and 12th centuries, named Muḥy al-Dīn Ibn ᶜArabī (1165-1240 C.E.).[99] According to Ibn ᶜArabī, there was no difference whatsoever between the two. If one found the distinction, it was because he viewed them from different senses or reasons which had limited ability to reach the Reality.[100]

The great condemnation of *waḥdat al-wujūd* was because, in the view of its opponents, the doctrine was regarded as identifying the world and that of God as similar to "pantheism" or "monism" in the Western mysticism.[101] Hence, it was considered to go against Islamic principles, i.e., the concept of *tawḥīd*. Thus, it is regarded by orthodox scholars as the worst kind of heresy.

In the context of the Malay world, the disputation on the understanding of *waḥdat al-wujūd* had led to tension between al-Rānīrī and Ḥamzah/Shams al-Dīn's adherents during the reign of

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[99] Even though *wahdat al-wujūd* mostly ascribed to Ibn ᶜArabī, but according to William Chittick, essentially this teaching has been developed in the history of Sufism long time before Ibn ᶜArabī. In line to Chittick, Ibrāhīm Bashūnī states that, as far as idea is concerned, *waḥdat al-wujūd* had contained in the thought of Abū Yazīd and al-Hallāj. But, in the systematic and complete form, it is founded firstly in the Islamic world in the writing of Ibn ᶜArabī, see William C. Chittick, "Ebno'l-ᶜArabi's Doctrine of the Oneness of Being", *Sufi*, issue 4, Winter 1989-90:6-14 as cited by Abdul Hadi W.M., Tasawuf yang Tertindas: Kajian Hermeneutik terhadap Karya-karya Hamzah Fansuri, (Jakarta: Paramadina, 1st printed, 2001), 160, hereafter cited as Hadi, *Tasawuf yang Tertindas*, 160; Ibrāhīm Bashūnī, 115, as cited by A. Rivai Siregar, *Tasawuf dari Sufisme Klasik ke neo-Sufisme*, (Jakarta: PT Raja Grafindo Persada, 1st edition, 2th printed, 2000), 45.

[100] Al-Taftāzānī, *Madkhal* 247; HAMKA, *Tasauf*, 140.

[101] An outstanding scholar who productively wrote concerning Ibn ᶜArabī either in Arabic or English, namely A. E. Afifi, for instance, is found to employed "*waḥdat al-wujūd*" in Arabic and "pantheism" in English on elucidating the same doctrine, i.e., *waḥdat al-wujūd*, see Zakaria Stapa & Mohamed Asin Dollah (ed.), *Islam Akidah dan Kerohanian*, (Bangi: Penerbit Universiti Kebangsaan Malaysia, 2001), 117, hereafter cited as Stapa, *Islam Akidah*.

Sulṭān Iskandar Thānī (r. 1637-1641 C.E.). But, it is interesting to remark that al-Rānīrī did not reject *waḥdat al-wujūd* as a Ṣūfī doctrine, but rather the misunderstanding and misconception of this doctrine. That was why al-Rānīrī distinguished the adherents of *waḥdat al-wujūd* into the true *wujūdiyyah* (*muwaḥḥid*) and the heretical *wujūdiyyah* (*mulḥīd*).[102] Al-Rānīrī categorized Ḥamzah and Shams al-Dīn and their adherents to the latter who became the target of his attack. Al-Rānīrī accused Ḥamzah and Shams al-Dīn of mistaking the understanding of *waḥdat al-wujūd* as implying the identification of the world and that of God which was called pantheism in Western mysticism.[103]

The discussion of ʿAbd al-Raʾūf on *waḥdat al-wujūd* was visible in his works, especially *Tanbīh al-Māshī*. In the work, ʿAbd al-Raʾūf's elucidation of *waḥdat al-wujūd* can be seen while he dealt with the issue of ontology, i.e., the ontological status of the world as well as its ontology relationship to God. Concerning the ontological status of the world, ʿAbd al-Raʾūf held the belief of theologians who distinguished the being into the necessary being (*wājib al-wujūd*) and possible being (*mumkin al-wujūd*). The necessary being was the being of God, whereas possible being was the being of the world as ʿAbd al-Raʾūf stated, "The reality of the world is existence that is bound up by the nature of possibility (*sifat al-mumkināt*). That is why it is called as something other than God." [104] Regarding the ontological relationship between the world and God, ʿAbd al-Raʾūf employed the allegory of shadow as he said below:

> If it is linked to God, the world is like shadow. It is not other reality beside the known realities of God in the eternal (*al-azal*) times, and then acquired its existence.

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[102] Al-Rānīrī, "Ḥujjat al-Ṣiddīq li-Dafʿ Ahl Zindīq", in Syed Muhammad Naquib al-Attas, *A Commentary on the Hujjat al-Ṣiddīq of Nūr al-Dīn al-Rānīrī*, (Kuala Lumpur: Ministry of Culture Malaysia, 1986), 61, hereafter cited as al-attas, *Commentary*.

[103] Al-Rānīrī, "Ḥujjat al-Ṣiddīq li-Dafʿ Ahl Zindīq", 9-10, in al-Attas, *Commentary*; *Idem*, *Rānīrī and the Wujūdiyyah of 17ᵗʰ Century Acheh*, (Kuala Lumpur: Malaysian Branch Royal Asiatic society, 1966), 35-36, hereafter cited as *Rānīrī and the Wujūdiyyah*; Al-Rānīrī, *Tibyān fī-Maʿrifah al-Adyān*, 99-100, as cited by al-Attas, *Rānīrī and the Wujūdiyyah*, 25. The quotation was translated by al-Attas.

[104] ʿAbd al-Raʾūf, *Tanbīh al-Māshī*, 1.

Therefore, according to this view, mankind is His shadow, or shadow to His shadow.[105]

ᶜAbd al-Rauf quoted Ibn ᶜArabī who said:

In the respect of fundamental reality, our archetypes are shadow of God Almighty, no other.[106]

ᶜAbd al-Rauf also quoted ᶜAbd al-Raḥmān bin Aḥmad al-Jāmī, thus:

> …such potentiality covers the outward archetypes (*al-aᶜyān al-khārijiyyah*) and the permanent archetypes (*al-aᶜyān al-thābitah*). This is because our *al-aᶜyān thābitah* is shadow of the essence (*dhāt*) of God that mixed with His action and our *al-aᶜyān khārijiyyah* is shadow to the *al-aᶜyān thābitah*, therefore shadow of the shadow is shadow through mediator.[107]

ᶜAbd al-Ra'ūf asserted that the shadow had no existence other than the existence of its owner. Hence, the existence of the shadow depended on the existence of the owner. Due to the existence of shadow is determined by another, hence, the other was the true reality, i.e., God. Thus, in reality, there is one existence, i.e., the existence of God.[108] ᶜAbd al-Ra'ūf states that this was meant by the term *waḥdat al-wujūd*.[109] Through this belief, ᶜAbd al-Ra'ūf said, we would know that the world belongs (*milk*) to Allah Almighty, and through His existence, the world came to exist. ᶜAbd al-Ra'ūf cited a Prophet's tradition:

> Our existence is merely causes by Him, and belonged to Him.[110]

Although ᶜAbd al-Ra'ūf accepted the doctrine of *waḥdat*

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[105] Ibid., 1-2. Translation is mine.

[106] Ibid., 2. Translation is mine.

[107] Ibid. Translation is mine.

[108] Ibid.

[109] Ibid., 3.

[110] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 2. The narrator of the *ḥadīth* is not to be found. Translation is mine.

al-wujūd, nevertheless he rejected the identification of the world and God. He stated that, the world was not truly the essence (*dhāt*) of God Almighty. In order to maintain his standpoint, ᶜAbd al-Ra'ūf propounded some arguments. Among the Qur'ānic verses quoted by ᶜAbd al-Ra'ūf:[111]

> … The Creator of all things …[112]

According to ᶜAbd al-Ra'ūf, if it was assumed that the world was the essence of Allah, it was impossible for the Creator to create His own-essence.

Having argued with the help of several Qur'ānic verses, ᶜAbd al-Ra'ūf strengthened his argument by the fact that God had ordained mankind to perform *sharīᶜah* obligations. Through logic approach, he argued, if the world [in which mankind was part of the world] was truly the essence of God, certainly He would not burden mankind with religious obligations such as prayer, fasting and so on, since they were the Essence of God.[113]

ᶜAbd al-Ra'ūf did not refute any claim stating the absolute unity between everything and of God, but it merely occurred in the eternal (*al-azal*) times since at that time there was no existence except God's existence as he explained:

> If you found someone who says that the world and everything is the essence of Truth Most Exalted, know that it is not true except with regard of the eternal (*al-azal*). One can say everything is the essence based on God's being, not based on its fundamental reality (*ḥaqīqah*). Because, in the *al-azal* time, there is no existence except God's existence; and the possible things (the world) has nothing except the possibility of being.[114]

However, we may not say, ᶜAbd al-Ra'ūf argued, everything

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[111] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 2.

[112] Al-Qur'ān, al-Anᶜām (6): 102. Translated by 'Abdullah Yusuf 'Ali, see 'Abdullah Yusuf 'Ali, *The Holy Qur'an*, 171.

[113] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 2.

[114] Ibid., 3-4.

was God except "in Him", i.e., in *aḥadiyyah* in the respect of smelting (encompassing) and no distinction in it to other than God. So never say, "Everything in the beginning is the essence of God Most Exalted, then it changes becoming other possible thing. It is a kind of erroneous understanding."[115]

In ᶜAbd al-Ra'ūf's view, the absolute union between the world and that of God (*al-ᶜainiyyah*) was not true except before its appearance in the external world, i.e., the *al-azal* times. This is because everything is within the knowledge of God as primordial potentialities that are so called *al-aᶜyān al-thābitah*. Such potentialities are general and universal in which every kind of creature is united in its generality like human beings are united in their kind of humanity. Based on this, Shāh Wālī Allāh al-Dihlawī, for instance, called *al-aᶜyān al-thābitah* as universal self (*al-nafs al-kullī*).[116] However, in the stage of *al-aᶜyān al-thābitah* everything had not been created yet, but still was the object of God's knowledge which remained in His knowledge. Nevertheless, in the view of ᶜAbd al-Ra'ūf, after the creation of everything which was indicated by their appearance to the external world, the union between God and that of everything was not valid since the external world as well as the internal world had their law. ᶜAbd al-Ra'ūf advised his disciples to understand this matter well, because making an error in this issue, ᶜAbd al-Ra'ūf said, would be very dangerous. Those who err in this matter would become unguided and led to unguided.[117]

Although ᶜAbd al-Ra'ūf did not reject the cosmological concept of Ibn ᶜArabī in which the world was manifestation (*majlā*) to the names and attributes of God, he maintained that the world and God were not identical. In this term, ᶜAbd al-Ra'ūf employed the analogy of the mirror thus:

> The Truth Most Exalted was the mirror to the gnostic, so
> he saw within it all of the particular things of himself;

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[115] Ibid.

[116] Wan Mohd Azam bin Mohd Amin, "Tasawuf Falsafi (Philosophical Sufism) Shāh Wālī Allāh al-Dihlawī," in Abdul Salam Muhammad Shukri (ed.), *Dimensi Pemikiran Shāh Wālī Allāh al-Dihlawī dan Pengaruhnya di Malaysia*, (Gombak: Research Centre International Islamic University Malaysia, 1st edition, 2007), 50.

[117] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 7.

and he was also the mirror to his Lord, so the Lord saw within it Himself gathering His names and attributes in accordance to his acceptance, not in accordance to his Lord because there is limitation to God in respect of His essence. That is why the manifestations of God change within it by the change of its acceptance and all of its states like the change the image in the mirror, because it changes the acceptance of the mirror.[118]

ᶜAbd al-Ra'ūf stated that the different state of the image in the mirror was due to the different state of the mirror. Sometimes, the image was small because the mirror was small; it is long because the length of the mirror; it moved because the mirror moved; it was inverted when the mirror was being in the top or buttom sides; sometimes the right side of an image was opposite the right side of one who faced to the mirror when the mirror was multiplied, and sometimes the right side of the one opposite to the right side of the image, while the mirror was in front of him. All of such states, ᶜAbd al-Ra'ūf explained, referred to the image that was seen in the mirror, never was it the self of one who faced the mirror and also it was other than him because he remained as he was, not changed; what merely changed was his appearance in the mirror because of the change in the mirror's acceptance. This is, ᶜAbd al-Ra'ūf said, the analogy of the non-identical (*tiada tashbih*) to the manifestations (*al-tajaliyyāt*) of God the Most High to his servants. It was diverged because of the divergence of His servants in their states.[119] Thus, it could be understood that, in ᶜAbd al-Ra'ūf's view, God differed with His manifestations (creatures). On the viewpoint of essence, ᶜAbd al-Ra'ūf asserted, the existence was one, i.e., the essence of God, meanwhile in respect of God's manifestation, the existence was many, i.e., God and the world as His manifestations.

The above elucidation demonstrates how ᶜAbd al-Ra'ūf masterly understood the nature of *waḥdat al-wujūd* as taught by Ibn ᶜArabī, i.e., the reality of God differs from His manifestations.[120]

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[118] ᶜAbd al-Ra'ūf, "Daqā'iq al-Ḥurūf", 139. Translation is mine.

[119] Ibid.

[120] Stapa, *Islam Akidah*, 125; Seyyed Hossein Nasr, *Three Muslim Sages*, (Pakistan: Suhail Academy Lahore, 1988), 106-07.

^cAbd al-Ra'ūf asserting on the non-identical between the world and
that of God or the transcendence of God upon His creatures also can
be seen in his following statement:

> Understand this affirmation, and never mix something,
> because to mix matters is among the attitude of those
> who do not know Allah Almighty. Say and believe that
> the servant remains a servant despite he goes ascending,
> and God remains God although He descends. The
> ultimate reality would not change, i.e., the reality of a
> servant would not become the reality of God and
> contrary, despite in eternal times.[121]

From the discussion of this section, it can be pointed out that,
even though ^cAbd al-Ra'ūf accepted and maintained the doctrine of
waḥdat al-wujūd, he rejected the misunderstanding or misconception
on this teaching i.e., the identification of the world and that of God.
As we have seen that since the beginning of his discussion on
ontology, although ^cAbd al-Ra'ūf affirmed that creatures were the
manifestations (shadow) of God, he maintained the transcendence of
Allah upon its creatures. ^cAbd al-Ra'ūf's rejection of the
identification of the world and God showed his endeavor to dispel the
misconception and misunderstanding on *waḥdat al-wujūd* which is
against orthodoxy. The orthodox interpretation of ^cAbd al-Ra'ūf on
waḥdat al-wujūd evidenced his strong commitment to reconcile
Sufism and Islamic orthodoxy.

It can be concluded that, ^cAbd al-Ra'ūf had attempted to
reconcile Sufism and Islamic orthodoxy by giving an appropriate
interpretation with orthodoxy. According to him, it was the true
nature of *waḥdat al-wujūd*. As has been seen above, his exposition
was very clear and it is interesting to note that his elucidation was
constantly supported by Qur'ānic verses and Prophetic tradition
(*ḥadīth*).

Criticizing the Extreme Approach in Islamic Creed

Among the important approaches of ^cAbd al-Ra'ūf to reconcile

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[121] ^cAbd al-Ra'ūf, *Tanbīh al-Māshī*, 4.

Sufism and *sharīʿah* related to *wujūdiyyah* disputation in Acheh was criticizing the extreme approach in Islamic creed, i.e., passing infidels (*takfīr*) judgement on Muslims.

The above fact shows that the extreme approach in Islamic creed can sometimes have worse impact on Muslims like persecution and execution as experienced by the above figures/group. In the context of contemporary time, the extreme approach in Islamic belief, sometimes, leads to terrorism which is classified as religious radicalism. Hence, it is necessary to prevent extremism in Islamic creed to establish peace and harmony in society.

Related to this, it is the significant to understand ʿAbd al-Raʾūf's effort through his thoughts to prevent this extremity in Islam. Many scholars view that ʿAbd al-Raʾūf was a moderate scholar who disliked extremity. Daudi, for instance, points out that in contrast to al-Rānīrī, ʿAbd al-Raʾūf was a very tolerant figure when facing various schools of thought even if such a school held a contradictory view. It is evidenced by the fact that nothing had been found in ʿAbd al-Raʾūf's works that attacked or condemned those who differed from his thought.[122] The tolerance of ʿAbd al-Raʾūf, according to Daudi, is also indicated by his very soft attitude toward the sect of *wujūdiyyah* (the adherents of Ḥamzah and Sham al-Dīn) in which ʿAbd al-Raʾūf was very cautious to judge them as infidels, even if their understanding was against ʿAbd al-Raʾūf's belief.[123] The criticisms of ʿAbd al-Raʾūf on radical approach was indicated by his saying thus:

> Avoid your tongue from curse (*ghibah*) and from accusation of infidel (*kufr*) to others, because there is big sin in both beside your Lord Almighty; never condemn your Muslim brother, because it will plunge you to join those who sin in hereafter life, but do not praise them often, because it will plunge you to join people who wrath by God or people who cut the neck of their brothers.[124]

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[122] Daudi, *Allah dan Manusia*, 3.

[123] Ibid., 45.

[124] ʿAbd al-Raʾūf, *Tanbīh al-Māshī*, 19.

The above statement of ᶜAbd al-Ra'ūf seemed to be a general advice, nevertheless, with regard to previous Islamic intellectual discourse of Acheh, Daudi for instance, is inclined to assume that this saying indicated the objection of ᶜAbd al-Ra'ūf to the extremism approach taken by al-Rānīrī which judged Ḥamzah and Shams al-Dīn as well as their adherents as blashphemous, heretic, and infidels.[125]

Daudi's assumption is affirmed by Fathurahman as to him, such a thesis is supported by the fact that, besides in *Tanbīh al-Māshī*, it is also to be found of ᶜAbd al-Ra'ūf's statement in other works. This is, at least, indicates the very concerns ᶜAbd al-Ra'ūf had of the issue. In *Daqā'iq al-Ḥurūf*, for instance, ᶜAbd al-Ra'ūf said:

> … We should not judge him as infidel, since it is very dangerous. This is because, if he was an unbeliever in reality, we can say about it. But if he was not an unbeliever, certainly the saying would return to us. [126]

Shaghir Abdullah, as cited by Fathurahman,[127] was inclined to assume that the above statement was the insinuation to al-Rānīrī, while "him" in such saying was the adherent of Ḥamzah Fanṣūrī. As his style was to constantly support his mystical thought with the Qur'ān and *ḥadīth*, in this respect ᶜAbd al-Ra'ūf argued with some *aḥādīth*, among of them were:

> Anyone says to his brother, "O the infidel!" the saying can attach one among them.[128]

and again,

> One does not accuse others to do *fāsiq* or be an infidel except such an accusation returns to him, if the others do not prove as what is accused.[129]

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[125] Daudi, *Allah dan Manusia*, 43; Fathurahman, *Tanbīh al-Māsyī*, 63.

[126] ᶜAbd al-Ra'ūf, "Daqā'iq al-Ḥurūf", 143. Translation is mine.

[127] Fathurahman, *Tanbīh al-Māshī*, 63.

[128] ᶜAbd al-Ra'ūf, *Tanbīh al-Māshī*, 19. The *ḥadīth* was narrated by al-Bukhārī, see al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, No. 6104, vol. VIII, 26. Translation is mine.

[129] Fathurahman states the *ḥadīth* narrated by al-Bukhari and al-Muslim, see Fathurahman, *Tanbīh al-Māsyī*, 186. Translation of the *ḥadīth* is mine.

ᶜAbd al-Raʾūf propounded his argument why it was prohibited to simply judge the Ṣūfīs as unguided or heresy although they had made statements outwardly against Islamic principles. According to ᶜAbd bd al-Raʾūf, the sayings of the Ṣūfīs should not be understood as ordinary sayings since they are filled with hidden terms and symbols, as he says:

> Know O those who embark God's path that the Ṣūfīs belong to some terms which are not known except by their community.[130]

In this conjunction, according to ᶜAbd al-Raʾūf, those who knew such terms only were allowed to read the Ṣūfī books. Abd al-Raʾūf quoted Ibn ᶜArabī who said: "We are the community that forbid [people] to read our books,"[131] i.e., for those who were not familiar with the Ṣūfī terms. With quoting al-Ḥāfiz al-Suyūṭī in his book entitled *Tanbīh al-Ghabī*, ᶜAbd al-Raʾūf stated that it was because the Ṣūfīs' expressions mostly possessed peculiar meaning.[132] According to him, whoever understood such sayings according to the common meaning among the *ᶜulamā'* (literal meaning), he might be an infidel. Al-Ghazālī, in his works, analogized some of the Ṣūfī sayings stating that they were like the *mutashābihāt* verses of the Qurʾān. Whoever held its literal meaning, he would be an infidel, because that expression possesseed a peculiar meaning, like the words "face" (*wajh*), "hand" (*yad*), "eye" (*ᶜayn*), and seat (*al-istiwā'*).[133] Therefore, if we do not understand the terms of the Ṣūfīs, ᶜAbd al-Raʾūf advised that, their sayings should be submitted to them and never disputed or refuted them.[134]

Furthermore, we may not know the aim of the Ṣūfī in his statement that is outwardly regarded to be against Islamic principles. ᶜAbd al-Raʾūf recommended two ways: *taslīm* and *ta'wīl*. *Taslīm* means submitting the meaning of such saying to its expert, as Shaykh Zarrūq said: *fa-sallim taslam*. *Ta'wīl* means giving an interpretation

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[130] ᶜAbd al-Raʾūf, "Daqāʾiq al-Ḥurūf", 59. Translation is mine.

[131] ᶜAbd al-Raʾūf, *Tanbīh al-Māshī*, 3; *Idem*, "Daqāʾiq al-Ḥurūf", 59.

[132] ᶜAbd al-Raʾūf, *Tanbīh al-Māshī*, 3.

[133] Ibid.

[134] ᶜAbd al-Raʾūf, "Daqāʾiq al-Ḥurūf", 59.

that is appropriate to *sharīᶜah*.[135] ᶜAbd al-Ra'ūf quoted ᶜUmar bin al-Kaṭṭāb's saying:

> Do not regard the saying of your brother as evil while you have chance to interprete it to a good meaning even though to seventy [ways].

ᶜAbd al-Ra'ūf argued, since the word "your brother" in ᶜUmar bin al-Khaṭṭāb's saying was general which covered all Muslims including the perfect ones, it was the main priority to interpret the saying of the perfect Muslim (Ṣūfī master). The approach of ᶜUmar bin al-Kaṭṭāb imitated Prophet Muhammad's (PBUH) way when he said:

> Reject the punishment from Muslim as much as you can. If you find the solution for the Muslim, make it easy for him…[136]

Therefore, ᶜAbd al-Ra'ūf concluded, if we were among those able to interpret such a saying, it would be a priority to us, and in contrast, certainly it would be necessary to submit its meaning to its expert, and we should not judge the former as an infidel.[137]

Even though ᶜAbd al-Ra'ūf was thinking positively and offered the ways to understand the Ṣūfī sayings: outwardly, against *sharīᶜah*, he warned disciples who did not attain the gnosis to state any mystical teaching that was against Islamic creed. According to him, one should not claim any Divinity although he granted by God to do any extra-ordinary thing such as miraculous gift (*karamah*) as his will "becomes" after he says "be". ᶜAbd al-Ra'ūf argued this with the *ḥadīth*, "The best thing to the creature is he does not claim that to himself, he should stated that he is a servant to God, with Him his existence and, he belongs to God, as the Prophet (PBUH) said:

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[135] Ibid., 143.

[136] According to Fathurahman, the *ḥadīth* was narrated by Tirmidhī and the complete and true redaction of the *ḥadīth* is "*idra'ū al-ḥudud ᶜan al-muslimīn mā istaṭaᶜtum, fa-in kāna lahu makhrajun fakhallū sabīlahu, fa-inna al-imām an yakhta'u fī al-ᶜafwa khayrun min an yakhta'u fī al-ᶜuqūbah*," see Fathurahman, *Tanbīh al-Māsyī*, 187. Translation is mine.

[137] ᶜAbd al-Ra'ūf, "Daqā'iq al-Ḥurūf", 143.

> We are with Him and belong to Him.[138]

And again:

> Am I a grateful servant [to my Lord]?[139]

The Prophet (PBUH) did not like to say: am I the state of my Lord? The Prophet (PBUH) also said:

> Do not treat me like Christians treated ibn Maryam [ᶜĪsā al-Masīḥ], I am just a servant, so say "servant of God" and "'His messenger".[140]

The Prophet (PBUH), ᶜAbd al-Ra'ūf argued, would not like to say, I am His state. Thus, ᶜAbd al-Ra'uf advised his disciples not to claim any self-Deity as shown by the Prophet (PBUH). Abd quoted his master's saying:

> The perfectness is in imitating the Apostle of God.[141]

Based on ᶜAbd al-Ra'ūf's statements above, and with regard to the *wujūdiyyah* polemic in *Acheh*, it is assumed that, it is more likely that ᶜAbd al-Ra'ūf did not reject Ḥamzah and Shams al-Dīn's teachings. He indicated that if it was found in the statements of these scholars which were outwardly against Islamic principles, it should be interpreted.

Conclusion

It can be concluded that ᶜAbd al-Ra'ūf had played an important role in the reconciliation of Sufism with *sharīᶜah* not only in Acheh but in the Malay world in general. This is because, ᶜAbd al-Ra'ūf was a prominent Malay scholar in which his works had spread widely thoroughout the Archipelago. ᶜAbd al-Ra'ūf's effort of reconciliation was not only significant to settle the issue of his time, i.e., the disputation of *wujūdiyyah*; it was relevant to subsequent era until present time. This is because he did not merely carry out his mission

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[138] Ibid., 141.
[139] Ibid.
[140] Ibid. Translation is mine.
[141] Ibid.

of reconciliation in the issue of *waḥdat al-wujūd*, he consciously brought his mission to reconcile Sufism with Islamic orthodoxy in the wider context. It was proven by approaches employed by ᶜAbd al-Ra'ūf in his endeavour of reconciliation of Sufism with *sharīᶜah* as has been discussed above.

Based on those approaches, it is clear that ᶜAbd al-Ra'ūf attempted to transform the religious life of Malay Muslims from Sufi tradition to reach an equilibrium between creed, *sharīᶜah*, religious moral and Sufism. In respect of Sufism, ᶜAbd al-Ra'ūf attemped to transform the tendency to philosophical Sufism to an equilibrium between philosophical Sufism and traditional (*sunnī*) sufism which was concerned with religious practice and good conduct. In this respect, besides discussing philosophical Sufism, ᶜAbd al-Ra'ūf introduced elements of traditional Sufism, i.e., good deeds and religious moral as its main characteristic. Hence, it can be said that ᶜAbd al-Ra'ūf was the earliest figure of traditional Sufism or moderate Sufism in the Malay world. The effort of ᶜAbd al-Ra'ūf in reconciling Sufism with *sharīᶜah* demonstrates his authority in maintaining Sufism, including philosophical Sufism, on the one hand and reinforcing the significance of orthodoxy in the other hand.

THE HISTORY OF ISLAM IN THE MALAY ARCHIPELAGO: AN ANALYTICAL STUDY OF ABDULLAH BIN NUH'S WORKS[1]

Mohammad Noviani Ardi
Fatimah Abdullah

Abstract

The topic on the coming of Islam to the Malay world has become an intellectual debate among scholars around the world for both Muslim and Western scholars. There are at least four elements of debate on these issues, in particular, on the originality of Islamic doctrines in the Malay world, the theory of the coming of Islam to the Malay world, the times of the coming of Islam as well as the spreading of Islam in the Nusantara. This research will be on attempt in explicating Abdullah bin Nuh's works particularly in his discourses of the coming of Islam to the Nusantara. It focuses on three works by Abdullah bin Nuh, entitled Sejarah Islam di Jawa Barat hingga Zaman Keemasan Banten, Ringkasan Sejarah Wali Songo, al-Islām Fi Indūnīsiyyā, and his articles delivered in the Seminar on The Advent of Islam in Indonesia held in Medan in 1963. The approach of this study is based on textual analysis, using descriptive, analytical methods from various works of the subject under study, comparison and contrast in order to get additional information from the other ulama' in the same era as Abdullah bin Nuh. This study concludes that Abdullah bin Nuh believes that Islam came to Nusantara in particular to Indonesia since 7th century CE even though there is a claim that says Islam came much earlier from the Arab Peninsula plus encounters the theory most of Western scholars who view that Islam came in 12th century CE.

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Introduction

Islam is not just the name of a religion as the final revelation, but, it was also revealed to all human beings as the model of guidance for life including its doctrines, virtues, values, civilization and culture based on the Al-Qur'an and Hadith of His messenger. Seyyed Hossein Nasr in his book *Islam: Religion, History and Civilization*, stated that Islam is religion (*al-Dīn*) and civilization:

> Islam is not only a religion; it is also the creator and living spirit of a major world civilization with a long history stretching over fourteen centuries.

> Islam created a civilization that has covered the middle belt of the Old World for over a millennium (Nasr, 1996).

Islam has a great civilization and values with which it has been able to produce Muslim intellectuals with diverse proficiency in the field of knowledge of either sciences or Islamic thought based on the Al-Qur'an and Hadith in order to represent and interpret the verses or signs of Allah in His creation of the universe. In the early period, Islam became a great force with its civilization around the world and the consistency of the intellectual culture. Therefore, thousands of books were written by Muslim scholars who were experts in astronomy, geology, Sufism, arithmetic, medicine, marine, law, jurisprudence, language, philosophy, and other fields of knowledge.

Moreover, the advancement of Muslims had inspired non-Muslim, particularly Western scholars and inventors. They attempted to take credit for the advancements by the Muslim world and change it in favor of the Western civilization. Colonization and imperialism was applied by Western nations, particularly in the Muslim world in order to globalize their ideologies. Colonization and imperialism here does not mean only physical colonization, but also the colonizing of civilization, culture, ideology, and history. All these elements of colonization aim to weaken the Muslim world and get rid of its legacy. Finally, history has also been altered by them, particularly the history of the coming of Islam to the Nusantara archipelago by Dutch scholars.

This paper presents an attempt to rediscover the history of the coming of Islam to the Nusantara particularly Indonesia with reference to works by Abdullah bin Nuh[2] who is seen to have had major impact on Indonesian Muslim scholarship along with M. Hamka, Aboebakar Atjeh, and M. Rasidji. The special aspect of Abdullah bin Nuh's writing can be seen in his referring to the *turath* books (the previous *ulamas* works) and using semantic method in order to facilitate assimilation of Arabic language with Nusantara language at that period.

Abdullah bin Nuh: Biography, Works and Contribution to Indonesia

Abdullah bin Nuh was born on 3 *Jumādā al-Ūlā* 1324 H/30th June 1905, in the small town of Cianjur, surrounded by the highlands of West of Java.[3] He grew up in the high religious milieu with his family and in an Islamic environment. His father was K.H. Raden Muhammad Nuh, one of the prominent *ulamas* in Cianjur. His father was also an adherent of the Ṭarīqah al-Tijāniyyah from Shaikh Ali Thoyib, and influenced him towards Sufism. Moreover, K.H. Raden Muhammad Nuh was famous for his knowledge of *Ihya Ulumuddin* (Ghazālī's great book), which was subsequently learned by Abdullah bin Nuh. Abdullah bin Nuh's mother was 'Aisyah, who was a daughter of Ahmad, who descended from a great saint, 'Abdul al-Muhyi (the great *ulama* of Pamijahan in the West Java). 'Abdul al-Muhyi's descendant was Syarif Hidayat, among the venerated *ulama* at that period.[4]

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[2] Among his works are *Sejarah Islam di Jawa Barat hingga Zaman Keemasan Banten, Ringkasan Sejarah Wali Songo, al-Islām Fī Indūnīsiyyā,* and his work with A. Shahab in the Seminar of the History of the Coming of Islam to Indonesia held at Medan tahun 1963.

[3] A.P.B., Panitia Sejarah, *Araban Press Board: Sejarah dan Perjuangannya*. (Jakarta: Panitia Sejarah A.P.B., 1986); A. Z. Dahlan, *Al-Hijrah min Allah Ila Allah*. (Bogor, 1987).

[4] N. H. Lubis, "Pustaka Unpad." Last modified November 30, 2015, http://pustaka.unpad.ac.id; M. Muhsin, "Penyebaran Islam di Jawa Barat." (paper presented at National Workshop Sejarah Perjuangan Syaikhuna Badruzzaman, 2010); S. Antonio, *Al-Ghazali dari Indonesia: KH. Abdullah bin Nuh.* (Jakarta: Tazkia Publishing, 2015).

In addition, beside his family, Abdullah bin Nuh's teachers also had a significant influence in shaping his personality in an academic manner. Sayyid Muhammad bin Hasyim bin Thohir al-Alawi al-Hadromi was Abdullah bin Nuh's teacher who strived and sacrificed to teach his students.[5] He also taught Abdullah bin Nuh other skills in life, such as public speaking, da'wah, writing skill, and journalism. This skill was used fully by Abdullah bin Nuh in his *da'wah* work and academic writing.

The spirit of striving and sacrificing by his teacher affected him throughout his life. Beside Abdullah bin Nuh being active in *da'wah* and teaching, he was also socially active through participation in several social organizations such as Syarikat Islam and Masyumi. Abdullah bin Nuh also devoted his life through participation in the Indonesian military struggle against colonizers. He became the leader of Defenders of The Homeland (Pembela Tanah Air/PETA) or Daidancho in the region of Cianjur, Bogor, and Sukabumi during 1943-1945. Later, he also participated in People's Security Army (Tentara Keamanan Rakyat/TKR) during 1945-1946.[6] However, in several Indonesian history books written by Western scholars, the role of *ulamas* and *kyai* in the Daidancho was not given due attention. Only a few *kyais* were mentioned by them in the history of Indonesia. It was probably one of their strategies in order to obscure the contribution of the *ulamas* during Indonesian struggle for independence.[7] In fact, by the end of occupation, the Javanese had built 66 such battalions in Java and three in Bali.[8]

Being the leader of Daidanco did not decrease his passion in teaching about Islam to his students or during his escape from the Netherland Indies Civil Administration (NICA). Abdullah bin Nuh

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[5] A. I. Al-Kaf, *Kitabat Shaikh al-Shahabah al-Hadramiyyah al-Ustadz Muhammad ibn Hashim.* (Yaman: Markaz Ibad al-Dirasat wa al-Nashr, 2008).

[6] Dahlan, *Al-Hijrah…*; A.P.B., *Araban Press Board…*

[7] Sulasman, "Kyai Haji Sanusi: Berjuang dari Pesantren Hingga Parlemen", *Jurnal Pendidikan Sejarah,* 2, 2008, 71; Sulasman, "Heroes From Pesantren: A Brief Biography of K.H. Ahmad Sanusi: A Patriot of Indonesian Independence". *Journal International Review of Social Sciences and Humanities*, 2014, 182.

[8] B. R. Anderson, *Java in a Time of Revolution: Occupation and Resistance 1944-1946.* (London: Cornel University Press, 1972).

was captured and became the fugitive of NICA because he was active in the Indonesian military and also was a journalist in Asian Press Board (APB)[9] and spread the information about Dutch colonizers with anti-colonialized.[10] He announced the Indonesian independence to the whole world through broadcasting and writing news in APB particularly to the colonized Muslim countries using Arabic language. However, in several references, as evidence of his passion in education, Abdullah bin Nuh was listed in the names of the initiators of Indonesia Islamic University (UII) Jogjakarta after being moved from Jakarta because of military aggression II by Dutch and their allies.[11]

Abdullah bin Nuh was a master in interdisciplinary knowledge in both Islamic and science. Therefore, during his participation in Indonesian struggling for independence, he also continued his contributions in thought to Muslims around the world through his writing in magazines, book, and discourses. His concern for the right to information was evident when he and his friends A. Shahab founded the Islamic Research Institute (IRI) at Jakarta in 1962. Using its library, Abdullah bin Nuh wrote many articles and published in *Pembina* magazine periodically, particularly on modern ideologies, such as Marxism, Materialism, and Communism in order to save Indonesians from the globalization of modern ideologies post-independence through international communist networks.

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[9] Arabian Press Board (APB) was the first Indonesia mass media that connected Indonesia with countries around the Asian and Africa regions for the exchange of news and in order to get support for the independence of Indonesia, and to influence Asian and Africa countries against colonization. On 2th September 1945, APB held and contacted with young Indonesians in Hejaz, Iraq, Egypt, Saudi Arabia, and Suriname. In addition, APB also had connection with the daily news time in Egypt, Lebanon and Aden since before the independence of Indonesia. APB had an important role in Indonesia's struggle. After Indonesia's independence, APB changed to Asian Press Board which frequently informed the Indonesian people and government on the risk of Indonesian communism. As a result, in the guided democracy period under Sukarno and in the coalition with Indonesian communism party, APB was officially dissolved by Sukarno on 13th December 1962.

[10] A. B. Nuh, *Kantor Berita Nasional* (A.P.B., 1968).

[11] Dahlan, *Al-Hijrah…*; A.P.B., *Araban Press Board…*

Among his works were *Anā Muslimūn Sunniyyūn Shāfiʻiyyūn*, *Zakat dan Dunia Modern*, *Islam, Communism, dan Kapitalisme: Soal Kerdja dan Buruh*, *Islam Dizaman Modern*, *Agama Dalam Pembahasan (Wanita)*, *Ringkasan Sejarah Wali Songo* and other works and articles have been published in *Pembina* and *Mimbar Agama* magazines.

The History of the Coming of Islam to Indonesia

The Theories on the Coming of Islam to Indonesia

There are many theories in determining the coming of Islam to Indonesia which are famous among intellectuals, both Muslim and Western, including theory of Gujarat, Persia, and Arab or Mecca. In addition, the difference also appears in the determining of the age of the coming of Islam to Indonesia. Perhaps, these differences are because Islam came to Indonesia in the different places and did not come in one time, but in different periods. The difference political circumstance of every place also contributed to the spreading of Islam in Indonesia because there were Hindu-Buddha empires in the ancient Nusantara and Hinduism and Buddhism were the ancient religions of Nusantara's forefathers. Therefore, the debates in order to determine the history of the coming of Islam to Indonesia are sometimes based on the political interest.

The Gujerat Theory explains that Islam came and spread to Nusantara, particularly the Indonesia archipelago from Muslim Gujarat in the 13th Century. According to this theory, Muslim traders from Gujarat had an important role in spreading Islam to Indonesia because besides coming for trading, they also brought missions to introduce and teach about Islam to local residents particularly in the coast of Indonesia.[12] This theory was by C. Snouch Hurgronje, the

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[12] U. Tjandrasasmita, *Sejarah Nasional Indonesa III*. (Jakarta: PN. Balai Pustaka, 1984); B, Yatim, *Sejarah Peradaban Islam: Dirasah Islamiyah II*. (Jakarta: PT. Raja Grafindo Persada, 2005). If this theory is investigated more, the district or region which was meant by Indonesian coast and there was a Muslim population here was in the Coast of Aceh in 13rd Century. This fact can be resulted that these were the first communication or contact between local residents of Aceh with Muslim traders from Arab, Persia, and India as well. Therefore, it could be understood that the first

famous of Dutch orientalist, who gave much recommendations to Dutch government related to discriminative policies during colonization of the Indonesian Muslim. This theory had significant influence on the West historians after him who quoted him in their works, such as Stutterheim (*De Islam en Zijn Komst in De Archple*), Bernard H.N. Vlekke (*Nusantara A History of Indonesia*), Clifford Geertz (*The Religion of Java*), Harry J. Benda (*A History of Modern South East Asia*), Van Leur (*Indnoesian Trade and Society*), T.W. Arnold (*The Preaching of Islam*) (Negara, 2002) as well as Dr. Gonda, Van Ronkel, Marrison, R.A. Kern, dan C.A.O. Van Nieuwinhuize.[13]

The Persian Theory was initiated by Hossein Djajadiningrat. He was famously known as the Father of History and expert on research method in Indonesia and had good emotional relation with Snouch Hurgronje during the colonization era. In fact, this theory is in line with theory of Gujarat. However, Hossein observed more similarity of the Muslim culture between in Indonesia with the Muslims in Persia. For instance, those similarities are associated with the tradition and culture in celebrating 10th Muharam in Indonesia with most adherent of Shi'is at Persia as the commemoration of Karbala tragedy, *Tasawwuf* teaching in Nusantara archipelago was similar to teaching with the of Sunni adherents at Iran.

The Theory of Mecca is a theory in which it is believed that the spreading of Islam to Nusantara was directly from Arabia or Mecca. Therefore, the proponents of this theory have been rejecting the theories of Gujarat and Persia. This theory has been used by several Indonesian scholars such as M. Hamka in his speech in Dies

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Islamic empire in Nusantara archipelago was Samudera Pasai at Aceh at 13rd Century. After Samudera Pasai became stable, Muslim empire at Malaka founded at 15th Century. However, earlier than it, in the Javanese coast Islamization movement had begun at 11st Century, it can be proved from a grave of Fatimah binti Maimun at Leran Gresik with lettered 475 AH/1082 AD. Most of historians particularly Western observed that the shape of tombstone of Fatimah binti Maimun and the first Sultan of Samuderai Pasai empire were same with Hinduism design of tombstone at India. Therefore, this evidence underlie their theory that the original Islam in Indonesia were coming from Gujarat India.

[13]   D. Supriyadi, *Sejarah Peradaban Islam*. (Bandung: Depag, 1998).

Natalis PTAIN 8th at Jogjayakarta. Hamka also presented this theory in his article seminar in the seminar of the coming of Islam to Indonesia held at Medan in 1963. Abdullah bin Nuh also delivered his article in this seminar with the same theme with Hamka that Islam came to Nusantara in 7th Century and directly from Mecca. Afterwards, Abdullah bin Nuh explored this theory more in his academic works, particularly in his book *Sejarah Wali Songo*, *Sejarah Islam di Jawa Barat* and *al-Islām Fī Indūnīsiyyā*. This theory also supported by contemporary Muslim scholars, such as Syed Naquib Al-Alatas in his book *Preliminary Statement on A General Theory of The Islamization process of The Malay-Indonesian Archipelago*.

The History of the Coming of Islam to Indonesia According to Abdullah bin Nuh

The study about the coming of Islam to Indonesia is not a new; there are many studies available. But this study is very important particularly in order to gain additional knowledge on this issue from the other aspects. Indonesian scholars also have been discussing about this issue since the middle of 20th Century. Among them were Hamka, Abdullah bin Nuh, and Aboebakar Atjeh. The Indonesia Ministry of Religion Affairs also held a seminar about this issue at Medan in 1963 which have recommendations regarding the history of Islam in Indonesia.[14]

In several discussions about the history of the coming of Islam to Indonesia by both the Indonesian Muslim and Western scholars, the focus has been in three major issues. Among them are the time of the coming of Islam to the Indonesian archipelago; the originality of Islamic teaching in the earlier Indonesia, and how Islam spread in Indonesia. Abdullah bin Nuh also focused on those three important issues in his study.

The Origin of Islam in Indonesia

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[14] This seminar held at Medan (North Sumatera) in 17th – 20th March 1963 which was discussing on the method of the coming of Islam to Indonesia, the originality of Islam in Indonesia, the bearer of Islam to Indonesia, the first region Islamized in Indonesia.

Abdullah bin Nuh rejected those who argued that Islam came from Gujarat (India) and Persia. According to him, Islam in Indonesia came directly from the Arabs through the Arabian *ulamas* and Arabian Muslim traders in the earlier years of Hijra. His argument was that because the Arab peninsula was surrounded by three seas; Red sea, Arab sea, and Persian sea, and hence, the development of maritime activities at those regions might have occurred particularly in the Arab archipelago. The south region of Arab peninsula (Yaman) is the most fertile. Therefore, they then had communication and contact with the ancient civilization at Egypt and India through Iran (Persia) and then reached to Nusantara archipelago.[15]

Furthermore, in the glorious period of Islam, the Muslims voyaged in the Indian sea from the Malacca to Nikobar, Andaman, Maldives, etc, and the others changed their voyage to Madagaskar and Nusantara. This can be proven by the similarity of the goods and commodity among them such as *wangi-wangian* (perfume), *mustaki*, *kayu manis* (cinnamon), and *rempah-rempah* (spices). [16] After Muslim traders had a contact trading with locals in the Nusantara, the *ulamas* from Arabia who were experts in *tasawwuf* and Alawi also travelled to the East and brought their mission for *da'wah* (spread the Islam). Kambai dan Gujarat at that period was the centre of the assembly of Arabian traders from Iran, Hadramaut, and Persian Gulf.[17] Therefore, it can be concluded that Islam originally did not come from Gujarat and Persia, but it came to Nusantara archipelago brought by *ulamas* from Arab peninsula who were just passing through Persia and Gujarat.

The Period of Coming of Islam to Indonesia

Some other writers or historians believed that Islam came to Nusantara since the 13th century CE.[18] Their assumption was based

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[15] A. B. Nuh, *Sejarah Islam di Jawa Barat Hingga Zaman Keemasan Banten*. (Bogor: Majlis Ta'lim al-Ihya, 1978).

[16] Ibid.

[17] Ibid.

[18] For instance: H.J. de Graaf and Th. G. Th. Pigeaud in his book Kerajaan-Kerajaan Islam Pertama di Jawa, translated from Dutch by Pustaka Utama Grafiti and KITLV, Lukman Thaib, in his book, Acheh Sumatera dalam Dimensi Sejarah, stated that the

on the document of Marco Polo after voyaging and reaching Indonesia. He wrote that in North Sumatera an Islamic empire was founded at the time and famously known as Peruerulla (Perlak).[19] However, Abdullah bin Nuh had a different view. According to him, Islam came to Indonesia since 7th Century early on in the Hijra calendar.[20]

Abdullah bin Nuh rejected Marco Polo's statement. He even supported the restudy of history of the first king of Samudera Pase, Malikus Saleh. According to him, Malikus Saleh died in 635 AH/1297 CE approximately, based on his tombstone. Abdullah bin Nuh stated that based on this determination, it was illogical that the grave of Malikus Saleh existed only five years after the arrival of Islam to Indonesia because according to Marco Polo, who arrived at Sumadera Pase in 1292 CE, Islam just arrived at that place. In addition, Abdullah bin Nuh said that it was possible that Malikus Saleh might be only an immigrant who had power in a place named Sila.[21]

In line with Abdullah bin Nuh's statement above, Sutjipto Wiriosuparto in his book *Sejarah Dunia* (*The History of World*) mentioned that in Sumatera, before the arrival of Marco Polo, immigrant Arabs were already there. Moreover, a book entitled *Gatotkatjaraya* written by Mpu Panjulu also had contained Arabic words. This book was written in the earlier part of the 12th century. Therefore, this view strengthen the theory that Arab immigrants and Islam had arrived to Indonesia before that period.[22]

Acheh Sultanate was the first Islamic empire in the South East Asia which most of the Arab traders visited to Acheh and spread Islam there since 11st till the end of 12nd CE.

[19] T. M. Jamil, *Tawarikh Raja-Raja Kerajaan Aceh*. (Banda Aceh, n.d). Peureulak Empire was situated in the east of Acheh. Its King was ancestry of the King of Siam which famous with Syahir Nuwi.

[20] Nuh, *Sejarah Islam…*; A. B. Nuh, *Ringkasan Sejarah Wali Sanga*. (Surabaya: Teladan, n.d); A. B Nuh, & D. Shahab, *Sedjarah Masuknja Islam ke Indonesia. Risalah Seminar Sejarah Masuknya Islam ke Indonesia*, (Medan: Panitia Seminar Sedjarah Masuknja Islam ke Indonesia, 1963), 145-150; A. B. Nuh & M. D. Shihab, *Al-Islam fi Indunisiyya*. (Saudi: al-Darul as-Su'udiyyah Lin al-Nasr wa al-Tauzi', n.d).

[21] Nuh, & Shahab, *Sedjarah Masuknja Islam ke Indonesia…,* 145-150.

[22] Ibid.

The spreading of Islam in Indonesia was not at one time together, but it spread gradually, because the majority of the practive of the ancient religion of Indonesia archipelago was based on animism, dynamism, and Hindu-Buddha. Even after they believed in Islam, most of them still practiced the worship of their ancient religion. Instead, the existence of Islam in Indonesia recognized the other Hindu empire, such as the King of Pase Zainul Abidin, who recognized the existence of Majapahit as the Hindu empire at that period. Once also the Malay empire had sent their Muslim delegation to Indonesia, at 1281 AD approximately. Therefore, it might be believed that Islam spread before Marco Polo reached Indonesia.[23]

Abdullah bin Nuh in his book informed also that the king of Majapahit once gave a mandate to Ali bin Ibrahi (Raden Rachmat Sunan Ampel) for village of Ampel and he was given mandate by the king of Majapahit to spread Islam. The king of Majapahit also once gave a mandate to Raden Fatah[24] for Bintara region and Mohammad bin Ishak for Giri.[25]

The short description above shows that the process of Islamization in the earlier stage of Islam in Indonesia was accepted well by the local society, particularly the local kingdoms. It can be proven that there was co-existence and high tolerance of Muslim immigrants among the local society, even despite different beliefs among the Muslim immigrants and the Majapahit Empire. Islam spread peacefully in Indonesia without any cultural clash with the local society and local traditions. The failure of many Indonesia ancient empires was not because of Islam, but it might be one among many factors.

Abdullah bin Nuh also added in his analysis that the arguments based on the tombstones of Fatimah binti Maimun near with Liran

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[23] Ibid.

[24] According to Mataram story told that Raden Fatah was a first King of Demak empire. He was the youngest child of the last King of Majapahit before Islam.

[25] D. H. Graaf, & T. Pigeaud, *Kerajaan-Kerajaan Islam Pertama di Jawa.* (*P. U. Grafiti, Trans.*), (Jakarta: PT Pustaka Utama Grafiti, 1989); Nuh & Shihab, *Al-Islam fi Indunisiyya…*

Gresik who died in 475 AH/1101 AD having Arabic words. He identified that if Fatimah binti Maimun died in that year, it was during the empire of Kediri period. However, most of theories of the coming of Islam to Indonesia were through the Malay Peninsula and North Kalimantan while Fatimah binti Maimun was in Java. Therefore, it might be before Fatiman binti Maimun, Islam had arrived to Indonesia through Sumatera and Kalimantan.[26]

In order for Abdullah bin Nuh to strengthen his argument on those issues, he referred to ancient Arabic books (*kutub al-Turats*).[27] According to some Muslim historians, the communications between Muslim Arabs and Indonesian archipelago or the East Asia was very old. In the initial stage earlier, it was just trade relationship, but afterwards there was missionary mission in spreading of Islam. It can be estimated that the Arab traders and the missionaries had relations with local residents of East Asia, particularly Indonesia since the 2nd century of Hijra. Likewise, the relation between Arab traders with Tiongkok had been there since the 1st century of Hijra. Therefore, it could be said that there was a relation with local residents in the Indonesia archipelago around that period too, because Indonesia was located in very a strategic position in the trading route between East and West.

Syiakh Rabwah al-Dhimasqi in his book *Nukhbat al-Dahr* wrote about Sant (Champa), a land in Vietnam in which there was an empire in 7th century CE (approximately). He narrated that Islam had reached there during the time of the third caliph. Utman bin 'Affan

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[26] Nuh & Shahab, *Sedjarah Masuknja Islam ke Indonesia…*145-150.
[27] The Arabic books which Abdullah bin Nuh referred were Sulaiman Sulaiman Al-Basari, from Siraf at Teluk Persia, 237 AH (851 CE) he arrived to Tiongkok, India and the East Archipelagoes through sea lane, he wrote books entitled *Silsilatu al- Tawārikh* and *Akhbārul al-Hind Wa as-Ṣin*; al-Mas'udi from Baghdad, he traveled during 25 years old and wrote books entitled *Murudju al-Dzahab* 330 AH (941 CE) and *At-Tabin wa Isyraf*; al-Biruni in 931 AH/1000 CE in Sina and India; Ibnu Batutah from Tanger, he traveled more than 25 years and reached Indonesia in 1350 CE, his book done in 751 AH; Ibnu Churdazbeh Abdullah bin Achmad, he wrote a book *Al-Masālik wa al-Mamālik* in 850 CE and died in 912 CE; Al-Ja'qubi wrote *al-Buldan*, and he died in 292 AH (835 CE), Ibnul Faqih in 903 CE with his a book *Mukhtaṣor Kitab al-Buldan*; Buzruk in 10th century CE wrote *'Ajaibu al-Hind*, Syaikhu Rabwah ad-Dimashqi with his work *Nukhbatu al-Dahr*, etc.

sent a delegation at that time to Tiongkok.[28] In his mission to Tiongkok, there was a possibility that Utman bin 'Affan also sent a delegation to Nusantara archipelago because in 30 AH Islam was in Indonesia and the envoy spent four years in his mission.[29] Likewise, another way through which Islam reached Indonesia was from the immigrants of Alawiyyin genus who escaped from their country because of persecution by Umayah genus and al-Hajjaj bin Yusuf had arrived at the Zefti sea zone and stayed there.[30] Zefti was situated at Sumatera lands.

Based on the description above, Abdullah bin Nuh believed that the coming of Islam to Indonesia and Nusantara in general was not in the 12th or 13th centuries CE as described by most Western writers. According to him, Islam came to Indonesia very early. Islam came and spread to Indonesia during the delegation of Sa'ad Ibn Waqqas (R.A.) to the East. Hence, his views refute the views of Western theory of the coming of Islam to Indonesia in 13rd CE which are based on proofs such as the tombstone physically spread in several regions of Indonesia and through Marco Polo's documents. In this regard, Abdullah bin Nuh referred to the ancient works of Muslim wanderers before Marco Polo reached Indonesia.

Abdullah bin Nuh listed the similar names of countries of the East which were taken from ancient Muslims books:[31]

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[28] Nuh, *Ringkasan Sejarah Wali Sanga*…

[29] M. Y. Owadally, *Sa'ad Ibn Abi Waqqas*. (Kuala Lumpur: A.S. Noordeen, 2006). Most of the Muslim historians including the Chinese Muslim historians have proved that Sa'ad bin Abi Waqqas (r.a) came to China to spread the Islam (da'wah) under the instruction of Muhammad SAW more than 1300 years ago. While during the Caliphate of Utsman a delegation was sent to China also under the leadership of Sa'ad ibn Abi Waqqas and it can be proven with the ancient graves in Guangzhou. China particularly Guangzhou has a long history of Islam since 1300 years ago and Sa'ad built the first famous Mosque in China by the name Huaisheng Mosque.

[30] A. Ajteh, *Sekitar Masuknya Islam ke Indonesia*. (Solo: Ramadhani, 1985). This statement is in line with theory of Aboebakar Atjeh in his works that the hostility between Bani Ummyah and Bani Hasyim caused to the cruel acts by Mu'awiyah to Alawiyyin groups of descent of Ali (r.a.), and then famous with Shi'I sect al-Haddah. Therefore, most of them run away to save their life to East lands, and they arrived to East archipelago in particular Indonesia lands.

[31] Nuh & Shahab, *Sedjarah Masuknja Islam ke Indonesia*…145-150.

1. Selahath, Salamath, Silahi
   Al-Qaswini Zakaria bin Muhammad in his work *'Ajaīb al-Makhlūqāt* said that Silasilahi's Island was composed of many islands. Those who came there, did not have the desire to go out from there because of its prosperity. In the Silasilahi there was gold. Abdullah bin Nuh supposed the Silasilahi's island were the islands of Sulu and the Philippines.

2. Kalah, Kal, Kelabar, Kelah Bar.
   Ad-Dimashqi in his work talked of the Kalah, Kal, Kelabar, Kelah Bar situated between Randa and Sarbazah. According to Abdullah bin Nuh, Randi was Kalimantan and the surrounding island of Sarbazah was Sriwijaya; therefore, Kalah was situated around Malay Peninsula or it might even mean Kedah.

3. Zarbazah, Sarbaazah, Sarirah according to Abdullah bin Nuh were originally derived from the word Sriwijaya, a country in Sumatera centuries ago.

4. Waq – Waq
   This word mentioned in the ancient Arabic books. In the "'Ajāib al-Makhlūqāt" it was summarised that Waq-Waq Islands had a relationship with Randi Island which was governed by a female monarch. Abdullah bin Nuh compared this with the several Islands in West Irian (west region of Indonesia) namely Fak-Fak and Wewak.

5. Langalus Island, al-Dimashqi said in his book that this island was situated near with Sumatra.

6. Tri Islands, al-Dimashqi said that these islands were situated under the equator line. Abdullah bin Nuh analysed that this meant it might be near to Sabah islands (100 mil) named Alawiyah, so, this island was might be North Kalimantan.

7. Magaskar was probably Makasar.

8. Fansur was Pantjur or Barus in Sumatra.

9. Samthar was a reference to Samudra (Ocean), etc.

The Spreading and Development of Islam in Indonesia

The coming of Islam to Indonesia based on the above description was brought by *ulama* from Arab, among them were Alawiyyin who escaped the cruelty of Umayah dynasty in that period, *ulama* who

came from Mecca as the delegation of Muhammad SAW and Caliph of Rashidin, and the Muslim travellers or traders from Arab peninsula who reached to Nusantara Coasts particularly Indonesia.

Some of the historians stated that Islam came to Indonesia in peace. This account is in line with the result of national seminar of the coming of Islam to Indonesia that Islam came to Indonesia peacefully through the trading route, because of the Muslim missionary (*dā'ī*), who was also a merchant.[32] The process of Islamization was also recognized by some *ulamas* by peaceful even though there were Hindu-Buddha empires at that period.

Abdullah bin Nuh described the spread of Islam to Indonesia without any resistance from the local society; therefore, Islam developed, was accepted, and was honoured by the local residents. According to him, Islam was accepted by the local residents because Islam came to villages in the Nusantara coasts with good virtue, moral, courtesy, and culture. Moreover, local residents became the soft power in the spreading of Islam to all levels of local society because of the teachings of Islam. In the mind of the people there was the desire to get more knowledge about Islam. Influence due to the character of the *dā'ī* had a crucial role through out the spread of Islam to rural areas.[33]

In the history of the spread of Islam to Indonesia there were unique methods used by *ulamas*, for instance the method of *Wayang*. *Wayang* is the old art tradition of Java used by Sunan Kalijaga in order to deliver the message of Islam to local residents in the villages of Java. He tried to compile Islamic tradition and teachings with local tradition of Java, whereby, he inserted the value of Islam in the performance of *Wayang* to get acceptance from the local people.

The interest of indigenous people towards Islam as the new religion or belief was much stronger than their old belief. Majority of Indonesian indigenous people at that period mainly inland, still adhered to animism and dynamism or sometimes *Kejawen*. *Kejawen* was a compilation between indigenous beliefs influenced by Hindu-Buddha teachings. As a result, most of adherents of idol

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[32] Nuh & Shahab, *Sedjarah Masuknja Islam ke Indonesia…*145-150.
[33] Nuh & Shihab, *Al-Islam fi Indunisiyya…*

worship begun to convert to Islam and Islam developed at the period because of high social acceptance by indigenous people.[34]

The short description above can be evidence that Islam came, spread, and developed in Indonesia peaceafully without any cruelty and force. The battles among empires in that century were not because of the coming of Islam or because of differences of beliefs. For instance, the battle conducted by R. Fatah with Majapahit was not because of the rise of Islam, but because Raden Fatah had a mandate to rebuild the previous empire of his predecessor. In addition, the battle between Muslim empires of Demak with Hindu Padjadjaran was because Padjadjaran allied with Portuguese in order to rule and monopolize the trading in Sunda Kelapa (currently famous with Jayakarta or Jakarta).[35]

Furthermore, to explain the process of Islamization in Java land, Abdullah bin Nuh explained that the King of Cakarabuana travelled from the Pasundan land to Mecca for Hajj with his daughter and his younger brother and sister whose name Ratu Mas Lara Santang and Kian Santang. She got married with Sultan Makhmud Syarif Abdullah of Egypt, the 21st descent of Prophet Muhammad S.A.W. Ratu Mas Lara Santang and Sultan Makhmud Syarif Abdullah had two sons, Syarif Hidayat and Syarif Nurullah. Then, Syarif Hidayat became a great *'alim* and came to the Java Island. He lived in Gunung Angasaran, Cirebon, West Java, and lived with his family of Cakrabuana. Pengeran Raja Sengara or the famous with Kian Santang[36] also came back to his fatherland of Java, and brought a mission to Islamise his family and community, but the king of Padjadjaran rejected his message of Islam. He was then expelled from Padjadjaran to Cirebon. According to Abdullah bin Nuh, if this story was based on fact, Kian Santang might be story of Haji Purwa in Cirebon.[37]

Abdullah bin Nuh's argumentation is in line with Pangeran

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[34] Nuh & Shahab, *Sedjarah Masuknja Islam ke Indonesia…*145-150.

[35] Ibid.

[36] Kian Santang also had several nicknames such as Walgn Sungsang, Sangiang Lumajang, Pangeran Gagak Lumaji, Garangtang Setra, Haju Duliman (Dzul-Iman), Sunan Rahmat, Baanullah, etc.

[37] A. B. Nuh, *Ringkasan Sejarah Wali Sanga*. (Surabaya: Teladan, n.d); Sulendraningrat, *Sejarah Cirebon*. (Jakarta: Balai Pustaka, 1985).

Sulaiman Sulendraningrat in his book on *Sejarah Cirebon*. Sulendraningrat was the 35th descendant of Sunan Gunung Djati. Sulendraningrat told of an empire of Banjaransari in the swamp of Lakbok, Banjar, and Ciamis in the early 7th CE with its king named Raja Admulya or Pangeran Lelean Anom. Throughout his leadership, Raja Adimulya was famous with his community as a king with just and wise character; therefore, his society lived in prosperity. However, they still adhered to Sang Hiang or Hindu-Buddha beliefs. Then, his reign transferred to his first son Pangeran Ciungwanara and continued to first daughter of Ciungwanara named Ratu Purbasari. Ratu Purbasari transferred the capital of Banjaransari Empire to Pakuan Bogor and changed its empire to Padjadjaran. Ratu Purbasari had descendents until Raja Siliwangi. Raja Siliwangi married with a Princes of Mangkubumi Singapura/Mertasinga Caruban named Rara Subang Larang, who was a Muslim. Raja Siliwangi and Rara Subang Larang had two sons and a daughter, who were Pangeran Walangsungsang Cakrabuana, Ratu Mas Lara Santang, and Pangeran Raja Sengara/Kian Santang. These relatives of Raja Siliwangi inspired their society to adhere to Islam.[38]

Furthermore, Ratu Mas Lara Santang had two sons. One of them was Syarif Hidayat who became famous as Sunan Gunung Jati Syarif Hidayatullah. Pangeran Cakrabuana in 1479 CE gave a mandate to Sunan Gunung Djati to stop giving any tax or tribute to Hindu-Padjadjaran Empire. This decision had a crucial impact over the control of Padjadjaran Empire over the Sultanate of Cirebon because with that decision, de facto Sultanate of Cirebon proclaimed independence and became the first Islamic empire in the Java land whereas Demak became the second Islamic empire after Majapahit collapse in 1517 CE. Its might be said that Padjadjaran was the seed of Cirebon [39] and the Sultanate of Cirebon was next stage of Padjadjaran after being Islamized (Sulendraningrat, 1985). Then, Cirebon proclaimed the Islamic Empire as the basis of spreading of

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[38] Sulendraningrat, *Sejarah Cirebon*. (Jakarta: Balai Pustaka, 1985).

[39] Cirebon has changed from Syarumban, then Caruban, Carbon, Cerbon, Crebon and finally Cirebon. Afterwards, Cirebon was became a center of Islam in the Java island famous with Negara Puser Bumi, the country which situated in the middle of Java island.

Islam in Java with Sunan Gunung Djati Syarif Hidayatullah as the leader with support from the Wali Sanga. The short description above about the beginning of Islam in Java can be concluded with statement that Islam spread and developed in Java Island peaceably without use of force.

However, according to Herman Sjohannes De Graaf, Islamization process in Java land by Muslim missionaries was filled with violence and force. His quoted to Tome Pires, a Portuguese adventurer in his book *Suma Oriental* which stated that there were two ways of political power exchange from the Indonesian indigenous to rule Muslim; first, Javanese aristocrats who were still heathen converted to Islam; then they had authority in their region, as a result of the Muslim merchants from foreign lands and intellectual Muslims attained high dignity. Second, the Muslim immigrants who came from the different countries but lived in the country side and cities of the Java coast. They built defence buildings and attacked and captured villages where most of people were still heathen.[40]

Colonization of Islamic Civilization and Culture in Indonesia

The glory and influence of Islam was erased slightly with the invasion of some colonisers such as Portuguese and Dutch. The prosperity, peacefulness, tolerance, and harmony changed with cruelty and struggle with colonisers. *Ulamas* and Indonesian Muslims united with one mission against colonisers in the battle field with strong resistance because resisting the colonisers was akin to going to a holy war. In order to decrease Muslim's resistance, the colonisers brought orientalists to Indonesia. Orientalists succeeded in destroying local tradition which contained Islamic culture and civilization with their policy recommendation to the colonial government. Obviously, the colonisers came to Indonesia not only to monopolise the traditional product such as herbs and spices, but also they brought mission for Glory, Gold, and Gospel.

The indigenous Muslims became enslaved by colonisers and were forced to convert their beliefs. Some places in Indonesia with

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[40] Graaf, & Pigeaud, *Kerajaan-Kerajaan Islam Pertama di Jawa…*

Islamic names were changed to Western names by colonisers, and many Muslim leaders were influenced by them with worldly temptations, and Islamic empires collapsed gradually because of their rapacity. Therefore, the colonisers followed the above in order to colonise local civilization, tradition, and culture from the influence of Islamic values. Moreover, eventhough Indonesia has been independent from the colonization, the western powers still make efforts to dissociate Islamic values from the Indonesian Muslim particularly with advent of Western ideologies.

Hamid Fahmi Zarkasyi, in his book *Liberalisasi Pemikiran Islam* explains that there are at least three agents or mediums used by the Western in order to globalise or westernise Muslim countries, including; Missionaries, Orientalism, and Colonization. Orientalism used to understand Islam with Western perspective which has impact on problematic interpretation of Islamic values. Missionaries played role to expand Western worldview and their ideologies to be accepted by local culture. Colonization agents conquered the Islamic world through allying with orientalism and missionaries for political and economy purposes.[41]

Those three agents were used massively by Dutch colonisers during colonization in Indonesia and were helped with the Dutch scholars who were experts in Indonesian culture and Islam such as Prof. Dr. C. Snouck Hurgronje. Moreover, Dutch also invited Prof. C. Van Vollenhove who was an expert in Hindu-Buddhist belief culture and civilization.[42]

Basically, the Dutch researcher focused on analysing the weakness of Islam in Indonesia and afterwards destroyed it in order to decrease the influence of Islamic values, rule, law, and culture. Therefore, they investigated the local tradition and Islamic law and then replaced it with the local law or local tradition law. As a result, the influences of Islamic law or Sharia in the Muslim society became weak and disappeared. After local tradition law was settled and applied in the society level, the Dutch scholars offered to help develop mysticism doctrines (*aliran kebatinan*) which changed to

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[41] H. F. Zarkasyi, *Liberalisasi Pemikiran Islam: Gerakan bersama Missionaris, Orientalis dan Kolonialis.* (Gontor: CIOS ISID, 2008).

[42] A. M. Suryanegara, *Api Sejarah 1*. (Bandung: Salamadani, 2012).

cults in the new order era.[43] In fact, the weakening of Sharia Islam was not the ultimate goal, but applying the Western law gradually was the real aim.

In history of civilization side, the Dutch scholars researched the teaching of Hindu-Buddhist belief with its culture; afterwards they showed that the culture, tradition, and civilization was better than Islam. These works were attempted in order to distort the crucial role of Islamic civilization in indigenous Indonesian tradition. As a result, when Islam became weak, the colonisers found it easier to take control and attack the Muslim country like Indonesia from several sides, such as economy, culture, civilization, law, rule, values, and doctrines. For instance, sometimes the Western historians wrote the history of Indonesia subjectively, because they erased the role of *ulamas* and his students against colonisers whereas Indonesian Muslims played a crucial role in encountering colonization. Therefore, the distortion of the history of Islam in Indonesia was also done along with distortion of its civilization, culture, tradition, values, and law.[44] They blurred the history of coming of Islam to Indonesia and also its spread and development. So, the important impression of the greatness of Islamic rule in Indonesia was also lost through the orientalist mission.

Furthermore, two other European historians who wrote the history of Indonesia specifically during colonization were J.C. Van Leur and B. Schrieke. According to Syed Naquib al-Attas, the views of Dutch scholars magnified the role of Christianity and Western colonial expansion with regard to spread of Islam in the Indonesia-Malay archipelago. Moreover, they drew some similar identical teaching between Islam and Hinduism, and role of both Islam and Hinduism were not established based on firm facts. However, Van Leur's refutation of other historians with regard to Hinduization seems quite valid, but when he talked about Islamization in the Indonesia-Malay archipelago, his theory was not based on objective true facts and contradiction. Therefore, in the final

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[43] Ibid.
[44] Ibid.

conclusion in his result, Van Leur concluded that Islam did not bring a better civilization.[45]

CONCLUSION

This study has discussed that Abdullah bin Nuh was an Indonesian scholar who had a great contribution in the revival of Indonesian intellectual heritage and in documenting the struggle of Indonesian independence. He was a scholar with interdisciplinary knowledge who had a dream for Islamic brotherhood (*ukuhwwah Islamiyyah*) among Muslim brother in this world without any fanatical issues of madhab. Abdullah bin Nuh also contributed against globalization and westernization which attacked Muslim countries, in particular Indonesia. One of his efforts on that issue was emphasizing the history of Islamization process in Indonesia which referred to ancient Muslim works. As a result, Abdullah bin Nuh rejected the opinion that Islam came to Indonesia in the 12th or 13th centuries CE, and he stated that Islam actually reached Indonesia since the 7th century CE or in the early Hijra years directly from the Mecca or *ulamas* who were missionaries from the Arab peninsula; therefore, Abdullah bin Nuh rejected the theory of Gujarat and Persia. Abdullah bin Nuh also stated that Islam spread and developed in Indonesian peaceably without any cruelty even through the majority of indigenous Indonesians at that period were Hindu-Buddhists. This statement was in line with the result of the Seminar of The History of Coming of Islam to Indonesia in 1963. The colonization of the history of the coming of Islam to Indonesia and its civilization can be found in literatures written by Western scholars, in particular the Dutch. Their mission was to deliberately blur, mislead and weaken the history of Islamic glory in Indonesia, then replace it by the crucial role of

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[45] S. N. Al-Attas, *Preliminary Statement on a General Theory of the Islamization of the Malay-Indonesian Archipelago*. (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1969); J. V. Leur, *Indonesian Trade and Society*. (The Hague: W. Van Hoeve Publishers LTD., 1955); B. Schrieke, *Indonesian Sociological Studies*. (The Hague: W. Van Hoeve Publishers LTD, n.d).

Christian and Western colonial expansion in the building of higher civilization in Indonesia. Therefore, this study aims to reconstruct it by referring to Abdullah bin Nuh's works and other Muslim scholars in order to refresh Muslim intellectual heritage, particularly in Indonesia. Moreover, this research aims to resurface the recommendations of the Seminar of the Coming of Islam to Indonesia held at Medan in 1963 due to its importance in the Nusantara Islamic intellectual heritage and in encountering of colonizing of the Islamic history in Nusantara.

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Development jointly with Hatim Talib. His biography was included in (Marquis Who's Whi in the World, 22nd Edition, 2005 and 2000 Outstanding Intellectuals of the 21st Century (International Birographical Centre, Cambridge, England, 2005). He is currently the Deputy Rector, Internationalization and Global Network. He also serve as Shaikh al-Kulliyyah, International Institute of Islamic Civilisation and Malay World (ISTAC).

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articles and books on various aspects of Islamic thought, including a text-book on Islamic Aqidah for online education program (2001), Issues in Usuluddin (2009) and Islamic Ethics and Character Building (2014).

TRANSLITERATION TABLE

CONSONANTS

Ar=Arabic, Pr=Persian, OT=Ottoman Turkish, Ur=Urdu

	Ar	Pr	OT	UR		Ar	Pr	OT	UR		Ar	Pr	OT	UR
ء	,	,	,	,	ز	z	z	z	z	گ	–	g	g	g
ب	b	b	b	b	ڑ	–	–	–	ṛ	ل	l	l	l	l
پ	–	p	p	p	ژ	–	zh	j	zh	م	m	m	m	m
ت	t	t	t	t	س	s	s	s	s	ن	n	n	n	n
ٹ	–	–	–	ṭ	ش	sh	sh	ş	sh	ه	h	h	h¹	h¹
ث	th	th	th	th	ص	ṣ	ṣ	ṣ	ṣ	و	w	v/u	v	v/u
ج	j	j	c	j	ض	ḍ	ẓ	ż	ż	ى	y	y	y	y
چ	–	ch	çh	ch	ط	ṭ	ṭ	ṭ	ṭ	ة	-ah			-a²
ح	ḥ	ḥ	ḥ	ḥ	ظ	ẓ	ẓ	ẓ	ẓ	ال	al³			
خ	kh	kh	kh	kh	ع	'	'	'	'					
د	d	d	d	d	غ	gh	gh	ğ	gh					
ڈ	–	–	–	d	ف	f	f	f	f					
ذ	dh	dh	dh	dh	ق	q	q	k	q					
ر	r	r	r	r	ك	k	k/g	k/ñ	k					

¹ – when not final
² – at in construct state
³ – (article) al - or 1-

VOWELS

		Arabic and Persian	Urdu	Ottoman Turkish
Long	ا	ā	ā	ā
	آ	Ā	Ā	–
	و	ū	ū	ū
	ي	ī	ī	ī
Doubled	يّ	iyy (final form ī)	iy (final form ī)	iyy (final form ī)
	وّ	uww (final form ū) uvv (for Persian)	uv	uvv
Diphthongs	و	au or aw	au	ev
	ى	ai or ay	ay	ey
Short	‍َ	a	a	a or e
	‍ُ	u	u	u or ü / o or ö
	‍ِ	i	i	i

URDU ASPIRATED SOUNDS

For aspirated sounds not used in Arabic, Persian, and Turkish add h after the letter and underline both the letters e.g. جھ jh   گھ gh

For Ottoman Turkish, modern Turkish orthography may be used.

AL-SHAJARAH

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